

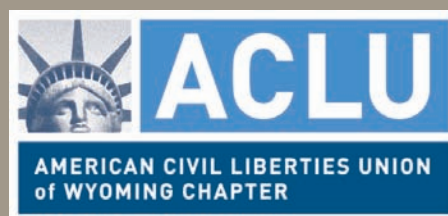
# INEQUALITY IN THE EQUALITY STATE

## The Damaged Juvenile Justice and Detention System in Wyoming

A COMPREHENSIVE REPORT and POLICY RECOMMENDATIONS



A report by the  
ACLU of Wyoming National Chapter



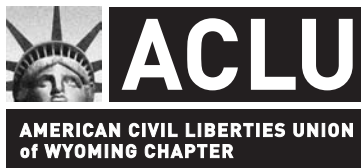
# INEQUALITY IN THE EQUALITY STATE

---

## The Damaged Juvenile Justice and Detention System in Wyoming

A COMPREHENSIVE REPORT AND POLICY RECOMMENDATIONS

A report by the  
ACLU of Wyoming National Chapter



ACLU of Wyoming National Chapter  
P.O. Box 20706  
Cheyenne, WY 82003  
(307) 637-4565  
[www.aclu-wy.org](http://www.aclu-wy.org)

## **INEQUALITY IN THE EQUALITY STATE:**

The Damaged Juvenile Justice and Detention System in Wyoming—  
A Comprehensive Report and Policy Recommendations

September 2010



A report of the ACLU of Wyoming Chapter  
P.O. Box 20706 • Cheyenne, WY 82003  
(307) 637-4565 • [www.aclu-wy.org](http://www.aclu-wy.org)

The American Civil Liberties Union (ACLU) is our nation's guardian of liberty. The ACLU works daily in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States. Its mission is to conserve America's original civic values—the Constitution and the Bill of Rights.

The American system of government is founded on two counterbalancing principles: that the majority of the people govern through democratically elected representatives; and that the power, even of a democratic majority must be limited, to ensure individual rights.

The ACLU of Wyoming seeks to defend and advance the constitutionally protected rights of all people living in the state, including people of color; women; and lesbians, gay men, bisexuals and transgender people.

The ACLU of Wyoming also seeks to advance constitutional protections through work on criminal justice reform, reproductive freedom, the protection of freedom of speech and other important and fundamental rights granted to all people.

### **Contact Information**

For more information please visit [www.aclu-wy.org](http://www.aclu-wy.org) or contact executive director Linda Burt at [lburt@aclu.org](mailto:lburt@aclu.org) or (307) 637-4565.

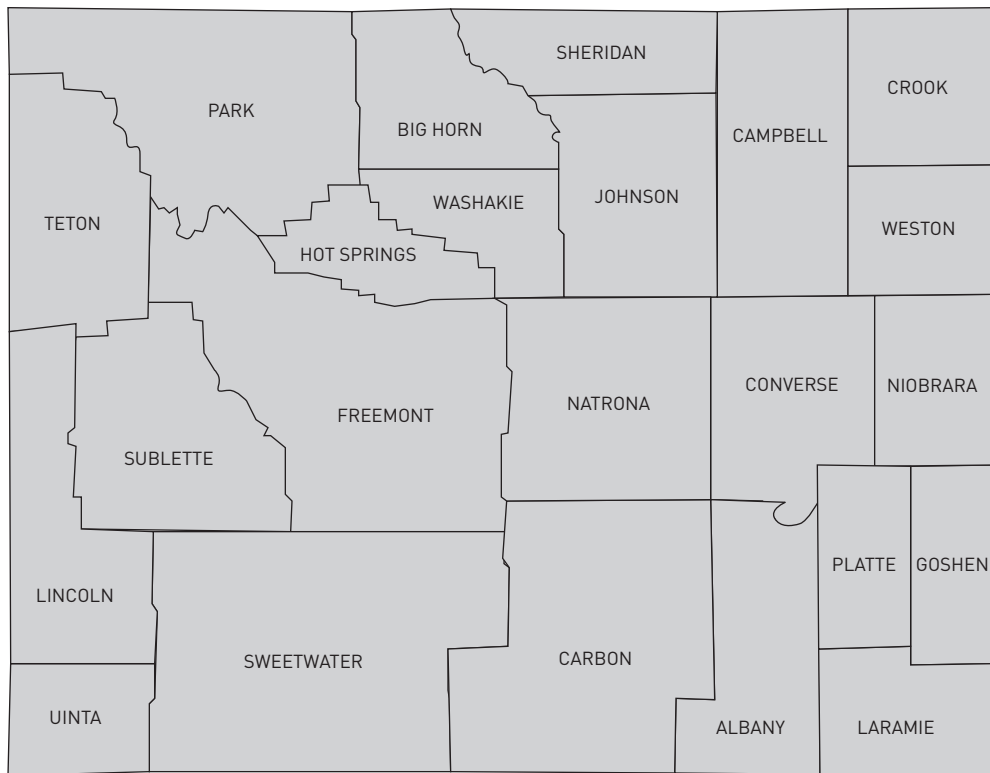
Cover Photo: ©iStockphoto.com/ ArtisRams

# WYOMING

**Size:** 97,914 square miles

**2009 estimated population:** 544,270

**2008 estimated juvenile population:** 128,457





# EXECUTIVE SUMMARY

---

Wyoming's youth are our future, and should be given every opportunity to succeed. Unfortunately, far too many are mistreated and neglected rather than rehabilitated by our state's juvenile justice system.

This report examines the causes and consequences of Wyoming's failed approach to juvenile justice, and proposes a series of reforms that would ensure valuable tax dollars are devoted to effective, evidence-based strategies that both benefit youth and protect public safety.

## The Crisis in Wyoming's Juvenile Justice System

Wyoming has one of the highest juvenile detention rates in the nation, and in 2008 ranked second nationwide for percentage of children under 18 in custody.

There is no indication, however, that Wyoming youth are significantly more involved in crime than elsewhere or that most of those in custody are a danger to society. On the contrary, three fourths of youth in detention are being held for non-violent crimes, many of them status offenses (acts that would not be considered crimes if committed by adults, such as possession of tobacco, missing school, violating curfew, etc.).

At the heart of Wyoming's juvenile justice crisis is the lack of a unified juvenile court system with exclusive jurisdiction over all court-involved youth. Unlike most states, Wyoming takes a county-by-county approach to juvenile justice, subjecting youth to vastly different treatment based on where they live.

In theory, Wyoming youth are subject to the protections of the Wyoming Juvenile Justice Act, which promotes the treatment and rehabilitation of youth in the legal system. But in the absence of juvenile courts in many parts of the state, most young people are processed through adult misdemeanor courts, where they are not entitled to the protections of the Act. Indeed, only an estimated 10-15% of youth appear in juvenile court, while the remaining 85-90% are processed through adult courts, which make little distinction between youth and adults and do not provide essential rehabilitative services.

In adult courts, youth are often treated harshly and denied a variety of age-appropriate provisions. Many youth will be seen, for example, by judges or other officials with little youth rearing or knowledge of juvenile law. The majority are not represented by legal counsel, and many waive their right to counsel without fully understanding the consequences of such action.

Further, Wyoming maintains no statewide guidelines outlining which youth should be subject to secure detention, and in the absence of such guidance Wyoming officials frequently rely on detention as the default solution. And without a statewide funding system, many counties also lack the financial resources to maintain an independent youth court and to provide alternatives to secure detention. As a result, a large number of young people are unnecessarily held in detention rather than provided with rehabilitative and community-based alternatives.

Many counties hold youth in adult jails, one of which fails to provide sight and sound separation between youth and adults as required by law. Few provide educational services. Even those detention facilities built specifically for youth are not subject to any state standards or licensing requirements, and are often inadequate.

Wyoming also lacks a statewide data system for tracking juvenile detention numbers, characteristics and outcomes. Without this critical information, Wyoming officials lack a clear picture of how the system is working, and are unable to make evidence-based decisions.

## **The Solution:**

### **A Unified Juvenile Court System with Protections for All Wyoming Youth**

Youth who come into contact with the law should have access to age-appropriate services and rehabilitative programs, but far too many are locked up and neglected. Wyoming's misguided approach is unfair to our youth and does nothing to benefit public safety.

The solution to our juvenile justice crisis is a unified juvenile court system that is available to all juveniles and encompasses the due process protections, restorative justice programs and treatment options outlined in the state Juvenile Justice Act.

Such a system would provide Wyoming officials with a clearer and more uniform way of dealing with court-involved youth, and would ensure that all young people have access to the same rehabilitative opportunities and legal protections, regardless of where in the state they live. A unified system would also help ensure that only those who are a danger to society are held in custody, and thus greatly reduce Wyoming's reliance on detention without compromising public safety.

This report is a call to action. It is a call to hold the juvenile justice system accountable for what it was designed to do: to make the vision outlined in the Wyoming Juvenile Justice Act a reality.

Specifically, this report calls upon the Wyoming legislature to enact a juvenile code that:

- #1 Establishes a unified juvenile or family court system with exclusive jurisdiction for all non-traffic juvenile matters and a judiciary professionally trained in juvenile law;
- #2 Creates a comprehensive juvenile justice system that applies equally and fairly to all Wyoming juveniles. This system should include the procedural framework for a central intake system that provides uniform procedural criteria for the decision-making steps in juvenile case processing and contain a consistent juvenile detention policy. This policy must be devoid of loopholes and include community-based programs.
- #3 Is based on restorative justice principles that promote accountability and increased competency development for youthful offenders, without sacrificing community protection;
- #4 Provides systematic data collection and analysis to guide decision making, assess program effectiveness, and provide assurances of equal treatment; and
- #5 Is funded through a dedicated funding source to ensure its statewide accessibility and utilization.

The Wyoming legislature should act quickly to adopt these recommendations and give all Wyoming youth a fair chance at justice. The result will be simpler, more straightforward systems for dealing with errant youth, a means of assessing the effectiveness of taxpayer investments, and a brighter future for all Wyoming residents.



# CONTENTS

---

<b>EXECUTIVE SUMMARY .....</b>	<b>v</b>
<b>INTRODUCTION.....</b>	<b>1</b>
Background .....	1
Historical Perspective of Juvenile Justice in Wyoming .....	1
Report Rationale and Layout .....	3
<b>PART I: A DAMAGED SYSTEM—THE SCOPE OF THE PROBLEM.....</b>	<b>5</b>
<b>Wyoming’s Incarcerated Youth .....</b>	<b>5</b>
<i>High Rates of Detention.....</i>	<i>5</i>
<i>Most Youth are Arrested for Non-Violent Crimes .....</i>	<i>8</i>
<i>Status Offenses.....</i>	<i>10</i>
<b>Lack of Uniformity .....</b>	<b>13</b>
<i>No standard definitions or guidelines.....</i>	<i>13</i>
<i>Lack of usable data.....</i>	<i>14</i>
<b>Juvenile Detention Facilities .....</b>	<b>15</b>
<i>The struggle for detention center data .....</i>	<i>15</i>
<i>Detention Centers.....</i>	<i>17</i>
<b>Costs for Juvenile Detention—An Unnecessarily Complex System .....</b>	<b>18</b>
<i>Court-Ordered Placements (COPS).....</i>	<i>18</i>
<i>Department of Family Services (DFS).....</i>	<i>19</i>
<i>Wyoming County Commissioners Association (WCCA).....</i>	<i>21</i>
<i>Additional Funding.....</i>	<i>22</i>
<b>PART II: DISPARATE TREATMENT OF YOUTH ACROSS THE STATE .....</b>	<b>25</b>
<b>Majority of Youth Processed Through Adult Courts .....</b>	<b>25</b>
<i>Exclusive versus concurrent jurisdiction .....</i>	<i>26</i>
<i>Adult courts unequipped to deal with juveniles.....</i>	<i>28</i>
<i>Court Statistics .....</i>	<i>28</i>
<i>Child Prosecutions in Adult Courts .....</i>	<i>30</i>
<b>Inadequate Legal Representation .....</b>	<b>31</b>
<b>Outdated and Inadequate State Statutes .....</b>	<b>32</b>
<i>Alcohol-Related Statutes .....</i>	<i>33</i>
<b>Disproportionate Discretionary Power of Prosecuting Attorneys.....</b>	<b>34</b>
<b>Law Enforcement Not Equipped to Work with Youth .....</b>	<b>35</b>

Lack of Coordination between State and County Agencies.....	36
Lack of Educational Opportunities.....	38
<b>Part III—CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>41</b>
<b>Conclusions .....</b>	<b>41</b>
<b>Policy Recommendations .....</b>	<b>42</b>
<i>Unified Court System with Exclusive Jurisdiction .....</i>	<i>42</i>
<i>Equal Application to all Juveniles in Wyoming .....</i>	<i>44</i>
<i>A System Based on Restorative Justice Principles .....</i>	<i>45</i>
<i>Systematic Data Collection and Analysis .....</i>	<i>46</i>
<i>Dedicated Funding Stream .....</i>	<i>47</i>
<b>ADDENDUM.....</b>	<b>49</b>
<b>Detention Centers.....</b>	<b>49</b>
<i>Regional Juvenile Detention Center (RJDC)—Casper .....</i>	<i>49</i>
<i>Jeffrey C. Wardle Academy (JCWA)—Cheyenne.....</i>	<i>50</i>
<i>Fremont County Juvenile Detention Center.....</i>	<i>50</i>
<i>Sweetwater County Juvenile Detention Center .....</i>	<i>51</i>
<i>Campbell County Juvenile Detention Center .....</i>	<i>51</i>
<i>County Adult Jails.....</i>	<i>52</i>
<i>Municipal Adult Lockups .....</i>	<i>53</i>
<b>REFERENCE MATERIAL .....</b>	<b>55</b>

# INTRODUCTION

---

## Background

Children are different from adults, and society has long viewed them as developing individuals. The growing body of brain development research demonstrates dramatic growth occurring in the brain, not just in young children, but during adolescence and well into the mid-twenties. This scientific evidence has provided insight into the crucial developing aspects of the adolescent brain that control thinking, behavior, and learning. The final area of the brain to fully mature is the pre-frontal cortex, that area controlling reasoning and impulse control.<sup>1</sup>

In helping children progress, laws have been enacted to guide their moral and cognitive growth. Such actions recognize children have neither the maturity nor the sound judgment of adulthood, but they are malleable to developmentally appropriate direction on their road to maturity. Children need different services and opportunities to reach their full potential. The appropriate response to youth can make the difference between a positive result and worsening behavior and tragic outcomes.

Information about child development, especially adolescent development, is particularly important when working with children who are in trouble with the law. Developmentally appropriate rehabilitative responses can make a difference in youth responding with positive results, as opposed to their learning unintended behaviors. Whether it's the schools or the courts—the systems dealing with these youth must reflect the reality of adolescent development.

## Historical Perspective of Juvenile Justice in Wyoming

In the early years of the American justice system children were thought to be miniature adults. 18<sup>th</sup> century American children were tried and sentenced in criminal courts and were often sent to prison or even executed. Children were provided with no special protections or treatment in either court or jail.

As the progressive reform movement traveled from Europe to America children began to be seen as developmentally different from adults. The idea and classification of “juvenile delinquents” became widely accepted and separate systems and institutions were established for youth.

The first juvenile court was formed in Cook County, Illinois in 1899. These courts were founded on the idea that the state's role with children was not to prosecute but to rehabilitate and protect.

The early courts were informal, flexible and provided few procedural or due process protections. Their goal was to rehabilitate troubled children.

The next quarter century saw states develop specialized juvenile court systems with exclusive jurisdiction over minors. Exclusive jurisdiction means that a particular court has sole responsibility for handling particular types of cases (in this case, those involving minors). The juvenile court must provide permission for any other court to try a minor.

By 1925 all states, with the exception of Maine and Wyoming, had separately functioning juvenile courts. Wyoming developed a type of juvenile court in 1945 but the majority of juveniles were prosecuted in adult courts, in deference to “local control.”

As a result of this reliance on local control Wyoming was allowed to abdicate its role in developing a unified juvenile justice system and effective community programs and alternatives to incarceration.

During the 1960s judicial decisions required juvenile courts to be conducted more like formal criminal courts. Juveniles were to be provided with constitutional rights of notice, hearings and counsel. Reformers of the era were raising concerns that children were not being rehabilitated but were being lost within the system and warehoused in substandard facilities. Judges were seen as having too much discretion and children too few protections from an arbitrary system.

Beginning in the 1970s social scientists argued for community based prevention and treatment programs and against the use of detention. In 1974 Congress passed the Juvenile Justice and Delinquency Prevention (JJDP) Act. This law requires adult and juvenile offenders to be kept separate and that status offenders not be punished with detention. States were encouraged to develop programs other than institutionalization for children. Those states not in compliance with the Act suffer from reduced federal funding for juvenile programs. Wyoming is not in compliance with the Act.

While other states have moved forward with programs of rehabilitation, treatment, restorative justice and detention alternatives, Wyoming has fallen behind. Forty years of reports, studies, and articles describing the deficiencies and the steps needed to improve Wyoming’s treatment of juveniles in the legal system have had little effect. With every passing year the task of designing an equitable and uniform system becomes more costly and overwhelming. Instead of laying a foundation, the results of previous efforts have either faded away (i.e., pilot projects) or encouraged more disparity across the state (i.e., local governments implementing their own programs). Further:

- Judges in adult courts have only the traditional sanctions of fines or incarceration;
- Some communities have developed their own programs without the benefit of training or expertise in juvenile justice;

- These programs may be developed with little or no thought to the legal rights or responsibility of the court to the children; and
- Unqualified police, prosecutors and judges make daily decisions that affect children’s lives and futures.

## Report Rationale and Layout

*“Inequality in the Equality State—The Damaged Juvenile Justice and Detention System in Wyoming—A Comprehensive Report and Policy Recommendations”* represents over five years of dedicated research by the ACLU, and takes a comprehensive look at the issue of juvenile injustice in the state. Its recommendations are aimed at the state level and are not meant to be applied incrementally. Rather, this report argues for a unified juvenile justice program that:

- Applies to all juvenile crimes (except traffic violations);
- Encompasses due process from arrest to adjudication to detention; and
- Incorporates age-appropriate restorative programs and treatment.

The report is presented as follows:

Part I is a comprehensive look at the juvenile justice crisis in Wyoming—the scope of the problem and the decisions that have brought this crisis to its current status.

Part II is an examination of how Wyoming’s lack of a unified system has contributed to the disparity of treatment of youthful offenders across the state. Wyoming youth are subjected to unequal treatment across the entire spectrum of law, including:

- Unequal processing of youthful offenders in courts due to overlapping and/or conflicting jurisdictions;
- Inadequate legal representation;
- Outdated and inadequate state statutes;
- Over-reaching and/or inappropriate decision-making authority of prosecuting attorneys;
- Inappropriate roles of law enforcement;
- Confusion over state and county responsibilities; and
- Lack of educational opportunities.

Part III offers solutions to Wyoming’s juvenile justice crisis—a statewide, uniform system with standard guidelines—which are included in the Conclusions, Policy Recommendations section.

Addendum—The report also includes a closer look at Wyoming’s detention centers and their current formats.



Photo Credit: ©iStockphoto.com/dewed

## **PART I: A DAMAGED SYSTEM—THE SCOPE OF THE PROBLEM**

---

### **Wyoming’s Incarcerated Youth**

Wyoming has one of the highest incarceration rates in the nation for children under the age of 18. Are Wyoming youth more criminal than elsewhere? Is Wyoming locking up the right youth—those who need to be confined to protect community safety? What are the reasons behind Wyoming’s historic overuse of secure detention?

To answer these questions it is important to examine the data available on who is being detained, what they are being detained for, how judgments are made about their detention and why detention is so uneven across Wyoming. The answers are multi-faceted, inter-woven and complex. However, one theme is present throughout: the lack of a statewide, uniform juvenile justice system.

#### *High Rates of Detention*

A 1981 report done by the Columbia Research Center, Inc. stated that Wyoming ranked second nationally in its per capita rate of detained juveniles (ages 0-17). Twenty seven years later in 2008, Wyoming still had the nation’s second highest rate of juveniles in custody. Three fourths of those children were being held for non-violent crimes, many of them status offenses. Wyoming currently has one dedicated bed for every 747 juveniles in the state. In comparison, Colorado has one secure bed for every 2,565 juveniles.

#### **FROM THE FIELD...**

One mother recounts how, while going through juvenile court, her son was temporarily housed with 25 other people in a holding cell made for 8. While in jail, he was fed rotten food—making him sick for three days. Her son also has a mental disability and the jail administrators did not provide him his mental health medications.

Wyoming's juvenile population and arrests for the last decade are displayed in Table I. Although both the juvenile population and the number of those arrested in Wyoming decreased between 1999 and 2008, the percentage of youth arrested is fairly consistent.

**TABLE I:** Wyoming's Juvenile Population and Arrests, 1999-2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Population</b>	130,793	128,591	125,656	124,828	123,202	122,656	122,141	121,794	125,365	128,457
<b>Arrests</b>	8,573	7,651	6,801	6,156	6,155	6,429	6,602	6,564	7,120	6,851
<b>% arrested</b>	6.6%	5.9%	5.4%	4.9%	5.0%	5.2%	5.4%	5.4%	5.7%	5.3%

Data Sources: Annual estimates of juvenile population (0-17) from: "Easy Access to Juvenile Populations," available at <http://www.ojdp.ncjrs.gov/ojstatbb/ezapop/> ; Annual juvenile arrests from: "Crime in Wyoming Annual Report," State of Wyoming, Office of Attorney General, Division of Criminal Investigation. Available at <http://attorneygeneral.state.wy.us/dci/CrimeInWyomingReports.html>

**TABLE II** displays the juvenile populations and arrests by county for 2004 through 2008.

TABLE II  
Juvenile Population and Arrests by County, 2004-2008

Wyoming County (All Jurisdictions)	2004				2005				2006			
	Juvenile Population	% WY juvenile population	Juvenile Arrests	% WY juvenile arrests	Juvenile Population	% WY juvenile population	Juvenile Arrests	% WY juvenile arrests	Juvenile Population	% WY juvenile population	Juvenile Arrests	% WY juvenile arrests
	<b>122,656</b>		<b>6,429</b>		<b>122,141</b>		<b>6,602</b>		<b>121,794</b>		<b>6,584</b>	
Albany	5,903	4.8%	160	2.5%	5,852	4.8%	173	2.6%	5,574	4.6%	161	2.4%
Big Horn	2,973	2.4%	10	0.2%	2,890	2.4%	38	0.6%	2,895	2.4%	18	0.3%
Campbell	10,153	8.3%	842	13.1%	10,219	8.4%	896	13.6%	10,381	8.5%	986	15.0%
Carbon	3,380	2.8%	370	5.7%	3,309	2.7%	284	4.3%	3,373	2.8%	246	3.7%
Converse	3,056	2.5%	192	3.0%	3,044	2.5%	196	3.0%	3,013	2.5%	112	1.7%
Crook	1,373	1.1%	19	0.3%	1,347	1.1%	26	0.4%	1,372	1.1%	34	0.5%
Fremont	9,100	7.4%	374	5.8%	9,083	7.4%	473	7.2%	9,243	7.6%	465	7.1%
Goshen	2,767	2.3%	168	2.6%	2,717	2.2%	176	2.7%	2,678	2.2%	211	3.2%
Hot Springs	873	1.7%	56	0.9%	848	0.7%	49	0.7%	851	0.7%	30	0.5%
Johnson	1,620	1.3%	54	0.8%	1,638	1.4%	35	0.5%	1,709	1.4%	40	0.6%
Laramie	21,752	17.7%	1189	18.5%	21,758	17.8%	1,244	18.8%	21,149	17.4%	1,406	21.4%
Lincoln	4,216	3.4%	71	1.1%	4,194	3.4%	39	0.6%	4,301	3.5%	35	0.5%
Natrona	17,009	13.9%	1632	25.4%	17,093	14.0%	1,603	24.3%	16,894	13.9%	1,435	21.8%
Niobrara	456	0.4%	18	0.3%	434	0.4%	4	0.1%	419	0.3%	17	0.3%
Park	5,730	4.7%	174	2.7%	5,673	4.6%	173	2.6%	5,632	4.6%	191	2.9%
Platte	1,948	1.6%	26	0.4%	1,862	1.5%	18	0.3%	1,813	1.5%	23	0.3%
Sheridan	6,041	4.9%	298	4.6%	6,020	4.9%	271	4.1%	6,012	4.9%	269	4.1%
Sublette	1,576	1.3%	3	<0.01%	1,626	1.3%	9	0.1%	1,648	1.4%	40	0.6%
Sweetwater	9,792	8.0%	607	9.4%	9,810	8.0%	687	10.4%	9,965	8.2%	629	9.6%
Teton	3,734	3.0%	69	1.1%	3,755	3.1%	115	1.7%	3,792	3.1%	108	1.6%
Uinta	5,887	4.8%	35	0.5%	5,752	4.7%	31	0.5%	5,824	4.8%	19	0.3%
Washakie	1,933	1.6%	65	1.0%	1,915	1.6%	42	0.6%	1,914	1.6%	70	1.1%
Weston	1,384	1.1%	44	0.7%	1,302	1.1%	41	0.6%	1,342	1.1%	39	0.6%

TABLE II  
 Juvenile Population and Arrests by County, 2004-2008 (continued)

Wyoming (cont'd)  County (All Jurisdictions)	2007				2008			
	Juvenile Population	% WY juvenile population	Juvenile Arrests	% WY juvenile arrests	Juvenile Population	% WY juvenile population	Juvenile Arrests	% WY juvenile arrests
	<b>125,365</b>		<b>7,120</b>		<b>128,457</b>		<b>6,851</b>	
Albany	5,870	4.9%	158	2.2%	6,153	4.8%	129	1.9%
Big Horn	2,837	2.3%	41	0.6%	2,811	2.2%	32	0.5%
Campbell	11,002	8.8%	905	12.7%	11,327	8.8%	559	8.1%
Carbon	3,449	2.7%	287	4.0%	3,532	2.7%	318	4.6%
Converse	3,051	2.4%	163	2.3%	3,140	2.4%	178	2.6%
Crook	1,368	1.1%	23	0.3%	1,437	1.1%	50	0.7%
Fremont	9,324	7.4%	442	6.2%	9,720	7.6%	448	6.5%
Goshen	2,643	2.1%	168	2.4%	2,585	2.0%	165	2.4%
Hot Springs	808	0.6%	32	0.4%	821	0.6%	29	0.4%
Johnson	1,721	1.4%	48	0.7%	1,792	1.4%	65	0.9%
Laramie	22,112	17.6%	1,728	24.3%	22,418	17.5%	1,611	23.5%
Lincoln	4,321	3.4%	85	1.2%	4,466	3.5%	76	1.1%
Natrona	17,633	14.1%	1,382	19.4%	18,007	14.0%	1,439	21.0%
Niobrara	425	0.3%	4	0.1%	425	0.3%	9	0.1%
Park	5,663	4.5%	199	2.8%	5,790	4.5%	204	3.0%
Platte	1,753	1.4%	95	1.3%	1,661	1.3%	96	1.4%
Sheridan	6,170	4.9%	254	3.6%	6,366	4.9%	241	3.5%
Sublette	1,855	1.5%	25	0.4%	2,029	1.6%	49	0.7%
Sweetwater	10,389	8.3%	648	9.1%	10,780	8.4%	694	10.1%
Teton	3,952	3.1%	113	1.6%	4,126	3.2%	97	1.4%
Uinta	5,780	4.6%	233	3.3%	5,834	4.5%	269	3.9%
Washakie	1,900	1.5%	58	0.8%	1,868	1.5%	68	1.0%
Weston	1,339	1.1%	29	0.4%	1,369	1.1%	25	0.4%

Data Sources:

Annual estimates of juvenile population (0-17) from: "Easy Access to Juvenile Populations" Online:  
<http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/>;

Annual arrests from: "Crime in Wyoming Annual Report," State of Wyoming, Office of Attorney General,  
 Division of Criminal Investigation - 2004, 2005, 2006, 2007, 2008. Available at:  
<http://attorneygeneral.state.wy.us/dci/CrimeInWyomingReports.html>

Table III displays Wyoming’s juvenile arrest rates for 2004-2008 in comparison to the national average. The national trend showing a decline in overall juvenile arrests in both 2007 and 2008 was not true for Wyoming in 2007. However, the national trend showing juvenile arrests for property crimes between 2006 and 2007 increased for the first time since 1993-1994<sup>2</sup> and for the second consecutive year in 2008<sup>3</sup> was also evident in Wyoming.

**TABLE III** Wyoming and National Arrest Rates/per 100,000, 2004-2008

Year	Violent Crime Index		Property Crime Index		Drug Abuse		Weapons	
	Wyoming	U.S.	Wyoming	U.S.	Wyoming	U.S.	Wyoming	U.S.
2004	126	285	1,689	1,395	1,038	587	99	122
2005	131	296	1,837	1,289	901	581	127	134
2006	138	315	1,521	1,256	941	600	87	141
2007	124	301	1,748	1,293	994	590	85	128
2008	132	306	1,977	1,398	910	560	83	121

Data Sources: Howard N. Snyder, “Juvenile Arrests 2004,” *Juvenile Justice Bulletin*, December 2006, p. 11; “Juvenile Arrests 2005,” *Juvenile Justice Bulletin*, August 2008, p. 11; “Juvenile Arrests 2006,” *Juvenile Justice Bulletin*, November 2008, p. 11; and Charles Puzanchera, “Juvenile Arrests 2007,” *Juvenile Justice Bulletin*, April 2009, p. 11; “Juvenile Arrests 2008,” *Juvenile Justice Bulletin*, December 2009, p. 11; U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, [www.ojp.usdoj.gov/ojjdp](http://www.ojp.usdoj.gov/ojjdp).

### *Most Youth are Arrested for Non-Violent Crimes*

The types of crimes juveniles were arrested for in Wyoming during 1999-2008 are shown in Table IV.

**TABLE IV** Juvenile Crime in Wyoming, 1999-2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>TOTAL JUVENILE ARRESTS</b>	<b>8,573</b>	<b>7,651</b>	<b>6,801</b>	<b>6,156</b>	<b>6,155</b>	<b>6,429</b>	<b>6,602</b>	<b>6,564</b>	<b>7,120</b>	<b>6,851</b>
<b>Violent Crime Index</b>	<b>89</b>	<b>100</b>	<b>99</b>	<b>74</b>	<b>54</b>	<b>63</b>	<b>70</b>	<b>76</b>	<b>69</b>	<b>70</b>
Murder	0	0	0	2	0	0	1	2	0	1
Forcible Rape	5	5	3	3	3	1	3	1	3	7
Robbery	7	9	12	7	2	1	4	2	6	11
Aggravated Assault	77	86	84	62	49	61	62	71	60	51
<b>Property Crime Index</b>	<b>1,539</b>	<b>1,207</b>	<b>1,133</b>	<b>951</b>	<b>1,049</b>	<b>896</b>	<b>977</b>	<b>869</b>	<b>999</b>	<b>1,109</b>
Burglary	140	160	165	103	100	71	85	87	84	82
Larceny	1,316	968	894	804	897	790	840	701	841	952
Motor Vehicle Theft	74	60	47	34	46	22	43	58	65	63
Arson	9	19	27	10	6	13	9	23	9	12
<b>Total Non-index Crimes*</b>	<b>6,945</b>	<b>6,344</b>	<b>5,569</b>	<b>5,131</b>	<b>5,052</b>	<b>5,470</b>	<b>5,555</b>	<b>5,619</b>	<b>6,052</b>	<b>5,672</b>
Other Assaults	406	471	433	507	598	730	747	721	824	732
Stolen Property	22	25	13	12	15	8	4	14	15	10
Vandalism	274	216	270	247	207	276	341	366	314	312
Weapons	60	56	67	45	49	51	67	48	43	44
Total Drug Abuse:	558	484	557	487	447	540	471	501	565	504
- sale/manufacture	58	31	47	49	17	22	32	18	37	34
- possession	500	753	510	438	430	518	439	483	528	470
Domestic Violence	9	17	17	13	20	10	18	20	26	29
Total Alcohol Related:	2,279	1,877	1,483	1,395	1,294	1,244	1,263	1,302	1,328	1,349
- DUI	101	80	81	68	71	81	104	100	88	90
- liquor laws	2,104	1,731	1,349	1,304	1,193	1,141	1,117	1,139	1,214	1,226
- drunkenness	74	66	53	23	30	22	42	63	26	33
Disorderly Conduct	517	432	360	325	280	256	286	234	279	228
Vagrancy	17	46	17	97	107	6	62	65	35	18
All other offenses (except traffic)	1,872	1,687	1,582	1,389	1,391	1,547	1,471	1,625	1,623	1,492
Suspicion	32	88	84	52	75	51	79	44	39	10
Curfew & Loitering	630	717	485	382	334	409	434	359	469	428
Run-a-ways	218	176	230	142	197	305	285	296	464	481

Data Source: Crime in Wyoming reports for 2004, 2005, 2006, 2007, 2008; available at <http://attorneygeneral.state.wy.us/dci/CrimeInWyomingReports.html>

\* Not all non-index crimes are listed; therefore, sub-totals do not add up to # in Total Non-index Crimes.

## *Status Offenses*

Wyoming jails a disproportionate number of youth who have committed status offenses. The compliance monitoring data for 2006-2008 presented in Table V shows how many youth were incarcerated in Wyoming for such noncriminal misbehaviors. The minors detained for status offenses include all courts of jurisdiction—municipal, circuit, district, district juvenile, drug, tribal, and federal.

The following interpretation cautions are necessary when reviewing Table V:

- (1) Numbers listed for 2006 are likely inflated because of the lack of information as to why many juveniles were incarcerated. According to federal guidelines for compliance monitoring, such lack of information results in “defaulting” to a status offense violation of the JJDP Act.
- (2) Status offenders, per federal guidelines, can be detained at a juvenile detention center for up to 24 hours without being considered a violation of the JJDP Act. Therefore, the numbers listed for status offenders held at juvenile detention centers represent only those held for more than 24 hours.
- (3) Alcohol offenses such as minor in possession are included in Table V per federal definition. However, by Wyoming statute alcohol offenses are considered misdemeanor sanctions and are not recognized as status offenses. (Although Wyoming does not consider some of the numbers listed as status offenses, alcohol-related offenses are considered a top priority by law enforcement and the Wyoming First Lady’s Initiative to Reduce Childhood Drinking.)

**TABLE V** Detention of Status Offenders in Wyoming, 2006-2008

	2006	2007 <sup>1</sup>	2008
<b>STATE TOTALS</b>	<b>747</b>	<b>394</b>	<b>174</b>
<b>Adult Jails</b>			
Albany	4	2	1
Big Horn	0	0	0
Campbell	31	50	46
Carbon	0	0	3
Converse	NR	NR	NR
Crook	1	0	0
Fremont	0	0	0
Goshen	1	0	0
Hot Springs	0	0	0
Johnson	0	0	0
Laramie	0	0	0
Lincoln	15	12	1
Natrona	0	0	0
Niobrara	0	0	0
Park	12	20	NR
Platte	0	0	1
Sheridan	0	0	0
Sublette	10	0	3
Sweetwater	0	0	0
Teton	0	0	0
Uinta	0	0	0
Washakie	0	0	0
Weston	0	0	0
<b>Adult Lockups<sup>2</sup></b>			
Lovell	0	0	0
Hanna	0	0	0
Riverton	30	2	2
Shoshoni	0	0	0
Wind River	0	0	0
Thermopolis	0	0	0
Buffalo	0	0	0
Pine Bluffs	0	0	0
Evansville	0	0	0
Powell	1	8	NR
Sheridan <sup>4</sup>	7		
Rock Springs <sup>4</sup>	0		30
<b>Juvenile Detention Centers<sup>3</sup></b>			
FCJDC	0	2	1
JCWA	171	112	49
RJDC	458	156	37
SCJDC	6	30	0
<b>Juvenile Correctional Facilities</b>			
WGS <sup>5</sup>	0	0	0
WBS	0	0	0

Data Sources: OJJDP compliance monitoring annual reports – 2006, 2007, 2008, NR = non-reporting facility

NOTE: alcohol offenses such as MIP are reported, but are not considered a status offense by WY statute

<sup>1</sup> data collected for July 1 – December 31, 2007 and annualized for 2007 reporting

<sup>2</sup> police departments with secure holding capability but non-residential

<sup>3</sup> Per federal guidelines, status offenders can be held at JDCs for up to 24 hours; therefore, #s represent those held >24 hours

<sup>4</sup> became non-secure facility in 2007

<sup>5</sup> by state statute, not a correctional institute; staff-secure; #s not included in state total

There is a lack of clear expectations from both the legislative and executive branches of government, while the judicial branch sets much of juvenile treatment policy through court decisions and placements.<sup>5</sup>

The 2008 compliance monitoring report found that 67% of status offenses were tried in district juvenile courts (22% were tried in circuit courts and 11% in municipal courts).<sup>4</sup> The most common charges resulting in such violations were children in need of supervision (CHINS) (44%), alcohol related charges (31%), and runaway charges (15%).

Wyoming’s detention of status offenders has decreased from 2006 to 2008. In 2006, status offenders accounted for 29% of the total juveniles detained in the state. This decreased to 16.5% in 2007 and 8.5% in 2008. While the 2006 numbers are skewed by a lack of information as to why many juveniles were detained that year, the decreasing numbers are probably due to better recordkeeping, increased education about juvenile incarceration and youth services programs funded in part since 1999 by the Office of Juvenile Justice and Delinquency Prevention’s (OJJDP) Non-Participating State Award.

For roughly 15-17% of those detained for a technical violation, noncriminal misbehavior (i.e., a status offense) was the initial offense. This pushes Wyoming’s juvenile detention rate upwards, as Table VI illustrates.

**TABLE VI** Juvenile Detentions for Technical Violations

	2007 <sup>1</sup>		2008		2009 <sup>2</sup>	
	Total	# w/ status offense as original charge	Total	# w/ status offense as original charge	Total	# w/ status offense as original charge
<b>Bench Warrant</b>	142	24	219	22	145 <sup>2</sup>	32 <sup>2</sup>
<b>Contempt of Court</b>	16	2	46	15	8 <sup>2</sup>	3 <sup>2</sup>
<b>Probation Revocation</b>	20	2	132	27	148 <sup>2</sup>	21 <sup>2</sup>
<b>Probation Violation</b>	78	12	111	15	53 <sup>2</sup>	6 <sup>2</sup>
<b>TOTALS:</b>	<b>256</b>	<b>40 (15.6%)</b>	<b>508</b>	<b>79 (15.6%)</b>	<b>354<sup>2</sup></b>	<b>62<sup>2</sup> (17.5%)</b>

Data Source: Data Coordinator, OJJDP Non-Participating State Award, August, 2009

NOTE: Data only represents juveniles detained in county adult jails and/or regional juvenile detention centers

<sup>1</sup> data collected for July 1-December 31, 2007, and annualized for 2007 reporting

<sup>2</sup> preliminary data for January 1 – July 31, 2009

## Lack of Uniformity

### *No standard definitions or guidelines*

The need for a clear definition of “detention” has been discussed in several reports.<sup>6</sup> The lack of guidelines results in juvenile detention being used (and overused) as a dispositional option or as a sanction for violating court orders.<sup>7</sup> The National Juvenile Detention Association (NJDA) defines detention as “...the temporary and safe custody of juveniles whose alleged conduct is subject to court jurisdiction who require a restricted environment for their own and the community’s protection while pending legal action.”<sup>8</sup>

Without a uniform statewide system, comprehending how youthful offenders are processed by Wyoming’s complex justice system is difficult because the process is handled differently in each county. Essentially, there are two systems of justice for minors: one in which an estimated 10-15% appear in a juvenile court with the protections and treatment services of the Wyoming Juvenile Code, under Title 14 of the State Statutes through the District Juvenile Court Wyoming’s Juvenile Justice Act; and another system in which approximately 85% are cited into adult misdemeanor courts with little distinction between youth and adult offenders.<sup>10</sup>

**There are few standards, either in statute or policy, to guide the way juvenile justice decisions are made. ...The county-to-county variations...are the result of the state’s reluctance to place clear and specific standards in the law.<sup>9</sup>**

While some juveniles must be confined to protect public safety, nothing justifies Wyoming’s continued overuse of secure detention.

### **FROM THE FIELD...**

**A youth was sentenced to three days on a drug court sanction. Sent to a juvenile detention center in another county, the youth was held an additional eleven days beyond the court order pending charges for destroying facility property on the last day of court-ordered incarceration. Lacking legal representation, the minor continued to be detained until the persistent county youth services office finally succeeded in obtaining the youth’s release.**

### *Lack of usable data*

Since 1970, reports on juvenile justice in Wyoming have consistently noted the lack of usable data available. Without data, it is difficult to track and analyze what happens to youth once they come in contact with Wyoming's legal system. With no centralized data system in existence, the Wyoming Statistical and Analysis Center, in conjunction with the National Center for Juvenile Justice, was forced to examine individual files in its analysis of juvenile case processing in four counties. This was "...an extensive and time consuming process."<sup>11</sup>

Wyoming law enforcement, state agencies, and projects all collect data to support their programs. However, that information is not centralized nor does it contribute to the analysis of effective programs, evaluation of cost, or a comprehensive picture of what's happening to Wyoming's children. In addition to the time and cost involved, the duplication of information by different groups is disseminated in a narrow fashion without providing an overall view of the system.

Without reliable data, there is no accountability for programs, expenditures, or policies at the state or county level. Anecdotal stories and worst-case scenarios cannot evaluate juvenile detention rates, the safety of communities, recidivism or rehabilitation rates. Worse yet, a lack of accountability allows for an irrational system to perpetuate itself. In order to truly impact outcomes, an investment in technology and human resources is required, along with the ability to use data to inform program improvement and innovation.<sup>13</sup>

Lacking a comprehensive statewide method for collecting data, Wyoming continues to spend money and implement policies that are subject to policy makers' whims rather than proven needs and effectiveness.

The legislature has recognized the importance of data collection through laws it has enacted; however, the disjointed set of collected numbers has not produced a comprehensive picture of juvenile information. In 1999, the Juvenile Justice Information System, assigned to the Division of Criminal Investigation (DCI), tried to address this problem.<sup>14</sup> However, no funding sources were provided to DCI for collecting this data. Further, the DCI data system is dependent on fingerprinting. A minor charged as an adult would already be in the DCI system and the same information in the Juvenile Justice Information system would become a duplicate entry. Currently, the information is neither collected nor reported.

**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 a comprehensive plan based on what is known of the past, and future trends, and most importantly includes what is proven to work.<sup>12</sup>**

The 2008 amendments to the Community Juvenile Service Boards and Section 8 of the Rules and Regulations adopted by the Department of Family Services (DFS) require local participating entities to collect and report data. Some of the specific data to be reported is a duplication of data already collected (e.g., education rate (Wyoming Department of Education), juvenile delinquency rate (DCI—Uniform Crime Report), adjudicated youth from district juvenile court (DFS)).

The State Advisory Council on Juvenile Justice is also tasked with duties involving data related to juvenile justice.<sup>15</sup> However, the Council "...cannot responsibly fulfill its legislative mandate...without the existence of a comprehensive juvenile justice collection system."<sup>16</sup>

The only available information on juvenile detention comes from the Anne E. Casey Kids Count report and federal compliance monitoring. The 2006 Kids Count report showed the detention rate for Wyoming children aged 10 -15 was nearly three times the national rate. The 2008 federal compliance statistics gathered by the Volunteers of America showed a drop in detention but with Wyoming still well above the national averages (this data does not represent all facilities as they are not required to provide data and not all participate).

The only available data on juvenile arrests are from the DCI's *Crime in Wyoming* report. These numbers are not broken down by gender or ethnicity. Anecdotal evidence points to the strong possibility that minority youth, mainly Native American and Hispanic, are arrested and detained at a higher rate than white youth, but this is impossible to confirm due to the lack of data.

There is also no available information on the arrest and detainment of females.

## Juvenile Detention Facilities

### *The struggle for detention center data*

Historical juvenile detention center data is not available because the State of Wyoming does not gather this information. However, from 1991-1993, Wyoming complied with the JJDP Act. Compliance monitoring from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is one of the few existing sources of detention center data. And even this data does not represent all facilities which can securely detain a juvenile as there is no requirement that police departments, county sheriff's offices, or juvenile detention centers must report their information.

Wyoming withdrew from participation in the JJDP in March, 1994. The subsequent report to the legislature recommended continuing the compliance monitoring of all detention facilities, stating "...without the monitoring process, statistics are not gathered on a statewide basis, thus making

it much more difficult to objectively determine the need for juvenile detention capabilities in the state.”<sup>17</sup>

**Wyoming’s separate juvenile detention facilities...lack the extensive programming necessary to comply with national standards or provide the range of services the National Juvenile Detention Association (NJDA) defines for juvenile [detention].**<sup>18</sup>

Nothing was done to collect detention data until the Wyoming County Commissioners Association (WCCA) was awarded the OJJDP Non-Participating State Award (1999-2009). The early online juvenile jail roster initiated by WCCA provided detention numbers for those facilities choosing to participate, as well as an initial assessment tool. In 2006 WCCA gathered more complete detention data for the period of 2003-2005.

Beginning in 2007, WCCA’s compliance monitor conducted on-site visits to collect and verify the 2006 detention data from all facilities which could securely hold juveniles.<sup>19</sup> This time-consuming and painstaking

process led to the implementation of a new, updated juvenile jail roster program beginning July 1, 2007, to improve the collection of detention data and better identify the reasons Wyoming juveniles are incarcerated. The juvenile jail roster continues to improve and is now used by Volunteers of America to help collect data in detention centers.

The results of the 2006-2008 compliance monitoring represent the only numbers Wyoming has regarding juvenile detentions. The data covers juveniles detained in all courts of jurisdiction: municipal, circuit, district, district juvenile, drug, tribal and federal. Information is included for all juveniles securely detained in any of four different types of facilities: county adult jails (sheriff’s department), municipal police departments (adult lockups), juvenile detention centers (both collocated and stand alone facilities), and the state’s two juvenile institutions.

In spite of this improved data collection the information is still incomplete. As examples, the Wyoming Girls School (WGS) is not considered a correctional institute and the number of female minors sentenced there is not included in the total numbers per federal guidelines. Converse County has never reported their numbers, although most Converse County minors are housed at Regional Juvenile Detention Center (RJDC) in Casper. Also, Park County and the Powell Police Department (located in Park County) stopped reporting their numbers in 2008.

## *Detention Centers*

There is also no master plan for juvenile detention centers in Wyoming and over time the state has acquired five facilities<sup>20</sup> that hold minors in secure detention, serving regional needs. These five facilities have a combined total of 172 secure detention beds. Using the 2008 juvenile population estimate, Wyoming has one secure bed for every 747 children. This number does not include the state institutions or those adult jails in which juveniles are securely detained in a “juvenile pod” or designated cell. In comparison, Colorado has one secure bed for every 2,565 juveniles.<sup>21</sup> The combined daily census for 2008 was 44 youth a day in secure detention with an average stay of 11 days (of those facilities reporting).

Juveniles in Wyoming are still held in adult county and municipal jails. Park County detains an estimated 40-60 youth annually, while Riverton and Powell account for most of the children detained in municipalities. However, these counties decline to provide their numbers.

In addition to having no comprehensive master plan or regulations for housing detained youth, there are also no state standards or licensing requirements for detention facilities in Wyoming. Currently, the only way for a juvenile detention center to be licensed in the state is for them to serve as providers of substitute care services for children sent by the Division of Family Services (DFS). Such licensing by the DFS is only required if the facility wants to receive payment from the DFS for holding juveniles under their supervision (i.e., juveniles involved in the district juvenile court). However, this provides no guarantee of an adequate housing environment for youthful offenders.

### **FROM THE FIELD...**

While being housed in secured juvenile detention facility, a 16-year old youth was sexually assaulted inside a dormitory-style cell he shared with a fellow inmate. Prosecutors alleged that the victim was held down by another inmate during the assault. A state investigation found that staff members did not report the incident to the facility’s administrators or to DFS. The conditions of the facility, including lack of adequate staffing was found to be a large part of the problem.

During the 2010 session the legislature passed legislation that would allow local sheriffs and police to develop standards for detention facilities. Instead of mandating nationally accepted standards and inspections, the operators of the facilities are allowed to make their own rules without enforcement or inspection of facilities.

In spite of there being no comprehensive master plan there has been some improvement in conditions for juveniles in two centers. As a result of ACLU litigation, Sweetwater County built a new jail in 2005 and included a juvenile pod with 40 beds. Campbell County opened a 16 bed detention center in August of 2009. The county did prior planning with the National Center for Juvenile Justice to implement their center. Their program has trained staff, educational facilities, recreational facilities and is sight and sound separated.

### **Costs for Juvenile Detention—An Unnecessarily Complex System**

Providing juvenile services is voluntary and legislation has not included any commitment of stable state funding. One-time funding and pilot project funding have not resulted in a solid foundation of comprehensive local services. However, 18 of Wyoming's 23 counties do have, to varying degrees, some type of youth services program focusing on alternatives to detention. These programs have been driven by individual personalities, a community's financial ability to support such programs, and grant funds.

Over time there have been many attempts to examine the effectiveness of the current juvenile justice system or to 'fix' portions of it, with varying degrees of success. In addition, there have been various attempts by the Wyoming legislature to enact measures to improve the processing and handling of youthful offenders. The following is a description of some of these actions and the associated costs. The partial and overlapping nature of these programs illustrates why juvenile justice remains so expensive and ineffective in Wyoming.

#### *Court-Ordered Placements (COPS)*

The goal of COPS is well-meaning—it allows juvenile courts to place at-risk children in housing away from their family. However, the program lacks accountability and is rife with inefficiencies.

Examinations of the effectiveness and cost of COPS in 2004 by the Wyoming Department of Education (WDE) and the Legislative Service Office (LSO) highlight the lack of accountability in the system. The COPS program covers the costs of children sent from the district juvenile court to Wyoming Boys and Girls Schools, jails, and detention. The Wyoming Department of Education (WDE), the Wyoming Department of Health (WDH), and the Wyoming Department of Family Services (DFS) pay various costs, but these agencies do not use the same database and often

collect information on the same children in different formats (e.g., one may collect data to age 18, another through age 21, etc.).

In its 2004 report to the legislature, WDE provided information regarding COPS expenditures and the number of children placed, including youthful offenders. In FY 2004, 581 children were processed, with WDE expenditures of \$6,713,312 and combined expenditures from DFS and WDH at \$12,089,490, for a total of \$18,802,802.<sup>23</sup> These figures indicate an average of \$32,363 per child, per year in a court-ordered placement. Such costs include: WDE educational services, WDE juvenile detention education services, WDE special services (Medical), WDE state Medicaid match, DFS and WDH Medicaid state match, DFS residential, and DFS treatment.

Decision making is largely local and highly fragmented, funding is handled at the state level by three agencies that do not coordinate their actions, the statutes that guide COPS are convoluted, and the legal system is so complex as to itself be something of an impediment to proper placements.<sup>22</sup>

The WDE COPS program stopped reimbursing Frontier Correctional Services (now Cornerstone Programs) in July, 2008, for educational services at the Regional Juvenile Detention Center (RJDC) in Casper and Jeffrey C. Wardle Academy (JCWA) in Cheyenne.

The overlapping costs and departmental responsibilities involved in COPS create inefficiencies and a lack of transparency that ultimately reduces the effectiveness of the program.

### *Department of Family Services (DFS)*

Although the DFS covers the costs of some aspects of the juvenile justice system in Wyoming, their coverage is limited to specific programs, which perpetuates the unequal treatment that juveniles receive.

This is demonstrated by the 2009 DFS report to the legislature's Joint Appropriations and Joint Judiciary Committees. The DFS report addressed a continuum of care for juvenile services, a central point of intake, juvenile detention, the PACT assessment, and the Community Juvenile Services Boards.<sup>24</sup> More recently, DFS has been investigating the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation and encouraging local communities to consider becoming JDAI sites. These areas of involvement indicate the DFS's range of involvement, and also point to the overlapping areas of cost and spending in the juvenile justice system.

Between FY 1999 and 2004, DFS expenditures for detention placements totaled \$943,944.<sup>25</sup> Table VII lists the total number of detention-type placements, plus average length of stay.<sup>26</sup>

**TABLE VII** FY 1999-2004

<b>DFS Placement by Type</b>	<b># Placements</b>	<b>Average Length of Stay (days)</b>
<b>Wyoming Boys School</b>	687	163
<b>Detention</b>	600	29
<b>Wyoming Girls School</b>	431	295
<b>Jail</b>	122	20
<b>Runaway</b>	16	20

Data Source: Wyoming Legislative Service Office, "Court-Ordered Placements at Residential Treatment Centers" (2004)

Some juvenile detention costs are incurred through the funding of broader "juvenile justice" issues by DFS because of its involvement with the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This includes minimal staff support for the State Advisory Council of Juvenile Justice<sup>27</sup> funds for the Council's meetings, funding for the Juvenile Accountability Block Grant, Title V Community Prevention Grants and for the Enforcing Underage Drinking Laws program.

In another example of funding spent to help rehabilitate youthful offenders, DFS promoted "Restorative Justice" concepts of a balanced approach (accountability, community safety, and competency development) to juvenile delinquency in 2005.<sup>28</sup> Yet, this policy was only applicable for youth under DFS responsibility (i.e., district juvenile court). As pointed out by the State Advisory Council on Juvenile Justice, "...in order to be an effective statewide policy, the policy must be implemented consistently across the state and in all jurisdictions that handle juvenile cases."<sup>29</sup>

Further costs have been incurred by DFS with the adoption of the 2008 Positive Achievement Change Tool (PACT) as a statewide assessment tool. State DFS Juvenile Services Division workers and county youth services personnel from 12 counties were trained to administer both the pre-screen assessment and the full assessment for those youth identified as being at higher risk. The PACT is viewed as "an improved case management system"<sup>30</sup> in the intervention process. However, the assessment tool, as of this time, is not being used to screen all youth following the initial point of contact with law enforcement.

## *Wyoming County Commissioners Association (WCCA)*

The WCCA plays a large role in the juvenile justice system. In addition to overlapping costs with other agencies, the WCCA highlights the need for a stable source of funding for juvenile justice programs.

The WCCA received the Non-Participating State Award from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from 1999-2009. These funds were passed through to the participating counties to provide graduated sanctions, help fund a county youth services office and offset transportation and detention costs at juvenile detention centers. Some communities were able to use these funds to initiate programs that are now fully funded by the county, and in some areas, with municipal support. Other counties used the funds to help support and build their existing services. Nevertheless, few counties were able to maintain staff and programs without consistent funding from grants.

**The question of whether and how the state should establish a uniform, efficient, and effective youth services system...would require a major system overhaul. Nevertheless, we urge the Legislature to consider revisiting this issue.** <sup>31</sup>

In 2007 the WCCA Juvenile Justice Project assessed community resources, as well as each county's strengths and needs.<sup>32</sup> The biggest asset in many counties was the dedicated and resourceful staff, while the biggest need was stable funding to provide consistency and initiate needed programs.

The WCCA attempted a survey of Wyoming counties in the spring of 2009, with specific questions (including costs) for all county government offices involved with juveniles. Only 11 counties responded and the total amounts reported do not represent the same information for all respondents. Two of the respondents have public juvenile detention centers and their annual expenditures, minus capital facility costs, averaged \$2.9 million. Of the remaining responding centers, most reported annual expenditures for juvenile services in the \$200,000 to \$300,000 range.

While these funds are still available through another non-profit organization, Volunteers of America, the lack of a stable funding source for local community-based programs has added to injustice by geography. Where a juvenile lives is more indicative of how they will be treated and what services they receive than the offense itself.

## *Additional Funding*

Attempts to improve the juvenile justice system through funding have been haphazard and inconsistent. The following points illustrate some of the costs associated with those attempts.

- Since 1979, legislation has been enacted to encourage comprehensive community services for youth and promote local decisions in providing such services.<sup>33</sup> However, the various acts have not been funded. The acts are provided for in statute but are not a resource for the development of community-based programs.<sup>34</sup>
- There is a great disparity between funding sources for local government in Wyoming, with mineral activity affecting the property, sales, and taxes available to counties and municipalities. The top four counties account for 60% of the state's assessed valuation while the bottom 11 counties only have a combined 10%. Despite the disparity in available local funding, many counties—including those with small populations and/or little revenue—have carved out minimal youth services programs because they recognize the need and the benefit to their community. The provision of stable funding has always been a top priority for local government when discussing community-based programs.
- The 1981 evaluation of Wyoming's juvenile justice system compiled a Resource Guide to Juvenile Services available in the state at that time.<sup>35</sup> The authors were surprised by the large number of community resources and how many were not effectively used. "This underutilization of existing resources has resulted in higher numbers of jail detentions in some areas..."<sup>36</sup>
- The Community Juvenile Services Boards (CJSB) Act, originally created in 1997, was amended by the 2008 Wyoming Legislature and included one-time funding (\$2 million)<sup>38</sup> to provide grant appropriations in the areas of central intake and assessment, community-based juvenile services, and juvenile detention. A few counties responded and set up boards but there has been no further action as a result of this bill.
- In August, 2009, Wyoming received \$15 million in American Recovery and Reinvestment Act funding ("stimulus funds") through the Wyoming Department of Education. Of this, \$14 million was designated to help with hardware-secure juvenile detention centers (secure inner cells and corridors as well as exterior doors and exits) and establish four staff-secure facilities (secure exterior doors and exits but offenders move freely within the confines of the facility) in the state. The impetus for the application was the poor condition

**Wyomingites deserve to know where their tax dollars are going and whether or not these many programs are alleviating the problems of young people and reducing the threat posed to society.<sup>37</sup>**

of confinement for juveniles held in Natrona County. Wyoming's plan included funds for three other counties with juvenile detention centers and for four counties to develop staff-secure beds as an alternative to secure detention.<sup>39</sup>

While the stimulus funds may help Natrona County construct a safer facility in which to detain minors, funding for start-up and continued operations is still a concern. Further, no actual assessment of needs was done and there was no consideration of alternatives to detention. This decision continues Wyoming's reliance on incarceration as the main alternative for children in trouble.



Photo Credit: ©iStockphoto.com/Kubu

## **PART II: DISPARATE TREATMENT OF YOUTH ACROSS THE STATE**

---

Because Wyoming has no unified juvenile justice system there is great disparity with regard to the way youthful offenders are treated across the state. Each county handles juvenile offenders differently, which results in arbitrary rules regarding the detainment, processing and treatment of juveniles.

This section examines seven problem areas that create inequality in juvenile treatment across Wyoming:

- Majority of Youth Processed through Adult Courts
- Inadequate Legal Representation
- Outdated and Inadequate State Statutes
- Disproportionate Discretionary Power of Prosecuting Attorneys
- Law Enforcement Not Equipped to Work with Youth
- Lack of Coordination between State and County Agencies
- Lack of Educational Opportunities

### **Majority of Youth Processed Through Adult Courts**

Every state in the nation except Wyoming provides youth with a separate court system. Wyoming's juvenile court statute allows prosecutions in adult courts for all but a few juvenile offenses. As a result, 85% of Wyoming juveniles who appear in court go through the adult court system. With few exceptions adult courts either fine or jail juveniles—no protections, treatment, programs, counseling or services are offered.

Juvenile cases are subject to the discretion of various officials and the local preference of particular courts, rather than being guided by standardized protocols. It is also possible for a minor to be under the jurisdiction of more than one court at the same time.<sup>40</sup> The adult criminal court system in Wyoming consists of municipal courts, which have jurisdiction over municipal ordinances, circuit courts, where misdemeanor cases are heard, and district courts, which have jurisdiction over felonies. Juvenile courts, which are operated through district courts, process cases of abuse and neglect, children in need of supervision (CHINS), and delinquent acts. Children may also be subject to the jurisdiction of tribal, federal, or drug courts. Wyoming's drug courts may be in a municipal, circuit, district, district juvenile, or tribal court depending on which authority operates the local specialty court.<sup>41</sup>

Treating [juveniles] as adults promotes a culture of punishment, rather than one of treatment or rehabilitation, a culture contrary to the very notion of treating juveniles differently than adults.<sup>42</sup>

In a law review article advising lawyers of their professional responsibility in representing Wyoming's children, child advocate Donna Sheen notes how the filing of charges in municipal and circuit courts precludes juveniles from the opportunity to be rehabilitated because of the lack of access to the treatments and services available in the juvenile court.<sup>43</sup> This is contrary to *Roper v. Simmons*, a recent U.S. Supreme Court decision, in which the Court reviewed current adolescent brain development re-

search in discussing a juvenile's limited competence, the developmental immaturity of juveniles, and the need to provide an opportunity to be reformed.<sup>44</sup>

Sheen's article also highlights problematic areas of law that are exacerbated by processing youth through municipal or circuit courts. These include: the absence of a transfer hearing provision, the absence of judicial review in concurrent jurisdiction provisions, waiver of a child's right to counsel, and the inconsistent application of statutes pertaining to detention, education, alcohol and tobacco violations, and the emancipation statute.<sup>45</sup>

Only district court judges have the authority to transfer cases to juvenile courts. Circuit and municipal court judges may recognize a child's need for the interventions and treatment, but are bound by a prosecutor's decision to either transfer the case to juvenile court or keep it in an adult court. This reversal of roles, University of Wyoming Law Professor John M. Burman maintains, limits the decisions of the courts of lower jurisdiction.<sup>46</sup> Additionally, Sheen states, "...Wyoming's unique process of being able to direct-file almost all minor offenders as adults arguably invokes the U. S. Supreme Court's decision in *Kent v. United States*, which required an opportunity for hearing on the matter."<sup>47</sup>

### *Exclusive versus concurrent jurisdiction*

Adult and juvenile courts exercise *concurrent* (shared) jurisdiction over the majority of children accused of committing infractions and crimes. In criminal matters, juvenile courts exercise *exclusive* (sole) jurisdiction only over children under the age of thirteen who have been charged with a felony or a misdemeanor punishable by more than six months imprisonment. An overview of the jurisdictional scheme for juvenile matters and common youth offenses illustrates this trifurcated system (Figure 1).

**FIGURE 1**

Concurrent and Exclusive Jurisdiction of Juvenile Actions/Offenses

<b>Court Case Type</b>	<b>Juvenile Court (District)</b>	<b>Circuit Court<sup>1</sup> (County)</b>	<b>Municipal Court<sup>1</sup></b>
<b>Abused/Neglected</b> (Dependency)	Exclusive		
<b>CHINS<sup>2</sup></b> (Status Offenses)	Exclusive		
<b>Felony Offenses</b>	Exclusive <sup>3</sup>		
<b>Misdemeanors</b>	Concurrent (Exclusive on minors 12 and younger alleged to have committed a [felony or] misdemeanor punishable by imprisonment for more than six months – then exclusive jurisdiction applies)	Concurrent (Original Jurisdiction)	Concurrent (When the offense is also a violation of municipal ordinance)
<b>Minor in Possession of or Use of Alcohol</b> (Considered a misdemeanor in Wyoming; a status offense by federal definition)	Upon request from circuit court <sup>(*)</sup>	Concurrent (Dependent on where the act occurred)	Concurrent (Dependent on where the act occurred)
<b>Violation of municipal ordinances</b> (May be misdemeanor or status offense)		Concurrent	Concurrent (Original Jurisdiction <sup>4</sup> )
<b>Traffic</b>		Concurrent (Dependent on where the act occurred)	Concurrent (Dependent on where the act occurred)
<b>Curfew</b> (Status Offense)		Concurrent (when applicable)	Concurrent (when applicable)

<sup>1</sup> Cases held in Circuit and Municipal court are considered adult cases.<sup>2</sup> Children 16 and under who have committed status offenses such as habitual truancy, running away from home, and incorrigibility.<sup>3</sup> The County attorney decides whether to file a felony petition in the district juvenile court or charge as an adult in district court.<sup>4</sup> Municipalities can request that circuit courts hear their ordinance violations that are misdemeanors.

Source: "Wyoming's Practices and Policies Related to the Secure Holding and Incarceration of Juveniles"  
 Wyoming County Commissioners Association, October 2006, p. 5  
 Reports and materials developed by Susan Davis, OJJDP Compliance Monitoring Consultant  
 Technical assistance provided by Pat Cervera, OJJDP Juvenile Justice Planning Consultant

<sup>(\*)</sup> subject to discretion of prosecuting attorney

The primary problem is Wyoming's broad grant of concurrent jurisdiction, which has created inconsistent and arbitrary court processes and legal outcomes for juveniles in Wyoming.<sup>50</sup>

Concurrent jurisdiction and prosecutorial discretion (under American law, prosecuting attorneys have nearly absolute and unreviewable power to choose whether or not to bring criminal charges, and what charges to bring, in cases where the evidence would justify charges) have been highlighted throughout various studies and articles.<sup>48</sup> The broad granting of concurrent jurisdiction and prosecutorial discretion, without any objective statewide standards, allows for wide-ranging applications across the state resulting

in the disparate treatment of juveniles. Furthermore, "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."<sup>49</sup>

The National Center for Juvenile Justice, participating in a 2004 study on the impact of Wyoming's concurrent jurisdiction, stated, "No other state restricts access to the juvenile court and the services it can order in favor of processing most juvenile offenders as adults."<sup>51</sup>

Jeremy Kisling<sup>52</sup> asserts that concurrent jurisdiction is unconstitutional. He cites federal court decisions regarding the right and duty of a parent to appear with their child in a juvenile delinquency proceeding,<sup>53</sup> the right of a juvenile to be in juvenile court,<sup>54</sup> and the right of juveniles to due process.<sup>55</sup> In 1984 the Wyoming Supreme Court<sup>56</sup> upheld the constitutionality of prosecutorial discretion in *Jahnke v. State*,<sup>57</sup> but Kisling posits that the decision was in opposition to the Juvenile Justice Act's goals of rehabilitation and United States case law. Further, he argues that prosecutorial discretion is in violation of juvenile due process rights recognized by the U.S. Supreme Court.

### **FROM THE FIELD...**

A county sheriff's office was surprised to receive a large bill from a private juvenile detention provider for housing of a county minor. They were under the impression the youth was in DFS custody. However, since charges were never filed in district juvenile court, DFS did not have formal records on the juvenile indicating they were responsible. The youth was transferred back and forth between the private provider's two facilities for six months without notification to either authority.

Concurrent jurisdiction also creates arbitrary age brackets that undermine the justice system. Kisling asserts “...the Act creates age groups with disparate treatment based on age.”<sup>58</sup> The Act gives the district juvenile court exclusive jurisdiction for children 12 and younger whose crime may result in six months in jail; however, Wyoming youth between the ages of 13 and 18 are not ensured of the same treatment and rehabilitation opportunities.

### *Adult courts unequipped to deal with juveniles*

Municipal and circuit courts have few options when dealing with juvenile offenders. Depending on the will and resources of local governments, varying degrees of juvenile services are available to some courts. As a result, in some parts of the state, programs such as diversion, graduated sanctions, and alternatives to jail exist because of local initiatives. However, this is arbitrarily based on geography.

Neither professional training in juvenile court nor knowledge of juvenile law is required of juvenile judges in Wyoming. This leads to wide variation in experience and knowledge among juvenile judges, which in turn leads to inconsistent treatment of juvenile offenders.

In some areas, quasi-juvenile courts have been implemented by well-intentioned judges, prosecuting attorneys and juvenile advocates. These courts are usually run in an informal manner and attempt to create fair procedures for the minors they process. However, these are still open courts with public records and result in a criminal record for those prosecuted.

**The existing judicial structure results in cases being heard in different courts, under varying statutes, and by judges with varying levels of training...<sup>59</sup>**

There are no statewide data on municipal courts as they are independent from the state’s court system, maintain their own records, and vary among cities and towns.<sup>60</sup> Furthermore, there are no state reporting requirements for these local courts.

### *Court Statistics*

The “Full Court” computerized system was implemented in 2004 to better track the proceedings and workload numbers in Wyoming’s State Court system. All 29 circuit courts are now part of this data warehouse. However, not all district courts are included because some use computer systems that are incompatible with “Full Court.” Almost one-third of the state’s juvenile proceedings are not part of the “Full Court” system and their information must be added by hand to the court’s reporting numbers. However, the Wyoming Supreme Court’s website does provide district court statistics and gives the number of juvenile proceedings in each judicial district and state totals.<sup>61</sup>

These Supreme Court statistics indicate the number of juveniles being seen in district juvenile courts. However, they do not identify the crime or the disposition of the case (e.g., incarceration). Nor does it readily identify those minors charged in the district court’s adult proceedings. This information may become more available as the “Full Court” system evolves and the required information is more consistently entered.

The court statistics available on the Wyoming Supreme Court’s website do not distinguish between juveniles and adults in the circuit courts<sup>62</sup> However, in an attempt to find out how many juveniles are processed in the circuit courts, informal discussions with the Wyoming Supreme Court data division focused on querying the data for the number of minors processed through each court, their offenses and convictions, and incarceration of juveniles. Again, this information may become more readily available and reliable as the “Full Court” system evolves and the information is more consistently entered. Currently, the data system has only been able to produce the numbers of minors processed in the circuit courts.<sup>63</sup>

The court statistics are based on the state’s fiscal year, whereas the annual “Crime in Wyoming” reports and compliance monitoring of juveniles detained in all secure facilities are based on calendar years.

**TABLE VIII** Court Statistics

	<b><u>2007</u></b>	<b><u>2008</u></b>
<b>Juvenile arrests</b>	7,120	6,851
<b>Juvenile delinquency proceedings in district juvenile court (2008-2009)</b>	912	738
<b>Circuit court proceedings involving minors (FY 2008 and 2009)</b>	5,171	5,073
<b>Speculated municipal court proceedings involving minors</b>	1,037	1,040
<b>Juvenile detentions</b>	2,384	2,070

### *Child Prosecutions in Adult Courts*

The practices used by adult courts in processing minors that often deprive children of constitutional protections prompted a 2010 report titled, *A Call to Stop Child Prosecutions in Wyoming Adult Courts*<sup>64</sup>. Co-authored by the ACLU of Wyoming and the National Center for Youth Law, the report provides an in-depth analysis on child prosecutions in adult courts throughout Wyoming and underscores the need to revise the state’s juvenile code to create a model system of juvenile justice.

## Inadequate Legal Representation

In Wyoming, an estimated 75% of youths accused of criminal wrongdoing are not represented by legal counsel. This lack of representation is particularly acute in municipal and circuit courts.<sup>65</sup> Many of these youth likely have waived their right to counsel without fully understanding the consequences of such action. The issue of a youth's competency to understand the legal process is even more compelling when considering approximately 52% of the Wyoming youth in detention have been previously identified with disabilities.<sup>66</sup> This concern over a child's understanding of legal proceedings has led some states to require all minors meet with an attorney before waiving their right to counsel.<sup>67</sup>

Sheen asserts that the system does not support or encourage counsel for minors and few are represented by attorneys.<sup>68</sup> Further, the "lack of effective legal advocacy may mean that a juvenile lingers longer in jail, detention or other restrictive placements, costing the State and local governments, not to mention children and families, far more than is necessary."<sup>69</sup>

Sheen sets forth several areas of conflict between Wyoming's juvenile justice system and the U.S. Supreme Court's decisions regarding juveniles.<sup>71</sup> She recommends Wyoming attorneys representing children be aware of the Supreme Court's decisions regarding the right to counsel, parent involvement, hearings for waiving juveniles into adult court, and reasonable opportunities to be reformed.<sup>72</sup>

In the adult court system juveniles may be provided with some age-appropriate explanation of the process or simply given the formal statement of the court. Only some counties have developed programs for kids in their systems. These children are processed as adults, creating a public criminal record. Availability of services is contingent upon the good will of the individual prosecutors, courts and counties. It is left to their discretion to provide treatment and services and decide if the juvenile should be detained. These individuals are not required to have special training or knowledge of juveniles or treatment programs. Many juveniles are sentenced to fines or jail time simply because these are the only options available to the court.

A minor's request for counsel can involve the Office of the Public Defender, which provides representation in the circuit and district courts, but not the municipal. A priority for the current State Public Defender, a gubernatorial appointee in Wyoming, is effective representation for juveniles. To this end, national training materials have been shared with public defenders throughout the state. The Office of the Public Defender also houses the Guardian Ad Litem (GAL) program. GALs are appointed for children in abuse/neglect, children in need of supervision (CHINS), termination

**90% of the time kids will waive their right to counsel...parents should accompany their children, but even that is not enough to protect the child's rights as many of them don't understand and/or are intimidated by the process themselves.<sup>70</sup>**

of parental rights, and some delinquency cases (i.e., GALS are appointed for those cases in district juvenile court).

The purpose clause of Wyoming's Juvenile Justice Act recognizes constitutional legal rights, but this applies only to those minors under the jurisdiction of the district juvenile court.<sup>73</sup> The United States Supreme Court has recognized due process rights as being applicable to juveniles: "...neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."<sup>74</sup>

## **Outdated and Inadequate State Statutes**

Over the last 40 years, increasing knowledge about adolescent development has resulted in many states making extensive changes in their juvenile justice policies and programs. Yet, the outdated Wyoming Juvenile Court Act of 1971 has remained the basis for Wyoming's juvenile justice system.<sup>75</sup> Professor Burman describes the Act's primary deficiencies as: concurrent jurisdiction, prosecutorial discretion, transferring of juvenile cases between courts, a status offense definition that excludes alcohol offenses, and confusion over which children are entitled to the rehabilitation orientation of juvenile court.<sup>76</sup> In addition to these problems, the lack of clear standards in the Act and inconsistency with other Wyoming statutes provides wide latitude in how juvenile justice is rendered throughout the state.

Professor Burman also holds the narrow statutory definition of a status offense as another problem in Wyoming's Juvenile Justice Act.<sup>77</sup> Wyoming's definition of a status offense excludes alcohol offenses<sup>78</sup> and considers such offenses as misdemeanor crimes.<sup>79</sup> Consequently, most alcohol-related charges are handled in a circuit court or, depending on municipal ordinances, in a municipal court. Lacking the resources of the district juvenile court, municipal and circuit courts do not have the resources to provide effective interventions, and therefore, invoke sanctions such as fines, probation, and/or a jail sentence.

Children are governed by Title 14 of Wyoming statutes, and juveniles are the focus of Chapter 6. Those youth covered by Title 14 are under the jurisdiction of the district juvenile court and include abused and neglected, children in need of supervision (CHINS), or children who have committed a delinquent act. The latter group falls under the state's Juvenile Justice Act.<sup>80</sup> The purpose of the Juvenile Justice Act, like many other states' juvenile codes, supports the best interests of the child while protecting public safety and providing treatment-oriented accountability in an effort to rehabilitate youth in the least restrictive environment.

However, Wyoming's Juvenile Justice Act is ambiguous, resulting in its spotty application to young offenders.<sup>81</sup> Although the Juvenile Justice Act promotes the treatment and rehabilitation of youth in the legal system, the large majority of Wyoming's youthful offenders are seen in municipal and circuit courts and treated as adults, which render the services, protections, and treatment of the

Juvenile Justice Act unavailable. In other words, minor offenders, who may benefit more from early interventions, do not have equal access to the services offered through the Juvenile Justice Act.

Municipal Court and Criminal Procedure statutes governing the detention of juvenile offenders state that minors charged and convicted of a status offense will not be detained in a jail and any imprisonment of minors (for misdemeanors or violation of municipal ordinance, other than a status offense) can only be at a juvenile detention center.<sup>83</sup> However, Wyoming's broad definition of a juvenile detention center<sup>84</sup> is interpreted by some to mean a juvenile pod within an adult jail.

Despite these statutes, status offenses can result in the incarceration of Wyoming youth, sometimes in adult jails.<sup>85</sup> Such detentions are often the direct result of a technical violation of a court order (e.g., failure to pay, contempt of court, probation violation); however, for many a status offense charge originally brought the offender into the judicial system.

As a result of sporadic and ad hoc changes, neither the philosophy behind Wyoming's juvenile justice system, to the extent there is one, nor the statutes which implement it, are clear. ...Although knowledge about treatment of juvenile offenders has undergone extensive changes in recent years, few of those changes are reflected in Wyoming's system.<sup>82</sup>

### *Alcohol-Related Statutes*

Wyoming's alcohol statutes create a unique burden for juveniles. Alcohol-related offenses are relatively common for adolescents in Wyoming, as in many other states. But unlike other states with treatment-oriented courts, Wyoming juveniles are treated as adults with punishment as the

#### **FROM THE FIELD...**

Youth enrolled in a drug and alcohol treatment program have been removed from a local juvenile detention facility for concerns over their safety and well-being. Evidence shows that youth sentenced to jail time at the privately run juvenile facility intermingled with, and beat up other juveniles enrolled in a treatment program at the facility.

primary option available to municipal and circuit court judges. In some parts of the state, an alcohol offense is the primary reason for juvenile detention.

Wyoming statutes also have a “youthful” driving under the influence (DUI) statute,<sup>86</sup> as well as the standard DUI statute for which adults can be charged.<sup>87</sup> The standard statute has a blood alcohol level of 0.08%, whereas the youthful DUI specifies an alcohol concentration of 0.02%. While Wyoming citations and court records do indicate under which statute a minor is charged, often that information is not specified for detention facility records. Thus, it is not always easy to identify whether a juvenile is being held in secure detention under the youthful or standard DUI statute.

## **Disproportionate Discretionary Power of Prosecuting Attorneys**

Wyoming’s 23 prosecuting attorneys serve as the primary gatekeepers of Wyoming’s juvenile justice system. The discretionary power of these attorneys allows for a variety of decisions to be made regarding the processing juvenile cases, creating widely different results between counties.

Prosecuting attorneys are elected officials who serve at the county or district level. While all 23 counties have a county attorney, the two most populated counties (Laramie and Natrona) elect district attorneys who fulfill the prosecutor’s role in criminal matters. In these two counties, the county attorney is appointed by the Board of County Commissioners to advise them on non-criminal matters of the county.

Professor Burman maintains that “...county prosecutors, who are not and probably should not be impartial, are forced to balance public safety and the best interests of a child through treatment.”<sup>88</sup> This puts prosecutors in an especially difficult situation since public safety is an issue that affects their reelection.

Prosecuting attorneys have the discretion to charge juveniles in the circuit court, the district juvenile court, or may direct file as an adult on criminal felony charges in the adult district court. In other words, the prosecutor has the authority, not only to determine whether or not to prosecute, but to decide in which court a juvenile should be adjudicated. Criteria for making this decision are nonexistent and the process is employed differently across the state. Such decisions determine if the young offender will be treated within the adult or juvenile system, as well as the types of punitive or treatment sanctions available, including detention.

Juvenile detention rates are directly affected by the decisions of prosecuting attorneys as their approval must be obtained for any detention other than that ordered by a court.<sup>89</sup> When a law enforcement officer arrests a juvenile, a call is made to the local county attorney before the youth can be securely detained. As with the decision of where a juvenile will be adjudicated, there are no mandated state-wide standards for detention admissions.

The 2009 Wyoming legislature bestowed more “gatekeeper” responsibilities to the prosecuting attorneys when it enacted the “single point of entry” legislation.<sup>91</sup> The statute requires each county/district attorney, in cooperation with the municipalities in its jurisdiction, to develop criteria for reviewing all citations issued to minors and determining the court of appropriate disposition. The statute does not provide for any review or even require the criteria be written and continues in 23 different county systems. Consequently, the 23 different “single points of entry” create further inequality in Wyoming’s system.

The decision about where a child should go has profound consequences for all concerned, especially the child. That decision, therefore, should be based on the child’s needs, and not political or other pressures on a prosecutor. Further, it should be made by an impartial evaluator, not an elected official.<sup>90</sup>

## Law Enforcement Not Equipped to Work with Youth

A juvenile may end up in one of several courts depending upon the location of the incident, the arresting agency, and the seriousness of the offense. The citation issued by law enforcement can determine in which court youth will appear. For example, an alcohol-related offense may be a citation against a local ordinance (municipal court) or charged under the state’s minor in possession statute (circuit court).

Officer discretion is the standard operating procedure with few statutory guidelines to aid in that decision making. Some law enforcement agencies have included juvenile procedures in their training and policies. Such policies and procedures are often a result of the individual law enforcement agency’s involvement with professional training and national associations.

Some contacts with law enforcement result in the officer counseling or warning the minor, often working with the parents. Officers also cite and release youth to parents and make referrals to social service agencies. A cite and release incident will appear on the Uniform Crime Report (UCR) as an arrest. In the 1981 study, it was estimated that 10% of the juvenile population (ages 6-18) had been arrested.<sup>92</sup> Using the 2008 data available, approximately 7% of juveniles ages 5-17 had been arrested.<sup>93</sup>

A minor issued a citation in Fremont and Teton Counties is also given a card referring the youth to the county youth services office. If a juvenile follows through with contacting youth services, assessments are given to determine pre-court diversion, appropriate jurisdiction, and programs for holding the youth accountable. Juvenile citations are docketed with a court date so court appearance is necessary if they do not participate in the available youth program. In some smaller

**The best diversion strategy...is that which encourages law enforcement officers to use that first informal contact as an opportunity for social services intervention.<sup>94</sup>**

counties, law enforcement and the county youth services office maintain regular contact regarding juvenile contacts/citations and initiating youth services is done on a more informal basis.

Problems for law enforcement arise when a young offender's parents cannot be located, and the officer needs to return to duty without an appropriate option for the youth. In certain parts of the state

the local county adult jail is the only available option. Elsewhere counties have developed local options such as temporary holding programs to assist in safely meeting the needs of the youth and allowing the officer to return to duty.

Wyoming's Juvenile Justice Act provides broad guidelines for when an officer, without a court order, can take a child into custody, when that child may be taken to detention or shelter care, and the prompt notification of the local prosecuting attorney.<sup>95</sup> The standard practice is for law enforcement to call the local prosecuting attorney for approval prior to securely detaining the youth. No objective state-wide standards currently exist for detention admissions. However, a bill was passed to adopt a uniform detention screening instrument as written by the law enforcement community.

Identifying and training officers within an agency to work specifically with juveniles is difficult given the small staff sizes in most Wyoming law enforcement agencies. Some larger agencies have identified officers to review juvenile citations or work specifically with youth. School Resource Officers sometimes work to connect and coordinate school and youth law enforcement efforts. However, this blurs the line between traditional school discipline and law enforcement.

## **Lack of Coordination between State and County Agencies**

Wyoming has no framework or goals for juvenile justice. Without these, the policies, procedures, and programs of both local and state government have become an assortment of often transitory practices. The lack of general goals regarding juvenile issues has resulted in young offenders receiving age-appropriate rehabilitative services in some parts of the state and secure detention in other areas.

Further, no single state agency has responsibility for all youth who come in contact with the law and several agencies have various responsibilities for juvenile services. There is little or no connection between the services provided or the data collected by different agencies and programs. Each entity, with its separate advisory committee, compiles its plan and reports data for their programs—duplicating resources and dollars. Information can not be segregated by districts;

and costs and data can not be compiled because criteria are different for each agency. The various state agencies that play a role in Wyoming's juvenile justice system are listed below.

- **Department of Family Services (DFS).** This state agency has the most accountability for juveniles, specifically its Division of Juvenile Services. DFS has statutory responsibility for those youth who are under the jurisdiction of the district juvenile court (i.e., an estimated 10-15% of all juveniles who are in trouble with the law). Juvenile probation, treatment, detention, and out-of-home placements are services provided and paid for by DFS, for those few youth involved at that court level. In addition to the court ordered detention, DFS has directly affected detention rates in the last decade as youth have been held in secure detention awaiting an opening at a court-ordered placement facility or when the DFS juvenile probation officer detains a child on a probation violation awaiting a court appearance. Those numbers have decreased recently as DFS has shifted its philosophy away from this practice.

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.<sup>96</sup>

- **Department of Corrections (DOC).** The Wyoming DOC has jurisdiction over those minors who have been tried, convicted, and sentenced as adults on felony convictions. Upon arrival, prisoners under the age of 18 are segregated until a Multi-Disciplinary Team (MDT) meet to review an appropriate housing assignment and, if appropriate, the juvenile inmate could be housed with adults.
- **The Wyoming Department of Education.** This department provides educational oversight for all youth, including those who are in court-ordered placements such as detention.
- **The Wyoming Department of Health.** The Mental Health and Substance Abuse Division within this department handles treatment services, drug courts, and alcohol prevention (the latter in conjunction with the Wyoming First Lady's Initiative to Reduce Childhood Drinking).
- **The Department of Criminal Investigation.** This department, which is a division of the Attorney General's Office, collects data regarding juvenile arrests for the Uniform Crime Report (UCR) information gathered and published in its annual "Crime in Wyoming" report.
- **The State Public Defender.** The right to counsel can invoke involvement from the Public Defender's Office at the district and circuit court levels, but not at the municipal court

level. The Public Defender's Office also houses the Guardian Ad Litem (GAL) program. GALS are appointed for children in abuse/neglect, children in need of supervision (CHINS), termination of parental rights, and some delinquency cases (i.e., GALS only serve those cases in district juvenile court).

## Lack of Educational Opportunities

There is a large disparity in the educational programs available to incarcerated juveniles. Minors held in adult jails receive little, if any, educational services. Two of the three publicly owned and operated juvenile detention facilities are connected with their local school districts and have

Juvenile detention in Wyoming operates in an unfettered environment well outside of practice supported by the national membership organization for juvenile detention services and the practice in many states.<sup>98</sup>

shared staff and curriculum. However, the third county facility has struggled to convince its local schools of their role in educating incarcerated juveniles, only recently achieving an agreement to begin formal educational programming. Until July 1, 2008, the Wyoming Department of Education (WDE), under its court-ordered placement program, was reimbursing Frontier Correctional Services for education provided at its private facilities in Cheyenne and Casper. Following a 2004 Attorney General's opinion, the WDE has been working with the school district in which a student resides to supervise and pay for education services while the student is in detention.<sup>97</sup>

The education of children in court-ordered placements, including detention, is covered by Wyoming statute.<sup>99</sup> However, "The statute appears to be limited to placements ordered by the juvenile or district court, though the language is not clear."<sup>100</sup>

While the state's statutes are unclear regarding the education services for juveniles sentenced to detention by municipal and circuit courts, the federal Individuals with Disabilities Education Act (IDEA) provides clear guidance regarding the estimated 52% of Wyoming youth in a detention center with Individual Educational Programs (IEP).<sup>101</sup>





Photo Credit: ©iStockphoto.com/joostdb

## Part III—CONCLUSIONS AND RECOMMENDATIONS

---

### Conclusions

Wyoming has one of the highest incarceration rates in the nation for children under the age of 18. However, Wyoming does not track all incarcerated minors, the reasons for their incarceration, the length of their incarceration, or recidivism rates. Only recently have efforts been made to collect these data to better inform policy. However, these data fluctuate because of Wyoming's uneven juvenile justice system—leaving some youth to be sentenced to detention in some parts of the state while others to have access to rehabilitation programs and services. Fixing Wyoming's detention problem is dependent on understanding and addressing a complicated and ambiguous system.

Countless reports, studies, and articles have detailed the problems with Wyoming's juvenile justice system. In many areas, state agencies and organizations have repeated the same steps attempting to fix the problem (e.g., assessments, community-based programs, reduced out-of-home placements, etc.). This repetition demonstrates the state's willingness to address the issue, but not to take the necessary action needed to remedy the problem. Wyoming still does not have a coordinated juvenile justice infrastructure. Nor has there been any improvement in juvenile arrest rates, types of juvenile crime, or the cost and numbers of juvenile detention.

The state continues to flounder without a clear goal as to how juveniles should be treated or cost-effective ways to deal with errant adolescents who may have the potential of becoming productive citizens.

**Wyoming cannot forever remain an island...<sup>102</sup>**

As a society, as a government, and as adults, we view children as developing individuals whose moral and cognitive capabilities are still being formed. Limitations are set on their behavior in the recognition that guidance is needed in their development. When it comes to those who run afoul of the law, it is still the job of society, government, and adults to hold such youth accountable for their actions but also to help them learn from their mistakes. By doing so, society, government and adults increase the chances that these youth will grow up to become productive citizens.

Wyoming has no definitive philosophy regarding juvenile issues and as a result, different approaches have come and gone over time. These approaches have often applied to only small segments of the juvenile population and/or to specific areas of the state.

Wyomingites want their youth to adopt positive behaviors and make better choices. They want safe communities, and they want their money spent efficiently to accomplish these goals. Much

is known about adolescent development, the consequences of detention and its effect on youth and cost-effective treatment programs—all which can help develop a clear and transparent system beneficial to everyone. What is first needed is a clear goal followed by policies and practices to achieve that desired result.

## Policy Recommendations

As stated in the 2004 WYSAC report, Wyoming needs to adopt a “clear statement regarding the mission, purpose, goals, and outcomes for juvenile justice upon which policies, procedures, practices, and programs can be based.”<sup>103</sup>

This report calls upon the Wyoming legislature to enact a juvenile code that:

- #1 Establishes a unified juvenile or family court system with exclusive jurisdiction for all non-traffic juvenile matters and a judiciary professionally trained in juvenile law.
- #2 Creates a comprehensive juvenile justice system that applies equally and fairly to all Wyoming juveniles. This system should include the procedural framework for a central intake system that provides uniform procedural criteria for the decision-making steps in juvenile case processing and contain a consistent juvenile detention policy. This policy must be devoid of loopholes and include community-based programs.
- #3 Creates a comprehensive juvenile justice system based on restorative justice principles that promote accountability and increased competency development for youthful offenders, without sacrificing community protection.
- #4 Provides systematic data collection and analysis to guide decision making, assess program effectiveness, and provide assurances of equal treatment.
- #5 Is funded through a dedicated funding source to ensure it’s statewide accessibility and utilization.

### *Unified Court System with Exclusive Jurisdiction*

The first step in correcting Wyoming’s riddled system is to establish one court with exclusive jurisdiction over all juveniles. Nearly all the studies and reports on the subject have reached the same conclusion: “...a single uniform system of courts with uniform rules and regulations is necessary.”<sup>104</sup> Wyoming’s jurisdictional scheme and the broad granting of concurrent jurisdiction allows for wide-ranging results throughout the state. Additionally, concurrent jurisdiction hinders the development and use of a consistent policy regarding secure detention.

While most of the reports suggest a juvenile court approach, some go further and provide suggestions as to how a unified juvenile court system could be workable within Wyoming’s current judicial structure.<sup>105</sup> The Wyoming State Advisory Council on Juvenile Justice explained in 2005 that a unified juvenile court system does not mean all juveniles would literally appear in court. Pre-court diversion, deferred prosecution, and other such programs in a unified juvenile court system insure all juvenile offenders have equal access to the Juvenile Court and would be afforded the best resources available in accordance with their best interests.<sup>106</sup>

Further, a unified juvenile court system would alleviate the constitutional concerns addressed in several Wyoming Law Review articles.<sup>108</sup> Wyoming currently stands at odds with U.S. Supreme Court<sup>109</sup> and 5th and 10th Circuit Courts of Appeals<sup>110</sup> decisions regarding procedural due process, a youth’s right to appear in juvenile court, the transfer process from juvenile to adult court, and the opportunity for rehabilitation.

**A uniform system is absolutely necessary and must be created in the state to meet the legal needs of the juvenile offender.<sup>107</sup>**

Concerns about “local control” are often raised in response to proposals for a new statewide criminal justice system. In Wyoming, the “local control” argument has usually won.<sup>111</sup>

“Local control” was also a concern when, after many years of litigation, Wyoming’s education system was re-designed to ensure children received the same basic education no matter where they lived in the state. While the state standards allow that equality to exist, the local control of individual school districts allows them to provide the education to achieve those standards in a way they feel best meets the needs of their students.

Somewhere between the wide application of local norms and the narrow state-prescribed standards lies a much more sensible approach: the state sets out a basic procedural framework while communities can decide how to provide services within that framework.

Equal protection and basic due process rights should be a fundamental expectation in the Equality State. Accordingly, the following policy recommendation is advised:

**Policy Recommendation #1**

**Establish a unified juvenile or family court system with exclusive jurisdiction for all non-traffic juvenile matters and a judiciary professionally trained in juvenile law.**

## *Equal Application to all Juveniles in Wyoming*

The purpose clause of Wyoming's Juvenile Justice Act talks about the best interests of the child, treatment and rehabilitation, least restrictive environment, most appropriate interventions, and recognizing constitutional legal rights.<sup>112</sup> Yet those safeguards are not offered to the majority of Wyoming youth.

While many good local programs do exist across the state, they are often personality driven, dependent on inconsistent grant and local funding, and contribute to the disparity in the state's treatment of juveniles. Not all Wyoming youth are lucky enough to live in one of the counties that provide juvenile services based on best practices. The result is different classes of youth created arbitrarily by various officials.

The State Advisory Council on Juvenile Justice is an advisory body that has little influence on implementation of new procedures or systems. While the Department of Family Services, especially its Juvenile Services Division, is statutorily responsible for implementing the orders of the district juvenile court, it has no historical or collective expertise about the field of juvenile justice. In fact, the department's record indicates it has experimented with a variety of different approaches that have not become common practice.

Perversely, juveniles in Wyoming "benefit" from committing serious crimes, since they are more likely to appear in district juvenile court and receive the protections and services of Wyoming's Juvenile Code. Juvenile justice advocates often lament the fact that a child is better off in Wyoming's justice system if they "steal the car, not the hubcap."<sup>113</sup> Conversely, a misdemeanor is more likely to appear on an adult criminal record.<sup>114</sup>

Wyoming must ensure that basic procedural framework is available to all Wyoming youth no matter where they live in the state or what the local resources are, including the state's share of the costs. The following components would promote a fair and equitable system:

- ✓ A coordinated juvenile justice infrastructure including regional juvenile detention facilities;
- ✓ A central intake system using impartial professionals prior to a child entering the judicial system;
- ✓ Consistent juvenile detention policy with guidelines for secure detention, detention admission criteria, and juvenile detention facility standards;
- ✓ Community-based programs that are best practices and based on offender accountability, competency development, and community protection; and a
- ✓ Cost sharing between the state and local government.

The 2008 amendments to the Community Juvenile Services Board statute and legislation proposed to the 2010 Session are indicative of some desire in the legislature to move in this direction. However, without a state entity devoted to and knowledgeable about the comprehensive

picture of juvenile justice, the implementation of the legislature's intent perpetuates Wyoming's piecemeal approach that furthers the disparity across the state.

Are all Wyoming youth of equal value? The wide-ranging applications across the state, permitted under Wyoming's convoluted statutes and concurrent jurisdiction, raise the question of equity: Should juveniles charged with similar offenses under similar circumstances be able to expect similar determinations in different areas of the State?<sup>116</sup> If so, Wyoming must make a commitment to fair and equal treatment of all of them. Thus, the following policy recommendation is proposed:

**Policy Recommendation #2**

**Create a comprehensive juvenile justice system that applies equally and fairly to all Wyoming juveniles. This system should include the procedural framework for a central intake system that provides uniform procedural criteria for the decision-making steps in juvenile case processing and contain a consistent juvenile detention policy. This policy must be devoid of loopholes and include community-based programs.**

The effect on juvenile justice of establishing such a system [Family Courts] would go a long way toward remedying the ills which pervade the current "system." Perhaps most importantly, both uniformity and access to services would be improved immensely.<sup>115</sup>

*A System Based on Restorative Justice Principles*

Is it possible to respond to juvenile crime in ways which strengthen community bonds while sending clear messages about personal responsibility and accountability? To overhaul the juvenile justice system it is imperative that we look at models that can begin to change the role and image of the juvenile justice system from "receptacle" and "revolving door" to "resource."

A restructured juvenile justice system could enhance the quality of life in communities through community restoration, offender competency, and risk management and preventative services aimed at improving public safety. The process of justice in a restorative framework can more effectively serve victims and victimized communities, leaving the community stronger after juvenile justice intervention than before the crime occurred.<sup>118</sup>

A balanced and restorative justice model provides a framework for systemic reform and offers hope for preserving and revitalizing the juvenile justice system.<sup>117</sup>

There has been much interest in recent years regarding the issues of community-based programs and reducing out-of-home placements, including detention. However, the current momentum repeats the history of tacking on programs without a lasting effect on the big picture. Without coordination of unified goals and a clear Juvenile Code and jurisdictional scheme, the present emphasis on improving the system remains scattershot and temporary.

Wyoming's juvenile justice system should be based on the principles of restorative justice, accountability and protecting the community. The system should build on research-proven programs in different parts of the state and best practices across the country and should be available to all Wyoming children no matter where they live in the state. For that reason, the following policy recommendation is given:

<b>Policy Recommendation #3</b>	<b>Create a comprehensive juvenile justice system based on restorative justice principles that promotes accountability and increased competency development for youthful offenders, without sacrificing community protection.</b>
---------------------------------	---

### *Systematic Data Collection and Analysis*

Making informed decisions about policy and procedure is impossible without data collection and analysis. Various entities gather a plethora of data in Wyoming, often with much duplication of information, time and cost. However, basic questions about the number of youth in the legal system, recidivism rates, sentencing and costs are unknown.

Rather than another collection of numbers, Wyoming needs to develop a 'tracking system' that follows the processing of juveniles from their initial contact with law enforcement to the conclusion of their interaction with the justice system. The first step is establishing what questions need to be answered so relevant data can be collected.

**Most agencies which deliver youth services collect data but the systems are neither compatible nor comprehensive enough to provide the information needed to manage services effectively.<sup>119</sup>**

The second step is to identify a central data collection repository so information is readily available in one location. Third, and equally important, is the analysis of the data in a meaningful way that allows policy makers a clear picture of the juvenile justice system in Wyoming.

Most agencies which deliver youth services collect data but the systems are neither compatible nor comprehensive enough to provide the information needed to manage services effectively.

The Economic Analysis Division of the Department of Administration and Information is an example of an existing model for data collection and analysis. This model can be used to develop a centralized data collection program for juveniles. Every agency involved with children already has staff and equipment devoted to data collection; re-assigning one staff member into a central division would assure the agency's point of view is represented and help coordinate information that's already available.

The lack of reliable data hides the problems in Wyoming's juvenile justice system. Without effective data collection and analysis, policy makers cannot make informed decisions and Wyoming citizens do not know if their taxpayer dollars are being effectively spent. Consequently, the following policy recommendation is advocated:

Because of [the financial collapse of 2008 and 2009], advocates can expect increasingly significant pushback from policymakers on issues of juvenile justice reform. Additionally, resources for successful programs for youth that are already in place may be threatened. Yet, far from being a time to hold back, now is the time to search for new opportunities to advocate for cost-effective juvenile justice reform.<sup>120</sup>

**Policy  
Recommendation #4**

**Provide systematic data collection and analysis to guide decision making, assess program effectiveness, and provide assurances of equal treatment.**

*Dedicated Funding Stream*

Many of the services offered to detained juveniles can be tied directly to a grant or specific program within a given county. The result of this is that the treatment juveniles receive varies according to the whims of grant funding and county budgets. To ensure sustained, uniform juvenile justice services, protections and programs, the following recommendation is advocated:

**Policy  
Recommendation #5**

**The juvenile justice system is supported through a dedicated funding source.**



# ADDENDUM

---

## Detention Centers

### *Regional Juvenile Detention Center (RJDC)—Casper*

The first “juvenile jail” in Wyoming opened in 1998 when Natrona County chose to use its former adult jail (42 beds) as a temporary juvenile detention center. This facility had been deemed unacceptable for adult prisoners and had been the source of several years of ACLU litigation. Although the facility is publicly owned, it has always been privately operated—for two years by Community Alternatives of Casper, for eight years by Frontier Correctional Systems, a Cheyenne-based company, and since March 2008 by Cornerstone Programs of Englewood, Colorado.

The physical plant has many problems: multiple occupancy jail cells with bars and projecting hardware, lack of recreation area, no access to fresh air or natural light and fire safety issues, among others.<sup>121</sup> In addition to the physical layout hindering proper supervision and emergency response, program operations have been extremely lax at times, leading to sexual assaults and other offenses between residents and sometimes involving staff.<sup>122</sup> Throughout several calls to close the facility, the DFS has continued to license and use the detention center for those juveniles for whom they are statutorily responsible.<sup>123</sup>

RJDC detains juveniles from counties other than Natrona, with Sheridan and Converse Counties more frequently placing their minors there rather than in their adult county jails. Juveniles from other counties also may be detained at RJDC if they are the responsibility of the DFS (i.e., district juvenile court) or if they committed an offense in Natrona County. In FY 2001 an agreement was reached between RJDC and the DFS to provide housing for those juveniles detained under the district juvenile court jurisdiction. Consequently, many youth were detained at RJDC (and the Cheyenne facility) as “DFS Holds” pending placement openings at treatment centers or the state’s juvenile institutions.

Since the State of Wyoming does not provide juvenile detention facilities, it is up to local governments to financially and operationally support such public services. The Natrona County Board of Commissioners has been studying the issue and developed a proposed facility plan based largely on the adult corrections model.

Juveniles awaiting out-of-home placements ordered by the court may be held in detention for considerable periods of time until the placement is available...DFS does not have the independent authority to place juveniles in an alternate comparable setting without the Court’s approval.<sup>124</sup>

The Governor's Office and Natrona County have been negotiating a smaller facility and it appears Natrona County will build a 24-bed facility.<sup>125</sup>

### *Jeffrey C. Wardle Academy (JCWA)—Cheyenne*

In addition to operating the Casper facility in a public building, Frontier Correctional Systems (FCS) began providing juvenile detention services in Cheyenne in the late 1990s. In 2003, FCS then built a stand-alone facility, Jeffrey C. Wardle Academy, a private juvenile detention and treatment facility in Laramie County. The facility has 94 beds, 54 of which are detention beds. While some American Correctional Association (ACA) standards were recommended in the planning of the facility, there are no state standards required for constructing a juvenile detention center (public or private).

FCS flourished for several years due in part to its monthly contract from the DFS to house juveniles under their supervision, plus the receipt of additional state funding for providing educational, substance abuse, and treatment services. Juveniles from around the state under the district juvenile court jurisdiction were securely detained at JCWA, as well as RJDC, on a regular basis. Additionally, JCWA serves as the "juvie jail" for Laramie County Sheriff's Office and the county's municipal police departments.

Under FCS, JCWA experienced a number of problems with staffing ratios, staff quality and incidents among residents and staff.<sup>126</sup> While JCWA's program quality decreased, they were faced with stiffer scrutiny by the licensing division of DFS.<sup>127</sup> Nonetheless, the facility continued to be licensed by DFS, as well as house juveniles under the district juvenile court jurisdiction.<sup>128</sup>

Ultimately, Cornerstone Programs of Colorado began operating JCWA (along with RJDC) in March of 2008. In December 2009, a non-profit organization assumed ownership, refinanced with county bonding to reduce the debt service, and re-named the facility the Southeastern Wyoming Juvenile Center.<sup>129</sup> Meanwhile, the newly organized Laramie County Juvenile Services Joint Powers Board has submitted and been approved for stimulus funds to help build a 24-bed county facility.<sup>130</sup>

### *Fremont County Juvenile Detention Center*

Fremont County provides one of the most complete continuums of juvenile services in the state. When the county built a new detention center, the Sheriff and Director of Fremont County Youth Services sought the advice of several national groups in adding juvenile detention space to the original construction plans. The Fremont County Juvenile Detention Center, with 20 beds, opened in 2001 as a collocated facility and the state's first publicly owned and operated center.

Fremont County's Sheriff and the Director of Fremont County Youth Services both have extensive training in juvenile justice issues and the detention of juveniles. They also provide the juvenile detention training required by Wyoming's Peace Officers Standards and Training (POST). Although there is limited programming space, the Fremont County Juvenile Detention Center provides a comprehensive array of program services for juveniles detained in their facility.

Fremont County Youth Services has a close relationship with youth services on the Wind River Reservation and the tribal courts, as well as a contract with the Bureau of Indian Affairs (BIA) to house reservation youth at the Fremont County Juvenile Detention Center. Several counties in the north central part of the state send juveniles needing secure detention to Fremont County.

### *Sweetwater County Juvenile Detention Center*

Sweetwater County built a new detention center, following ACA standards, as a result of ACLU litigation regarding the conditions of their former county jail. The new publicly owned and operated facility opened in late 2005 with a collocated juvenile detention center. The juvenile side is a smaller version of the typical adult jail with 40 beds, 24 in the male pod and 16 in the female pod.

With no state guidelines regarding the operation of juvenile facilities and the election of a new sheriff, the Sweetwater County Juvenile Detention Center did little more than house juveniles in a secure manner with limited programming available for the first year and a half. Additionally, the local school districts were uncooperative in assisting with educational services. It took pressure from both the local and state level to finally create an educational program at the detention center in the summer of 2009.

In the spring of 2007, discussions were held with the new sheriff and detention administrators regarding what was needed to have a collocated juvenile detention facility. Since then, the sheriff, administrators, and detention staff have worked to improve their center by adopting juvenile detention standards, training detention staff, being licensed by the DFS and create more program opportunities.

Sweetwater County Juvenile Detention Center has contracts with four southwestern counties to house their juveniles needing secure detention.

### *Campbell County Juvenile Detention Center*

The Campbell County adult jail has repeatedly been cited for sight and sound violations. Their booking area didn't ensure separation between juveniles and adults and their juvenile male pod presented problems due to the adjoining adult female pod.

In 2004 Campbell County asked the National Center for Juvenile Justice to assess and make recommendations regarding juvenile services in the county, which resulted in the “Gillette/Campbell County Juvenile Services Master Plan.” The plan included data as to how big a juvenile detention center would be needed to serve the county and possibly two small northeastern counties.

A major renovation of the Campbell County detention center has been underway for two years and the collocated juvenile detention center with 16 beds opened its doors in August, 2009. Campbell County has worked with state and national resources, as well as learning from the mistakes of other counties, and appears to have developed one of the finest juvenile detention centers in the state in terms of physical structure, operations, and programming.

### *County Adult Jails*

Youth detained in jails are there largely as a result of a court order, at the direction of the prosecuting attorney, for processing/investigation purposes, or awaiting transportation. Many Wyoming sheriffs acknowledge their county adult jails are not appropriate for holding minors. These sheriffs and their jail administrators have developed policies for reducing juveniles’ processing time to less than 6 hours (per federal guidelines), arranging for a non-secure area in the detention facility and identifying a specific cell or area of the jail where they can be held temporarily if needed (e.g., weather conditions). Sixteen (out of 23) county jails and one substation have been approved for Rural Exception status under federal guidelines, which includes maintaining sight and sound separation between adults and juveniles. Nine counties have formal non-secure 48-hour hold programs and several others use the local group home for temporary holding if space is available.

With the opening of the Campbell County Juvenile Detention Center, there are now only three counties that choose to house minors in their adult jail. Crook County in the northeast corner of Wyoming (1,437 children) rarely detains youth but will keep them in a special area of their jail rather than send them to the juvenile detention center in Casper (197 miles). Crook County does use the group home in nearby Campbell County and may start sending their minors needing detention to Campbell County’s new juvenile detention center (61 miles).

Lincoln County spans the Utah and Idaho borders in western Wyoming (4,466 children). A new sheriff and jail administration, continuing discussions with local judges, and use of the Sweetwater County Juvenile Detention Center (86 miles) have helped them decrease their juvenile detentions in the county’s adult jail over the past three years. They have a separate section for minors who continue to be sentenced by the courts and will use their lobby area for non-secure holding for some youth. Lincoln County is planning to build a new county jail and is exploring possibilities for a non-secure temporary holding facility for juveniles.

Park County in northwestern Wyoming (5,790 children) built a new detention center in 2005. Some in the community believed the new facility included a juvenile detention center because they have an area considered a juvenile pod. Without any standards or licensing requirements to meet, Park County ended up with a detention center whose design is not conducive to the movement of inmates. Separation of male and female adults can be a challenge, as well as separating adults and juveniles. Through policies and procedures, the jail administration has attempted to minimize the sight and sound separation issues inherent in the facility's design (e.g., escorting juveniles, vinyl/paper window coverings, time phasing, etc.).

Park County detains approximately 40-60 youth on an annual basis, but discontinued reporting their detention data in 2008. The nearest juvenile detention centers are in Lander (163 miles) and Casper (214 miles).

### *Municipal Adult Lockups*

Most municipal police departments in Wyoming are a room within the local Town Hall. Of the 62 municipal police departments, only 10 are classified by federal standards as secure facilities, and often because of a cuffing ring/bar in one area. None of these facilities have secure residential capabilities.

Two municipal lockups, Riverton and Powell, account for almost all youth detained in local police departments. These facilities have secure and non-secure ways of detaining juveniles. Both are working on policies and procedures to accurately record in which manner a juvenile was detained and to process juveniles in an efficient manner. Powell Police Department, located within Park County, discontinued reporting its juvenile detention numbers in 2008.



## REFERENCE MATERIAL

---

In addition to the endnotes, the following are a few of the many other Wyoming reports and studies available of the topic of juvenile justice in Wyoming:

- REVIEW OF CHILDREN'S HOME – 1981.
- REPORT OF THE GOVERNOR'S COMMITTEE ON TROUBLED YOUTH – Dec. 1982.
- AN EVALUATION OF WYOMING'S TROUBLED YOUTH PLACED INTO OUT-OF-STATE RESIDENTIAL TREATMENT – Nov. 1985.
- AN EVALUATION OF WYOMING'S TROUBLED YOUTH PLACED IN PRIVATE IN-STATE RESIDENTIAL TREATMENT – Mar. 1986.
- PROFILE OF WYOMING'S TROUBLED YOUTH AND THE PLACEMENT SYSTEM – Nov. 1986.
- AN EVALUATION OF WYOMING'S TROUBLED YOUTH PLACED IN PUBLIC FACILITIES OPERATED BY THE BOARD OF CHARITIES AND REFORM – Nov. 1986.
- WYOMING'S YOUTH AND FAMILIES ROUNDTABLE REPORT – 1986.
- WYOMING JUVENILE JUSTICE COMMISSION: COMPLIANCE MONITORING AND REGIONAL TRAINING MEETING REPORT – July 1992/June 1993.
- YOUTH TREATMENT CENTER – Nov. 1995.
- State Advisory Council on Juvenile Justice minutes – 2003-2009, *available at* <http://www.wyjuvenilejustice.com/minutes.asp> (last visited 12/3/2009).
- Joshua Wolfson, WYOMING RANKS No. 2 IN US FOR YOUTH IN CUSTODY, *Casper Star Tribune*, June 12, 2008, *available at* [http://trib.com/news/state-and-regional/article\\_3e2b39ac-c63c-5c45-9450-c74fc25d711a.html](http://trib.com/news/state-and-regional/article_3e2b39ac-c63c-5c45-9450-c74fc25d711a.html) (last visited 12/1/2009).
- *Johnson v. State Hearing Examiner's Office*, 838 P.2d 158 (Wyo. 1992).
- THE DIVISION OF JUVENILE SERVICES, STATEMENTS ON VISION, MISSION, PRINCIPLES, PHILOSOPHY AND VALUES; DEPARTMENT OF FAMILY SERVICES 2005 STRATEGIC PLAN.
- COMMISSION ON JUVENILE ISSUES, REPORT TO THE LEGISLATURE 12, 18-21, (Wyoming Association of Sheriffs and Chiefs of Police response at 19). (Oct., 1994).
- Associated Press, TRANSITION CONTINUES FOR JUVENILE FACILITIES, *Wyoming Tribune Eagle*, May 2, 2008, A-5; Star Tribune Editorial, WHAT JUVIE CENTER NEEDS MOST IS ACCOUNTABILITY, *Casper Star Tribune*, April 23, 2008, A-6.
- Cameron Mathews, STATE AGREES TO 60-DAY CONTRACT WITH FRONTIER, *Wyoming Tribune Eagle*, September 14, 2007, A-1.

- Amnesty International USA, *THE REST OF THEIR LIVES: LIFE WITHOUT PAROLE FOR CHILD OFFENDERS IN THE UNITED STATES* (2005), *cited in* the National Juvenile Defender Center (NJDC) profile on the state of Wyoming, *available at* <http://www.njdc.info/sd/wyoming.php>. (last visited 12/2/2009).
- Alan K. Simpson, *A SENTENCE TOO CRUEL FOR CHILDREN*, *The Washington Post*, October 23, 2009, *available at* <http://www.washingtonpost.com/wp-dyn/content/article/2009/10/22/AR2009102203803.html>. (last visited 12/2/2009).
- Wyoming County Commissioners Association, *WYOMING'S PLAN TO ATTAIN COMPLIANCE WITH THE FEDERAL JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT: WYOMING'S PRACTICES AND POLICIES RELATED TO THE SECURE HOLDING AND INCARCERATION OF JUVENILES 7* (Oct. 2006).

## ENDNOTES

---

- 1 Coalition for Juvenile Justice (CJJ), *WHAT ARE THE IMPLICATIONS OF ADOLESCENT BRAIN DEVELOPMENT FOR JUVENILE JUSTICE?* 7 (2006).
- 2 Charles Puzzanchera, *JUVENILE ARRESTS 2007*, *Juvenile Justice Bulletin*, Apr. 2009, at 5, available at <http://www.ncjrs.gov/pdffiles1/ojdp/225344.pdf>. (last visited 12/10/2009).
- 3 *Id.*
- 4 Volunteers of America Wyoming & Montana, *THE STATE OF JUVENILE DETENTION IN WYOMING: 2008 COMPLIANCE MONITORING REPORT 15* (January 2010) [hereinafter "VOA 2008 COMPLIANCE MONITORING REPORT"].
- 5 Wyoming State Legislative Management Audit Committee, *PROGRAM EVALUATION: JJDP PROGRAM 8*, cover letter at 2, (Nov. 1993) [hereinafter "1993 MANAGEMENT AUDIT"].
- 6 Fred Hansen et al., *A STUDY FOR THE JOINT APPROPRIATIONS INTERIM COMMITTEE AND THE JOINT EDUCATION INTERIM COMMITTEE OF THE WYOMING LEGISLATURE REFERENCING 2004 SESSION LAWS, CHAPTER 111 COURT ORDERED PLACEMENTS OF CHILDREN 45* (October 2004) [hereinafter "WDE COPS STUDY"].
- 7 *Id.*, at 23.
- 8 National Juvenile Detention Association, *POSITION PAPER: DEFINITION OF JUVENILE DETENTION*, (revised Oct. 14, 2007), available at [http://www.npjs.org/docs/NJDA/NJDA\\_Definition\\_of\\_Det61E7.pdf](http://www.npjs.org/docs/NJDA/NJDA_Definition_of_Det61E7.pdf). (last visited Nov. 30, 2009).
- 9 Columbia Research Center, Inc., *STATE OF WYOMING OFFICE OF ATTORNEY GENERAL, EXECUTIVE SUMMARY, THE WYOMING JUVENILE JUSTICE SYSTEM, AN EVALUATION, VOLUME II* (1981) [hereinafter "1981 REPORT"].
- 10 Wyoming State Advisory Council on Juvenile Justice, *STATE JCEC PLAN, ANALYSIS OF THE WYOMING JUVENILE JUSTICE SYSTEM 1* (May 2005). [hereinafter "SACJJ REPORT"].
- 11 Wyoming Survey & Analysis Center, *YOUTH CASE PROCESSING IN THE STATE OF WYOMING: AN ANALYSIS OF FOUR COUNTIES*, REPORT TO THE WYO. Department of Family Services, 9 & 10 (2004), [hereinafter "WYSAC REPORT"].
- 12 Charles R. Kratz, *WYOMING JUVENILE JUSTICE DATA COLLECTION PLAN, REPORT TO STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND JOINT JUDICIARY INTERIM COMMITTEE 4* (Aug. 2009).
- 13 Annie E. Casey Foundation, *2008 KIDS COUNT ESSAY AND DATA BRIEF: A ROAD MAP FOR JUVENILE JUSTICE REFORM 33* (2008).
- 14 WYO. STAT. ANN. §§ 7-19-501 through -505 (2009).
- 15 WYO. STAT. ANN. § 14-10-101(f)(vi) (2009).
- 16 KRATZ, *supra* note 12, at 8.
- 17 1993 MANAGEMENT AUDIT, *supra* note 5.
- 18 WYSAC REPORT, *supra* note 11, at 30-31.
- 19 Juvenile Justice Project, Wyoming County Commissioners Association, *WYOMING AND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT: THE NUMBER OF JUVENILES IN WYOMING JAILS, 2006 COMPLIANCE MONITORING REPORT* (Aug. 2007), available at <http://www.wyo-wcca.org/vertical/Sites/%7BD4F54A77-0532-458E-A3AB-D04D95A25F6D%7D/uploads/%7B439E551F-F043-4573-B552-5B6B25863656%7D.PDF>. (last visited November 30, 2009).
- 20 Fremont County Juvenile Detention Center (20 beds) – Lander; Sweetwater County Juvenile Detention Center (40 beds) – Rock Springs; Campbell County Juvenile Detention Center (16 beds) – Gillette; Regional Juvenile Detention Center (42 beds) – Casper; Jeffrey C. Wardle Academy (54 beds) – Cheyenne.
- 21 E-mail from Susan Davis, Colorado Compliance Monitor and OJJDP consultant (Aug. 10, 2009) (on file with author).
- 22 Wyoming State Legislative Management Audit Committee, *COURT-ORDERED PLACEMENTS AT RESIDENTIAL TREATMENT CENTERS 53* (2004) [hereinafter "LSO REPORT"].
- 23 WDE COPS STUDY, *supra* note 6, at 40.
- 24 Department of Family Services, Wyoming Community Juvenile Services Boards, *REPORT TO JOINT APPROPRIATIONS INTERIM COMMITTEE AND JOINT JUDICIARY INTERIM COMMITTEE 31* (Jun. 2009) [hereinafter "2009 DFS REPORT"].
- 25 LSO REPORT, *supra* note 22, at B-1.
- 26 *Id.*, at B-3.
- 27 WYO. STAT. ANN. § 14-10-101 (2009).
- 28 Wyoming State Advisory Council on Juvenile Justice, *STATE JCEC PLAN, ANALYSIS OF THE WYOMING JUVENILE JUSTICE SYSTEM 6* (May 2005) [hereinafter "SACJJ REPORT"].
- 29 *Id.*

30 2009 DFS REPORT, *supra* note 24, at 17

31 LSO REPORT, *supra* note 22, at 54.

32 Juvenile Justice Project, Wyoming County Commissioners Association, COUNTY PROFILES: A LOOK AT THE JUVENILE SERVICES PROVIDED BY WYOMING COUNTIES (Nov. 2007), available at <http://www.wyo-wcca.org/vertical/Sites/%7BD4F54A77-0532-458E-A3AB-D04D95A25F6D%7D/uploads/%7B85774DB9-2B70-464A-BB86-3134CA106C52%7D.pdf>. (last visited December 2, 2009).

33 LSO REPORT, *supra* note 227, at 16. Since passage of the Community Human Services Act of 1979, statutes have encouraged development of comprehensive community services for youth. Law enacted in 1983 allowed counties to receive juvenile community alternative funds “to keep youth in the home and in community and to work with the family...” Community Juvenile Service Boards, created in 1997, were designed to enable communities to establish juvenile services and allow decisions about those services to be made locally.

34 SACJJ REPORT, *supra* note 10, at 4.

35 1981 REPORT, *supra* note 9, at 2.

36 *Id.*, at 4.

37 *Id.* at 270.

38 WYO. STAT. ANN. §§ 14-9-101 through 108 (2009).

39 2009 DFS REPORT, *supra* note 24, at 16-10.

40 SACJJ REPORT, *supra* note 10, at 6.

41 The 2009 Wyoming legislature repealed the drug court statutes (W.S. 5-10-101 through -107) and enacted the Court Supervised Treatment Programs Act (W.S. 5-12-101 through -103 and 7-13-103 and 7-13-1601 through -1615), effective July 1, 2009.

42 John M. Burman, JUVENILE INJUSTICE IN WYOMING, 4 Wyo. L. Rev. 672 (2004).

43 Donna Sheen, PROFESSIONAL RESPONSIBILITIES TOWARD CHILDREN IN TROUBLE WITH THE LAW, 5 Wyo. L. Rev. 513 (2005).

44 Roper v. Simmons, 543 U.S. 551, 569 (2005).

45 Sheen, *supra* note 43, at 513.

46 Burman, *supra* note 42, at 673

47 Sheen, *supra* note 43, at 516.

48 1981 REPORT, *supra* note 9.

49 WYSAC REPORT, *supra* note 11, at 13.

50 Sheen, *supra* note 43, at 485.

51 *Id.*, at 12.

52 Jeremy Kisling, WYOMING’S “OUTLAW” JUVENILE JUSTICE ACT, 8 Wyo. L. Rev. 124-129, (2008).

53 *Id.*, at 114-17, discussing *In re Gault*, 387 U.S. 1 (1967).

54 *Id.*, at 117-18, discussing *United States v. Bilbo*, 19 F.3d 912, 915 (5<sup>th</sup> Cir. 1994).

55 *Id.*, at 118-124, discussing *In re Gault*, 387 U.S. 1 (1967); *Kent v. United States*, 383 U.S. 541 (1966); *Green v. Reynolds*, 57 F.3d 956 (10<sup>th</sup> Cir. 1995); *Kelley v. Kaiser*, 992 F.2d 1509 (10<sup>th</sup> Cir. 1993).

56 *Jahnke v. State*, 692 P.2d 911 (Wyo. 1984).

57 *Id.*

58 Kisling, *supra* note 52, at 134.

59 1981 REPORT, *supra* note 9, at 84.

60 Kratz, *supra* note 12, at 7.

61 Wyoming District and Circuit Court statistics, available at <http://www.courts.state.wy.us/Statistics.aspx> (last visited 12/3/2009).

62 Kratz, *supra* note 12, at 7.

63 Wyoming Supreme Court, Court Technology Office.

64 Arthur, Pat and Horvath, Jennifer, A CALL TO STOP CHILD PROSECUTIONS IN WYOMING ADULT COURTS. Joint report from the National Center for Youth Law and the ACLU of Wyoming, June, 2010.

65 WYSAC REPORT, *supra* note 11, at 12.

66 “WDE COPS STUDY”, *supra* note 6.

- 67 American Civil Liberties Union, ACLU of Ohio, Children’s Law Center, Inc., Office of the Ohio Public Defender, EVALUATING JUVENILE JUSTICE IN OHIO: A REPORT CARD, (February 2009), available at [http://www.aclu.org/pdfs/racialjustice/ohreportcard\\_20090210.pdf](http://www.aclu.org/pdfs/racialjustice/ohreportcard_20090210.pdf). See note 1.
- 68 Sheen, *supra* note 43, at 485.
- 69 *Id.*, at 514.
- 70 Frank Vandervort, CHILD DEVELOPMENT ISSUES IN JUVENILE JUSTICE, Address at the Wyoming Children’s Justice Conference (June 2009).
- 71 Sheen, *supra* note 43.
- 72 *Id.*, references *Roper v. Simmons*, 543 U.S. 551 (2005); *In re Winship*, 397 U.S. 358 (1970); *In re Gault*, 387 U.S. 1 (1967); *Kent v. United States*, 383 U.S. 541 (1966).
- 73 WYO. STAT. ANN. § 14-6-201(c) (2009).
- 74 *In re Gault*, 387 U.S. 1, 13 (1967).
- 75 Burman, *supra* note 42, at 679. See also Wyoming Juvenile Court Act, 1971 Wyo. Sess. Laws 255.
- 76 *Id.*, at 672.
- 77 *Id.*, at 672-673.
- 78 WYO. STAT. ANN. § 14-6-201(a)(xxiii) (2009).
- 79 WYO. STAT. ANN. § 12-6-101(b)-(c) (2009).
- 80 WYO. STAT. ANN. §§ 14-6-203 to 252 (2009).
- 81 Burman, *supra* note 42, at 672.
- 82 *Id.*, at 671.
- 83 WYO. STAT. ANN. §§ 5-6-112 through -113 (2009); WYO. STAT. ANN. §§ 7-1-107 through -108 (2009).
- 84 WYO. STAT. ANN. §§ 5-6-112(b)(i) and 7-1-107(b)(i) and § 14-6-201(a)(xxiv). “Juvenile detention facility” includes any facility which may legally and physically restrict and house a child, other than the Wyoming boys’ school, the Wyoming girls’ school, the Wyoming state hospital or other private or public psychiatric facility within the state of Wyoming. A juvenile detention facility may be housed within an adult jail or correction facility if the facility otherwise meets the requirements of state law.
- 85 Juvenile Justice Project, Wyoming County Commissioners Association, WYOMING AND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT: JUVENILE DETENTION IN WYOMING, 2007 COMPLIANCE MONITORING REPORT 14-17 (August 2008), available at <http://www.wyo-wcca.org/vertical/Sites/%7BD4F54A77-0532-458E-A3AB-D04D95A25F6D%7D/uploads/%7B3D4C49BE-A78B-4867-B764-9CB1CC06BE94%7D.pdf> (last visited November 30, 2009).
- 86 WYO. STAT. ANN. § 31-5-234 (2009).
- 87 WYO. STAT. ANN. § 31-5-233 (2009).
- 88 Burman, *supra* note 42, at 681, 682.
- 89 WYO. STAT. ANN. §§ 14-6-206 to 208 (2009), § 14-6-406 to 408 (2009).
- 90 Burman, *supra* note 42, at 681.
- 91 *Id.*
- 92 1981 REPORT, *supra* note 9, at 2.
- 93 See EASY ACCESS TO JUVENILE POPULATIONS, available at <http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/>; STATE OF WYOMING OFFICE OF ATTORNEY GENERAL, CRIME IN WYOMING ANNUAL REPORT (2008), available at <http://attorneygeneral.state.wy.us/dci/pdf/2008%20Annual%20Report.pdf>. (last visited December 1, 2009).
- 94 1981 REPORT, *supra* note 9, at 259.
- 95 See *supra* note 78.
- 96 WYSAC REPORT, *supra* note 11, at 16.
- 97 WDE COPS STUDY, *supra* note 6 at 47.
- 98 WYSAC REPORT, *supra* note 11, at 32.
- 99 WYO. STAT. ANN. § 21-13-315 (2009).
- 100 Sheen, *supra* note 43, at 518.
- 101 WDE COPS STUDY, *supra* note 6, at 45.
- 102 WYSAC REPORT, *supra* note 11, at 160.

- 103 *Id.*, at 14.
- 104 1981 REPORT, *supra* note 9, at 84.
- 105 See, e.g., 1981 REPORT, *supra* note 9, at 257-258; COMMISSION ON JUVENILE ISSUES, REPORT TO THE LEGISLATURE 12, (Oct., 1994) at 14; Burman, *supra* note 42, at 713-722; WYSAC REPORT, *supra* note 11, at 17-18; SACJJ REPORT, *supra* note 10, at 7.
- 106 SACJJ REPORT, *supra* note 10, at 7.
- 107 T. Mackey et al., GOVERNOR'S PLANNING COMM. ON CRIMINAL ADMINISTRATION, COMPREHENSIVE PLAN FOR THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY 76 (1970).
- 108 Burman, *supra* note 42; Sheen, *supra* note 43; Kising, *supra* note 52.
- 109 See *Roper v. Simmons*, 543 U.S. 551 (2550); *In re Gault*, 387 U.S. (1967); *Kent v. United States*, 383 U.S. 541 (1966).
- 110 See *United States v. Bilbo*, 19 F.3d912, 915-17 (5<sup>th</sup> Cir. 1994); *Kelley v. Kaiser*, 992F.2d 1509, 1511 (10<sup>th</sup> Cir. 1993).
- 111 1981 REPORT, *supra* note 9, at 82.
- 112 Wyo. Stat. Ann. § 14-6-201 © (2009).
- 113 Carol Justice, longtime advocate for children and juvenile justice.
- 114 SACJJ REPORT, *supra* note 10, at 5.
- 115 Burman, *supra* note 42, at 722.
- 116 1981 REPORT, *supra* note 9, at 9.
- 117 OFFICE OF JUVENILE JUSTICE AND DETENTION PREVENTION, BALANCED AND RESTORATIVE JUSTICE FOR JUVENILES, A FRAMEWORK FOR JUVENILE JUSTICE IN THE 21<sup>ST</sup> CENTURY, Balanced and Restorative Justice Project, University of Minnesota, Florida Atlantic University, August, 1997.
- 118 *Id.*
- 119 WYOMING'S APPLICATION FOR FORMULA GRANT UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT: FISCAL YEARS 1991-1993 AND THE THREE-YEAR COMPREHENSIVE STATE PLAN 17 (1991).
- 120 THE REAL COSTS AND BENEFITS OF CHANGE: FINDING OPPORTUNITIES FOR REFORM DURING DIFFICULT FISCAL TIMES, National Juvenile Justice Network (June 2010).
- 121 National Partnership for Juvenile Services, JUVENILE DETENTION IN NATRONA COUNTY, WYOMING: ISSUES, OPTIONS, AND RECOMMENDATIONS, Technical Assistance Report by Michael McMillen, AIA, and David Roush, Ph.D., (December 2007), 5-6; Joshua Wolfson, DETAILS EMERGE IN DETENTION CENTER INVESTIGATION, Casper Star Tribune, April 2, 2008, B-1; Mead Gruver, NO FIRE INSPECTION AT JUVENILE CENTER, Laramie Boomerang, May 22, 2008, 5; Mead Gruver, ATTORNEY: CLOSE CASPER JUVENILE JAIL ASAP, Casper Star Tribune, January 7, 2009, A-1.
- 122 *Id.* at 5; Associated Press, TRANSITION CONTINUES FOR JUVENILE FACILITIES, Wyoming Tribune Eagle, May 2, 2008, A-5; Star Tribune Editorial, WHAT JUVIE CENTER NEEDS MOST IS ACCOUNTABILITY, Casper Star Tribune, April 23, 2008, A-6.
- 123 Megan Lee, CORNERSTONE RECEIVES TEMPORARY LICENSE: COUNTY HAS SIX MONTHS TO MEET FIRE SAFETY CODES AT JDC, Casper Star Tribune April 30, 2008, B1-2; Tom Morton, WANTED: JUVENILE DETENTION CENTER, Casper Star Tribune, January 7, 2009, A-1.
- 124 Mark Martin, Justice Solutions Group, LARAMIE COUNTY, WYOMING JUVENILE DETENTION NEEDS ASSESSMENT, PRELIMINARY REPORT IV-23 (Mar. 2008).
- 125 Star Tribune Editorial, COUNTY MAY HAVE TO ACCEPT SMALLER JDC, Casper Star Tribune, October 16, 2009, available at [http://www.trib.com/news/opinion/editorial/article\\_a1a64d3a-ab35-50a8-87ec-bf9b9234e.html](http://www.trib.com/news/opinion/editorial/article_a1a64d3a-ab35-50a8-87ec-bf9b9234e.html) (last visited 10/16/2009); Joshua Wolfson, SMALLER JDC REFLECTS LARGER GOAL FOR JUVENILE JUSTICE, Casper Star Tribune, October 25, 2009, available at [http://www.trib.com/news/local/article\\_722a4769-14d1-5bf5-b59a-9e11dcd068b5.html](http://www.trib.com/news/local/article_722a4769-14d1-5bf5-b59a-9e11dcd068b5.html) (last visited 10/26/2009); Tom Morton, STATE AND COUNTY AGREE ON JDC, Casper Star Tribune, October 7, 2009, available at: [http://www.trib.com/news/local/article\\_246cb4c7-54a9-503f-b6bb-98d95c1aeae6.html](http://www.trib.com/news/local/article_246cb4c7-54a9-503f-b6bb-98d95c1aeae6.html) (last visited 11/7/2009).
- 126 Mead Gruver, WYO. LOOKS INTO YOUTH HOME TROUBLES, Casper Star Tribune, September 5, 2007, A-1; Mead Gruver, *E-Mail*: JAIL KIDS BEAT UP PATIENTS, Casper Star Tribune, September 7, 2007, A-1.
- 127 Cameron Mathews, STATE AGREES TO 60-DAY CONTRACT WITH FRONTIER, Wyoming Tribune Eagle, September 14, 2007, A-1.
- 128 "Our View" Editorial, GOVERNOR NEEDS TO STEP IN, Wyoming Tribune Eagle, September 20, 2007, A-6; Jodi Rogstad, JUVENILE JUSTICE CONCERNS DEVELOP, Wyoming Tribune Eagle, January 28, 2008, A-1.
- 129 Jodi Rogstad, NEW NAME, NEW OWNERSHIP FOR JUVENILE DETENTION FACILITY, Wyoming Tribune Eagle, December 16, 2009, A-7.
- 130 Jodi Rogstad, COUNTY OKS GRANT APPLICATION FOR NEW \$7.5M JUVENILE DETENTION CENTER, Wyoming Tribune Eagle, December 2, 2009, available at [http://www.wyomingnews.com/articles/2009/12/02/local\\_news\\_updates/19local\\_12-02-09](http://www.wyomingnews.com/articles/2009/12/02/local_news_updates/19local_12-02-09) (last visited 12/3/2009).



[www.aclu-wy.org](http://www.aclu-wy.org)