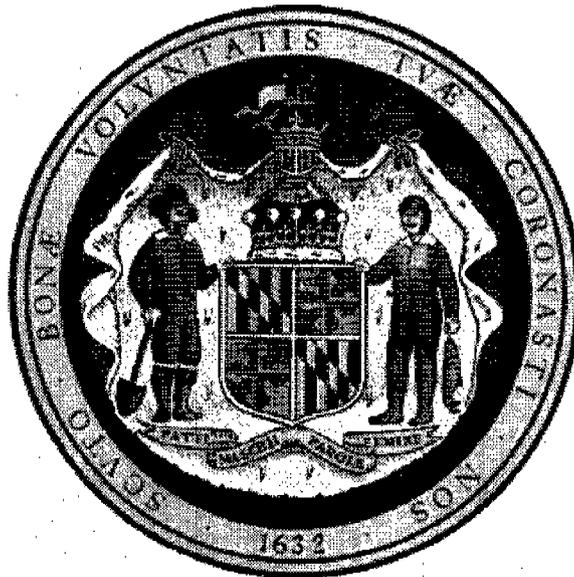


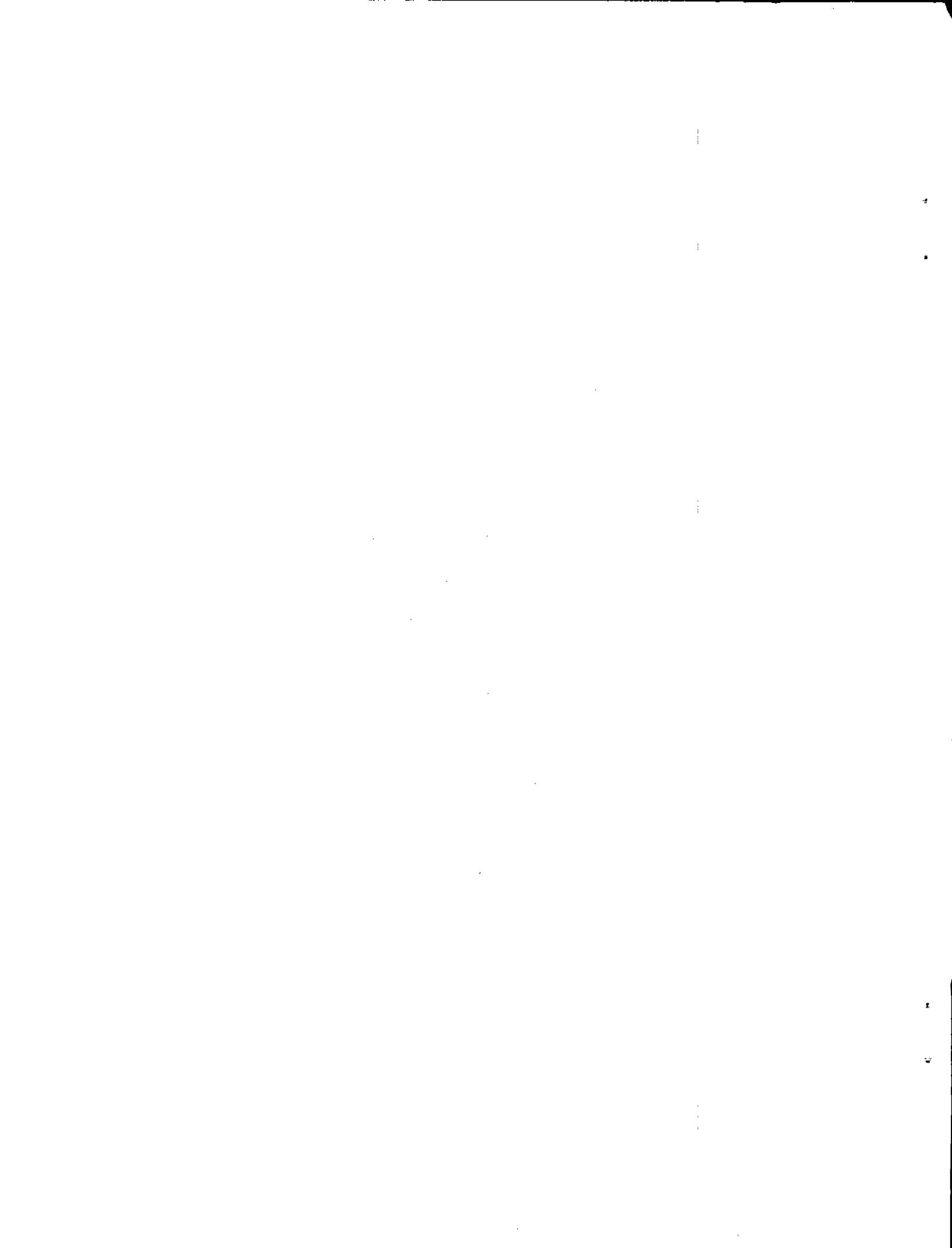
Quarterly Report

April 1 – June 30, 2004

The Office of the Independent Juvenile Justice Monitor



Robert L. Ehrlich, Jr. – Governor
Michael S. Steele – Lt. Governor
M. Teresa Garland, Esq. – Special Secretary,
Governor's Office For Children, Youth, & Families



State of Maryland Executive Department
GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

ROBERT L. EHRLICH, JR.
Governor

M. TERESA GARLAND
Special Secretary

MICHAEL S. STEELE
Lieutenant Governor



MEMORANDUM

To: M. Teresa Garland, Special Secretary, Governor's Office for Children, Youth, and Families
Kenneth C. Montague, Jr., Secretary, Department of Juvenile Services

From: Ralph B. Thomas, Executive Director, Office of the Independent Juvenile Justice Monitor, Governor's Office for Children, Youth, and Families

Re: Quarterly Report for April 1, 2004 – June 30, 2004, Office of the Independent Juvenile Justice Monitor

Date: September 17, 2004

I am pleased to present the most recent quarterly report of the Office of the Independent Juvenile Justice Monitor.

As required by Article 49D, Office for Children, Youth, and Families of the Annotated Code of Maryland, Section 45(b)(2), the Office of the Juvenile Justice Monitor "...shall report quarterly to the Special Secretary and the Secretary. A copy of the report shall be provided to the State Advisory Board for Juvenile Justice and, in accordance with Section 2-1246 of the State Government Article, the General Assembly. The report shall include: all activities of the Office; actions taken by the Department resulting from the findings and recommendations of the Independent Monitor, including the Department's response; and a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period."

This quarterly report encompasses the period from April 1, 2004 to June 30, 2004. It notes conditions found within the Department of Juvenile Service's facilities by the Office of the Independent Juvenile Justice Monitor as well as those matters that have remained unabated since the issuance of the last quarterly report. As required, this report also includes the Department of Juvenile Service's response to the comments offered by the Office of the Independent Juvenile Justice Monitor. The Office of the Independent Juvenile Justice Monitor does not necessarily endorse or concur with the responses offered by of the Department of Juvenile Services.

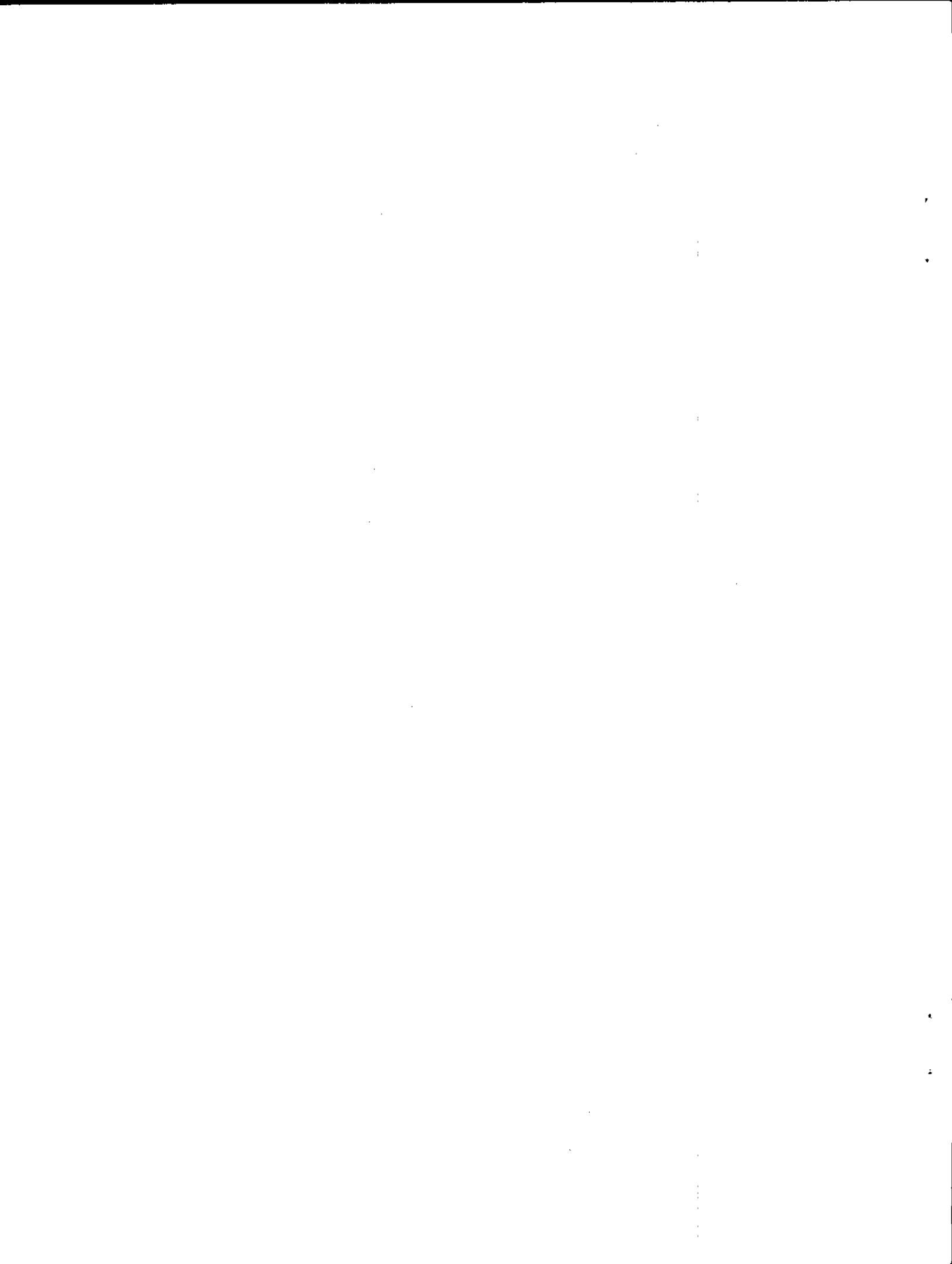
I hope that this report serves to provide an accurate assessment of conditions within Maryland's Department of Juvenile Services' facilities and assists in the development of strategies to enhance programs and services to youth.

The Office of the Independent Juvenile Justice Monitor looks forward to continuing in its work with you in transforming juvenile justice within Maryland.



**MONITORS' ASSESSMENTS OF FACILITIES AND THE
DEPARTMENT OF JUVENILE SERVICES RESPONSE**

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MONITORS' ASSESSMENT OF FACILITIES AND THE DEPARTMENT OF JUVENILE SERVICES RESPONSE

The Allegany County Girls Group Home, which is operated by the YMCA, accommodates nine girls in an attractive home setting in Cumberland Maryland. Staff teambuilding and training continue to be contributing to the overall strengthening of the program. ACGGH uses elements of group process and positive peer culture, and describes its programming as the "healthy home" model. The program utilizes many community-based services for education, health, and counseling.

- The YMCA, program staff, and youth at ACGGH work to keep the facility in good shape and attractive. While the facility itself is in need of some repairs, the issue requiring the most immediate attention is the road, which after nearly a year, has still not been upgraded and repaired. During the long delay, estimates have increased from \$20,000 to \$40,000 for the needed repair and upgrade. DJS officials have indicated that the project will be undertaken this summer.

Response:

We have submitted our request to DGS and we are waiting for a response from DGS. We are also investigating other means that will allow us to make some temporary repairs while we wait for the response.

- The Allegany County Girls Group Home is a good resource for troubled and delinquent girls. However, with judges and DJS sending more youth home, referrals have dwindled somewhat. Also, the Department has, at times, put pressure on the group home to release youth prematurely. With so many girls needing out of home treatment placement, and with so few resources for girls available in Maryland, the Department should better utilize this valuable resource. ACGGH should continue to make their services known to other potential referring resources.

Response:

The Female Population Task Force will invite the administrative staff from the Group Home to come to the October meeting and present the program. Staff who work primary with girls from each of the Areas participate in these meetings as well as some of the Resource Consultants. All of these staff make referrals to the various programs for girls and will benefit from receiving an update on the facility and program.

The Department of Juvenile Justice **Youth Centers** are state owned and operated programs located in Allegany and Garrett Counties of Western Maryland. There are four

Centers: Green Ridge, Savage Mountain, Meadow Mountain, and Backbone Mountain. Meadow Mountain operates specifically as an addictions program. The average length of stay in the programs is six months. A total population of 156 youth is served in the Youth Centers.

The biggest problem facing the Youth Centers at this moment is lack of staffing. Currently, the Youth Centers are 24 positions short. Being open, "staff secure" facilities, effective programming, safety and security are completely dependent upon maintaining a full complement of trained and experienced staff. The direct care staff are the most vital component of DJS. To make cuts in direct care staff positions not only potentially puts youth and staff at risk, but the community as well. Staff morale has also suffered greatly as a result of the loss of positions, motivating some to seek employment elsewhere, thus further compounding the problem.

- **Unabated for 30 Days or More:** Youth Center group process programming is very dependent upon adequate numbers of staff to provide direction, safety, and security in the open programs. Because of the State budget crisis, however, the Department of Juvenile Services has reduced staffing positions in the Centers. The Centers are currently twenty-four positions short of being fully staffed. Additionally, the budget numbers for these positions have been deleted, effectively eliminating the positions permanently. The Superintendent has been active in stressing the importance of fully staffing the Youth Centers and advocating for the return of these lost positions.

Response:

The Department is aware of the need for additional staffing and the Youth Center's have been authorized additional Contractual positions to increase the staffing numbers.

- An issue that affects staff, contract staff in particular is the expressed concern and lack of understanding about the process by which staff PINs (personal identification numbers) are awarded. Until a staff member is granted a PIN, he or she has no benefits and serves under a year-to-year contractual agreement. There are presently eleven contractual staff in the Youth Centers. The current situation, where positions have been cut, only serves to increase staffs' concerns. The Superintendent has indicated to this monitor that training will take place at each campus to help staff understand the Department's personnel policies and procedures.

Response:

PINs are assigned to contractual staff based on seniority in the particular classification. Staff meetings are scheduled in each Center which allows all staff to be present. Policies and procedures are reviewed at that time and questions

answered. All staff receives training in personnel matters during their first week of Entry Level Training.

- The Youth Centers have developed a procedure manual for the operation of the Centers. There are, however, no commitment care standards in place to govern the operation of the Youth Center programs. A Committed Care Standards Task Force Committee has been convened, and is directed to present recommendations for the establishment of appropriate standards by the fall of this year.

Response:

The Committed Care Standards Task Force Committee has been established and they will present the recommendations in the fall. The Centers will follow the standards once they are approved.

- The Office of the Independent Monitor has supported that chronic “non-violent” offenders is an appropriate criteria, and should be adhered to by the Department. Thus, it is concerning that the “non-violent” proviso in the admissions criteria statement has been deleted. The Youth Centers report that with the downsizing of Hickey and Cheltenham, increasing numbers of youth coming into the Centers present more of a hardened detention mentality and demeanor. It is also the responsibility of the Department that the public, through the Community Advisory Board, be made aware of the full range and nature of youth being served in the open Youth Center programs.

Response:

We understand the IM’s concerns about the youth they may feel are inappropriate. We know that our ability to deal with the youth who come to the Centers is an indication of the strength and integrity of the programs. Advisory Board members are very aware of the kind of youth committed to the center and undoubtedly share that information with others in the community.

- It still has not been officially determined as to what type of educational program the Youth Centers are approved to operate. They appear, however, to operate as public alternative educational programs. As a result of DJS Educational Administrators changing the school calendar, closing school every Wednesday afternoon, giving the teachers four weeks of “professional time”, and not requiring the schools to make up snow days, the youth have significantly fewer days of instruction than previously. The days of instruction that have been taken from these students constitute a loss in credits gained, and they should be returned to the youth.

Response:

The DJS school calendar exceeds the 180 school days established by COMAR 13A.02.01.04A. DJS schools will be open of a total of 223 days during the 2004 – 2005 school year. During the 2003 – 2004 school year, school was open 229 days. Although Wednesdays will continue to be half days, we will alternate the groups so that the groups will not consistently miss a day each week.

- The vocational program at the Youth Centers is minimal. When the vocational instructor is absent, there is no substitute, and the youth spend “vocational” time cleaning the dorms, or doing “range” work, such as cutting grass, and picking up sticks. Youth who will need employment upon release from the Youth Centers should be better prepared while in placement.

Response:

Due to the short length of stay of youth at the Centers, it is not feasible for the Centers to train youth for vocations. However, the Youth Centers are currently working on a partnership with the Division of Rehabilitative Services which could provide job coaches and educational services for our youth.

- Family relationships and treatment with family members are often difficult for youth to maintain while in the Youth Centers. More needs to be done in programming to increase family and extended family participation in the treatment process, and thus; promote better youth reintegration into the family and community upon release.

Response:

We will continue to make efforts to increase family participation in aftercare program planning.

- While Probation Officers are doing a better job overall in making the necessary visitations to youth while they are in the Youth Centers, some visit rarely, if at all. Field Services needs to be required and supported in making monthly visitations to the Youth Centers to maintain contact with youth in their caseload.

Response:

The Area Directors will be advised of the lack of visits to the facility if and when they occur. They know that staff should be adhering to the visitation policy and they are being advised to have staff monitored for compliance.

- Some staff teambuilding meetings are taking place. Under the leadership of the Superintendent, the Youth Centers Administrators, and Supervisors, more meetings are reportedly being scheduled to help foster better communication and address concerns on each campus. This is greatly needed, as staff report that effective problem solving and conflict resolution often does not take place, and that they have some fear of expressing this concern, as they might jeopardize their chances for promotion. It is recommended that mandatory staff meetings be held regularly, preferably on a weekly basis at first. As issues are resolved, meetings might be reduced to a monthly basis. The Youth Centers should either use their trainers, time permitting, or contract with outside skilled facilitators to help ensure that the necessary support is to given to all by an impartial team. The purpose of the facilitation should be to help each campus enhance open and constructive communication, focusing on trust building, teambuilding, problem identification, and problem resolution.

Response:

The Youth Centers have already put the mandatory staff meetings in place in all of the Centers to address the concerns of the IM.

The Young Women's Facility of Maryland at Waxter is a state owned and operated detention/ residential treatment facility located in Laurel, Maryland. The facility houses females under the age of 18 and is comprised of one detention unit and three programming units. The facility is operated under DJJ Detention Standards and other DJJ policies and procedures.

- **Unabated for 30 Days or More:** A review of the ICAU Incident Report Database for April through June of 2004 revealed that assaults/use of force incidents increased from .5 to .8 per day (1.6 every other day).

Response:

The Young Women's Facility have put more mental health groups in place to help the residents deal with some of the difficulties that they enter the facility with. The groups are designed to help the young women with some of the challenges and emotions they have encountered during their young lives. We have also made plans to have art and dance classes and special programs that have been designed to meet the needs of the young women.

- An investigator from DJS/ICAU assigned to investigate incidents of child abuse and other misconduct at the facility is under investigation for inappropriate contact with a youth at the facility. DJS conducted an internal investigation and the investigator resigned; however, other relevant agencies were not immediately

notified so a coordinated and thorough investigation could be efficiently conducted in a timely manner.

Response:

The Director of OPRA was notified and immediately sent the Assistant Director of ICAU to investigate the alleged incident. The Assistant Director of ICAU met with both Baltimore County Police and Baltimore County Child Protective Services Sex Offense Unit and provided them with all the pertinent information. Both agencies declined to investigate the incident as a criminal matter. It should also be noted that the alleged incident did not take place at Waxters but at the Good Shepherd Center which does not fall under the auspices of the IM.

- A youth who had been involved in seventeen (17) violent incidents at the facility just this year was allowed to use a curling iron on other youth and she became involved in an altercation with staff that resulted in staff and youth being burned before the youth could be physically restrained. A child abuse investigation was initiated by Anne Arundel Co. DSS/CPS. Youth who are known to be violent should not be allowed to use appliances capable of inflicting injury or harm to others.

Response:

The administration is working to develop teamwork among the staff assigned to the facility. Ongoing training for staff and the development of new programs for the young women will ensure that youth, no matter how difficult they are will receive the best possible programming and supervision.

- There is also a concern that the youth involved in the preceding incident was placed in seclusion for 72 hours for apparent punishment, contrary with DJS policy and procedure. The Facility Administrator advised that she had authorized such placement because the youth was a danger to herself and others. However, this monitor reviewed the seclusion logs for the period of time in question and all entries indicated that the youth was passive, non-violent, cooperative and/or sleeping without any problems throughout the 3-day period.

Response:

We agree that Seclusion should never be used as punishment and we do not use it as punishment. The young lady mentioned, may have quieted down but she was still seen as presenting a threat to others as indicated by the (17) violent incidents mentioned by the IM.

- **Unabated for 30 Days or More:** There remains no written protocol between DJS, MSP and CPS to address the issue of child abuse/neglect investigations. There was a case on 4/26/04 where a youth was reportedly sexual assaulted approximately one year ago in her neighborhood and the staff at Waxter had a difficult time reporting the incident to the appropriate authorities. Written protocol between DJS, CPS, the State Police and the State Attorney's Office would outline procedures to be followed when there are incidents of assault, abuse, escape, etc... A written protocol could also address issues such as staff reporting suspected incidents of abuse, assault, etc... directly to the relevant agencies within Anne Arundel County.

Response:

We are reviewing the protocols that we have in place. If we begin to encounter difficulty with the various agencies, we will consider meeting with them to develop written protocols. At this time, when an incident occurs, the local police are called and the local Department of Social Services are called. They come to the facility to interview the victim if the case has never been reported.

- **Unabated for 30 Days or More:** A staff person under investigation for child abuse had been reassigned to work the front desk at the facility and should not have an opportunity to come into contact with any youth. During a visit on 6/23, this monitor observed one of the nurses at the facility come into the lobby/front office area with a youth to allow the youth an opportunity to get a drink from a machine. Any person working in the front office and receptionist window area would have had immediate access to the youth.

Response:

The staff under investigation for child abuse reassigned to work the front desk at the facility was placed on the 11:00 p.m. to 7:00 a.m. shift. Youth are always asleep at that time and should never be in that area during those hours. This procedure eliminates the danger of youth coming into contact with any staff person under investigation.

- **Unabated for 30 Days or More:** Some medical personnel are still not clear on the proper reporting procedures for child abuse/neglect cases that occur within the facility. This monitor spoke with administrators from the DJS Medical Department and learned that there was still ambiguity as to when nurses should report suspected in-house abuse.

Response:

Staff are trained in "Recognizing and Reporting Child Abuse." To ensure staff are aware of the process, training on this issue will be presented at a training session

in September 2004. The IM is aware of this training because he will be involved in providing the training in the session.

- **Unabated for 30 Days or More:** The population at the facility remains at 50 or above. The population in the facility should be kept below 50 youth. Youth assigned to programs such as NIA and Drug Treatment (approximately 10 - 20 youth) should be removed from the facility and placed in other facilities. This would free up area to redistribute the detention/pending placement/secure placement youth (approximately 30 – 50 youth) throughout the facility.

Response:

Unfortunately, we have no control over who the judges send to this facility when they have a delinquency offense. However, the facility staff will work closely with the Resource Consultants, Case Managers and the Confinement Review Unit to identify and remove inappropriate youth as soon as possible. We will continue to work toward the ideal population. We agree that 50 youth would be the ideal. However, there are no programs for female youth such as Drug Treatment and NIA at the other facilities, however, please know the Department is exploring options for relocating the NIA Program.

- The distribution of staff per youth and per each unit is not adequate for response to potential problem situations on the units.

Response:

To increase the staffing, the facility has recently received 15 additional direct care positions. Interviewing will start immediately once the advertisement has been placed, the hiring will begin.

- **Unabated for 30 Days or More:** Computers are still needed throughout educational areas of the facility.

Response:

Before computers can be secured the appropriate wiring in the facility must take place.

- **Unabated for 30 Days or More:** Youth who need intense mental health counseling due to past histories of violence, sexual abuse and rape are still being placed at Waxter where such services are not sufficiently provided.

Response:

The Department have increased the mental health services to meet the needs of all youth assigned to the facility.

- **Unabated for 30 Days or More:** The facility still needs to hire a coordinator for substance abuse.

Response:

We are in the process of recruiting a coordinator for substance abuse. In the meantime, the facility administrator's credentials and 27 years of experience are adequate to provide direct supervision.

- **Unabated for 30 Days or More:** Staff persons and youth continue to complain that more vocational instruction is needed.

Response:

This is an area that continues to be a work in progress due to the fiscal impact of expanding the facility or adding a trailer for vocational programming.

- Youth in detention, pending placement and long term secure appear to be involved in much less programming than youth in the other two committed programs. There has been no evidence of outside recreation or effective programming at any of the other units besides the drug treatment unit during of the assigned monitor's visits over the past three months. Youth are observed sitting and watching television, braiding each other's hair, playing a board game or talking.

Response:

The Facility Administrator will be held accountable to ensure that all youth receive recreation and programming services as appropriate. New programming is being developed for all of the programs.

- A staff person expressed concerns to this monitor that some staff persons were verbally abusing youth and some staff actually discouraged youth from filing grievances. He/she advised that several youth had submitted letters to the DJS child advocate and the facility administrator that outlined their concerns, but as far as he/she knew there was nothing being done about them.

Response:

The Facility Administrator will continue to monitor closely all staff to ensure that they are not discouraging youth from filing grievances. The staff person alluded to in the report never reported to the appropriate administrator his/her concern of staff verbally abusing the youth.

- **Unabated for 30 Days or More:** There are still complaints from youth that there are problems with bugs and rodents in the facility. One youth complained that a spider had bitten her earlier in the day and a nurse supplied the youth with some cream.

Response:

The facility has a contract with Paramount Exterminators and they will continue to make regular visits to the facility to spray and check for bugs and rodents.

- Youth on the long-term secure unit complain that they do not have enough sanitary and hygiene supplies.

Response:

Hygiene products will always be available for youth when they need them. The youth will be encouraged to request items when they need them.

Baltimore City Juvenile Justice Center is located near downtown Baltimore City. It has the architectural capacity to house 144 male youth solely for detention. The property is owned and operated by the Department of Juvenile Services and is governed by DJS Secure Detention Standards. The facility opened on October 30, 2003.

On June 29, 2004, the population at the facility was 115. Three months prior on March 31 it was 75. Although there is a continued increase in the population, the facility still remains staffed for only 48 residents. During this reporting period there have been 164 incidents filed, of these 64% were youth on youth assaults. The rest were use of force, suicide ideation, youth on staff assault and youth requiring off grounds medical care. Two cases of child abuse were reported in June.

- **Unabated 30 Days or More:** Immediate measures must be taken to increase staffing consistent with the current population. This is the single most important step that must be taken to alleviate the serious life, health, and safety conditions present in this facility. With the daily population averaging 93, and the facility only staffed for 48, a gap analysis reveals that this facility is grossly understaffed by 35-40 staff. DJS conducted a recruitment fair for the hiring of new staff but

this will not immediately impact this crisis as new staff will not be available for at least 3-4 months due to screening and training requirements.

Response:

On June 29, 2004 the facility held a job fair. More than 1,100 potential employees were in attendance. A list of perspective hires has been sent to headquarters for background checks and mental health evaluations. We expect to hire approximately 35 contractual Resident Advisors and 4 Juvenile Counselors. In addition, 16 contractual staff has been temporarily reassigned from the Charles H. Hickey School to BCJJC. Also, five (5) additional staff from other facilities is temporarily assigned to BCJJC.

- Youth have a reasonable expectation to be housed in a safe and secure environment. Both staff and youth are not safe given the current staffing to youth ratio.

Response:

We are moving quickly to address this concern. Staff has been reassigned temporarily from other facilities to BCJJC. Also, a team of senior DJS residential staff have been brought in to conduct a review of day to day operations and recommend improvements.

- Further, programming is severely impacted, as staff is not capable of providing services. The education department has sustained staff shortages due to personal injuries and temporary reassignment, impacting the school program. Meaningful evening and weekend programming are essential components that also require immediate attention.

Response:

This area is being given immediate attention. A recreation coordinator has been hired for the facility and he will provide evening and weekend programming.

- During the reporting period, there were up to 20 children who were awaiting placement at BCJJC. Youth awaiting placement for long periods of time compound the overcrowding issue. In addition, these youth do not receive the long term treatment services that they are entitled to in a detention facility.

Response:

The Confinement Review Unit is working hard to locate the appropriate placements for the youth awaiting placements.

- **Unabated 30 Days or More:** Many youth on youth assaults occurred in the school, gym and dining hall. The immediate installation of surveillance cameras in the school, gym and dining room would assist staff greatly in the supervision of youth. Consideration should also be given to installing cameras in other high traffic areas within the facility.

Response:

Capital Planning has informed the BCJJC Detention staff that the Security Enhancements request has been approved. We are awaiting the installation of cameras in the Dining Hall and the Gymnasium.

- **Unabated 30 Days or More:** Many of the construction materials, fixtures, and furnishings in this facility are not appropriate for a secure juvenile correctional facility. Serious life, health, and safety issues result from continuing to operate a facility given these physical plant deficiencies. Many items are capable as being used as weapons against self or others. As previously recommended DJS should secure the services of a professional architectural and design firm specializing in secure correctional facilities in order to review all equipment and furnishings to ensure that it meets acceptable standards for a secure detention facility. Some of the outstanding physical plant problems are addressed in the below referenced findings.
- **Unabated 30 Days or More:** DJS must repair all glass that is breakable in areas accessible by youth, including bedrooms and dayrooms.

Response:

All of the broken glass has been repaired. The glass will be replaced as it becomes broken.

- **Unabated 30 Days or More:** The shower doors and associated hardware are not *tamper-proof and must be replaced. Showerheads are not tamper-proof and must be replaced ASAP.*

Response:

This matter is under consideration.

- **Unabated 30 Days or More:** Remove/replace beds and desks in bedrooms with furnishings and equipment that are suicide resistant.

Response:

Desks and stools are being removed.

- The facility has an inordinate amount of trash and graffiti. After careful review by the assigned monitor, there is no documentation available supporting the required inspections of the facility by staff.

Response:

The facility has instituted a daily unit checklist that is to be completed by each shift. The units are also in the process of being painted to remove the graffiti.

- Facility does not have a wheelchair at its disposal.

Response:

A wheelchair has been secured for the facility.

- This Office and DJS have partnered with the National Juvenile Detention Association (NJDA) for technical assistance to address the training needs of staff and to improve the culture within the Cheltenham Youth Facility and the Charles Hickey, Jr. School. DJS and this Office have discussed the possibility of expanding the NJDA training to other detention facilities such as the Baltimore Juvenile Justice Center. Funding has been identified to proceed with this initiative at BJJC. This initiative should be implemented as soon as possible.

Response:

BCJJC will be included as one of the facilities to receive the NJDA training.

Maryland Youth Residential Center (MYRC) is a Department of Juvenile Services (DJS) owned and operated 24-bed shelter care facility located in Baltimore City. This facility rarely has vacancies and it is now servicing youth from all across the state. The educational program really has anchored the stability of this shelter care facility. Students have been on many cultural educational outings ranging from Morgan State's symposium on sexuality to the NFL's Ed Block Courage Awards Dinner. The Parent's Day Cookout

was also very successful, held right on the grounds of MYRC; it provided parents quality time to spend with their children.

- **Unabated for 30 Days or More.** The leaking in the first/second floor bathrooms has drained to the ceiling in the dining room/kitchen causing paint to chip. This can become a major health concern.

Response:

Bids are being prepared by the maintenance department. We are awaiting approval.

Mount Clare House is located on the fringe of downtown Baltimore City. The facility is a two-story house owned by the Department of Juvenile Services. The vendor for this facility is First Home Care Corporation. This is a twelve-bed group home that serves male youth (ages 15 ½ - 18) who have emotional and behavior problems. The length of stay is nine months to one year. A cook on-site prepares meals. Although licensed by DJS, the group home also contracts four beds with the Department of Human Resources (DHR); four beds with the Department of Health and Mental Hygiene (DHMH) and is governed by COMAR.

- Facility needs to install ramp at the front door to be fully handicap accessible.

Response:

A ramp has been built for the front door to make it handicap accessible.

William Donald Schaefer House is a nineteen-bed locked door facility for male youth who have a history of alcohol or drug abuse. The property is owned and operated by the Department of Juvenile Services. This is the only DJS-operated facility that is regulated and licensed by COMAR. It is located in a residential setting in north Baltimore.

As of this report, ninety-seven (97) youth have completed the program. There are a myriad of initiatives and activities that have taken place during this reporting period. Each youth participates in-group and individual counseling three days per week and addictions counseling drug/alcohol education and Youth Comprehensive Training (skills building) twice a week. Also, off grounds sessions to Narcotics Anonymous/Alcoholics Anonymous occur in the evenings twice a week.

- **Unabated for 30 Days or More:** As referenced in the previous report, the second floor bathroom and showers are inoperable.

Response:

The request for funding has been submitted.

- Paint is peeling around the exterior of the building.

Response:

Painting will be completed.

Catonsville Structured Shelter Care (GUIDE) is a privately operated non-secure facility located on Department of Juvenile Services' property. The current license allows for a capacity of ten male youth. The current vendor is held accountable for its services by Code of Maryland Regulations (COMAR) and certain Maryland Department of Juvenile Services licensing requirements.

This shelter care facility does a very good job with the residents programmatically. Residents participate in daily group sessions with topics such as anger management, effective communication skills, conflict resolution and other relevant topics. The Health Department does a weekly Sexual Education and STD workshop. It balances social responsibility, education and cultural exposure via field trips. During this reporting period, the average length of stay has been 33 days and the average daily population was seven.

- **Unabated for 30 Day or More:** The dining room, kitchen and bathroom floors are sinking and need to be repaired immediately.

Response:

Funding has been requested.

- During this reporting period, the shelter has had vacancies; about 30%.

Response:

No Response.

The **Charles H. Hickey School** has been a privately run facility located on State property. The facility is comprised of detention units and programming units designed for 30 days to 6 months programs. Correctional/Service Corporation (CSC) was the most recent vendor in the facility until the expiration of their contract on March 31, 2004. The Department of Juvenile Services has been managing the facility since that time. The facility and program were/are held accountable for servicing Maryland's youth through the Code of Maryland Regulations (COMAR) and certain Maryland Department of

Juvenile Services (DJS) licensing requirements, Detention Standards and Conduct Standards.

- **Unabated for 30 Days or More:** The number of youth on staff assaults has risen significantly (over 300%) over the past two months of May and June. The average number of assaults/use of force incidents per day during the last 12 months was 2.46, and although there was a spike in April to 3.3 per day, there has been a decrease to 2.3 and 2.2 per day in May and June respectively. That decrease may be attributed to the drop in population of approximately 50 youth over the past three months and/or the transfer/placement of youth with severe behavior problems to other facilities (See concerns with inappropriate placements at Thomas O'Farrell in this report). The assigned monitor continues to receive numerous complaints of assault and abuse at CHHS from youth at CHHS; DJS and CPS investigators; and DJS reports. DJS and CPS investigators continue to work closely together on cases and their relationships with investigators from the State Police should continue to improve per guidelines developed in the Interagency Agreement for Responding to cases of abuse.

Response:

Training for all staff was increased to meet the MCTC Standards. Also, an additional Program Manager has been assigned to assist with the increased accountability for all employees in the supervision of youth. We are continuing to focus our efforts on violence reduction through staff training to reduce the number of assaults. The decrease in incidents is encouraging as the Department has implemented a behavior management program for the youth that includes a Level and Point System with incentives and special behavior management plans for youth whose behavior is especially problematic.

- Youths in seclusion are not always being monitored and processed back into the facility population according to DJS seclusion standards. If youth are no longer a threat to harming themselves or others; are not an escape risk; or are not in danger of destroying property, they must be processed back into the population.

Response:

We will continue to monitor the seclusion area and remove youth at the most appropriate time.

- The logbooks for Seclusion and the Infirmary were missing for several days and staff were using notebook paper for a log.

Response:

New bound logbooks have been purchased for the Infirmary.

- **Unabated for 30 Days or More:** There are still some problems with investigations not being coordinated between DJS, the Department of Social Services (DSS) and the Maryland State Police (MSP) although the Baltimore County Interagency Agreement on the Investigation of Child Abuse and Neglect at the Charles Hickey School was placed into effect in April.

Response:

We do feel we have a coordinated effort between DJS, the Department of Social Services and the Maryland State Police. If the IM continues to have concerns, he should meet with the Facility Administrator and provide additional detail or specific situations.

- **Unabated for 30 Days or More:** Vocational and general programming is insufficient at the facility. The Applied Learning Center (ALC) has been closed pending a decision from the Maryland State Department of Education concerning re-opening the vocational programs in July of 2004.

Response:

DJS took over the facility in April, since that time, we have had on going dialogue with MSDE as they were scheduled to take over the educational services August 2004. There is also ongoing dialogue with reference to the vocational services. After school residential programming will be provided by DJS. During the transition period between DJS and MSDE appropriate services were on going and continuous according to COMAR 13A.09.10. MSDE officially took Education programming on August, 2004 and plan to provide vocational programming.

- Although new suicide resistant and safer beds are being installed, the renovation of Ford Hall has no plans for replacing/repairing the ceiling vents, recessing the bedroom lights or making sure the toilets and plumbing are constructed to prevent breakage or access. There is consideration that the unit will be used to house mental health youth, so it is imperative that these changes be made.

Response:

We will continue to investigate the availability and costs of replacing the ceiling vents, bedroom lights and the plumbing in Ford Hall. We also want our youth to be safe.

- **Unabated for 30 Days or More:** The pedestrian sally port gate was not operating during most of this monitor's visits to the facility.

Response:

Repairs have been completed.

- **Unabated for 30 Days or More:** Some bedroom door locks are not functioning properly. Some staff and supervisors have not been ensuring that bedroom doors are locked when the youth are not in their rooms.

Response:

We will continue our efforts to maintain the bedroom door locks, which is an ongoing maintenance project. We have put procedures in place for ensuring that staff keep the doors locked when then youth are not in their rooms and the staff provide the appropriate levels of supervision.

- Suspensions, terminations and transfers have resulted in a lack of qualified staff in key direct care positions and the loss of four DJS Child Advocates. It is imperative that DJS hire qualified staff to ensure the safe and efficient operation of the facility. A recent job fair was very successful in attracting interested persons to work with DJS and hopefully an emphasis will be placed on obtaining highly educated and qualified personnel for residential services.

Response:

We will continue to recruit and hire employees according to MCTC Standards.

- There appears to be a renewed focus on mental health programs. Conversations with staff persons and supervisors for DelMarva reveal a sincere interest to broaden the vendor's responsibilities in this area. There are many cost benefits to the State for providing professional and competent on-grounds care versus the high cost of sending youth out-of-state.

Response:

No Response necessary.

- **Unabated for 30 Days or More:** Staff are not always alert and properly monitoring the youth as evidenced by the high number of youth on youth assaults. Youth have been going into each other's bedrooms and committing assaults.

Response:

New programming for youth and additional training for staff will work toward providing more appropriate levels of supervision of youth.

- The supply building is not being properly managed for inventory control. Visits revealed there is no system currently in place to accurately track incoming and outgoing supplies. There is also a need for increased manpower in the supply room to properly handle the ordering and receiving of supplies.

Response:

Staff member (Jim Kolmer) has been assigned from the business office to assist with the inventory in the warehouse.

- Some of the living units have been washing and drying clothes and towels on the units instead of taking advantage of the central laundry facility. Dirty clothes in the seclusion/intake area were observed piled in the hallway.

Response:

We have an agreement with the Department of Corrections (DOC) to provide Laundry services. The pick up days are Tuesday and Thursdays.

- Youth and parents have complained that the youth's personal belongings cannot be located once the youth is released or transferred from custody. An inspection of the property building revealed a lack of organization and control. It has been reported that the property room is being relocated to the Pratt building and there are plans to have someone placed exclusively in charge of the property control.

Response:

Effective June 2004, staff have been assigned to be responsible for and in control of the students' personal property.

- According to staff, some youth have not been paid or credited for helping in the supply room, dining hall and horse stables ever since the State of Maryland has taken over the facility.

Response:

Students were credited for hours worked prior to April 1, 2004 before DJS took over. There was a slight delay in processing the time sheets that resulted in youth not being paid immediately. As of July 2004 accounts were credited. In addition the salaries of the youth increased from \$1.50 per hour to \$5.50 per hour. All timesheets have been processed and turned in. Youth have been given their receipts. Once the youth leaves the facility, the check will be mailed to his home. The processing time is approximately three weeks.

- **Unabated for 30 Days or More:** Even after repeated citations by this Office over the last three years, the ceiling vents on the bedroom units are not suicide proof.

Response:

There is a major fiscal impact for replacing the ceiling vents. This is an item that remains under consideration.

- **Unabated for 30 Days or More:** The lack of sufficient lighting in the area behind the fence has been cited previously as a safety/security hazard for both staff and youth. There continues to be a lack of sufficient lighting and some staff express concern for their own safety when walking to their areas of assignment after dark.

Response:

The lighting in the area behind the fence has been completed.

- **Unabated for 30 Days or More:** The assigned monitor has observed toilets clogged or running on several of the units and in the infirmary.

Response:

The toilets have been repaired.

- **Unabated for 30 Days or More:** The infirmary doors have slide bolt locks installed on them, which can be a severe problem in the event of a fire with youth locked inside.

Response:

We have developed a unit that is assigned exclusively to the infirmary and seclusion at all times. We will always have a staff assigned to the area of concern for security and for the protection of the students in the event of an emergency.

- **Unabated for 30 Days or More:** This Office and DJS contacted the NJDA to conduct a Needs Assessment at the Hickey School. The assessment was completed in January and a report was submitted by NJDA recommending specific actions and training. Although the CSC is no longer the vendor at the facility, DJS should follow-up with those recommendations as they pertain to the current management.

Response:

We agree and the Department plans to apply for funding through OJJDP to implement training at Hickey. Preliminary discussion with OJJDP has taken place.

- **Unabated for 30 Days or More:** Previous citations by this Office for a lack of security surveillance cameras has failed to result in the installation of these critical devices.

Response:

This matter is still under investigation.

The **Thomas O'Farrell Youth Center** is a privately run facility on state property which houses 43 adjudicated delinquent young men and an off-campus Transitional Living Continuum shelter care (TLC) houses 7 more.

- The numbers of assaults and use of force incidents have risen in the past three months. The facility feels that more inappropriate youths are being referred to the program and they have no right of refusal for such youth.

Response:

An accountability plan for the residential department to ensure that the level of engagement of youth increases to meet the expectations established in our crisis prevention strategy/training. O'Farrell Center staff do interview each youth referred to the program and they will continue to determine which youth are acceptable for placement in the Center.

- There have been several more escapes from the facility. Although the DJS Incident Reporting database identifies Thomas O'Farrell as a *Structured Shelter Care*, it does not meet the DJS definition of such a facility. It is important that DJS, the facility administration and the Maryland State Police recognize that Thomas O'Farrell is still considered a *Youth Center*, and youths who escape from

the facility can be charged with the crime of escape. Refer to Article 83C, Section 2-117(a) (2).

Response:

O'Farrell has established protocols to ensure adequate custody and control over youth under our supervision and direct care. In the event staff are cited as negligent in their failure to practice policy, appropriate administrative action is taken to decrease the likelihood of similar incidents reoccurring. O'Farrell has never been classified as a secure facility.

- **Unabated for 30 Days or More:** Violent youth continue being charged with a crime within the facility, and are either not removed from, or are being returned to the facility population by DJS. DJS must cooperate with the police and TOYC to develop a written protocol to address this issue.

Response:

The Assistant Director of ICAU will continue to work with the MSP to ensure the appropriate handling of youth charged with new offenses.

- **Unabated for 30 Days or More:** The Maryland State Department of Education conducted an audit at the facility and there were concerns about the services being provided to the youths. TOYC must provide computers to meet the needs of the youth under its care, ensure substitute teachers are properly degreed, obtain youth's previous educational records and develop proper educational plans for all the youths.

Response:

A Computer Lab has been established in the O'Farrell School for student use for the new trimester. The O'Farrell School has met all the requirements cited in the MSDE audit, except for the library which will be completed by the end of the month, meeting our MSDE deadline. O'Farrell has cooperated fully and made significant programmatic adjustments to remain in good standing with MSDE and provide quality education to the youth we serve.

- **Unabated for 30 Days or More:** Vocational programs do not include any training for manual labor (carpentry, masonry, plumbing, electrical, painting, landscaping, auto mechanics, etc...). Youth could participate in appropriately guided learning activities on the facility grounds to build structures, paint, maintain equipment, garden, and improve the appearance of the grounds.

Response:

A vocational program is not part of the contract with DJS. Maybe at contract renewal time, we can revisit this observation. The O'Farrell School is currently equipped to offer pre-vocational training and career development. We still currently have an on and off ground work program in addition to the pre-employment skills training.

- **Unabated for 30 Days or More:** Recreational activities should be varied and meet the needs of all youth. The program must provide large muscle activity every day, not just a few times a week. On 5/5, 5/27 and 6/7 there was no activity going on outside, although the weather was extremely nice. This problem has been cited in previous monitoring reports.

Response:

Daily recreation for the youth is an integral part of our daily schedule. In the event that staff are not following prescribed practices without authorization, they will be held accountable. The Recreation Coordinator will adjust his schedule to ensure that the scheduled activities are taking place.

- **Unabated for 30 Days or More:** A DJS Child Advocate has not been visiting the facility on a regular basis. Grievance boxes are being forced open by staff or youth and grievances are being handled by TOYC administrators/supervisors.

Response:

A Child Advocate has been assigned to the Center.

- A large dead tree is standing dangerously close to the outside basketball court. A walk-in freezer is not defrosting and the air conditioning unit for the dining area is still not working after more than a year. The sign at the entrance to the facility is in need of repair and painting, and the grounds are in need of extensive upkeep.

Response:

O'Farrell has cut down and removed all the dead trees from around the buildings and recreation areas to prevent accidents. This was completed on 8/14/04. The kitchen air conditioner was replaced on 7/6/04. The remaining maintenance concerns are a work in progress.

- During a visit on 6/22 it was noted that the temperature logs had not been completed for the walk-in refrigerators since 6/16.

Response:

Temperature control logs have been updated and will be monitored by the kitchen supervisor and the manager of that department.

The **Sykesville Shelter Group Home** is a privately run structured shelter care home located on state property. The facility houses up to 10 females, but due to space limitations, 8 females can be housed comfortably.

- There are complaints that youth have not been getting their personal belongings transferred to the facility after they have been placed there. DJS case managers must ensure that a youth's personal belongings are transported with a youth to their placement as required by DJS regulations.

Response:

DJS Area Directors will be informed of this concern and the need to have the young women's clothing transported with them, if their clothing is available. This item will also be placed on the Female Population Task Force's September Agenda.

- There are concerns that youth placed at the facility by DJS are not always getting their psychotropic medications transferred or prescribed in a timely manner. DJS case managers must ensure the youths they are placing or transferring receive the appropriate type and amounts of prescribed medication to last for at least 30 days. Most psychiatrists hesitate to prescribe medications to youths they cannot examine themselves or who are not considered their current patients. It may be feasible for DJS to assign psychiatrists by Area to handle the medical needs of the youth who are residing in facilities within that Area.

Response:

Facility staff will ensure that DJS case manager is notified of the child's psychotropic medication shortage within five working days of its depletion.

- According to a check of the facility records on June 29, 2004, there has been no DJS Child Advocate visiting the facility for several months. The Clinical Director and lead teacher both advised they had not seen any child advocates at the facility – but they did have the phone numbers of two child advocates if they were needed.

Response:

A Child Advocate has been assigned to visit the facility once a month or more often if there is a need.

- There have been concerns in reference to the facility relocating. DJS should cooperate with Sykesville Shelter Care to provide services in the best interests of the youth who are placed at the facility and offer ideas and suggestions that will ensure the program continues in a facility that is both appropriate and safe. Alternative solutions for monies and resources should be cooperatively researched by DJS and Sykesville's administration.

Response:

DJS has always cooperated with the Sykesville administration and will continue to offer suggestions and ideas for the next steps.

The **J. DeWeese Carter Children's Center** is a 24-bed detention facility located in Chestertown, Maryland. The facility houses both males and females between the ages of 12 and 18 years old. The facility operates under DJS Detention Standards and other DJS policies and procedures. The facility's total population has averaged between 15 to 20 youth. The number of females ranges from 5 to 10.

- **Unabated for 30 Days or More:** A number of the youth detained are shelter eligible. As previously cited by this Office, there is no shelter care space on the Eastern Shore since the closing of the Eastern Shore Shelter Care in January of this year. During the reporting period, the facility experienced ten physical altercations amongst youth.

Response:

The facility continues to ensure that programming and services are provided for the youth. Performance measures are monitored including reductions of youth altercations.

- The facility's education program continues to be a positive part of the youth's detention period. The youth receive 5 hours of schooling per day as required by the *DJS Detention Standards*. Upon release, a "transfer record" is provided to the youth's home school to ensure that proper credit is given. A new teacher was hired in May although one position remains vacant. Educational staff meets with youth and their parents once per month to discuss all progress and any concerns.

The youth enjoyed a brief two-week summer vacation in June and summer school started on July 6th.

Response:

No Response Needed.

- The youth participated in many programs during the reporting period. In April, the youth participated in an Easter egg hunt. On April 28th, the assigned monitor participated in birthday party for all youth, staff, and parents. In all 42 people celebrated their birthdays. Field Day was held on June 18th and the youth participated in various sporting events and a small cookout. The youth were also presented with certificates for their participation.

Response:

No Response Needed.

- The young father's program will begin in July to provide specialized programming to youth who are fathers.

Response:

The facility continue to enhance programming to meet the needs of our youth.

The Alfred D. Noyes Children's Center (Noyes) is a State owned and operated detention facility that houses both males and females under the age of 18. The facility operates under DJS Detention Standards and other DJS policies and procedures.

- **Unabated for 30 or More Days:** Noyes is a small facility with four housing units. At times, the youth engage in physical altercations. Staffing shortages have made it difficult to ensure two staff members are assigned to each unit. The facility lost 4 staff during the reporting period due to retirement, temporary transfers to other facilities, and entry-level training. Staff from the Western Maryland Children's Center (WMCC) has been transferred to Noyes on a rotating basis to provide additional supervision for the units. However, when WMCC becomes fully operational, *this staff will no longer be available staffing at Noyes.*

Response:

The facility was recently authorized additional positions to address staffing issues.

- **Unabated for 30 days or More:** The facility continues to house youth from Western Maryland because the Western Maryland Children's Center has not opened its additional twelve beds.

Response:

A process has been developed to ensure that Western Maryland residents are transferred to the Western Maryland Facility to fill the facility's capacity.

- The staff is still in need of some additional training to deal with youth suffering from mental health issues. The Office of the Independent Monitor (OIM) and DJS have partnered with the National Juvenile Detention Association (NJDA) for technical assistance to address the training needs of staff and to improve the culture within the Cheltenham Youth Facility and the Charles Hickey Jr. School. DJS and the OIM have discussed the possibility of expanding the NJDA training to other detention facilities such as Noyes. Funding has been identified to proceed with this initiative at Noyes.

Response:

DJS is committed to improving and addressing training needs of staff.

- The assigned monitor was invited to sit in a Treatment Team meeting. The meeting regularly consists of administration, the Child Advocate, representatives of the education, medical, mental health, group life, case management, and substance abuse staff. This meeting occurs weekly to discuss newly admitted youth and cases that require additional monitoring and services.

Response:

We appreciate the monitor acknowledging the Treatment Team meeting.

- The facility has more nursing staff available on day and evening shifts. Since adding the additional nursing staff, the facility has not had any problems with providing adequate medical services to youth.

Response:

We appreciate the monitor acknowledging these improvements

- In June, the facility began distributing “The Spirit”, a bi-monthly newsletter to staff and youth. The newsletter contains information from both youth and staff. It also acknowledges the accomplishments of youth within Noyes.

Response:

DJS appreciate the monitor acknowledging this positive initiative.

- The maintenance of the facility’s physical plant has improved.

Response:

Thanks for the compliment.

- **Unabated for 30 days or More:** The facility is in need of a commercial washer and dryer because the current ones breakdown after 2-3 months use. Similar commercial washer and dryers were purchased for the Cheltenham and Waxter facilities. Although Noyes lacks the space to place the machines in the same closet, one may be placed on each side of the facility.

Response:

The area for the commercial washer and dryer has been completed. Justification to purchase commercial type appliances has been submitted.

- **Unabated for 30 days or More:** The traveling barber/beauty shop cuts the boys hair on a weekly basis. Although the barbers will cut the girls hair, the female staff help the female residents maintain their hair. Female residents should also have the opportunity to have their hair groomed professionally. Chemical treatments should be applied only by trained professionals and not by facility staff.

Response:

We will investigate alternatives for the girls.

The Cheltenham Youth Facility (CYF) is a state owned and operated facility located in Cheltenham, Maryland. Within this reporting period, the facility’s population decreased to 70 but has since increased to approximately 100. The facility has four detention units and one 24-bed shelter. The facility operates under the DJS Detention Standards and other DJS policies and procedures.

- The total population remained between 70 and 105. The number of youth has been drastically reduced within the past two years to single room capacity with adequate staffing levels.

Response:

DJS appreciate the monitor's acknowledgment of positive improvement at the Cheltenham Youth Facility as a result of dedicated staff.

- The housing units began using the evening programming rooms during the reporting period. Through interviews with youth, the boys state that they no longer sit idle on the units in the evening.

Response:

Again, we appreciate acknowledgement of the positive improvements at the facility.

- The pool has opened for the summer and this monitor has observed the youth enjoying their swim time. Because the population has been reduced, the staff seems to be able to provide more supervision to each youth.

Response:

No Response Needed.

- Shelter youth continue to complain about being locked in 2 dormitory style rooms at night. In addition, shelter care youth continue to have the majority of their daily activities such as school and dining provided within the secure detention portion of the facility. Thus, shelter youth are being held in secure custody and not in an unrestricted environment.

Response:

DJS will review to determine if adjustments are warranted.

- The shelter care youth have been taking scheduled field trips off grounds into community. On two occasions, youth have AWOL'd by running away from the rest of the group. This type of behavior occurs at a minimum and the positive experience of being in the community on a structured outing is a valuable resource for the youth and should continue.

Response:

The facility will continue to provide field trips consistent with the program.

- **Unabated for 30 or More Days:** Although the number of youth on youth fights remains high for the number of youth in this facility, the level of violence has reduced within the reporting period. The number of youth transported off grounds for medical treatment as a result of fights continues to remain high. Youth were transported off grounds many times for x-rays or stitches. The assigned monitor questions whether the staff are using appropriate crisis intervention steps to de-escalate verbal confrontations before they escalate into a physical confrontation. Some youth and staff state that many of the female staff refuse to intervene during youth on youth altercations fearing personal injury. Instead, they call for the male security staff to assist. Because security staff have many duties to perform, many minutes can pass before they arrive and by then, the youth are fighting and may already be injured.

Response:

We will continue our efforts to train staff in resolving the conflicts before they escalate into physical confrontations. The Training of Trainers is scheduled to be held beginning September 13, 2004.

- The Office of the Independent Monitor (OIM) and DJS have partnered with the National Juvenile Detention Association (NJDA) for technical assistance to address the training needs of staff and to improve the culture within this facility. In April, NJDA representatives and a group of CYF staff members met over two days to discuss what areas of training are needed for facility staff. In May, the NJDA issued a suggested curriculum for staff training. NJDA has conducted similar interventions within other states resulting in enhanced facility operations.

Response:

The technical assistance by NJDA to address the training needs of staff continue with Training of Trainees scheduled for September 13, 2004.

- *The facility seems to be using seclusion for reasons that are not in accordance with departmental policy and standards. Many times, youth were placed in seclusion for more than eight hours without the proper documentation to support why it was necessary. DJS policy states that a youth shall be released from locked door seclusion when the youth no longer fits the criteria for placement in seclusion. Many times, the fifteen minute room checks sheets verify that the youth is no longer posing a risk to the facility yet he will remain in seclusion for*

one to two more days. The continued seclusion after a youth no longer poses a threat could appear to be a form of punishment. Youth and facility staff verify that youth are often given 72 hours in seclusion for certain types of incidents, i.e. assault, attempted AWOL or escape. A review of the tour office seclusion logbook revealed that many youth did remain in seclusion for 72 hours for those types of incidents. Thus, youth are being placed in seclusion for prescribed periods of time as a sanction or punishment in violation with DJS policy.

Response:

To ensure that all seclusions are documented in the Tour Office and the Residential Health Center seclusion log, a memorandum is being issued as a reminder that all future requests will be documented on the appropriate Seclusion Authorization Form.

- Youth are also being placed on what facility policy describes as a “closed program”. The assigned monitor found a youth with behavioral issues on the “infirmary’s closed program” by being locked in a small hallway with one staff member outside of the seclusion rooms all day. He was not allowed to be in the presence of other youth so he sat in the enclosed hallway for the majority of the day. He was given a packet of schoolwork to be completed and was given one hour of recreation. After the assigned monitor questioned this practice, the youth was transferred to another detention facility. Facility specific policies and procedures should not allow for a practice that is not approved by the DJS Detention Standards. The infirmary houses youth routinely placed there by administration for displaying negative behavior in general population, those youth in seclusion, and those with medical or mental health needs.

Response:

All closed program youth will continue to be afforded all programs and services as other youth. The DJS Detention Standards have not been approved at this time. They are still in draft form.

- The facility began using the due process hearing procedure in June. One youth complained that his hearing was held 3 business days after he was placed in seclusion for the alleged rule violation. Hearings must be timely in order to address youth’s concerns and to satisfy their right to due process.

Response:

Due Process hearings will be held on Mondays, Wednesdays and Fridays. This will allow the hearings to be held within forty eight hours of the infractions.

- As cited in previous reports, the assigned monitor continues to find that when comparing the tour office logbook, seclusion logbook and the incident report database, it is apparent that many incidents were not documented and reported to DJS Headquarters as required. When Incident Reports are not completed and logged into the Incident Report Database, the Office of Professional Responsibility and Accountability (OPRA) will not know to investigate the incident.

Response:

We will continue to monitor this area for compliance.

- The floor in the Infirmary waiting area and two youth bathrooms is currently under repair.

Response:

No Response Needed.

The Western Maryland Children's Center is now accommodating up to 18 youth. The contractor has been attempting to attend to the many physical plant problems, such as lack of hot water, the heating system that doesn't work, and control panel malfunctions. The Department, however, has not addressed the many problems presented by the fixtures used in the youths' sleeping rooms. In spite of these numerous problems, the staff at the Western Maryland Children's Center have continued to provide quality programming, within this detention setting, that is creative and reflective of a high level of professionalism, dedication, and care.

- The Department is now contracting with Behavior Health Services to provide four hours of on grounds psychiatric time each week, and on call psychiatric capability on a twenty-four, seven day a week basis.

Response:

No Response Needed.

- The Department has made plans to make some improvements to the facility that are needed and that have been recommended. At least thirteen more surveillance cameras will reportedly be installed, and all of the cameras will be tied into a recording capability. The clear windows around the control room and adjacent hallway that compromise youths' confidentiality are to be replaced with tinted windows. However, these upgrades have not yet taken place.

Response:

We are in the process of identifying a product. We are also waiting for a funding source to be identified. As there are more urgent needs, and this item requires fiscal resources, we have determined that this is not a priority at this time.

- **Unabated for 30 Days or More:** Vitreous china fixtures are still present in the youth sleeping rooms and bathrooms used by youth. Because of the injuries incurred as a result of youth breaking these fixtures and using the sharp shards as weapons, the Department agreed in January of this year to install stainless steel fixtures immediately in at least two rooms, incrementally replace all of the fixtures with stainless steel as breakage of the vitreous china fixtures occurred; and replace all vitreous china fixtures with stainless steel within a three-year period. However, as of this writing, no action has taken place.

Response:

A/E has been selected to provide assessment/recommendation for plumbing systems and fixtures.

- **Unabated for 30 Days or More:** In addition to the danger presented by the vitreous china, the sink handles are types that provide a potential tie off point for a youth attempting suicide, or, as has happened most recently, have been broken off of the sink. One youth attempted to use the handle as a weapon, and another used the handle to break the glass in his sleeping room door. The Department has replaced the broken handle with a shorter handle, but this too could be used as a tie off point or as a weapon, albeit, a shorter weapon.

Response:

As building systems are in place – in depth discussions with Operations will be held to determine alternatives.

- **Unabated for 30 Days or More:** The beds used in the facility have holes and posts, and the desk stools have braces that could be used to attempt or complete a suicide. As reported in the last writing, that threat has turned to reality, as a youth attempted suicide by tying off a sheet to the stool arm. The desks and seats should either be removed or replaced with suicide proof furniture. DJS is currently reviewing potential suicide proof beds, and bed/desk combinations in order to remedy the problem.

Response:

No Response Needed.

- **Unabated for 30 Days or More:** As noted in the last two Quarterly reports, one youth managed to pull down a sprinkler covering in his room and set off the sprinkler. The vulnerability of these coverings to being tampered with by youth also poses the risk that an exposed sprinkler head could then be used from which to tie off in a suicide attempt. DJS says it is “reviewing” to determine appropriate action. Immediate action should be forthcoming in order to keep this type of incident from occurring again.

Response:

As building systems are in place, we will schedule a meeting and hold – in depth discussions with Operations to determine alternatives.

- **Unabated for 30 Days or More:** ADA handrails are still present throughout the facility in bathrooms and showers used by youth. Beyond the minimum number of ADA equipped bathrooms and showers required, the Department should either remove these rails, or make them solid to the wall in order to prevent a youth from tying off in a suicide attempt. Thus far, the Department has not committed to making the changes recommended, but says it is “reviewing” to determine appropriate action.

Response:

The current ADA rails have been installed according to ADA building regulations. To satisfy the monitor’s concerns, if necessary we will provide documentation from ADA as to the appropriateness of the rails.

- The Western Maryland Children’s Center staff have been very diligent in documenting any incidents, no matter how minor. This is very positive, even though on the face of a report, it might appear that there is more trouble at the Center than elsewhere. In fact, quite the opposite is the case, as other facilities have under reported incidents. This office is concerned that the Center has received some negative comments from DJS officials for having so many incidents. *This could easily translate into the facility feeling pressure not to report incidents.* The WMCC should be congratulated that staff are maintaining integrity in their reporting of incidents despite this pressure.

Response:

No Response Needed.

The Lower Eastern Shore Children's Center (LESCC) is a state owned and operated facility located in Salisbury, Maryland. The facility houses males and females between the ages of 12 and 18 years old. The facility operates under the DJS Detention Standards and other DJS policies and procedures. The facility is located on the grounds of the Wicomico County Adult Detention Center and shares its building with DJS transportation officers, electronic monitors, and the fiscal manager for the Eastern Shore.

- The assigned monitor has observed staff working alone on the two smaller units that each house up to six youth. Although DJS strives to provide staff to youth ratios of 1:8 during awake hours and 1:12 during sleeping hours, staff should not be required to provide crisis intervention alone during altercations involving two or more youth. Staff complains of the lack of an adequate number of male staff to provide supervision on the units.

Response:

The practice of hiring according to gender is not the practice of the Department; however selecting the most qualified applicant is the Department's practice. The facility will and does at all times staff all pods according to the set staff to youth ratio.

- Staff complains the two-way radios frequently do not work during emergencies (i.e. physical altercations) and experience outside interference.

Response:

DJS IT is currently working on the replacement of the currently used two-way radios. The Chief Information Officer was notified of the need for the radio replacement July, 04.

- A security enclosure will be installed over the intake desk area to prevent youth from entering the secure area. Cameras will be installed this month in the intake areas to allow the Control Center to monitor the entire area.

Response:

No Response Needed.

- One youth from Baltimore caused approximately \$1100 damage to the facility by tampering with the sprinkler in his room during a violent outburst.

Response:

Youth transfers are authorized by the Department with the approval from appropriate Office Management Staff.

- **Unabated for 30 or More Days:** In this monitor's previous quarterly report dated January 9, 2004 (for the period from October 1 to December 31, 2003) several issues were cited that posed a risk for suicide attempts. DJS provided a Corrective Action Plan ensuring the porcelain toilets and sinks would be replaced with standard stainless steel toilets designed for detention facilities on an incremental basis. However, DJS previously agreed to the following plan specifying that it will be done as follows: no less than two bedrooms shall be retrofitted immediately; as the porcelain toilets and sinks are damaged, they will be replaced with stainless steel fixtures; and the complete replacement with stainless steel fixtures shall occur within three years.

Response:

A/E has been selected to provide assessments/recommendations for plumbing systems and fixtures.

- **Unabated for 30 or More Days:** The rooms still have desks with seats attached by a bar that swings outward. A youth could tie an item around the bar during a suicide attempt. Although the youth now use the desks to read books during quiet time, the risk continues to exist. The youth are only to be confined to their rooms for disciplinary purposes and for sleeping. Programming and recreational activities should occur in areas designed for education and group activity.

Response:

Alternatives are being investigated by DJS and the Office of the Independent Juvenile Justice Monitor.

