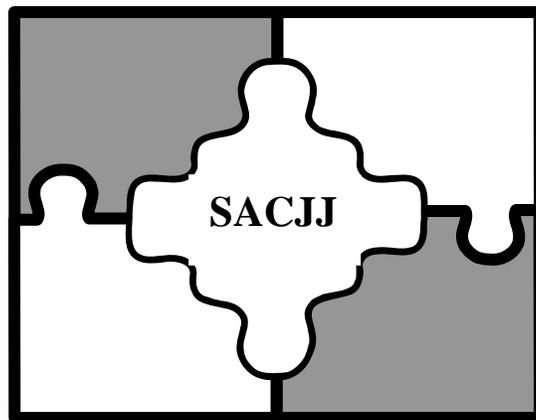


WYOMING STATE ADVISORY COUNCIL ON JUVENILE JUSTICE

ANNUAL REPORT

2006

SACJJ



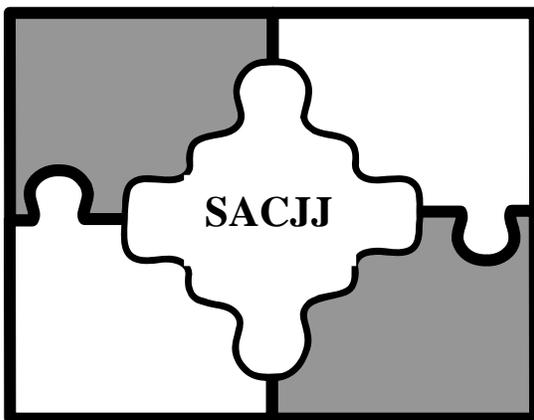
The vision of the SACJJ is a Wyoming where children and families will receive education, care and support to become responsible, successful citizens.

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MISSION

The SACJJ is to provide vision, training, and support for a model juvenile justice system in Wyoming.



**Wyoming State
Advisory Council on
Juvenile Justice**

January 2007

Dear Governor Freudenthal, Members of the Wyoming State Legislature, and Wyoming residence:

On behalf of the Wyoming State Advisory Council On Juvenile Justice, I am pleased to present to you the 2006 Annual Report.

During 2006, the Council awarded approximately \$410,470.00 to 21 Wyoming counties/cities. This money is used to fund a variety of programs mostly which are for juvenile diversion. In addition, the money is utilized to fund salaries for juvenile probation officer positions and for Juvenile/Family Courts. The Council has worked closely with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to restructure our goals and objectives to where we have a working three-year strategic plan. At the present time, Wyoming is the only State that does not comply with the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, which is now the JJDP Act of 2002. It is our objective to build a foundation that within three years the State will be in compliance with the JJDP Act.

The Council believes in promoting proven evidence based best practice programs, in holding those receiving funding accountable, and in improving our data collection so that we may clearly measure progression.

While we celebrate the accomplishments of the past, we recognize there remains much to be done to ensure the health and well being of youth and families of our State, we look forward to the future as we work to help build a truly outstanding Juvenile Justice System in Wyoming.

Sincerely,

Ric Paul, Chair
Wyoming State Advisory Council On Juvenile Justice

WYOMING STATE ADVISORY COUNCIL ON JUVENILE JUSTICE 2006 MEMBERS

Felice Acosta	Gillette	District 6
Stephen Aaron	Evanston	District 3
Ericka Cook	Cheyenne	District 1
Sarah DeMerritt	Newcastle	District 6
John Frentheway	Cheyenne	District 1
Donald Fuller	Casper	District 7
Adam George	Rawlins	District 2
Raine Lowry	Laramie	District 2
John Lumley	Thermopolis	District 5
Ronn Jeffrey	Cheyenne	District 1
Robert Mayor	Torrington	District 8
Ric Paul	Gillette	District 6
Scott Ratliff	Riverton	District 9
William Runner	Kinnear	District 9
Kelly Valdez	Casper	District 7
Hon. Bruce Waters	Cody	District 5
Charles Whiton	Big Horn	District 5

SACJJ RESPONSIBILITIES

The State Advisory Group (SAG) or State Advisory Council on Juvenile Justice (SACJJ), which is Wyoming's version, consists of no less than 15 members and no more than 33 members appointed by the Governor. The members have training, experience and special knowledge concerning the prevention and treatment of juvenile delinquency and administration of juvenile justice. The Council includes representation from juvenile justice agencies, public agencies, private nonprofit organizations, citizens and locally elected officials.

The SACJJ is authorized under State Statute 14-10-101 to receive and allocate federal funds under the JJDP Act. Funds associated with the JJDP Act include the Juvenile Block Accountability Grant (JABG) and Title V (which is not utilized). In addition, Council is responsible for establishing a coordinated enforcement plan for reducing juvenile crime.

The Council's roles and responsibilities include, but are not limited to:

- Advocating for full compliance with the JJDP Act and its core requirements for the funding of juvenile justice and delinquency prevention programs;
- Establishing priorities for allocating funds of the JABG to programs that comply with the JJDP Act ;
- Advising the Governor and the Wyoming Legislature on matters related to the improvement of the juvenile justice system and its services to youth and families; and
- Providing leadership to the state of its local communities in developing and maintaining a coordinated, best practice approach to juvenile justice prevention, intervention, and public safety.

2006 ACCOMPLISHMENTS

During 2006 Council:

Representative Landon and Senator Sessions with the Interim Judiciary Committee have joined the Council meetings/training to provide a line of communication to State Legislators on Council progress related to juvenile justice.

March 18th and 19th the Council conducted a meeting in order to set goals for the SACJJ which was held at the TA Guest Ranch outside of Buffalo. Wyoming's regional director from OJJDP Elissa Rumsey was in attendance, as well as, two instructors Tom Begich and Susan Davis. They lead us through the goal setting process and training regarding the requirements of the JJDP Act.

May 18th and 19th the Council conducted a meeting in Douglas that focused on developing the foot print for our three-year strategic plan. Instructor Tom Begich with assisted the Council through the process of developing a living document that would lend in keeping the Council focused on goals and objectives for continued progress related to juvenile justice in Wyoming.

The Council has strengthened its partnership with Joe Evans, Director of the Wyoming County Commissioner Association (WCCA) for the purpose of data collection and monitoring detention facilities though out the State in order to promote compliance with the JJDP Act.

The Council assisted the WCCA in the completion of the collection of data from detention facilities statewide that detain juveniles. The date collected was used to develop a base line for the number of violations in relation to the JJDP Act's core requirements. The task was completed the first of July.

The Council, with the support and partnership of the Department of Family Services:

1. Received JABG funding in the amount of \$249,000.00 for the year 2006. Initial allocations will be distributed amongst Wyoming local units of government in February 2007 that work towards the four core requirements of the JJDP Act.
2. Received Title V funding in the amount of \$56,000.00 for the year 2006 which is not utilized due the state not having a disproportionate minority contact plan and being in compliance with the JJDP Act. This money would be distributed to fund programs around the state that are evidence based prevention.

2006 FUTURE DIRECTIONS

The Council recognizes that a major part of its core business is to approve the award of funds and provide ongoing oversight to the juvenile justice grants that are administered through the Department of Family Services. To be effective in this role, the Council continually engages in a coordinated planning process that impacts local and statewide juvenile justice policy, informs and improves practice, fosters the development of model programs, and defines consistent philosophies for how to address the needs of children in Wyoming's juvenile justice system.

In addition, the Council understands the need for collection of data in order to be able to accurately measure progress. The Council also understands the need for improving sharing of information across agencies involved in juvenile justice and related areas. Additional focus in these areas are needed to be able to evaluate effectiveness of programs and assure that we are doing everything possible to reduce recidivism.

The SACJJ remains committed to its leadership role in providing tools to the state and local communities for the development and maintenance of a coordinated, best practice approach to decision making in the areas of juvenile justice. The Council remains an active partner in this effort and is prepared to confront the challenges ahead in order to continually improve the quality of justice for Wyoming's youth.

In May of 2006, the Council held a day and half strategic planning session. During this session, the Council renewed its commitment to advocate for youth by supporting the four core requirements by building upon our goals and objectives to bring Wyoming into compliance with the JJDP Act.

Compliance with the core requirements of the JJDP Act. Wyoming is the only State that does not comply with the JJDP Act. Compliance status not only has direct implications for grant eligibility, but also is reflective of how policy and practice in the field are with regard to the way juveniles are treated within law enforcement facilities and detention centers. The Council is committed to working to identify opportunities for: 1) The provision of training and technical assistance to Wyoming's communities, 2) To collaborate with communities in order to support effective alternatives for detention, and 3) To identify existing local resources in order to avoid compliance violations. The Council is committed to become a State that comes into compliance in the near future.

Disproportionate Minority Contact. As dictated by the core requirements of the JJDP Act, the Council is committed to a continued partnership with the Wyoming County Commissioners Association to developing effective strategies and programs to address minority youth who come into contact with the juvenile justice system. Essential to this effort is the establishment of an integrated and comprehensive approach to identifying opportunities for community-level change with respect to policing, developing culturally competent assessments and services, and identifying existing model programs and available resources.

Prevention, Early Intervention, and Family Support. The Council recognizes that rehabilitation of children who come into contact with the juvenile justice system is dependent upon an approach that emphasizes effective treatment, services and prevention. Earlier identification of youth at risk, implementation of best practices that focus on balanced and restorative justice, and promotion of alternative approaches that will make consequences more meaningful to juveniles are ideas that should be explored and expanded.

Public Education. The Council has identified public education as a key component in their strategic plan. The Council is interested in communicating accurate information about the juvenile justice system to a variety of audiences in Wyoming. Other elements of a public education strategy include providing information to communities regarding available resources and tools, social indicator data that facilitates the development and improvement of local programs.

RECOMMENDATIONS TO THE GOVERNOR AND THE WYOMING STATE LEGISLATURE

The Council is presently working on the following recommendations for submission to the Governor and the Legislature for consideration. The council will continue its efforts to:

- Bring Wyoming into compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act.
 - Identify and address issues that contribute to Disproportionate Minority Contact in the juvenile justice system.
 - Move Wyoming from a punitive to a remedial juvenile justice model by developing a prevention, early intervention model that promotes public safety and optimizes positive outcomes for youth.
 - Develop a public education campaign around issues related to the juvenile justice system.
1. Coordinate the distribution of the JJDP JABG funding to meet and identify three year plan priority areas of need within Wyoming.
 2. Wyoming is the only state not in compliance with the Juvenile Justice and Delinquency Prevention Act.¹ Other states with problems similar to Wyoming have successfully addressed rural access and transportation needs (Alaska), alternatives to detention (Montana, South Dakota), and detention facilities (Nebraska, North Dakota). However, Wyoming's road to compliance is hindered by two factors unique to the State:
 - a. Wyoming Statutes – Wyoming's narrow definition of a "status offender" specifically excludes possession of alcoholic beverages or using false identification to purchase alcoholic beverages. These minor in possession offenses are listed as a status offense by the federal requirements, legal definitions, juvenile justice experts, and other states' laws. Thus, while Wyoming statutes prohibit jailing youth for

status offenses, the alcohol offenses excluded from the State's definition allows courts to punish minors as adults in adult courts and to jail youth for these offenses. There are other statutes impacting Wyoming's compliance; however, the definition of a "status offender" is the most critical. To date, attempts to change the definition have been deterred by constitutional concerns based on a 1992 Wyoming Supreme Court case.²

b. Wyoming's Juvenile Justice System – Unlike other states, Wyoming does not have a unified juvenile justice system and, in fact, restricts access to the juvenile court and the services it can provide. Decision-making is left to local jurisdictions and, consequently, most juveniles are seen in adult courts on misdemeanor offenses. Wyoming's concurrent jurisdiction across district, circuit, and municipal courts complicates the efforts to implement programs and processes to bring the State into compliance with the JJDP Act. According to the Wyoming Survey & Analysis Center, 45 states have one court that has jurisdiction over all juveniles and 41 states have some type of central intake system so that children are treated equally across their state. States such as Utah, Arizona, Nevada, and Ohio have developed comprehensive juvenile justice systems, including a statewide body of specialist juvenile law judges.

Numerous legislative audits, studies, and articles³ about the problems in Wyoming's juvenile justice system have been written in the last 25 years – all of which have reiterated the same conclusions and recommendations. Based on this collective information, the Wyoming State Advisory Council on Juvenile Justice continues to support action in the following areas:

- * Develop a statewide vision for juvenile justice, including consistent juvenile detention policy and certified detention facilities
- * Establish a gatekeeper for screening all juvenile cases -- to ensure our youth are treated equally throughout the State, juveniles are assessed for needed treatment, and appropriate court referrals are made
- * Provide training in compliance and other juvenile justice issues -- law enforcement, judges, social workers, educators, policy makers
- * Support community-based programs -- Best practices and research-based community intervention programs are showing up in states such as Washington, Pennsylvania, and Ohio which have funding incentives to help their counties develop needed services
- * Improve data collection, reporting, and information sharing – the data is needed to show what steps are being accomplished in Wyoming

¹ The Juvenile Justice and Delinquency Prevention (JJDP) Act was enacted originally in 1974 and reauthorized in 2002. The Act sets forth core protections related to the secure holding of juveniles:

Deinstitutionalization of status offenders (DSO) – eliminates the inappropriate jailing of status offenders (offenses that would not be criminal if committed by an adult), illegal immigrant juveniles in custody, and nonoffenders (dependent or neglected children) - this requirement has been part of the JJDP Act since its inception in 1974;

Separation of Juveniles from Adults in Institutions (Sight and Sound Separation) – separates juveniles from adult offenders in secure institutions - this requirement has been part of the JJDP Act since its inception in 1974;

Removal of Juveniles from Adult Jails and Lockups (Jail Removal) – removes juveniles from adult jails and lockups - this requirement was added to the JJDP Act during 1980 amendments;

Disproportionate Minority Contact (DMC) – addresses the disproportionate incarceration of minority juveniles - this requirement was added during 1992 amendments; and

Compliance Monitoring – provides an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that JJDP requirements are met - this requirement has been part of the JJDP Act since its inception in 1974.

² Johnson v. State Hearing Examiner's Office, 1992 WY 103, 838 P.2d 158

³ Burman, John M., *Juvenile Injustice in Wyoming*, 4 Wyoming Law Review 2 (2004)

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Wyoming State Legislature Management Audit Committee, *Court-Ordered Placements at Residential Treatment Centers* (Nov. 2004). Chapter 2: Juvenile Justice System and Court-Ordered Placements

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION (JJDP)

The Four Core Requirements

The JJDP act requires Wyoming to demonstrate compliance with the four core requirements in order to receive formula grant funding from the Office of Juvenile Justice and Delinquency Prevention. The Council maintains a focus on these core requirements in both their policy recommendations and funding priorities:

Deinstitutionalization of Status Offenders (DSO)

Juveniles who are charged with or who have committed offenses which would not be criminal if committed by an adult (ie: status offenders) and non-offenders, shall not be placed in secure detention or secure correctional facilities. The following are considered status offenses: truancy, runaway, violations of curfew, underage possession and/or consumption of tobacco products, and underage alcohol offenses.

Sight and Sound Separation (Separation)

Juveniles alleged to be or found to be delinquent, as well as status offenders and non-offenders, cannot be detained or confined in any institution in which they have sight or sound contact with adult offenders.

Adult Jail and Lock-up Removal (Jail Removal)

Juveniles who are accused of delinquent acts may not be held in a secure area of an adult jail or lockup for longer than six hours, while remaining separated by sight and sound from adult offenders.

Disproportionate Minority Contact (DMC)

States are required to address juvenile delinquency prevention efforts and system improvement efforts designed to reduce the disproportionate number of minority youth who come in contact with the juvenile justice system.

JJDP Fund Description

The Title II Formula Grant supports a wide range of programs for prevention of, or early intervention in juvenile delinquency.

The Challenge Grant targets areas that are considered significant challenges to the juvenile justice system.

The Title V Incentive Grant focuses exclusively on prevention delinquency of at-risk youth by utilizing the Communities That Care model. This model incorporates a community risk and resource assessment and relies heavily on overall community mobilization to prevent juvenile delinquency.

JJDP Program Areas

Title II

- **Compliance Monitoring**
- **Deinstitutionalization of Status Offenders**
- **Delinquency Prevention**
- **Alternatives to Detention**
- **Native American Programs**

Challenge

- **Basic System Services**
Developing and adopting policies and programs to provide basic health, mental health and educational services to youth in the juvenile justice system
- **Deinstitutionalization of Status Offenders**
Developing and adopting policies and programs to remove status offenders from the jurisdiction of the juvenile court, when appropriate.
- **Aftercare Services**

Increasing aftercare services for juveniles in the justice system by establishing programs, and developing and adopting policies to provide comprehensive health, mental health, education, family and vocational services to youth upon release from the juvenile justice system. Program emphasis is on services for girls who have been in the system.

Juvenile Accountability Block Grant (JABG)

JABG Fund Description

JABG is an entitlement grant and allocations are available to eligible units of government. JABG provides states and local units of government with funds to encourage the development of juvenile justice policies, procedures, and programs that promote juvenile accountability.

The stated goal of the program include:

- **Reduction of juvenile delinquency**
- **Improvement of the juvenile justice system**
- **Increased accountability for juvenile offenders**

JABG Priority Program Areas

- **Quality in Confinement and Training**
Building, expanding, renovating or operating temporary or permanent juvenile correction or detention facilities; Hiring detention and corrections personnel and establishing and maintaining training for personnel to improve facility practices and programming.
- **Risk and Needs Assessment**
Establishing and maintaining programs to conduct risk and needs assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, to include: 1) Mental health screening and treatment and 2) Substance abuse testing and treatment to offenders.
- **Information Sharing**
Establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.