Maryland Department of
Juvenile Services
Treating • Supporting • Protecting

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January 15, 2010

The Honorable Michael E. Busch
General Assembly of Maryland
90 State Circle
Annapolis, Maryland 21401

Dear Mr. Busch,

This letter serves as the Department of Juvenile Services' ("DJS") official Response to the Juvenile Justice Monitoring Unit's ("JJMU") 2009 Annual Report.

DJS has made every effort to be transparent and forthcoming with information with the JJMU since its creation. Accordingly, DJS has given the JJMU access to information through DJS databases, administrators, staff and youth in every facility. In fact, all of the JJMU's data comes directly from DJS. Additionally, DJS has also assigned a liaison whose primary duty is to address JJMU's concerns, meet with them and ensure that the JJMU monitors receive information promptly upon request. DJS has also established a protocol that requires facility superintendents or designees to meet with JJMU representatives at the conclusion of their visits to clarify or assist them in obtaining further information. Despite these and other efforts, the reports generated by the JJMU continue to contain incorrect and misleading information that does not accurately represent the work of DJS.

For example, in this most recent report, the JJMU states on page 16: "DJS was funding 299 EBS (Evidence-Based Services) slots throughout the state. No new slots have been added." This statement is particularly deceiving considering that, prior to my administration, this agency did not even utilize EBSs. I increased the number of EBS from just a handful in 2007 to over 299 in 2008. This monumental 300% increase in EBS slots, which will better serve our youth in the community, is overlooked so that JJMU can complain that the program did not increase by a few more slots during a time when DJS, like most State agencies, faces steep budget cuts. However, despite those challenges, DJS has in fact substantially increased the number of slots.

In another example, the JJMU alleges that "detention centers provide limited mental health services." *See* Annual Report at p. 54. Despite the fact that treating mental health issues is generally beyond the scope of a detention center's purpose, DJS provides in all of its detention centers access to psychiatrists, clinical staff, 24/7 emergent care, medications, group and individual therapy, crisis intervention, and substance abuse counseling. In fact, most youth have greater access to quality mental health care with DJS than they have ever had in their young lives. Thus, it remains unclear how the JJMU arrived at its erroneous conclusion regarding mental health in DJS's detention centers.

The JJMU also states "[b]etween November of 2008 and October of 2009, eight of eleven DJS facilities... reported a staff/youth ratio well over the 1:8 industry standard." *See* Annual Report at p. 19. JJMU apparently relied solely on data contained in a StateStat report to make this finding. As the JJMU well knows, however, staff-to-youth ratios in StateStat reports only include Resident Advisors and purposefully exclude other staff. In other words, Resident Advisor Supervisors, Group Life Managers, Case Managers, and Administrators can and do work with youth in addition to Resident Advisors to ensure that the staff-to-youth ratio remains at or below 1:8, which is the Department's standard. The JJMU fails to cite any specific instance when the actual staff-to-youth ratio was anything higher than 1:8 at any facility in 2009. There are

no logbook entries or staff or youth interviews that would suggest that there were not enough staff to supervise the youth in any of our facilities at a given time in 2009. This is just yet another example of many that misleads the public about our progress and facility operations.

DJS serves over 50,000 families a year, a very small percentage of which ever enter our facilities. However, DJS continues to strive towards creating appropriate environments within our facilities that require a balance of public safety and safety of youth and staff while still ensuring youth receive all services required as well as needed. Despite many physical plant challenges and difficult budget constraints, DJS, for the first time in years, can confidently state we have established this balance. The JJMU continuously neglects to include our accomplishments that reflect this achievement. Specifically, improvements to the quality of care are clearly demonstrated through the exiting of the Federal Settlement Agreement at Hickey and Cheltenham as well as our substantial compliance at the Baltimore City Juvenile Justice Center. Through the approval of the Department's Capital Plan to build new facilities, Maryland is aggressively making the reforms necessary to treat and care for its children.

It would be expected that the JJMU would be comprised of experts in the field of juvenile treatment and services in order for it to appropriately fulfill its statutory duties. However, a review of the JJMU's staff biographies in Appendix C of the Annual Report shows that the level of expertise is lacking. There is no licensed clinical social worker who can conduct a meaningful review of the programs related to behavioral and mental health and substance abuse in each facility; there is no masters-level expert in education who can conduct a meaningful review of schooling and special-education of youth in each facility; and there is no licensed medical professional who can conduct a meaningful review of the adequacy of medical care for a juvenile population that has specialized needs particularly with healing gunshot wounds and diabetes in each facility. In fact, while JJMU are the monitors for our detention and secure facilities, none of its staff have ever worked in a secure juvenile facility. As a result of these deficiencies, the quarterly and annual reports often give cursory treatment to these integral areas of our juvenile treatment programs or simply ignore them altogether. This issue also highlights the fact that the JJMU has not established any consistent methodology when it generates its reports on each of DJS's facilities.

By contrast, DJS has entire departments devoted to behavioral management, education, medical services and quality assurance. This year, seven of our facilities have been recognized for performance above the national field average by the Performance–Based Standards for Youth Correctional and Detention Facilities project administered by the Council of Juvenile Correctional Administrators. I personally have 30 years experience operating and overseeing secure juvenile facilities. The facilities that I operated during my career were awarded "Best Facilities" in the country several times by the National District Attorney's Association and The National Council of Juvenile and Family Court Judges. In other words, DJS possesses ample knowledge and expertise to assess programs and services geared to help the youth in our custody.

As the body who created the JJMU, I feel it is necessary to bring these concerns to your attention and we support efforts to ensure compliance with the original intent of the legislation and the spirit of the law. As always, I would welcome the opportunity to meet with you to further discuss this matter relative to DJS's care and treatment of Maryland's children.

Sincerely,

Donald W. DeVore
Secretary