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**JUVENILE JUSTICE MONITORING UNIT  
STATE OF MARYLAND**

**2021 THIRD QUARTER REPORT**

## **The Maryland Juvenile Justice Monitoring Unit (JJMU)**

The Juvenile Justice Monitoring Unit (JJMU) is an independent state agency housed in the Office of the Maryland Attorney General. The JJMU is responsible for reporting on Maryland Department of Juvenile Services (DJS) operated and licensed facilities across the state. Monitors from the unit conduct visits to these sites unannounced to guard against abuse and ensure youth receive appropriate treatment and services.

The mission of the JJMU is to promote the transformation of the juvenile justice system into one that meets the needs of Maryland's youth, families, and communities. This mission is accomplished by collaborating with all who are involved with the system.

The Unit has access to DJS incident and case notes databases and to DJS internal investigation and grievance documents. Monitors spend significant time gathering information and observing all aspects of operations. We sit in on activities and classes, interview youth, staff and administrators, and review video footage and original incident report documentation. The JJMU issues public reports covering each calendar quarter. These reports include data and analysis concerning treatment of and services provided to youth in DJS detention and placement facilities throughout our state. Formal responses from DJS and the Maryland State Department of Education (which is responsible for education services in DJS facilities) are included within the reports.

The JJMU has been instrumental in driving positive changes in the Maryland juvenile justice system since its formation in the wake of widespread systemic abuse issues. The activities of the independent monitoring agency increase the transparency and accountability of the system and raise awareness of the needs of justice-involved Maryland youth. We will continue to push for the adoption of best practices as we evaluate current and emerging research and promising practices that serve to both enhance public safety and produce positive outcomes for young people in contact with the juvenile justice system.

## **JJMU 2021 Third Quarter Report Compendium**

The Maryland Juvenile Justice Monitoring Unit (JJMU) issues public reports covering each calendar quarter that include data and analysis concerning treatment of and services provided to youth in Maryland Department of Juvenile Services (DJS) directly run and licensed facilities throughout Maryland. Enclosed please find the unit's compilation of 2021 third quarter reports.

The Maryland Department of Juvenile Services' response and a response from the Maryland State Department of Education are included, as indicated on the contents page.

The JJMU 2021 Third Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder, and Marvin Stone. Thanks to Taran Henley, Fritz Schantz, and Maria Welker for technical assistance.

We respectfully submit this report to the Governor, members of the Maryland General Assembly, the Secretary of the Department of Juvenile Services, and the members of the State Advisory Board for Juvenile Services, as required under Maryland law.

Current and prior reports of the Maryland Juvenile Justice Monitoring Unit and related responses are available through our website at:

<http://www.marylandattorneygeneral.gov/Pages/JJM/default.aspx>



**NICK MORONEY**  
*Director*

STATE OF MARYLAND  
JUVENILE JUSTICE MONITORING UNIT

December 2021

The Honorable Lawrence J. Hogan, Jr., Governor  
State of Maryland

The Honorable Bill Ferguson, President of the Senate  
Maryland General Assembly

The Honorable Adrienne A. Jones, Speaker of the House of Delegates  
Maryland General Assembly

Members of the General Assembly

The Honorable Sam J. Abed, Secretary  
Department of Juvenile Services

Members of the State Advisory Board for Juvenile Services  
c/o Department of Juvenile Services

Dear Governor Hogan, Senate President Ferguson, Speaker of the House Jones, Members of the General Assembly, Secretary Abed, and State Advisory Board Members:

Enclosed is the Juvenile Justice Monitoring Unit's 2021 third quarter report which offers an update on conditions in Department of Juvenile Services' operated and licensed facilities.

In Maryland, children are automatically charged as adults for certain crimes. Juvenile justice advocates have highlighted the ways in which the automatic prosecution of children as adults is harmful to youth and their communities. Maryland's choice to treat kids as adults in criminal court is one of the reasons that human rights experts have designated the state as one of the worst human rights offenders in the nation for the protection of children in the justice system. The state should move toward a more humane and more effective justice system by ending the practice of the automatic prosecution of youth as adults.

Juvenile justice stakeholders should also continue to work on keeping populations of young people in Maryland's detention and committed placement centers as low as possible given the negative impact that incarceration has on youth development and well-being. Recent declines in the rate of incarcerated youth in the juvenile justice system have not detrimentally impacted public safety and have protected young people from the dangers of confinement.

COVID-19 and its variants continue to impact all aspects of facility operations and youth in DJS custody still live under severely restricted conditions due to the ongoing pandemic. Congregate care facilities are high-risk environments for COVID-19 transmission. Staff working inside DJS facilities need to be fully vaccinated to help reduce the risk of COVID-19 outbreaks within the facilities.

Respectfully submitted,

*Nick Moroney*

Nick Moroney  
Director  
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh  
Chief Deputy Attorney General Elizabeth Harris  
Deputy Attorney General Carolyn Quattrocki  
State of Maryland Treasurer's Office  
The Office of Comptroller of Maryland  
Deputy Secretary Wallis Norman, Mr. Karl Pothier and Mr. Jay Cleary, DJS  
Margi Joshi, Tim Snyder, Marvin Stone, JJMU

# JUVENILE JUSTICE MONITORING UNIT 2021 THIRD QUARTER REPORT

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## Hardware Secure Detention Centers

Short-term, pre-disposition/pending placement

- Baltimore City Juvenile Justice Center (BCJJC)
- Cheltenham Youth Detention Center (CYDC)
- Charles H. Hickey, Jr., School (Hickey)
- Thomas J.S. Waxter Children's Center (Waxter)
- Alfred D. Noyes Children's Center (Noyes)
- Western Maryland Children's Center (WMCC)
- Lower Eastern Shore Children's Center (LESCC)

## Committed Placement Centers

Long-term, post-disposition

- Victor Cullen Center (Cullen)
- Garrett Children's Center (GCC)
- Mountain View
- Backbone Mountain and Green Ridge youth centers (two youth centers)
- Silver Oak Academy (SOA – DJS Licensed)

## Incident and Population Trends

Third quarter 2021 population and incident trends versus third quarter 2020:

- ✓ Average daily populations (ADP) of youth decreased at BCJJC, CYDC, Noyes, Waxter, LESCC and WMCC secure detention centers.
- ✓ Fights and assaults decreased at CYDC and Noyes secure detention centers.
- ✓ Physical restraints decreased in secure detention at CYDC, Noyes, and WMCC and in committed placement at Mountain View.
- ✓ The use of mechanical restraints decreased in secure detention at BCJJC and in committed placement at Cullen. Mechanical restraints were not used at CYDC and LESCC secure detention centers or at Mountain View committed placement center during the quarter.
- ✓ The use of seclusion decreased in secure detention at CYDC and Hickey. Seclusion was not used at Noyes secure detention center or at Victor Cullen committed placement center.
- Average daily populations (ADP) of youth increased in secure detention at Hickey and in committed placement at Victor Cullen, Mountain View, and the two youth centers.
- Fights and assaults increased in secure detention at BCJJC, Hickey, Waxter, and LESCC and in committed placement at the two youth centers.
- Physical restraints increased in secure detention at BCJJC, Hickey, Waxter, and LESCC and in committed placement at the two youth centers.
- Mechanical restraints increased in secure detention at Waxter and in committed placement at the two youth centers.
- Seclusions increased in secure detention at BCJJC and WMCC.
- There were 20 incidents of suicide ideation, one suicide attempt, and 14 incidents of self-injurious behavior at DJS-operated facilities during the quarter.

# **JUVENILE JUSTICE REFORM IN MARYLAND**



## Juvenile Justice Reform in Maryland

### **Continue to minimize the number of youth detained or placed out of home.**

Institutionalization of youth should be a last resort. Incarceration is associated with physical, mental, educational, and developmental risks for young people (risks which have only increased since the onset of the COVID-19 pandemic) and negatively affects future outcomes.<sup>1</sup> In addition, secure detention and out-of-home institutional placements are expensive and detrimental to public safety as they increase the likelihood of youth recidivism compared to community-based supports and interventions.<sup>2</sup> The Maryland Department of Juvenile Services (DJS) and other juvenile justice stakeholders should continue to work toward minimizing the number of youth who are locked-up in DJS facilities. Changes over the course of the past year have demonstrated that reducing the numbers of young people in confinement can be done safely. According to DJS data, the detention population has decreased by 55% and the committed placement population declined by 57% since January of 2020. Over the same time period, the number of complaints (the term used to describe the referral of a youth to DJS) received by DJS declined by almost 64%. Sizable reductions in the detention and committed placement populations in the past year have not impacted community safety.

### **End the automatic prosecution of youth as adults.**

In Maryland, children are automatically charged as adults for certain crimes. Juvenile justice advocates have highlighted the ways in which the automatic prosecution of children as adults in Maryland is harmful to youth and their communities.<sup>3</sup>

- Adolescents are different than adults and their brains are still developing. In comparison to adults, they are more impulsive, more influenced by their peers, and less able to evaluate long-term consequences of behavior. At the same time, because they are still growing and developing, they are more amenable to positive change; indeed, most young people age out of unlawful behavior.<sup>4</sup> The juvenile justice system was designed to take into account their developmental immaturity and diminished culpability and to address

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<sup>1</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014). <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>; Justice Policy Institute, The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities, (2011), available at: [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf)

<sup>2</sup> McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. "The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model." New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

<sup>3</sup> See Just Kids, available at: [Just-Kids-Report-Executive-Summary.pdf \(justkidsmaryland.org\)](https://www.justkids.org/just-kids-report-executive-summary.pdf)

<sup>4</sup> Bonnie, R. J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. Washington DC: National Research Council. <http://www.nap.edu/read/14685/chapter/1#xv>

their unique needs. Starting all young people in the juvenile system will ensure that decisions about whether children and youth should be waived up to adult court are more likely to be made by people who are trained in or otherwise more cognizant of adolescent development and related research, data, and best practices as it relates to juvenile justice and public safety issues.

- Charging kids as adults perpetuates racial disparity in the juvenile justice system and is detrimental to public safety. The vast majority of youth charged as adults in Maryland are Black<sup>5</sup>, and Black youth are more likely to be convicted as adults than Whites. Youth of color are also more likely to receive adult sentences and harsher penalties for similar offenses than their white peers, and research shows that youth tried and sentenced as adults are more likely to recidivate than youth with similar offenses who are treated within the juvenile justice system.<sup>6</sup> Starting all youth in the juvenile justice system can help increase the likelihood that justice-involved children of color have equitable access to the supports and services they need to achieve future success through the juvenile justice system rather than facing the punitive and potentially abusive conditions prevalent in the adult criminal justice system.
- Youth automatically charged as adults may spend several months or even a year or more stuck in detention awaiting a decision as to whether their case will be transferred to juvenile court jurisdiction. Detention centers are not setup to provide long term, comprehensive services and this significant length of stay is essentially “dead time” or wasted time that can thwart a child’s development process, expose them to physical and psychological dangers of incarceration, and endanger their academic progress. Starting youth out in the juvenile justice system will expedite the process by which courts determine whether a youth should be under adult or juvenile court jurisdiction since there are strict scheduling deadlines that must be met in the juvenile justice (versus the adult criminal justice) system. The more streamlined process will lead to a lower average length of stay in juvenile detention for youth who may eligible to be waived up to adult court and allow youth who remain in the juvenile justice system to receive services and supports sooner.

Maryland’s choice to treat kids as adults in criminal court is one of the reasons that human rights experts have designated the state as one of the worst human rights offenders in the nation for the protection of children in the justice system.<sup>7</sup> The state should move toward a more

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<sup>5</sup> Maryland Juvenile Justice Reform Council, Final Report, page 42, available at: [Juvenile Justice Reform Council Final Report January 2021 \(maryland.gov\)](#)

<sup>6</sup> Human Impact Partners (February 2017), Juvenile Injustice: Charging Youth as Adults is Ineffective, Biased, and Harmful, available at: [Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful - Human Impact Partners](#)

<sup>7</sup> Human Rights for Kids (2020), 2020 State Ratings Report: Human Rights Protection for Children in the U.S. Justice System, available at: [State Ratings Report 2020 \(humanrightsforkids.org\)](#)

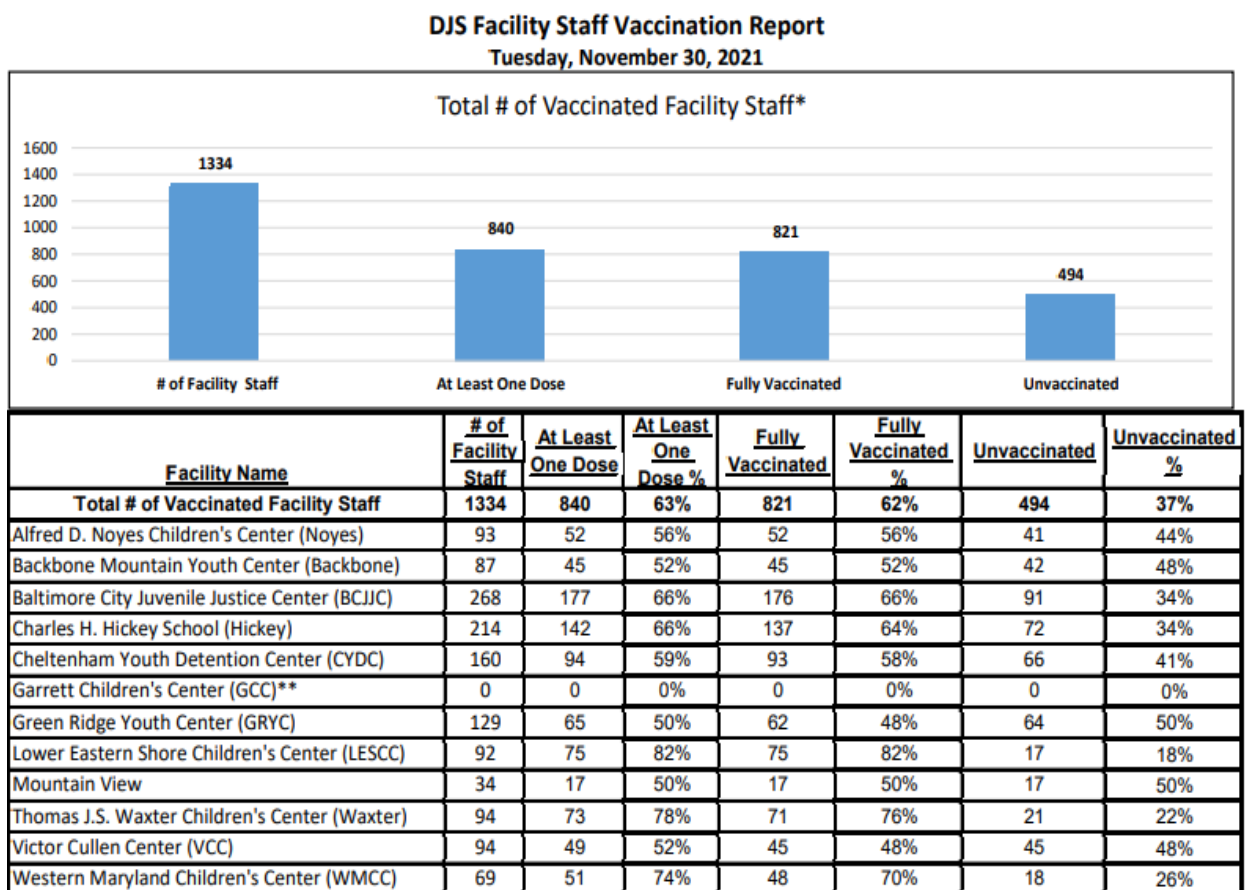
humane and more effective justice system by ending the practice of the automatic prosecution of youth as adults.

# **COVID-19 Response in Juvenile Services' Facilities**

## COVID-19 Response in Juvenile Services' Facilities

Despite the inherent heightened risk of COVID-19 transmission in carceral settings, vaccination rates for staff working inside DJS-operated detention and placement centers lag far behind Maryland statewide vaccination rates.<sup>8</sup> COVID-19 infections continue to infiltrate DJS facilities due to staff testing positive. Forty-five staff working in DJS facilities and at least 15 young people in DJS custody tested positive for COVID-19 during the third quarter of 2021.

The table below displays vaccination rates for facility staff as of November 30, 2021.



\*Pursuant to MDH's definition of "staff," the numbers in this chart represent DJS permanent and contractual staff, contracted vendors, volunteers and all individuals who have regular contact and/or perform any regular duties at a DJS facility.

\*\*Operations at Garrett Children's Center are indefinitely suspended.

Source: DJS Office of Research and Evaluation

<sup>8</sup> Approximately 89% of adults 18 and older have received at least one dose of the COVID-19 vaccine as of December 2, 2021. See: [Coronavirus - Maryland Department of Health](#)

Staff working inside Department of Juvenile Services' (DJS) detention and placement centers need to be fully vaccinated to help reduce the risk of COVID-19 outbreaks within the facilities.

COVID-19 and its variants continue to impact all aspects of facility operations, and youth in DJS custody still live under severely restricted conditions due to the ongoing pandemic. Young people who are incarcerated face physical and psychological risks under normal conditions. Youth in confinement during the pandemic are experiencing added stressors.

- Young people who get sick with COVID-19 while in detention are required to medically isolate in their cell for the duration of the illness. Youth who get sick with COVID-19 in staff secure placement facilities (which have dorm-style living arrangements) are transported in handcuffs and leg irons to detention centers where they are medically isolated in cells. Isolation has serious deleterious effects on emotional and psychological well-being and these harmful effects are exacerbated by existing mental health and trauma-related conditions that a majority of youth in the juvenile justice system experience.
- Youth are confined to their unit when they are placed on quarantine. Quarantine occurs for a two-week period when a young person enters a facility and whenever there is potential exposure to COVID-19 due to young people being in proximity to a staff member or other youth who subsequently tested positive. Being placed on quarantine is a common occurrence at facilities. Many youth in quarantine expressed symptoms of depression and anxiety due to the restricted movement in combination with other COVID-19 restrictions on activities that continue to be in place.
- Youth are required to wear masks whenever they are outside their cells and social distancing is encouraged. However, daily social distancing and continuous mask wearing is difficult to maintain in congregate care facilities. Youth in DJS facilities are responsible for cleaning/disinfecting their personal areas in classrooms and in their cells. At some facilities, youth have cleaned high touch areas in bathrooms, classrooms, and on the unit to try to stay safe. Despite these precautions, some youth and staff continue to test positive for COVID-19.
- Separation from loved ones is traumatizing and the distress is compounded when normal avenues for contact with family members such as in-person visits and earned home passes (for youth in placement) are halted. Youth have requested more time to talk to families on the phone and through virtual visits, especially during the holiday time which can make family separation especially stressful. While DJS accommodated extra

phone calls in the beginning of the pandemic, family contact was subsequently reduced even though restrictive pandemic conditions still operate inside DJS facilities.

- Young people are experiencing excessive downtime and boredom due to restrictions on activities (including a prohibition on contact sports) within facilities. At some facilities, cards, board games, and sports equipment such as basketballs are not being allowed when staff test positive. The lack of meaningful activities, especially on weekends, can lead to frustration and acting out behaviors.

Juvenile justice stakeholders should continue to work on keeping populations of young people in Maryland's detention and committed placement centers as low as possible given the negative impact that incarceration has on youth development and well-being. Recent declines in the rate of incarcerated youth in the Maryland juvenile justice system have not detrimentally impacted public safety and have protected young people from the dangers of confinement.

# COMMITTED PLACEMENT CENTERS



## Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a hardware secure (locked and fenced) committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. Black youth represented 62% of total entries during the third quarter of 2021, compared to 82% of total entries during the third quarter of 2020. Hispanic/Latino youth represented 19% of total youth entries during the third quarter of 2021. In comparison, there were no Hispanic/Latino youth at Cullen during the third quarter of 2020.

<b>Victor Cullen – Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>22</b>	<b>7</b>	<b>12</b>
1. Youth on Youth Assault/Fight	15	2	7
2. Alleged Youth on Staff Assault	4	3	1
3. Physical Restraint	32	9	9
4. Use of Handcuffs and/or Shackles	13	7	5
5. Seclusion	7	6	0
6. Contraband	3	1	0
7. Suicide Ideation	3	0	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	1	1

The average daily population (ADP) at Victor Cullen during the third quarter of 2021 increased by 71% compared to the third quarter of 2020. Youth fights and assaults increased from two instances in the third quarter of 2020 to seven instances in the third quarter of 2021. Physical restraints of youth by staff remained constant (at nine) between the two time periods while use of handcuffs and/or leg irons on youth within the facility decreased by two instances. There were no reported seclusions during the third quarter of 2021.

The culture at Cullen is compliance-driven with a focus on adhering to rules and directives rather than developing relationships with young people and learning about their unique strengths, interests, and challenges in order to motivate them to overcome hardships and strive for healing, growth, and future success. Instead of individualized care and guidance, youth report that some staff purposely and unfairly over-utilize disciplinary reports (which can extend youth time at Cullen) as a tool of intimidation and control. As a result of this dynamic, relationships with direct-care staff and administrators are frequently adversarial and conflictual which creates additional stress for youth aside from the inherent stressors of incarceration and separation from loved ones and community. Furthermore, poor staff/youth relationships have also been shown to impact youth success upon re-entry.

Incarcerated adolescents' perception of their likelihood of success upon release is associated with the quality of a relationship with a staff member whom they turn to for support while detained ([Marsh & Evans, 2009](#)). Youth who have close relationships with staff report a more positive outlook on their chances of staying out of crime and avoiding substance abuse post-release, as well as their ability to resolve conflicts. Positive perceptions of juvenile justice institutions and perceived fairness of staff members are also linked to fewer antisocial outcomes one year after adolescents have been released ([Schubert, Mulvey, Loughran, & Losoya, 2012](#)). Altogether, these studies suggest that positive relationships with correctional staff may be strongly related to positive outcomes in youths' lives, including a reduced risk of engaging in violence.<sup>9</sup>

Even provision of basic needs such as access to shoes, clothing items, towels, toiletries, hair care and hygiene services, and nourishing and filling meals - which is an integral component of helping young people feel cared for and safe - has been a struggle at Cullen and further undermines the creation of a culture of care and support. Youth voiced concerns with hunger due to inadequate food portions and snacks; bugs in their food; delays in receiving supplies such as towels, washcloths, clothing and shoes; poor quality barbering services; unclean bathrooms, and a lack of hot water for showers.

Contributing to the troublesome milieu is the lack of adequate mental health services. Cullen has had a long-standing mental health staffing crisis and is unable to offer youth consistent mental health care provided by on-site clinicians assigned full-time to the facility with advanced knowledge and skills. During the quarter there was only one full-time mental health professional on site. Clinicians from other DJS facilities and DJS Headquarters were brought in to make up for gaps in coverage. The constantly rotating clinical staff at Cullen hinders the ability of young people to establish trust and rapport with their therapists. One youth reported to monitors that he developed a positive relationship with his therapist but the clinician left to go

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<sup>9</sup> Brown, Collen; Fine, Adam; Cauffman, Elizabeth, Do Positive Perceptions of Correctional Staff Mitigate Institutional Violence Among Youthful Offenders? *Psychology, Public Policy, and Law*, 2019 Feb; 25(1) 38-45, available at: [DO POSITIVE PERCEPTIONS OF CORRECTIONAL STAFF MITIGATE INSTITUTIONAL VIOLENCE AMONG YOUTHFUL OFFENDERS? \(nih.gov\)](#)

back to her home facility. Another youth placed in Cullen requested to talk to the therapist that he had access to while in a DJS detention center before being sent to Cullen. The youth felt that he received more therapeutic care while in detention. Vacancies for behavioral health therapists should be filled without delay with candidates who have experience and expertise in working with vulnerable youth and youth of color and are dedicated to improving services for youth at Cullen. Mental health staff should also be integrated into all aspects of facility operations and be available to provide training and support to direct-care supervisors and line staff in areas such as trauma-informed care, relationship-building, conflict resolution, and de-escalation.

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities.

The school climate at Cullen needs improvement. Youth reported being uncomfortable and unwelcome in one teacher's classroom because of the teacher continually threatening them with disciplinary reports (which can lengthen a youth's length of stay and access to incentives) and cursing at them. Several students over time have complained about how they feel targeted and harassed. During the quarter two teachers left the facility on a school day for lunch and never returned. Vacancies for math and special education teachers remain unfilled.

High school graduates at Cullen languish as they are not provided with meaningful or engaging career and technical education programs and employment experience. Encouragement, support, and resources to pursue online community college (the only post-secondary education options available to students in DJS facilities) are not prioritized. One student who started community college courses in detention reported that he did not want to continue with his studies once his course was completed at Cullen because he did not receive as much help with his classes as he received in detention. High school graduates have been put to work around the facility doing odd jobs in exchange for snacks and extra phone calls rather than financial remuneration. At times during the quarter, graduates were told to sit in on high school classes when there was nothing else to occupy their time and were told they would receive disciplinary reports if they refused. DJS and MSDE JSES should partner to formulate customized education-related activities and plans for high school graduates to further their progress as well as keeping them constructively engaged during the school day. A robust, long-term career and technical education program leading to certification in fields in high demand should be arranged so that - instead of excessive downtime - young people can learn skills and gain experience that will help them earn a livable wage when they return to their communities.

Interest and motivation to gain work experience and career-related certifications is high among youth. DJS should enable young people in their placement programs who have demonstrated growth and responsibility to have jobs, apprenticeships, and internships in surrounding communities. For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

The lack of considered attention to youth needs (therapeutically, educationally, emotionally, developmentally) along with adversarial staff/youth interactions marked by constant threats of ejection or extended incarceration leads to mental and emotional deterioration over

time for many youth housed at Cullen. Youth (on many occasions) have expressed to monitors that they strongly believe they would be better off “doing their time” in DJS secure detention facilities which are much closer to their families and communities and where they feel better cared for than they do in placement at Cullen.

**Garrett Children’s Center (formerly Savage Mountain Youth Center)**

Garrett Children’s Center (GCC), located in Allegheny County, is a Department of Juvenile Services (DJS/the Department) owned and operated hardware secure (locked and fenced) committed placement center for boys with a DJS-rated capacity of 24.

<b>GCC</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>7</b>	<b>4</b>	<b>N/A</b>
1. Youth on Youth Assault/Fight	1	0	N/A
2. Alleged Youth on Staff Assault	0	4	N/A
3. Physical Restraint	15	23	N/A
4. Use of Handcuffs and/or Shackles	7	11	N/A
5. Seclusion	0	0	N/A
6. Contraband	2	3	N/A
7. Suicide Ideation	3	0	N/A
8. Suicide Attempt	0	0	N/A
9. Self-Injurious Behavior	0	0	N/A

There were no youth at GCC in 2021. Both DJS and MSDE JSES staff continue to report to work at the facility.

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. While there are no students at GCC, teachers there have been tasked with providing virtual instruction to students at other JSES schools that are not able to provide in-person instruction to students in some classes due to a significant number of vacancies for certified teachers across the school

system. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

Over a million dollars has been spent on security apparatus to convert the GCC from a staff secure to a hardware secure (locked and fenced) facility and maintenance and operation costs continue to be expended despite there being no youth at the facility.

Rather than continuing to invest in the correctional model of youth incarceration, the Department should permanently close GCC and resources should be diverted toward establishing a continuum of residential and non-residential community-based services that are specialized to serve the individualized needs of young people and families in need of assistance. Studies show that “punitive justice system responses to youthful misbehavior consistently fail, and recent research confirms what common sense suggests: youth who have positive role models, education, and access to the resources they need commit fewer offenses than those who are removed from their support structures and forced into confinement.”<sup>10</sup>

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<sup>10</sup> A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 13, available at: <https://cjjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

## Mountain View

Mountain View is a staff secure committed placement center for girls that opened at the end of June 2020. The facility is located in remote western Maryland on the grounds of Backbone Mountain Youth Center for boys. The dormitory style living unit can house up to six girls. Mountain View is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). Black girls represented 57% of total youth entries during the third quarter of 2021 compared to 25% of total youth entries during the same time period last year. There were no Hispanic/Latina girls placed at Mountain View during the third quarter of 2021. Hispanic/Latina girls represented 38% of total youth entries during the third quarter of 2020.

Mountain View – Selected Incident Categories	Q3 2020	Q3 2020	Q3 2021
<b>Average Daily Population (ADP)</b>		<b>4</b>	<b>5</b>
1. Youth on Youth Assault/Fight		1	0
2. Alleged Youth on Staff Assault		0	1
3. Physical Restraint		12	6
4. Use of Handcuffs and/or Shackles		5	0
5. Seclusion		0	0
6. Contraband		0	0
7. Suicide Ideation		0	2
8. Suicide Attempt		0	0
9. Self-Injurious Behavior		1	0

Average daily population of youth increased by 1 (from 4 to 5) during the third quarter of 2021 compared to the third quarter of 2020. During the same time period, physical restraints of staff by youth decreased by half. Mechanical restraints (handcuffs and/or leg irons) were not used on girls inside the facility during the third quarter of 2021.

New leadership at Mountain View should work on changing the facility culture which is experienced by the girls as overly punitive. In Incident 167608, a girl was upset that the phone used by youth to call their families was broken<sup>11</sup> and no one was trying to get it fixed so she could make her calls. She complained to upper management who inflamed the situation by yelling and cursing at the girl. The girl began walking up the driveway at the facility and stated “I don’t want to be here anymore.” She was restrained and escorted back. The girl was subsequently issued a disciplinary report for attempted AWOL which could have further extended her time at the facility even though she was scheduled to be released around the time the incident occurred. She expressed to the monitor following the incident that she wasn’t trying to escape, she was just upset, and added that “this program is making me worse.”

The program at Mountain View should shift from an emphasis on compliance and the issuance of disciplinary measures to punish noncompliance to a focus on building positive and cooperative relationships between staff and youth and use of the therapeutic alliance to deliver intensive gender-responsive and evidence-based individualized therapeutic services with the aim of fostering youth healing, empowerment, and growth.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education services at Mountain View. For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

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<sup>11</sup> Global Tel Link (GTL), a prison communications company, provides phones and phone service for family contact for youth in DJS facilities. Disruptions due to malfunctions with the system are a common occurrence across all DJS facilities and is source of frustration for many youth who rely on the system to stay in touch with loved ones.



## Youth Centers x2

The youth centers, located in remote western Maryland, consist of two separate staff secure (not fenced and locked) facilities for boys: Green Ridge (24-bed capacity) and Backbone Mountain (24 beds). Both centers are owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). Black youth represented 73% of total youth entries in the third quarter of 2021 compared to 59% in the third quarter of 2020. Hispanic youth represented 6% of entries during the third quarter in 2021 compared to 10% of entries during the third quarter in 2020.

<b>Combined Youth Centers – Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>76</b>	<b>21</b>	<b>33</b>
1. Youth on Youth Assault/Fight	52	5	7
2. Alleged Youth on Staff Assault	16	2	2
3. Physical Restraint	161	18	62
4. Use of Handcuffs and/or Shackles	18	3	9
5. Seclusion	0	0	0
6. Contraband	11	4	4
7. Suicide Ideation	13	1	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	6	0	1

Average daily population at the staff secure youth centers increased by 57% in the third quarter of 2021 compared to the third quarter of 2020 while youth on youth fights and assaults increased by 40% and physical restraints of youth by staff more than tripled. The use of handcuffs and/or leg irons on youth within the facilities also substantially increased. There was one reported incident of suicide ideation.

Congregate care facilities are high risk environments for COVID-19 transmission, yet vaccination rates of DJS facility employees lag far behind statewide vaccination rates. Outbreaks of the COVID-19 virus continue to occur in part because of infected staff who bring the virus into facilities. The strict COVID-19 transmission prevention measures in place at DJS facilities bring significant hardships for incarcerated youth. Youth voiced concerns about the lack of constructive programming and excessive downtime at DJS facilities pre-COVID. Restrictions in place during the pandemic, which become more stringent during periods of outbreaks of COVID-19 in facilities, have further exacerbated the issue. When staff test positive, facilities go under a mandatory quarantine period in which in-person school is disrupted, movement is severely limited, on-site family visits are prohibited, and the few outlets available to pass time such as sports and outdoor activities off-grounds are banned. Staff working inside DJS facilities need to be fully vaccinated to help reduce the risk of COVID-19 outbreaks within the facilities.

Increasing family engagement and offering employment and long-term career and technical education programs are two meaningful ways to help youth manage their time constructively while they are displaced from their local homes and communities. In-person visitation is difficult for families given the distance and remote location of the centers. Youth are only provided with an hour to an hour and ten minutes of contact with home spread out over the week in 10 to 20 minute phone calls and two 15-minute or one 30-minute virtual calls. Youth consistently report that even a small increase of an additional 20 to 30 minutes of phone or virtual contact would be beneficial for their mental well-being. Family bonds are a major source of support for many youth and can help them better cope with the isolation of incarceration.

There are no long-term vocational programs leading to sustainable employment upon release for youth at the youth centers. Short term courses leading to OSHA, ServSafe, and Construction Site Flagger certifications are offered sporadically, and students at Green Ridge are able to take an Introduction to Construction class for an elective credit. However, these courses are not coupled with work experience that would allow youth to apply their learned knowledge and skills. Some high school graduates at Backbone and Green Ridge complete cleaning and painting tasks during school time, but in exchange for extra snacks and phone calls home rather than proper remuneration. Youth express strong interest in working in jobs in the community and learning trades that will allow them to secure stable employment at home. Young people at the youth centers should have the opportunity to partake in robust career and technical education curriculums that provide hands-on, real-world work experience and the opportunity to obtain certifications and credentials in high demand fields that align with youth interests.

On-site interpreters were not consistently available for Spanish-speaking youth at Backbone Mountain. The vendor responsible for providing translators is located in the Washington, D.C. metro region and the remote location of Backbone Mountain and long travel time it takes for interpreters to reach the facility is one reason for the difficulty in providing consistent coverage. The Department should work with the vendor to ensure on-site interpretation services are available daily for non-English speaking young people.

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

## Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys.

SOA – Selected Incident Categories	Q3 2019	Q3 <sup>12</sup> 2020	Q3 2021
<b>Average Daily Population (ADP)</b>	<b>37</b>	<b>N/A</b>	<b>15</b>
1. Youth on Youth Assault/Fight	7	N/A	0
2. Alleged Youth on Staff Assault	3	N/A	0
3. Physical Restraint	8	N/A	19
4. Use of Handcuffs and/or Shackles	0	N/A	0
5. Seclusion	0	N/A	0
6. Contraband	2	N/A	3
7. Suicide Ideation	0	N/A	1
8. Suicide Attempt	0	N/A	0
9. Self-Injurious Behavior	0	N/A	0

The average daily population at Silver Oak during the quarter was 15 youth. There were 19 physical restraints in the third quarter of 2021, more than double the amount compared to the third quarter of 2019 when the average daily population was more than 50% higher.

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<sup>12</sup> There were no youth placed at Silver Oak through DJS in the third quarter of 2020 due to an outbreak of COVID-19 at the facility.

Administrators at Silver Oak should continue training efforts focused on staff supervision, security protocols, and staff use of force as the following incidents indicate:

-In Incident 168044, two youth ran away from the facility. The youth had obtained staff permission for bathroom and water breaks, however the staff did not maintain visual supervision of the youth and they escaped by running out of an exterior door that was left unlocked. Staff could not follow after the youth as there were not enough workers on duty to pull staff from coverage to search for the youth.

-In Incident 169282, after arguing earlier with each other, a youth was standing around outside another youth's room and then entered undetected and began assaulting the youth inside.

-In Incident 168175, a staffer approached and aggressively shoved a youth, causing the youth to lose his balance.

-Incident 168445 involved a restraint which was investigated by the Department of Juvenile Services' internal investigation unit (DJS OIG). During video review, investigators noted that a supervisor put his hands on a youth's chest, turned the youth around, and pushed him towards a stairway twice to get the youth to go up a flight of stairs.

Community engagement and job readiness opportunities are hallmark strengths of the program at Silver Oak, but they have impacted by the pandemic. Youth began again to participate in football during the quarter and were able to play in a couple of games off-campus against other schools. Some young people at Silver Oak volunteered at community events and eligible youth were able to work off-campus in nearby businesses and attend community college. Barbering, construction, and ROTC programs also continue to be available on-site.

Youth frequently voice concerns about the lack of family engagement, and family contact is far less than what is available to youth in DJS-operated detention and placement sites. Youth receive two 15-minute phone calls on the weekends and one video call per month. Family visitation is allowed once per month for a couple of hours. Increasing opportunities for family contact can help foster involvement and progress in the program.

# DETENTION CENTERS

## Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a hardware secure (maximum-security) detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. The DJS-rated housing capacity is 120 beds. Black youth represented 84% of total entries during the third quarter of 2021, compared to 80% during the same period in 2020. Hispanic/Latino youth represented 11% of youth entries during the third quarter of 2021.

<b>BCJJC – Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>77</b>	<b>32</b>	<b>29</b>
1. Youth on Youth Assault/Fight	84	22	34
2. Alleged Youth on Staff Assault	8	11	7
3. Physical Restraint	105	47	50
4. Use of Handcuffs and/or Shackles	13	18	14
5. Seclusion	10	17	19
6. Contraband	7	1	0
7. Suicide Ideation	8	0	3
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) at BCJJC during the third quarter of 2021 decreased by 9% compared to the third quarter of 2020. However, youth on youth fights and assaults increased by 55%, physical restraints increased by 6%, and reported seclusion increased by 12% when comparing the same two time periods. The number of incidents involving the utilization of mechanical restraints (handcuffs and/or leg shackles) within the facility decreased by 4 (from 18 to 14). There was one suicide attempt during the quarter.

BCJJC is a prison-like complex and facility administrators are wedded to a corrections-like approach in their treatment of young people with emphasis on youth control through physical and mechanical restraints and isolation rather than youth support through positive and nurturing relationships. The chart below compares various selected incident categories at BCJJC to two other large DJS-operated detention centers (Cheltenham Youth Detention Center [CYDC] and Hickey.)

Selected Incident Categories	BCJJC Q3 2021	CYDC Q3 2021	Hickey Q3 2021
<b>Average Daily Population (ADP)</b>	<b>29</b>	<b>23</b>	<b>35</b>
1. Youth on Youth Assault/Fight	34	1	25
2. Alleged Youth on Staff Assault	7	0	1
3. Physical Restraint	50	10	25
4. Use of Handcuffs and/or Shackles	14	0	3
5. Seclusion	19	1	1

Despite lower average daily population during the quarter, BCJJC had double the number of physical restraints of youth as Hickey. Seclusion was used only once during the quarter at CYDC and Hickey while BCJJC had 19 instances of seclusion during the same time period. At CYDC, handcuffs and/or leg irons were not utilized during the quarter. In contrast, staff at BCJJC used mechanical restraints on youth 14 times during the same time period. Alleged youth on staff assaults and youth on youth assaults were also high compared to both CYDC and Hickey.

Youth successes and positive achievements are not adequately highlighted and celebrated at BCJJC. During the quarter, a youth who obtained his GED requested that his older adult sister (the only living relative who he had a close relationship with) and two youth from the facility attend his short graduation ceremony. The youth were prohibited from attending even though the event could have been an opportunity to encourage and motivate them (and other youth) to continue to pursue their education. The youth's sister made several attempts to reach administration to get a special visit approved so that she could be there in person to support her brother, however her calls were never answered by the administrator in charge of approving such visits. When the youth saw the administrator, he became upset at her for not facilitating his sister's in-person attendance and cursed at the administrator - an incident that could have been avoided if administrators had exercised more care and attention to the youth and his family.



Administrators need to address youth concerns about issues including:

- a lack of constructive programming to keep kids engaged and mitigate against boredom and stress;
- inconsistent and untimely distribution of reinforcement items for good behavior,
- delays in routine medical care;
- hot meals being served cold;
- and the failure of dietary staff to provide extra portions during dinner in accordance with DJS policy.

Secure detention centers, including BCJJC, continue to be a dumping ground for severely ill youth who are more appropriately served in specialized health settings with trained professionals available to address complex mental and behavioral health needs. A youth with severe mental health issues who had been ejected from placement was placed back in secure detention where his condition continued to deteriorate as he awaited an opening for inpatient psychiatric services. He spent approximately six weeks at BCJJC (after spending three weeks at another detention center) before being transferred to a specialized treatment facility that could stabilize him.

### **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. Vacancies for a special education teacher, career and technical education teacher, and assistant principal remained unfilled during the third quarter.

For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

## Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (CYDC), located in Prince George’s County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. Black youth represented 73% of total youth entries during the third quarter of 2021, compared to 70% in the third quarter of 2020. Hispanic/Latino youth represented 17% of entries during the quarter, an increase of 2% compared to the third quarter of 2020.

<b>CYDC– Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>56</b>	<b>37</b>	<b>23</b>
1. Youth on Youth Assault/Fight	38	20	1
2. Alleged Youth on Staff Assault	0	0	0
3. Physical Restraint	38	29	10
4. Use of Handcuffs and/or Shackles	0	2	0
5. Seclusion	0	2	1
6. Contraband	1	7	1
7. Suicide Ideation	2	1	1
8. Suicide Attempt	0	3	0
9. Self-Injurious Behavior	0	2	4

Average daily population during the third quarter of 2021 decreased by 38% compared to the third quarter of 2020 while youth fights and assaults and physical restraints also decreased substantially. There were no reported uses of mechanical restraints (handcuffs and/or leg irons) on youth inside the facility during the quarter.

## **Family Engagement**

Family contact has been reduced since the beginning of the COVID-19 epidemic even as COVID-19 continues to substantially affect facility operations. Facility staff are frequently testing positive for COVID-19 as outbreaks at facilities continue to occur. Many youth family members are not able to do in-person visits for a myriad of reasons including lack of time off; child-care assistance and transportation issues; fear of catching or spreading the virus inside the high risk environment of a detention center; and prohibition on visitation due to outbreaks at facilities. Phone and video access should be increased to facilitate more family contact. Youth indicated that even a 20-minute additional phone call each week would be useful to help them feel more connected to their loved ones.

## **Shoes and Haircare**

Youth are issued shoes via a prison supply company. The shoes are poorly constructed and need frequent replacement because they are prone to breaking down even from minimal usage. The shoes are especially inadequate for use during exercise as they cannot withstand the movement and wear and tear that occurs while they participate in sports. Several staff and youth at Cheltenham have vocalized the need for higher quality footwear for use during recreation. The Department should equip youth with well-made and durable footgear designed for physical activity.

Hair care services are severely limited in scope for boys and only include cuts, trims and shape-ups. Youth with hairstyles such as dreadlocks, braids, and twists do not have access to appropriate hair care maintenance. These youth express a desire to be presentable for court and during visitation with family members and to maintain their appearance while incarcerated. Hairstyles are inextricably linked to identity, self-esteem and personal expression for many young people. Expanding hair services to accommodate the diversity of youth hairstyles can validate their sense of personhood, dignity and worth.

## **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

### Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. Black youth accounted for 80% of entries during the third quarter in 2021 compared to 76% during the third quarter in 2020.

Hickey – Selected Incident Categories	Q3 2019	Q3 2020	Q3 2021
<b>Average Daily Population (ADP)</b>	<b>56</b>	<b>28</b>	<b>35</b>
1. Youth on Youth Assault/Fight	44	12	25
2. Alleged Youth on Staff Assault	4	0	1
3. Physical Restraint	63	13	25
4. Use of Handcuffs and/or Shackles	3	3	3
5. Seclusion	13	3	1
6. Contraband	2	0	4
7. Suicide Ideation	4	2	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population (ADP) of youth at Hickey increased by 25% during the third quarter of 2021 compared to the third quarter of 2020. During the same time period, youth on youth fights and assaults more than doubled and physical restraints of youth by staff increased by 92%. Use of seclusion decreased by 2 (from 3 instances in the third quarter of 2020 to one instance in the third quarter of 2021). There were three incidents where mechanical restraints (handcuffs and/or leg irons) were used on youth during the quarter.

## **Staff Supervision**

A lapse in supervision led to an incident involving significant injuries to a young person.

In Incident 167632, a staffer was observed on camera supervising youth during evening shower time when two youth who were documented to have engaged in verbal altercations with each other the previous day were allowed to enter the bathroom at the same time.

The two involved youths were allowed in the shower area together even though it was known that the youths were involved in an ongoing dispute as a DJS staffer had noted in the residential unit log book on the previous day. The note advised caution in regard to any interaction between the two youths and included information to the effect that one of the youths planned to attack the other during bathroom break/shower time:

“Please watch interaction with youth W. and H. They got into a verbal altercation. W. told H. he is going to beat him up during BRB tomorrow.”

The two involved youths and another youth were in the bathroom together during evening shower and ostensibly were supervised by a staffer who was present. However, as noted by an investigator, the staffer later said that, “during shower routine, three youth are escorted into the bathroom at a time” and that, “when they are finished, at times [the staffer] will leave to get another three youths for showers.”

After several minutes in the bathroom together (during which time the staffer can be observed going in and out of the bathroom), the two boys left the bathroom. One of the boys was holding a washcloth to his face and the cloth appeared to have blood on it – the youth retreated to his room. Hours later, a different staffer on the overnight shift was providing the injured youth a bathroom break when he noticed bruising on the child’s face. The staffer asked the youth what had happened to his face, and the boy told the staffer that he injured his face while falling out of his bed and striking his face on a bed frame. The overnight staffer documented the youth’s injury per DJS reporting protocols and the boy was seen by medical (Incident 167559). He was sent out for emergency medical treatment the next morning as the injuries were severe enough to warrant the youth being taken offsite to a hospital and to be placed on the medical unit at Hickey upon his return to the detention center.

During investigation of the incident by the Department’s internal investigation unit (DJS OIG), the injured boy at first continued to claim that he hurt himself falling out of bed, but eventually revealed to investigators that while in the bathroom, he was punched two or three times in the face by another youth and he fell to the bathroom floor for a few moments. He said he then got up from the floor and exited the bathroom and walked past the staffer supervising the youths using the bathroom – the staffer at this point was standing at the bathroom door. The youth said that he did not tell anyone what had actually happened at the time because he “did not want to see anyone, including staff, get in trouble”. The staffer supervising the youth in the bathroom during shower time did not report the assault in the bathroom or the child’s injuries which occurred on his watch.

The documentation from the subsequent DJS OIG investigation bears out the conclusion that adequate supervision was lacking and there was poor decision making by the staff while supervising the students.

Hickey staff need additional training on monitoring youth movement; on following through on and staying abreast of notes on youth behavior; and on strictly following mandated incident reporting protocols.

## **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities.

School operations across the MSDE JSES system returned to full day in-person instruction for courses in most subject areas. However, due to teacher vacancies, some courses are taught virtually. At Hickey, there was a vacancy for a certified science teacher during the quarter, and science classes are being taught virtually by an off-site teacher until the position is filled.

Youth on quarantine status continue to receive packets of worksheets to complete on their own with no instructional support. Students reported that the packets often do not match the courses in which they were enrolled.

For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

## Thomas J.S. Waxter Children's Center

The Thomas J.S. Waxter Children's Center (Waxter) in Anne Arundel County is a hardware secure (locked and fenced) detention center for girls. Waxter is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 42 beds. Black youth represented 75% of entries during the third quarter of 2021 compared to 57% in the same period last year.

<b>Waxter – Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>25</b>	<b>12</b>	<b>8</b>
1. Youth on Youth Assault/Fight	13	3	5
2. Alleged Youth on Staff Assault	13	0	1
3. Physical Restraint	46	12	15
4. Use of Handcuffs and/or Shackles	7	0	7
5. Seclusion	4	2	2
6. Contraband	0	1	0
7. Suicide Ideation	30	17	13
8. Suicide Attempt	0	4	0
9. Self-Injurious Behavior	1	3	1

The average daily population (ADP) at Waxter during the third quarter of 2021 decreased by 33% when compared to the third quarter of 2020 while youth fights and assaults and physical restraints of youth by staff increased slightly and use of mechanical restraints (handcuffs and/or leg irons) increased substantially (from zero instances in the third quarter of 2020 to 7 in the third quarter of 2021.) There were 13 instances of suicide ideation in the third quarter of 2021.

Two girls with complex behavioral health and mental health needs detained at Waxter represented the vast majority of restraints during the quarter. Severely mentally ill young people continue to be inappropriately placed in confinement in Maryland's juvenile justice system when their conditions would be better addressed by intensive treatment provided by specially trained professionals.

### **Physical Plant**

DJS is responsible for physical plant conditions at Waxter, including school infrastructure. Waxter is an aging facility in need of frequent costly and time-consuming repairs due to the faulty heating and cooling system, leaking roofs, non-functioning showers and toilets, and other problems. The school buildings consist of dilapidated trailers located in back of the facility which are used for classrooms. Classroom space is cramped and ventilation in the rooms is poor.

At time of writing (December 1, 2021), the Department announced plans to close Waxter in mid-January of 2022 and to refurbish the Noyes secure detention center in Montgomery County to serve as an all-girls detention facility.

### **Constructive engagement**

Administrators and staff at Waxter make a concerted effort to keep youth constructively engaged. During the quarter youth helped create and run an overdose awareness program in conjunction with the substance abuse counselor and other professional staff at Waxter. Girls also have access to arts and crafts, puzzles, MP3 players, video games, cosmetics, and time with the facility's therapy dog during free periods. DJS should ensure that the same level of programming and services available to girls at Waxter will be made available to girls at the Noyes facility when that facility gets converted to an all-female detention site.

### **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities.

For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.



**Alfred D. Noyes Children’s Center**

The Alfred D. Noyes Children’s Center, located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated capacity of 57. Black youth represented 80% of entries during the third quarter of 2021 compared to 66% in the third quarter of 2020. Hispanic/Latinx youth accounted for 6% of entries versus 20% in the third quarter of 2020.

<b>Noyes – Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>29</b>	<b>15</b>	<b>10</b>
1. Youth on Youth Assault/Fight	35	2	0
2. Alleged Youth on Staff Assault	2	1	2
3. Physical Restraint	80	7	6
4. Use of Handcuffs and/or Shackles	7	1	1
5. Seclusion	1	0	0
6. Contraband	2	0	3
7. Suicide Ideation	3	3	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	4	7

Average daily population decreased by 33% in the third quarter of 2021 in comparison to the third quarter of 2020. There were no youth on youth fights and assaults, six physical restraints of youth by staff, and one use of mechanical restraints (handcuffs and/or leg irons) during the quarter. There was an uptick in suicide ideation and self-injurious behavior during the third quarter of 2021 compared to the third quarter of 2020.

Noyes contracts with an outside vendor to bring in trays of food for youth meals. Youth consistently voice concerns about food quality and quantity. During the quarter, youth reported

instances of bugs in the fruit, lack of sufficient protein during lunch and dinners, and small portions of cold food during breakfast time. The Department should contract with a different vendor for dietary services given on-going and frequent issues with the current supplier.

At time of writing (December 1, 2021), DJS plans to convert Noyes to an all-girls facility beginning in mid-January of 2022.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at Noyes. A partnership between Montgomery County Public Schools (MCPS) and the school at Noyes has resulted in increased resources for the students and staff there. For example, MCPS has provided funding for a physical education instructor and an art teacher as well as a transition specialist; education software; IT equipment for teacher and student use; coaching support for teachers and the principal; materials and support for family engagement activities; and additional classroom space for students and education staff. The agreement is set to expire in January of 2022, according to MSDE JSES administrators and there are no plans to continue the agreement past that time. MSDE JSES will retain control of school operations until July of 2022 and so MSDE should work to extend the partnership with MCPS as it benefits the students and education staff at Noyes. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

### Lower Eastern Shore Children's Center

The Lower Eastern Shore Children's Center (LESCC) is a hardware secure detention center located in Salisbury. LESCC is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 18 boys and six girls. Black youth represented 82% of entries in the third quarter of 2021, compared to 76% during the same period in 2020.

<b>LESCC – Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>14</b>	<b>14</b>	<b>9</b>
1. Youth on Youth Assault/Fight	8	2	3
2. Alleged Youth on Staff Assault	1	1	0
3. Physical Restraint	13	14	18
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	1	1
6. Contraband	3	2	2
7. Suicide Ideation	1	1	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	1	0

Average daily population at LESCC decreased by 36% during the third quarter of 2021 compared to the third quarter of 2020 while the number of incidents involving youth fights and assaults increased by 1 (from 2 to 3). Physical restraints of youth by staff increased by 29%. Mechanical restrains (handcuffs and/or leg irons) were not used on youth inside the facility during the third quarter of 2021.

### Allegation of Sexual Abuse

In Incident 168351, the mother of a 15-year old girl detained at LESCC during the quarter reported that a male staff person at the facility had sexual intercourse with her daughter after she was released. Local law enforcement and the Department's internal investigation unit (DJS OIG) investigated the incident. During the OIG investigation, the youth alleged the following:

-The staffer (who worked at LESCC for over three years according to DJS records) had contacted her through Facebook shortly after she was released and the two began conversing over social media.

-The girl asked the staffer to pick her up from her house in the middle of the night because she stated she needed a ride. The staffer came to her house and the girl left with the staffer. While riding in the car with him, the staffer observed the girl cut off her electronic ankle monitor (used for tracking purposes while the girl was on community detention) and throw it out the window of the car.

-The staffer made a few stops, including to a local store, then brought the girl to a house. He left her alone in a room for several minutes and returned wearing only a towel. The girl told the OIG investigator that she told the staffer that she "felt uncomfortable" and that she "didn't really want to do that." She also told the investigator that her "intention was not to have sex" and that she "really just wanted a ride".

-The staffer began undressing the girl and then had sex with her.

-After having sex with the girl, the staffer began getting dressed and left the room. The girl called her mom. The girl told the staffer that she was going home. The staffer drove the girl to a nearby store and dropped her off. The girl's mother picked her up from the store.

Many of the girl's statements were able to be corroborated by evidence obtained from the police investigation. The staffer no longer works for DJS and was indicted on sex offense and assault charges.

### **Recreation and Activities**

Youth reported frequent periods of downtime and boredom during the quarter. Additionally, youth on one of the larger living units were not consistently provided with one-hour of daily large muscle exercise as required by DJS policy. Administrators at LESCC are making efforts to ensure youth receive adequate recreation time and to increase the availability of constructive activities for young people.

### **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at LESCC. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

**Western Maryland Children’s Center**

Western Maryland Children’s Center (WMCC), located in Washington County, is a 24-bed maximum security detention center for boys owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). Black youth represented 66% of total entries in the third quarter of 2021 compared to 50% in the third quarter of 2019. Hispanic/Latino youth accounted for 13% of total entries during the third quarter of 2021 compared to 6% during the third quarter of 2020.

<b>WMCC – Selected Incident Categories</b>	<b>Q3 2019</b>	<b>Q3 2020</b>	<b>Q3 2021</b>
<b>Average Daily Population (ADP)</b>	<b>20</b>	<b>14</b>	<b>9</b>
1. Youth on Youth Assault/Fight	13	6	6
2. Alleged Youth on Staff Assault	0	0	1
3. Physical Restraint	31	15	10
4. Use of Handcuffs and/or Shackles	6	1	1
5. Seclusion	0	1	2
6. Contraband	0	2	0
7. Suicide Ideation	4	2	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population decreased by 36% during the third quarter of 2021 compared with the third quarter of 2020 while youth fights and assaults remained constant (at 6) and physical restraints decreased by 33%. There were two reported uses of seclusion and one instance of mechanical restraint (handcuffs and/or leg irons) usage inside the facility during the quarter.

Excessive downtime is a pervasive issue at WMCC that was exacerbated by a long-standing vacancy for a recreation specialist to plan and supervise daily activities. Direct-care staffing issues persisted throughout the quarter and, at times during overnight shifts, there were five staff total at the facility to cover the entirety of facility operations. Permanent solutions should be developed to address the high number of call-outs and vacancies which lead to mandated overtime and bare-bones staffing at the facility.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at WMCC. For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 44.

## **SMALLER FACILITY UPDATES**

## SMALLER FACILITY UPDATES

### Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc., and licensed by DJS to house up to 24 youth. Morning Star utilizes a trauma-informed and trauma-responsive system of care known as the Sanctuary model.<sup>13</sup>

A significant number of staff at Morningstar are new hires who are required to go through the certification process for child care workers before being allowed to work with children while unsupervised. To ensure adequate youth to certified staff ratios, the administrator and other certified staff have been working evening and overnight shifts to make up for the lack of certified workers. Also during the quarter, Morningstar had an influx of new youth and started a new girls program at the facility. The combination of unseasoned staff combined with new youth arrivals affected group dynamics and could potentially affect program stability. Several youth were ejected during the quarter. Administrators should help ensure close supervision of staff and intensive staff training to help improve the milieu and youth retention.

In Incident 167990, a youth's mother reported to the child's DJS community case manager that a staffer at Morningstar provided alcohol and marijuana to youth during his shifts at the facility. The Department (DJS) initiated an investigation following the report to the case manager and noted in their investigation that the administrator at Morningstar had "some knowledge of the allegation but did not report the allegation to DJS" per DJS licensing requirements. Reporting requirements should be adhered to help protect youth safety.

There is no one on-call at the facility to ensure that phone calls are answered or that messages are returned in a timely manner. The monitor had difficulty reaching anyone by phone at the facility at various times during the quarter. Administrators should assign a person or persons to answer calls placed to the facility at any time of day.

There was an outbreak of COVID-19 during the quarter in which several youth and staff tested positive. Vaccination for staff along with other measures such as mask wearing and social distancing should be mandated to prevent the spread of COVID-19 within the facility.

### One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. One Love offers a home-like and nurturing environment and staff provide

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<sup>13</sup> For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>



supervision, mentoring and support as they assist youth in learning independent life skills. Youth at One Love are actively engaged in the community and attend local schools, work in nearby businesses, and participate in recreational and enrichment activities in the area. Therapeutic services, provided several times per week, occur through an outside vendor and family visits are encouraged and have been conducted outdoors to help maintain safety. Youth are provided with staff support for after-care upon discharge.

One Love can serve as a model for an effective community-based alternative to incarceration in correctional-oriented facilities.

# MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

## **THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES**

Recent legislation passed by the Maryland state legislature authorizes an independent school board to oversee the operation of schools within the Department of Juvenile Services' (DJS) facilities starting in July of 2022. Until that time, the Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) continues to control the schools inside DJS detention and placement facilities.

Resources at MSDE JSES schools should be increased and focus should be on filling gaps in staffing and programming which impact the quality of education within MSDE JSES schools.

MSDE JSES schools have had ongoing staffing issues which have become further exacerbated since the COVID-19 pandemic. There is a shortage of certified teachers to provide in-person instruction across the MSDE JSES system. Teachers at Garrett Children's Center (a hardware secure placement facility which has had no students on-site for a year) provide virtual instruction to youth across the system to make up for gaps in coverage. Recruitment and retention of teachers and other education personnel is problematic since many surrounding school districts pay higher salaries and operate on a traditional school calendar which includes time off during the summer and other school holidays. In contrast, MSDE JSES teachers work year-round. Creative recruitment strategies, including increasing pay and time off, should be employed to help attract qualified candidates to fill school positions.

Vacancies within MSDE JSES leadership are also prevalent and include openings for a media specialist, academic coordinator, data specialist, and Career and Technical Education (CTE) coordinator. There has been little initiative to fill these positions. Many school staff report that communication between JSES MSDE headquarters and administrators and teachers on the ground is poor and that contingency plans to prevent disruptions in education planning and delivery for students due to the large number of vacancies at headquarters have not been disseminated.

Existing resources within the MSDE JSES system are not utilized efficiently. For example:

\*iPads purchased by MSDE JSES have sat on shelves for months and have yet to be deployed for student use.

\*Additional technological, staffing, and infrastructure resources are provided at the school at Noyes through a partnership with the Montgomery County Public Schools system (MCPS). This partnership is set to expire in January 2022 and MSDE JSES indicates no plans to continue the contract.

\*Access to a mobile lab for GED testing is largely unavailable. Hickey remains the only available GED testing location for students in detention and hardware secure placement.

Transporting students to take the test to the testing site adds additional stress for kids on top of the normal nervousness that accompanies test taking. During the quarter, students from Cheltenham Youth detention Center and Victor Cullen committed placement center were woken up in the early morning hours (without adequate prior notice) and transported in handcuffs and shackles to Hickey detention center so that they could take their GED test.

Students on quarantine at most facilities fail to receive adequate education services. Many of these students are precluded from participating in virtual education as internet access on living units at facilities such as Cheltenham, Hickey, Waxter, and Victor Cullen is not available. These students are provided packets of work to complete on their own. At times, DJS direct-care staff provide tutoring help if they are able. Internet access should be expanded to living units to allow students to access virtual courses and teaching staff should be available on-site (at least for a few hours each day) to assist youth who need additional help and assistance with school work.

The lack of robust career and technical education courses and opportunities is a long-standing deficiency within the MSDE JSES schools. Students consistently request hands-on experience in fields that will help them earn a livable wage upon community re-entry. High school graduates in particular languish in DJS facilities. An adult-hold high school graduate at BCJJC awaiting his waiver to juvenile court had to wait a couple of months to start online college classes in between receiving his high school diploma and the start of the new college semester. He was forced to attend high school classes that he did not need to take for six hours each day during the interim waiting period. If he refused, he was threatened with disciplinary reports (which affect access to incentives and reflect negatively on a child's record). His requests to pass some of the class time listening to music on headphones or using a Nook to read books were refused by DJS facility administrators. Minimal effort was made to engage this youth constructively while he waited to begin his college courses. Customized education plans incorporating CTE options should be developed and implemented for high school graduates so that they are not forced to be idle or to take high school courses they don't need or have already taken.

# **MARYLAND DEPARTMENT OF JUVENILE SERVICES – RESPONSE**



## **DJS RESPONSE TO THE COVID-19 PANDEMIC**

For a detailed description of the response by the Department of Juvenile Services (DJS) to the COVID-19 pandemic and its efforts to protect the safety and well-being of youth, staff and the community at-large, please see the “DJS COVID-19 Response” document found on the DJS website at [https://djs.maryland.gov/Documents/COVID-19/DJS-Overview-COVID-19\\_08.21.2020.pdf](https://djs.maryland.gov/Documents/COVID-19/DJS-Overview-COVID-19_08.21.2020.pdf).

### **VACCINE REQUIREMENTS FOR DJS FACILITY STAFF**

On August 5, 2021, Governor Hogan announced that State employees who work in congregate care settings were required to receive their first dose of the COVID-19 vaccine by September 1, 2021. Coinciding with the Governor’s announcement, the Maryland Department of Health (MDH) issued an Order that required that all employees in facilities operated by DJS show proof of their vaccine status by September 1, 2021 and any staff who fail to do so will be subject to weekly COVID-19 testing and required to wear appropriate Personal Protective Equipment.

While many staff in DJS facilities have already received their COVID-19 vaccine, DJS leadership will continue to work with facility administrators to implement the requirements of the Governor’s Order. At the time of this writing, vaccination rates vary by facility from 48% to 82% with an average rate of 61% fully vaccinated staff in DJS facilities. Additionally, 136 youth in DJS facilities have been vaccinated. Going forward, DJS will continue to monitor vaccination rates among DJS facility staff and stress the importance of the COVID-19 vaccine as the best available defense for youth and staff against the virus.

### **COVID-19 CASES AMONG STAFF AND YOUTH AT DJS FACILITIES**

DJS facilities have recently experienced increased numbers of youth and staff testing positive for COVID-19. This is not unexpected as positivity rates in communities in Maryland and across the U.S. are surging likely due to the arrival of the highly transmissible Omicron variant. At the time of this writing, 143 youth in DJS custody have tested positive for COVID-19 since the start of the pandemic in March 2020, with

117 having fully recovered. Five hundred fourteen DJS staff have tested positive since the start of the pandemic with 423 having currently recovered from the virus.

DJS leadership has been working continuously to monitor the number of cases, ensure safe staffing levels, and reinstitute several infection-control measures at DJS facilities. These newly reinstated infection-control measures include implementing universal testing for both vaccinated and unvaccinated staff at all DJS facilities, returning to virtual school and an indefinite suspension of in-person family visitation. DJS will continue to closely monitor positive case rates in DJS facilities and make any adjustments necessary to keep youth and staff as safe as possible.

For updated testing information and other COVID-19 response information, please see the COVID-19 Response page on the DJS website, <https://djs.maryland.gov/Pages/COVID-19.aspx> or call the agency's COVID-19 24-hour hotline at 877-357-4161.

## **COVID-19 INFECTION CONTROL MEASURES**

DJS appreciates JJMU's acknowledgement of the Department's efforts to protect youth and staff during this pandemic. In March 2020, the Department began making significant changes to facility procedures in anticipation of the arrival of the coronavirus to Maryland. These changes were made in consultation with the DJS Medical Director and Health Team, and based on national best practices. Infection control measures such as social distancing, universal masking, increased hygiene and sanitation, limiting facility entry to staff and approved vendors, creating intake admission units in juvenile detention facilities, and creating medical isolation units for youth who test positive for COVID-19 were implemented in an effort to keep youth and staff safe while maintaining the continued operation of the Department's secure facilities.

Additionally, DJS has implemented a pre-entry screening procedure consisting of a questionnaire and a temperature check. Every staff person or vendor seeking to enter a DJS facility must complete and sign a symptom questionnaire and submit to a temperature scan before entering. Any staff or vendor who indicates possible COVID-19 symptoms on the questionnaire and/or has a temperature over 100 degrees Fahrenheit is denied entry. Additionally, the DJS Medical Director and other medical staff are available in the event that any questions or concerns arise about admitting staff or vendors to DJS facilities. Through this rigorous process, DJS seeks to ensure that staff who are potentially sick are identified before possible exposure of youth or staff inside the facility.

The use of medical isolation for individuals testing positive for COVID-19 (or any other highly contagious virus) is a medical best practice and similar to what occurs in the community, whether in the home or in a hospital or other setting. Under normal circumstances, DJS policy restricts the use of "time out" periods for a youth to be away from the larger population in his/her room as a means of "cooling off." DJS recognizes that being in a room isolated from others is difficult for anyone. To alleviate the stress for the youth that have tested positive for COVID-19 and required to be medically isolated, DJS has

provided handheld games and cell phones for youth to call family while they recover. Additionally, all youth in medical isolation and youth housed on quarantined units are assessed by a licensed medical professional daily and at frequent intervals as ordered by our medical director and team of physician and nurse practitioner staff. Given the highly infectious nature of COVID-19, our healthcare staff agreed that medical isolation is necessary to protect youth and staff in DJS facilities.

As part of its infection control measures, DJS provides Personal Protective Equipment (PPE) to all staff and youth in DJS facilities. DJS continues to procure PPE in sufficient quantities to ensure that all youth and staff in DJS facilities can be properly masked at all times.

## **FACILITY PROGRAMMING DURING THE PANDEMIC**

As a result of the recent increase in COVID-19 cases both in DJS facilities and the community, DJS has restricted off-grounds outings. While outside volunteers continue to have access to DJS facilities to provide important programming for the youth, DJS will closely monitor the number of COVID-19 cases to determine if additional restrictions are necessary.

DJS youth continue to participate in outdoor activities with restrictions on intramural sports and cross unit sports due to the level of contact. However, recreation staff have been creative with individual facility competitions such as races, obstacles, and exercise challenges where individual youth times are ranked against other facilities for winning status. DJS leadership will continue to explore additional options for sports related activities. Other leisure activities such as board games and movie nights continue to be an option for youth.

Youth who are on quarantine units or medical isolation units are permitted to play single player card games and may go outside with medical approval on a case-by-case basis. The youth on these units are also provided electronic devices to play games and ensure on-going communication with their families and attorneys.

At the time of this writing, 13 youth roundtables have been held with the Deputy Secretary of Operations and his Executive Team to give youth a voice in the decision-making process to improve facility programming, operations, and facility culture. Several suggestions from the youth have been implemented such as a livestream Military Panel with representatives from the different branches of the U.S. military service, monthly cultural meals, and a 5k run, which raised money for breast cancer research and treatment. Additionally, DJS is gathering input from youth to help update DJS policy and procedures.

The CHAMPS program has a schedule of activities for youth that includes design art challenges, trivia contests, and the first DJS Chess Challenge.



DJS facility staff continue to host activities such as monthly themed programs, arts and crafts projects, and team building activities. The Behavioral Health Unit has implemented several projects that enhance youth development programming through art therapy.

## **FAMILY ENGAGEMENT**

As stated above, DJS has recently suspended in-person family visitation in all DJS facilities due to the increase in COVID-19 positive cases in DJS facilities and in the community. Facility administrators will be encouraged to leverage technology such as video calls to provide youth with opportunities to connect with their loved ones, especially during the holiday season. DJS will continue to closely monitor positive case rates in DJS facilities and make any adjustments necessary to keep youth and staff as safe as possible.

To help foster relationships between youth and family members during the pandemic, the “Youth Access to Telephone Calls” policy and procedure was implemented by DJS leadership in March 2021. Under this policy, youth residing in DJS facilities receive a minimum of five calls to approved family members/significant persons per week. This includes two 10-minute phone calls through the GTL system, one 20-minute phone call made through a facility case management specialist, and two 15-minute virtual video calls. As noted previously, this represents the minimum number of phone contacts for youth in DJS facilities with additional phone contacts available for therapeutic purposes as directed by behavioral health staff and as a reward through the behavior management system.

## **NAVIGATING THE NEW NORMAL**

DJS recognizes that the “new normal” in its facilities has required an adjustment on the part of staff and youth. From wearing masks to restrictions placed on activities and the use of quarantine and isolation when medically required, DJS acknowledges that these changes could produce anxiety among staff and youth. However, in these challenging times, the agency has witnessed facility staff rising to the occasion and youth demonstrating incredible resiliency and adaptability. DJS remains committed to keep facility staff and youth as safe as possible during this pandemic and to continue to find creative solutions to address programming challenges in the facility.

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**DEPARTMENT OF JUVENILE SERVICES  
RESPONSE TO JJMU 2021 THIRD QUARTER REPORT**

The Department of Juvenile Services (DJS) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2021 Third Quarter Report, and provides the following response:

**DJS CONTINUES TO FOCUS ON COMMUNITY-BASED SOLUTIONS AS ALTERNATIVES TO SECURE PLACEMENTS**

Prior to the COVID-19 pandemic's arrival in Maryland in March 2020, DJS implemented standardized tools to measure risks and needs of youth and expanded community-based programs like evening reporting centers to reduce the use of confinement for justice-involved youth. The DJS response to the COVID-19 pandemic accelerated these and many other operational reforms. Furthermore, at the onset of the pandemic, an order was issued by former Chief Judge Mary Ellen Barbera that required Maryland juvenile courts to limit the use of juvenile detention and commitment unless it was necessary for public safety. That administrative order remains in effect today.

Today, DJS continues to work with its stakeholders to reduce the use of secure detention and commitment. These efforts include weekly reviews of all young people in committed placement and regular communication and collaboration with stakeholders. While it is reasonable to expect that the number of youth in secure detention and committed placement may rise in a post-pandemic world, DJS remains firmly committed to incorporating and bolstering community-based alternatives for youth and families in Maryland.

**RECENT LEGISLATION WILL SIGNIFICANTLY REFORM THE JUVENILE JUSTICE SYSTEM**

During the 2019 session of the Maryland General Assembly, the legislature passed and Governor Hogan signed Senate Bill 856/House Bill 606 into law, which established the Juvenile Justice Reform Council (JJRC). The JJRC is composed of a diverse group of juvenile justice stakeholders and experts. Members include legislators, experts on juvenile law and policy, and representatives of law enforcement, the judiciary, advocacy organizations, child serving agencies, and formerly system-involved youth. The mission of the JJRC was to utilize data to make recommendations to reform the juvenile justice system in Maryland. After a brief delay due to the COVID-19 pandemic, the group met throughout 2020 in virtual meetings with the last meeting being held on December 17, 2020. To view all of the recorded meetings, presentations and research conducted by the JJRC, please follow the link below.

<https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx>

During the 2021 session of the Maryland General Assembly, Senate Bill 853/House Bill 1187 was passed. That legislation extended the JJRC's operation into 2022, required the JJRC to submit a supplemental report on its findings and recommendations in October 2021, and appropriated \$2 million as an annual

budget for ROCA, a program focused on providing supervision and support to young offenders in the community. DJS supported this legislation and looks forward to continuing to work with the stakeholders of the JJRC to continue the development and implementation of more reforms to improve juvenile justice in Maryland.

The Maryland General Assembly also passed Senate Bill 498/House Bill 71, which transfers the responsibility of implementing educational programming from the Maryland State Department of Education (MSDE) to the Juvenile Services Education Board and Program. The legislation establishes the Juvenile Services Education Program (JSEP) Board within the Department of Juvenile Services to oversee and provide for educational services to all youth placed in a DJS operated detention and residential facility. The JSEP Board is comprised of representatives from DJS, MSDE, the Attorney General's Office, and others with expertise in education, law, and policy. DJS supported this legislation and looks forward to working with its partners to create a robust educational system that benefits youth in DJS facilities.

Recently, the JSEP Board announced that they had selected a JSEP Superintendent to oversee the operations of DJS schools. Through a national search and competitive interview process, Kimberly Pogue was named as the first Superintendent of Schools. Ms. Pogue has over 20 years of experience in the education field and has worked in DJS schools since 2004. For more information, please follow the link to see the December 15, 2021 press release announcing Ms. Pogue's appointment:

[https://djs.maryland.gov/Documents/press/MD-DJS-JSEP-Superintendent-Pogue-Announcement\\_12.15.2021.pdf](https://djs.maryland.gov/Documents/press/MD-DJS-JSEP-Superintendent-Pogue-Announcement_12.15.2021.pdf)

#### **DJS BEHAVIORAL HEALTH UNIT CONTINUES TO RECRUIT QUALIFIED PROFESSIONALS**

The Behavioral Health Unit has continued to actively recruit for all vacancies during this period. Since June 2021, five behavioral health staff have entered duty. A social work manager will begin service in December 2021. In addition, candidates have been selected to fill the vacancies for social workers who are members of the evaluation teams at Cheltenham and BCJJC. Behavioral health services at Cheltenham, Hickey and BCJJC are provided via contractual agreement and the contractor is fully staffed. Other behavioral health recruitments are for vacancies at the youth centers and at Victor Cullen. At the youth centers, a regional behavioral health coordinator supervises the behavioral health services and this position is overseen by a behavioral health manager. Recruitments at the youth centers and Victor Cullen remain active and five candidates for behavioral health positions at these locations have been selected.

## **Committed Programs**

### Victor Cullen Center (VCC)

#### **Treatment Program**

The treatment program at VCC focuses on behavioral health services matched to the individualized treatment needs of each youth. Youth receive individual and group counseling weekly as well as family counseling and psychiatric services as needed. The program provides evidence-informed services including the Seven Challenges program, Trauma Addictions Mental Health and Recovery for Youth (TAMAR-Y) curriculum, and Social Skills Training and Aggression Replacement Techniques (START) groups. In addition, Trauma Focused Cognitive Behavioral Therapy (TF-CBT) is provided to youth identified as in need of this service.

Behavioral health staff are integrated into all aspects of facility operations including regular participation in leadership meetings and maintaining a presence at the program. Behavioral Health provides consultation and assistance to direct care supervisors and line staff regarding clinical issues and policy application. Additionally, all VCC staff have been trained in trauma informed care, which is a framework for helping staff understand how trauma affects youth behavior and applying trauma-sensitive strategies.

Staff members at Victor Cullen Center continue working towards building positive relationships with youth including getting to know their strengths, likes, and dislikes while also holding them accountable for their behaviors and actions. In accordance with DJS policy, Behavior Reports are part of a continuum of staff responses to a youth's negative behaviors.

#### **Dietary Services**

VCC provides youth with meals served on a routine schedule according to menus reviewed and approved by a licensed nutritionist. This ensures that nationally recommended, age-appropriate, daily allowances for basic nutrition are met in accordance with the Child Nutrition Reauthorization Act. All youth are provided three meals per day along with three snacks distributed between breakfast/lunch (morning snack), lunch/dinner (afternoon snack) and after dinner (evening snack). Additionally, youth are provided double portions of dinner entrees during all dinner services.

Regarding bugs in the food, this was an isolated incident that was handled immediately. Once the youth reported seeing a spider in his sandwich, the Dietary Supervisor offered him a replacement sandwich. Review of meal preparation for this service indicated that the chicken was cooked to greater than 165°, the lettuce was washed, and the bun came in a sealed bag from the supplier. Although unfortunate to have occurred, dietary management promptly addressed this isolated incident and the youth was provided a replacement meal.

## **Behavioral Health**

During the third quarter, Victor Cullen had two full-time licensed behavioral health professionals along with other experienced DJS licensed clinicians from other facilities. In October, a full-time licensed behavioral health supervisor was hired who has extensive experience working with adolescents and individuals in the justice system. He will be providing clinical services to youth as well as clinical and administrative oversight of the behavioral health services at the program.

Every effort is made not to change a youth's assigned therapist throughout their stay in the program unless otherwise requested by a youth. Generally, clinicians have been assigned to the program for several months in order to maintain consistency. In regards to the specific youth mentioned in the JMU report who wanted to speak to his therapist from detention, it is important to note that this youth has a very good rapport and a therapeutic relationship with his therapists at Victor Cullen. It was determined by the treatment team that allowing him to contact his previous therapist was clinically contraindicated given the clinical issues that were the focus of his treatment. This youth has two assigned therapists at Victor Cullen and, at times, has been provided with daily therapeutic contact due to clinical needs.

The Behavioral Health Unit continued to actively recruit for all vacancies during this period. Since June 2021, five behavioral health staff have entered duty. A social work manager will also begin service in December 2021. At the youth centers, a regional behavioral health coordinator supervises behavioral health services and this position is overseen by a behavioral health manager. Recruitments at the youth centers and Victor Cullen remain active and five candidates for behavioral health positions at these locations have been selected.

## **Facility Maintenance**

Youth bathrooms were developing hard water mineral deposits on the floor around the shower drains. In response, the facility purchased alternative cleaning supplies specifically designed to treat and remove hard water deposits and prevent them from forming. An independent cleaning contractor was hired to clean all facility bathrooms daily to ensure proper cleaning of bathrooms including toilets, sinks, showers, and fixtures.

An outside contractor completed the installation of an emergency water pump for Mitchell Cottage on Thursday September 2, 2021. Following this installation, the contractor did not open the valve controlling the water supply to the unit boiler. Youth were able to complete showers as scheduled with hot water already stored in the unit boiler; however, the boiler could not refill due to the closed water supply valve. Facility maintenance completed an assessment of the units hot water supply immediately after receiving the requested work order and restored the water supply to the unit boiler.

With respect to education services at VCC, please refer to the MSDE Response.

## Garrett Children's Center (GCC)

Operations at GCC were indefinitely suspended in late 2020 and, as such, no youth were in the facility during the third quarter of 2021. DJS staff currently report to the GCC gatehouse for security purposes and to allow vendors onto the facility grounds, as needed.

## Mountain View

Regarding Incident 167608, facility administration determined that staff handled the incident appropriately and did not curse at the youth during the event. The youth was only restrained because she was in danger of harming herself as she was moving towards a road with high-speed traffic. After a cool down period, the youth was provided access to a phone.

All staff at Mountain View receive Mindset for Dealing with Clients in Transaction training to help the staff understand the young ladies' behaviors and how to work towards positive outcomes.

## Youth Centers

For a detailed description of infection control measures, family engagement and phone access in DJS facilities, please refer to the "DJS COVID-19 Response" Section above.

The Youth Centers have offered a wide array of activities for all youth even in the midst of a pandemic. Both Backbone and Green Ridge utilize a recreational and leisure activity calendar with a wide assortment of activities for the youth. Throughout the quarter, youth participated in activities such as: making epoxy art, gardening, fishing, zip lining, wall climbing, greenhouse, Olympic events, and a bike race. Youth have also been able to compete in several painting activities, tie-dying of clothing, and utilizing the virtual reality gaming system at Green Ridge Youth Center.

Students who earned their High School Diploma or GED are given the opportunity to take college classes from Garrett College and Anne Arundel Community College. In addition, all students at Backbone Mountain Youth Center have been offered classes from Garrett College that focused on employment skills.

Issues with language interpreters failing to report to Backbone Mountain Youth Center have been addressed with the vendor by the DJS Office of Fair Practices and Department of Budget and Management. The vendor is now in compliance with the contract terms and providing on-site interpreters when needed at the Youth Centers.

## **Detention Centers**

### **Baltimore City Juvenile Justice Center (BCJJC)**

#### **Programs and Services**

In regards to programming options, BCJJC is currently receiving volunteer programming from Beyond Rhetoric, Church of God, First Apostolic Church, and Uncuffed Ministries. The facility program staff also held program activities such as spelling contests, Madden tournaments, charades, workouts, three-on-three basketball, Bingo, word and artist unscramble, and timed word searches. On December 18, 2021, BCJJC began a new program called the Psychometric Solutions. This 12-week program is focused on life skills and gang prevention and will be conducted with four units bi-weekly on Saturdays for approximately one-hour sessions. Facility administrators are in discussions with the DJS Information Technology unit about developing a website design program for youth. During the third quarter, BCJJC opened an arcade for all youth who display positive behavior.

Mental health and counseling services are provided for each youth housed at BCJJC. Youth are offered individual and group sessions to promote positive and nurturing relationships.

DJS provides 24-7 nursing care, with on call physician services for immediate health care access. In addition, the Clinical Director is on call for care management at the facility. Routine care services include daily nurse clinics for sick calls and follow up treatments, on-site pediatric clinic (3 days a week), dental clinic (2 days a week), and behavioral health clinic (3 days a week). Additional services such as optometry are offered on-site twice a month.

DJS is collaborating with multiple agencies to advocate for an increase in inpatient psychiatric care for youth Statewide.

#### **Youth Graduation Ceremony**

Regarding the youth's graduation specifically mentioned in the JJMU report, COVID-19 infection control measures only permitted youth housed together on the same unit to attend the ceremony. The graduating youth was permitted to call his sister via phone during the ceremony.

#### **Dietary Services**

Management conducted a review of both meal service production records and menus for the third quarter. The review indicated that hot meals were temperature checked at production and again at service. At dinner, youth are offered an opportunity, within nutritional reason, to request and receive second helpings. For meal service on the unit in instances of isolation and quarantine areas, meals are prepared in large holding to-go containers and include larger meal portions in accordance with policies and federal guidelines.

## Cheltenham Youth Detention Center (CYDC)

### **Family Engagement**

For a detailed description of family engagement and phone access in DJS facilities, please refer to the “DJS COVID-19 Response” Section above.

### **Shoes and Haircare**

Youth shoes are replaced when there are signs of wear and tear or if the youth finds the shoes uncomfortable.

Youth receive monthly haircuts. Youth who have braids, dreadlocks, or other diverse hairstyles are given hair care products to perform self-care.

## Charles H. Hickey, Jr., School (Hickey)

### **Staff Supervision**

Regarding Incident 167632, the facility and the DJS Office of the Inspector General (OIG) investigated and found that the staff member’s actions did not comply with DJS policy. The staff member was retrained on verbal de-escalation and paired with a more experienced staffer.

Hickey administrators and senior management continue to review DJS policies and procedures at shift briefings and other personnel meetings.

## Thomas J.S. Waxter Childrens’ Center (Waxter)

DJS is collaborating with multiple agencies to advocate for an increase in inpatient psychiatric care for youth Statewide.

### **Physical Plant**

Waxter’s has a Facility Preventive Maintenance Plan that includes daily, weekly, and monthly inspection to address all physical plant and cleanliness concerns. All identified maintenance issues are submitted through the DJS work order system for immediate corrections. Waxter has also increased the contractual cleaning services to ensure a clean, safe, and humane environment is provided for all youth and staff.

### **Constructive Engagement**

DJS appreciates the JJMU’s acknowledgment of Waxter’s Administrators and staff making a concerted effort to keep youth constructively engaged.



### [Alfred D. Noyes Children's Center \(Noyes\)](#)

The neighboring RICA Rockville facility (RICA), operated by the Maryland Department of Health, is the contractual vendor that provides dietary services to Noyes. Senior management has reviewed the Memorandum of Understanding with RICA to ensure appropriate meal service is provided to youth at Noyes in accordance with Federal guidelines. Additionally, DJS has developed a statewide training program for the Food and Nutritional Services staff at all sites including the contractual vendor staff at Noyes. The implementation of the ongoing training includes topics such as standardized recipes, food handling, food safety, meal service, point of service counting, civil rights, and nutritional equalities.

### [Lower Eastern Shore Children's Center \(LESCC\)](#)

#### **Allegations of Sexual Abuse**

Regarding Incident 168351, on September 9, 2021 LESCC was made aware of an allegation of sexual abuse involving a male resident advisor and a female in the community. The female youth had been previously placed at LESCC, where the male staff had first met her. Investigations were conducted by local law enforcement and the OIG. The male staff is no longer employed by DJS. Criminal charges are pending against the former staff.

#### **Recreation and Activities**

During the quarter, staff at LESCC consistently provided youth with the required one-hour of heavy muscle exercise on a daily basis. Facility administration has retrained staff on proper logbook documentation of exercise activities.

### [Western Maryland Children's Center \(WMCC\)](#)

A Recreation Specialist was hired on November 17, 2021 and has been planning daily activities to reduce down time for youth. Resident Advisor staff have also been assigned to recreation to support all activities.

Based on daily population levels during the quarter, WMCC was within appropriate staffing and supervision guidelines.

Newly hired resident advisors are in the process of completing their mandated entry-level training and will be available to report to the facility in the near future. Recruitment continues for additional resident advisor positions.

## Private Programs

### Silver Oak Academy (SOA)

#### Pages 22 through 23

#### Page 22

1. “The average daily population at Silver Oak during the quarter was 15 youth. There were 19 physical restraints in the third quarter of 2021, more than double the amount compared to the third quarter of 2019 when the average daily population was more than 50% higher”.

**SOA Response:** This increase can be attributed to a number of possible factors worthy of consideration. However, none of the factors considered can be validated toward the increase without a very “deep dive” into the factors. Factors to be considered may include:

1. In 2019, only incidents involving Maryland youth were represented within the JJMU report. The current report includes both Maryland and out of state youth, which indicates the 50% population increase may not be an accurate representation.

2. The lower census, resulting from “on and off” DJS imposed moratoriums, results in fewer opportunities regarding sports, vocations and community activities. These activities occupy students time and focus and therefore it reduces incidents. The SOA program model and behavior management system is strongly supported through inclusion in school and community based activities with an emphasis on team sports, which fosters teamwork and comradery among young men and enables positive Youth Development opportunities for staff student mentorships.

**DJS Response:** The License and Monitoring Unit (L&M) is closely monitoring Silver Oak Academy due to several concerns in reference to staff supervision, security protocols, and staff use of force. Over the last year, DJS has implemented multiple Corrective Action Plans (CAP) and imposed moratoriums on SOA to help the program stabilize after DJS became aware of safety and security lapses that lead to critical incidents. The purpose of a moratorium is to reduce and/or hold a private program’s youth capacity to a certain number of youth while the program works to get back into compliance with required safety and security standards. With a smaller number of youth at the facility, administrators and staff can focus on complying with any CAPs and ultimately, stabilize the program for the benefit of youth and staff.

L&M has been working with Silver Oak to ensure that they are in compliance with their Safe Crisis Management (SCM) program. L&M has verified that all staff are certified to use restraints. L&M has provided technical assistance to Silver Oak to ensure that they are using de-escalation techniques prior to using a restraint on a youth.

1. “Administrators at Silver Oak should continue training efforts focused on staff supervision, security protocols, and staff use of force as the following incidents indicate:
  - a. In Incident 168044, two youth ran away from the facility. The youth had obtained staff permission for bathroom and water breaks, however the staff did not maintain visual supervision of the youth and they escaped by running out of an exterior door that was left unlocked. Staff could not follow after the youth as there were not enough workers on duty to pull staff from coverage to search for the youth”.
  - b. In Incident 168282, “after arguing earlier with each other, a youth was standing around outside another youth’s room and then entered undetected and began assaulting the youth inside.”
  - c. In Incident 168175, “a staffer approached and aggressively shoved a youth, causing the youth to lose his balance.”
  - d. In Incident 168445, “involved a restraint which was investigated by the Department of Juvenile Services’ Internal investigation unit (DJS OIG). During video review, investigators noted that a supervisor put hands on a youth’s chest, turned the youth around, and pushed him towards a stairway twice to get the youth to go up a flight of stairs.”

**SOA Response:**

- a. Incident 168044, occurred with students walking past an inattentive staff member. The students exited through the dining hall door. This incident reflects a staff member mistake of inattentiveness while supervising students. Staff members remained with the on-site student population to ensure safety and to maintain staff ratio. The staff member underwent progressive discipline, which included retraining through incident review. We trained staff on interactive supervision and trained on the use of cell phones. This is part of our normal training that we conduct.

**Note** – At Silver Oak Academy all exterior doors are unlocked from the inside which allows students to exit at any time. This is consistent in most non-secure group home/living situations.

- b. The incident referenced was actually 168282. During this incident, SOA was fully staffed and staff members were positioned correctly, waking students up and utilizing interactive supervision as they prepared to move from wake-up to morning clean-up and breakfast. One student, who had planned to assault another, waited for an opportunity to run into the other student’s room to assault him. Staff moved in immediately and separated the two without need for physical management. The student who initiated the assault was

removed from the program about one month later for continued aggression toward others. After this incident staff were retrained in interactive supervision in regards to being up and positioned in certain areas to have a better coverage of the unit.

- c. The staff member violated ROP policy as well as previous training and his employment was terminated.
- d. I believe the correct incident # is #168455. Student athlete Hoffman was out of area on two different occasions, was out of dress code etc. Staff were redirecting him to get to the area that he was supposed to be in. The student athlete became verbally aggressive and approached staff and struck him. Staff then engaged in a SCM procedure. Staff were trained on de-escalation techniques on primary and secondary strategies.

**DJS Response:** L&M is closely monitoring Silver Oak Academy due to several concerns in reference to staff supervision, security protocols and staff use of force. On August 30, 2021, the Department placed Silver Oak Academy on a limited capacity (16 youth) moratorium. Silver Oak Academy lacked an adequate number of certified staff. That deficiency was instrumental in enabling the AWOL incident that occurred on August 8, 2021. This lack of adequate certified staff poses an ongoing risk to the safety and well-being of youth, staff and the surrounding community. L&M will continue to intensely monitor the program and offer technical assistance as needed to ensure that the program provide adequate supervision and that staff receive proper training in behavioral intervention.

- 2. “Youth frequently voice concerns about the lack of family engagement, and family contact is far less than what is available to youth in DJS-operated detention and placement sites. Youth receive two 15-minute phone calls on the weekends and one video call per month. Family visitation is allowed once per month for a couple of hours. Increasing opportunities for family contact can help foster involvement and progress in the program.”

**SOA Response:** Students are provided the opportunity to have extra phone calls or video calls with their family members. They choose whether they want to do a video call or a phone call with their families. The Case Manager and the Group Living staff have been working together to ensure that students receive their phone calls each week. Silver Oak Academy has added a phone call during the week after dinner so that youth are able to have increased contact with their families.

In comparing SOA to detention centers, it is important to acknowledge that SOA utilizes staff members to provide a rich daily schedule to school sports and vocations to keep students engaged. While this level of activities and engagement has been difficult to sustain during the pandemic and census reduction, the delivery of services has and will always remain in balance with family visits and phone calls. Parent’s involvement in their son’s normalized activities such as attending sports events, VALADATION ceremonies and graduations are often overlooked as

meaningful moments of accomplishment by students and parents. These opportunities will be increased as we work our way through COVID restrictions and the ongoing Staff Certification driven DJS Moratorium.

**DJS Response:** The youth are receiving the required number of phone calls and visitation outlined by the program. L&M continues to monitor the program to ensure the youth are receiving phone calls and visitation with their family.

### [VisionQuest Morning Star \(VQMS\)](#)

#### Page 42

1. “A significant number of staff at Morningstar are new hires who are required to go through the certification process for child care workers before being allowed to work with children while unsupervised. To ensure adequate youth to certified staff ratios, the administrator and other certified staff have been working evening and overnight shifts to make up for the lack of certified workers.”

**VQMS Response:** In order to remain in compliance with the need to have certified staff on the units at all times, the program has utilized its current certified staff which includes shift supervisors, case managers, CCW’s and Program administrators. The program has been able to have the newly hired staff prepare and sit for the RCYCP test in a more timely manner since a proctoring site on the Eastern Shore has been identified., The need to continue to utilize the already certified staff to include the administrators and other core team members is a direct result of the lengthy process of the official certification following a passed test. The program is cognizant of ensuring an administrator on the campus at all times during this process. Daily programming with the youth continues without interruption and with a variety of adjunct therapies and groups during this time.

**DJS Response:** In June 2021, the program was required to submit a Corrective Action Plan (CAP) in regards to a non-certified staff member working independently. The CAP was approved and program is now in compliance. L&M will continue to monitor the program to ensure that non-certified staff are not supervising youth alone, and that the non- certified staff are always working with a certified staff.

2. “Also during the quarter, Morningstar had an influx of new youth and started a new girls program at the facility. The combination of unseasoned staff combined with new youth arrivals

affected group dynamics and could potentially affect program stability. Several youth were ejected during the quarter.”

**VQMS Response:** Staff, regardless of experience are continuously trained and supported. The program disagrees that this affected the group dynamic. From July to October 2021, the program requested the removal of only 4 youth. The program works very hard to provide youth with multiple opportunities to succeed and does not remove youth without first utilizing all available supports and strategies.

**DJS Response:** L&M will continue to monitor the program to ensure that VQMS is in compliance with COMAR 14.31.06 and VQMS’ policies.

3. “Administrators should help ensure close supervision of staff and intensive staff training to help improve the milieu and youth retention.”

**VQMS Response:** The program’s CORE team works closely with the childcare worker teams to provide regular feedback and support. The program has implemented regular all staff meetings, where training topics such as supervision and programming are two of the main training topics.

**DJS Response:** L&M continues to monitor the program to ensure VQMS is in compliance with COMAR 14.31.06 and VQMS’ policies as it relates to training.

4. “In Incident 167990, a youth's mother reported to the child's DJS community case manager that a staffer at Morningstar provided alcohol and marijuana to youth during his shifts at the facility. The Department (DJS) initiated an investigation following the report to the case manager and noted in their investigation that the administrator at Morningstar had "some knowledge of the allegation but did not report the allegation to DJS" per DJS licensing requirements. Reporting requirements should be adhered to help protect youth safety.”

**VQMS Response:** Incident 167909 was investigated both internally and externally, with no findings of fact to the allegations other than the youth did in fact steal a staffers vehicle. The noted allegation from the case manager that an administrator had “knowledge of the allegation but failed to report it” is inaccurate. All incidents to include reported “allegations” are reported

and investigated by the standards of the reporting requirements to include direct conversations with assigned Licensing and monitoring specialists from DJS. The program during the review process with licensing and monitoring technical assistance was provided in reference to communication.

**DJS Response:** Please note that Incident #167990 is incorrect for this program. The intended Incident is #167909. L&M reviews all VQMS incident reports for compliance with COMAR 14.31.06 and all applicable policies. In reference to Incident 167909, L&M provided VQMS with technical assistance in regards to the program not communicating information in a timely manner. The program felt that they did not have enough information to report the incident. L&M further explained that all available information should have been reported timely. Any additional information gathered could be submitted as an addendum to the incident report. L&M will continue to monitor to ensure that VQMS is in compliance with COMAR 14.31.06 and VQMS polices as it relates to incident reporting.

5. "There is no one on-call at the facility to ensure that phone calls are answered or that messages are returned in a timely manner. The monitor had difficulty reaching anyone by phone at the facility at various times during the quarter. Administrators should assign a person or persons to answer calls placed to the facility at any time of day."

**VQMS Response:** The program has multiple phones in offices on the property. The program's CORE team is very active with the youth population as it relates to on and off site program and activities. There are four landline telephones within the facility that are operable at all times and all have the ability to receive voice messaging which are checked daily. The messaging also includes the cell phone number of the Program Administrator for all out of hour issues. The program encourages the use of work cell phones as a means of communication with outside sources. All community case managers, licensing and monitoring specialists, and parents all have access to the program staff's emails and cell phone numbers.

**DJS Response:** The program provide various methods for communication with the external entities including: landlines, emails, and cell phones with text capabilities. We have not received any complaints from any stakeholders regarding having any difficulties reaching the program. We will continue to monitor and provide technical assistance if necessary.

6. “There was an outbreak of COVID-19 during the quarter in which several youth and staff tested positive. Vaccination for staff along with other measures such as mask wearing and social distancing should be mandated to prevent the spread of COVID-19 within the facility.”

**VQMS Response:** The program adheres to the reviewed and approved plan submitted to the medical director and licensing and monitoring department of DJS. The program continues to encourage mask wearing and social distancing following the guidelines outlined by the CDC and the programs COVID-19 plan. It should be noted that even vaccinated individuals bring in and spread the virus therefore mandating such things will not stop the transmission of the virus.

**DJS Response:** L&M mandated that VQMS had a COVID-19 health procedure, which included but was not limited to masking requirements, social distancing, and admission and visitation protocols. This is monitored through youth and staff interviews and on-site inspections.



**MARYLAND STATE  
DEPARTMENT OF EDUCATION  
- RESPONSE**



**Mohammed Choudhury**  
State Superintendent of Schools

January 3, 2022

## **MSDE Response to the Juvenile Justice Monitoring Unit’s Second Quarter Report**

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit’s (JJMU) 2021 third quarter report in relation to the provision of educational services within the Department of Juvenile Services’ (DJS) residential facilities.

### **Maryland State Department of Education in DJS Facilities**

#### **HUMAN RESOURCES**

In collaboration with the MSDE Human Resources (HR), weekly meetings continue as a concrete process to assist the JSES with hiring and retention of staff. Filling vacancies and hiring quality staff within our schools continues to be a major focus and goal. In collaboration with HR, the Juvenile Services Education System (JSES) reviews applications on a weekly schedule for all open positions within schools and forward screened applications to principals for interviews. Since the beginning of the 2021-2022 school year, JSES implemented a program to provide students online access to a certified teacher in each content area due to absences caused by emergencies and sporadic teacher-required quarantines, staff vacancies, student required quarantines, and other COVID-19 related absences. A team of teachers at Garrett Children’s Center provides online access. Garrett Children’s Center is closed to student enrollment by DJS at this time.

The transfer of responsibility for educational programming from the MSDE to the Juveniles Services Education Program (JSEP) will occur on or before July 1, 2022. Current vacant JSES headquarter positions are covered by the Field Director for Curriculum and Instruction and other JSES coordinators. The JSEP board announced the new JSEP Superintendent at their December 15<sup>th</sup> board meeting and indicated that the Superintendent will develop the JSEP organizational structure and recruitment initiatives.

The JJMU report continues to address concerns related to teacher pay and the year-round working calendar for teachers compared to local school systems. It should be noted that during the 2019 legislative session, the MSDE introduced Senate Bill 75 (Bill) through the Senate Finance Committee to address concerns related to teacher recruitment and retention and many of the topics of concern expressed by both the JSES and the JJMU. Even though the Bill did not pass, the proposed legislation would have impacted all JSES certified teaching staff in all JSES schools. However, the Bill did not make it out of committee. The Bill can be viewed at the following link:

## **GED**

The JSES planned, constructed, and implemented two Pearson VUE approved GED Mobile Labs, allowing the JSES to administer the GED within various remote locations. The GED Mobile Lab has the capability to administer all four sections of the GED exam to one tester at a time. The GED Mobile Lab enables JSES GED administrators the ability to test beyond the boundaries of the two GED labs located at the Charles H. Hickey School and Green Ridge Youth Center. The GED Mobile Lab also serves as an alternative testing site if either traditional testing site is being updated or if the facility is under quarantine. Traditional testing sites allow multiple students to be tested simultaneously.

## **Responses to Inaccurate Statements and General Misconceptions**

**Victor Cullen (Cullen) - The school climate at Cullen needs improvement. Youth reported being uncomfortable and unwelcome in one teacher's classroom because of the teacher continually threatening them with disciplinary reports (which can lengthen a youth's length of stay and access to incentives) and cursing at them. Several students over time have complained about how they feel targeted and harassed (page 13).**

Teachers follow the set Positive Behavior Intervention Strategy STARR program, which was implemented to assist classroom behavior management. Students earn points for being focused, on task, respectful, and meeting educational and behavioral expectations of the facility. Students fail to earn points for refusing to engage in classroom activities and completing assignments.

When a student reported that a teacher was engaged in unprofessional interactions in the classroom, the principal held a meeting with the teacher, JSES leadership, and HR staff to discuss the accusations. The conversation was documented and assurances was given by the teacher that profanity would not be repeated in the classroom. Expectations were reiterated during the discussion about setting and maintaining an appropriate classroom demeanor and positive instructional environment.

**During the quarter, two teachers left the facility on a school day for lunch and never returned. Vacancies for math and special education teachers remain unfilled (page 13).**

No educational staff has left the building and not returned without first scheduling, communicating, or providing prior notice to the principal. In addition, newly hired teachers and staff (Special Education teacher, Office Secretary, Science teacher) were hired to fill open vacancies. The school is currently interviewing positions for Math. A candidate is currently in the process of being hired.

**One student who started community college courses in detention reported that he did not want to continue with his studies once his course was completed at Cullen because he did not receive as much help with his classes as he received in detention. At times during the quarter, graduates were told to sit in on high school classes when there was nothing else to occupy their time and were told they would receive disciplinary reports if they refused (page 13).**

The student cited above began enrollment in college classes while in detention. He successfully completed the course while at Victor Cullen, with support from his teachers, the principal, his counselor, and other staff. The student was enrolled in a Frederick Community College statistics class. He was unsure about enrolling in additional classes due to the difficulty of the coursework from statistics and his pending discharge. Prior to his registration into Cullen, there were issues regarding his login/password, which had to be rectified by the college. In addition, with support and assistance from his counselor, the student completed his FASFA and an application for Frostburg University. As a result, he was accepted into the college.

Students meet regularly with the counselor for career, technical, and academic guidance. Immediately upon receiving information about any student who has earned a high school diploma, the top priority for all JSES schools is to enroll the students into college classes. High school graduates take an entrance assessment exam to determine which college courses match their educational level of proficiency. Upon completion of the exam, students meet with the school counselor to determine which class or classes would best fit their chosen career path or employment goal.

**BCJJC- vacancies for a special education teacher, career and technical education teacher, and assistant principal remained unfilled during the third quarter (page 27).**

The career and technical education teacher and assistant principal positions at the Baltimore City Juvenile Justice Center (BCJJC) are filled. The special education teacher vacancy is expected to be filled in January of 2022.

**Green Ridge - There are no long-term vocational programs leading to sustainable employment upon release for youth at the youth centers. Short term courses leading to OSHA, ServSafe, and Construction Site Flagger certifications are offered sporadically, and students at Green Ridge are able to take an Introduction to Construction class for an elective credit. However, these courses are not coupled with work experience that would allow youth to apply their learned knowledge and skills. Youth express strong interest in working in jobs in the community and learning trades that will allow them to secure stable employment at home. Young people at the youth centers should have the opportunity to partake in robust career and technical education curriculums that provide hands-on, real-world work experience and the opportunity to obtain certifications and credentials in high demand fields that align with youth interests (page 20).**

The implementation of long-term vocational programs would require a longer length of stay for full credit obtainment in a vocational program. Introduction to construction is offered as an elective but is typically the only course that students have time to complete based on their length of stay at the facility. Vocational programs typically require at least two years to complete and to date, none of the students that were enrolled had previously started a vocational program before coming to the center. A plan to develop additional vocational education programs at Green Ridge was submitted along with plans for additional instructional space. That plan was placed on hold due to the proposal involving closing the school in Fiscal Year 2027.

Currently, OSHA, ServSafe, Construction Site Flagger, Workplace Readiness, as well as other certifications are offered for students transitioning into the workforce.

High school graduates have access to any of the certifications listed above, as well as numerous post-secondary options through online learning. Students also have the option to transfer to the Backbone Mountain College Program if they want to continue their education at the post-secondary level.

**Many school staff report that communication between JSES MSDE headquarters and administrators and teachers on the ground is poor and that contingency plans to prevent disruptions in education planning and delivery for students due to the large number of vacancies at headquarters have not been disseminated (page 45).**

MSDE JSES headquarters team and principals continue to have monthly leadership meetings for school planning purposes and to facilitate discussion as a comprehensive group. Any concerns related to educational planning and delivery of services to students are addressed immediately by building principals with support of the MSDE JSES leadership team. Principals and teachers have a point of contact for all instructional areas and headquarters staff is always available during the school day to support schools.

There have not been any unanswered emails or phone calls from principals to Agency staff. Principals and leadership staff continue to meet as normal.

**Existing resources within the MSDE JSES system are not utilized efficiently. For example: \*iPads purchased by MSDE JSES have sat on shelves for months and have yet to be deployed for student use (page 45).**

iPads were given to all DJS building Superintendents in the Fall of 2021. The iPads were purchased to provide DJS with technology that can be used for DJS activities. JSES schools have access to, and utilize multiple technological modalities to support instruction and student learning. Every facility has iPads and Nooks for student use in addition to a technology infrastructure that provides 1:1 Chromebooks for students. iPads have been provided for student use on the housing units. Each JSES classroom has a minimum of two updated, stand-alone computers in each classroom. In addition to updated computers in all classrooms, four facilities have stand-alone computer labs. Teachers are provided with professional development, which centers on embedding technology into instruction.

Additional technological, staffing, and infrastructure resources are provided at Noyes through a partnership with the Montgomery County Public Schools system (MCPS). The partnership is set to expire in June 2022.

**Access to a mobile lab for GED testing is largely unavailable. Hickey remains the only available GED testing location for students in detention and hardware secure placement (page 45).**

MSDE JSES has approved and fulfilled all requests for mobile lab testing. All JSES schools can request mobile testing for individual students, including placements in detention and hardware secure facilities.

The GED Mobile Lab enables JSES GED administrators the ability to test beyond the boundaries of the two GED labs located at the Charles H. Hickey School and Green Ridge Youth Center. Both testing sites allow multiple testing of students simultaneously. All students at Backbone Youth Center and Mountain View test used the GED Mobile Lab.

**Transporting students to take the test to the testing site adds additional stress for kids on top of the normal nervousness that accompanies test taking. During the quarter, students from Cheltenham Youth detention Center and Victor Cullen committed placement center were woken up in the early morning hours (without adequate prior notice) and transported in handcuffs and shackles to Hickey detention center so that they could take their GED test (page 46).**

DJS is responsible for the safe and secure transportation of students who are scheduled for testing.

**Students on quarantine at most facilities fail to receive adequate education services. Many of these students are precluded from participating in virtual education as internet access on living units at facilities such as Cheltenham, Hickey, Waxter, and Victor Cullen is not available. These students are provided packets of work to complete on their own. At times, DJS direct-care staff provide tutoring help if they are able. Internet access should be expanded to living units to allow students to access virtual courses and teaching staff should be available on-site (at least for a few hours each day) to assist youth who need additional help and assistance with school work (pages 32 and 46).**

There is a new memorandum of understanding (MOU) between DJS and MSDE which was signed on September 28, 2021. The MOU ensures the availability of internet access on housing units. MSDE JSES staff members are not allowed in the quarantined housing areas. MSDE provides internet access within the educational areas. Some of the smaller facilities can access Wi-Fi from education areas and in those cases, students received the live stream in their housing areas.

On an as needed basis, there were instances when students were provided hard copies of materials to accommodate their educational needs. All instructional materials were returned to the principal and given to the teachers. Teachers provided feedback and assigned grades for the materials. DJS staff are not asked, or required to provide educational instruction to students. DJS staff are not highly qualified teachers and do not have teaching credentials.

**A robust, long-term career and technical education program leading to certification in fields in high demand should be arranged; there are no long-term vocational programs leading to sustainable employment upon release (pages 13, 20, and 46)**

Students are able to earn industry certifications from a variety of sources such as Flagger and Serve Safe. Additionally, students have the opportunity to earn credentials that they can use for employment upon release from a facility, as well as, provided courses in a Career and Technical Education (CTE) pathway for those who are enrolled for an extended period of time. Due to the fact that the classes students are enrolled in are approved MSDE courses, completed course work is accepted by local school systems in programs such as cosmetology, construction, and agriculture. There are no short-term CTE programs approved by the MSDE Division of College and Career Readiness. Therefore, there are no

certificates or credentials that a student can receive for just by simply taking the course. Students must successfully complete the course requirements and then pass industry recognized exams to obtain a certification.

### **High school graduates in particular languish in DJS facilities (pages 13 and 46).**

JSES has provided opportunities for students to take college courses beginning in 2017. Students can enroll in courses at the beginning of each semester for traditional college courses and at the quarter for career workforce education development courses. JSES students have participated in on-line college credit bearing courses, as well as, continuing education and workforce development courses every semester since 2017 through community college partnerships with Frederick and Baltimore City Community Colleges. In September 2018, JSES expanded the community college partnership to add Anne Arundel Community College. This partnership provides opportunities for students to take business, computer, and study skill courses. In July 2019, seven students enrolled in online business courses at Anne Arundel Community College. During the 2019-2020 school year, JSES and Anne Arundel Community College expanded the partnership to include Ed2Go. Ed2Go is a new program, which allows access to additional online course options. Consideration has also included providing certifications in cosmetology and barbering.

**An adult-hold high school graduate at BCJJC awaiting his waiver to juvenile court had to wait a couple of months to start online college classes in between receiving his high school diploma and the start of the new college semester. He was forced to attend high school classes that he did not need to take for six hours each day during the interim waiting period. If he refused, he was threatened with disciplinary reports (which affect access to incentives and reflect negatively on a child's record). His requests to pass some of the class time listening to music on headphones or using a Nook to read books were refused by DJS facility administrators. Minimal effort was made to engage this youth constructively while he waited to begin his college courses. Customized education plans incorporating CTE options should be developed and implemented for high school graduates so that they are not forced to be idle or to take high school courses they don't need or have already taken (page 46).**

The BCJJC student in question was granted permission to use the Chromebook in all five of his classes. Additionally, the student was provided with books to read, opportunities to conduct post-secondary school and employment research, and given permission to work with the art therapist during school hours. The student is scheduled to take two online courses during the spring semester, which will begin in January 2022, at Frederick Community College.

MSDE JSES did not restrict access to privileges for this student. All references related to DJS facility procedures would need to be addressed by DJS.

### **Conclusion**

Students have always been, and will continue to be, our number one priority. We can and will continue to strive to meet the educational needs of students in JSES schools. Collaboration and working with DJS, local school systems, specialists at MSDE, and community colleges will remain a major priority.

Our commitment has never wavered and will remain steadfast until the responsibility for educational services transfers to the JSEP.