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County mulls regional juvenile center

By TOM MORTON
Star-Tribune staff writer

Natrona County needs a new place to house young offenders who pose a danger to themselves or others, and build it to last 20 years.

The county commissioners also need to determine whether to build a detention center for local juveniles only or one to house youth from other counties as well, a consultant told them at a work session Tuesday.

But Gary Bowker told th.

em a regional facility carries a major advantage: it could make money.

"The primary advantage to doing a regional project is to generate revenue to offset operational or capital construction costs," he said, citing his report.

The concept isn't new, because the current 40-bed juvenile detention center on the third floor of the Hall of Justice at 200 N. David St. has housed young offenders from other counties for years, said Bowker of the Loveland, Colo.-based Allied Correctional Systems.

On any given day, half the detainees are from Natrona County and the rest are from other counties, and the outsiders stay about twice as long as the locals, he said.

Yet arrests of juveniles have been falling, as well as detention center populations, Bowker said.

The decline in detainees accelerated over the summer after the Wyoming Department of Family Services began using a new method to assess whether it should recommend incarceration.

Bowker did not factor the DFS change in his report, he said.

Based on his findings, Bowker said Natrona County would need a 24-bed facility -- just for housing, not counting beds for book-ins, medical needs and so forth -- if it wanted to house just its juveniles, he said.

That would be far less complicated than a regional facility, which he suggested would need 46 beds, he said.

But if the county builds a regional facility, it could develop a management plan either to own and operate it, or contract with a private operator, Bowker said.

Either way, it could pay for itself and maybe more, he said.

In June, the county had about \$3 million in reserves for the facility, and the commissioners estimated the total cost would range between \$7 million and \$9 million.

Bowker cautioned that his recommendation for a regional facility was based on detention population forecasts and not a comprehensive regional study.

He also urged the commissioners to decide wisely about how big it wants the juvenile detention center or face a political backlash.

"If the capacity is oversized, the public perception will be a wasteful and overly expensive county facility. If the capacity is undersized, the public perception will be a lack of foresight by county officials and will tend to be mistrustful of providing more funding for expansion," Bowker wrote.

Reach Tom Morton at (307) 266-0592, or at Tom.Morton@trib.com.

July 1, 2008 through September 30, 2008
Juveniles Held
Statistics on Runaways, Status offenders, Non-offenders; CHINS

Total juveniles held during reporting period: 420

Runaway juveniles:

- 6 total juveniles held
- 1 Out-of-State residents, Active ICJ
- 3 juvenile absconded from court-ordered placement (Attention Home)

MIP Tobacco:

- 0 juveniles held

MIP Alcohol:

- 31 total juveniles held
- 9 accused juveniles held less than 24 hours at a JDC – not violations.
- 12 adjudicated juveniles serving sentences varying from 2 days to 10 days.

CHINS:

- 16 juveniles held
- Juvenile's Residence County:
 - Campbell County: 1
 - Laramie County: 6
 - Carbon County: 4
 - Sweetwater County: 2
 - Sublette County: 1
 - Lincoln County: 2

Status Offense /Other or Non-offender

- 1 juvenile held
 - DFS Hold (1)

*This report does not include data from the WBS, WGS,
or any non-secure holding facility, group home, residential placement, etc.

July 1, 2008 through September 30, 2008
Juveniles Held
Statistics for Probation Violation, Probation Revocation, Bench Warrants,
Contempt of Court

Probation Violation:

- 24 total juveniles
 - 12 adjudicated
 - 12 accused
 - 0 juveniles had a status offense as the original probation charge
 - 1 unknown – default to violation

Probation Revocation:

- 24 total juveniles
 - 2 juveniles were revoked on a status offense, but both were held less than 24 hours @ JDC – Not violations

Contempt of Court:

- 6 total juveniles
 - 2 adjudicated
 - 4 accused
 - 1 juvenile had a “default” status offense as the original charge

Bench Warrant:

- 60 total juveniles
- 28 municipal court
 - 1 status offense
 - 4 traffic offenses
 - 23 delinquent offenses
- 15 circuit court
 - 2 default offenses (abscond)
 - 4 traffic offenses
 - 9 delinquent offenses
- 17 district/juvenile court
 - 10 absconded from a court ordered placement
 - 1 status offense
 - 1 out-of state runaway; Active ICJ
 - 5 delinquent offenses

Business case for state financial assistance to counties to temporarily subsidize regional juvenile detention

(DFS/TL @ 9/08)

Background

In 2008, the Annie E. Casey Kids Count Data, published by the Wyoming Children's Action Alliance, reported that Wyoming has the second-highest rate of juvenile incarceration of any state in the country. According to the national advocacy group, Every Child Matters Education Fund, Wyoming had the highest rate of juvenile incarceration in 2006. The state's rate of incarceration that year, using data compiled by the national Office of Juvenile Justice and Delinquency Prevention, was 606.1 per 100,000 juveniles. The state with the lowest rate of juvenile incarceration, Vermont, had a rate of 72.4 juveniles incarcerated per 100,000.

Wyoming is the only state in the country which is presently out of compliance with the Juvenile Justice and Delinquency Prevention Act of 1974. The Act provides the major source of federal funding for juvenile justice. Primarily, it seeks to eliminate the incarceration of status offenders and separate juvenile offenders from adult inmates. Under the JJDP Act and its subsequent re-authorizations, in order to receive federal funds, states are required to maintain or progress towards these goals. These goals and standards derived from them are endorsed by groups such as the National Council on Crime and Delinquency, the Coalition for Juvenile Justice, the National Sheriff's Association, the National Chiefs of Police, the American Bar Association, and the National Advisory Commission on Law Enforcement.

The WCCA and the State's Juvenile Justice Advisory Council have assisted individual counties with education, compliance monitoring and distribution of some federal funding for detention and juvenile justice over the past ten years. The state has shown gradual improvement in the use and conditions of juvenile detention in that time. Presently, 14 counties do not house juveniles in adult facilities, and violations of sight and sound separation and detention of status offenders have been somewhat reduced.

There are two types of detention needs in the management of juvenile detainees. The first is the temporary or short-term holds, usually no longer than 48 hours. Two examples would be a juvenile who is arrested as a minor in possession or a juvenile detained who is truant. In instances like these, a best practice is to hold the juvenile until a responsible parent can be located.

The second need is for medium to longer-term detention, averaging about seven days in a number of states, though in Wyoming, detention can be ordered for up to six weeks. The types of offenses that characterize these detainees are more serious crimes of violence or vandalism. Most are awaiting adjudication or movement to a treatment facility following adjudication.

Whereas the first detention need can often be satisfied by a secure room or an officer assigned for temporary supervision, medium to long-term detention requires educational services for residents (by law), along with services for behavioral assessments, substance abuse treatment, individual or family-based counseling and staff for qualified management and 24-hour supervision.

Needs of Counties

Most Wyoming counties have the resources to manage the first type of detention. The need for longer-term detention for many counties is occasional, or involves very few juveniles, making the need for this second type of detention more regional than local.

A successful strategy for states with less densely populated rural areas (Utah, Iowa and Nebraska are good examples) has been for the state to either assist some of its larger counties in the staffing and operation of longer-term, 24-hour detention facilities. Such facilities are able to serve a number of counties, smaller counties do not need to bear the unreasonable expense of building their own, and larger counties have reliable funding assistance for maintaining a somewhat larger facility than they needs on its own.

These facilities are generally 20 beds or less and consistently staffed by about 28 workers. Additional services are provided by local school districts, paid consultants or experts as needed. The needs for both local and regional detention is generally recognized and addressed.

Impact and Timing

Presently, Wyoming has a regional system that has evolved more out of need than planning. Cheyenne, Casper, Lander/Riverton and Rock Springs manage medium to long-term detention for other counties. Gillette is constructing a model detention facility that will open in March 2009. The Cheyenne facility is owned and operated for profit. The facility in Casper is county-owned and privately operated. Facilities in the other counties are or will be county-owned and operated.

Casper and Cheyenne's for-profit providers had previously operated on contracts with other counties and with the Department of Family Services that paid approximately \$100-110 per resident, per day. In 2007, the Department of Family Services changed its practice and contract with the provider (Frontier Correctional Systems). As a result, the facilities -- which had been managing 60-70 inmates for long periods of time (sometimes 6-8 months) -- were left with managing fewer than twenty at both locations. Ownership of the service changed at the same time from Frontier Corrections to a different provider who began operating within appropriate standards for admission, education, evaluation and management of its juvenile population.

Conclusion

While this resulted in improved practice and a greatly decreased reliance on detention, it has created a crisis in funding for Natrona County. The Department of Family Services has agreed to subsidize the County on a short-term basis until a longer-term resolution can be reached.

In Cheyenne, the detention operation is starting to be supported by the for-profit's other use of the facility for secure residential substance abuse treatment. It is perhaps not in the County nor the State's long-term interests, however, to rely on private ownership of a regional detention facility that is supported by other for-profit operations.

It seems clearly in the state's interests, however, to help sustain quality, best-practice capacity for regional medium to long-term detention. That need is currently being met, but only on a short-term basis in Casper, which is struggling with the question of whether to build a facility just for the county or for the region.

Sweetwater is struggling with the question of whether to build a 100-bed facility, which is the size and type that best practice would recommend against. The regional juvenile program in Lander and Riverton, which is a best-practice model, is currently experiencing funding problems.

There appears to be a real opportunity for intervention at a state-level, if only to help financially support good practice for the larger counties and sustain a critical resource for smaller ones.

If nothing is done, DFS anticipates that juvenile detention standards and practice, which has made some recent notable improvements, will deteriorate. This would result in more co-mingling of juveniles and adults, as well as increased incarceration of status offenders. More importantly, with insufficient practice and standards, average lengths of detention will likely increase, recidivism will likely increase, and community or school reintegration for juvenile offenders will be less successful.

DATE: October 9, 2008
TO: State Advisory Council on Juvenile Justice
FROM: Beth Evans, Ph.D.
Juvenile Justice Project Coordinator
RE: WCCA-OJJDP Grant Activities

1. County Technical Assistance – available until 3/31/09
2. Compliance Monitoring
 - 2007 compliance monitoring completed
 - 2007 Wyoming Compliance Monitoring State Report – www.wyo-wcca.org
3. Data - Juvenile Jail Roster
 - Data Analysis Coordinator: DeeAnn Roll, Uinta County
4. Disproportionate Minority Contact (DMC)
 - DMC Coordinator: Chuck Kratz, Fremont County
5. Rural Exception Status
 - Rural Exception Status granted for 16 counties
 - application pending for Afton sub-station in Lincoln County
 - WYDOT has developed system where counties can better document road condition/closure information
6. Certified Collocated Facilities
 - 2 county-owned collocated juvenile detention centers (Fremont, Sweetwater)
 - Possibility of 3rd (Campbell) in 2009
 - Juvenile detention officer training (POST certified, LEA)
7. Legislative
 - Presented 2007 state report to Joint Judiciary, September 2008
8. Meetings and Cooperative Ventures to further juvenile justice
 - State agencies - DFS, WDE
 - Courts – documentation
 - Associations – Sheriff's Association, Wyoming Children's Action Alliance
9. Education and Training (ongoing)
 - Presentations to various local and state groups
 - Media contacts

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**SUMMARY
2007 WYOMING COMPLIANCE MONITORING REPORT**

TABLE 1

FACILITY VIOLATIONS

NOTE: Total # juveniles detained are for 6 months. 2007 annual numbers are double those shown.

County/Facility	% state's juvenile population	% state's juvenile arrests	Total # Juveniles Securely Detained	% Wyoming Violations of JJDP Act			
				% WY status offense	% WY sight/sound	% WY jail removal	% WY total violations
Campbell	8.5	12.7	116	12.4	100.0	76.1	54.2
Regional Juvenile Detention Center - Casper			357	39.3			17.2
(Natrona County)	(13.9)	(19.4)	(230)				
Jeffrey C. Wardle Academy - Cheyenne			185	29.4			12.9
(Laramie County)	(17.4)	(24.3)	(149)				
Park	4.6	2.8	26	5.0		12.0	5.9
Lincoln	3.5	1.2	20	3.0		7.0	3.5
Sweetwater County Juvenile Detention Center - Rock Springs			134	7.5			3.3
(Sweetwater County)	(8.2)	(9.1)	(102)				
Powell PD			13	2.0		2.8	1.7
Riverton PD			32	0.5		1.4	0.7
Albany	4.6	2.2	6	0.5		0.7	0.4
Fremont County Juvenile Detention Center - Lander			140	0.5			0.2
(Fremont County)	(7.6)	(6.2)	(120)				

*Juvenile Justice Project
Wyoming County Commissioners Association
September, 2008*

TABLE 2**TOTALS AND PERCENT CHANGE FOR ADULT JAILS, ADULT LOCKUPS, AND JUVENILE DETENTION/CORRECTIONAL FACILITIES**

NOTE: Numbers shown are for 6 months. 2007 annual numbers are double those shown in table. (% change from 2006 using annualized #s for 2007)

Facility	Total # of Juveniles Held	DSO	Sight and Sound Violations	Jail Removal	Total Violations ¹
Total Adult Jails	189 (-15%)	42 (+14%)	116 (+5.5%)	94 (-30%)	294 (-8%)
Total Adult Lockups	50 (-13%)	5 (-74%)	0	1 (-67%)	11 (-73%)
SUBTOTAL:	239 (-15%)	47 (-16%)	116 (+5.5%) (1 facility)	95 (-30%)	305 (-15%)
Total Juvenile Facilities	953 (-5%)	154 (-51.5%) ²	0	N/A	154 (-51.5%) ²
TOTAL:	1,192 (-7%)	201 (-46%)	116 (+5.5%) (1 facility)	95 (-30%)	459 (-32.5%)

¹ Status offenders and nonoffenders held for any period of time are violations of two core requirements:

1) Deinstitutionalization of Status Offenders (DSO), and 2) Jail Removal. Therefore, one violation under the "Status Offenders Held" column counts as two violations, which is why the "Total Violations" for each facility may differ from the actual number of violations.

² Wyoming's Valid Court Order process effective 07/01/2008

TABLE 3**JUVENILE CITATIONS VERSUS DETENTIONS**

County	2007 Juvenile Citations/Arrests (DCI – 2007 Crime in WY Annual Report)	2007 Juvenile Detentions (annualized #s)	Juveniles presumed to be diverted by local juveniles services ¹ (or cite and release)
Laramie	1,728	354²	1,374 (80%)
Natrona	1,382	460	922 (67%)
Campbell	905	232	673 (74%)
Sweetwater	648	224³	424 (65%)

¹ "best guess" as data unavailable regarding what happens to youth following citation

² 149 + 28 @ RJDC = 177 x 2 = 354

³ 134 – 32 from other counties = 102 + 10 @ RJDC = 112 x 2 = 224

Bed Days Summary
Regional Juvenile Detention Center (RJDC)
Casper

MONTH	# of Juveniles Held	# of Total bed days
April, 2008	68	345
May, 2008	62	420
June, 2008	79	478
July, 2008	71	474
August, 2008	78	440
September, 2008	56	249

Youth Case Processing in the State of Wyoming: An Analysis of Four Counties

Report to the Wyoming Department of Family Services

By

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National Center for Juvenile Justice, Tucson, Arizona

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WYSAC Technical Report No. CJG-404, November 2004



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Executive Summary

In 2003, over 6,000 juveniles were arrested or cited in Wyoming for a variety of offenses including serious felonies (e.g. forcible rape, robbery, and aggravated assault), drug and alcohol law violations (e.g. sale and possession), and status offenses (e.g. curfew violations and runaway).¹ These arrest statistics, in addition to several current initiatives and the passage of House Bill 33, "Children and Families Initiative" in the state of Wyoming resulted in bringing the status of juvenile offenders to the forefront. These initiatives, including the Juvenile Court Enhancement Initiative and the Judiciary Committee's interim study on child representation, served as the impetus for this review and study of the current Wyoming judicial system as it applies to juveniles. This report provides recommendations for meeting the needs of juveniles falling under the confines of the Wyoming criminal justice system.

In the spring of 2004, the Department of Family Services contacted the Wyoming Survey & Analysis Center (WYSAC) regarding developing a project to collect information on the status of juvenile processing in the State of Wyoming. Due to the structure of the current juvenile system, a paucity of information exists regarding the outcomes of juveniles who commit offenses or are otherwise involved in criminal justice proceedings. Wyoming statutes do not currently provide for a unified juvenile justice system, but rather leave the decision making process on juvenile case management to local jurisdictions.² This leads to a variety of issues involving loopholes in the Wyoming Juvenile Justice Act relating to concurrent jurisdiction, whether a juvenile case can be transferred between courts, and definitions of status offenses.³ Furthermore, no centralized data system exists to provide information on the dispositions of youth appearing in the district, circuit, municipal, or

¹ Annual Report of Crime in Wyoming. (2004). "2003 Annual Report – Crime in Wyoming." Division of Criminal Investigation, Wyoming Attorney General's Office. Online. Available: <http://attorneygeneral.state.wy.us/dci/pdf/2004%20Annual.pdf>.

² Burman, John. (2004). "Juvenile Injustice in Wyoming." *Wyoming Law Review*, 4(2): 669-772.

³ Burman, John. (2004). "Juvenile Injustice in Wyoming." *Wyoming Law Review*, 4(2): 669-772.

juvenile court systems in Wyoming.⁴ This necessitates the examination of individual files in each of these counties, an extensive and time consuming process.

Since a uniform system for juvenile justice does not currently exist in the state, the current study involved the collection of court data and a rather thorough examination of practice and opinion regarding the impact of concurrent jurisdiction. The goal was to provide a better understanding of the case processing of juvenile offenders, from arrest/citation through final adjudication. Using court data on juvenile traffic, delinquency, and CHINS (Child In Need of Supervision) case processing and interviews in four counties (Natrona, Sheridan, Sweetwater, and Teton), this exploratory and descriptive research sought to determine the court processes and case outcomes for juveniles charged or cited during 2003 in these four counties. A second area of interest focused on whether the process as determined by court documents in terms of quantitative data collection, corresponded with the perceptions of key stakeholders in these four counties (e.g. law enforcement, judges, attorneys, and others).

The Wyoming Survey & Analysis Center (WYSAC) collected the data for this evaluation in collaboration with the National Center for Juvenile Justice (NCJJ). To address the primary goal of describing juvenile processing in Wyoming, two phases of data collection were initiated. This mixed-methods approach allowed for a more comprehensive examination of the issue.⁵ In Phase I, WYSAC gathered court processing information for all cases involving a charged/cited juvenile, except abuse/neglect petitions, filed in district, circuit, municipal, or juvenile courts in the Wyoming counties (Natrona, Sheridan, Sweetwater, and Teton) for the year 2003. In Phase II, the NCJJ conducted interviews with law enforcement, court, and disposition officials in the four jurisdictions regarding documenting and assessing the impact of concurrent jurisdiction on the processing and handling of the criminal and non-criminal behavior of youth. Specifically, this research should provide the Department of Family Services (DFS), other criminal justice agencies,

⁴ The Wyoming Supreme Court currently electronically collects and houses all of the Wyoming Circuit Court data and is working towards bringing all of the district courts onto the same system.

⁵ Berg, Bruce. (1988). *Qualitative Research Methods for the Social Sciences*. Needham Heights, MA: Allyn & Bacon.

and the legislature in the state with a better understanding of the number of juvenile cases processed and how cases proceed through the courts in each jurisdiction. The key findings of this study are discussed below.

Key Findings

Analysis of practice and opinions of 50 officials and court data in the four study counties confirms the results from previous studies that identified many issues surrounding concurrent jurisdiction and its impact on juvenile offenders.⁶ For the first time, however, through the collection of court data, the current study documents that most juveniles are in fact tried in municipal or circuit courts where they are subject to the same sentences as adults (See Figures 1, 5, 9, and 13). For example, approximately 88 percent of the cases heard in Sheridan, Sweetwater, and Teton counties were heard in either a municipal or circuit court. Interviews confirmed that juvenile courts are reserved for the more intractable juvenile offender. Interviewees in the four counties described a hodgepodge of policies and ad hoc services that have been patched together locally to circumvent the fractured court structure and respond to juvenile crime. Despite the best intentions of Department of Family Services' Juvenile Court Enhancement Initiative and the Wyoming State Advisory Council on Juvenile Justice's Annual Report to improve justice for juveniles in the state, they face obstacles because of the lack of statewide judicial leadership and a concise vision of how best to respond to juvenile crime.

⁶ Burman, John. (2004). "Juvenile Injustice in Wyoming." *Wyoming Law Review*, 4(2): 669-772.

Summary of Findings:*Wyoming Survey & Analysis Center (WYSAC) Court Record Data Findings:*

- Regardless of county, municipal and circuit courts handle most cases involving juveniles.
- Most offenders were White, male, and between the ages of 16 and 17.
- Most cases involved guilty pleas or forfeitures and did not involve representation.
- Most juveniles were not arrested, but were instead issued a citation.
- Most were not sentenced to placement.
- While courts can utilize a variety of sentences, few options were used widely. The exception was fines and probation. However, this varied widely by the type of court.
- Traffic offenses represented the most frequently committed offenses in all four counties. However, offenses committed most frequently also varied widely by type of court.

National Center for Juvenile Justice (NCJJ) Interview Data Findings:

- The Juvenile Justice Act's purpose clause is an amalgam of contradictory and competing concerns that has created conflict over how to respond to the best interests of the child and protect the community.
- No other state restricts access to the juvenile court and the services it can order in favor of processing most juvenile offenders as adults. Court data gathered by the Wyoming Survey & Analysis Center (WYSAC) for this study indicated that the majority of the court activity addressing the criminal behavior of minors occurs in adult courts in the study counties — 70%, 85%, 93%, and 97% in Teton, Sweetwater, Sheridan, and Natrona counties respectively.
- By virtue of their ability to issue a citation directly into municipal or circuit court, police and sheriffs essentially control the gate into the justice system for many juvenile offenders. For the most part, these same officers also decide which cases get referred to the county attorney for consideration of charging in the juvenile court.
- Concurrent jurisdiction can result in the co-occurring involvement of a juvenile in more than one court at the same time. This phenomenon can foster a number of problems, not the least of which include conflicts between the different courts' expectations and orders, duplication of efforts, and public

confusion over which court takes precedence. Although the current study was not designed to document the incidence of co-occurring involvement in municipal, circuit, or juvenile courts (let alone involvement in a dependency action or related family matter), interviews confirmed that it is an issue.

- The Juvenile Court Enhancement Initiative encourages courts and the legal system to review and analyze how children and families enter, participate in, and exit from the legal system. Despite current and prior efforts by the Department of Family Services (DFS) and the Wyoming State Advisory Council on Juvenile Justice (SACJJ) to provide direction for the state, these bodies are not balanced by the collective vision of a statewide body of judges who are full time juvenile law specialists or juvenile and domestic relations law specialists.
- Circuit and municipal court judges have little statutory support for recognizing the difference between adult and juvenile offenders. The primary options available to the circuit and municipal courts are fines, community service, restitution, unsupervised probation, or a sentence to “detention,” typically a separate unit of the local adult jail. Nevertheless, there were some notable examples in the counties studied in which juveniles are treated different from adults by municipal and circuit courts and policies are in place to ensure confidentiality. In addition, three of the four study counties fund or receive grants for locally administered diversion or juvenile probation services for use by the municipal, circuit, or juvenile courts.
- Concurrent jurisdiction impedes the consistent use of secure detention, prevents consistent policy concerning its use, and interferes with efforts to plan for separate juvenile detention resources, all of which contribute to overuse.
- Wyoming’s liberal framework for the utilization of secure detention as a sanction or disposition for youth adjudicated in the municipal, circuit and juvenile courts encourages the overuse of secure detention in a rural state with few specialized juvenile detention options.
- Judicial leadership is a requisite for both dependency and delinquency court improvement. A fractured court system that places concurrent jurisdiction for the criminal and non-criminal behavior of minors in three different courts presents obstacles for nurturing statewide juvenile justice leadership among the judiciary.
- Interviews suggest some opportunities for a more widely shared juvenile justice vision anchored by a statewide body of specialist juvenile law judges, much as Utah, Arizona, and Ohio have developed. However, concurrent jurisdiction and the lack of readily accessible and reliable information to describe workload obscure the horizon enough to produce skepticism for proposals to restructure the courts.

Conclusions and Recommendations

The Overarching Recommendation: A clear statement regarding the mission, purpose, goals, and outcomes for juvenile justice upon which policies, procedures, practices, and programs can be based.

The state of Wyoming must come to terms with and clearly articulate a vision for juvenile justice, how that vision will be achieved, and what the anticipated outcomes are. A group of state and local policy makers and juvenile justice system practitioners should participate in a strategic planning or focus group process for the purpose of reaching consensus on values for the juvenile justice system and a plan for translating those values into prioritized areas for reform or improvement. The group should examine the values set forth in the framework for the MacArthur Foundation's Model Systems Project⁷ and the balanced and restorative juvenile justice goals of community protection, accountability, and competency development.

1. Gatekeeper for Screening all Juvenile Cases

- By virtue of their ability to issue a citation directly into a municipal or circuit court and their rather broad discretion to refer cases to the county attorney for consideration of filing in juvenile court, police and sheriffs essentially control the gate into the justice system for most juvenile offenders. With or without changes to concurrent jurisdiction, one of the most important structural reforms Wyoming should implement is a centralized process for screening cases for referral to court in each county. The gatekeeper (e.g., intake) function, which could be established within the county attorney's office⁸ or the Department of Family Services (DFS), would ensure that all (or most) juveniles who are arrested would be screened for the purpose of making court referral decisions. Centralizing

⁷ John D. and Catherine T. MacArthur Foundation. (2004). *Developing Models of System Reform*. Chicago, IL: MacArthur Foundation.

⁸ To address the argument made by Burman (2004) and others that county prosecutors are elected officials and therefore may make decisions based upon political or other pressures rather than an impartial assessment based on system goals, there should be a mechanism for judicial review of prosecutorial discretion regarding intake decisions.

intake would address the possible co-occurring involvement of a juvenile in more than one court that can happen under concurrent jurisdiction, consolidating cases against a juvenile when appropriate. Clear guidance or standards regarding when an action should be referred to the county attorney, which court is best suited to handle the matter, and to what end (system goals) would need to be developed. In addition, the designated gatekeeper should examine other state's efforts to streamline processing and implement procedures that will expedite the receipt, review/screening, and filing of petitions.

2. Consistent Juvenile Detention Policy

- Concurrent jurisdiction impedes the consistent use of secure detention and risks the overuse of detention, particularly as a sanction for violating probation or as a sentence. Although some counties have developed specialized solutions for separate juvenile detention, other counties continue to detain juveniles in facilities collocated in jails. Wyoming needs a detention policy that covers all courts with jurisdiction over the criminal behavior of minors. The juvenile court should have the rule-making authority concerning the use of secure detention by courts of limited jurisdiction. With this authority, juvenile courts should develop a model rule that limits the use of juvenile detention as a sanction or disposition. From there, counties should develop strategies for controlling admissions to secure juvenile detention facilities and for reducing the amount of time a juvenile remains in detention that include: clear guidelines for using secure detention, unambiguous detention admission criteria, and development of alternatives to detention.

3. Continuum of Local Services/Programs that Address Juvenile Justice System Goals

- There was widespread consensus among those interviewed for the current study that the future direction of juvenile justice in Wyoming depends in large measure on the state's ability and willingness to provide a range of effective and credible community-based responses to juvenile crime in both urban and rural counties. Under the model of juvenile justice envisioned by the MacArthur Foundation⁹, all but a limited number of juvenile offenders would be supervised, sanctioned, and treated in the home or in a community setting. The recognition that youth are best served locally and in the least restrictive setting would govern all case processing decisions. System representatives would establish standardized, objective criteria to assess the risk a juvenile poses to the community and the needs of that youth to become law abiding and productive and would work collaboratively to avoid bringing youth into the justice system unnecessarily. For those youth who require intervention, there would be a continuum of services, sanctions, and programs that address system goals and the needs of juvenile offenders. Secure confinement would be the choice of last resort, with decision makers required to rule out other options before choosing to commit a juvenile to detention, state juvenile correctional facility, or the local jail.

⁹ John D. and Catherine T. MacArthur Foundation. (2004). *Developing Models of System Reform*. Chicago, IL: MacArthur Foundation.

4. Pilot Demonstration of State Funding Incentives to Counties for Development of Community-Based Programs and Services

- Community-based services (as opposed to state commitment) make sense for a host of reasons. They are likely to be more cost-effective than state-administered or out-of-home services. They preserve connections within families and communities. They provide a less restrictive option for accomplishing system goals. However, in Wyoming, counties must pay for the cost of any community-based service out of their own budgets or patch grants together for temporary solutions. Wyoming should consider creating a reimbursement scheme for county-purchased juvenile justice (and perhaps child welfare) services, which will encourage the use of a continuum of services in the home or in the community. Both Pennsylvania and Ohio have implemented funding incentives to counties to great advantage. The scheme can be piloted in a few counties who would be asked to create a goal-directed, needs-based plan and budget for providing services to juvenile offenders in local communities.

5. A Local Framework for Encouraging Full - Time Specialization of Juvenile Court Judges

- Wyoming's concurrent jurisdiction framework lacks incentives to develop a full-time judiciary specialized in juvenile law. A framework that supports specialization is at the heart of the standard juvenile court and family court acts and is a hallmark of states that have strong statewide juvenile justice leadership (e.g., Utah, Arizona, Nevada). Wyoming should develop and refine a specialization model that could be piloted in a few counties. The pilots should represent the most rural and most urban court districts and include additional resources for judges, district court commissioners, support staff, record keeping, and court case management where necessary. During the pilots, detailed workload information (e.g., time

resource requirements to complete tasks) should be gathered to eventually weigh the requirements of different juvenile cases and estimate the average judicial time required for each juvenile case type (e.g., felony, misdemeanor, minors in possession, traffic, child in need of supervision, dependency), including travel time for a full-time juvenile court judge/commissioner to serve the district. If possible, the resource requirements for different types of probate and domestic relations cases should also be weighed because, if a full-time specialist judge for juvenile cases is not warranted, one full-time judge for juvenile, probate, and family law cases may be practical, increase judicial economy, and maintain the one-judge— one-family strengths that already exist in some judicial districts. These data can develop cost estimates of court reorganization for a truly specialized juvenile court— judges specifically selected for juvenile court positions and appointed to a juvenile court seat, a juvenile-probate-domestic relations option, or other combinations that make sense for a full-time juvenile and family law specialist judge.

6. Retain Lesser Offenses in the Minor Judiciary

- There was unanimous agreement among those interviewed during the course of the current study that as currently structured, juvenile courts could not handle the influx of cases if they were given exclusive, original jurisdiction over all matters involving minors. It may be more practical for juveniles cited for relatively minor ordinance violations, particularly traffic violations and minors in possession of tobacco, but perhaps minors in possession of alcohol, to be retained in municipal or circuit courts. The key will be to coordinate policy under the presiding juvenile court judge on several issues.

7. Statewide Plan Regarding MIP/Alcohol

- The narrow definition of status offenders in Wyoming (minors arrested for possession of alcohol (MIP of alcohol) are excluded) precludes the state's participation in the federal formula grants program since counties cannot ensure that status offenders— as defined by federal statute— are not jailed. Juveniles arrested for MIP/alcohol are handled by municipal and circuit courts and, by law, can receive a sentence of up to six months in jail, especially those arrested a second time or those who violate the terms of the court's order. The crux of the issue is how best to respond to underage drinking in light of juvenile justice system goals. Not every juvenile arrested for MIP/alcohol is an addict in need of treatment. In fact, the best response may be a fine handed out by a municipal court, but counties need to develop clear policy and sanctions for nonpayment of fines or contempt of the court's order that do not include jail. Screening and assessment for possible alcohol abuse or related problems are essential.

8. Policy and Plan for Improved Data Collection, Reporting, and Information Sharing

- The nature of the juvenile justice system in Wyoming limits the availability of information sharing across jurisdictions. Individual courts with separate record keeping systems preclude a large-scale examination of court processing and hinder the accessibility of standardized adjudication data on criminal justice cases in the state. The Full Court system, as initiated by the Supreme Court as the record keeping system in all circuit courts in the state and various municipal courts, represents a starting point to address this issue. However, access to the data generated from this system, while essential to policy makers and researchers in tackling juvenile justice concerns, is currently limited and not readily forthcoming. Expansion of a

statewide data system allowing access to records in all jurisdictions would permit comprehensive data collection and reporting on juvenile justice issues in the state. Furthermore, regardless of the data system utilized, periodical quality assurance checks must be completed to ensure the integrity of the data.

