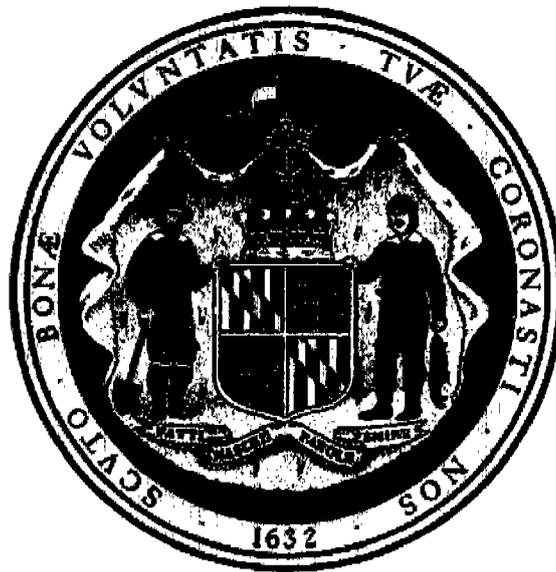


Quarterly Report

October 1 – December 31, 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 October 1, 2004 – December 31, 2004, Office of the Independent Juvenile Justice Monitor

Date: March 11, 2005

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 October 1, 2004 to December 31, 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.

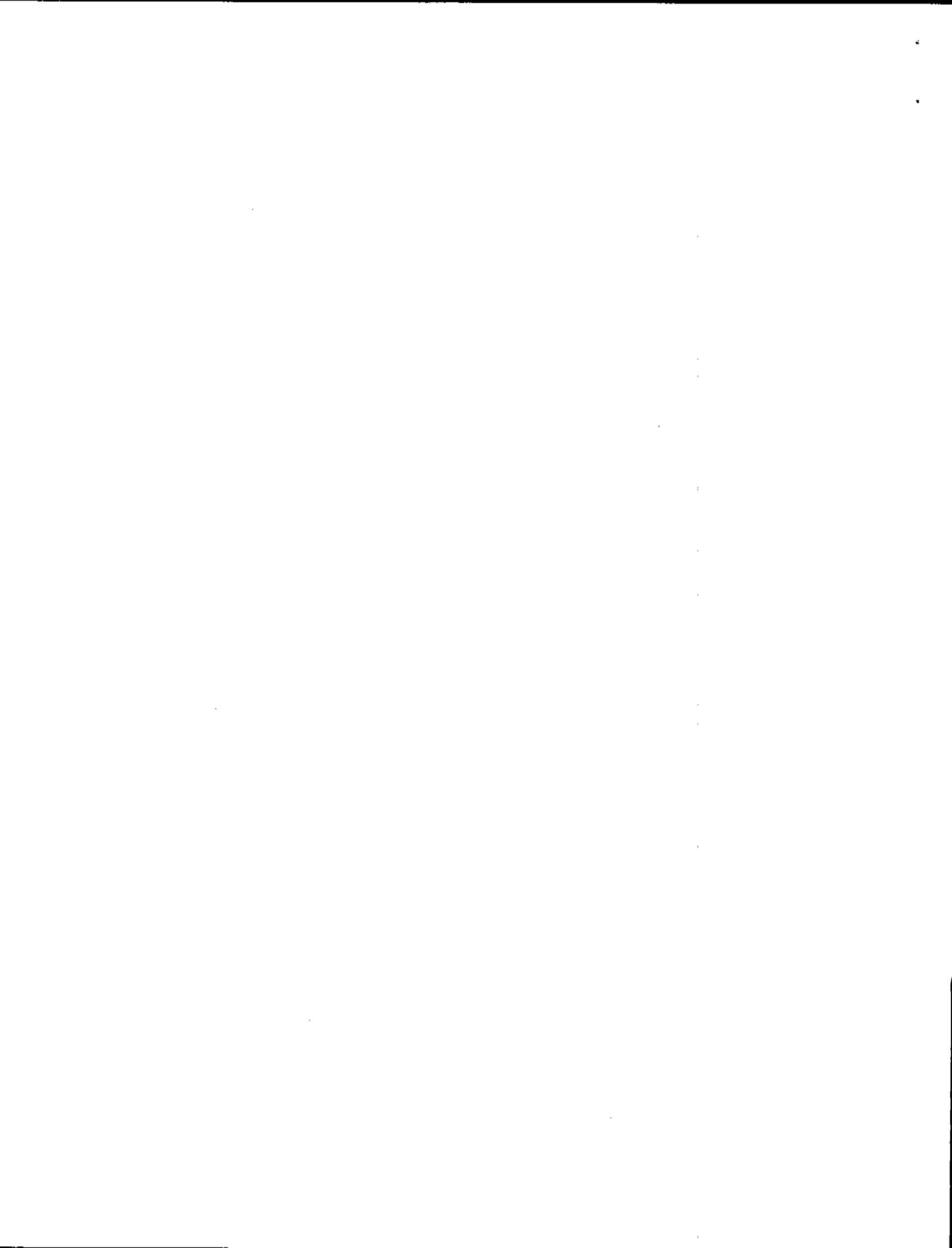
I hope that this report serves to provide an accurate assessment of conditions within Maryland's Department of Juvenile Services' facilities and assists in the development of strategies to enhance programs and services to youth.

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
October – December 2004**

The **Allegany County Girls Group Home (ACGGH)**, located in Cumberland uses a “healthy home” model to provide a treatment setting for nine young women. The program utilizes community resources for education, health, and counseling. The ACGGH is operated under the auspices of the Cumberland YMCA.

- The group home and surroundings are attractive, and kept in reasonably good shape by staff at the home and by the YMCA. The road continues to need major repair for which the Department is responsible. The YMCA has made temporary repairs. Also, trees that border the road should be cleared to facilitate drying, which in turn will help extend the life of the new road once it is in place.

Response:

We appreciate the recommendation.

- Referrals to ACGGH continue to remain strong, and overall, the program is a viable resource for troubled young women who can be treated in an open setting. ACGGH staff have been invited to attend the monthly Female Population Task Force meetings sponsored by the Department of Juvenile Services and led by Marian Daniel. This along with staff training in gender specific issues should help strengthen the programming.

Response:

We will continue our efforts to maintain a positive program for our young women.

- Staff training is ongoing, and during the staff meeting each week, different topics are discussed. Staff have learned through role-play and through practicing active listening skills. It has been suggested that increased training be focused on supervision and on group dynamics.

Response:

We will take the recommendation under consideration.

The Department of Juvenile Services **Youth Centers** are 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 Youth Centers in Western Maryland continue to provide viable programming for the 156 youth served. Many youth accepted in the Centers have very difficult histories of failure, violent behavior and criminal activity. Using a "positive peer process", the program averages about six months in length. Youth on the whole receive good educational and treatment services.

The Youth Centers continue to operate without established Commitment Care Standards. In the absence, the Centers follow Secretary Directives and a Policy and Procedure Manual developed by Youth Center Staff.

- **Unabated for 30 Days or More:** There are no official Standards governing the operation of the Youth Centers. At this time the Centers continue to follow Secretary directives, and a policy and procedure manual developed by staff. Though the Standards were to be completed by the fall of 2004, the task force charged with their completion was discontinued, and the project is reportedly on hold.

Response:

The Task Force has not been discontinued; it has been placed on hold while the Department works to fill the vacant positions in the unit responsible for the development of Standards.

- Most of the staff positions that were vacant or taken from the Youth Centers have been filled, and a new staffing schedule is reportedly being developed. This should help the Centers provide better supervision, especially on second shift and weekends. In the past, staffing was inadequate at these times, often providing only single coverage for groups of ten youth, with no roving staff available. At no time, except overnight, should the staffing be allowed to exceed a ratio of 1:8.

Response:

We agree.

- At times, new hires, not certified to be alone with youth, have nevertheless been left with youth unattended by a certified staff. This should not occur as it presents a safety and a liability problem for youth, staff, and the Department.

Response:

It is our desire to always have appropriately certified staff with our youth at all times.

- Some youth still report that they have not seen their probation officer in many months. Some do not even know to what worker they have been assigned. DJS should track and enforce the visitation policy. ASSIST does not provide a section for this tracking, but this should be added to the information recorded.

Response:

The Youth Centers Case Manager will be notifying the Area Directors of the lack of visitation from the probation officers. There should never be an instance of a youth not seeing his probation officer for month.

- The Youth Centers have a very good record of youth passing the GED exam with 70% who take the test achieving a passing score. Also, recently some of the youth in the Centers participated in an oratory contest. This year the theme was "Mission Impossible to Mission Accomplished". A youth at Meadow Mountain Youth Center won the contest, and a youth at Backbone Mountain Youth Center received third place.

Response:

Thanks for the compliment.

- A note of significant concern regarding DJS Educational practice has been the application of pressure on the Youth Centers to accept youth requiring special education services beyond their capacity to provide services.

Response:

All referrals go through an extensive review process before a determination is made relative to which facility is an appropriate placement. All concerns related to inappropriate referrals need to be addressed to the Resource Coordinator and the case manager.

- When an admission packet arrives at the Youth Centers, at times, it is incomplete. Sometimes information is received after enrollment that would have presented a question about the appropriateness of placement or even ruled out placement in the Youth Centers. At times, youth have arrived even missing the Certificate of Placement document.

Response:

This is information that should be shared with the Area Directors and the Resource Coordinators. There is a check and balance system in place to ensure that the referral packets are complete. If this is incorrect, the Case Manager and Intake Worker for the centers need to notify the appropriate area.

- Family involvement is still limited in the Youth Centers. Some parents are able to visit on weekends, but without additional treatment staff available and working during these times, individualized attention to the family and youth that is needed to process the visit adequately does not occur. While frequently the positive support network for the youth includes others in the extended family and community, the visitation is often limited to parents, grandparents, and guardians.

Response:

We will take the recommendation under advisement.

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/pending placement unit, and three programming units. The facility is operated under DJJ Detention Standards and other DJS policies and procedures.

- Assaults and use of force incidents spiked high in October but decreased significantly in November and December. However, there is a concern that staff are not intervening appropriately to stop altercations. A four-month survey conducted with nine different youth indicated that they were most concerned about the failure of the facility to prepare them for work or school when they leave the facility and they were also very concerned about their safety with other youth.

Response:

We are working to improve the services and resources currently being offered at the facility. New programming is being developed that will address these concerns, especially for the long term girls. We recognize the need for additional services and resources and we are moving quickly to fill those services and needs.

- There is a concern that allegations/suspicious of incidents of sexual abuse or sexual exploitation are not being handled expeditiously and appropriately.

Response:

We will continue to monitor allegations and report them expeditiously, when they occur.

- **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.

Response:

The written protocol is in the final draft stages. A draft was sent to David Ladd, AA County DSS- Protective Services Unit. We have not received any feedback or recommendations relative to the draft. We will follow up on this prior to the next reporting period. We would like to bring this matter to fruition by the *end of April, no later than May, 2005*

- **Unabated for 30 Days or More:** Based on accepted standards and guidelines for best practices, the population should be well under 50, and although the population has decreased, it was between 53 and 60 during this Monitor's visits. The number of youth

on the Detention/Pending Placement Unit was between 32 and 41. It must again be noted that there are only two toilets, two showers and two sinks on that unit.

Response:

We have been moving quickly to decrease the population at the facility. We have removed two of the five programs that were in the facility because we too are concerned with the number of youth being housed in the facility.

- **Unabated for 30 Days or More:** The distribution of staff per youth per each unit is still insufficient. The accepted standard for staff to youth ratio is 1:8; however, the ratio was as high as 1:18 during this Monitor's visits.

Response:

We are constantly filling vacancies to bring the staffing patterns in compliance with the standards. In addition, with the relocation of the two programs, and no decrease in the staff, the staff to student ratios will improve.

- **Unabated for 30 Days or More:** Consistent and structured programming is still insufficient, especially in the detention/pending placement unit. This Office continues to promote moving the NIA and Drug programs out of the facility which would free up some room and allow more focus on the needs of the youth in detention, pending placement and long term secure. However, the education department has promoted a student-generated newsletter that has provided significant participation for youth at the facility.

Response:

Two programs are being relocated to the community, effective February 28, 2005. Those Youth currently in the program will complete their program and no new youth will be admitted after February 28, 2005.

- **Unabated for 30 Days or More:** The ICAU database still has inaccurate entries being made regarding the labeling of incidents. A random review of the incident report database revealed that different incident numbers and labels were assigned to the same incident, which skews the database. Duplication of reports must be closely monitored and avoided.

Response:

We will continue to monitor the data base in addition; the staff recording the ICAU data will receive additional training in ICAU reporting.

- Some youth were being detained or held on pending placement for more than 30 days, and in some cases, several youth have been in detention/pending placement for more than 100 days.

Response:

While we recognize that youth should not be held in the facility post adjudication, we have no control over the length of stay when youth are court ordered and when other programs reject the youth.

- A review of the fire alarm log revealed that fire alarm drills were not being conducted as required.

Response:

Fire Drills are being conducted as required. The Fire Drill Log has passed the MD Fire Marshall's inspection.

- **Unabated for 30 Days or More:** There are still concerns with insect infestation in the facility.

Response:

The facility continues to bring in the services of the exterminator in an attempt to resolve this situation.

The Baltimore City Juvenile Justice Center (BCJJC) has the capacity to house 144 male detention youth. The property is owned and operated by the Department of Juvenile Services (DJS) and is governed by the Maryland Department of Juvenile Services Standards for Juvenile Detention Facilities. The facility has been open since October 30, 2003.

- Although sufficient staffing was lacking during most of the past quarter, it increased significantly at the facility during December.

Response:

We will continue to recruit staff until such time that we are meeting the staffing standards.

- **Unabated for 30 Days or More:** *Youth on youth assaults and use of force incidents have continued to increase and an interagency response agreement must be developed for major disruptions. Youth on youth assaults and use of force incidents have continued to increase from 2.1 incidents per day during the last quarter of July through September to 2.8 per day during this past quarter.*

Response:

We are aware of the increase of youth on youth assaults and we have determined that staff will receive refresher training on de-escalation and crisis prevention management. With the additional staff and programming, a reduction in the number of youth on youth Assaults should show a significant decrease in the next quarterly report.

- **Unabated for 30 Days or More:** There were injury inaccuracies noted in several incident reports. A youth on youth assault with minor injury had a body diagram completed inaccurately. Another youth on youth assault with minor injury report revealed injuries that contradicted the description of the incident in the report.

Response:

We will monitor the reports carefully to decrease the inaccuracies noted in the reports.

- **Unabated for 30 Days or More:** The facility must ensure that all cases of suspected child abuse and neglect are reported immediately to both Child Protective Services and State Police. There was a concern that a staff member with an open DSS/CPS investigation for child abuse was allowed to work with youth even though the investigation was not officially closed. An effort is underway to establish a written interagency response protocol for child abuse incidents at the facility.

Response:

We will continue our careful monitoring to ensure that the standards of the law are met in reporting all cases to the appropriate agencies.

- **Unabated for 30 Days or More:** Some youth are being held at the facility for prolonged periods of time, especially on pending placement. The population report for 12/22/04 revealed there were 7 youth in detention for more than 30 days and 8 youth in pending placement for more than 30 days. The length of stay (LOS) noted in the report was inaccurate, which deflated the actual number of days the youth had been at the facility.

Response:

While we recognize that post adjudicated youth should move immediately to their placement, this is not always possible. Often youth with serious problems are rejected from a facility we have determined to be appropriate. When this happens, we have to continue to send referrals to additional programs. The courts often contribute to the lengthy stay of some youth by ordering the youth into inappropriate placements. If the placement is not appropriate, the youth will spend extra time waiting for acceptance in another program. This is a problem that is often beyond our control.

- There were numerous concerns in the education department.
 - There is no secretary or clerical support personnel assigned to the education department.
 - The education staff feel that youth at the facility should not be subject to the Statewide testing program and DJS should obtain a waiver for youth at the detention facility.
 - The education staff are also concerned that most teachers at the facility are not properly certified for their specific subject areas.
 - Direct care workers are not consistently cooperating with the teachers and direct care staff have also been reprimanded to stop yelling at the youth.
 - The number of hours youth had been attending school was a major problem throughout most of this past quarter, but during the last weeks in December there was significant improvement.
 - Classes attended by youth at the facility are not given subsequent credit by their public schools because teachers are not properly certified in the areas of instruction and the curriculum is not recognized by MSDE as sufficient for applying/transferring credit.
 - Also, the Baltimore City Public Schools fail to send a youth's past school records in a timely fashion. The facility had one request for records from 9/21/04 that had not been satisfied after several attempts.

Response:

We fail to recognize why a clerical staff is important to the safety, health and welfare of the students.

We will take all of the monitor's recommendation into consideration as we review our educational programming at the center.

- **Unabated for 30 Days or More:** Equipment that is broken must be repaired.

Response:

Recommendation noted.

- **Unabated for 30 Days or More:** During a visit on 10/22 it was noted that there was still a need in master control for a pass-through slot for paperwork and keys. There also is a need for audio surveillance in master control to monitor the holding room/visiting room area.

Response:

We anticipate that the pass through slot will be installed in Master Control by April 1, 2005.

- Measures must be taken to prevent youth from accessing the second tier handrails on the living units.

Response:

We do have measures in place to prevent youth from accessing the second tier handrails on the living units.

Maryland Youth Residential Center (MYRC) is a Department of Juvenile Services (DJS) owned and operated 24-bed shelter care facility located in Baltimore City. The facility is operated under DJS Detention Standards and other DJS policies and procedures. This facility rarely has vacancies and it is now serving youth from all across the State. This facility has continued to maintain its capacity with an average length of stay of 25.3 days. The school continues to be very productive and has sponsored many field trips to museums and area colleges. There also has been a steady influx of volunteers coming to the facility to address the residents' needs.

- The facility's grievance box was observed with a number of grievances that had not been collected or addressed by the DJS Child Advocate assigned to the program. Facility personnel reported that the assigned Child Advocate had not been to the facility for at least a couple of weeks. There are a number of Child Advocate vacancies within DJS and this is a contributing factor to these grievances not being processed in a timely manner. As this is a short term program, youth are not likely to be present in the facility if too much time elapses before their grievance is addressed.

Response:

We will send staff to the facility at a minimum of once every two weeks to review the grievances.

- A number of physical plant deficiencies remain as cited below:
 - The water leak from the first and second floor bathrooms into the dining hall still exists. This poses a health hazard.
 - The bathrooms on the first and second floors have significant damage caused by water: missing wall and floor/shower tiles, wood rot, mold and mildew, holes in drywall, and peeling interior paint.
 - An upstairs utility sink in a bathroom was observed clogged and filled with dirty water.
 - The bathrooms require a general cleaning and sanitation.

Response:

The repairs are on the maintenance list for scheduled repairs.

- During this reporting period, there has been an inordinate amount of AWOLs. Staff attribute this to inappropriate placements.

Response:

If youth do not meet the criteria for detention, they will be placed in shelter. Sometimes, the youth may need a more secure setting but we have to follow the court order.

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 and operated by 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. The facility hosted Thanksgiving and Christmas dinner for residents and parents. 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.

- No key findings requiring DJS response.

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, one hundred and thirty six (136) youth have completed the program. The length of stay is 90 days and residents participate in individual and group sessions. Many of the residents speak at the area middle schools ("Say No To Drugs"). Some off ground trips were taken to Orioles games, Youth Explosion Conference, and a basketball clinic in Aberdeen. The young men are still participating in the Dads 101 and Taking Care Programs that provide parenting skills. There is an HIV program weekly and two area churches also come in weekly. The new tracking initiative that has been established shows that only two (2) of the one hundred and thirty six (136) completions have re-offended this year.

- A number of physical plant deficiencies remain and are cited below:
 - The second floor bathroom and urinals are not working.
 - The second floor bathroom has a significant amount of mold and mildew present.
 - The bathroom showers have missing tile and holes in the wall.
 - The ceiling in the kitchen storage area has collapsed due to water damage.
 - Some shingles on the roof are broken and missing.
 - The front sidewalk is uneven in several areas presenting a hazard.
 - Paint is peeling around the exterior and interior of the building.

Response:

The needed repairs are on the list for repairs.

- As previously identified, this facility is equipped with a full-scale commercial grade kitchen. This facility had an assigned cook but lost this position a few years ago due to budget reductions. Now, meals are shipped to Schaefer House from another DJS facility. The reinstatement of the cook position would be beneficial as the cook could teach residents culinary skills.

Response:

Thanks for your recommendation. At this time we elect to have the meals provided through the current process.

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 and conflict resolution. The Health Department does a weekly Sexual Education and STD workshop. The facility balances social responsibility, education and cultural exposure via field trips. During this reporting period the average length of stay was 15 days and the average population was seven youth. The capacity for the program is ten youth.

- A number of physical plant deficiencies remain and are cited below:
 - The kitchen floor is still in disrepair. It has fallen in and its structural integrity is of concern.
 - There is a large fallen tree on the premises that has previously been cited as a safety concern.
 - The exterior siding has large areas of mildew and requires cleaning.
 - The interior walls require painting.
 - There are areas of crumbling concrete around exterior stairways.
 - There is an open hole, apparently remaining from a post rail that presents a hazard.
 - There was a large amount of rubbish outside of the facility during the last monitoring visit.

Response:

The repairs are on DJS' list of needed repairs and will be addressed as soon as funding is made available.

- There is no handicap access to the facility.

Response:

We will review this need as repairs are being made.

- The utilization of this program should be increased in order to provide an alternative to detention and to reduce the reliance on the Cheltenham shelter for Baltimore City youth.

Response:

We consider every youth eligible for shelter care for the facility closest to their home.

The **Charles H. Hickey School** is the Department of Juvenile Services' largest facility (currently 175 youth), which is comprised of detention units and programming units designed for 30 days to 18 months programs. The conditions at Hickey appear to continue to improve in many areas, including the number of assault/use of force incidents. The appearance of the physical plant and grounds has improved but the parking lot area still needs some maintenance and expansion. There are concerns with the heating and comfort levels in some of the buildings. The quality of programming has improved on the programming units, but there are still some concerns with programming on the detention units. The education program has been a bright spot throughout the facility.

- Population at the facility remained comparatively consistent, fluctuating between 165 and 185, while assault/use of force incidents per day decreased from an average of 2.0 per day last quarter to 1.6 per day for this quarter. However, there are still concerns about particular staff abusing youth. This Office has been providing technical support to DJS and teaching classes to Hickey personnel on "Child Abuse Recognition and Reporting" and "Juvenile Rights."

Response:

Under no circumstances will the Department condone the abuse of children. Staff that have been guilty of abuse have been handled appropriately by facility administration. DJS and the state police have been notified for follow-up. Sustained cases have resulted in termination of the staff involved. Allegations of abuse are difficult to follow-up unless the accuser is able to provide names, dates and time, etc. The facility administration will continue to monitor staff behavior in dealing with the youth in our care.

- Although there has been significant improvement, there were still some problems with cooperation between investigators from DJS, DSS and the Maryland State Police. Investigations involving complaints of child abuse should result in team interviews of the victims that include the police. DSS and DJS appear to be responding to these interviews together; however, although State police are located on grounds, there appears to be a *problem with them attending those team interviews*. Also, *all investigators must make sure they are attending the multi-disciplinary meetings where child abuse investigative outcomes are discussed*.

Response:

We cannot control the attendance of the State police but we will inform the appropriate authorities of the lack of participation in the meetings.

- There were still some inaccuracies in the labeling and the entering of information in incident reports. However, ICAU has recently implemented a form/diagram that is used by facility nurses to capture the injury areas of the victim in a complaint of assault/injury. When the injury diagram is filled out correctly, ICAU supervision can use the form to verify/correct the label attached to the report in the field.

Response:

We continue to train the person who enters the information in the data base to ensure that the information is accurate. Some of the challenges faced is trying to read the handwriting on the forms.

- Educational services in the detention area continue to be impressive; however, there are still concerns regarding DJS staff role modeling. An inappropriate movie was brought into the facility by direct care staff and shown to the youth without being approved for viewing by administrators or educators. General after school and weekend programming has improved on some of the programming units but it is still insufficient in the detention area of the facility. There are also some concerns with the recreation in the seclusion/infirmery area. DJS did not take advantage of the opportunity for vocational/sensitivity programming and the Thoroughbred Retirement Foundation (TRF) has removed their horses from the facility.

Response:

We continue to evaluate student needs and programming. As we are going through significant reorganization, new programming and services will be provided to meet the needs of all of the youth on campus.

- **Unabated for 30 Days or More:** Staffing is still strained. Overtime staff are often overworked and tired as Hickey administrators attempt to maintain adequate coverage.

Response:

The Administration is working closely with the Human Resources unit to hire additional direct care staff.

- **Unabated for 30 Days or More:** The pedestrian sally port gate was not operating during most of this Monitor's visits to the facility. Vehicular traffic was observed entering and exiting the sally-port/gatehouse area of the facility from the fenced-in areas without any inspection.

Response:

The Sally port gate is being considered for repair again, by our central maintenance area. Vehicles are checked when entering the secure campus.

- **Unabated for 30 Days or More:** Even after repeated citations by this Office, the ceiling vents on the bedroom units are not suicide proof. There was another incident where a youth tied a sheet through his ceiling vent and was planning to commit suicide except for the actions of an alert staff. The renovation of Ford Hall should include plans for replacing/repairing the ceiling vents, recessing the bedroom lights and making sure the toilets and plumbing are constructed to prevent breakage or access.

Response:

We have responded to this issue on numerous occasions. Nothing will take place until funds become available.

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

Response:

Video equipment has been order by the IT unit and they will be installed as soon as they arrive.

- The parking lot at the entrance to the facility needs to be expanded. The roadway adjacent to the parking lot is often crowded with vehicles that both block the safe entrance into the facility, and cause hazardous ruts and holes in the dirt alongside the roadway. Hickey administration advised they are considering options to construct a new parking lot area.

Response:

We recognize the need for parking lot expansion, however this is not a safety issue of the youth.

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

- The numbers of assaults and use of force incidents at the facility have begun to decline.

Response:

No response necessary.

- **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. Although DJS has not considered this a problem, with cooperation, a

written protocol between DJS and the State Police might help resolve numerous issues. DSS should also be included in the protocol for responding to child abuse complaints.

Response:

DJS will work with the appropriate agencies to resolve this ongoing issue.

- A vocational training coordinator has been hired to implement such instruction at the facility.

Response:

No response necessary.

- TOYC has made some improvements in the appearance of the physical plant and there are plans to repair and paint the entrance sign to the facility, however, DJS should help replace the outdated modular units. Negotiations should continue with Springfield Hospital to repair the TOYC driveway and demolish/rebuild the hazardous outbuilding.

Response:

We appreciate the recommendations to the Department and we will make some decisions based on the recommendation.

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, only 8 females can be housed comfortably. The current vendor is held accountable for its services by Code of Maryland Regulations (COMAR) and certain Maryland Department of Juvenile Services licensing requirements.

- Youth who are placed in the facility do not always have their psychotropic medications transferred with them. Once placed, youth may run out of their medications and it has taken prolonged periods of time to secure refills.

Response:

The facility will inform the case manager at least five days prior to the medication being depleted.

- DJS should provide Sykesville with access to the ASSIST. This would alleviate certain inappropriate placements and allow facility staff to ascertain required information to make classification and treatment decisions

Response:

This recommendation will be referred to the DJS IT unit.

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.

- In early October, the acting superintendent was removed from the position. He was replaced with the acting superintendent of the Lower Eastern Shore Children's Center (LESCC), who is required to divide his workweek between two facilities that are approximately two hours away from one another. Staff in both facilities complained about the lack of leadership and direction being provided by the acting superintendent during the two or three days he works at each Center. Staff morale is very low at this point.

Response:

The Department is moving quickly to fill all vacancies throughout the facilities.

- Three staff members (two females and one male) were terminated during the reporting period causing a staffing shortage. Because this facility houses both male and female youth, at least one female staff member must be on duty at all times. After the two female staff were terminated, this Monitor observed staff schedules showing the remaining three female staff members were responsible for working twelve-hour shifts from 7AM to 7PM and 7PM to 7AM. After the OIM suggested to administration that the other DJS detention staff or transportation officers assist, a female staff member from the LESCC was then temporarily reassigned to the Carter Center to ease the workload. Eventually a female staff member was hired, but the facility still suffers from a staffing shortage.

Response:

An additional female staff was reassigned to the facility and since that time additional female staff have been hired.

- In December, a male staff member assigned to the LESCC was placed on administrative duties pending an investigation of a child abuse allegation. After the Maryland State Police (MSP) and DJS Office of Professional Responsibility and Accountability (OPRA) investigations were completed, the acting Superintendent and the Director of Detention Services removed the staff from administrative duties. However, they temporarily transferred the staff to Carter Center to work directly with youth before the Department Social Services (DSS) investigation was completed. After learning that the staff was working with DJS youth, this Monitor notified the Superintendent and the OPRA investigator of the violation of policy. The staff was again placed on administrative duties. This is the second violation of this policy within two months by these two facilities.

Response:

We are aware of the policy and we will continue to monitor staff for compliance.

- The education program continues to provide exceptional services. The youth are engaged and the teachers find creative ways to maintain the youths' attention. The education staff have begun tutoring the youth two times per week in the evenings as well as organizing a Halloween party, Thanksgiving meal, and Christmas Party for the youth and staff.

Response:

Thanks for the compliment.

- The facility staff has developed an orientation process for each youth. Before a youth is placed in general population, he/she will meet with a staff from group life, education, mental health, substance abuse, and case management. The youth will acknowledge each session by signing his name on a sign-off sheet. The youth will then be given a tour of the facility by a "level three" youth as a staff member monitors. The "level three" youth will explain group life, school, the point system, bathroom rules, and mealtime rules. The facility has also established and posted a monthly calendar of activities for the youth.

Response:

No response necessary.

- Depending on the weather during the fall and winter months, youth housed in the Carter Center are not provided the required recreational program. Carter does not have a gymnasium so the youth can only go outside to the recreation yard when the weather permits. The youth housed in Carter are not afforded the same amount of recreational activities as youth housed in other DJS detention facilities.

Response:

Unfortunately, we are aware of the facility needs and we are working toward a solution to the lack of available space for recreational activities.

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. During this reporting period, the population peaked in October at 72, but within the last two months it averaged approximately 46, a more manageable number. Parents were allowed visitation on Thanksgiving and Christmas. A new level system is being phased in and wristbands designating levels are now worn by residents.

- In November, the perimeter fence was found cut apparently by someone outside the facility in a coordinated escape plan. Also, youth attempted to escape by climbing the

fence along the building. Physical plant modifications should be implemented to provide additional security and to deter escapes. Screening or some other barrier system should be installed along the outside of the building to prevent youth from successfully climbing to the roof. Upgraded lighting in the parking lot and along the fence perimeter would enhance security and supervision. Consideration might also be given to an exterior motion detector lighting system that could trigger an auditory alarm inside the facility alerting staff of a possible security breach.

Response:

We will consider the recommendations and obtain estimates for the modifications.

- **Unabated for 30 Days or More:** The facility has experienced a shortage of line staff and received approval to hire 27 contractual positions. However, hiring has not actually taken place and the training required will further delay these positions from starting and the facility remains short staffed. Meanwhile, many units are staffed with a single staff person, who is often required to work a double shift. Measures to expedite the hiring and training of the 27 approved contractual positions should be undertaken. Meanwhile, all units should be staffed with no fewer than two line staff in order to ensure appropriate supervision and security.

Response:

We have expedited the hiring process but it still takes time. We are moving quickly to fill all vacancies.

- During this reporting period, there were 25 physical youth on youth assaults. A contributing factor may be staff shortages.

Response:

We are reviewing all assaults to determine where the additional staffing support is needed.

- **Unabated for 30 Days or More:** Youth are still not regularly receiving outside recreation on any regular basis. The staffing shortage and concern with security issues are factors related to this. Inclement weather has been cited by facility administration as another factor prohibiting outside recreation. However, many days have been suitable for outside recreation when it has not occurred. The facility has an ongoing vacancy for a *recreation supervisor*. *Recruitment for this position has been delayed as it has been reported that DJS does not maintain an eligibility list for this position classification.* Youth, weather permitting, should receive one hour of large muscle activity outdoors. Initiative should be taken to find means to hire for the vacant recreational supervisor position.

Response:

Thanks for your recommendation. We are in the process of filling the vacancies to include the recreation supervisor.

- Youth interviewed report that they do not receive five hours of educational programming daily. Youth must receive five hours of educational programming daily.

Response:

A new school schedule was developed effective January 31, 2005 that provides the students with five hours a day of educational programming. Wednesday is the exception when the youth attend school for ½ day.

The Cheltenham Youth Facility (CYF) is a State owned and operated facility located in Cheltenham, Maryland comprised of four detention units and one 24-bed shelter. The facility operates under the DJS Detention Standards and other DJS policies and procedures. CYF continues to experience similar issues as in previous reporting periods. The population decreased from approximately 100 in October to 67 by the end of the year. Due to the Superintendent's December retirement, the facility has been assigned its fifth superintendent in three years. The acting superintendent was transferred from the Baltimore City Juvenile Justice Center (BCJJC) until a permanent replacement is hired.

- The facility reported sixty-three physical altercations amongst the youth and seven youth on staff assaults during the reporting period. Six youth were involved in a food fight in the dining hall in October. There were two group disturbances in November, one resulting in a youth receiving injuries to his ribs requiring outside emergency care.

Response:

We are aware of the altercations in the facility. We are taking the appropriate steps to change the culture and behaviors of the youth through additional programming and staffing. Daily briefings have been instituted at this time. Staff are reminded to be observant and proactive in intervening early to divert potential altercations both verbal and physical.

- **Unabated for 30 Days or More:** This Monitor has previously cited the underreporting of incidents that occur within the facility. A review of the infirmary logbook revealed that in October, a youth gave staff a knife found in one of the dorm rooms. The incident was reported to the shift commander but never investigated and documented in accordance with DJS Policy #01.01.23 – Emergency and Critical Incident Reporting.

Response:

The new administration has reissued the new incident reporting procedure. Each Shift coordinator has been issued a copy of the policy for reference and a listing of incident is now posted in the Tour Office.

- **Unabated for 30 Days or More:** Review of the facility's seclusion logbooks continues to reveal youth are being placed in seclusion for extended periods of time. Many youth were placed in seclusion for 2 to 4 days in violation of DJS Policy. Many times, the seclusion checklist on the seclusion door will indicate that the youth has been sitting in his room quietly for hours but he remains in locked door seclusion. Policy also states that a facility employee may not place a youth in locked door seclusion as punishment. This Monitor has continuously cited this issue.

Response:

Youth are released from seclusion when they no longer display imminent harm to themselves or others. Staff observing youth in seclusion have been reminded to document behaviors being displayed accurately. In addition, counselors have been instructed to visit youth serving seclusion and assist in processing with the youth to expedite release and offer alternative solutions for future conflict resolution.

- **Unabated for 30 Days or More:** Shelter care youth continue to have the majority of their daily activities, such as recreation 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:

Shelter Care youth only enter the secure perimeter for meals, use of the gym and special activities not able to be accommodated within the shelter. The shelter youth are afforded as many activities as possible outside of the secured perimeter.

- In October, a group disturbance occurred in the school involving shelter care youth from Baltimore City against the detention youth from Southern Maryland. Staff reported youth used contraband, such as a blade from a paper cutter, as weapons. Youth also pulled air conditioning units out of school windows to exit the building and continue the disturbance. Maryland State Police responded to the facility to assist with gaining control of the youth. Administration then moved the shelter care education services to the shelter.

Response:

No response necessary.

- Several youth with serious charges were transferred to the CYF Shelter from the BCJJC. Charges include kidnapping, deadly weapon on school grounds, and escape, which are listed on the Department's List of Unacceptable Charges for Shelter Care.

Response:

We plan to adhere to the policies and procedures and will not allow youth with unacceptable charges be placed in shelter.

- The OIM continues to question the practice of permitting parents to enter the facility and report to the tour office to pick up or drop off youth. Parents and other visitors to the facility are required to show identification but are not screened for contraband. Although a metal detector is placed at the pedestrian sally-port, staff does not monitor the alarm for possible detection of contraband. Further, these parents and youth are unescorted and are free to move about the grounds, a significant security beach.

Response:

New procedures are in place since the new administration has been assigned to the facility.

- This Monitor has cited the need for cameras to be installed within CYF's common areas and along the facility's outside perimeter fence. The cameras in the Baltimore City Juvenile Justice Center, Western Maryland Children's Center, and Lower Eastern Shore Children's Center have become a valuable resource for administrators and OPRA when monitoring the daily operation of those facilities. In March 2002, DJS informed this Office of its intent to install cameras in CYF but, to date, this has not occurred. DJS provided a corrective action to this Monitor's October 2004 timely report again stating that a proposal for the purchase and installation of security cameras has been submitted but no time frame for project completion was noted.

Response:

A time frame for the installation of the cameras will not be provided until funding is made available.

- Youth continue to be placed on the facility's "closed" program. This program allows a youth to be confined to the infirmary hallway with a staff member all day. The youth is not allowed to have contact with other youth in the facility and must complete his schoolwork on the unit without the assistance of a teacher. The youth is provided one hour of recreation daily. This practice appears to violate existing DJS policy and procedure. Further, the OIM has been unable to locate a Departmental policy for the "closed program".

Response:

Under the new administration, there is not such thing as a "Closed Program."

- The last phase of the National Juvenile Detention Association (NJDA) training took place in December. The training began in April and took eight months to complete. Because

the training was not completed in a shorter period of time, some staff were not able to be certified as trainers for various reasons. For example, one staff member was transferred to BCJJC during the second phase and another missed too many trainings. During the third phase, a newly hired staff member was placed in the training room with the rest of the experienced staff. The staff stated that the training could have been more effective if completed by the group within a few months. Unfortunately, because the training program has not been approved by the Maryland Correctional Training Commission (MCTC), the certified staff cannot train the remaining facility staff as was intended.

Response:

We will be making a decision on when the training will be scheduled. The training is approved by MCTC for 15 hours. The approval code is C6008. It was approved April 8, 2004.

The **Western Maryland Children's Center (WMCC)** accommodates up to twenty-four youth on one pod of twelve, and two pods of six. The staff have continued to work together to maintain a positive structured culture within the overall program. WMCC has experienced a staffing shortage. Staff members frequently have to work double shifts, with mandatory overtime and denial of leave requests. Many staff live up to an hour and a half away in Allegany County and the long commute increases the difficulty staff have in maintaining coverage, attending to family needs, and obtaining needed rest between shifts. Staff indicate that these factors are creating tensions and stress which could lead to staff burnout.

- **Unabated for 30 Days or More:** When staff positions have become open, it has taken the Department a very long time to approve the hiring of replacements.

Response:

We do recognize the length of time it takes to fill positions. This matter is beyond the control of the facility.

- Staffing patterns are inadequate at WMCC. On the two locked units that house six youth there is frequently only single staff coverage.

Response:

We disagree that the staffing patterns are inadequate. The staffing patterns are 1-8 and if we had two staff on each pod, it would give us the 1-3 ratio. If the two pods are combined, we will provide the 1-8 staffing requirement.

- The radios and duress buttons on the units have failed at times. When this happens, it creates an even more perilous situation for staff and youth, especially on single staffed units.

Response:

The duress alarms have been corrected.

- Recently, the Western Maryland Children's Center has added a Young Father's Program, which will offer education and visitation with program youth who have children of their own. Also, the Social Work position has been recently filled and a full time Recreation Director position is also being filled.

Response:

No response necessary.

- The WMCC, in conjunction with Area 3 staff, hold a meeting every Tuesday in order to review each Area 3 youth in the Center. Youth in pending placement status are given priority in working to expedite their release from WMCC and enrollment into the receiving placement program.

Response:

No response necessary.

- **Unabated for 30 Days or More:** Numerous physical plant problems, many left from the original construction, have yet to be adequately addressed by the contractor and subcontractors. This potentially could cause the facility to become unusable. Problems such as lack of heating and hot water and door security are some examples. A leaking roof, inadequate snow guards, and a dryer system that doesn't vent to the outside also present ongoing problems.

Response:

These issues have been referred to Capital Planning and the Department of General Services for resolution.

- **Unabated for 30 Days or More:** The Department still has not addressed many of the physical plant problems for which it is responsible, and which could potentially compromise the health, safety, and security of youth and staff. Inadequate funding is cited as the reason for the delay. In January of 2004 the Department committed to addressing the issue of replacing the vitreous china fixtures which have proven to be dangerous. The plan was to replace the vitreous china with stainless steel in no less than two bedrooms immediately, to replace additional fixtures upon breakage or damage, and to retrofit the remaining vitreous fixtures with stainless steel within a three-year period. This agreement has not been followed.

Response:

Refer to last report.

- **Unabated for 30 Days or More:** The Department has not addressed other physical plant issues that present a danger to youth and potentially to staff as well. The desks, stools, and beds provide tie off points for a suicide attempt. A bed has recently been designed that appears to resolve that problem. The desks have proven to be vulnerable to being taken apart and destroyed by youth at the Baltimore facility, and with the pieces used as a weapon. ADA rails that the Department states “adhere to architectural guidelines” nevertheless present a tie off point and have been torn from the wall and used as a weapon. The lights used in the rooms likewise can be torn off and used as a weapon. The long sink handles have been torn off and used as a weapon and should be replaced with rounded knobs until replaced. The sprinkler heads also are not tamper proof.

Response:

Refer to last report.

- **Unabated for 30 Days or More:** In addition to the above, the facility is in need of other upgrades to ensure the safety, security and confidentiality of youth. Recording equipment and additional cameras previously identified as a need, have not been installed. Tinting of the control room windows to help ensure the confidentiality of youth has not been undertaken. The additional fencing needed to secure the outdoor recreation area has not been installed. The perimeter area behind the fence in the back of the facility is not lighted. This poses a security risk, as staff cannot see if someone is in the area. Windows into the pods are visible from that area. The intake area is also of concern as there is no cage to separate off the area behind the counter. Additionally, the evacuation area on the west side of the facility does not have a separation fence between the area where youth would be sent and the furnace and gate.

Response:

This is a staff controlled area. The area is to be maintained clear of potential risk items. The open counter and doorway is a building design item. We will consider whether improvements are needed.

- **Unabated for 30 Days or More:** Because of the fencing problems, youth at WMCC have not been permitted to use the outdoor recreation area except for one hour a week. If sufficient staff are available, and the weather is good, youth have been allowed one hour of outdoor recreation on Wednesday afternoon. Youth are entitled by DJS Standard to one hour of outdoor recreation each day, weather permitting.

Response:

Efforts will be made to provide the appropriate level of outdoor recreation.

- It is the ASSIST practice to begin the counting of a youth’s time in the facility anew each time the youth goes to court and returns under a different status. For example, a youth may be at WMCC “pending a hearing” for a month or longer, go to court and return

under the different status "pending placement". At this point ASSIST would begin the count again by listing the enrollment date as the date he returned under the new pending placement status. Also, it has been the practice to begin the accounting of time anew when a youth transfers from one detention facility to another detention facility. These practices give an inaccurate and deflated accounting of how long youth have actually been continuously in detention.

Response:

All youth are entered into ASSIST according to Departmental procedures.

The Lower Eastern Shore Children's Center (LESCC) is a State owned and operated facility located in Salisbury, Maryland that 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 LESCC has been open approximately one year. The facility has been experiencing an increased number of violent incidents during the reporting period.

Response:

We believe that once the facility is fully staffed, there will be a decrease in the number of incidents.

- **Unabated for 30 Days or More:** The facility has three living units that house up to 24 male youth. The 12-bed unit usually has two staff members assigned to work during the day and evening shifts. The two 6-bed units have single coverage. All units should have double coverage.

Response:

Additional staff have been hired.

- Staff reported nineteen incidents of "Use of Force". This number is high in comparison to the Cheltenham Youth Facility (population ranged from 70 to 90) and the J. DeWeese Carter Children's Center (population ranged from 12 to 25), which each reported six incidents of "Use of Force" during the reporting period. A staffing shortage and the need for more training may be contributing factors to this issue.

Response:

We are assessing the need for the appropriated number of additional staff and we do have plans to add staff.

- There were several incidents where youth attempted suicide in the facility. One youth, while in his room, tried to drown himself in a sink full of water. He then kicked out the glass in bottom panel of his bedroom door and used the broken glass to try to cut his wrist. A second youth tried to cut his wrist with a piece of wire with a hook on the end of it. A third youth was able to cut his wrist with an unknown object while in his bedroom. A fourth youth tied his pajama pants around his neck and began to choke himself. Staff had to cut the pants from the youth's neck. Two other youth attempted to choke themselves by tying sheets and blankets around their necks and beds. A seventh youth used a shank (sharpened toothbrush) to continuously stab himself in the leg. He then inserted the shank into his buttocks. Facility staff removed it although DJS policy required an outside healthcare professional to do so.

Response:

This particular incident was written incorrectly. The youth was never able to place the toothbrush in his buttocks, he attempted to but he was stopped. The facility Administrator was present during the episode and the report was written incorrectly and it was addressed by the Administrator.

- Youth caused damage to the housing units by flooding their rooms or tampering with and activating the fire sprinklers. The staff have means to turn off the water in individual rooms to prohibit youth from flooding the unit with raw sewage. Many times, staff fail to turn off the water valve for the youths' toilets before the flooding occurs.

Response:

Staff have been advised to turn off the toilet valves when youth attempt to destroy their room. It is inappropriate for the staff to deactivate the sprinkle system in a room. It is only after the staff recognize that the youth is beginning some destruction are they allowed to turn the water off.

- **Unabated for 30 Days or More:** A youth pulled the handicap handrail off the wall in his bedroom then used the rail to destroy the porcelain toilet, porcelain sink, stainless steel shelf, and to shatter the glass in the door. The toilet was replaced with another porcelain toilet. However, in this Monitor's previous reports, several issues were cited regarding fixtures in the facility that posed a risk for suicide attempts. DJS provided a Corrective Action Plan ensuring that the porcelain toilets and sinks would be replaced on an incremental basis with standard stainless steel toilets designed for detention facilities. The agreed to plan specified that replacements would be made in the following fashion: *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.* A second youth was able to partially pull his handicap rail off the wall. A third youth pulled the toilet seat off of the toilet and used it to bang on the glass in the door.

Response:

Glass throughout the facility has been replaced. All toilet seats have been removed and there have been no incidents since their removal.

- **Unabated for 30 Days or More:** The rooms also have desks with seats attached by a bar that swings outward from which a youth could tie an item around 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. There have also been many instances where youth in the BCJJC have destroyed the desks and used the broken pieces as weapons.

Response:

All seats will be removed from the desks.

- The OIM discovered in November that the youth were only receiving one hour of education per day. The Monitor informed the teaching supervisor of the violation of DJS Detention Standards that require a minimum of five hours per day of instructional time. Approximately three weeks later, the OIM learned that the instructional time had increased to only four hours per day.

Response:

School has been extended. Students receive the required five hours.



