

Wyoming

WOMEN IN PRISON: 142 (02/01)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

\$6-2-303 – Sexual assault in the second degree.

\$6-2-304 – Sexual assault in the third degree.¹

Wyoming’s laws are in the Sexual Offenses section in the criminal code. They do not specifically mention persons in custody, but they do mention custodians.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	Yes	All forms of sexual abuse are covered.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	Yes	The law requires proving the custodian “used” their position of authority in order to get the victim to submit. Consent is a valid defense.
Does the statute cover all custodians and staff in contact with inmates?	No	The law requires the actual status of “custodian” be established, as well as the position of authority.
Does the statute cover all places where an inmate might be abused?	Yes	The law is not concerned where the person was as long as the status of the persons is established.
Is the penalty a felony?	Yes	Violation is a felony.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ⁱⁱ	Not known. Amnesty International has not received a response from the Wyoming General Attorney’s Office.	
Incidents reported in select media since 10/98	- Wyoming Women’s Center in Lusk: Six inmates claim Officer West sexually assaulted them. West has been fired and was found guilty of previous sex charges. AP 02/16/00	

Custodial Sexual Misconduct –Policies, Procedures and Practices of Guarding Specific to Women

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases where further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	According to a written response from the Wyoming Department of Corrections, the policy is explicit. ⁱⁱⁱ
Allow cross-gender pat-down searches?	Yes	Predominantly same-sex. Cross-sex done only in emergency – “emergency” not defined. ^{iv}
Restrictions on the duties of male guards?	Yes	According to a written response from the Wyoming DOC, male guards are not permitted to perform strip searches on incarcerated women. ^v

¹ The relevant portion of Wyoming’s law is reprinted at the end of this section.

Staff training on sexual misconduct in 1996?	Yes	All staff receive four hours training annually in-service. ^{vi}
Staff training developed 1996-2000?	Yes	According to a written response from the Wyoming DOC, the training procedures were updated in 2000; no further details were provided. ^{vii}
Special procedures for investigating allegations of sexual misconduct in 1996?	No	According to a written response from the Wyoming DOC, the department uses standard investigating procedures. ^{viii}
Investigation procedures introduced 1996-2000?	Yes	According to a written response from the Wyoming DOC, the department now utilizes an outside agency, the Wyoming Division of Criminal Justice. ^{ix}
Informing inmates of agency policies on sexual misconduct in 1996?	No	Wyoming Department of Corrections did not make the policy available to inmates. ^x
Revision of procedures on informing inmates on sexual misconduct 1996-2000?	Yes	According to a written response from the Wyoming DOC, the Department makes the policy available to inmates, no further details were provided. ^{xi}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

None

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Wyoming has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning pregnancy and delivery		Not known.

Pregnancy and Parenting - Policies, Procedures and Practices

Use of restraints in third trimester	No	According to Wyoming DOC, no restraints are applied during the third trimester.
Restraints during transport	No	Wyoming DOC written policy states that no restraints are applied during transportation. The policy stipulates that deviation may only occur if an inmate is disruptive, poses an extreme risk of escape, or is a threat to herself or others. If restraints are deemed necessary, they must be limited to handcuffs. The use of restraints must be documented by staff, along with explanation for the need. ^{xii}
Restraints during labor	No	Wyoming DOC written policy states that no restraints are to be applied during hospitalization or medical procedures, unless specific circumstances strongly dictate otherwise, as described above. During the hours immediately following delivery, restraints will only be applied upon authority of the Director, Deputy Director or Administrator of Prisons. ^{xiii}
Officer in delivery room	Yes	According to Wyoming DOC, an officer is present at all times. ^{xiv}
Parenting programs specific for women	Yes	According to Wyoming DOC, the department provides a parenting program specifically for women. ^{xv}
Special visitation rights for women	No	Wyoming DOC has no special visitation rights for women with children. ^{xvi}

State Mother and Child Residency Program	No	Wyoming DOC has no residential program for inmate mothers and their infants/children. ^{xvii}
<i>Amnesty International notes:</i>		<i>Wyoming DOC policies on restraining pregnant women follow the stipulations of international human rights standards.</i>

Contact information

WYOMING DEPARTMENT OF CORRECTIONS

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WYOMING DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

<p>Wyoming Women's Center <i>Female inmates: 83(02/01)</i>^{xviii} Capacity: 84</p> <p>Warden Nola Blackburn P.O. Box 20 1000 West Griffith Lusk, WY 82225 Phone (307) 334-3693 Fax (307) 334-2254 E-mail: nblack@missc.state.wy.us Security Level: All levels security</p>	<p>Central Oklahoma Correctional Facility: Private Contractor <i>Female Inmates: 844</i> Capacity: 801 Warden Howard Ray 29501 Kickapoo, McCloud OK 74851</p> <p>Population housed in Central Oklahoma Correctional Facility: 66 (02/01)^{xix}</p> <p>Security Level: Medium</p>
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WYOMING EXECUTIVE

<p>Governor Jim Geringer [R] Office of the Governor Wyoming State Capitol Cheyenne, WY 82002 Phone: (307) 777-7434 Email: Governor@missc.state.wy.us</p>	<p>Homepage: http://www.state.wy.us/governor/governor_home.html Contact page: http://www.state.wy.us/</p> <p>Elected: November 1994</p>
<p>Attorney General Gay Woodhouse [R] Office of the Attorney General 123 Capitol Building 200 W. 24th Cheyenne, WY 82002 Phone (307) 777-7841/ 777-6869 Fax (307) 777-6869</p>	<p>Homepage: http://www.state.wy.us/~ag/index.html</p>

- ^v Facsimile update from the Wyoming Department of Corrections, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/2001
- ^{vi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{vii} Facsimile update from the Wyoming Department of Corrections, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/2001
- ^{viii} Facsimile update from the Wyoming Department of Corrections, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/2001
- ^{ix} Facsimile update from the Wyoming Department of Corrections, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/2001
- ^x US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{xi} Facsimile update from the Wyoming Department of Corrections, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/2001
- ^{xii} State of Wyoming Department of Corrections, Policies and Procedures, Use of Restraints. 3.001.3 Part IV L. Pregnant Inmates. Policy sent by the Wyoming DOC, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/01

^{xiii} State of Wyoming Department of Corrections, Policies and Procedures, Use of Restraints. 3.001.3 Part IV L. Pregnant Inmates. Policy sent by the Wyoming DOC, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/01

^{xiv} Phone Conversation with Dawn Sides, Wyoming Women's Center Health Services, 01/2001

^{xv} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998

^{xvi} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998

^{xvii} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000

^{xviii} Facsimile update from the Wyoming Department of Corrections, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/2001

^{xix} Facsimile update from the Wyoming Department of Corrections, Leslie Snyder and Jill Watson, Division of Prisons Administrator, 02/20/2001