



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

2019 THIRD QUARTER REPORT

The Maryland Juvenile Justice Monitoring Unit (JJMU)

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

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

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

The JJMU has been instrumental in driving positive changes in the Maryland juvenile justice system since its formation in the wake of widespread systemic abuse issues. The activities of the independent monitoring agency increase the transparency and accountability of the juvenile justice system and raise awareness of the needs of justice-involved Maryland youth.

The system has improved significantly since the unit began monitoring and reporting and we will continue to push for the adoption of best practices as we evaluate current and emerging research and promising practices that serve to both enhance public safety and produce positive outcomes for young people in contact with the juvenile justice system.

JJMU 2019 Third Quarter Report Compendium

The Maryland Juvenile Justice Monitoring Unit (JJMU) issues public reports covering each calendar quarter that include data and analysis concerning treatment of and services provided to youth in Maryland Department of Juvenile Services (DJS) directly run and licensed facilities throughout our State. Enclosed please find the unit's compilation of 2019 third quarter reports.

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

The JJMU 2019 Third Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder, and Marvin Stone. Thanks to Taran Henley, Fritz Schantz, and Maria Welker for technical assistance.

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

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

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



NICK MORONEY
Director

STATE OF MARYLAND
JUVENILE JUSTICE MONITORING UNIT

January 2020

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

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

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

Members of the General Assembly

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

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

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

Enclosed is the Juvenile Justice Monitoring Unit's 2019 third quarter report which offers an update on conditions in Maryland Department of Juvenile Services' operated and licensed detention and placement facilities.

As detailed in the reform section of this report (beginning on page 2), the Department of Juvenile Services (DJS/the Department) needs to substantially increase the use of diversion programs and of resources closer to youth home communities as well as working to continue reducing the number of securely detained and securely committed youth.

The Department and the State of Maryland should commit to expansion of community-based residential and non-residential alternatives to secure placement and facilities.

For those youth who are currently being held out-of-home in the deep end of the Maryland juvenile justice system, access to therapeutic programs that support holistic rehabilitation is key. Youth in every DJS placement and detention facility are entitled to an evidence-based behavior system and those placed in committed facilities are entitled to evidence-based treatment. The Department needs to move with more alacrity in realizing a stated intent to provide comprehensive evidence based and trauma-informed programming in DJS facilities.

Respectfully submitted,

Nick Moroney

Nick Moroney
Director
Maryland Juvenile Justice Monitoring Unit

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

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Hardware Secure Detention Centers

Short-term, pre-disposition/pending placement

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

Committed Placement Centers

Long-term, post-disposition

- Victor Cullen Center (Cullen)
- Savage Mountain (Savage)
- J. DeWeese Carter Center (Carter)
- Backbone Mountain, Green Ridge, Meadow Mountain youth centers (Three youth centers)
- Silver Oak Academy (SOA – DJS Licensed)

Incident and Population Trends

Third quarter 2019 population and incident trends versus third quarter 2018:

- ✓ Average daily populations (ADP) of DJS youth decreased at BCJJC and WMCC secure detention centers and in committed placement at Cullen, Carter and SOA.
- ✓ Fights and assaults decreased at BCJJC, CYDC, Noyes, and WMCC secure detention centers and in committed placement at Cullen.
- ✓ Physical restraints decreased in secure detention at BCJJC, CYDC, Waxter, and LESCC and in committed placement at Cullen, the three youth centers, and SOA.
- ✓ The use of mechanical restraints decreased in secure detention at Waxter, Hickey, Noyes, and WMCC and in committed placement at Cullen and the three youth centers.
- ✓ The use of seclusion decreased in secure detention at CYDC, Hickey, and LESCC and in committed placement at Cullen. Seclusion was not used at LESCC and Noyes secure detention centers.
- Average daily population (ADP) increased in secure detention at CYDC, Hickey, Waxter, Noyes and LESCC and in committed placement at the three youth centers.
- Fights and assaults increased in secure detention at Hickey, Waxter, and LESCC and in committed placement at the three youth centers, Carter, and SOA.
- Physical restraints increased in secure detention at Hickey, Noyes, LESCC, and WMCC and in committed placement at the three youth centers and Carter.
- Mechanical restraints increased in secure detention at CYDC, Noyes, and WMCC.
- Seclusions increased in secure detention at BCJJC, Waxter, and WMCC and in committed placement at the three youth centers and Carter.
- There were 86 incidents of suicide ideation, two suicide attempts, and three incidents of self-injurious behavior at DJS-operated facilities during the quarter. Incidents of suicide ideation decreased by 17% compared to the third quarter of 2019.

JUVENILE JUSTICE REFORM IN MARYLAND

Juvenile Justice Reform in Maryland

The Maryland Department of Juvenile Services (DJS/the Department) needs to substantially increase the use of diversion programs and of resources closer to youth home communities as well as working to continue reducing the number of securely detained and securely committed youth.

The Department and the State of Maryland should commit to statewide expansion of appropriate community-based and non-residential alternatives to secure placement and facilities.

For those youth who are currently being held out-of-home in the deep end of the Maryland juvenile justice system, access to therapeutic programs that support holistic rehabilitation is key. Youth in every DJS placement and detention facility are entitled to an evidence-based behavior system and those placed in committed facilities are entitled to evidence-based treatment. The Department needs to move with more alacrity in realizing a stated intent to provide comprehensive evidence based and trauma-informed programming in DJS facilities.

The changes detailed below are all crucial to improving and reforming the juvenile justice system in Maryland and should continue to receive support from stakeholders across the State.

- *Close remotely located, compliance-oriented congregate placement facilities and replace with a continuum of non-residential and residential community-based services. Services should be located close to youth homes and families and provided by staff trained in developmentally appropriate and evidence-based approaches to rehabilitation*

The practice of shipping youth out to rural communities far from their support systems at home should be stopped. Children sent to out-of-home placement are better served when they are located close to their families and communities.¹

While strides have been made in reforming the state's approach to the utilization of detention, Maryland still adheres to an outdated, ineffective, and expensive approach to placement by sending youth (predominately youth of color) to remote, rurally located, corrections-oriented facilities.

Reform-minded leaders in juvenile justice agencies from various states have noted that:

for youth of color, this approach perpetuates the country's enduring history of racial inequality and oppression, often magnifying the cumulative disadvantages experienced by youth in communities of color, where poverty, crime, and violence affect far too many people. In many instances, youth justice systems – and especially correctional facilities – have become the default for addressing youth

¹ See McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

whose needs would be more effectively served in other systems, including education, child welfare, and behavioral health.”²

Alternatively, “research shows that helping youth grow and develop within the context of their own families and communities is vital to their long-term success.”³

- *Continue to reduce reliance on detention as a means to address underlying behavioral and mental health, and substance abuse issues in children. Bolster the availability of diversion and restorative justice as alternatives to detention and invest resources in building capacity for a continuum of community-based and family-centered services for youth.*

The numbers of youth in detention have decreased in recent years due to falling crime rates and sustained efforts by juvenile justice stakeholders. The decline in the utilization of detention is a positive trend for youth and communities as research has shown that “detention has a profoundly negative impact on young people’s mental and physical well-being”⁴ and “that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.”⁵

Unfortunately, despite the decrease in the raw numbers of youth in detention, youth of color continue to be disproportionately represented at all levels of the juvenile justice system, including detention. Experts have observed that “many communities of color lack available and effective behavioral health services, which tend to funnel youth into the juvenile justice system”⁶ and which leads to the “utilization of the juvenile justice system as a de facto behavioral health system.”⁷ However, rather than reliance on incarceration,

a far better approach would be to build the continuum of school- and community-based services and involve youth and families from the community in their development. Punitive justice system responses to youthful misbehavior consistently fail, and recent research confirms what common sense suggests; youth who have positive role models, education, and access to the resources they need commit fewer offenses than those who are removed from their support structures and forced into confinement.⁸

² Ibid.

³ Youth Correctional Leaders for Justice, Statement on Ending Youth Prisons, available at: <https://yclj.org/statement>

⁴ Justice Policy Institute, The Dangers of Detention, p.2 available at: http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

⁵ Ibid.

⁶ A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 13, available at: <https://cjjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

⁷ Ibid.

⁸ Ibid.

Greater investment in community, neighborhood, family and youth services and supports will promote positive youth outcomes and safe and healthy communities and can help alleviate structural inequities that lead to racial disparities in the juvenile justice system.

➤ *Increase mental health supports for young people confined to facilities.*

Up to 70% of youth in the juvenile justice system have been diagnosed with a mental health disorder⁹ and the vast majority of justice-involved youth have been exposed to traumatic victimization.¹⁰ Until a robust network of community-based mental health services can be established to replace the use of the juvenile justice system as a means to address the behavioral and mental health needs of youth, mental health supports should be bolstered at DJS detention and placement centers to help the young people under their care. Mental health clinicians can also play an active role in minimizing re-traumatization by assisting staff in their efforts to create a safer physical and emotional environment.

The three largest detention centers (BCJJC, CYDC, and Hickey) share a mental health supervisor. Each facility should have a full-time, on-site supervisor to oversee clinical operations. In addition, DJS placement sites have a shortage of clinical staff because of difficulty recruiting and retaining qualified personnel. These personnel-related challenges are due in part to the remote location of DJS placement facilities and insufficient therapeutic programming which negatively affects staff as well as youth.

During the reporting period, there were multiple vacancies for mental health staff at Victor Cullen, the hardware secure placement site where boys in the deepest end of the juvenile justice system are sent. DJS placements must have sufficient qualified mental health staff on-site who are able to build therapeutic relationships with youth over time and are integrated into facility operations. Permanent solutions to persistent clinical shortages should be prioritized.

Mental health staff at all DJS sites should be available to: meet with youth individually (especially those with a high level of need); run psychoeducational and therapeutic groups on the residential units; maintain a visible presence both on the units and in school to build rapport and assist youth with coping and stress management; and aid staff in crisis situations (instead of solely debriefing with youth after an incident has occurred as is current practice at DJS facilities).

➤ *The current corrections-oriented model at use in DJS placement sites needs to be changed as it is compliance-oriented, lacks comprehensive treatment services, and provides limited opportunities for healthy adolescent development through work, volunteer, recreational, and other community-based experiences. Instead DJS must develop a model of rehabilitation which emphasizes treating youth with dignity and*

⁹ Ibid, p. 13.

¹⁰ National Center for Mental Health and Juvenile Justice, Trauma Among Youth in the Juvenile Justice System, p. 1, available at: <https://www.ncmhjj.com/wp-content/uploads/2016/09/Trauma-Among-Youth-in-the-Juvenile-Justice-System-for-WEBSITE.pdf>

respect, gives young people a voice in decision-making, and provides opportunities, tools, and supports to help them learn, grow, and thrive as productive citizens.

The behavior management system at DJS placement sites should be replaced with a therapeutic model grounded in evidence-based and trauma-informed treatment services and interventions that are individually tailored to each child's circumstances.

Currently, treatment progress at DJS placement sites is determined by level of youth adherence to a one-size-fits-all, rule-based and compliance-oriented points and levels behavior management system. The points system often creates antagonistic relationships and power struggles between youth and staff.

While at DJS placement facilities, youth do not have access to comprehensive and individualized treatment services – a situation exacerbated by a persistent shortage of substance abuse and mental health providers. Although a majority of youth in the juvenile justice system have experienced traumatic victimization¹¹, trauma-informed care training for DJS staff consists of a single 3-hour psychoeducation session on trauma and its effects rather than an effort to “fully integrate knowledge about trauma into policies, procedures, and practices”¹², to “actively resist retraumatization”¹³, and to “eliminate harmful and traumatizing practices such as mechanical...restraint, use of isolation, and room confinement.”¹⁴

DJS' failure to adequately train staff in an overarching evidence-based trauma-informed therapeutic program leaves staff unequipped to appropriately address youth treatment needs. The Department has also instituted a de facto minimum six month length of stay for all youth in placement at DJS facilities. The imposition of a de facto determinate sentence rather than an individualized approach based on a youth's particular risk factors, strengths and treatment progress contravenes the purpose of the juvenile justice system (which should be focused on fostering positive outcomes for youth and communities versus punishment) and fosters youth distrust of authority.

In addition to adequate therapeutic supports, intensive skills training to foster academic progress and career readiness are essential components of a functional rehabilitative program. Youth frequently voice that opportunities to learn trades and gain work experience in areas that will lead to employment after placement would significantly improve their motivation and personal investment in program participation at DJS placement sites. However, neither DJS nor MSDE JSES (which operates the education system in all DJS facilities) have developed long-term career programs for youth grounded in opportunities for practical, real life professional experience. “Robust education and career programs”¹⁵ and an “integrated plan for education,

¹¹ Ibid.

¹² A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 17, available at: <https://cjjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

¹³ Ibid, p. 18.

¹⁴ Ibid, p. 28.

¹⁵ Ibid p. 28

employment, and services anchored in family and youth choice”¹⁶ are components of a model juvenile justice system geared toward youth success. The development of career resources and opportunities should be prioritized at DJS placement sites.

Youth are eager for consistent, plentiful opportunities for community engagement which would constructively alleviate the persistent boredom prevalent at DJS placement sites and which would provide normalizing experiences that are a part of healthy adolescent development.

The remote location of DJS placement sites and restrictive DJS policies grounded in a correctional approach limit opportunities for community engagement. Currently, security rules such as lock down status after sunset exacerbate the scarce availability of constructive programming and also exemplify how a corrections-oriented approach can contribute to a negative self-image and “reinforce a deviant identity and social disaffection”.¹⁷

Practitioners have noted that successful interventions for youth should encompass “regular engagement with family and community with opportunities to strengthen social connections, build empathy, and participate in pro-social activities.”¹⁸ Opportunities for skill development and positive socialization through community involvement should be expanded at all DJS placement sites.

¹⁶ Ibid p. 16

¹⁷ National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Washington, DC: The National Academies Press. P. 5

¹⁸ Ibid.

COMMITTED PLACEMENT CENTERS

Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a hardware secure (locked and fenced) committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth represented 69% of entries during the third quarter of 2019, compared to 95% of total entries during the third quarter of 2018. Hispanic/Latino youth represented 17% of youth entries during the third quarter of 2019 compared to 5% during the same time period last year.

Victor Cullen – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	28	13	22
1. Youth on Youth Assault/Fight	26	3	15
2. Alleged Youth on Staff Assault	7	2	4
3. Physical Restraint	82	9	32
4. Use of Handcuffs and/or Shackles	63	9	13
5. Seclusion	26	1	7
6. Contraband	1	1	3
7. Suicide Ideation	13	3	3
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	0	0

The average daily population (ADP) at Victor Cullen during the third quarter of 2019 increased by 69% in the third quarter of 2019 compared to the third quarter of 2018. Youth fights and assaults, physical restraints of youth by staff, use of handcuffs and/or leg irons on youth within the facility, and use of seclusion also increased substantially when comparing the two time periods. There were three instances of suicide ideation during the quarter.

The population at Cullen should be kept low and a staff to youth ratio of four youth to one staff should be maintained to provide adequate structure and supervision and to help ensure individualized attention and rapport building between youth and staff. Studies have shown that “relationships matter and are the primary change agent. The effectiveness of programs is directly impacted by the quality of relationships and the extent to which they support young people in establishing healthy and productive relationships.”¹⁹

Persistent staff shortages, staff burnout due to mandated overtime, and issues with recruitment and retention of staff at all levels, including mental health, continue to negatively impact facility operations. Administrators should abandon the current top-down management approach and begin initiatives to increase staff morale, provide staff support, enhance working conditions, and foster collaboration among all divisions to improve facility culture.

The current correctional model of rehabilitation at DJS placement sites, with its overly security-minded and compliance-oriented framework, should be abandoned in favor of an approach that aligns with the principles of healthy adolescent development and evidence-based and trauma-informed therapeutic interventions. Experts have noted that “an ideal juvenile justice system is grounded in child and family wellbeing and positive youth development.”²⁰

There were multiple vacancies at Victor Cullen for full-time on-site mental health clinicians throughout the third quarter which hampered the establishment of a therapeutic culture. The longstanding shortage of permanent mental health staff at a placement site aiming to help youth with significant behavioral, mental health and trauma-related issues continues to be central to problems at Victor Cullen. Because of the Department's lack of commitment to and expertise in treatment, mental health staff are difficult to hire and retain. Without stable mental health staffing and leadership on the ground at Victor Cullen, barriers to overcoming the corrections-oriented approach/culture remain insurmountable. As a result, youth placed at VC often do not receive real help in overcoming their challenges and transitioning successfully to adulthood.

Victor Cullen operates a separate, self-contained unit with restricted movement (Intensive Services Unit- ISU) for youth allegedly involved in aggressive incidents. Although kids placed on the ISU have been identified as needing intensive services, there is no individualized, structured, evidence-based psychoeducational and therapeutic programming provided to youth during their stay. Due to the emphasis on isolation from the general population as an attempt to address problematic behavior, the ISU is perceived as a punitive measure by youth rather than a place to receive assistance in developing positive coping and emotion regulation skills. In Grievance 15925, a youth with a history of alleged instances involving aggression was placed on the ISU the day following his involvement in an incident. According to administrators, “the intent was to place him on ISU immediate[ly] due to his negative behavior, but due to communication gaps and low staffing it was not possible”.

¹⁹ A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 11, available at: <https://cjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

²⁰ Ibid.

While on the ISU, the youth reported to the child advocate that he “sat in the day room all day without activities, did not engage in educational services, did not receive behavioral health services, and was never started on an ISU treatment plan” and that “he was brought to ISU as a form of punishment.”

The ISU should be replaced with comprehensive treatment approaches and interventions that effectively address trauma-related needs. Experts have noted that:

authoritarian and punitive approaches based on confinement, isolation, and coercion undermine any significant opportunities to create the conditions necessary for healthy development. Further complicating the matter is the fact that adolescents with complex trauma histories are likely to have impairments in the types of self-regulation that are required to successfully participate in activities and respond favorably to motivational and crisis prevention interventions. *Programs and interventions are needed that systematically build, rather than requiring or penalizing a lack of competence in self-regulation. Day-in and day-out 24/7 interventions are necessary to provide intensive social learning experiences that reinforce and lead to sustained use of these skills taught in classes and therapeutic interventions.* [emphasis added]²¹

Comprehensive and intensive therapeutic interventions should be combined with diverse and plentiful opportunities to engage in activities both on and off campus that build skills and capitalize on prosocial interests. The excessive downtime and boredom experienced by youth at Cullen due to a lack of programming options both inside and outside the facility is counterproductive to fostering psychological growth. Studies have shown that engaging in “activities that contribute to autonomous decision making and critical thinking”²² and exposure to adults and other youth who “value and model prosocial behavior and academic success”²³ are essential components to healthy adolescent development.

Neither DJS nor MSDE JSES²⁴ have invested resources to provide youth at Cullen with real-life work experience in high demand career fields aligned with student interests. There is no career and research development (CRD) teacher at Cullen. The breadth and depth of CRD course work available to public high school students is not available to students in MSDE JSES schools in DJS placement and detention facilities. According to a MSDE description of CRD programs for youth in public schools (highlighted below), a central component entails work-based learning (WBL).

Students participating in the Career Research and Development (CRD) Program have the unique opportunity to practice [career readiness] skills through a supervised work-based learning experience, the portfolio development process, and in-class instruction as they focus on continuously improving their skills to move beyond high school into employment and further education.

²¹ Ibid, p. 9

²² Ibid, p. 8

²³ Ibid.

²⁴ The Maryland State Department of Education (through its Juvenile Services Education System [MSDE JSES]) is responsible for education-related services within DJS placement and detention facilities.

The workplace component is a mentored, on-the-job, work experience with a written, personalized, work-based learning plan and a formal agreement between the student, school and employer. The goal of the WBL experience is to expose students to authentic employment opportunities that link to students' career interests, LSS career clusters, and employment demand. Work-based learning placements will prepare students for employment that lead to a family-supporting wage.²⁵

Youth at Cullen are eager for education and work experiences that can lead to a sustainable income, yet these opportunities are non-existent. This situation hits youth who have already earned their high school diploma particularly hard. The few short term certifications available to youth (construction site flagging, ServSafe basic food handling hygiene, and CPR) are offered on an intermittent basis and many students have already completed these courses during their stay in detention before being sent to placement. In Grievance 16050, a youth requested to get CPR and flagger training but couldn't because there was no trainer at the facility and the courses are only offered sporadically.

The high school schedule leaves students unengaged and disinterested. Classes consist of four core content area subjects and are held for an hour and a half each. Instruction relies heavily on videos and worksheets which typically take a half an hour or less to complete. A significant portion of class time is spent socializing or resting. While students express interest in elective courses, these are not available to help break up the school day.

The high school schedule and curriculum content should prompt the fostering of student engagement in learning. In addition, students at Cullen should have available to them the plethora of options that are available to other public school students in Maryland, including work experience in real-life settings.

²⁵ The Maryland State Department of Education, Career Research and Development website, available at: <http://www.marylandpublicschools.org/programs/Pages/CTE-Programs-of-Study/Clusters/CRD.aspx>

Savage Mountain

The Savage Mountain facility, located in Allegheny County, is a Department of Juvenile Services (DJS/the Department) owned and operated hardware secure (locked and fenced) committed placement center for boys with a DJS-rated capacity of 24. African American youth represented 91% of entries during the second quarter of 2019.

Savage Mountain	Q3 ²⁶ 2017	Q3 ²⁷ 2018	Q3 2019
Average Daily Population (ADP)			7
1. Youth on Youth Assault/Fight			1
2. Alleged Youth on Staff Assault			0
3. Physical Restraint			15
4. Use of Handcuffs and/or Shackles			7
5. Seclusion			0
6. Contraband			2
7. Suicide Ideation			3
8. Suicide Attempt			0
9. Self-Injurious Behavior			0

There was an average daily population (ADP) of seven youth at Savage Mountain during the third quarter of 2019. There was one youth on youth fight; fifteen incidents of physical restrains of youth by staff; and seven instances involving the use of mechanical restraints inside the facility. Three instances of suicide ideation reported during the quarter.

²⁶ Savage Mountain operated as a staff secure facility during the second quarter of 2017. Incidents numbers for the original four staff secure youth centers for the second quarter of 2017 are combined and represented in the youth centers report on page 16.

²⁷ Savage Mountain was closed for renovation from September 2017 to December 2018 to convert the physical plant to a maximum security facility.

Over a million dollars was spent to convert Savage Mountain from a staff secure to a hardware secure (locked and fenced) facility. The facility re-opened in late December 2018, however construction is ongoing. While significant expenditures and resources were dedicated to ramp up security, no resources or effort has been dedicated to improving the rehabilitative program for youth. The current controlling approach - which prioritizes a generic, compliance-oriented points and levels behavior system – is the same as that used at all other DJS-operated placements sites for boys and girls and is also similar to the behavior management system enforced in DJS detention facilities.

“[G]eneric ‘one-size-fits all’ programs primarily designed to reduce or prevent unrest or violence are ineffective.”²⁸ In contrast, “community-based interventions and small programs with a more natural, homelike environment and a therapeutic focus are far safer and more effective than those that operate on a more traditional correctional platform utilizing confinement, conditions and consequences, and practices such as restraint and isolation”.²⁹ In addition, “developmentally appropriate programs and services are most effective if they are positioned close to home so that family and community relationships can be maintained and strengthened.”³⁰

Instead of investing further fiscal resources in fortifying remote facilities, the state should establish a continuum of specialized residential and non-residential community-based services to serve the individualized needs of young people and families in need of assistance.

Lack of Resources and Programming

If Savage Mountain continues to be utilized, the Department must make greater efforts to develop constructive programming on- and off-campus. The gym remains one of the only recreational outlets on campus. Construction of an outdoor basketball court has not begun and use of a common dayroom in the living unit - where table games and other recreational items could be placed - is prohibited as the dayroom doors do not lock from the inside.

Youth are not allowed outside the facility and bringing in community groups to provide programming on a consistent basis is difficult due to the remote location. The persistent boredom led a youth to comment, “this program is not helping. We need programming and activities.” Another said, “we don’t really do anything, just sit in class or in the dorm or go to the gym.”

Vocational education is limited to intermittently available, book-based and short term certifications on food handling, construction site flagger, and CPR. The same limited courses are offered in DJS detention facilities and many students have completed them before being sent to a DJS placement. There are no opportunities for community engagement through working, volunteering, or enrichment experiences. Security policies, such as a no movement rule after sundown, further curtail potential opportunities for involvement in meaningful activities.

²⁸ Ibid.

²⁹ Ibid, p. 27

³⁰ Ibid, p. 10

A building located immediately outside of the newly constructed facility fence has been converted to a woodworking shop for youth use. Youth are handcuffed and shackled when escorted to the nearby woodworking station. Experts have pointed out that “there is a powerful myth that ...handcuffs and shackles and other coercive forms of control increase safety for staff and young people.”³¹ The reality is that “studies have shown that “authoritarian and punitive approaches based on confinement, isolation, and coercion undermine any significant opportunities to create the conditions necessary for healthy development”³²

Culture of Care vs. Correctional Approach

Establishing a humane environment is a critical component in the development of a therapeutic culture which – unlike a culture of control and compliance – helps to reduce recidivism rates among youth.³³ A hyper-focus on security apparatus and youth compliance undermines the formation of a culture of care. In Grievance 15597, a youth reported that there was no air conditioning in the gym and that he was going to “pass out from the heat inside”. Administrators took the position that, “due to safety and security reasons, they cannot add additional equipment such as fans in the gym or open the doors.”

Ensuring access to basic needs related to food, clothing, and shelter is an essential part of creating a humane environment.³⁴ In Grievance 16022, a youth reported he was threatened with a behavior report (a disciplinary report leading to loss of privileges and points, and even - potentially - to an extension of length of stay) for not wearing his boots. The youth reported that the boots were causing him blisters. He was told by administrators to tie the boots tighter.



Foot of youth at Savage Mountain who reported blisters due to poor quality footwear

³¹ A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 27, available at: <https://cjjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

³² Ibid, p. 9

³³ Nancy Dowd, ed. A New Juvenile Justice System: Total Reform for a Broken System, NYU Press, 2015. Page 72.

³⁴ Ibid.

Youth Centers x3

The youth centers, located in remote western Maryland, consist of three separate staff secure (not fenced and locked) facilities for boys. Each of these centers is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The facilities are: Green Ridge (40-bed capacity); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 69% of total youth entries in the third quarter of 2019 compared to 72% in the third quarter of 2018. Hispanic youth represented 10% of total youth entries in the third quarter of 2019, a decrease of 3% from the same period in 2018.

Combined Youth Centers (x3) – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	86	93	76
1. Youth on Youth Assault/Fight	39	58	52
2. Alleged Youth on Staff Assault	13	8	16
3. Physical Restraint	154	162	161
4. Use of Handcuffs and/or Shackles	76	44	18
5. Seclusion	0	1	0
6. Contraband	2	14	11
7. Suicide Ideation	32	21	13
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	6

Average daily population at the three staff secure youth centers decreased by 18% while youth on youth fights and assaults decreased by 11%, the use of handcuffs and/or leg irons on youth within the facility decreased by 59%, and physical restraints of youth by staff decreased by 1 (from 162 to 161). However, alleged youth on staff assaults doubled when comparing the same time periods. There were 13 reported incidents of suicide ideation during the quarter.

Physical safety is an essential component of trauma informed care.³⁵ Current staff to youth ratios do not allow for the maintenance of adequate structure and supervision of youth. There should be a ratio of one staffer to four youth and a supervisor and rover for each shift. Mental health staff should also be on grounds during waking hours to assist in crisis intervention and de-escalation.

The current rehabilitative model used at all DJS placement sites is grounded in a generic points and levels system in which progress is determined by demonstrating compliance. There is a lack of an overarching evidence-based and trauma-informed model of care that is individualized to a particular youth's circumstances and aligned with the principles of positive youth development.³⁶ Shortages in mental health staff at DJS placement sites exacerbate the notable lack of personalized therapeutic services. Activities and experiences (including work, volunteer, and community recreational experiences) to build and practice life skills and contribute to the formation of healthy adolescent development are severely limited.

A compliance-oriented points and levels system often creates an adversarial relationship and power struggles between youth and staff which undermines efforts to establish therapeutic rapport and promote positive growth in youth. "Studies have shown that "relationships matter and are the primary change agent. The effectiveness of programs is directly impacted by the quality of relationships and the extent to which they support young people in establishing healthy and productive relationships."

In documented grievances, youth reported that a staffer threatened to push their time in placement back by not awarding behavior plan points; referred to youth as "dumbasses" for getting locked up; called a youth "an immigrant"; and stated that he didn't want youth to go home while taking their positive behavior-related points (Grievance15624, 15622, 15623). In Grievance 15840, a youth who was stressed about a pending adult charge reported that a staffer told him he was going to issue the youth a disciplinary report so that the youth "could go see how that real jail is." The staffer also made a reference to sleeping with the youth's mother which greatly upset the youth, especially as the youth's mother had passed away. The youth said, "I find that real disrespectful and not how a staff should talk to a youth especially when I'm going through a lot mentally."

In Grievance 15580, a Muslim youth who drank milk because he was thirsty during Ramadan but wanted to try to continue to observe the fast was prohibited from doing so. According to the facility administration, "it is standard practice that if a youth eats or drinks when they are to be fasting as part of Ramadan, they are immediately removed from participation." The youth was prohibited from further observance.

³⁵ Ibid, p. 18

³⁶ For a description of positive youth development, see U.S. Department of Health and Human Services, available at: <https://www.hhs.gov/ash/oah/adolescent-development/positive-youth-development/index.html>

Lack of staff sensitivity and poor staff role modeling undermines emotional safety and can be re-traumatizing for youth.³⁷ Federal guidance on trauma-informed approaches suggest that human service organizations adopt “cultural, historical, and gender responsiveness to actively move past biases (e.g., based on race, ethnicity, sexual orientation, age, religion, gender identify, and geography). This includes...leverage[ing] the healing value of traditional cultural connections; incorporating policies, protocols, and processes that are responsive to the racial, ethnic, and culturally-based needs of individuals and recognizing and addressing historical trauma.”³⁸ Trauma-informed care also recognizes that “healing happens in relationships.”³⁹ Staff require training and support beyond the current 3-hour psychoeducational module on trauma and its effects in order to fully integrate the principles of trauma-informed care into their day to day interactions with youth.

Instead of individually-tailored services, DJS headquarters has instituted a minimum length of stay of 6 months for all youth regardless of therapeutic and developmental progress and growth. The lack of individualization can hamper a youth’s chances of success upon release. Take, for example, the case of a youth at Backbone Mountain who is compliant in accordance with the Department’s behavior management system and is enrolled in the Backbone-based college program and nearing completion of a semester’s worth of college credits. The youth would like to transfer to his local community college in January 2020 and continue his course of study, however, he is not slated for release until February 2020 due to the arbitrary and blanket six-month minimum stay requirement imposed by DJS headquarters administrators. The youth’s educational progress will be disrupted by the minimum stay imposed by DJS. This situation highlights what experts have noted, but which blanket requirements ignore: “every young person is different and it is difficult to fit an individual youth into a ‘one size fits all’ program.”⁴⁰

³⁷ A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 18, available at: <https://cjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

³⁸ Ibid, p. 18

³⁹ Ibid.

⁴⁰ Ibid, p.15

Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 88% of entries to SOA through DJS during the third quarter of 2019, up from 86% during the same period last year.

SOA – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	39	26	37
1. Youth on Youth Assault/Fight	16	18	7
2. Alleged Youth on Staff Assault	5	1	3
3. Physical Restraint	20	11	8
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	3	14	2
7. Suicide Ideation	1	0	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

During the third quarter of 2019, the average daily population of youth placed at Silver Oak increased by 42% compared to the same time in 2018 while youth fights and assaults decreased by 61% and the use of physical restraints decreased by 27%.⁴¹

⁴¹ Although youth from other states and the District of Columbia are placed at Silver Oak, these youth were not included in the ADP figures for the third quarter of 2018 and incidents involving these youth were not uploaded to the DJS database during the third quarter of 2018 and therefore are not included in the counts in the selected incidents table.

There were major lapses in supervision of youth during the third quarter of 2019.

In Incident 159282, four youth were able to steal a car on campus and leave the facility. The incident began when three youth requested to walk from the dayroom to the kitchen area to help with preparing for dinner. The youth left the dayroom and walked unescorted toward the kitchen area. Instead of reporting to the kitchen, one of the youth walked to the parking lot and waited for the other youth. The other two youth entered the locked lobby door using a key that the one of the youth had obtained from an unknown source. Once inside the lobby, one of the youth climbed through the control booth window, broke into a key box, and stole a pair of car keys belonging to an employee. The two youth left the lobby and eventually went back to the dayroom and began talking to another youth. After a brief discussion with the two youth, the youth changed from his slippers into his tennis shoes, grabbed his book bag, and walked out with the two other youth to the parking lot. All four youth drove off in the employee's car whose keys they had stolen.

Staff realized that three youth were missing an hour after the youth had stolen the car. However, due to staff miscounting the youth, only three youth were reported missing to police. Five hours elapsed before staff realized the fourth youth was also missing.

A community alert system that informs surrounding neighbors of missing youth was not activated per SOA policy.

In Incident 159653, Silver Oak staff were informed by a youth that several other youth were planning to escape from the facility. The following morning, two Silver Oak direct-care staff were supervising a group of approximately 20 youth in the dayroom. While the two staffers had their back turned to the group, five youth ran out of the dayroom and into the fields surrounding the facility. One of the staffers yelled, "Get that boy!" and both staff and youth ran after the fleeing youth. Silver Oak youth were able to catch up to two of the youth who were attempting to abscond from the program and bring them back to the main campus. Two of the fleeing youth were apprehended by State Police, and one youth was able to leave the area of the facility after allegedly stealing a car from a nearby resident.

In Incident 159838, youth were in their room during overnight hours. Two youth left their room, walked over to another youth's room, entered it and began assaulting their peer without staff detection or intervention. Staffers subsequently heard a commotion and arrived at the scene and separated the youth.

In Incident 160440, a group disturbance erupted during a football game after fans supporting opposing teams began arguing. State troopers usually provide security during football games but were unavailable in this instance.

Silver Oak provides youth with valuable rehabilitative programming grounded in the principles of positive youth development and community engagement. Youth gain important life

skills by working, volunteering, and participating in high school sports programs in the surrounding area.

Community support is an essential component to the success of the program. However, confidence in leadership and staff to maintain adequate structure and supervision of youth are fundamental to fostering and maintaining that support. Administrators have begun to ameliorate deficiencies in program supervision by hiring additional staff and revamping training on basic safety and security protocols. Efforts to stabilize the facility culture should continue to help ensure that youth have continued opportunities to gain skills for future success.

In addition to supervision issues, there are inadequate professional mental health resources to adequately address the behavioral, mental health, trauma and family-related needs of youth. There was only one mental health clinician assigned to the entire youth population during the quarter. Hiring of additional qualified mental health staff at Silver Oak can help ensure youth are receiving individualized and specialized treatment services and provide support and counseling for adjustment issues youth may be experiencing while at the facility.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls. Located on the eastern shore, Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American girls represented 40% of total youth entries during the third quarter of 2019 compared to 82% during the same period in 2018.

Carter – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	11	8	8
1. Youth on Youth Assault/Fight	1	4	0
2. Alleged Youth on Staff Assault	0	0	2
3. Physical Restraint	5	21	4
4. Use of Handcuffs and/or Shackles	0	2	4
5. Seclusion	1	11	0
6. Contraband	0	0	0
7. Suicide Ideation	0	2	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	0	0

The average daily population (ADP) at Carter during the third quarter of 2019 remained unchanged (at 8) when compared with the third quarter of 2018. There were no reported youth on youth fights during the quarter. There were two incidents of alleged youth on staff assault. The use of physical restraints on youth by staff decreased by 81%, however use of mechanical restraints on youth inside the facility doubled (from 2 instances in the third quarter of 2018 to four instances in the third quarter of 2019). Seclusion was not utilized during the current quarter.

The girls at Carter represent the deepest end of the juvenile justice system and often have complex mental health, trauma and family-related needs. The small number of youth placed at the facility affords the opportunity to provide an individually-tailored, intensive, gender-responsive, trauma-informed, and evidence-based treatment program for each girl based on her unique strengths, interests, and potential areas for growth. Rather than a personalized approach, the program at Carter focuses on a points and level system used in DJS placement sites for boys which bases assessed progress (and lengths of stay) on compliance.⁴² Therapy sessions are provided by an outside vendor and there is a lack of consistent communication between clinicians and direct-care staff to allow a child to build on the work she undergoes in her therapy sessions and apply it to her day-to-day life within the facility. Mental health staff are not fully integrated into facility operations and management. Compounding the lack of coordinated and integrated care is the lack of opportunity for community engagement through educational and recreational outings aside from occasional short trips to a nearby movie theater or store for girls who have obtained higher levels in the behavior management system. Access to the community can help youth develop and practice pro-social, emotional regulation, and interpersonal skills in real-life contexts. The result is that girls at Carter face persistent boredom and note that they are just “behaving their way through the program” until they can go home.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education services at Carter. The high school curriculum consists of four core content area course classes held for an hour and a half each. Elective courses such as art and music are not available even though student interest in them is high. Many girls at Carter have obtained their high school diplomas and express interest in attending community college or working in the community. Relationships with local educational institutions and employers have not been cultivated to facilitate such opportunities. MSDE JSES and DJS should partner with local school districts and local civic organizations to bring in a greater variety of educational programming for youth.

Food services at Carter are provided by an outside vendor. Persistent and ongoing complaints about food quality and quantity continue to go unaddressed. To try and alleviate this issue, several youth who had obtained ServSafe basic food handling certification while incarcerated requested to make family style meals on a weekly basis for the girls at the facility – a suggestion which could also help youth apply their certification productively, practice life skills, and keep girls (especially those with a high school diploma who have no options for employment or volunteer opportunities within or outside the facility) constructively occupied. However there was no follow-up by leadership to facilitate this creative youth recommendation.

Family engagement is an essential component for a functional treatment culture. Families find it difficult to visit their children on a regular basis at Carter due to its remote location on the eastern shore. Furthermore, family engagement events at Carter, a treatment facility, are held quarterly (rather than monthly as at the Waxter facility, the DJS-operated detention center for

⁴² Grievance 15748 illustrates the compliance-oriented nature of the current program. Youth are entitled to one hour of large muscle recreation activity daily. A UNO game was scheduled as part of recreation one day and a girl at Carter was denied her points because she refused to play.

girls). As a result, girls placed at Carter report having had greater family involvement during their stay in detention before being sent to Carter. Family engagement events should be held monthly (at a minimum) at Carter and transportation assistance should be provided by DJS to families in need.

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a hardware secure (maximum-security) detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. The DJS-rated housing capacity is 120 beds. African American youth represented 93% of total entries during the third quarter of 2019, compared to 94% during the same period in 2018.

BCJJC – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	94	89	77
1. Youth on Youth Assault/Fight	95	45	84
2. Alleged Youth on Staff Assault	12	6	8
3. Physical Restraint	123	80	105
4. Use of Handcuffs and/or Shackles	26	26	13
5. Seclusion	6	15	10
6. Contraband	5	7	7
7. Suicide Ideation	2	3	8
8. Suicide Attempt	2	1	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) at BCJJC during the third quarter of 2019 decreased by 13% compared to the same period last year. Comparing the same two time periods, youth on youth fights and assaults increased by 87% and physical restraints increased by 31%. The number of incidents involving the utilization of mechanical restraints (handcuffs and/or leg shackles) within the facility decreased by 50% while reported seclusions decreased by 33%. There were 8 reported instances of suicide ideation during the quarter.

Administrators should improve staff training in response to the large number and severity of aggressive incidents at BCJJC. Particular areas of focus should be on assisting staff in understanding the signs and triggers of impending acts of aggression (Incident 158719), utilizing de-escalation techniques rather than confrontation (Incidents 158846, 158851), and preventing excessive use of force against youth (Incidents 160071, 160108).

Providing integrated and intensive mental health services can also help reduce incidents. Many youth at BCJJC have extensive trauma histories and pervasive mental health challenges that are inadequately addressed during their time in detention. There is no on-site mental health director on a full-time basis to supervise the provision of mental health services at BCJJC (or the other two large detention centers, Cheltenham and Hickey), and mental health services are not delivered comprehensively.

A youth housed in the infirmary with gunshot wounds had a colostomy bag due to the nature of his injury. He did not receive timely medical services to change the bag and attempted to change the bag himself and bumped into a staffer. The youth was sent to the Intensive Services Unit (ISU), a separate unit with restrictive movement for youth allegedly involved in incidents of aggression. The youth felt his move to ISU was unfair and that was he was being punished for an accident while trying to attend to his medical needs.

Despite the fact that youth placed on the ISU have been identified as needing intensive services, there is no structured, evidence-based psychoeducational and therapeutic programming provided to youth on the unit. Due to its emphasis on separation from the general population as a means of attempting to address problematic behavior (school and recreation services are provided on the unit and movement within the unit is severely limited), the ISU is perceived as a punitive measure by youth rather than a place to receive assistance in developing positive coping and emotion regulation skills. BCJJC is the only DJS detention center that continually utilizes an ISU (and sometimes two ISUs) as a behavior management strategy.

To achieve its intended aims, youth placed on the ISU should receive individualized and intensive services and supports that work to address the underlying reasons behind allegedly aggressive behavior. In addition to addressing symptoms of trauma, cognitive behavioral therapy has shown promising results in reducing aggression and recidivism in detention populations. At a minimum, mental health staff should develop and implement a structured CBT curriculum with youth at BCJJC that are housed in the ISU. Youth with adult charges (who typically have longer lengths of stay than youth charged as juveniles) could also benefit from CBT-based interventions.

A 20-year-old youth with significant cognitive and developmental deficits was housed at BCJJC for months. The youth was involved in multiple incidents and was targeted by other youth on his residential unit on a regular basis. He requested to be housed separately from other youth to help him become stabilized and was sent to the infirmary. The breadth and depth of his treatment needs was beyond the ability and scope of mental health and direct-care staff and services at BCJJC.

During a monitoring visit in the quarter, a non-English speaking runaway youth was admitted to detention with signs of severe mental illness including inappropriate affect and signs of auditory and visual hallucinations. No family members were available to take care of the child

in the community, and he languished in detention. Clinician interaction with this youth was minimal and mental health staff did not refer the child for inpatient services in a psychiatric setting on the basis of his condition. His court appointed attorney ensured that the child was moved to a more appropriate setting to meet his needs.

Children with severe mental health needs should not be housed in detention. As experts have noted:

Many communities of color lack available and effective behavioral health services, which tends to funnel youth into the juvenile justice system. The behavior challenges presented by youth of color are likely to be viewed as conduct disorders and indicators of criminogenic risk, which is further complicated by the tendency of courts and other partners to respond based on what is available versus what is needed. Due in large part to this response, up to 70% of youth in the juvenile justice system have been diagnosed with a mental health disorder.

As many systems focus on improving their capacity to deliver mental health services, it is important to recognize that the juvenile justice system may not always be the appropriate venue to deliver such services to young people. The juvenile justice system has further exacerbated the situation by offering secure confinement facilities as placements for youth with significant mental health challenges, and in some programs, specialized mental health units for those youth. The “if you build it, they will come” dynamic has created a system that is encouraging utilization of the juvenile justice system as a de facto behavioral health system. This is especially true in communities where other resources may not exist or may not be structured in a culturally specific or competent manner.

A far better approach would be to build the continuum of school- and community-based services and involve youth and families from the community in their development. Punitive justice system responses to youthful misbehavior consistently fail, and recent research confirms what common sense suggests: youth who have positive role models, education, and access to the resources they need commit fewer offenses than those who are removed from their support structures and forced into confinement.⁴³

⁴³ Included in A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 13, available at: <https://cjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (CYDC), located in Prince George’s County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 73% of total youth entries during the third quarter of 2019, compared to 76% in the third quarter of 2018. Hispanic/Latino youth represented 16% of entries during the quarter, an increase of 4% compared to the third quarter of 2018.

CYDC– Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	41	54	56
1. Youth on Youth Assault/Fight	54	31	38
2. Alleged Youth on Staff Assault	3	0	0
3. Physical Restraint	59	33	38
4. Use of Handcuffs and/or Shackles	0	1	0
5. Seclusion	19	4	0
6. Contraband	2	2	1
7. Suicide Ideation	1	4	2
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population during the third quarter of 2019 increased by 2 (from 54 to 56) compared to third quarter of 2018. Over the same time period, youth fights and assaults increased by 22% and physical restraints increased by 15%. Seclusion was not used during the quarter. There were two instances of suicide ideation in the third quarter of 2019.

Administrators at CYDC should continue efforts to foster a team approach to maintaining facility safety and security and responding to problematic youth behavior promptly to reduce incidents of aggression and the use of restraints. Excessive use of force by staff should continue to be closely monitored and reported to appropriate investigatory agencies (Incident 159762).

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 76% of entries in the third quarter of 2019 compared to 77% in the third quarter of 2018.

Hickey – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	58	59	56
1. Youth on Youth Assault/Fight	50	58	44
2. Alleged Youth on Staff Assault	0	2	4
3. Physical Restraint	51	54	63
4. Use of Handcuffs and/or Shackles	5	3	3
5. Seclusion	14	8	13
6. Contraband	2	1	2
7. Suicide Ideation	1	4	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population (ADP) of youth at Hickey decreased by 5% during the third quarter of 2019 compared to the third quarter of 2018 while youth on youth fights and assaults decreased by 24%. Physical restraints of youth by staff increased by 17% and use of seclusion increased by 63%. There were four instances of suicide ideation during the quarter.

The substance of the following incidents illuminate categories in which staff training should be enhanced to establish structure and maintain safety and security:

Supervision of youth: In Incident 158953, a fight among several youth occurred when multiple youth were allowed to use the bathroom at the same time. Bathrooms do not have camera coverage and are an area where youth sometimes engage in aggressive behavior. Only a limited number of youth should be escorted for bathroom breaks at the same time.

Fraternization with youth: In Incident 159503, a staffer began horse playing with a youth in the facility school and pushed the youth's head forward toward a desk. The youth became upset and started to turn the desk over. The following day, the youth requested to see medical due to pain in his neck. Engaging in horseplay with youth indicates unprofessional and inappropriate staff behavior and can lead to youth injury. Staff training on maintaining appropriate boundaries with youth should be implemented.

De-escalation skills and utilizing a team approach: In Incident 159441, an agitated staff member confronted a youth who was standing in the doorway to his cell. The staffer put his hands on the youth's chest, and the youth pushed his hand away. The staffer then entered the youth's cell to restrain him. Additional staff saw what was happening in the cell and intervened to separate the youth and staff. Staff at Hickey should be trained to ask for support in verbal de-escalation efforts from other direct-care staff, mental health, and case managers. Physical restraint of youth should only be considered in situations where youth actively present an imminent threat of harm to themselves or others.

Youth Basic Needs

The State contracts with a prison supply company to provide clothing and shoes to youth in DJS facilities. Youth at all DJS facilities, including Hickey, report that the shoes are prone to frequent wear and tear due to poor quality and cause chafing and blistering of feet. DJS should switch to a different vendor that is able to provide more durable and better quality footwear for youth.



Pictures of a youth's shoe and socks at Hickey

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure (locked and fenced) detention center for girls. Waxter is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 42 beds. African American youth represented 71% of entries during the third quarter of 2019 compared to 66% in the same period in 2018.

Waxter – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	19	25	25
1. Youth on Youth Assault/Fight	11	9	13
2. Alleged Youth on Staff Assault	7	12	13
3. Physical Restraint	44	42	46
4. Use of Handcuffs and/or Shackles	4	2	7
5. Seclusion	1	5	4
6. Contraband	5	1	0
7. Suicide Ideation	32	17	30
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	2	1

The average daily population (ADP) at Waxter during the third quarter of 2019 remained constant (at 25) when compared to the third quarter of 2018 while youth fights and assaults increased by 4 (from 9 to 13), physical restraints of youth by staff also increased by 4 (from 42 to 46), and use of handcuffs and/or leg irons on youth inside the facility increased by 5 (from 2 to 7). There were 30 instances of suicide ideation in the third quarter of 2019, an increase of 76% compared to the third quarter of 2018.

Girls in the juvenile justice system tend to have more complex mental health and trauma-related needs than boys. Data from DJS indicate that 41% of girls in the deep end of the juvenile justice system have a history of physical or sexual abuse and 79% have moderate to severe mental health-related needs.⁴⁴ Efforts by administrators to integrate mental health services into facility life through psychoeducational groups on the units, frequent check-ins with youth in the living quarters, and individualized and comprehensive treatment plans for high needs youth should continue.

Administrators at Waxter are proactively engaged in providing a range of gender-responsive enrichment and recreational programming for girls on an ongoing basis. Their commitment to developing constructive activities for the girls under their care can serve as a model for other DJS facilities.

Waxter is an aging and outdated facility and physical plant conditions are deplorable. Girls stuck in detention at Waxter should have access to cleaner, more humane and livable housing.

⁴⁴ Maryland Department of Juvenile Services, Services for DJS-Involved Girls, January 2019, p. 54, available at: <https://djs.maryland.gov/Documents/publications/DJS-Services-DJS-Involved-Girls-Jan-2019>.

Alfred D. Noyes Children’s Center

The Alfred D. Noyes Children’s Center, located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated capacity of 57. African American youth represented 57% of entries during the third quarter of 2019 compared to 65% in the third quarter of 2018. Hispanic/Latinx youth accounted for 31% of entries versus 29% in the third quarter of 2018.

Noyes – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	29	33	29
1. Youth on Youth Assault/Fight	31	23	35
2. Alleged Youth on Staff Assault	1	5	2
3. Physical Restraint	50	84	80
4. Use of Handcuffs and/or Shackles	11	12	7
5. Seclusion	7	0	1
6. Contraband	3	2	2
7. Suicide Ideation	17	7	3
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	1	1	0

Average daily population decreased by 12% in the third quarter of 2019 in comparison to the third quarter of 2018 while youth on youth fights and assaults increased by 52%. Physical restraints decreased by 4 (from 84 to 80) and use of mechanical restraints (handcuffs and/or leg irons) within the facility decreased by 5 (from 12 to 7).

Staff to youth ratios at Noyes should be increased to allow for at least two staffers on each living unit during waking hours. Having more than one staffer supervising the unit can enhance the ability of staff to attend to the individual needs of youth; de-escalate tense situations; respond

to aggressive incidents promptly; and exercise crowd control measures as necessary during incidents involving multiple youth.

Administrators should ensure that Department policies on seclusion are followed at all times and that seclusion (the practice of locking youth in their cells) is not used as if it were a therapeutic technique. In Grievance 15898, a child advocate observed that a youth who was regularly seen by mental health due to issues with adjustment to incarceration and coping was locked in his room and without required seclusion documentation to ensure that he was being supervised at regular intervals. Administrators indicated that the youth requested time in his cell away from other youth to help decompress. When such accommodations are requested by and provided to youth, the time involved should be brief (and never exceed one hour); the door to the youth's room must not be locked and professional staff check-ins with the youth should occur on a frequent basis to ensure safety and to enable the youth to rejoin the rest of his unit as soon as he feels able. Locking the youth in his cell as happened in the above instance makes it a de facto seclusion exacerbated by a lack of safeguards. A higher staffing ratio on the units can help ensure adequate supervision of and attention to high needs youth.

Increased staffing levels at Noyes can also help facilitate recreational services. In Grievance 15599, youth on one living unit reported that they were not allowed access to outdoor recreation space for most of the summer. Administrators indicated that one of the reasons for the lack of outdoor recreation was that they needed more staff to supervise youth when out-of-doors. Noyes has limited physical plant space, a small gymnasium which also serves as a cafeteria, a visiting room and a special event space. The ability to utilize outdoor areas for recreation on a frequent basis is very much needed.

Issues with food quality and quantity are ongoing at Noyes, which uses an outside vendor to provide food services to the population. Issues with meals being served uncooked and cold (Grievance 15209) and small portion sizes being allocated to youth during breakfast and lunch remain unresolved.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Noyes. Recent legislation created a pilot program under which a local school district would assume operational control of a MSDE JSES' school.⁴⁵ The legislation also created a workgroup composed of MSDE officials, members from the local school district, and other invested stakeholders, which was charged, in part, with comparing the management model in which a school at a DJS facility is operated by the local country board of education to the current management model in which MSDE JSES controls school operations.⁴⁶

Montgomery County Public Schools was chosen for the pilot program which was to be initiated at Noyes. However, rather than adhere to legislative intent, MSDE JSES has held on to operational control of the school at Noyes and has negotiated a contract with MCPS in which MCPS has committed to providing some resources for the school at Noyes. While this approach

⁴⁵ For more details, see the General Assembly of Maryland website at:

<http://mgaleg.maryland.gov/Webmga/frmMain.aspx?stab=01&pid=billpage&tab=subject3&ys=2018rs&id=HB1607>

⁴⁶ Ibid.

may provide a modicum of additional support to students at Noyes during the designated pilot period, the current arrangement ignores the intent of the pilot program legislation as it makes any comparison of school performance under MSDE JSES leadership in comparison to school performance under Montgomery Public Schools control impossible.

By evading legislative intent, the pilot program as presently configured does not address long standing deficiencies in educational services inside a DJS facility – the very reason for the legislation in the first place. To take one example, recruitment and retention of qualified education personnel has been an ongoing issue at Noyes (and at other JSES schools). Educators can receive better pay and benefits, including time off during the summer and school holidays, in surrounding school districts than working for JSES. But, at least to this point, teachers at Noyes are still considered MSDE JSES employees (versus Montgomery County Public School employees) and work year round at a pay rate that is not favorably comparable to Montgomery County Public School teachers.

Lower Eastern Shore Children’s Center

The Lower Eastern Shore Children’s Center (LESCC) is a hardware secure detention center located in Salisbury. LESCC is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 18 boys and six girls. African American youth represented 81% of entries during the third quarter of 2019, compared to 73% in 2018.

LESCC – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	16	20	14
1. Youth on Youth Assault/Fight	5	14	8
2. Alleged Youth on Staff Assault	2	1	1
3. Physical Restraint	31	59	13
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	2	1	0
6. Contraband	1	0	3
7. Suicide Ideation	3	22	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population decreased by 30% during the third quarter of 2019 compared to the third quarter of 2018 while the number of incidents involving youth fights or assaults decreased by 43% and physical restraints of youth by staff decreased by 78%.

Staff from all departments at LESCC work as a team to create a therapeutic culture and provide individualized care to youth. Administrators and staff are cognizant that the use of restraint and seclusion can lead to “retraumatization of people who have a history of trauma,

[as well as] loss of dignity and other psychological harm”⁴⁷ and work to minimize their use. Mechanical restraints (handcuffs and/or leg irons) and seclusion were not used within the facility during the quarter.

The Department needs to add an assistant superintendent position at LESCC to assist the superintendent with administrative, operational, and programming matters.

⁴⁷ National Association of State Mental Health Program Directors, Position Statement on Seclusion and Restraint, available at: <https://www.nasmhpd.org/content/position-statement-seclusion-and-restraint>

Western Maryland Children’s Center

Western Maryland Children’s Center (WMCC), located in Washington County, is a 24-bed maximum security detention center for boys owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American youth represented 49% of total entries in the third quarter of 2019, a decrease compared to 52% in the third quarter of 2018. Hispanic/Latino youth accounted for 10% of total entries during the third quarter of 2019 compared to 16% during the third quarter of 2018.

WMCC – Selected Incident Categories	Q3 2017	Q3 2018	Q3 2019
Average Daily Population (ADP)	20	15	20
1. Youth on Youth Assault/Fight	10	11	13
2. Alleged Youth on Staff Assault	0	1	0
3. Physical Restraint	19	23	31
4. Use of Handcuffs and/or Shackles	2	4	6
5. Seclusion	0	1	0
6. Contraband	1	0	0
7. Suicide Ideation	1	3	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population increased by 33% during the third quarter of 2019 compared with the third quarter of 2018. Youth fights and assaults increased slightly (from 11 to 13); the utilization of physical restraints increased by 35%; and the use of mechanical restraints (handcuffs and/or leg irons) inside the facility increased by 2 (from 4 to 6), when comparing the same two periods. There were four instances of suicide ideation during the quarter.

The Department needs to add an assistant superintendent position at WMCC to assist the superintendent with administrative, operational, and programming matters.

Vacancies for a case manager supervisor and recreation specialist were unfilled for half a year. These positions were previously held by people who assisted with administrative and programming initiatives. Changes in recruitment and hiring practices should be implemented to ensure that crucial positions are filled without undue delay.

In Grievance 15921, a transgendered girl at WMCC was distraught after kitchen staff referred to her as a “he” several times and refused to use her preferred pronoun of “she”. All DJS staff (including kitchen personnel) who have interactions with youth should receive training in trauma-informed care and working with vulnerable populations, including LGBTQ youth. Training efforts should go beyond the basic PREA training provided to staff.

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

Incidents involving aggression at smaller facilities licensed by DJS remained low during the third quarter of 2019.

Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc., and licensed by DJS to house up to 24 boys. Morning Star utilizes a trauma-informed and trauma-responsive system of care known as the Sanctuary model.⁴⁸ Administrators should increase efforts to oversee implementation of the treatment model to ensure adherence and fidelity to the tenets of the program.

Morningstar has an aging physical plant that is need of extensive renovation. An indoor gym is unable to be utilized because of a caving roof; a weight room lacks air conditioning or heating; and an on-site pool is not functional because of a broken pump. Furniture on the living units is in dilapidated condition and floors are dingy. In Grievance 15786, several youth on one of the living units reported that “living conditions were poor” and that “the roof leaks when it rains outside and the leaks are near electrical outlets and wiring.” Running water at the facility emits a foul smell. Vision Quest needs to invest resources to improve conditions.

Persistent concerns about small portion sizes, lack of variety in meals, and food quality should also be addressed. In Grievance 15839, multiple youth reported that they are “hungry all the time” and “need more food.” Providing nourishing and filling meals contributes to a therapeutic culture.

There are gaps in camera coverage at the facility which hampers staff and youth accountability and impacts safety and security. There are no cameras in one wing of the facility nor in the welcome center/intake area. The camera system should be expanded to allow for comprehensive coverage.

One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. Staffers provide personalized care to youth in a home-like environment. Supportive and rehabilitative services include employment readiness classes, onsite clinical counseling, on- and off-site courses in life skills development, and abundant opportunities to work, volunteer, and attend school in the nearby community. One Love could serve as a model of community-based programming for youth in contact with Maryland’s juvenile justice system.

⁴⁸ For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school inside each of the Department of Juvenile Services' detention and placement facilities.

The current framework for management and oversight of educational services for incarcerated youth fails to provide the needed resources and infrastructure to adequately meet the academic needs of students.⁴⁹ Lumping students with different educational levels together for a school day consisting of four 90-minute classes in core content areas without the availability of electives and long-term career and technical education courses leaves students frustrated and unengaged.

Young people attending schools in Maryland's juvenile detention and placement center are amongst the most vulnerable and marginalized students in the State and must have access to a quality educational experience. As the state begins efforts to transform the juvenile justice system to better serve youth, families, and communities, education reform should be prioritized given the important role that improved academic performance and career readiness can play in promoting positive youth outcomes.⁵⁰ Adoption of the following proposals would help improve education services inside DJS facilities and contribute to student success

➤ *Increase education funding for incarcerated youth*

- The Commission on Innovation and Excellence in Education (often called the Kirwan Commission) consists of a panel of experts charged with making recommendations to improve the public education system in Maryland. While the Kirwan Commission included recommendations on increasing education funding for youth in poverty and enhanced supports for special education students, the commission report overlooked the specialized needs of incarcerated students.⁵¹ Students with emotional and behavioral disorders and learning disabilities are disproportionately represented in the juvenile justice system⁵² and a high

⁴⁹ See JJMU 2018 Annual Report, p. 60-61, available at:

http://www.marylandattorneygeneral.gov/JJM%20Documents/JJMU_2018_Annual_Report.pdf; see also Strategic Plan Review Team, University of Maryland, Implementation of the Strategic Plan for the Juvenile Services Education Program, Benchmark Report (January 24, 2017), available at:

<http://www.marylandpublicschools.org/programs/Documents/JSE/JSESStrategicPlanBenchmarkReport012017.pdf>; Leone, Peter, Op ed: Maryland needs a new approach to educating juvenile offenders, Baltimore Sun, January 4, 2019, available at: <http://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0106-djs-education-20190103-story.html>

⁵⁰ See OJJDP, Education for Youth Under Formal Supervision of the Juvenile Justice System, January 2019, available at: <https://www.ojjdp.gov/mpg/litreviews/Education-for-Youth-in-the-Juvenile-Justice-System.pdf>

⁵¹ See letter from JJMU to the Kirwan Commission, p. 48

⁵² Students with Disabilities and the Juvenile Justice System: What Parents Need to Know, Pacer Center (2013,) available at: <https://www.pacer.org/jj/pdf/jj-8.pdf>

proportion of detained and committed youth come from families living in poverty. Furthermore, attending school while incarcerated presents unique challenges for students. The budget for education programs inside Maryland's juvenile detention and committed placement centers should be increased to reflect the needs of the student population.

➤ *Establish an independent school board to oversee school operations composed of representatives who have experience and expertise in working with and advocating for the education needs of incarcerated youth. An independent board should be given the authority to shape the structure, organization, curriculum, and schedules of individual JSES schools. The formation of a board to oversee juvenile services education could rectify deficits in the current education model by:*

- Providing transparency, accountability and oversight of schools' operation that does not presently exist to ensure that: resources are utilized efficiently; education programs are tailored to the particularized needs of the student population; and parents, youth, and advocates have a voice in the system.
- Enabling partnerships with local school districts, non-profits, community volunteers, and businesses in order to enhance the level of services provided to youth.
- Allowing for an independent procurement and human resources system to expedite purchase of education supplies and the hiring of school personnel. Currently, MSDE JSES administrators have to go through the state procurement and hiring process which leads to delays in obtaining classroom materials and the hiring of school personnel. In addition, teacher salaries and benefits, including holiday and vacation time, are not competitive with some local school districts which leads to high teacher turnover and vacancies. An independent system would streamline the procurement process and allow the board to offer employee salaries and benefits that are competitive with all surrounding school districts.

➤ *Provide comprehensive access to post-secondary education opportunities and bolster career and technical education (CTE) programs for detained and committed youth. Emphasis should be placed on providing long-term courses that lead to nationally recognized certifications in high demand careers as well as practical, real-life experience through employment and internship opportunities.*

- Students in JSES schools are eager to learn skills and trades that will lead to sustainable employment in well-paying jobs upon release, yet career and technical

education is limited to short term and basic courses in safe food handling, construction site flagger, and CPR. Hands-on experience through community- or facility-based employment and internship opportunities are not available. A variety of CTE options aligned with student interests should be integrated into the education program. Access to post-secondary education opportunities and robust CTE programs are especially important for youth who have already earned their high school diploma.

➤ *Minimize disruptions in a student's education program to ensure successful transition to the community. Education experts have noted that "an effective transition process and high-quality support services within that process are essential for a youth to successfully live in the community following secure care."⁵³*

- Once detained, students are unenrolled from their local school even though they may spend as little as a couple of days to a couple of weeks in detention before returning home. Parents must re-enroll their children into school once a child is released. This situation creates an undue hardship on families and is disruptive to a child's education progress. Students should remain enrolled in their home school until a decision is made as to whether or not the courts are going to stipulate out-of-home placement.
- Many students face barriers in enrolling in school after being released from custody. Finding a school that will accept recently released students can be difficult. In addition, education credits earned while in a MSDE JSES school are not always aligned with community school curriculums or accepted by local school systems. MSDE JSES and local school systems should coordinate to ensure that credits will be accepted. Transition planning should begin well before release from an institution and intensive follow-up supports and services should be provided as needed to best ensure continued and sustained academic progress after youth leave placements. Studies show that "students who receive appropriate aftercare services, including educational supports, immediately after release are three times more likely to remain lawfully in the community after 12 months."⁵⁴
- Youth should be allowed to earn a high school diploma while enrolled in a MSDE JSES school. While qualified youth can sit for a GED exam while incarcerated, JSES lacks

⁵³Griller Clark, H., Mather, S. R., Brock, L., O'Cummings, M., & Milligan, D. (2016). Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System. *Washington, DC: National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At Risk (NDTAC)*, available at:

<https://www2.ed.gov/students/prep/juvenile-justice-transition/transition-toolkit-3.pdf>

⁵⁴ Improving Outcomes for Youth With Disabilities in Juvenile Corrections: Transition and Reentry Overview, available at: <https://osepideasthatwork.org/sites/default/files/JJ-TIB-TransitionReentry-508.pdf>

the authority to issue high school diplomas for youth who have completed local high school graduation requirements. Youth in detention or placement for extended periods of time who attain sufficient credits for graduation should be provided the opportunity to leave with a high school diploma in hand.

APPENDIX: JJMU LETTER TO THE KIRWAN COMMISSION



STATE OF MARYLAND
JUVENILE JUSTICE MONITORING
UNIT

Nick Moroney, Director
Juvenile Justice Monitoring Unit
200 St. Paul Place
Baltimore, Maryland 21202

Dr. William "Britt" Kirwan, Chairperson
Maryland Commission on Innovation and Excellence in
Education, c/o Office of Policy Analysis
Dept. of Legislative Services
90 State Circle
Annapolis, MD 21401

Dear Dr. Kirwan and Members of the Commission,

Thank you for the vital work you are doing to help ensure appropriate education services and resources for the youth of our State. I am writing on behalf of the office of the independent juvenile justice monitor to request that the needs of youth in the deep end of the Maryland juvenile justice system be addressed in the Commission's recommendations.

Among the reasons for including juvenile justice system-involved youth in the Commission findings:

- Young people in juvenile justice-related detention and placement facilities are amongst the most academically challenged in our State;
- There is not currently a formula for adequate, sustained funding to properly meet the education needs of these youth;
- Students at the deep-end of the system are disproportionately kids with special needs and kids living in poverty;
- The youth in the deep end of the juvenile justice system and their families tend to be highly mobile and system involvement tends to further disrupt young people's educations and the education resources provided while they are incarcerated may be pivotal in determining their chances of academic success; and
- Students in juvenile justice facilities have historically been grossly underserved.

These issues require the attention of the Commission to ensure that kids in schools inside juvenile justice facilities are integrated into mainstream discussions about education policy and reform. Attempts to ameliorate the deficiencies in juvenile justice education through legislation in Annapolis have been unsuccessful given that they fail to confront this separateness and due to the lack of information around the issue and consensus about how best to solve it. Equity and comprehensive reform require that we incorporate juvenile justice education into the same sphere of conversation around Maryland public schools that the Commission is organizing.

There are four sections (out of a total of five) in the Commission draft report that should include mention of and attention to education for youth in the juvenile justice system:

- Highly qualified and diverse teachers/leaders:
 - ✓ State explicitly that all of the recommendations apply to teachers in facilities operated by the Maryland Department of Juvenile Services (DJS).
 - ✓ Recommend the development of prestigious, rigorous, and selective programs or tracks within Education departments at Maryland colleges and universities to prepare teachers to educate students

in juvenile justice-related settings. One of the existing recommendations is to ensure that teachers master the content they will teach and how to teach it. In the context of juvenile justice, this recommendation would include training teachers in, for example, adolescent development, trauma, cultural sensitivity, etc. A recommendation on page 51 of the draft report is closely linked to these suggestions.

- ✓ Add specific incentives and rewards for educators in juvenile justice settings to attract and retain highly qualified, well prepared teachers that have been specially trained to teach in juvenile justice-related schools.

- College and career readiness pathways:
 - ✓ State explicitly that these recommendations apply to curriculums/programs in facilities operated by DJS.
 - ✓ Implement an evidence-based, promising, or best practice approach in juvenile justice education within DJS facilities (an approach which should align with the training teachers receive in a college track geared toward education of young people who are in the juvenile justice system). This approach should take into account projected lengths of stay for youth and include an emphasis on identifying the particular educational needs of each student and tailoring individualized education programming based on those needs. Language in the preliminary report about the response to students who are identified as not on track by 10th grade should apply to young people in the juvenile justice system. In essence, the high expectations and rigor that are already described in the “College and Career Readiness” section should be explicitly applied to education within DJS facilities.

- More resources for at-risk students:
 - ✓ There should be a new weight for high proportions of young people in a given LEA who are involved in the juvenile justice system and the Thornton formula should be applied in order to fund specific programs and resources designed to support justice-involved students in their LEAs. This additional funding would allow for recruiting an appropriate number of specially trained court liaisons to help with education-related transitions across the state LEAs, for example.
 - ✓ Any entity operating schools in DJS facilities (currently the Maryland State Department of Education Juvenile Services Education System [MSDE JSES]) – now or in the future – must be considered an LEA for these purposes so that schools in DJS placement and detention facilities can be eligible to receive additional funding based on the level of concentration of students from impoverished communities. This additional funding will be used to bolster the availability of appropriate resources/personnel in schools in DJS facilities.

- Governance and accountability:
 - ✓ State explicitly that schools in juvenile placement and detention facilities are to be included in whatever system of accountability is developed and implemented; and
 - ✓ Create an additional independent mechanism for external oversight of education in juvenile justice-related facilities given the particularly high needs and vulnerability of the students involved.

On the subject of funding for youth education in juvenile detention and placement facilities, the home county or city school system should be responsible for basic funding for each young person and the additional cost per youth (depending on the level of needed education-related resources as well as projected length of stay) should be met through the State budget.

Thank you for your consideration of these suggestions on behalf of some of our State’s most vulnerable youth.

MARYLAND DEPARTMENT OF JUVENILE SERVICES – RESPONSE



DEPARTMENT OF JUVENILE SERVICES

RESPONSE TO JJMU 2019 THIRD QUARTER REPORT

The Department of Juvenile Services (DJS) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2019 Third Quarter Report, and provides the following response:

THE JJMU SHOULD ADOPT STANDARDIZED AND OBJECTIVE AUDIT TOOLS.

The Department continues to urge the JJMU to adopt nationally-recognized standards and audit tools to ensure objective and credible evaluations of Department facilities. JJMU staff should also be certified to audit all state and federal regulatory requirements (Md. Code Ann., State Government §6-404). By doing so, the Department would be provided clear, factual, measurable, and objective recommendations. Using objective standards would assist the JJMU in reducing any biased or subjective recommendations and provide a consistent framework for its evaluations.

Objective standards would also reduce the JJMU's need to rely on unverified youth statements as the sole basis for some of the findings. While youth statements may provide some insight, they must also be viewed in context. Surrounding circumstances and viewpoints from other youth, staff and administrators are necessary to paint a complete picture.

The Department has its own auditing tools and practices to ensure that staff and administrators are adhering to the Department's policies. Within the Department's Office of the Inspector General, there are several units that oversee and monitor the agency's operations. Specifically, the offices of Quality Assurance, Investigations, Prison Rape Elimination Act (PREA), and Youth Advocacy report to the Inspector General who, in turn, reports to the Secretary. All of the aforementioned offices have standardized procedures and tools to ensure that the results of their efforts are objective and measurable.

COMPARING CURRENT FACILITY INCIDENT DATA TO PREVIOUS YEARS IS OF LIMITED UTILITY.

DJS's facility population is regularly turning over. For example, the average length of stay for a youth in a DJS detention facility is approximately 20 days and the average length of stay in DJS residential treatment is approximately 125 days.⁵⁵

It is helpful to be aware of the relatively rapid turnover in DJS facilities when reviewing JJMU's "Selected Incident" charts at the beginning of each facility section. Due to the ever-changing populations at DJS facilities, comparing a facility data point from a previous year to a current DJS facility data point is of limited utility.⁵⁶ In addition to the turnover in DJS facilities, other factors like changes in Maryland law, DJS policy, police practices and/or court practices can have a noticeable effect on the population of youth in DJS facilities.

For those reasons, DJS continues to encourage the JJMU to compare data to previous quarters within the same year rather than their current approach referencing data from 1 to 3 years prior. Examining a previous quarter or an average of 2 or 3 immediate previous quarters would allow for a more accurate comparison and be far more useful in determining facility trends.

LENGTH OF STAY IN DJS RESIDENTIAL FACILITIES.

DJS does not "sentence" youth in the juvenile justice system nor does the Department have the legal authority to release youth. That responsibility is held by juvenile courts, who are required to enter dispositions that are treatment-focused and for indeterminate periods of time, in keeping with the principles of the juvenile justice system.⁵⁷

In its Second Quarter Report, the JJMU repeatedly claims that DJS implemented a "minimum six-month length of stay" at its secure treatment facilities. This claim is incorrect and likely based on a misunderstanding. As explained below, DJS now requires all youth entering its secure committed facilities to start at the beginning of the STARR behavioral management program in order to allow sufficient time for clinicians to engage youth in treatment. This change in policy and practice was one part of a larger reform to ensure that DJS's release recommendations are based on a youth's progress in treatment, rather than progress in the STARR program. The STARR program is designed as a 24-week program, which may be shortened or lengthened

⁵⁵ See Department of Juvenile Services Data Resource Guide Fiscal Year 2019 pp.109 and 145
https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019_.pdf

⁵⁶ For example, the JJMU states that at the Baltimore City Juvenile Justice Center "youth fights and assaults increased by 87% and physical restraints increased by 31%." See p. 26. The JJMU supports this statement by comparing data from the third quarter of 2019 to data from the third quarter of 2018. However, the JJMU's data chart shows that comparing the third quarter of 2019 to the third quarter of 2017 yields an opposite result. Comparing 2019 to 2017, fights and assaults at BCJJC *decreased* by 12% (84 to 95) and physical restraints *decreased* by 15% (105 to 123). This difference leads to the question: Which data point accurately reflects the current trends and conditions at BCJJC? The answer is simple: Neither. Both data points are not meaningful indicators of conditions at the facility because they are too far removed in time from the current conditions (ie. population, staff, polices, etc.).

⁵⁷ Md. Code Ann., Cts. & Jud. Proc. § 3-8A-24(a).

depending on a youth's behavior. However, even if a youth attained the highest behavioral level in STARR, DJS's release recommendation will now be primarily based on the youth's treatment progress.

At no point was it the policy of the Department to have youth serve a "determinate sentence", as the JJMU puts it. To the extent that DJS staff were under the impression that youth were required to stay a certain amount of time in its committed treatment facilities, DJS's executive team have clarified the objectives and goals of the new reforms. Additionally, DJS is currently in the application process to participate in a Length of Stay Policy Academy hosted by Georgetown University.

For additional information about the basis of DJS's policy reforms with respect to release recommendations, please see the DJS Response to the JJMU's 2019 First Quarter Report as quoted below:

"Recently, DJS conducted a review of the lengths of stay of youth residing at the Victor Cullen Center. That review revealed a significant issue: youth with the most serious offenses had the shortest lengths of stay and were being released earlier than their peers who committed less serious offenses. Upon further analysis, it was determined that youth with serious offenses had previously spent long periods of time in secure detention and, consequently, had more time to progress through the levels of DJS's behavioral management system. Thus, when those youth were later admitted to VCC to begin their treatment, they entered at a higher behavioral level than their peers with less serious offenses. The higher behavioral level acted as a shortcut that led to an earlier release than would have normally been warranted given the risks and needs.

Obviously, those results were unfair and undermined the efforts of VCC's treatment team. DJS's executive team acted immediately to rectify the situation. First, DJS's executive leadership disallowed the transfer of behavior points and levels from secure detention to committed treatment programs moving forward. Thus, all youth admitted to VCC will start in the behavioral management program at the beginning and work their way through the levels. VCC's behavioral health staff will now be better able to implement individualized treatment plans and youth will be incentivized to continue to attain the levels through the STARR program. Second, executive oversight and approval is required for all youth with serious offenses prior to any release recommendation by VCC staff.

As a long term solution, DJS is conducting a review of the treatment and behavioral management programs in its committed facilities with the goal of incentivizing youth to engage in their treatment program. Specifically, progress in treatment would be prioritized over behavior as the measure of success for youth in committed treatment programs."

A REVIEW OF DJS' TREATMENT MODALITIES WILL BE PART OF THE NEWLY FORMED JUVENILE JUSTICE REFORM COUNCIL'S STRATEGIC MISSION TO RECOMMEND REFORMS TO MARYLAND'S JUVENILE JUSTICE SYSTEM.

During the 2019 session of the Maryland General Assembly the legislature passed and Governor Hogan signed Senate Bill 856 / House Bill 606 into law, which established the Juvenile Justice Reform Council (JJRC). The JJRC is comprised of a diverse group of juvenile justice stakeholders and experts. Members include legislators, experts on juvenile law and policy, and representatives of law enforcement, the judiciary, advocacy organizations, child serving agencies, and formerly system-involved youth.

The legislature charged JJRC with:

- using a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders;
- researching best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems; and
- identifying and making recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems.

A technical assistance provider will assist the JJRC in conducting a rigorous review of the system, including the treatment modalities used by DJS in its committed programs. DJS looks forward to engaging with all of the stakeholders on the JJRC to develop an evidence-based treatment model that achieves those goals.

DJS WILL CONTINUE TO PRIORITIZE “ALTERNATIVES TO INCARCERATION” OVER COSTLY EFFORTS TO CONSTRUCT AND OPERATE NEW FACILITIES.

DJS agrees that providing treatment services to youth in or close to their home communities is generally beneficial for both the youth and their families. For that reason, DJS's reforms over the last several years have focused on providing support and services in the community to as many youth as possible and, in turn, limiting the use of detention and incarceration for a small number of youth when they pose an unreasonable risk to public safety. In other words, DJS has been implementing “Alternatives to Incarceration” in order to reduce the unnecessary use of secure treatment facilities for youth who can otherwise receive treatment in the community.

DJS has strengthened the alternatives to incarceration primarily at intake, which is usually where youth have their first contact with the juvenile justice system. DJS has worked with a variety of experts and stakeholders to implement initiatives like Behavioral Health Diversion and the Cross-Over Youth Practice Model. These initiatives help youth whose primary needs are mental health and youth who are also involved in the child welfare system, respectively, avoid deeper involvement in the juvenile justice system. Other programs like the Choice Program based out of the University of Maryland, Baltimore County, Living Classrooms and Community

Conferencing provide youth with support and services in the community like peer-mentoring, employment, academic support and neighborhood dispute resolution. More recently, DJS has created the Office of Equity and Reform to ensure that all of DJS's policies and practices are viewed from an equity lens in an effort to address the disproportionate number of youth of color involved in the juvenile justice system. All of these programs and many more are part of DJS's continuum of services designed to provide treatment to youth in their community, rather than a secure treatment facility.

The ultimate benefit of these reforms is that, to the extent a youth can be supported and served in the community, they are far less likely to wind up in secure treatment facilities, a.k.a. the "deep end" of the juvenile system. There is no need for DJS to build more treatment facilities. Instead, DJS will continue to focus on diverting, treating and supervising as many youth as safely possible in their home communities while reserving its existing secure treatment facilities for the small number of youth who pose an unreasonable risk to public safety.

DJS will continue to focus its efforts on strengthening its "Alternatives to Incarceration" on the front end of the system, while also bolstering the programming and therapeutic elements of its existing treatment facilities. Additionally, as stated in the "Family Engagement" section below, DJS is committed to removing as many barriers as possible for families who want to be involved with their sons and daughters who reside in DJS secure treatment facilities.

DJS is committed to providing the best treatment and continuing to move forward in its ongoing efforts to improve our programming, therapy and family engagement practices.

DJS CONTINUES TO PROVIDE INCREASED OPPORTUNITIES FOR FAMILIES TO ENGAGE WITH YOUTH IN THE SYSTEM.

In 2016, DJS created an executive-level position to focus on increasing engagement and involvement of families in the lives of youth in DJS care. To assist facilities in their efforts to develop meaningful events for families visiting youth, family engagement "toolkits" were developed and distributed to all DJS facilities. These "toolkits" provide practical information on how to set up engaging and educational events for families and youth during scheduled family visitation sessions. Of course, facility staff may develop their own events to engage families.

Over 600 youth and families participated in family engagement activities at DJS-operated facilities during the third quarter of 2019. Youth and families continue to provide positive feedback about the activities and suggestions for future events.

DJS continues to work to remove barriers to families participating with youth in DJS facilities. Perhaps one of the biggest barriers for families of DJS youth is transportation. To address this challenge, DJS is in the final stages of procuring a private vendor to provide transportation for families who want to visit loved ones in DJS facilities. This service would supplement DJS's existing supports for family visitation. DJS has published a solicitation and is in the process of selecting a vendor. DJS expects to start services in late spring of 2020.

Additionally, the Office of Family Engagement is reviewing DJS's family visitation policy for opportunities to safely expand the types of individuals who may be permitted to visit youth in secure facilities.

The Office of Family Engagement continues to identify ways to improve the system for families. In October of 2018, the Department launched a pilot program to provide peer support to families while their child is involved in the juvenile justice system. The Maryland Coalition for Families provides peer support services with the goal of helping families address the barriers they face to help families and youth be successful. The pilot sites for this initiative are: Anne Arundel, Baltimore City, Baltimore County, Prince George's and Wicomico Counties. Families can access this service at any time during their involvement with the department. Any staff can refer to a family for peer support. This is different than services at the department. The entire behavioral health team was provided information on how to make a referral while the family is in detention or in placement. Since the start of the program in August 2018, about 350 referrals have been made for family peer support services in the five pilot counties.

BEHAVIORAL HEALTH SERVICES AND RECRUITMENT AT DJS FACILITIES.

DJS acknowledges that the agency is currently facing a shortage of licensed behavioral health clinicians, particularly at the Youth Centers and the Victor Cullen Center (VCC). Nevertheless, through the use of full and part-time staff and contractual employees, DJS is able to provide a sufficient level of behavioral health coverage in its facilities.

Behavioral Health staff are integrated into the facility operations and management at all DJS-operated facilities throughout Maryland. Behavioral Health staff attend leadership meetings, shift debriefings and engage staff in training/development/support regarding the individual needs of the youth. The Behavioral Health staff provide individual counseling and conduct therapeutic and/or psychoeducational groups. They are readily available, and frequently contacted by staff to discuss issues related to facility youth. Behavioral Health staff strive to maintain a visible presence in each facility.

Each youth in DJS' committed facilities has an assigned Behavioral Health staff member who provides individual and family counseling. In addition, Behavioral Health staff members continue to individualize services by utilizing tools such as specialized plans and contracts when youth are identified as needing such. All youth complete a self-help plan when placed at a committed facility and this plan is designed to assist youth and staff in identifying coping strategies to assist youth in managing the stress of placement.

DJS utilizes an overall clinical supervisor to oversee behavioral health services at Cheltenham Youth Detention Center (CYDC), Charles Hickey School (Hickey) and the Baltimore City Juvenile Justice Center (BCJJC). However, the facilities also have operations supervisors who are on-site at each of the three facilities, respectively, who report directly to the overall clinical supervisor.

These operations supervisors provide services 5 days a week (including coverage on weekends) at each facility and are supported by other onsite clinical supervisors who provide additional behavioral health coverage.

Hiring and retention of behavioral health staff at Victor Cullen has been a priority of the Department. Currently four full-time behavioral health staff members have been hired for VCC. Six other behavioral health staff members continue to provide services at the facility part-time. DJS is continuing to recruit multiple positions to include social workers and other mental health professionals. DJS recognizes the vital roles that behavioral health staff plays in DJS facilities and will continue to take an intentional approach to fill those positions.

COGNITIVE BEHAVIORAL THERAPY IS THE FOUNDATION OF DJS'S THERAPEUTIC TREATMENT MODEL AND SUPPORTS DJS'S BEHAVIORAL MANAGEMENT PROGRAM.

As stated above, the JJRC will undertake a review and make recommendations for reforms of Maryland's juvenile justice system, including DJS's committed treatment modalities. DJS looks forward to engaging with all of the stakeholders on the JJRC to develop an evidence-based treatment model that achieves those goals.

For a detailed description of DJS's current treatment modalities based on cognitive behavioral therapy and trauma informed care in its facilities, please see the Introduction Section of DJS's Response to the JJMU's 2019 First Quarter Report.

COMMITTED PLACEMENT CENTERS

Victor Cullen Center (VCC)

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and are required to be in compliance with the ACA and PREA.

The Department actively recruits to keep all positions filled. VCC has a full complement of Administrators, a Superintendent, two Assistant Superintendents, and a new management position (Residential Group Life Manager II). This new team is examining ways to enhance the culture of the staff, implementing team building activities, and assisting and supporting staff in their growth and progression.

Hiring and retention of Behavioral Health staff at Victor Cullen remains a priority of the Department. Currently, four full-time Behavioral Health staff members have been hired and six other Behavioral Health staff members continue to provide services at the facility part-time. Each youth in DJS' committed facilities has an assigned behavioral health staff member who provides individual and family counseling. In addition, Behavioral Health staff members continue to individualize services by utilizing tools such as specialized plans and contracts when youth are identified as needing such.

The ISU at VCC is intended to provide stabilization of youth who have demonstrated escalating aggressive behavior. While placed on the ISU, youth are seen by Behavioral Health and case management staff daily, complete reflective exercises regarding their behavior resulting in ISU placement, and develop a plan indicating what supports may be needed for a successful return to regular programming. Youth receive educational programming while placed on the ISU and instruction is provided in a separate classroom in the school.

Regarding Grievance 15925, it was determined that the Administrator in charge failed to inform Behavioral Health staff in a timely manner that the youth was placed on the ISU resulting in a delay of services. The Administrator was held accountable according to the Standards of Conduct. Behavioral Health staff did meet with the youth on the day of the incident and, once notified, met with the youth on a daily basis.

DJS recognizes the importance of activities to keep youth busy and reduce the amount of downtime youth experience. Victor Cullen offers on-campus programming for all youth including Yoga, Youth for Christ, Pet Talk, game room, movie night, music program, Beyond the Natural Foundation, and youth also participate in off-grounds activities, such as the Reflections Program. After school, the youth participate in treatment groups and individual counseling.

Savage Mountain

The STARR program's primary goal is to promote positive staff-youth interactions and reinforce prosocial behaviors. Savage Mountain offers individual therapy, groups focused on anger management, trauma and substance abuse services.

Resources and Programming

Savage Mountain has implemented the following programs and activities: Youth Development Redemption Program, Dream Loud Music Program, CHAMPS participation on- and off-grounds in collaboration with other DJS facilities, pottery class, and a chess club. In November 2019, a new Recreational Specialist was hired. Additionally, the facility has a revamped and enhanced incentive room, arts and craft activities, physical skills challenge class and guest lecturers. Outdoor recreation activities occur regularly.

A woodworking/epoxy program was implemented at Savage Mountain in November 2019. DJS has relocated the program inside the secure perimeter. The goal of this program is to provide youth with experience and training that will allow them to become employed in entry-level positions in the construction field or as an epoxy technician. Youth are learning to use computer coding to interface with woodworking tools and epoxy resin to make artwork, tables, desks and other items.

DJS has modified its procedures to permit youth movement after dark.

Facility Environment

Regarding Grievance 15597, air conditioning is scheduled to be installed when physical plant construction is completed.

Regarding Grievance 16022, new shoes and boots were issued and the youth had his medical needs addressed.

YOUTH CENTERS x3

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and are required to be in compliance with the ACA and PREA.

Behavioral Health staff members are on-grounds seven days a week during waking hours at Meadow Mountain Youth Center. At the other youth centers, Behavioral Health staff members are on grounds during waking hours on weekdays. All youth centers have assigned full-time Behavioral Health staff.

Each youth has individual treatment goals and an assigned Behavioral Health staff member who provides individual counseling. In addition, Behavioral Health staff members continue to individualize services by utilizing tools such as specialized plans and contracts when youth are identified as needing such.

Youth participate in volunteer service in the community (i.e. volunteering at the Armory where they pack items for the homeless) and they take trips into the community (movies, dinner, bowling, college basketball games, etc.). They also participate in the Reflections Program which involves swimming, bike riding, hiking, rope course, and overnight camping. Backbone Mountain youth have the college program where several youth are taking college courses.

Regarding Grievances 15624, 15622, and 15623, all three involved the same staff member who was counseled and subsequently monitored by facility administrators.

Regarding Grievance 15840, staff was counseled in accordance with DJS policies and procedures.

Regarding Grievance 15580, youth was permitted to continue fasting in accordance with his beliefs.

J. DeWeese Carter Center

Behavioral Health staff participate in the program and speak with residential staff daily. Behavioral Health staff attend bi-weekly manager meetings, attend shift debriefings daily, and engage staff in training/development/support regarding individual needs of the youth and they are readily available and frequently contacted by staff. Currently, the Carter Center Behavioral Health team consists of two DJS staff. Vendors are utilized when a youth has specialized needs.

Youth at Carter Center go on regular outings to nature preserves, sporting events, recreation center, and other community-based trips.

DJS is required to adhere to the USDA regulations and the Federal Child Food Nutrition Program regarding the size and type of meals served to young people in institutional settings. DJS is currently working with the youth at Carter to seek input to enhance meal choices.

Family engagement events have been reinstated on a monthly basis at Carter Center. To address the transportation issues for families, DJS is currently in the process of procuring a vendor to provide transportation service for families of youth in DJS facilities.

DETENTION FACILITIES

Baltimore City Juvenile Justice Center (BCJJC)

Regarding Incident 158719, staff was in ratio and posted properly. There were no prior warning signs of pending aggression from the youth. Behavioral Health staff processed with the youth involved and supervisors on duty reviewed the video with the involved staff members.

Regarding Incident 158846, a youth was restrained after aggressive behavior towards a Shift Commander making unannounced rounds. Behavioral Health staff responded promptly after the incident and processed with the youth. There were no injuries reported.

Regarding Incident 158851, administrative review determined that several unsuccessful attempts to de-escalate were made when a youth became disruptive during a community meeting. The youth then threw a deck of cards at a DJS staff and was then guided back to his room for a cool-down period. No injuries were reported by youth or staff.

Regarding Incident 160071, DJS determined that staff did not follow Department policy. The staff member involved was disciplined in accordance with the Standards of Conduct and received additional training. Notifications were made to CPS, OIG, and MSP. The allegations were screened out and no charges were filed.

Regarding Incident 160108, administrative review indicated that the youth to staff ratio was appropriate and Behavioral Health staff responded promptly. Notifications were made to CPS, OIG, and MSP. The allegations were screened out and no charges were filed. The staff member received additional training and was cleared to return to coverage.

Regarding provision of Behavioral Health services, DJS' vendor provides services in detention that include at a minimum weekly: psychoeducational groups, individual sessions, assessments, crisis debriefing, case consultation with staff, and psychiatric services. These services are provided, at a minimum, between the hours of 8 am-8 pm Monday to Friday and a minimum of 4 hours at each facility on both Saturday/Sunday and all holidays. Behavioral Health staff is on-call after working hours.

At BCJJC a clinical supervisor, who is the coordinator for the Intensive Services Unit, is present 40-hours per week and an operations supervisor is also present 40-hours per week. These staff members are supervised by an overall clinical supervisor who oversees services at Cheltenham, Charles H. Hickey and Baltimore City Juvenile Justice Center.

The youth with the colostomy bag was housed in the infirmary due to an injury sustained before his arrival at BCJJC. Medical staff provided proper care for this youth. After the youth's colostomy bag was removed, he was medically cleared to join the general population. A month later, the youth was placed on the ISU due to a behavioral issue, unrelated to his medical needs.

All youth in ISU receive services that include: psychoeducational groups, individual sessions, assessments, crisis debriefing, case consultation with staff, and psychiatric care. In addition, a clinician attends to the unit daily.

Placement in DJS detention facilities is a function of the juvenile court. DJS is legally mandated to provide care while the youth is in DJS custody. For youth with significant behavioral health or developmental disabilities, DJS makes every effort to provide services to meet their needs and make referrals for specialized services, when needed.

Cheltenham

DJS appreciates the JJMU's recognition of Cheltenham's team approach to maintaining safety and security.

Regarding Incident 159762, staff was held accountable in accordance with the Department's standards of conduct and referred for additional training. Notifications were made to CPS, OIG, and MSP. The allegations were found to be unsubstantiated and no charges were filed.

Charles H. Hickey Jr. School

Regarding Incident 158953, administrative review indicated that this incident involved youth running into the bathroom without permission. The involved staff have received additional training on controlled youth movement.

Regarding Incident 159503, the staff member involved was held accountable through the DJS Standards of Conduct. Notifications were made to CPS, OIG, and MSP and 2nd degree assault charges are pending.

Regarding Incident 159441, the staff member was held accountable through the DJS Standards of Conduct and received additional training.

DJS is exploring footwear options for youth in facilities.

Lower Eastern Shore Children's Center (LESCC)

The Department appreciates the positive comments about LESCC Administrators and staff working together create a therapeutic culture and individualized care to youth.

Alfred D. Noyes Children's Center

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and are required to be in compliance with the ACA and PREA.

Regarding Grievance 15898, the staff member was held accountable in accordance with DJS Standards of Conduct.

Youth are required to receive 1-hour large muscle activity and the facility accommodates that requirement either in the indoor gym or outside as weather permits.

DJS is required to adhere to the United States Department of Agriculture (USDA) regulations and the Federal Child Food Nutrition Program regarding the size and type of meals served to young people in institutional settings.

Thomas J.S. Waxter Children's Center

The Department appreciates the positive comments about the Administration's efforts to integrate Behavioral Health services into the program and developing constructive activities for the young women.

Western Maryland Children's Center (WMCC)

The Case Management Specialist Supervisor position has been filled. The Recreation Specialist position is still under recruitment.

Regarding Grievance 15921, the staff member received counseling in accordance with DJS Standards of Conduct.

Private Facilities

[Silver Oak Academy \(SOA\)](#)

Pages 20 through 21

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1. **(A).** “In Incident 159282, four youth were able to steal a car on campus and leave the facility. The incident began when three youth requested to walk from the dayroom to the kitchen area to help with preparing for dinner. The youth left the dayroom and walked unescorted toward the kitchen area. Instead of reporting to the kitchen, one of the youth walked to the parking lot and waited for the other youth. The other two youth entered the locked lobby door using a key that one of the youth had obtained from an unknown source. Once inside the lobby, one of the youth climbed through the control booth window, broke into the key box, and stole a pair of car keys belonging to an employee. The two youth left the lobby and eventually went back to the dayroom and began talking to another youth. After a brief discussion with the two youth, the youth changed from his slippers into his tennis shoes, grabbed his book bag, and walked out with the two other youth to the parking lot. All four youth drove off in the employee’s car whose keys they had stolen”.

SOA Response: Silver Oak Academy has made physical and procedural adjustments from this incident. The large window opening in control now has an enclosure on it limiting the space leading outside of control. Additionally, the lock to the control door is now a separate key with a new lock thereby limiting access to who can go in and out of control. As well there is a camera placed outside of the control door monitoring who goes in and out of the control area. This has ensured that students are not able to enter the control area where the incident took place. Along with adding extra safety precautions, Silver Oak Academy has added a few extra coaching staff to ensure if a staff member calls out, the floor is always covered.

DJS Response: The Licensing and Monitoring Unit (L&M) conducts monthly and/ or quarterly visits at Silver Oak Academy (SOA). L&M requested a Corrective Action Plan (CAP) from SOA in regards to inadequate coverage of the control room. SOA submitted a CAP that was acceptable. L&M verified that all cameras were operational during the visit on January 14, 2020.

(B). “Staff realized that three youth were missing an hour after the youth had stolen the car. However, due to staff miscounting the youth, only three youth were reported missing to police. Five hours elapsed before staff realized the fourth youth was also missing”.

SOA Response: Silver Oak Academy has retrained staff on the proper procedures for when Youth(s) go AWOL. This includes staff is to stop all campus movements and conducting a proper count of all youth. This is ensuring that all students are accounted for.

DJS Response: The Licensing and Monitoring Unit (L&M) received and reviewed documentation that Silver Oak Academy staff were re-trained in proper AWOL procedures.

(C). “A community alert system that informs surrounding neighbors of missing youth was not activated per SOA policy”.

SOA Response: The community alert system that informs the surrounding neighbors of missing youth was not used during this AWOL. The community alert system was not used due to how late the staff realized the students were missing. Since then Silver Oak Academy has enacted the

community alert system when an AWOL is reported and will continue this practice for subsequent AWOL's.

2. "In Incident 159653, Silver Oak staff were informed by a youth that several other youth were planning to escape from the facility. The following morning, two Silver Oak direct-care staff were supervising a group of approximately 20 youth in the dayroom. While the two staffers had their back turned to the group, five youth ran out of the dayroom and into the fields surrounding the facility. One staffer yelled, "Get that boy!" and both staff and youth ran after the fleeing youth. Silver Oak youth were able to catch up to two of the youth who were attempting to abscond from the program and bring them back to the main campus. Two of the fleeing youth were apprehended by State Police, and one youth was able to leave the area of the facility after allegedly stealing a car from a nearby resident".

SOA Response: Silver Oak Academy has an AWOL Protocol Policy that states in the event of an AWOL, the remaining students should be kept as a group in close proximity. The Shift Supervisor in this incident has received a disciplinary action in regards to their direction given to the students. All directors and Shift Supervisors have been retrained on the updated AWOL Protocol and Prevention Policy. Silver Oak Academy has also added a few extra coaching staff to ensure if a staff member calls out, the floor is always covered.

DJS Response: The Licensing and Monitoring Unit (L&M) verified documentation that the Shift Supervisor received disciplinary action. L&M received the updated AWOL Protocol and Prevention Policy for Silver Oak Academy (SOA) and verified that SOA staff have been re-trained.

3. "In Incident 159838, youth were in their room during overnight hours. Two youth left their room, walked over to another youth's room, entered it and began assaulting their peer without staff detection or intervention. Staffers subsequently heard a commotion and arrived at the scene and separated the youth".

SOA Response: In this incident the staffing ratio was correct however the staff were not holding the students accountable as they were visiting each other's rooms. Silver Oak Academy has added an overnight supervisor position and have increased the overnight staffing ratio. The Awake Night Supervision policy has been updated to include more specific job duties (log book usage and clearer student program expectations) and all overnight staff have been retrained on the updated policy. All staff have received more in depth interactive supervision training to include teaching the staff about the potential consequences of failing to follow the policy and supervise the students appropriately.

DJS Response: The Licensing and Monitoring Unit (L&M) received and verified that Silver Oak Academy updated The Awake Night Supervision Policy. L&M reviewed documentation that all SOA overnight staff have been retrained on the updated policy.

4. "In Incident 160440, a group disturbance erupted during the football game after fans supporting opposing teams began arguing. State troopers usually provide security during football games but were unavailable in this instance".

SOA Response: After the conclusion of this incident, Silver Oak Academy has made a few adjustments to how their sporting events are conducted. Most of the future football games are going to be held at the Taneytown Park. By having most of the games at The Taneytown Park, this allows for visiting and home side separate seating. Before the start of each game a written behavioral guideline will be read giving the spectators a guideline for their behaviors and actions. Along with set guidelines, a minimum of two Law enforcement officers will be present at the sporting events.

DJS Response: Due to this incident, DJS suspended all football activities at the program to allow time to review the incident. The program provided a Corrective Action Plan (CAP) that was approved by the Department. Based on review and approval of the CAP on October 7, 2019, the Department lifted the moratorium and the program was allowed to resume all football activities. The football season concluded on November 1, 2019 with no further incidents.

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5. “In addition to supervision issues, there are inadequate professional mental health resources to adequately address the behavioral, mental health, trauma and family-related needs of youth. There was only one mental health clinician assigned to the entire youth population during the quarter. Hiring of additional qualified mental health staff at Silver Oak can help ensure youth are receiving individualized and specialized treatment services and provide support and counseling for adjustment issues youth may be experiencing while at the facility”.

SOA Response: Silver Oak Academy has hired a LCSW-C as the Facility Administrator who will be acting in the capacity as a Clinical Director due to licensure and credentialing. This position enables Silver Oak Academy to provide supervision to the therapist and case management staff, consultation to group living staff and provide direct therapy services to students. Silver Oak Academy is recruiting another therapist to help with the case load of the youth. Silver Oak Academy will recruit a Clinical Supervisor to provide therapist and case manager supervision and provide direct clinical care for youth. Our advertisement will occur on Indeed and Ziprecruiter as well as local graduate programs. Silver Oak Academy HR representative is also utilizing our corporate recruiter to call explore additional means/ areas for recruitment. All staff will receive Trauma Informed training to better understand the mental health component of youth.

DJS Response: The Licensing and Monitoring Unit (L&M) will continue to monitor the hiring process.

1. "Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc., and licensed by DJS to house up to 24 boys. Morning Star utilizes a trauma-informed and trauma-responsive system of care known as the Sanctuary model. Administrators should increase efforts to oversee implementation of the treatment model to ensure adherence and fidelity to the tenets of the program."

VQMS Response: The Morning Star program is based on several treatment models; the models are embedded throughout the youth's treatment stay. The process begins at admission and is addressed throughout each direction as laid out in the youth Guidebook, group and individual programming. In addition to fidelity checks and support calls, the Program Director monitors the daily schedule to ensure that groups occur both timely and as identified by the schedule. Any deviations from the schedule are reviewed at the bi-weekly Continuous Quality Improvement (CQI) meeting. The program would request clarification regarding the noted feedback above in order to address specific concerns.

2. "Morningstar has an aging physical plant that is need of extensive renovation. An indoor gym is unable to be utilized because of a caving roof; a weight room lacks air conditioning or heating; and an on-site pool is not functional because of a broken pump. Furniture on the living units is in dilapidated condition and floors are dingy. In Grievance 15786, several youth on one of the living units reported that "living conditions were poor" and that "the roof leaks when it rains outside and the leaks are near electrical outlets and wiring." Running water at the facility emits a foul smell."

VQMS Response: The program acknowledges the physical plant limitations. The Corporations Facilities Director is currently in the process of evaluation options in order to address the need for a replacement or repair to the current gymnasium. The program has increased its use of off property recreational facilities to compensate for the physical plant limitations allowing for enhanced programming. The weight room is currently in use and utilize portable units when the temperatures dictates. In regard to the pool, the pump and filtration system issues were corrected toward the end of the season and cosmetic repairs will be addressed in the spring. The pool will be open for the summer of 2020. All living units are furnished with comfortable and sturdy furniture. The floors are regularly stripped and waxed. The living unit roof issue was addressed several months ago and there has been no recurring leaks since. The water is regularly tested by "Water Testing Labs" and no abnormalities have ever been noted. The program is looking into ways to address the odor and will pursue methods to rectify the situation.

DJS Response: The Licensing and Monitoring (L&M) Unit visits the program on a monthly basis. The physical plant has been reviewed during the monthly visit. The program continues to provide

status updates to the L&M concerning physical plant issues. All physical plant concerns have/are being addressed either through work orders or plans of correction. From L&M observation the program has been working to address physical plant concerns. The Vision Quest Corporate office has been involved in assuring physical plant compliance and utilizing professional contractors when necessary to complete work orders and physical plant issues. All living units have been equipped with new couches and other furniture that needed to be replaced.

3. "Persistent concerns about small portion sizes, lack of variety in meals, and food quality should also be addressed. In Grievance 15839, multiple youth reported that they are "hungry all the time" and "need more food."

VQMS Response: In regard to this grievance several months ago, the program met with the youth and solicited feedback. The program made some additional changes to the menu, upon request additional items are now available at meal times and a larger variety of snacks are now offered. In conjunction with the programs nutritionist, this year's menu reflects the feedback from the youth and staff.

DJS Response: The Licensing and Monitoring (L&M) Unit conducts monthly visit at VQMS. During those visits the youth are interviewed. L&M has specifically asked about the food and portion sizes. We have noticed that the youth's response to food has improved. They state that they have better options. The snacks they receive have increased. They are able to have sandwiches or "mini meals" during snack time. The youth seem to appreciate this change in the menu and L&M has received fewer complaints about the food.

4. "There are gaps in camera coverage at the facility which hampers staff and youth accountability and impacts safety and security. There are no cameras in one wing of the facility nor in the welcome center/intake area. The camera system should be expanded to allow for comprehensive coverage."

VQMS Response: Surveillance cameras are not the primary tool in regard to supervision. The program staff are responsible for the safety and security of the youth and the campus. The program has 21 cameras throughout the facility. They are strategically placed to maximize coverage.

**MARYLAND STATE
DEPARTMENT OF EDUCATION
- RESPONSE**



Karen B. Salmon, Ph.D.
State Superintendent of Schools

January 28, 2020

MSDE Response to the Juvenile Justice Monitoring Unit's Third Quarter Report

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2019 third quarter report in relation to the provision of educational services within the Department of Juvenile Services' (DJS) residential facilities.

Maryland State Department of Education in DJS Facilities

INSTRUCTION

The third quarter JJMU report expresses concern on page eleven regarding a student placed in Intensive Services Unit (ISU). According to school records at Victor Cullen, there have been no students in the ISU during school since September 2019. The students or graduates are placed in the ISU and then report to school for regular school hours. There is an ISU classroom within the school building that is staffed with teachers. Teachers rotate into the classroom each period and provide instruction in all content areas.

Career Research and Development (CRD) is a course offered under the umbrella of Career and Technical Education (CTE). Career Research Development is offered as a course at Victor Cullen and all other Juvenile Services Education System (JSES) schools. A trained CTE teacher is assigned to teach that course. On page eleven, the JJMU report inaccurately states, "there is no career and research development (CRD) teacher at Cullen". The CRD teacher has been in the position since March 2019. However, CRD is only one component of a CTE pathway and the courses are meant to be taught in a specific sequence. In the local school systems (LSS), CRD would not be offered until at least the 10th grade.

The MSDE JSES does not rely solely on videos and worksheets to deliver instruction or provided content as stated in the JJMU report. In order to ensure that students are more engaged in learning, JSES has purchased specific programs and manipulatives. Additionally, teachers are also provided training related to instructional delivery and implementation. For example, teachers have access to online reading interventions through Lexia Learning and math interventions through Apex tutorials. Data from schools using Apex tutorials demonstrates that when the programs are utilized with fidelity, students increased their reading ability. Both online interventions assess the instructional level of students to determine an individual baseline. Modules are then assigned based on individual student needs.

Math courses require a project-based learning assignment for each unit that must include real-world connections. Manipulatives for instruction have been approved and given to teachers in each school.

To enhance science, JSES has purchased Gizmos. Gizmos are online simulations and virtual lab programs, which allow students the opportunity to visually explore and experience the science curriculum. Students can manipulate the data in the program and build labs, which allows them to view the results of experiments. The JSES curriculum science writing team has vetted Gizmos labs and incorporated them into the current curriculum for each course. As a result of this initiative, science labs through Gizmos are required once a week for semester block courses and one every other week for A day B day schedules.

JSES has also developed a portfolio requirement document for teachers that incorporate the ability of teachers to collect additional data on student learning and progress. The portfolio requires teachers to provide engaging activities for students that are aligned to standards in order for students to demonstrate their learning. In English, the portfolio artifacts require students to complete short and long writing assignments for each unit.

Courses are offered in an online setting for all students in JSES who require elective credits for graduation. Through the JSES partnership with Apex Learning, JSES can offer elective credits in music appreciation, art appreciation, creative writing, psychology, sociology, etc. JSES has partnered with LSSs in a variety of ways to assist both students and teachers. For instance, JSES teachers were invited to observe classrooms in Washington County to participate in job-embedded professional development and training. Other school systems shared their science course sequence with JSES. In fact, JSES collaborates regularly with LSSs. An extremely successful example is that a local chef visits both Lower Eastern Shore Children's Center and J. DeWeese Carter Children's Center to provide ServSafe instruction for certification. Additionally, several JSES teachers presented at the Inaugural #Teach MD Rising Toward Excellence Conference. The conference provided a platform for JSES to showcase many exceptional teachers, collaborative initiative with LSSs, and individual programs.

Curriculum Resources

As previously stated, additional resources for classrooms have been purchased to ensure teachers do not have to rely on worksheets for instruction. Math manipulatives provided include student graphing boards and spinners for classroom use. These manipulatives offer students hands-on activities for building mathematical knowledge. Gizmos, an online science and math simulation program, provide virtual science labs and simulations for students. During the 2019 school year, the JSES spent over \$300,000 on classroom materials for instructional purposes.

Career & Technical Education

A major priority has continued to be the efforts of JSES to develop CTE programming for students. The JSES students should be provided the same access and opportunities that their peers in LSSs receive. Most CTE certifications take a longer period of time to complete in order to earn a certification in a particular field. Students in LSSs participate in CTE pathways in the State of

Maryland over a three-year period. These students receive their high school diploma and CTE certifications in order to compete in the 21st century global job market. Access to CTE certifications without a high school diploma or GED will not lead to high-skill, high-wage, and in-demand careers. Introduction to short-term certifications provide the JSES students with the ability to qualify for entry level jobs upon returning to their communities. During the 2019 school year, the average length of stay for students in detention facilities was thirty-eight days, and the average length of stay for students in placement facilities was eighty-four days. The short-term certification programs offered meet the needs of students based on their length of stay.

The MSDE JSES has adopted three CTE pathways aligned to the state CTE program in order to make it easier and more consistent for students to earn the credit when re-enrolled in their community school. The pathways include: Business Administrative Services, Career and Research Development (CRD), and the Construction Trades Professions (currently offered at Green Ridge and Backbone Mountain Youth Centers).

Cardiopulmonary resuscitation and automated external defibrillator (CPR/AED), basic food handling hygiene, and construction site flagger, as mentioned in the report, are certification opportunities that help students enhance their resumes and provide them with an advantage over their peers when competing for similar job opportunities. Additionally, there are three levels of the ServSafe certifications: ServSafe Food Handle, ServSafe Allergens, and ServSafe Manager. All of the certifications are available to all JSES students.

C-tech is a program specifically designed for students in juvenile facilities. Students will be able to earn certifications in Network Cabling, Copper-Based Systems, Fiber Optics, and Telecommunications. Adhering to the DJS safety and security protocols, JSES is piloting C-Tech in two facilities where space in the facility allows such programming. Staff must be certified in order to provide this instruction to students.

When evaluating CTE programming, it is imperative that JSES follows the protocols of safety and security outlined by the DJS. Due to the equipment needed, program such as hands on barbering are not approved by DJS at this time. Students are not allowed to leave their assigned facility per court regulations for opportunities and internships. For these reasons, JSES cannot offer community engagement through work, volunteer, or enrichment experiences. The JSES does not determine students' placement; however, JSES works diligently to provide students with access to three approved State of Maryland CTE pathways. For students attending a JSES school, each pathway has four required courses that are year-long courses. Students are enrolled in the introductory course and are provided coursework that is aligned with the Maryland State Standards.

This JJMU report and several of the last reports presented World of Work as a MSDE/JSES program. However, World of Work is a DJS sponsored program. We do not have the authority or oversight of the World of Work Program. However, JSES welcomes the opportunity to collaborate on such programs.

Post-Secondary

Opportunities for students to take college courses has been available since 2017. The first set of JSES students began taking online college courses in Spring 2017. The JSES students have participated in on-line college credit bearing courses, as well as, continuing education and workforce development courses, every semester with community college partners, Frederick and Baltimore City Community Colleges. In September 2018, JSES expanded the community college partnership to include Anne Arundel Community College. In the 2019-2020 school year, JSES and Anne Arundel Community College expanded the partnership to include a new program, Ed2Go, which allows access to additional online course options. This partnership provides opportunities for students to take business, computer, and continuing education courses. Since July 2019, there have been 35 students enrolled in post-secondary opportunities at the three community colleges.

HUMAN RESOURCES (HR)

In collaboration with the current MSDE HR Director, monthly meetings continue as a concrete process to assist JSES with hiring and retention. Additionally, for the 2019-2020 school year, JSES has contracted with two companies to provide substitute teachers. Filling vacancies and hiring quality staff continues to be a major focus and goal. In collaboration with HR, JSES reviews applications on a weekly schedule for all open positions and forwards screened applications to principals for interviews.

The JJMU report continues to speculate about the MSDE's lack of concern for teachers' pay and year round work. The MSDE and JSES administrators values staff and understands the challenges the staff employed in JSES facilities face on a daily basis. During the 2019 legislative session, the MSDE HR Director introduced Senate Bill 75 through the Senate Finance Committee. The proposed legislation would have impacted all of the JSES certified teaching staff in the 13 schools and addressed many of the topics of concern by both JSES and JJMU. However, the Bill did not pass it out of committee. The Bill can be viewed at: <https://legiscan.com/MD/text/SB75/2019>.

PILOT

In accordance with Chapter 565 (HB 1607 of the Acts of 2018), the Noyes pilot program with Montgomery County Public Schools (MCPS) started on July 1, 2019. The pilot has been under the purview of the MCPS legal team. The project team has led the implementation of the pilot and ongoing operations. The MCPS staff obtained legal advice to determine the implementation of the management model in which the pilot would operate during the 2019-2020 school year. The JSES disagrees with the JJMU report in the role of the workgroup and the ownership of the pilot. The workgroup was created to research a variety of options and make recommendations, not to provide county oversight of education in a DJS facility. The contract for oversight and management of the pilot was developed by MCPS staff, a legal representative from MCPS, a legal representative of MSDE, and MSDE staff. MCPS did not request that MSDE JSES

administrators remove themselves completely from the educational process. It should be noted that no other school system expressed any interest in participating in the pilot program.

The author of the JJMU report proposed the following items in his letter to the Kirwan Commission:

- Recommendations regarding the educational funding for incarcerated youth
- Recommendations for an independent school board
- Recommendations for comprehensive access to post-secondary education
- Recommendations for Transition

The Chapter 565 (HB 1607 of the Acts of 2018) workgroup has been tasked through legislation to research and recommend best practices for Juvenile Services and submit a final report to the Governor, and General Assembly, therefore, JSES will not respond to the items above.

The JJMU's report stated, "At the time of writing (September 2019), the intent and mandate of the law is not being followed. While MCPS continues to provide valuable resources and supports to the school at Noyes pursuant to a previous arrangement with MSDE JSES, operational control and management decisions still rest with MSDE JSES administrators. Furthermore, teachers and education staff continue to remain MSDE JSES employees rather than employees of MCPS. To be in compliance with the law, MSDE JSES should transfer full authority to run the school at Noyes to MCPS."

Legal representatives from MCPS and MSDE do not agree with the legal interpretation stated in the JJMU report. MCPS is proceeding pursuant to the statute's authorization for a local school district to provide a management model for Noyes. Montgomery County Public Schools has taken this approach, recognizing that there were significant operational hurdles to a full transition of administration and operation of the Noyes facility. Montgomery County Public Schools is also exploring other opportunities to support the work at Noyes, including providing and installing a modular classroom at the Noyes facility. The executive director to the Chief Academic Officer, is managing the Noyes pilot program.

Since the pilot began, MCPS has hired a transition specialist and provided a list of responsibilities to support students. MCPS has created an active database to follow the students through transition between the facility and the district. Special Education supports have also been provided through a part-time Special Educator Case Manager/Instructional Specialist. This position provides case management review, special education assessments, and various continued supports where appropriate. Professional development for administration and teachers has been ongoing and teachers have full access to the MCPS professional development catalog. In addition, Restorative Justice professional development occurred that included both JSES and DJS staff. Coaching and consultation from MCPS with Noyes administration and teachers is ongoing. Montgomery County has also provided three community engagement activities for parents and students. In addition, Noyes students have access to MCPS online courses for curriculum and instruction and MCPS has provided additional out of school academic opportunities in electives since July 2019.

CURRENT AREAS OF IMPROVEMENT AND SUCCESS

Over the past three years, JSES has continuously made improvements in targeted areas related to instructional growth and developed plans for success. The continuous improvement cycle is never complete, as there is always a review of the progress and readjustment of the plan. We acknowledge that there are challenges; however, dedicated staff continues to strive for excellence in each of our schools. Students are at the heart of every goal, decision, and overall educational plan. The JJMU report only focuses on the challenges that are still in the improvement cycle; however, there have been many examples of effective growth and transformation as identified below.

Culture and Climate:

- A new vision and mission statement was developed and discussed with principals and the JSES teachers and staff. The draft statements were presented and approved by the Education Coordinating Council in November of 2018.
- Tuition reimbursements was made available for all professional staff for the 2018-19 school year.
- Each school provided students with two afterschool clubs staffed by MSDE staff during the 2018-19 school year.
- JSES has implemented Educator of the Year and Support Staff of the Year in order to recognize the outstanding work of teachers and support staff.
- Students and staff at six JSES school have implemented Positive Behavioral Interventions and Supports into their daily school day in collaboration with DJS.
- A partnership has been established with Florida State University and a nationally recognized consultant, who has been the principal investigator for the U.S. Department of Justice, the U.S. Department of Education, as well as, numerous investigations for the State of Florida. The lead consultant has also been a consultant to the U.S. House of Representatives, U.S. Senate, U.S. Department of Justice, as well as numerous state legislative committees, and foreign governments.

Juvenile Services Education partnership with Florida State University includes:

- a. Conducting a comprehensive assessment of the Juvenile Services Education program
- b. Assisting Juvenile Services Education with creating a research-driven accountability system to ensure programs provide quality educational services that successfully transition youth back into their local communities, schools, work, and home settings
- c. Researching and developing a longitudinal data system of youth in relation to academic achievement and community reintegration outcomes
- d. Annual Quality Assurance standards and onsite program reviews to result in continuous quality improvement
- e. Ongoing Literature reviews aimed at identifying promising practices in juvenile justice education
- f. Technical Assistance aimed at improving educational programs and services as opposed to compliance monitoring approach

- g. Policy recommendation for the Maryland State Department of Education which involve the translation of research into actionable policy and practice strategies that provide evidence-based continuous quality improvements for the juvenile education program
- ✓ The partnership project includes three distinct phases:
 1. **Discovery:** Evaluate and assess the current system of Juvenile Services Education in all MSDE Juvenile Services schools
 2. **Implementation:** Develop and implementing a research-driven accountability initiative
 3. **Validation:** Assess and validate the effectiveness of the research-driven accountability initiative

Curriculum and Instruction:

- Three new school libraries were opened during the 19-20 school year.
- JSES has implemented online blended learning for science courses that allows students to conduct labs and virtual simulations.
- Cardiopulmonary resuscitation (CPR) and first aid certification has been made available for all JSES students.
- Students are provided blended learning opportunities for credit recovery.
- Students have been provided with increased opportunities to earn industry certifications.
- Additional leadership and support positions have been added to support the instructional program. JSES has added an assistant principal and three instructional coaches who are staffed at the school.
- JSES has created curriculum-writing teams in order to gain teacher input.
- JSES has revised curriculum to ensure standards alignment to Maryland College and Career Ready Standards.
- JSES has a defined program of studies that is aligned with Maryland State Department of Education's graduation requirements.
- JSES has developed a school calendar to align with LSSs.
- JSES has implemented learning walks, school visits, and technical assistance specifically focused on instruction.
- All JSES English teachers completed range finding for the first time.
- Continuing Professional Development (CPD) credits are provided for teachers in science, social studies, and English.
- JSES has instituted an annual two-day summer conference for all staff to address their professional development needs.
- JSES teachers have engaged in teacher leader opportunities by presenting at Common Ground, the Rising to Excellence Conference, as well as, content statewide meetings.
- JSES has collaborated with Montgomery County Public Schools and Alfred D. Noyes Center pilot program in instruction for math, social studies, and art prior to the Chapter 565 legislation. Collaboration was possible because of prior meeting and discussions between the Maryland State Superintendent of Schools and the Superintendent of Montgomery County Public Schools.

- In 2019, the Division of Special Education and Early Intervention Services submitted the Accountability and Performance Report, which stated that JSES moved from targeted to universal status. Universal status means that JSES meets the requirements for regular monitoring.
- JSES has created and implemented monitoring tools for special education.
- JSES has a transition program for students led by transition facilitators at each school, who implement a minimum of four transition activities monthly. Transition activities include: post-secondary planning, career fairs, speakers, career assessments, and interviewing skills.
- There is one counselor at every JSES facility. The largest site has two counselors.
- Each school has a comprehensive school counseling program.
- JSES has developed a systemic scheduling model to ensure seamless transition between all JSES schools.
- JSES has established both credit bearing and continuing work force development partnerships with three community colleges.
- Beginning in 2017, JSES collaborated with the Maryland College Application Campaign to introduce students to the college application process, financial aid, and career opportunities. JSES was the first non-traditional school system to collaborate with the College Campaign.

School Performance:

- JSES has moved student enrollment information, attendance, gradebooks, report cards, transcripts, test scores, master schedules, and all other relevant student data from pen and paper to a robust Student Information System.
- All principals have participated in professional development opportunities to create their teacher schedules and build their course offerings within the student information system.
- JSES has developed a system that streamlines data collection for the Neglected and Delinquent grant, civil rights data collection, and special education projects, which allows schools to concentrate on instruction and student achievement instead of gathering and submitting data.
- A grade book dashboard has been implemented for all teachers and school leaders to monitor and analyze student and classroom performance.
- Onsite support is provided to all schools with data, technology, training, and front office duties to assist schools experiencing staffing shortages.
- JSES has created a system for teacher data tracking in the classroom and offered system wide professional development on analyzing student standard based grading for teachers and administrators.
- Open lab opportunities are ongoing for troubleshooting assistance for staff members with PowerSchool/PowerTeacher questions or concerns.
- JSES has developed internal systems to provide support and training to headquarters and school based staff.
- JSES has improved best practices for data collection and analysis to streamline dynamic reports.

Technology:

- JSES completed a full deployment of new desktops computers for all students and staff.
- JSES completed a request for proposal for 1:1 initiative with Chromebooks in the classrooms.

- Two schools have received new interactive boards in the classrooms and a plan for cycling replacements in all schools is in progress.
- E-Rate has been obtained each year to increase the bandwidth at all 13 facilities.
- All staff have been provided quarterly training on using technology in the classroom, with a specific focus on maximizing the use of iPads.
- All schools have been provided onsite support and troubleshooting for technology.
- All schools receive an annual review and upgrades of technology for state wide and federal mandated testing.

Student Outcomes:

- Since 2016, JSES has improved school attendance from 94% to 97.7%.
- Since 2016, JSES students have earned over 5,900 high school credits towards graduation.
- Since 2016, JSES students have completed 5,507 CTE modules.
- Since 2016, JSES has increased the number of high school graduates from 59 to 85.
- Since 2016, JSES has graduated 297 students.
- Since 2016, JSES has administered the accuplacer exam to 152 postgraduate students.
- Since 2016, JSES has provided post-secondary education to 83 students and has already enrolled 35 students during the 2020 school year.
- In 2017 and 2018, credits earned through JSES assisted two students each year to complete their high school diplomas and graduate with their cohort in their local school system community school.
- Since 2017, JSES has reduced the number of teacher leave hours from 3,339 to 1,169.
- Since 2017, JSES has increased the GED pass rate from 44% in 2017, 65% in 2018, to 72% in 2019.

CLOSING STATEMENT

Targeted improvement in JSES schools continue to be student centered, evidenced based, and ongoing. As within any educational facility, JSES schools must continually strive to meet the individual needs of each student. JSES staffs are highly qualified and dedicated educators focused on accomplishing these tasks.