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Carol Thompson
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Minutes

District Judges Conference

Spring Meeting – April 19 & 20, 2012

Saratoga, Wyoming

Present (15): Skar, Wilking, Cranfill, Arnold, Young, Waldrip, Donnell, Deegan, Campbell, Brooks, Price, Sullins, Day, Perry, James (attended only Day Two in Saratoga), Guthrie (ret.), Stebner (ret.).

Absent (7): Sanderson, Ryckman, Davis, Kautz, Tyler, Park, Fenn

April 19, 2012

Wyoming State Penitentiary, Rawlins, Wyoming

1:00 p.m – 4:00 p.m.

After gathering up in the palatial chambers of Judge Waldrip (most of us), we enjoyed a wonderful tour of the “new” State Pen led by Warden Eddie Wilson (to some of the older folks, the “new” State Pen is the one opened in 1981 and shuttered in recent years). We were accompanied by the head of head of security, chief caseworker and the head of mental health therapy. Had occasion to visit the print shop, woodworking shop, kitchen and sewing shop. All were populated by inmates who enjoyed sought-after positions therein. We mingled with the inmates. Everything clean as a whistle. Visited two separate gymnasiums where the regular population recreated. Also visited ad-seg (administrative segregation) where inmates are locked down 23/7 without benefit of TV or radio (both allowed to general population). We also visited the death chamber which doubles most of the time as a parole hearing room. There is only one inmate on death row, and he is in general population.

At conclusion of tour we had a sit-down with the Warden and other officials over coffee and treats to discuss issues of mutual concern. There was an explanation of the good time allowances. Basically, time in county jail does not count for good time. But of time remaining once a fellow starts to do his time under WYDOC, figure he’ll do 2/3 of that number (bottom) before he is eligible for parole; entitled to good time so long as no serious write-up’s and the like. Governor tight on commutations, like previous chief executives.

By the way, your reporter learned that when an inmate is severely mentally ill he is no longer sent to WSH. Instead, he is sent to the chronically mentally ill wing at Torrington. Also, for those who do not know, the fishtank (classification before introduction to general population) is now in Torrington.

As for education, in addition to other programming an inmate can receive any soft-cover book from a third party vendor.

Item of interest: if you have printing needs (stationery and the like) the print shop can help you out. Go to the WYDOC website and check out Wyoming Brand Industries.

The tour was a great success and very educational.

The evening meal was in the back dining room at the Wolf Hotel, where many of us stayed. Happy fraternity was had by all. We were all especially pleased to be joined at supper and for the next day's meeting by Judge Nancy Guthrie and Judge Ken Stebner.

April 20, 2012

Saratoga Community Hall

Judge John St. Clair of Wind River Tribal Court

Judge St. Clair gave a very enlightening and cursory summation of the legal rights and status of the tribes from 1700 to date, citing to major interludes in tribal-federal government relations over the centuries. He also informed us as to the major legislative enactments governing tribal-federal government relations. He told our group about the genesis of the tribal court.

In a most interesting aside he indicated both his mother and he were educated in Indian boarding schools. Surprisingly, he averred neither considered the experience a wholly negative one. Each was able to acquire a valuable education in these schools.

DFS - WGS, WBS

Ms. Dugan Doty of DFS, Director Sprague (WGS) and Director Gilmore (WBS) spoke to us about a new family therapy program they are launching at the institutions that goes by the moniker TrueThought. Recently, they have come to appreciate the need to accentuate the family component of therapy. To that end, the institutions have teamed together with Judge James' court (pilot) to utilize video-conferencing as a means of including family members in the therapy

of the young men and women. Judge James expressed a great deal of enthusiasm over the results of the program thus far – indicating she was at first rather skeptical of the chances of success.

WYDOC – Field Services Division

WYDOC Director Bob Lampert and Deputy Director Steve Lindley, together with Field Services Administrator Dawn Sides and Deputy Field Services Administrator Bill Payne (northern half of State) and Deputy Field Services Administrator Rob Doty (southern half of State) addressed and conversed with the group as to issues of probation generally.

Boot Camp

There was extended discussion of the Boot Camp program (see materials emailed to District Court bench a few days after our meeting). It is now a 180 day placement that offers quite a bit of programming (including substance abuse, sex offending treatment, acquisition of education and job skills, etc.). It started as a 90 day program, progressed to 120 days and is now 180 days. Initial indicators suggest the longer program, with the added rehabilitative therapy, is working.

Director Lampert encouraged the judges to use the Boot Camp program whenever possible.

Split Sentences

Director Lampert and Deputy Director Lindley indicated 16 out of 23 counties are using the split sentencing mechanism. Director Lampert seemed to be of the view that if possible it was preferred by the Department to skip the split sentence and place a fellow directly on probation. This suggestion was not met with a lot of support from our Conference. Field Services Administrator Sides indicated there was \$1.229 million set aside for split sentences for the upcoming biennium – not much when spread over 2 years across the State. WYDOC, like all other state agencies, may suffer cutbacks with the dim fiscal climate. Cuts may come from split sentences.

Had some very practical discussion with Mssrs. Sides, Payne and Doty with respect to the use of “furloughs” from the county jail to attend treatment. Some judges “furlough” and then indicate the defendant is on “probation” as soon as he arrives at the treatment facility. Yet a furlough suggests constructive incarceration, and the argument goes one cannot be incarcerated and on probation at the same time – which led to the next discussion of whether or not a defendant can receive a split to be served on weekends. Is he on probation while in the county jail and during the week or only during the week. Field Services is happy to do what we intend, just wanted clarification. So please be clear in your orders.

Sex Offenders

There was discussion of “local containment teams” that are deployed in various communities to carry out a collaborative approach to monitoring sex offenders. As well, there is an effort underway to improve the administration of risk assessments to better characterize the risk of re-offense by a sex offender. A Canadian risk assessment tool designed to identify the risk of male re-offense is under consideration. Nothing available yet to measure risk of re-offense by female offender (although there aren’t many of those).

The Department is reviewing its supervision strategies, and it is issuing a new manual for specialized supervision statewide. Hopes to have local containment teams deployed in all communities in time.

There is an RFP (Request for Proposal) out presently and \$2.5 million available to re-establish a robust sex offender program inside the correctional facility.

There was discussion as to the advantage of having a psycho-sexual evaluation for every sex offender. Problem is cost and who can take care of it. They are expensive. WYDOC officials described it as sort of an ASI-ASAM for sex offenders. Notwithstanding the challenges with having a full-scale psycho-sexual evaluation for every sex offender, WYDOC Field Services hopes to have a criminogenic profile akin to this (albeit more cursory) in upcoming PSI’s.

Good of the Order

Judge Arnold moved (Judge Price second) that the President write a letter to Judge Ryckman recognizing and thanking him for his years of service. All understand that Judge Ryckman is too modest to accept a gift or receive accolades. Nonetheless, the motion contemplates that President Waldrip will detail for Judge Ryckman the gift made in his honor to the Green River Speech and Debate Team in the amount of \$500.00. Motion passed unanimously.

Judge Sullins reported that the Commission on Judicial Conduct and Ethics is considering a rule change to enable release to the public of information about a case once probable cause is established. The proposed rule change is now before the BJPA for consideration. Judge Price, a member of the BJPA, took a straw poll of our Conference and present members were unanimously opposed to the proposed rule change – at least as a general proposition. We haven’t seen the proposed rule as of yet.

Judge Price inquired whether the court reporter of any judge present transcribed the initial appearance, entry of answer and/or change of answer and disposition in a probation revocation proceeding – under the proposition that those proceedings are akin to entry of plea, change of plea and sentencing that are required to be transcribed by reporters. A show of hands of those present indicated three or four judges have reporters who do this, the rest do not. Judge Price

averred it was unfair that some reporters collected for these transcriptions and others did not. It was suggested that perhaps the BJPA ought to look into this and indicate which is the correct approach so that every reporter can be consistent on the subject.

Adjourn

An unknown voice moved to adjourn (we like to think there was a second) and, with an inferred unanimous vote in favor, the meeting adjourned, to reconvene for the Autumn Meeting in Jackson Hole at the commencement of the Wyoming State Bar Convention (week of Sept. 17) at Jackson Lake Lodge. Judge Guthrie indicated she will be hosting a hoe-down or shin-dig at her home at the outset of the Convention.

Amendment to Minutes

Judge Waldrip called an email vote on the opening created on the BJPA (3 year term) for Judge Price's seat concluding June 30. Judge Waldrip nominated Dan R. Price for another term, seconded by Judge Donnell. Vote called and taken May 15 and 16, 2012. Of 22 voting members, 8 abstained. Of the remaining 14 votes, the tally was unanimous in favor of an additional 3 year term for Judge Price.

Your Faithful Servant,

Nick Deegan

Secretary-Treasurer

2011-2012