



Wyoming County Commissioners Association

Post Office Box 86
409 W. 24 St.
Cheyenne, WY 82003
(307) 632-5409
Fax (307) 632-6533

KENT CONNELLY, President
TERRENCE D. WOLF, Vice President
JACK KNUDSON, Treasurer
JOSEPH M. EVANS, Executive Director
Website: www.wyo-wcca.org

Date: August 15, 2007

To: Joint Judiciary Committee
Senator Tony Ross, Co-chair
Representative Ed Buchanan, Co-chair

From: Beth Evans, Ph.D., WCCA Juvenile Justice Project Coordinator

Re: Juvenile Justice and Delinquency Prevention (JJDP) Act
2006 Compliance Monitoring

Legislative Service Office
LSO Document Database

Database Number: F

Document Number: 14378

Enclosed please find a copy of the Wyoming 2006 Compliance Monitoring Report. This report outlines what we currently know about the secure detention of Wyoming juveniles as it relates to the Juvenile Justice and Delinquency Prevention Act.

WYOMING
AND
THE JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ACT

The Number of Juveniles in Wyoming Jails
2006 Compliance Monitoring Report

Juvenile Justice Project
Wyoming County Commissioners Association
August 2007

INTRODUCTION

Wyoming is the only state not in compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act. The Wyoming County Commissioners Association (WCCA) is the statewide non-profit organization that has received Wyoming's Non-Participating State funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since 1999. WCCA has used these funds to help Wyoming Counties move toward compliance with the JJDP Act.

PURPOSE AND INTENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 was enacted by Congress to address the dire conditions of confinement for juveniles. The Act was amended during its reauthorization every four years since then to continue needed improvements in the juvenile justice system. In 2002 the Act was revised and is now known as the JJDP Act of 2002 (Public Law 93-415, 42 U.S.C. 5601). Based on years of discussion and research, the JJDP Act is designed to improve juvenile justice systems through federal direction, coordination, and resources. The Act represents the highest standards for the safe and appropriate holding of juveniles.

CORE PROTECTION REQUIREMENTS

The core protections of the JJDP Act are endorsed as standards for the processing and detention of juveniles by groups such as the National Council on Crime and Delinquency, the Coalition for Juvenile Justice, the National Sheriff's Association, National Chiefs of Police, American Bar Association, and the National Advisory Commission on Law Enforcement. The protections apply to all juveniles except those charged as an adult with a felony crime.

Deinstitutionalization of Status Offenders (DSO) "Juveniles who have been charged with or have committed an offense that would not be criminal if committed by an adult...shall not be placed in secure detention facilities..." This requirement has been part of the JJDP Act since its inception in 1974.

Separation of Juveniles from Incarcerated Adults (Sight and Sound Separation) "Juveniles alleged to be or found to be delinquent, as well as status offenders and nonoffenders, will not be detained or confined in any institution in which they have contact with adult inmates." This requirement has been part of the JJDP Act since its inception in 1974.

Removal of Juveniles from Adult Jails and Lockups (Jail Removal) "Juveniles who are accused of nonstatus offenses who are detained in such jail and lockup for a period not to exceed 6 hours for processing and release, while awaiting transfer to a juvenile facility, or in which period such juveniles make a court appearance, and only if such juveniles do not have contact with adult inmates." This requirement was added to the JJDP Act during 1980 amendments.

Compliance Monitoring "Provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of [the Act] are met, and for annual reporting of the results of such monitoring..." This requirement has been part of the JJDP Act since its inception in 1974.

Disproportionate Minority Contact "Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or

quotas, the disproportionate number of juvenile members of the minority groups who come into contact with the juvenile justice system." This requirement was added during 1992 amendments to the Act.

SUMMARY OF 2006 COMPLIANCE MONITORING

Wyoming's 2006 compliance monitoring visits were conducted in May and June of 2007. Efforts were made to visit all facilities that have the ability to hold juveniles in a secure manner and to collect data from these facilities no matter what their method of recording information (i.e., they did not participate in the juvenile jail roster program). This reduced Wyoming's projected numbers to only one non-reporting facility.

Although Wyoming's violation numbers are still beyond the acceptable rates for compliance, progress was seen in two areas: 1) Sight and Sound violations decreased as only one facility does not ensure juveniles have no contact with adult inmates, and 2) Jail Removal violations decreased as two facilities have moved the detention of their juveniles to juvenile detention centers.

On the other hand, Wyoming's violations under the DSO (Deinstitutionalization of Status Offenders) core protection increased and continue to demonstrate the work that needs to be done to keep juveniles out of jail for offenses that would not be considered crimes if committed by an adult. A large number of these violations were by "default," meaning there was insufficient information about the underlying charge for why the juvenile was being detained. When the original or most serious charge is not available, the compliance monitor must "default" to a violation by OJJDP regulations.

Wyoming's large number of "default" violations is representative of the state's lack of a systematic way of reporting and a lack of court documents which clearly state why juveniles are being detained. The reasons most often listed for detention of juveniles included: bench warrant, probation revocation/violation, CHINS, hold for another agency (e.g., DFS, County Attorney, U.S. Marshall), or 'served time.' The underlying charge is unknown to the jails or detention centers and, therefore, cannot be determined on their juvenile jail rosters. The bottom line is: The information to determine why Wyoming juveniles are being held in adult jails and juvenile detention centers is often not available.

Additionally, Wyoming does not have a Valid Court Order (VCO) process in statute, per federal regulation, that would allow judges to sentence a status offender to a juvenile detention center if he/she did not follow the original court direction. Having such a statute would not only help judges when dealing with recalcitrant juveniles, but would eliminate some of the DSO violations found at juvenile detention centers when these juveniles are sentenced to such facilities.

The following charts show Wyoming's violation of the JJDP Act by facility (Table 1) and by core requirement (Table 2). Summaries of the JJDP Act as it applies to adult jails/lockups and juvenile detention/correctional facilities are also attached to provide further understanding of Wyoming's violations of the JJDP Act of 2002 (Public Law 93-415, 42 U.S.C. 5601).

Table 1
Juvenile Justice and Delinquency Prevention Act - Wyoming Violations by Facility
January 1 – December 31, 2006

SHERIFF'S DEPARTMENTS
(Adult Jails)

Facility	Total # of Juveniles Held	Status Offenders and Nonoffenders Held	Sight and Sound Violations	Delinquents Held over 6 Hours	Total Violations (see footnote #1)
Albany	34	4	0	21	29
Big Horn	0	0	0	0	0 ²
Campbell	220	31	220	158	440 ³
Carbon	39	0	0	22	22 ⁴
Converse	County Attorney directed Sheriff's Office not to share data on 5/23/07.				7 ⁵
Crook	7	1	0	2	4
Fremont	Do not hold juveniles on adult side of collocated facility.				0
Goshen	19	1	0	2	4
Hot Springs	2	0	0	0	0 ⁶
Johnson	2	0	0	0	0
Laramie	Do not hold juveniles – booked and held at FCS – Wardell JDC				0
Lincoln	30	15	0	15	45
Natrona	Do not hold juveniles – booked and held at FCS – RJDC				
Niobrara	0	0	0	0	0 ²
Park	44	12	0	28	52
Platte	18	0	0	0	0
Sheridan	0	0	0	0	0 ²
Sublette	21	10	0	12	32
Sweetwater	Do not hold juveniles on adult side of collocated facility				
Teton	0	0	0	0	0 ²
Uinta	9	0	0	9	9 ⁴
Washakie	0	0	0	0	0 ²
Weston	0	0	0	0	0
TOTAL	445	74	220	269	637

FOOTNOTES:

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. Do not hold juveniles.
3. Construction on collocated JDC began 6/07. Expected completion 3/09.
4. Operated appropriately within Rural Exception guidelines.
5. Data projected on OJJDP's Compliance Monitoring Program = Wyoming's total numbers on federal report are higher than listed on this report.
6. Do not hold juveniles in jail (2nd floor); can hold securely (1st floor) if needed.

Table 1
Juvenile Justice and Delinquency Prevention Act - Wyoming Violations by Facility
January 1 – December 31, 2006

POLICE DEPARTMENTS
(Adult Lockups)

Facility	Total # of Juveniles Held	Status Offenders and Nonoffenders Held	Sight and Sound Violations	Delinquents Held over 6 Hours	Total Violations (see footnote #1)
Evansville	0	0	0	0	0
Hanna	2	0	0	0	0
Lovell	5	0	0	0	0
Pine Bluffs	3	0	0	0	0
Powell	18	1	0	0	2
Riverton	52	30	0	0	60 ²
Rock Springs	5	0	0	1	1 ³
Sheridan	29	7	0	5	19 ⁴
Shoshoni	1	0	0	0	0
Thermopolis	0	0	0	0	0
Wind River	0	0	0	0	0 ⁵
TOTAL	115	38	0	6	82

FOOTNOTES:

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. Records do not distinguish between secure and non-secure holds; therefore, violation numbers may be high.
3. Stopped housing 1/06.
4. Implemented non-secure interview rooms 4/07.
5. Do not hold juveniles (BIA directive).

Police Departments with non-secure facilities: Afton, Alpine, Baggs, Baroil, Basin, Buffalo, Burns, Byron, Casper, Cheyenne, Cody, Cokeville, Cowley, Deaver, Diamondville, Dixon, Douglas, Encampment, Evanston, Fort Laramie, Frannie, Gillette, Glenrock, Granger, Green River, Greybull, Guernsey, Hulette, Jackson, Kaycee, Kemmerer, Labarge, Lander, Laramie, Lingle, Lusk, Lyman, Midwest, Mills, Moorcroft, Mountain View, Newcastle, Ranchester, Rawlins, Saratoga, Sinclair, Sundance, Superior, Thayne, Torrington, Upton, Wamsutter, Wheatland, Worland.

TOTAL ADULT JAILS AND ADULT LOCKUPS

Facility	Total # of Juveniles Held	Status Offenders and Nonoffenders Held	Sight and Sound Violations	Delinquents Held over 6 Hours	Total Violations (see footnote #1)
Total Adult Jails	445	74	220	269	637
Total Adult Lockups	115	38	0	6	82
TOTALS	560	112	220	275	719

Table 1
Juvenile Justice and Delinquency Prevention Act - Wyoming Violations by Facility
January 1 – December 31, 2006

JUVENILE DETENTION CENTERS/CORRECTIONAL FACILITIES

Facility	Total # of Juveniles Held	Sight and Sound Violations	Out of State Runaways w/o Interstate Compact	Nonoffender held for any period of time	Status Offenders (SO)		
					Accused SO Held > 24 Hours	Adjudicated SO w/o Valid Court Order (VCO)	Valid Court Order ¹ (not a violation)
County Owned/Operated Fremont County Juvenile Detention Center - Lander	350	0	0	1	0	0	0
County Owned/Operated Sweetwater County Juvenile Detention Center – Rock Springs	159	0	1	0	2	4	0
Privately Owned Jeffrey C. Wardle Academy Frontier Corrections – Cheyenne	395	0	0	0	80 ³	91 ³	0
Privately Owned Regional Juvenile Detention Center Frontier Corrections – Casper	868	0	0	0	302 ³	156 ³	0
State Owned/Operated Wyoming Boys School Worland	231	0	0	0	0	0	0
State Owned/Operated Wyoming Girls School ² Sheridan	69 (not included in total)	N/A – non-secure facility					
TOTAL	2003	0	1	1	384³	251³	0

FOOTNOTES:

1. Wyoming does not have VCO process in statute.
2. By statute, WGS is not a correctional institute – provides education, rehabilitation, vocational, and treatment programs.
3. 75-80% “default” violations = Because the original/most serious charge could not be determined, the Compliance Monitor had to default to a violation if held >24 hours. Reasons most often listed for detention included: bench warrant (FTP, FTA, FTC), probation revocation/violation, CHINS, DFS Hold, DA/CA Hold, served time. While many of the violations in these 2 facilities come from the counties in which they are located, other counties are also contributing to the total violations assessed.

At the Regional Juvenile Detention Center in Casper: 225 of the 458 violations involved Natrona County juveniles, 3 - Albany County, 4 - Big Horn, 1 - Campbell, 12 - Carbon, 22 - Converse, 6 - Fremont, 8 - Goshen, 3 - Hot Springs, 1 - Johnson, 13 - Laramie, 3 - Lincoln, 1 - Niobrara, 1 - Platte, 22 - Sheridan, 5 - Sublette, 20 - Sweetwater, 9 - Uinta. (These numbers do not include the months of April and May, 2006, for which limited information was available about county of origin.)

At the Wardle Academy in Cheyenne, 2/3 of the violations involved juveniles from the City of Cheyenne and Laramie County. The remaining one-third of the violations came from other counties; however, specific information was not readily available. Records do suggest Converse, Goshen, Sweetwater, Albany, and Platte Counties also send juveniles to Wardle.

Table 1
Juvenile Justice and Delinquency Prevention Act - Wyoming Violations by Facility
January 1 – December 31, 2006

COURT HOLDING AREAS

FACILITY	Public/ Private	Secure/ Non-secure	Juveniles Adults or BOTH	Residential	Comments
NATRONA COUNTY COURT HOUSE Casper	PUBLIC	SECURE	BOTH (not currently used for juveniles)	NO	Juveniles are moved from 3 rd floor JDC to 5 th floor Courtrooms in same building.
CAMPBELL COUNTY COURT HOUSE Gillette	PUBLIC	SECURE	BOTH	NO	Installed curtains on holding cells to insure sight/sound separation. No records - will begin keeping log of date, time, and holding cell #.
LARAMIE COUNTY COURT HOUSE Cheyenne	PUBLIC	SECURE	BOTH	NO	No records. Major sight/sound problems moving juveniles to and from court. Are applying for assistance in addressing the issue.
TOTAL:	3 Court Holding Areas, No records available				

Table 2
Total Number of Violations, by Core Requirement and Year in Wyoming

Computer Projected
Numbers based on
one non-reporting
facility

	2003	2004	2005	2006
Total Number of Juveniles Held in Jails and Lockups	826	876	842	560
Total Number of Juveniles Held in JDCs	1191	1421	1328	2003

D.S.O. TOTAL	356	477	410	748*
Status offenders or non-offenders held in jails or lockups (accused or adjudicated)	161	221	196	112
Non-offenders held in JDC/JTS	2	1	0	1
Accused status offenders held over 24 hours in a JDC/JTS	118	145	113	384*
Adjudicated status offenders held without benefit of the Valid Court Order	75	110	101	251*

750

* 75-80% "default" violations at 2 JDCs = there was insufficient information about the original and/or most serious charge. Reasons most often listed for detention included: bench warrant (FTP, FTA, FTC), probation revocation/violation, CHINS, DFS Hold, DA/CA Hold, served time.

SEPARATION TOTAL	372	630	613	220
Juveniles not sight and sound separated from adults in jails and lockups	372	630	613	220**
Juveniles not sight and sound separated in JDC/JTS	0	0	0	0

230

** one facility

JAIL REMOVAL TOTAL	716	733	674	387
Status offenders or non-offenders held in jails and lockups (accused and adjudicated)	161	221	196	112
Accused delinquents held over 6 hours or for a reason not associated with processing	299	271	282	134
Adjudicated delinquents held over 6 hours before or after court, or for a reason not associated with a court appearance (sentenced to the facility would be the primary reason)	256	241	196	141

403

Rates of Compliance	2003	2004	2005	2006
D.S.O. (May have a rate of up to 29.4/100,000, or 33.5 violations for Wyoming)	Rate of 278	Rate of 373	Rate of 320	Rate of 656.1
Separation (May have 0 violations)	372	630	613	220
Jail Removal (May have a rate of up to 9/100,000, or 10.3 violations for Wyoming)	Rate of 559	Rate of 573	Rate of 526	Rate of 339.5

656

230

352

2005 Juvenile Population = 114,321; 2005 Juvenile Population Rate = 1.14; # of violations ÷ 1.14 = Violation Rate

Summary of JJDP Act: Adult Jails and Lockups

Adult Jail and Lockup

Accused juvenile status offender, nonoffender, civil-type juvenile offender, or alien juvenile	Secure holding prohibited.
Adjudicated juvenile status offender	Secure holding prohibited.
Status offender accused of violating a valid court order	Secure holding prohibited.
Status offender adjudicated for violating a valid court order	Secure holding prohibited.
Accused juvenile delinquent	Secure hold limited to up to 6 hours for identification, processing, release to parents, or transfer to a juvenile facility or 6 hours prior to and 6 hours after a court appearance. Juvenile must be sight and sound separated from adults.
Adjudicated juvenile delinquent*	Secure hold limited to up to 6 hours for identification, processing, release to parents, or transfer to a juvenile facility or 6 hours prior to and 6 hours after a court appearance. Juvenile must be sight and sound separated from adults.
Juvenile transferred to criminal court and charged with a misdemeanor	Secure hold limited to 6 hours prior to and 6 hours after a court appearance. Separation is not required.
Juvenile transferred to criminal court and convicted of a misdemeanor	Secure holding prohibited.
Juvenile transferred to criminal court and charged with or convicted of a felony	No restrictions on holding.
Adult accused of or convicted of a crime	No restrictions on holding.

Summary of the JJDP Act: Juvenile Detention or Correctional Facilities

Secure Juvenile Detention or Juvenile Correctional Facility	
Nonoffenders	Secure holding prohibited.
Accused juvenile status offender	Secure hold limited to 24 hours prior to and 24 hours after an initial court appearance (excluding weekends and holidays).
Adjudicated juvenile status offender	Secure holding prohibited.
Status offender accused of violating a valid court order	Juvenile must be interviewed by an appropriate public agency within 24 hours of being placed in secure custody. The court must receive an assessment from the public agency and the juvenile must have a reasonable cause hearing within 48 hours of being placed in secure custody. Time limits exclude weekends and holidays.
Status offender adjudicated for violating a valid court order	No restrictions on holding.
Accused juvenile delinquent	No restrictions on holding.
Adjudicated juvenile delinquent	No restrictions on holding.
Juvenile transferred to criminal court and charged with a misdemeanor	No restrictions on holding.
Juvenile transferred to criminal court and convicted of a misdemeanor	May be held securely until the state's age of majority; must be sight and sound separated from juvenile delinquents within 6 months of reaching the state's age of majority.
Juvenile transferred to criminal court and charged with or convicted of a felony	May be held securely until the state's age of majority; must be sight and sound separated from juvenile delinquents within 6 months of reaching the state's age of majority.
Adult accused of or convicted of a criminal offense	Secure holding prohibited.