

State Advisory Council on Juvenile Justice

August 5, 2010

Casper, WY

Members Present: Donna Sheen, Anne LaPlante, Rhea Parsons, Lori Fertig, Beth Evans, Adrienne Freng, Melinda Dennington, Kristine Smith, Matt Keating, Rick Patterson, Don Rardin, Lynne Davies, Charlene Edwards, Catherine Wilking, Judge Gary Hartman, Jim Pond, Les Pozsgi, Judge Bruce Waters

Others Present: Craig Figus, Debby Lynch, and Chuck Kratz, Jo Ann Numoto, Dept. of Education; Linda Burt, ACLU

Present Via phone: Debra Dugan-Doty, Tony Lewis, James Whiting, Ronn Jeffrey

10:00 a.m. Meeting Called to Order, Donna Sheen, Chair

Strategic Plan Overview:

Goal #1: Outreach Committee; Rhea Parsons is the Committee Chair

VOA is planning on hiring a media/communications specialist to raise awareness.

Craig Figus: VOA has identified three firms for the communication piece; he and Elissa (Rumsey, OJJDP) are going to come up with a vision for the outreach. The focus will not be on compliance, rather what is best for kids in Wyoming.

Donna: Please let Rhea know if you are interested in being on the Outreach Committee.

The Council received a letter (attached to handouts) from Richard Bohling, President of the Wyoming County and Prosecuting Attorneys Association, regarding the Councils' recommendation for Wyoming to become a compliant state. The letter included a list of County Attorney's that are opposed to this recommendation. Carbon County was in favor of the recommendation; Goshen and Johnson listed neither opposed nor in-favor. We, as a Council, need to consider how this letter will be responded to, and what issues we would like to present to communities and to Prosecutors.

Matt Keating: Natrona County Commissioners had a meeting with Brian Christiansen; he feels that the commitment to OJJDP and the Act is "light years behind" what is now taking place in Natrona, and that Natrona is ahead of this movement.

Catherine Wilking: The County and District Attorneys are very proud of what is going on in their Counties, and more education needs to be presented to the Counties, regarding compliance and the JJDP Act.

Objective B: The SACJJ will create alliances with law enforcement, education communities and judicial systems

Theme 2, Objective B: We have talked about including in the Annual Report, the challenges and needs that exist in each jurisdiction, district and community.

The Council discussed having the Grants Committee look at other funding resources available for communities, and how to “streamline” the funding so the Committee is not overwhelmed.

Discussion also involved simplifying the process, and now with the CJSB’s, there needs to be a form or structure to ease the application processes.

Step 3: Look at recruiting some representation from the tribes.

Theme 3, Objective B: For all new members, there will be an annual training in October, prior to the October SACJJ.

Objective D: Not sure how to accomplish the hiring of an administrative support staff to manage the day to day business of the Council.

Goal #2, Objective C: DFS has a draft of the current policy for appropriate use of detention based on current DFS practices.

Debra Dugan-Doty reported that nothing further has been done on the policy, but an update will be given at the next Council meeting.

Theme 4: Data

Donna will be updating the council on the data piece.

11:00 Judge Hartman, Legislative Workgroups

Legislature begins in January, for 40 days. Joint Judiciary meets September 23 in Torrington; first day to be spent on DOC topics, 2nd day for juvenile issues.

DCI is statutorily responsible for collecting data on adults; the idea of collecting data on juveniles was not well accepted. The Supreme Court wants to be involved with the process, but not the host.

Working with the PTACT to begin looking at juvenile data, and what each agency’s needs are. Would like to look at a potential avenue of funding for the data collection, from the \$10 court fees collected.

Another issue: DFS’s ability to change the placement of a child laterally or less restrictive without a court order. Currently, APS through Medicaid is evaluating the placements and medical needs of children in placement. Once APS determines there is not a medical need, then Medicaid stops paying and the child is required to be moved from the RTC.

There is discussion on the working draft with Pat Arthur regarding limiting the placement of children into detention by city and county municipalities.

Catherine Wilking: Judges, District and County Attorney's are in dismay over APS making the final decisions over the placement of children, and there is no way in bringing these clinicians before the Court.

Tony Lewis: DFS has been meeting with the Dept of Health on the urgency of medical necessity placements.

Medicaid will no longer pay for court ordered placements; PRTF or RTC, or medical needs if the placement is determined by the Court. If there is no psychiatrist at the table determining the needs of the placement, then it will not be covered by Medicaid.

There will need to be a partnership in staffing with the Dpt. Of Health and DFS, in order to comply with the medical necessity and Title 40. Although DFS is using MDT's to make these decisions, they want to know that the treatment determinations are being made by the correct parties.

Jim Pond: Regarding the Juvenile Detention Risk Assessment and Detention Standards: The Assessment form was modeled by the Missouri model. WYSCOP continues to work with Jerry Deland, Utah, on the Detention Standards. One difficulty is the funding that will be necessary.

Each Chief and Sheriff has received and implemented the Assessment piece.

Discussion of the National Center for Youth Law, Pat Arthur Report: "A Call to Stop Child Prosecutions in Wyoming Adult Courts": Linda Burt, ACLU, commented that the report pointed out the good and the bad. "We are lawyers", and we are looking at the legal aspects; the legal aspects of the Constitution. Juveniles do have Constitutional rights and due process rights, and some of the things they found around the state, juveniles are not treated constitutionally and with due process. Our system needs to change, and those things need to be pointed out in an effort to make the changes.

Linda stated that she hopes this is a wakeup call; a wakeup call to the State as to what does need to happen.

Judge Waters: His concern with the report; he felt that some of the report was inaccurate and wrong. Thought it was a blatant attempt to make the State look bad.

Linda said copies were sent to and asked for comment from the people that were included in the report.

Catherine Wilking said she contacted her county attorney and judges to find out their thoughts on the report. She said she thought they had hurt feelings because their positive efforts were not recognized.

Adrienne Freng: She has heard the same comments on this report as when she did the WYSAC report several years ago. She said the Judges and Attorneys comment on how not all juveniles can be heard through juvenile/district court.

12:30 Working Lunch (provided)

Council Membership (handout)

Judge Hartman : With Lori Hutchinson's resignation, we will be short on youth membership, so if any members have any avenues that we could utilize toward recruiting members/youth members, then please let us know.

Dr. Freng said she will look into some criminal justice students that may be interested.

1:00 Compliance Monitoring: VOA (handout)

Currently working on the State Report; hoping to distribute by August. The number of violations will be about the same for the State as last report; Laramie County's violations have decreased, but Natrona County's has increased this year.

Grant reviews were conducted, and hoping to fund each county that applied.

VOA is working with Assessments.com with the Jail Roster. There were confidentiality concerns as to who has access to the data, and what data is entered into the database.

Debby Lynch: Data Collection

Data collection is an issue with juvenile detention centers, especially at the initial entry process. Laramie County; at the detention hearing point, the detention center data is cut off. Some of the kids have been in detention for 23 days awaiting an MDT.

Casper; the entry person for the jail roster has had turnover, so there needs to be training for those new workers. The data is inconsistent because of the different ways that the data is being handled. Has also met some resistance with the data collection at the detention center.

Fremont County; trying to keep track of kids that end up in the observation cell vs. detention center.

The Courts of origin has become a difficulty in monitoring, too. For example, a youth may be sent to a co-located facility from another county, but that facility and county is where the violation occurs. VOA is attempting to come up with a resolution to this problem.

1:30 By Laws Committee: Kris Smith and Charlene Edwards

Updating the Bylaws: Youth Members, Conflict of Interest, Membership Attendance

Please take a look at the bylaws, and see if there are any changes/updating that needs to be done. Also need to consider how we can get involvement from Youth Members, and keep them engaged. Kris suggested a possible mentor for the youth member from another member.

Donna: Regarding meetings, we would like ideas on how to continue; i.e. 1 day vs. 2 days? We've had difficulties getting some members to meetings.

Next meeting: Cheyenne, October 21 and 22.

Ronn Jeffrey: Prefers the half p.m. day on Thursday, half a.m. day on Friday.

Char, along with others, voiced the appreciation of a one day, centrally located meeting.

Donna; By statute, we are required to have four meetings a year.

Budget Update: DFS (handout)

JDAI: Judge Hartman

Steering Committee meets next week. Six counties have expressed interest in becoming a site.

Training session hopefully in Laramie in October; would like to get Judges involved. Not too late for counties to express interest; send a letter to Tony Lewis.

Other Business:

Discussion regarding a written response from the Council to Richard Bohling's letter.

Char Edwards: We need to find out what each DA and CA's concerns are. Need to continue to reach out to those CA's. At one time, there was discussion that information was going to be presented to each county regarding WY coming into compliance, and how/if it affects the counties/states.

Catherine Wilking: The Council needs to have a designee as a contact person to hear opinions and to get the answers, etc that the counties are asking.

Donna: Individually, if you feel like you have a relationship in which you can talk to your CA, and to find out what issues they have, it would be good to know what responses are.

Lynne Davies: Suggested outreach to those counties.

Donna: May be a good idea to have the new member training opened to community members, so they know the role of the SACJJ and the federal issues, and how it affects our state.

Jim: When responding to Bohling's letter, we need to note the advantages, the disadvantages, and how it will affect them, their offices and the counties. We need to inform the Prosecutors.

Meeting Adjourned at 2:45 p.m.

Minutes submitted by Council Coordinator, Lauri Lamm