

DEPARTMENT OF JUVENILE SERVICES
INITIAL RESPONSE OF INACCURACIES TO THE
JJMU 4TH QUARTER REPORT

| KEY FINDINGS | DJS INITIAL RESPONSE |
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| <p>ALFRED D. NOYES CHILDREN’S CENTER - Page. 9 & 22 of the JJMU report discussed Law Enforcement response to violence at Noyes. The report indicted the that Montgomery County Police responded to a total of 187 calls related to assaults or aggressive incidents.</p> <p>On Page 3 of the JJMU report it’s indicated that the youth capacity is 58</p> <p>Page 14 of the JJMU report indicated that there were three group disturbances during the 4th quarter</p> | <p>The police only responded to Noyes twice during the year; once in July for an attempted escape and again in September for an escape. For the other 185 incidents the Montgomery County Police were contacted at a non-emergency number for incidents that are not deemed critical; which has been an agreed upon practice by both parties. The Department feels that the statement being made by the JJMU appears to be misleading and should be removed or modified to reflect the actual number of law enforcement personnel dispatched to the facility.</p> <p>The actual youth capacity is 57.</p> <p>There were no group disturbances during the 4th quarter at Noyes and this is reflected in the ICAU database.</p> |
| <p>BALTIMORE CITY JUVENILE JUSTICE CENTER – Page. 39 of the JJMU’s report indicated that there were two group disturbances in December 2007.</p> | <p>There was actually one group disturbance in November 2007 and one in December 2007; not two group disturbances in December as reported</p> |

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| <p>Page 40 of the JJMU report references one of the incidents and the JJMU states “that fight led to numerous restraints, injuries and a situation that was out of control.”</p> <p>Page. 40 – “An altercation between youth and staff occurred fifteen minutes after the collision injury.”</p> | <p>by the JJMU.</p> <p>At the time of the inter-facility basketball game there were administrative staff members from both BCJJC and Cheltenham. There was also transportation officers posted in the gym for the game. More than 40 staff members were actually present at the time of the game. The coach from BCJJC did attempt to redirect the youth in the game before the incident and several other staff assisted in attempting to promote a safe game by providing support during the last period of the game. DJS contends that the situation did not get out of control.</p> <p>At no time was there “an altercation between youth and staff.”</p> |
| <p>Con’t BCJJC – On Page. 40 of the JJMU report it indicated that during a group disturbance in December 2007 “at least one youth complained of being tasered by a Baltimore City Police Officer.”</p> <p>Page 40 of the JJMU reports that “many youths were restrained. . .”</p> | <p>There is no medical report or a police report to support an allegation that a youth was tasered by a Baltimore City Police Officer.</p> <p>The JJMU reports “many” youth were restrained.” Please quantify the number of youth.</p> |

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| <p>CHARLES H. HICKEY SCHOOL – Page. 42 of the JJMU report indicates a discrepancy with the Incident Reporting Database and the Nurses’ Altercations Log.</p> <p>Hickey continued</p> | <p>The difference between the nursing log for altercations and the ICAU database is attributed to primary and secondary categories being assigned to the various incidents in the database. For example, if a youth is involved in a youth on youth assault, all subsequent events (incidents) that occur as a result of that assault will be listed in the nursing altercations log. In the ICAU database, however, the youth on youth assault will be listed as the primary incident category and any subsequent events (incidents) that resulted from the assault; such as a physical restraint or injury, would be listed as an associated category. All incidents are being reported and the ICAU database can be queried to account for all incidents whether it be the original incident or any incident(s) resulting from the original incident.</p> |
| <p>CHELTENHAM YOUTH FACILITY – Page. 16 of the JJMU report breaks down the number of restraints with injuries.</p> <p>Page. 21 of the JJMU report examines Law Enforcement Response to the facility.</p> | <p>It should be noted that less than 5% of the injuries to youth are as a result of a restraint by staff. In other words, 95% of the injuries are from the physical altercation and not caused by DJS staff.</p> <p>Cheltenham has a State Trooper assigned to the facility and all youth on youth assaults and destruction of property is reported to that individual. The way that it is communicated in the</p> |

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| <p>Page. 3 of the JJMU report indicates that the facility has a youth capacity of 125.</p> | <p>report gives the appearance that we are frequently calling the police to handle assaults.</p> <p>The rated capacity of the facility is actually 110.</p> |
| <p>J. DEWEESE CARTER CHILDREN'S CENTER – Page. 3 of the JJMU report indicates that the facility has a youth capacity of 15.</p> | <p>The rated capacity at Carter is actually 20.</p> |
| <p>LOWER EASTERN SHORE CHILDREN'S CENTER – Page. 46 of the JJMU report noted a variance in the injuries noted in the nursing log for altercations versus what is being entered into the incident database.</p> <p>The JJMU report indicates that physical restraints at</p> | <p>The difference between the nursing log for altercations and the ICAU database is attributed to primary and secondary categories being assigned to the various incidents in the database. For example, if a youth is involved in a youth on youth assault, all subsequent events (incidents) that occur as a result of that assault will be listed in the nursing altercations log. In the ICAU database, however, the youth on youth assault will be listed as the primary incident category and any subsequent events (incidents) that resulted from the assault; such as a physical restraint or injury, would be listed as an associated category. There are no “variations in reporting methods” as the JJMU indicated in their report. All incidents are reported and the ICAU database can be queried to account for all incidents whether it be the original incident or any incident(s) resulting from the original incident.</p> <p>LESCC continues to verbally de-escalate situations as designed in the new CPM training</p> |

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| <p>LESCC have remained steady despite a new restraint crisis management policy that went into effect on March 27.</p> | <p>sessions. The majority of the restraints are clearly to separate youth who are engaged in a physical altercation. These restraints are passive in nature and are usually a “directive touch,” which is defined as “escorting, gently leading, or guiding a youth away from the problem.”</p> |
| <p>THOMAS J.S. WAXTER CHILDREN’S CENTER – Page. 34 of the JJMU report states that “Waxter, does not have a viable intervention program that involves effective gang intervention strategies.”</p> | <p>A member of the Department’s Gang Intervention Unit is assigned to Waxter. She has actively worked with staff to ensure they are aware of the signs and signals which might be gang related. She also meets weekly with the young women who have been identified as being involved in a gang. In addition Waxter staff members have been trained in some gang intervention strategies to provide the appropriate services.</p> |
| <p>WESTERN MARYLAND CHILDREN’S CENTER – Page. 37 of the JJMU report indicates DJS has 37 mandated staff and only 26 of them completed Child Abuse training and 27 completed CPM.</p> | <p>WMCC actually has 30 mandated employees, of which, only 1 staff member has not completed both trainings due to medical reasons and this individual has subsequently retired on medical disability; 1 Addictions Counselor missing CPM will be attending training the week of March 24-28; and finally, 1 Resident Advisor missing Child Abuse will be receiving that training the week of March 24-28.</p> |

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| <p>GENERAL OBSERVATIONS – Page. 15 of the JJMU report discusses the use of restraints at residential facilities. The report indicates that a Level 3 intervention is a “directive touch, defined as escorting, gently leading, or guiding a youth away from a problem.”</p> <p>General observations continued</p> | <p>It should be noted that DJS considers “directive touch” to be a restraint. The restraint numbers are skewed because DJS reports all hands-on activity to include “directive touch” in the category of physical restraint. While many states have elected not to report techniques such as “directive touch” (gently guiding or escorting youth away from a problem) as a physical restraint, DJS has made a policy decision to capture that information as well.</p> |
| <p>Comparisons between Maryland and Other States – Page 5 of JJMU report (PBS data)</p> | <p>DJS is strongly committed to accountability and among other data-based measurement and analysis initiatives, has elected to participate in the Performance-based Standards for Youth Correction and Detention Facilities (PbS) project of the Council of Juvenile Correctional Administrators. Comparison between data that is reported by DJS for its detention facilities and the data reported to PbS by other states must be interpreted with a full understanding of the data currently available to the PbS project.</p> <p>PbS data measures performance over time relative to a set of indicators reported by participating juvenile facilities and in comparison to a national field average. The national field average is derived from the total number of participating facilities.</p> <p>Participation in PbS is voluntary, and not all states or local jurisdictions have joined the project. While participating agencies and jurisdictions can identify one or more of their facilities as PbS sites, DJS elects to report data to PbS for all of our</p> |

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| <p>PBS data continued</p> | <p>detention facilities.</p> <p>As acknowledged by consultants for the PbS project, the lack of a random sample, reliance on self-report data, and the small number of facilities participating in the most recent reporting period (October 2007), limit the utility of the PbS national field average for interpreting comparisons between individual facilities and across states.¹ This limitation is especially significant for detention facilities.</p> <p>Approximately 769 juvenile detention facilities are operated by local or state public agencies nationally,² but the national field average for detention facilities as reported by PbS in October 2007 was based on data submitted by only 39 facilities, or about 5% of the total number of publicly operated juvenile detention centers in the United States. The 39 detention facilities contributing to the PbS national field average included the eight DJS detention facilities.</p> <p>Further analysis of the PbS national field average reveals even more significant limitations related to sample size. For example, of the 39 detention facilities participating in PbS for the October 2007</p> |

¹ New Amsterdam Consulting, Inc. *Performance-based Standards for Youth Correction and Detention Facilities 2007 Research Report*. Retrieved from <http://pbstandards.org>.

² Snyder, H. N., & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

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| <p>PBS data continued</p> | <p>reporting period, only 8 facilities are located in urban areas, including BCJJC. As a result, the PbS detention field average most relevant to BCJJC is limited to a comparison of self-report data provided by a very small number of detention facilities, representing about one percent of all detention facilities nationally, and would be further limited by other characteristics of the sample including variations in facility size and differences in youth populations.</p> <p>DJS is not aware how the standards for reporting in the participating detention facilities compare to our data collection standards, but we do know that our reporting standards are very rigorous. Differences in reporting criteria and standards across facilities and jurisdictions would also influence youth violence data.</p> <p>Given these limitations, the PbS national field average for detention facilities does not currently constitute a representative sample for purposes of comparison. However, DJS does utilize rigorous data-based procedures to measure, evaluate and track key indicators of safety and security in our facilities. Based on recent assessments, for example, DJS developed and implemented a Violence Reduction Campaign at the BCJJC consisting of best practice strategies related to staffing, training, structured programming, mentoring, behavior management, and case management. DJS also established a Quality</p> |

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| | <p>Improvement process to conduct comprehensive reviews of facility conditions related to reduction of youth violence and to identify, inform and track progress on targeted strategies for improvement.</p> |
| <p>All Occurrences Physical Youth Injuries – Page 19 of JJMU report</p> | <p>The JJMU reports physical youth injuries in there report; however, the report does not indicate the severity of injuries that were sustained. DJS has a severity rating scale of 1-6 which the following categories:</p> <ul style="list-style-type: none"> 1 – no visible injuries or pain 2 – injury or pain requiring basic first aid treatment only 3 – injury or pain requiring in facility/program medical treatment beyond first aid 4 – injury or pain requiring assessment/treatment as an outpatient at an outside medical facility 5- injury or pain requiring assessment/treatment as an inpatient at an outside medical facility 6 – injury resulting in a death of a youth <p>Majority (51%) of the total physical youth injuries identified in the JJMU report were of “an injury or pain requiring basic first aid treatment only.” Another 43% of reported injuries were classified as a youth having no visible injury or pain. Less than 7% of all reported injuries required medical treatment beyond first aid.</p> |

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| <p>Child Abuse and Crisis Intervention Training – Page 36-37 of JJMU report</p> <p>Child Abuse CPM training continued</p> | <p>The JJMU incorrectly reports the percentage of employees in compliance with requirements to complete entry-level and annual training for Recognizing and Reporting Child Abuse and Neglect and for Crisis Prevention and Management (CPM), and in so doing greatly understates compliance with these requirements at many DJS facilities and system-wide.</p> <p>The accurate training compliance data for each DJS detention facility as of December 31, 2007 is provided in the following table:</p> <table border="1" data-bbox="1050 672 1873 1349"> <thead> <tr> <th data-bbox="1050 672 1297 938"></th> <th data-bbox="1297 672 1598 938">PERCENT of MANDATED STAFF MEETING CHILD ABUSE TRAINING REQUIREMENTS as of 12/31/07</th> <th data-bbox="1598 672 1873 938">PERCENT of MANDATED STAFF MEETING CPM TRAINING REQUIREMENTS as of 12/31/07</th> </tr> </thead> <tbody> <tr> <td data-bbox="1050 938 1297 1008">BCJJC</td> <td data-bbox="1297 938 1598 1008">94%</td> <td data-bbox="1598 938 1873 1008">96%</td> </tr> <tr> <td data-bbox="1050 1008 1297 1114">Charles H. Hickey, Jr. School</td> <td data-bbox="1297 1008 1598 1114">85%</td> <td data-bbox="1598 1008 1873 1114">87%</td> </tr> <tr> <td data-bbox="1050 1114 1297 1214">Cheltenham Youth Facility</td> <td data-bbox="1297 1114 1598 1214">92%</td> <td data-bbox="1598 1114 1873 1214">98%</td> </tr> <tr> <td data-bbox="1050 1214 1297 1312">J. DeWeese Carter Center</td> <td data-bbox="1297 1214 1598 1312">94%</td> <td data-bbox="1598 1214 1873 1312">100%</td> </tr> <tr> <td data-bbox="1050 1312 1297 1349">Alfred D. Noyes</td> <td data-bbox="1297 1312 1598 1349">61%</td> <td data-bbox="1598 1312 1873 1349">70%</td> </tr> </tbody> </table> | | | PERCENT of MANDATED STAFF MEETING CHILD ABUSE TRAINING REQUIREMENTS as of 12/31/07 | PERCENT of MANDATED STAFF MEETING CPM TRAINING REQUIREMENTS as of 12/31/07 | BCJJC | 94% | 96% | Charles H. Hickey, Jr. School | 85% | 87% | Cheltenham Youth Facility | 92% | 98% | J. DeWeese Carter Center | 94% | 100% | Alfred D. Noyes | 61% | 70% |
| | PERCENT of MANDATED STAFF MEETING CHILD ABUSE TRAINING REQUIREMENTS as of 12/31/07 | PERCENT of MANDATED STAFF MEETING CPM TRAINING REQUIREMENTS as of 12/31/07 | | | | | | | | | | | | | | | | | | |
| BCJJC | 94% | 96% | | | | | | | | | | | | | | | | | | |
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| Cheltenham Youth Facility | 92% | 98% | | | | | | | | | | | | | | | | | | |
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| Alfred D. Noyes | 61% | 70% | | | | | | | | | | | | | | | | | | |

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| <p>Child Abuse and Crisis Intervention Training continued</p> | Children's Center | | |
| | Lower Eastern Shore Children's Center | 100% | 96% |
| | Western Maryland Children's Center | 96% | 100% |
| | Thomas J. S. Waxter Center | 30% | 88% |
| | <p>In calculating training compliance, JJMU apparently did not consider that mandated employees did not consider that mandated employees meet their initial requirement for Child Abuse/Neglect and CPM training by successfully completing these courses within the Department's Entry-Level Training program. In addition, the JJMU may have included employee classifications (Case Management Specialists, Social Workers, and Addictions Specialists) not required to complete CPM training, as well as mandated staff who were on long-term leave during CY 2007.</p> <p>The most recent CRIPA Monitors Report for BCJJC, CYF and Hickey (Fifth Monitors' Report for CYF and Hickey, and First Monitors' Report for BCJJC, for the period July 1, 2007 through December 31, 2007) rated the three facilities in substantial compliance with the provision of the Settlement Agreement with the U.S. Department of Justice requiring that: "The State shall develop and implement a curriculum for appropriate</p> | | |

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| <p>Child Abuse and Crisis Intervention Training continued</p> | <p>competency-based staff training in behavior management, de-escalation techniques, appropriate communication with youth, and crisis intervention. Such training shall be completed before staff may work independently with youth.”</p> <p>The Fifth CRIPA Monitors’ Report included positive findings related to staff training, noting that:</p> <p><i>The extent to which direct care staff met the 40-hour annual training requirement in CY 2007 was assessed. At Hickey, all staff received training in the areas required by the Department in 2007, except for a very small number of staff who did not update their CPR certifications. At CYF, over 95% of staff received training in suicide prevention, report writing, child abuse reporting, verbal de-escalation, and CPM during 2007... These success rates constitute substantial compliance with this provision [of the Settlement Agreement with the U.S. Department of Justice].</i></p> <p>The DJS regularly conducts comprehensive reviews of staff training requirements through internal facility and Quality Improvement systems, and is currently working intensively with Noyes and Waxter to improve rates of training compliance.</p> |

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