

**DRAFT**

**COMPREHENSIVE JUVENILE JUSTICE  
DATA COLLECTION PLAN  
FOR WYOMING**

## **Rationale for Wyoming Juvenile Justice Data Collection**

Wyoming conservatively spends 68 million of dollars per year at the state level in addition to spending at the local level on juvenile delinquency and its consequences.<sup>1</sup> By any measure this is a significant investment by our state and local governments in our future generations and for the protection of our communities. What is noteworthy about this fact is not the amount of dollars (is it too much spending.....or not enough spending?), but rather that there is no rational manner of planning based on universal data collection and with actual numbers. Imagine a multi-million dollar corporation developing a business plan without first taking an in-depth look at all the relevant data, making projections and then developing comprehensive plans based on what is known of the past, and future trends, and most importantly include plans to incorporate what is proven to work.

Wyoming does not have a method for uniform and comprehensive statewide juvenile justice data collection and analysis. The present state of affairs is a mirror reflection of our lack of a unified juvenile justice system. Similar to the Wyoming juvenile justice process (system), data collection is conducted in a piece meal fashion. There are literally a hundred or more separate agencies collecting juvenile data, and none of them are consistent in terms of:

- type of data collected;
- points of contact where data is collected;
- where the data is reported;
- where the data is housed (agency); and
- time data is maintained before being deleted.

Often there are agencies and entities collecting juvenile justice data within a different political boundary (e.g. county), often the data each agency collects is limited to a different jurisdiction (e.g. municipality) within a county. The type of data collected can vary from agency to agency and there are overlapping and duplicating data collection

efforts. Finally, there is no central repository for collection or analysis of this information.

At a minimum, systematic, thoughtfully defined and comprehensive juvenile justice data collection will provide the state with a baseline of data across various contact points where juvenile offenders and the system intersect. Along with demographic information such as race, and ethnicity, type of crime, a minimum example of juvenile justice contact points would include:

1. arrest;
2. court referrals;
3. cases referred to diversion programs;
4. juvenile detention;
5. number of petitions filed in Juvenile Court with numbers of juveniles charged as adults in Circuit and Municipal Courts;
6. number of juvenile adjudications and criminal convictions;
7. number of probation supervision cases;
8. number of juveniles sentenced to secure confinement; and
9. number of direct filings as adult felony offenders.

One may ask, “what should data collection do for the state?” First, it should give a factual and accurate description of baseline data regarding the current state of affairs in the filing and processing juvenile cases. The data should illustrate gaps and inequalities that occur in the present system. The data should be the foundation from which to determine what is working within the system so as to identify and replicate effective processes and services elsewhere in the state. At the same time what is not working and where savings could be identified. The data would help identify effective existing programs and resources and provide template for system reform.

**Current State of Juvenile Justice Data Collection in Wyoming**  
**Who is responsible for reporting juvenile justice data? Everyone? No One?**

**Law enforcement:**

Law enforcement agencies – local police, sheriff’s department, state highway patrol - collect and report juvenile arrest data to Division of Criminal Investigation (DCI) for use in the Uniform Crime Report (UCR). On the one hand local law enforcement jurisdictions report data regarding juvenile arrests, crime, gender, and most include race and ethnicity in their reports to DCI. On the other hand DCI does not compile or report racial data. This prevents analysis of minority arrests which could lead to problem solving and appropriate programming to address specific minority population needs.

**Attorney General Division of Criminal Investigation:**

The Juvenile Justice Information System is the responsibility of the Division of Criminal Investigation under W.S. 7-19-501.

Article 5, Juvenile Justice Information System, the Division of Criminal Investigation within the Office of the Attorney General shall create and maintain a database for a juvenile justice information system as provided in this act.

This pertains only to juveniles’ who are adjudicated delinquent under Title 14 for a “qualifying offense” defined as,

“conduct that, if committed by an adult, would constitute a felony under the provisions of W.S. 6-1-104(a)(xii) or 35-7-1031 or under similar federal law.”

“The division (DCI) shall promulgate reasonable rules and regulations necessary to carry out the provision of this act. The division (DCI) shall annually report by March 1 to the joint judiciary interim committee on the numbers of entries and usage of the database”.

This information is not currently collected or reported and is of minimal use.

In addition the Division of Criminal Investigation is responsible for the Uniform Crime Report (UCR) which is published annually, and contains juvenile arrest, type of crime, gender, and is provided by the arresting law enforcement jurisdiction throughout the State. This statewide report is lacking because it does not produce juvenile arrests by racial category and there is no way to track the arrest data that is available beyond the sole contact point of “arrest.” There is no way to tell what happens after an arrest. Which

juvenile is charged? Which juveniles are diverted from the formal system and why?  
Which juveniles go to detention, etc.?

**Courts:**

The District Juvenile Court reports caseload information to the state. These are similar records captured by the DFS database.

The Circuit Courts which are part of the State Court system, do not distinguish between juvenile defendants and adult defendants, as this jurisdiction considers all defendants the same. Circuit Courts do not routinely compile separate juvenile (under age18) data.

The Municipal Court is independent from the District Court and Supreme Court / Circuit Court system, and does not have centralized state reporting requirements. Municipal Courts maintain records as they choose which varies among cities and towns.

**Department of Family Services:**

The Department of Family Services serves District Juvenile Court adjudications, and maintains a data base on these juveniles who comprise approximately 15% of juvenile arrests statewide.<sup>2</sup> For instance, DFS is able to provide the number of cases filed as delinquency petitions and the number of out of home placements by county and each Judicial District. However, the DFS database pertains to only juveniles placed on probation for a delinquent act, through the District Juvenile Courts of the State and therefore excludes 80-85% of juvenile cases which remain and are cited in Circuit Courts and Municipal Courts. Fragmenting the system more, is the fact that in two counties (Sweetwater and Campbell) Juvenile Court Delinquency matters are handled through the county probation departments who do not have access to the DFS data system (WYCAPS).<sup>3</sup>

## **Legislatively Authorized Bodies Assigned Data Collection**

### **State Advisory Council on Juvenile Justice / Wyoming Statute 14-10-101**

The SACJJ is tasked with the following duties.

- (f) The advisory council shall:
  - (vi) At the direction of the governor, assist communities to collect, compile and distribute data relating to juvenile justice, delinquency prevention and juvenile services, including but not limited to, an inventory of programs and services available in each county to the state. The council shall then identify and make recommendations with regard to areas for which an unfulfilled need for services or programs exists;
  - (vii) Develop recommendations concerning establishments of priorities and needed improvements with respect to juvenile justice, delinquency prevention and juvenile services and report its recommendations to the governor and joint judiciary interim committee annually, on or before December 31;
  - (viii) Review and analyze the proposed budget for each entity of state government which utilizes state or federal funds to administer or provide juvenile justice programs and services and make recommendations to the governor; and
  - (ix) Coordinate the efficient and effective development and enhancement of state, local and regional juvenile justice programs.<sup>5 italics added</sup>

The SACJJ cannot responsibly fulfill its legislative mandate, as described above, without the use of comprehensive juvenile justice data.

### **Community Juvenile Service Boards / Wyoming Statute 14-9-101**

#### **14-9-102 Purpose.**

- (a) The purpose and intent of this act is to:
  - (i) Establish, maintain and promote the development of juvenile services in communities of the state aimed at allowing early identification and diversion of children at risk of entry into the juvenile court system and preventing juvenile delinquency; and
  - (ii) Allow decisions regarding juvenile services to be made at the local level.

#### **14-9-108 Grant eligibility; allocation of funds.**

- (a) To qualify for a grant under this act, an applicant shall:
  - (i) Be created as a community board as provided by W.S. 14-9-105;
  - (ii) Submit a grant application;

(iii) Receive certification from the department of family services that the strategic plan developed by the community board addresses the purposes of this act;

(iv) Develop a system approved by the department for:

(A) Central intake and assessment of juveniles with an initial point of contact established within the community;

(B) The development or adoption of criteria for juvenile diversion, short-term detention and longer-term shelter care services, including standards for assessments, admissions, twenty-four (24) hour intakes, predisposition detentions and shelter care standards;

(C) The development of a continuum of nonsecure services, including early intervention, diversion, community service and other sanctions which may include citations, counseling, parenting education, day treatment and aftercare following twenty-four (24) hour placements; and

(D) The identification of other funding sources for local juvenile services.

### **Community Juvenile Services Boards – Rules Chapter 1 General Provisions**

The Department of Family Services recognizes the need for comprehensive data as evidenced by the WS 14-9-101; Rules under Section 8. The problem with this requirement is that it is voluntary, and contingent upon a county jurisdiction agreeing to participate. Funding is used as an inducement for participating, but this is only funded for one year from surplus department of Family Services, Education, and Health dollars. There is no guarantee of continuity of data collection, which will not be universally collected.

#### **Rules - Section 8. Data Collection and Evaluation.**

An evaluation of the overall project shall be conducted by a team with members from the Departments of Family Services, Health and Education and the State Advisory Council on Juvenile Justice to assess effectiveness and efficiency. Each community will establish outcome and output measures within its strategic plans. Additionally, the Departments of Family Services, Health and Education, in cooperation with the State Advisory Council on Juvenile Justice shall conduct a systemic evaluation of the projects. Such a systemic review will require sharing and evaluation of service data between the Departments of Family Services, Health, Education and the State Advisory Council on Juvenile Justice. The performance indicators (outcome measures) will be proxy measurements of the outcomes of the CJSB planning and implementation efforts in the

development of a system that responds to the needs of the youth and families in the community. When youth are assessed through a single point of entry and referred for services within the community based on need, we anticipate the effectiveness and efficiency of the system will be reflected in the performance indicators. Performance indicators for evaluating effectiveness and efficiency shall include:

- (a) Placement Rates (as established by the Department of Family Services) shall include:
  - (i) Number of youth in out-of-home placement;
  - (ii) Length of stay in placement;
  - (iii) Re-entry into placement; and
  - (iv) Number of days in placement for all youth.
- (b) Education Rates (as established by the Department of Education) shall include:
  - (i) Graduation rates by school district;
  - (ii) School attendance; and
  - (iii) Performance Assessment for Wyoming Students (PAWS) statewide assessment.
- (c) Juvenile Delinquency Rate – Uniform Crime Report, Wyoming Attorney General’s Office, Division of Criminal Investigation.
- (d) Detention rates (as endorsed by the State Advisory Council on Juvenile Justice) and shall include:
  - (i) Number of youth in detention;
  - (ii) Length of stay in detention;
  - (iii) Re-entry into detention; and
  - (iv) Number of days in detention for all youth.
- (e) Case and Service Data Rates shall include:
  - (i) Number of new adjudicated youth as established by Department of Family Services, except the District Courts of Sweetwater and Campbell shall provide the data, as these counties have local probation services supervising youth adjudicated in Juvenile Court;
  - (ii) Number of youth receiving services in-home/community versus out-of-home placements and costs associated with the services (as established by Department of Family Services and the Community Juvenile Service Board’s single point of entry);
  - (iii) Number of juvenile offenders served and the dispositions of their cases (established by the Community Juvenile Services Board’s single point of entry); and
  - (iv) The scope of juvenile offender services identified or developed by the community juvenile services boards (established by the Community Juvenile Service Board).
- (f) The above information shall be collected in a manner prescribed by the Departments of Family Services, Health and Education. The above data will also be utilized by the Department of Family Services in the development of an annual report to the Wyoming State Legislature.



## **Federal Juvenile Justice Grant / Success of data collection for Juvenile Detention planning**

The category of juvenile detention is the only contact point within the system where Wyoming routinely collects and centrally reports juvenile justice data. This has been on-going for approximately five years as a result of federal juvenile justice funding. This is the one area of the Wyoming juvenile justice process that is receiving serious attention regarding system reform. This is evidenced by the Wyoming Legislature, Joint Judiciary Interim Committee which is tasked with taking testimony during 2009 (May 28, 29, 2009 first committee meeting) and making recommendations to the 2010 legislature on the specific topic of juvenile detention. 4 Additionally, the Wyoming County Commissioners' Association sponsored a two day work session April 16 and 17, 2009 regarding local governmental recommendations pertaining to juvenile detention. The work group recommendations were presented to the entire Wyoming County Commissioners Association at their May 1, 2009 meeting, at which time they were approved in their entirety and forwarded to the Joint Judiciary Interim Committee. Juvenile detention data gives local government and the legislature the tools for a clearer understanding of the issue, which will in turn allow for the development of system reform in the juvenile detention arena.

A review of the statutes as presented above, demonstrates that the Wyoming legislature recognizes the importance of juvenile justice data collection. However, a closer study reveals how cumbersome, unproductive and nearly impossible it is to obtain comprehensive data at most, if not all juvenile justice contact points. Wyoming now has several unique opportunities to implement comprehensive juvenile justice data collection statewide.

## **What Can Data Collection Accomplish for WY Juvenile Justice?**

Comprehensive data collection is crucial for planning, measuring effectiveness of programs, and targeting resources where they are needed. Good data will drive decisions regarding system reforms which result in equal treatment of juvenile offenders across the state, and provide system savings which can be re-allocated to identify needs which are currently being neglected. Neighboring states such as Montana and Utah have successfully used comprehensive data collection to foster system wide planning as the central component of system reform. In Montana data collection was instrumental in passing legislation prohibiting courts of inferior jurisdiction from placing juveniles in secure detention. In Utah, data analysis led to a focus on diversion programs to help address disproportionate minority contact in the juvenile justice system.

## **Wyoming Opportunities for Data Collection and System Reform**

There are two timely events taking place in the next fiscal year FY 09-10, which will provide opportunities to begin developing a mandated juvenile justice data collection system.

### **Single Point of Entry legislation enacted July 1, 2009**

#### **14-6-203(f)**

The district attorney shall establish objective criteria, screening and assessment procedures for determining the court for appropriate disposition in cooperation and coordination with each municipality in the jurisdiction of the district court. The district attorney shall serve as the single point of entry for all minors alleged to have committed a crime. Except as otherwise provided in this section, copies of all charging documents, reports or citations for cases provided in this subsection shall be forwarded to the district attorney prior to the filing of the charge, report or citation in municipal or city court. The following cases, excluding status offenses, may be originally commenced either in the juvenile court or in the district court or inferior court having jurisdiction:

This legislation requires all juvenile offenders be reviewed by the County Attorney prior to filing charges. Single Point of Entry provides an opportunity to begin capturing comprehensive juvenile justice data at the first contact point of arrest. The weakness in the Single Point of Contact legislation is that it does not mandate collection of data statewide. Only counties that apply for Community Service Board funding are required to collect data. Counties have the discretion to not apply for Community Service Board grant dollars, and therefore are not required to report any data.

### **State Dept. of Family Services Juvenile Assessment (PACT)**

The Department of Family Services is implementing the Positive Achievement Change Tool (PACT), a standardized assessment of juveniles entering the system which utilizes a web-based data collection format. Training in use of the PACT is mandatory for all DFS probation staff, and has been offered to local government juvenile probation agencies as well. A memorandum of understanding (MOU) has been developed by the Attorney General’s Office which enables the web based data system can be used by both local and state agencies. DFS has contracted with Assessments.Com, to compile all PACT assessments and related juvenile case data. Assessments.Com is also the company that provides the database software for the statewide, web based collection of Wyoming’s juvenile detention data.

<h2><b>Recommendations Data Collection</b></h2>
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### **Methods of Data Collection – short-term**

Data collection can begin using the single point of contact County Attorney (and/or the single point of contact County Attorney designee) to enter the initial client profile and arrest data, and whether the case was diverted or in which court it was filed, along with the disposition. The supervising agency (probation officer) assigned to the case could then follow up with the dispositional information, e.g. whether the client was sent to detention for sentencing, or to a placement, etc. Please see appendix with examples of the data contact points and data collection methods.

1. Mr. Bob Peake, Youth and District Court Services Bureau Chief, Montana Supreme Court, Office of the Court Administrator is responsible for the State of Montana juvenile justice system data collection. Mr. Peake has indicated a willingness to come to Wyoming and demonstrate the comprehensive, web based juvenile justice data collection system implemented throughout Montana. This system uses Assessments.com which is the company that provides the data base services for Wyoming Juvenile Detention. The Wyoming Department of Family Services has also contracted with Assessments .Com to provide the data base for their new juvenile assessment tool, the Positive Achievement Change Tool (PACT). The SACJJ should arrange for Mr. Peake to give a presentation to the Council, Joint Judiciary Interim Committee members and other invited guests.
2. The State Advisory Council on Juvenile Justice (SACJJ) should collaborate with the Department of Family Services regarding the feasibility of expanding the Assessments.Com contract and PACT Assessment data base to include comprehensive juvenile justice data collection to include clients within the DFS system (juvenile court) and the local jurisdictions (municipal and circuit courts); and all diversion programs.
3. The Joint Judiciary Interim Committee should develop legislation which mandates comprehensive juvenile justice system data collection for a minimum of the nine contact points within the process.

**Notes**

- 1 Expenditures reported by Lauri Lamm, Wy. DFS
- 2 Wy. DFS and WCCA analysis
- 3 Jeffery Herb, Juvenile Services Consultant, Wy. DFS
- 4 See Joint Judiciary Interim Committee agenda 5/28/09; LSO web site