

Justice Reinvestment in Wyoming

Overview



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Background

Wyoming's prisons are nearly full, and the prison population is projected to grow in the next five years, in part because of revocations from supervision. This growth will result in dramatic increases to an already ballooning corrections budget. At the same time, recent declines in state revenue have hindered Wyoming's ability to invest in strategies to lower recidivism and reduce crime.¹

In March 2018, Governor Matt Mead, Chief Justice E. James Burke, Senate President Eli Bebout, House Speaker Steve Harshman, and Department of Corrections (DOC) Director Robert Lampert requested support from the U.S. Department of Justice's Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to explore a Justice Reinvestment approach to address these challenges. As public-private partners in the federal Justice Reinvestment Initiative (JRI), BJA and Pew approved Wyoming state leaders' request and asked The Council of State Governments (CSG) Justice Center to provide intensive technical assistance to help collect and analyze data and develop appropriate policy options to help contain corrections spending and reinvest in strategies

that can reduce recidivism, improve responses to behavioral health challenges, and increase public safety.

Under the direction of Wyoming's Joint Judiciary Committee (JJC), CSG Justice Center staff will conduct a comprehensive analysis of data collected from various relevant state agencies and departments.² To build a more robust picture of statewide criminal justice trends, data on jail and community corrections will be collected from local governments and analyzed where possible. CSG Justice Center staff will also convene focus groups and lead interviews with key stakeholders in Wyoming's criminal justice system. Based on the findings from these extensive quantitative and qualitative analyses, the JJC will develop policy options that are designed to both increase public safety and contain the cost of corrections in the state.

This overview highlights some recent criminal justice trends in Wyoming. The committee will explore these issues, and many others, in greater depth in the coming months.

Criminal Justice System Trends in Wyoming

Wyoming's overall violent crime rate has increased slightly in recent years.

- From 2015 to 2016, Wyoming's violent crime rate increased 2 percent, from 284 to 291 crimes per 100,000 residents, after remaining steady from 2006 to 2014.³
- Between 2006 and 2016, violent crime trends in the state differed across population areas: in metropolitan areas the violent crime rate increased 7 percent, in micropolitan areas it dropped 12 percent, and in non-metropolitan areas it climbed 32 percent.⁴

- In 2016, Wyoming's overall violent crime rate was 11th-lowest in the U.S.⁵

Wyoming's property crime rate has fallen in recent years.

- Between 2006 and 2016, Wyoming's property crime rate fell 34 percent, from 2,981 to 1,957 crimes per 100,000 residents.⁶
- In 2016, Wyoming's property crime rate was 14th-lowest in the U.S.⁷



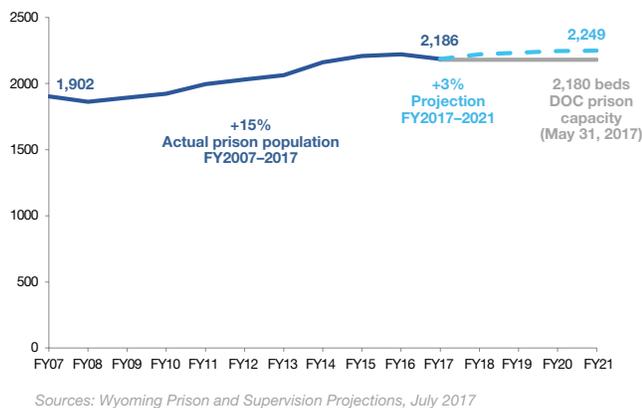
Wyoming’s drug arrest rate is the second-highest in the U.S and has increased considerably in recent years.

- Between 2006 and 2016, drug arrests increased 42 percent, from 3,160 to 4,482, the 8th-largest percent increase in the country during that time.⁸

Wyoming’s prison population has increased significantly in recent years and is projected to continue to grow.

- Between 2006 and 2016, Wyoming’s prison population increased 12 percent, from 2,114 to 2,374 people, the 9th-largest increase in the country during this period.⁹
- In May 2017, Wyoming’s prisons were operating at 97 percent of capacity: 2,122 people were being housed across 5 prisons with a total operating capacity of 2,180 beds.¹⁰
- To accommodate the prison population growth, Wyoming DOC contracted with county jails in 2017 to house 50 people in state custody, and in April 2018, the state announced a contract with a private prison in Mississippi to house another 88 people.¹¹
- Wyoming’s prison population is projected to increase 3 percent, from 2,186 to 2,249 people, between FY2017 and FY2021.¹² (See Figure 1)

Figure 1: Wyoming Historical and Projected Prison Population, FY2007–FY2021



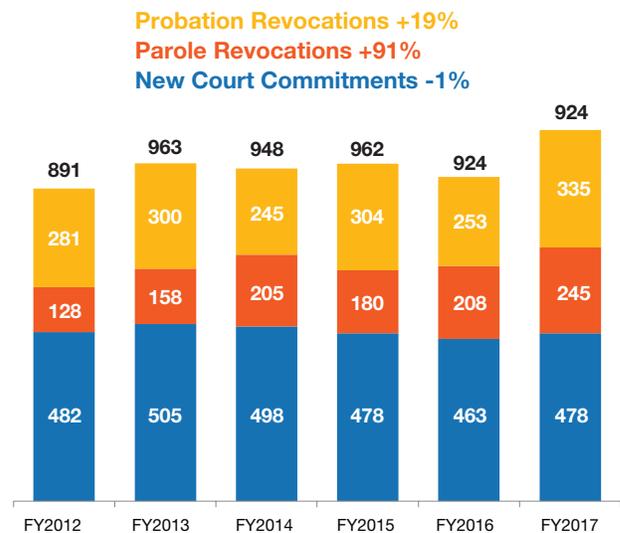
State corrections spending has increased in recent years to keep pace with prison population growth.

- Between the FY2007–08 and the FY2015–16 biennia, corrections spending increased 29 percent, from \$211 million to \$273 million.¹³

More than half of admissions to prison in Wyoming are due to revocations from probation or parole for violations of supervision conditions or new crimes.

- Between FY2012 and FY2017, the number of people revoked from parole and admitted to prison nearly doubled, from 128 to 245 people.¹⁴
- In FY2017, 55 percent of prison admissions were due to revocations from probation or parole, up from 46 percent in FY2012.¹⁵ (See Figure 2)

Figure 2: Wyoming Prison Admissions by Type, FY2012–FY2017



Wyoming has historically had one of the lowest return-to-prison rates in the country, but the rate has increased recently.

- In 2004, Wyoming had the second-lowest return to prison rate among the 41 states included in a national assessment, with 25 percent of people released from prison returning within three years.¹⁶
- However, between 2011 and 2013, the rate at which people released from prison returned within three years increased 5 percentage points, from 26 to 31 percent.¹⁷

The Justice Reinvestment Approach

Step 1: Analyze data and develop policy options

Under the direction of the JJC during the legislature's interim period, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, conviction, sentencing, probation, incarceration, behavioral health, parole, and recidivism data, using hundreds of thousands of individual data records. CSG Justice Center staff will examine probation, parole, and incarcerated population trends; length of time served in incarceration and on supervision; statutory and administrative policies; and availability of treatment and programs designed to reduce recidivism; among other factors. To the extent data are available, CSG Justice Center staff will also assess how felony sentencing trends impact probation, parole, and incarcerated populations, and explore contributors to recidivism trends. The analyses will result in findings related to the sources of correctional population growth, correctional bed capacity, and effectiveness of agency policies and procedures.

To incorporate perspectives and recommendations from across the state, the CSG Justice Center will collect input from criminal justice system stakeholders, including the Wyoming Attorney General, judges, district and county attorneys, public defenders, sheriffs, police chiefs, probation and parole agents, community correction program providers, behavioral health treatment providers, victims and their advocates, people in the criminal justice system and their advocates, residents and leaders in communities and neighborhoods where confidence in the criminal justice system may be low, local officials, and others.

With the assistance of CSG Justice Center staff, the JJC will review the analyses and develop data-driven policy options focused on increasing public safety and better managing corrections spending. Policy options will be available for the committee's consideration in September and November 2018 meetings, and recommendations will be provided to the legislature for consideration in early 2019.

Step 2: Adopt new policies and put reinvestment strategies into place

If the policy options are enacted as legislation, CSG Justice Center staff will work with Wyoming policymakers for a period of up to 24 months to translate the new policies into practice. This assistance will help ensure that related programs and system investments achieve projected outcomes and are implemented using the latest research-based, data-driven strategies. CSG Justice Center staff will develop implementation plans with state and local officials, provide policymakers with frequent progress reports, and deliver testimony to relevant legislative committees.

Step 3: Measure performance

Finally, the CSG Justice Center will help Wyoming officials in the development of a strategy to improve statewide data collection and sharing to measure and monitor performance as well as, ultimately, increase the state's capacity for making data-driven decisions in criminal justice policymaking and budgeting. This could include identifying key data points to record and officials best positioned to collect data, as well as exploring best practices to track, monitor, share, and analyze data. Improving in this area will allow state leaders to assess the impact of enacted policies on pretrial, probation, post-release supervision, and incarcerated populations, including recidivism rates, and to develop strategies to monitor these outcomes. Typically, this includes a spreadsheet of multiple indicators that makes it easy for policymakers to track the changes occurring in various components of the state's criminal justice system.

Notes

1. Laura Hancock, "Wyoming government marked by cuts in 2016," *Casper Star Tribune*, December 27, 2016, accessed June 2, 2018, http://trib.com/news/state-and-regional/govt-and-politics/wyoming-government-marked-by-cuts-in/article_d6f0a413-affe-5d92-bde2-2d5b9d4233ce.html.
2. The Wyoming Legislature's House and Senate Judiciary Committees are permanent standing committees that meet during legislative sessions to review bills, receive testimony, and vote on legislation for the consideration of the full House or Senate. During the interim period occurring in between legislative sessions, the two committees merge to form the Joint Judiciary Committee. During the interim period, joint committees study topics assigned by Management Council. Source: <http://www.wyoleg.gov/Committees/List/2018/J>.
3. Federal Bureau of Investigation, *Crime in the United States, 2006* (Washington, DC: United States Department of Justice, 2007), <https://ucr.fbi.gov/crime-in-the-u.s/2006>; Federal Bureau of Investigation, *Crime in the United States, 2016* (Washington, DC: United States Department of Justice, 2017), <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016>. All years in this Overview are calendar years unless otherwise noted.
4. *Ibid.* Metropolitan area is defined as a geographic area with a population of 50,000 or more, micropolitan as a population of between 10,000 and 49,999 people, and non-metropolitan as a population fewer than 10,000.
5. Federal Bureau of Investigation, *Crime in the United States, 2016*.
6. Federal Bureau of Investigation, *Crime in the United States, 2006*; Federal Bureau of Investigation, *Crime in the United States, 2016*.
7. Federal Bureau of Investigation, *Crime in the United States, 2016*.
8. Federal Bureau of Investigation, *Crime in the United States, 2006*; Federal Bureau of Investigation, *Crime in the United States, 2016*.
9. E. Ann Carson and Elizabeth Anderson, *Prisoners in 2006*, (Washington, DC: U.S. Department of Justice: Bureau of Justice Statistics, 2007), www.bjs.gov/content/pub/pdf/p06.pdf; E. Ann Carson and Elizabeth Anderson, *Prisoners in 2016*, (Washington, DC: U.S. Department of Justice : Bureau of Justice Statistics, 2017), <https://www.bjs.gov/content/pub/pdf/p16.pdf>.
10. Robert Lampert, "Reports from the Department of Corrections," (testimony delivered to the Joint Interim Legislative Committee, June 6, 2017).
11. *Ibid.*; Shane Sanderson, "Wyoming inmates sent to private Mississippi prison to ease space and staffing concerns," *Casper Star Tribune*, April 13, 2018, accessed May 15, 2018, http://trib.com/news/local/crime-and-courts/wyoming-inmates-sent-to-private-mississippi-prison-to-ease-space/article_442367a9-1962-51b9-8bcf-6400f31e94a9.html. Although Wyoming's prisons are not completely full, a large portion of the remaining in-state beds serve specialized populations. To provide capacity for the general population and avoid costs of in-state construction of new prisons or expansion of existing prisons, the department initiated the contract with the Mississippi private prison.
12. Email correspondence between CSG Justice Center and Wyoming Department of Corrections, August 2017.
13. *Ibid.*, May 2018. In odd-numbered years, Wyoming enacts a budget to cover the following two fiscal years of state operations. In even-numbered years, amendments may be made to the budget enacted the previous year.
14. Email correspondence between CSG Justice Center and Wyoming Department of Corrections, April 2018. The time period used here reflects the years of data provided to CSG Justice Center staff.
15. *Ibid.*
16. *State of Recidivism: The Revolving Door of America's Prisons*. (Washington, DC: The Pew Charitable Trusts, 2011). This publication, the most current snapshot of recidivism rates across the U.S., includes recidivism rates (measured as percent of people returning to prison within three years) following release from prison in 2004. Of the 41 states whose data were included in the assessment, Oregon, at 23 percent, had the lowest recidivism rate, and Wyoming, at 25 percent, was second-lowest.
17. "Annual Report FY2017," (Cheyenne, WY: Wyoming Department of Corrections, 2018), 8.



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The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in justice reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. These efforts have provided data-driven analyses and policy options to policymakers in 26 states. For additional information about Justice Reinvestment, please visit csjusticecenter.org/jr/.

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