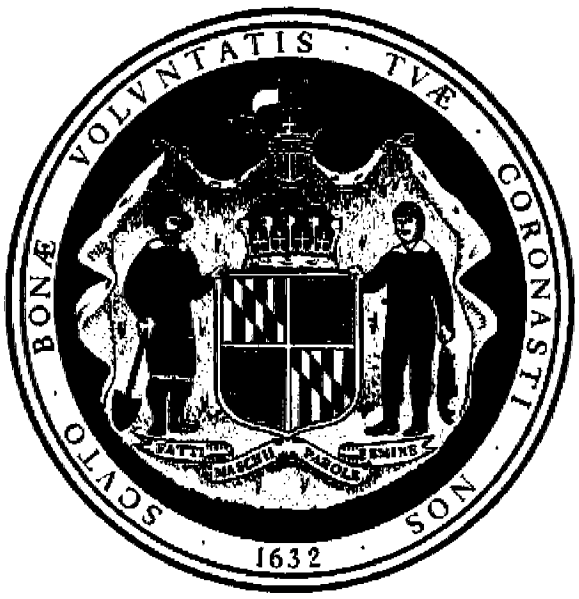
ANNUAL REPORT

JULY 1, 2002 – JUNE 30, 2003

THE OFFICE OF THE INDENDENT JUVENILE JUSTICE MONITOR



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

INTRODUCTION

In accordance with my statutory responsibility as the Executive Director of the Office of the Independent Juvenile Justice Monitor, I respectfully submit this annual report. The conditions within Maryland's Department of Juvenile Services detention centers continued to be the major subject of our Office's focus during fiscal year 2003. Our Office issued a number of special reports concerning the Cheltenham Youth Facility, Charles H. Hickey, Jr. School, and the Thomas J. S. Waxter Children's Center. Overcrowding, allegations of abuse, inadequate staffing, a poorly trained work force, and antiquated physical plants are the major factors associated with our findings and recommendations regarding these facilities.

We are preliminarily encouraged by the vision and leadership of the Department of Juvenile Services Secretary, Kenneth C. Montague, Jr., and the Governor's Office for Children, Youth, and Families Special Secretary, M. Teresa Garland. As a result of this leadership, the following initiatives are in the process of implementation. The opening of the Baltimore Juvenile Justice Center, the Western Maryland Children's Center and the Lower Eastern Shore Children's Center will help alleviate the overcrowding currently experienced. Efforts are underway to address the systemic and facility specific issues related to the abuse of youth in Department of Juvenile Services facilities. A multi-agency workgroup has been tasked with studying this issue and making recommendations for change. In addition, multi-agency protocols are being established to more clearly delineate the role of each agency in the reporting, investigation, and disposition of cases involving residential abuse. Also, the National Juvenile Detention Association is conducting a needs assessment and implementing a comprehensive training curriculum for Maryland's detention facilities. Further, physical plant improvements to enhance the safety and security of both youth and staff are being pursued.

However, there remains much work to be accomplished to ensure that youth in these facilities are receiving appropriate programming and services within a safe and secure setting. The Department of Juvenile Services can not fulfill this obligation alone. Other state and local agencies, including the private sector, must all play a greater role in assisting the Department of Juvenile Services. Successful treatment and re-integration of youth back into the community are components of sound public policy which will result in reduced recidivism and improved public safety.

Our Office looks forward to continuing in our work to assist in the transformation of Maryland's juvenile justice system.

Ralph B. Thomas
Executive Director
Office of the Independent Juvenile Justice Monitor

MISSION STATEMENT

To promote the positive transformation of the juvenile justice system to meet 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;
- Collecting and evaluating all information;
- Reporting findings and recommendations; and,
- Monitoring actions taken.

HISTORY OF THE OFFICE OF THE INDEPENDENT JUVENILE JUSTICE MONITOR

During the winter of 1999 the former Maryland Department of Juvenile Justice received national media coverage concerning the treatment of youth in their boot camp facilities. A thorough task force investigation of the Department was ordered. One of the outstanding findings of this task force was that there was no oversight of the Department.

Recognizing the need for external review of the Department's residential facilities, the establishment of an Independent Juvenile Justice Monitor was proposed within the Subcabinet for Children, Youth, and Families. As a result, in February of 2000, the Department of Juvenile Justice and the Subcabinet for Children, Youth, and Families signed a Memorandum of Agreement (MOA) establishing the Independent Juvenile Justice Monitor within the Governor's Office for Children, Youth, and Families.

The responsibilities of the Independent Monitor, per the MOA, included reviewing and evaluating the child advocacy-grievance process in the Department of Juvenile Justice; the operation of the Department's Inspector General; the treatment of and services to youth; and the physical plant conditions in facilities.

In September of 2000 the Office of the Independent Juvenile Justice Monitor became operational with the hiring of two monitors. However, it became apparent that the Office of the Independent Monitor required additional staffing in order to adequately maintain a level of review consistent with its assigned responsibilities. In late March 2001 three additional monitors were hired through a grant from the Governor's Office of Crime Control and Prevention.

While the Office of the Independent Juvenile Justice Monitor identified issues and concerns within its assigned facilities, there was a perceived lack of autonomy and permanency of function. Funding for the Office was derived from transferred monies from the Department of Juvenile Justice's budget. Also, any party to the Memorandum of Understanding establishing the Office could terminate this agreement based upon on the annual review of this agreement.

In order to address these issues, legislation to codify the Office of the Independent Juvenile Justice Monitor (House Bill 971, see Appendix A) was introduced and passed *unanimously in the 2002 legislative session. HB 971 was signed into law on April 25,* 2002 with an effective date of October 1, 2002. As a result of HB 971, funding for the Office was derived from general funds and the statutory duties of the Office were identified to include the evaluation at each facility of:

- The child advocacy grievance process;

- The Department's monitoring process;
- The treatment of and services to youth;
- The physical conditions of the facility; and,
- The adequacy of staffing.

In order to carry out these functions, HB 971 provides that the Office shall:

- Review all reports of disciplinary actions, grievances, and dispositions and alterations in the status or placements that result in more security, additional obligations, or less personal freedom.
- Receive copies of the grievances submitted to the Department.
- Perform unannounced site visits and on-site inspections.
- Receive and review all incident reports submitted to the Department from facilities.
- Receive reports of the findings of child protective services investigations of allegations within facilities.
- Be available to attend meetings of the State Advisory Board and facility advisory boards.

Further, HB 971 provides that the Office may:

- Review relevant laws, policies, procedures, and juvenile justice records, including records relating to individual youth.
- On request, conduct interviews with staff, youth, and others.
- Review investigative reports produced by the Department relating to youth in facilities.
- Participate, within the context of the local department of social services' multidisciplinary team process, in a child protective services investigation concerning any allegation of abuse or neglect within any assigned facility.

STAFF

Ralph Thomas, Executive Director, directs and coordinates the activities of the office. He possesses a Master of Science degree in Juvenile Justice from Eastern Kentucky University. Mr. Thomas began his career as a juvenile probation officer advancing to a probation director. Subsequently, Mr. Thomas served as a regional manager with the Virginia Department of Juvenile Justice responsible for various residential and community based programs. He has also served as an adjunct instructor in criminal justice at Central Texas College.

Earl El-Amin, Deputy Director, assists in the coordination of activities in the office. He also monitors facilities in the greater Baltimore area including the Baltimore Juvenile Justice Center scheduled to open in late fall 2003. Prior to his current position, Mr. El-Amin served as ombudsman with OCYF, was the director of an acclaimed youth diversion program and served as a consultant in the closure of the Montrose School. He is also an adjunct instructor at Sojourner-Douglass College. Mr. El-Amin has published numerous articles on juvenile justice. He has a Bachelor of Science Degree from Morgan State University and a Bachelor of Arts Degree from Sojourner Douglass College.

Philip "Jeff" Merson, Juvenile Justice Monitor, monitors facilities in Central Maryland. He is responsible for the Charles H. Hickey School, the Thomas J. S. Waxter Children's Center, the Thomas O'Farrell Youth Center and the Sykesville Shelter Home for females. Mr. Merson served 26 years with the Maryland State Police and retired as a Sergeant in 1999. He served 5 years on the Special Tactical Assault Team Element for the State Police, was instrumental in establishing the Child Abuse Sexual Assault Unit in Carroll County, and he spent the last 6 years of his career with the FBI on a Violent Crime Task Force in Baltimore City. Upon retirement, Mr. Merson became the Admissions Coordinator for Bowling Brook Preparatory School, a highly touted private residential treatment facility for aggressive adjudicated young men. Mr. Merson then became an investigator with the Department of Juvenile Justice and served as the Assistant Director of Investigations from 2000 through 2001 before joining the Office of the Independent Juvenile Justice Monitor. Mr. Merson holds a Master's Degree in Education from Loyola College.

Kim Bones, Juvenile Justice Monitor, works with facilities in Eastern Maryland. She monitors Cheltenham Youth Center, J. DeWeese Carter Children's Center, Alfred D. Noyes Children's Center; Eastern Shore Structured Shelter Care, and the Lower Eastern Shore Children's Center, scheduled to open in the fall of 2003. Previously, Ms. Bones served as Grievance Supervisor investigating staff and inmate grievances in the York County, Pa., Prison. She also served as a Hearing Officer on the Disciplinary Hearing Board. Ms. Bones completed an internship in a North Carolina State juvenile detention facility and has also worked in a number of residential and community based programs in Maryland and Pennsylvania, including electronic

monitoring. She has a Bachelor of Arts Degree from North Carolina Central University.

Timothy Snyder, Juvenile Justice Monitor, works with facilities in Western Maryland. He is assigned to the Hagerstown Holdover Center, the four Youth Centers and the Western Maryland Children's Center scheduled to open in the fall of 2003. Mr. Snyder has a Master of Arts Degree in Pastoral Counseling with special emphasis in marriage and family counseling from LaSalle University. Mr. Snyder was the Director of the New Dominion School in Maryland, a residential program for troubled youth, prior to his current position. Mr. Snyder has worked in various capacities in youth residential settings previously and has served as a consultant to families experiencing difficulties with their children.

Phyllis Polston, Legal and Compliance Administrative Assistant, provides ongoing support and coordination for the activities of the Office of the Independent Juvenile Justice Monitor and the Assistant Attorney General for OCYF. Ms. Polston has seventeen years of State experience within the Executive Department. Her present position also includes serving as the Governor's Correspondence Coordinator, directing and assigning all of the Governor's correspondence throughout OCYF. She has two years of college credit and has participated in extensive trainings and conferences. Prior to State employment, Ms. Polston worked in the area of child abuse and neglect for a non-profit organization and also in equal employment opportunity/personnel operations within the Federal Government.

ASSIGNED DJS FACILITIES

FACILITY	LOCATION	MONITOR
Allegany Girls Group Home	Allegany County	Tim Snyder
Green Ridge Youth Center	Allegany County	Tim Snyder
Maple Run Youth Center *	Allegany County	Tim Snyder
Thomas J. S. Waxter Children's Center	Anne Arundel County	Jeff Merson
Baltimore Juvenile Justice Center #	Baltimore City	Earl El-Amin
Ferndale Group Home	Baltimore City	Earl El-Amin
Maryland Youth Residence Center	Baltimore City	Earl El-Amin
Mount Clare House	Baltimore City	Earl El-Amin
William Donald Schaefer House	Baltimore City	Earl El-Amin
Guide Northeast Shelter Home	Baltimore County	Earl El-Amin
Charles H. Hickey, Jr. School	Baltimore County	Jeff Merson
Thomas O'Farrell Youth Center	Carroll County	Jeff Merson
Sykesville Group Shelter Home	Carroll County	Jeff Merson
Eastern Shore Structured Shelter Care	Dorchester County	Kim Bones
Hurlock Youth Center *	Dorchester County	Kim Bones
Victor Cullen Academy *	Frederick County	Jeff Merson
Backbone Mountain Youth Center	Garrett County	Tim Snyder
Meadow Mountain Youth Center	Garrett County	Tim Snyder
Savage Mountain Youth Center	Garrett County	Tim Snyder
J. DeWeese Carter Children's Center	Kent County	Kim Bones
Alfred D. Noyes Children's Center	Montgomery County	Kim Bones
Cheltenham Youth Facility	Prince George's County	Kim Bones
Hagerstown Holdover Program	Washington County	Tim Snyder
Western Md. Children's Center #	Washington County	Tim Snyder
Lower Eastern Shore Children's Center #	Wicomico County	Kim Bones

** Facility not currently in operation*

 # Facility under construction – to be opened

OFFICE ACTIVITIES FOR FISCAL 2003

VISITATION

As illustrated in the preceding chart, monitors are assigned to specific facilities. The monitors are deployed on a regional basis in proximity to their homes and assigned facilities in order to maximize the level of visitation. Many visits by monitors occur on evenings and/or weekends when there is a higher incidence of problems. Most visits are unannounced. Also, monitors make more frequent visits to the larger, physically secure facilities due to the higher incidence of issues within these programs. During FY 2003 the Office of the Independent Juvenile Justice Monitor made 403 visits to 21 facilities (see Appendix B).

During visits, monitors interview both youth and staff. In addition, monitors review facility records including cottage logs, grievance reports, incident reports, suicide watch forms, medical data, and staffing assignments. Further, monitors make inspections of the facilities to determine the status of the physical plant.

State Advisory Councils exist in some of the Department of Juvenile Services facilities. These councils are composed of members of the community and local governing bodies who are charged with making recommendations to the Secretary to improve the conditions within these facilities. The monitors attend and participate in these meetings on a regular basis.

REPORTING

Based upon the monitors' visitation to facilities, written reports are developed and submitted. Historically, visitation reports have been issued to the Secretary of the Department of Juvenile Services and the Special Secretary of the Governor's Office for Children, Youth, and Families on a bi-monthly basis. Special reports detailing significant events would occasionally be issued as circumstances dictated.

Both types of reports contain a corrective action plan noting the monitor's findings and recommendations. This corrective action plan is completed by the Department of Juvenile Services to address and remedy the issues cited. The Office of the Independent Juvenile Justice Monitor reviews the corrective action to determine if the stated plan properly addresses the issues cited. If, in the opinion of the Office of the Juvenile Justice Monitor, the plan fails to adequately address the issues cited, the corrective action plan is returned to the Department of Juvenile Services with comment and a request to amend. The Department of Juvenile Services then resubmits the corrective action plan. If the Office of the Independent Juvenile Justice Monitor and the Department of Juvenile Services can not reach agreement on the corrective action plan, the matter may be referred the Special Secretary of the Governor's Office for Children, Youth, and Families and Secretary of the Department of Juvenile Services for resolution.

The pattern of reporting has evolved due to the new requirements contained in HB 971, which became effective October 1, 2003. HB 971 mandates the Office of the Independent Juvenile Justice Monitor to issue three types of reports:

1. In a timely manner to the Subcabinet, Special Secretary, the Secretary, the Speaker of the House of Delegates, and the President of the Senate
    - Knowledge of any problem regarding the care, supervision, and treatment of children in facilities;
    - Findings, actions, and recommendations, related to the investigation of disciplinary actions, grievances, incident reports, and alleged cases of child abuse and neglect; and
    - All other findings and actions related to the monitoring required by HB 971.

2. Quarterly to the Special Secretary and Secretary, the State Advisory Board for Juvenile Justice, the Speaker of the House of Delegates, and the President of the Senate
    - All activities of the Office;
    - Actions taken by the Department resulting from the findings and recommendations of the Independent Monitor, including the Department's response; and
    - A summary of any violations of the standards and regulations of the Department that remain unabated for 30 days or more during the reporting period.

3. Beginning in 2003, on or before November 30 of each year, the Office shall report to the Special Secretary, the Secretary, the State Advisory Councils, the Governor, the Speaker of the House of Delegates, and the President of the Senate
    - All activities of the Office; and
    - Actions taken by the Department in response to findings and recommendations of the Independent Monitor.

The Office of the Independent Juvenile Justice Monitor has revised its reporting procedures to comply with HB 971. All visitation reports are now issued as "timely reports" as defined in HB 971 and will continue to utilize the corrective action plan format to detail findings, recommendations, and the Department's response. To date, three quarterly reports have been issued. The last quarterly report covering April-June 2003 is attached to this report as an appendix.

REVIEW OF INCIDENT REPORTS

The Department of Juvenile Services maintains a system wide incident reporting database which the Office of the Independent Juvenile Justice Monitor may access via the Internet. Monitors regularly review this database as well as other reports and information resulting from their visits. In addition, the Office of the Independent Juvenile Justice Monitor

obtains hard copies of the submitted incident reports that include supplemental information such as witness statements. The information gathered from the review of the incident reporting process allows monitors to determine whether accurate information is being collected by the Department regarding facility operations, assists in the collaboration with the Department's internal monitoring and investigation division (Office of Professional Responsibility and Accountability – OPRA), and helps identify potential trends within facilities.

GRIEVANCE REVIEW

Monitors, during their facility visitation, discuss with youth their knowledge of and satisfaction with the Department of Juvenile Services' grievance process. The Department of Juvenile Services assigns Child Advocates to facilities who review and process youth grievances. If a youth has not forwarded a grievance to the assigned Child Advocate, the monitor will normally encourage him/her to do so or make the referral on behalf of the youth. Monitors also regularly dialogue with the Child Advocates regarding activities and concerns within the facilities.

LEGISLATIVE AND POLICY ADVOCACY

The Office of the Independent Juvenile Justice Monitor, as part of the Office of the Governor's Office for Children, Youth, and Families, has opportunity to review and offer comment on proposed legislation impacting youth. Abuse of youth within residential settings has been a particular interest of this Office. In its monitoring activity, this Office has identified numerous issues associated with the reporting, investigation, and disposition of allegations involving the abuse and neglect of youth within residential settings. Not all cases of alleged child abuse and neglect are reported by residential facilities to the proper authorities. If reported, sometimes the local department of social services and the appropriate law enforcement entity may not coordinate their investigatory initiatives. Further, one agency may not know of the other's disposition of a case. This has occasionally allowed a person who has abused or neglected a youth to remain in contact with the youth in residential settings.

House Bill 971 now allows the Office of the Independent Juvenile Justice Monitor to receive notice from local department of social services when an allegation of abuse and neglect is reported within one of this Office's assigned facilities. Further, this Office may participate in a multidisciplinary team process with the child protective services investigation.

The monitors have been instrumental in bringing together personnel from the local department of social services, State Police, State's Attorney's Office, and Department of Juvenile Services to develop a draft protocol for the handling of allegations concerning abuse and neglect in a number of jurisdictions.

While this additional involvement with the child abuse investigatory process has assisted this Office in its work in this area, many problems remain. Recognizing this, the Special Secretary and Secretaries of the Department of Juvenile Services and the Department of

Human Resources have established a multi-agency task force to further address these issues and make recommendations for change.

The Office of the Independent Juvenile Justice Monitor is also supportive of the Governor's proposed legislation concerning child abuse and neglect.

INTERAGENCY RELATIONS

The Office of the Independent Juvenile Justice Monitor has established productive working relationships with other youth-serving agencies and organizations. These agencies and organizations include:

- Detention Response Unit of the Baltimore Public Defender's Office
- Maryland Disability Law Center
- Suicide Prevention Network
- American Bar Association
- Annie E. Casey Foundation
- National Juvenile Detention Association
- American Correctional Association
- National Center on Institutions and Alternatives
- State Juvenile Justice Advisory Board
- State Juvenile Justice Advisory Councils
- Maryland State Police
- State's Attorney's Offices
- Maryland Association of Resources for Families and Youth
- Maryland Juvenile Justice Coalition
- Local Management Boards
- Local Departments of Social Services

ACCOMPLISHMENTS

- Initiated and coordinated efforts to develop and/or update Institutional Child Abuse Response Protocol Agreements between local Child Protective Services, the Maryland State Police, the Department of Juvenile Services and juvenile facilities in the counties of Baltimore (Hickey), Montgomery (Noyes), Anne Arundel (Waxter), and Carroll (Thomas O'Farrell and Sykesville Shelter).

- Participated in Child Abuse/Neglect Multidisciplinary Teams.

- Initiated and coordinated efforts to enhance the participation of the Department of Juvenile Services and the Maryland State Police investigators in the Child Abuse Multidisciplinary Review Process in the counties of Baltimore, Anne Arundel and Carroll.

- Provided several training modules in Juvenile Rights and Child Abuse Recognition and Reporting Procedures for new employees of the Department of Juvenile Services.

- Identified issues and facilitated discussion regarding the quality of the educational programming within the Youth Centers.

- Regularly attended and participated in facility Advisory Board meetings.

- Advocated for enhanced programming and recreational services in Youth Centers.

- Issued several special reports outlining findings and recommendations in response to significant incidents within Department of Juvenile Services facilities.

- Presented at the Annual Governor's Annual Conference on Child Abuse and Neglect.

- Documented the need to implement and revise various standard operating procedures within facilities.

- Identified the need for preparatory training of newly hired line staff to increase their competency and to expedite their availability to work with youth.

- Pursuant to this Office's recommendation, the Charles County Adult Detention Center provided security and operations training to Cheltenham staff.

- Physical plant enhancements recommended and completed:
  - Cheltenham – renovated infirmary unit;
  - Maryland Youth Residence Center – installed video-monitoring equipment for exterior and interior of facility and renovated computer lab;
  - Mount Clare House – completed numerous renovations;
  - Guide Shelter – implemented numerous capital improvements;
  - Ferndale – completed 3rd floor renovation;
  - Western Md. Children's Center – recommended modifications to ensure safety and security;
  - Detention facilities – installed suicide proof air vents in all facilities except Hickey.
  - Waxter – installed exterior video monitoring equipment.

FINDINGS AND RECOMMENDATIONS AND DEPARTMENT OF JUVENILE SERVICES ACTIONS

The last available Office of the Independent Juvenile Justice Monitor's Quarterly Report (see appendix C) covering April-June 2003 provides a current summary of issues by facility and the Department of Juvenile Services' reported actions.

OUTSTANDING ISSUES AND RECOMMENDATIONS

CHILD ABUSE

While progress in the identification, reporting, investigation and disposition of residential child abuse and neglect allegations has been made, continued focus on this matter must occur. This issue is not unique to Department of Juvenile Services facilities, but is also a matter of concern in additional youth serving residential care programs operated by both private and other public agencies.

STANDARDS

A comprehensive set of standards governing Department of Juvenile Services, both for secure and non-secure facilities, is lacking. Department of Juvenile Services standards for secure detention have not been revised since their adoption in November 2000. These standards do not cover many of the requirements addressed in nationally recognized standards and only govern secure detention facilities. Standards do not exist for Department of Juvenile Services operated facilities such as short-term shelters, group homes, and commitment care programs (Youth Centers).

DETENTION OVERCROWDING

Overpopulation results from excessive admissions and prolonged lengths of stay, due largely to youth pending permanent placement. Populations exceed budgeted capacity and architectural design and create inadequate staffing ratios. Life, health and safety issues persist in many facilities, imperiling both youth and staff. Staff members who fear for their own safety cannot be expected to provide meaningful programming. Youth are often idle, especially during weekends and evenings, when staffing is minimal. The Department of Juvenile Services should continue the implementation statewide of its intake risk assessment tool to screen for detention admission. Shelter placements and other community alternatives to detention should be initiated as much as possible.

FEW OPTIONS OTHER THAN COMMITMENT

The Juvenile Court has too few options other than committing youth to state operated detention and other residential care programs. Localities have little or no responsibility to provide services to youth involved in the juvenile justice system. For youth requiring services beyond what may be available by non-profit or other small organizations within a jurisdiction, the court system must rely upon committing a youth to the custody of the Department of Juvenile Services even if the court wishes to have the youth placed in a group home, which should be an extension of the local community and affiliated social and educational services. Youth requiring only more structured community programming and not secure placement are then usually placed in a detention facility

such as Cheltenham and Hickey pending DJS processing and, hopefully, eventual placement in a group home should space be found. This results in youth being unnecessarily detained, minimally delinquent youth being exposed to severely delinquent youth, overcrowding in detention, prolonged time in finding placements, inappropriate placements occurring due to the system relying upon first available vacant bed regardless of the youth's needs, and youth not being placed closer to family and other support systems.

The system must be redesigned to create more local, community programs and viable options outside of state care for the juvenile court. A number of states have created such incentives for local jurisdictions and maximized community programming and services.

Such expanded local programming could also occur in Maryland with limited fiscal impact. Maryland is already expending a significant portion of funding for juvenile services but with a disproportionate amount designated for detention and deep end residential care. With limited venture capital to initiate new services within localities, a determination of what the state expended for a particular locality for detention and other residential care could be calculated, and these funds could be administered locally with the court/locality deciding how it wished to expend its funds in providing services to youth. Local control of funding would create incentives to develop less expensive options for treatment of youth and reach youth at earlier stages in the judicial process with an increased chance for success.

ANTIQUATED FACILITIES

Most facilities are antiquated and functionally obsolete. Not only does this impact the ability to deliver services but creates public safety concerns due to the lack of security. The recent escapes from Cheltenham and Hickey attest to this. The capital improvement plan for these facilities should take into account the need to renovate and consolidate the footprint of structures to improve operations and security/supervision.

CONTINUED ASSAULTS

A high incidence of youth-on-youth and youth-on-staff assaults continues in larger facilities. The volume of incident reports and grievances taxes the ability of DJS to process and investigate completely. Under-reporting of incidents at Cheltenham continues to occur. DJS lacks quality-control procedures. To enhance security, we have recommended video monitoring equipment and more managerial review of operations.

SUICIDE POLICY

The suicide prevention policy and procedure has not been fully and consistently implemented. Youth with severe mental health issues remain in DJS facilities, which are not equipped to appropriately serve this population. DJS has violated its own policy and procedure by being unable to adequately screen, refer and supervise suicidal youth. Additional commitment and resources are required to appropriately address this problem.

STAFF LACKS TRAINING

A lack of training for both line and supervisory staff contributes to the problems within DJS facilities. DJS detention personnel and members of our office will attend the

National Juvenile Detention Association's Annual Training Conference in October. In addition, we have requested on site training and technical assistance from the National Juvenile Detention Association for a needs assessment and to provide training in identified areas.

STATE ADVISORY COUNCILS

A number of DJS facilities have local advisory councils established to inform and make recommendations to the DJS Secretary and the State Juvenile Justice Advisory Board. Guidelines detailing the duties and responsibilities of these local advisory councils have been drafted but not yet promulgated. The structure and functioning of these boards varies from each facility. Attendance and participation among the members of the Cheltenham Youth Facility Advisory Council has dropped significantly. The Cheltenham Council members have voiced their concern over not being accurately apprised in a timely manner of the facility's operational issues, not being provided interaction with line staff and youth, and not receiving guidance as to how to communicate their concerns to the Secretary and State Juvenile Justice Advisory Board. Not only should the draft guidelines be promulgated, but also formalized board training for all advisory councils members should be provided. In addition, advisory boards should be established for those facilities that do not yet have one have in place.

APPENDICES

Appendix A – House Bill 971

Appendix B – Visitation Chart

Appendix C – Quarterly Report for April-June 2003

Appendix A

House Bill 971

HOUSE BILL 971

Unofficial Copy 2002 Regular
Session
E3 (2lr0956)

ENROLLED BILL
-- Judiciary and Ways and Means/Judicial Proceedings --

Introduced by **Delegates Montague, Doory, Getty, Grosfeld, Brown, Pitkin, Dembrow, Franchot, McHale, Menes, Benson, McIntosh, Cole, Gladden, Phillips, V. Jones, Boschert, Owings, Hecht, Marriott, Zirkin, Hutchins, Proctor, D. Davis, Heller, R. Baker, Kagan, Hubbard, Leopold, Sher, Turner, Rosenberg, Petzold, Nathan-Pulliam, Cane, Cryor, Patterson, Shriver, Conway, Shank, W. Baker, Cadden, Rzepkowski, Hurson, Valderrama, McKee, Bobo, Healey, ~~and Eckardt~~ Eckardt, Conroy, Howard, and Rosso**

Read and Examined by Proofreaders:

_____
Proofreader.

_____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____M.

_____
Speaker.

CHAPTER_____

1 AN ACT concerning

2 **Office for Children, Youth, and Families - *Codification of the* Office of the**
3 **Independent Juvenile Justice Monitor**

4 FOR the purpose of altering the units ~~which~~ *that* are included in the Office for
5 Children, Youth, and Families; *codifying the Independent Monitor in the Office*
6 *for Children, Youth, and Families;* establishing the Office of the Independent
7 Juvenile Justice Monitor within the Office for Children, Youth, and Families;
8 requiring the Office to employ certain staff; providing for certain salaries and
9 expenses; requiring the Office to set certain salaries, qualifications, and
10 standards in a certain manner; establishing certain duties of the Office;

1 authorizing the Office to take certain actions; requiring certain reports to be
2 provided by the Office; requiring the Department of Juvenile Justice to adopt a
3 certain policy for addressing disciplinary actions and grievances; requiring the
4 Department to cooperate with the Office in a certain manner; requiring the
5 Department to respond to certain requests by the Office in a certain time period;
6 authorizing certain investigations; authorizing the disclosure of certain records
7 concerning child abuse and neglect to the Office under certain circumstances;
8 defining certain terms; and generally relating to the creation of the Office of the
9 Independent Monitor within the Office for Children, Youth, and Families.

10 BY repealing and reenacting, with amendments,
11 Article 49D - Office for Children, Youth, and Families
12 Section 1
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2001 Supplement)

15 BY adding to
16 Article 49D - Office for Children, Youth, and Families
17 Section 40 through 45, inclusive, to be under the new subtitle "Office of the
18 Independent Juvenile Justice Monitor"
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2001 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 83C - Juvenile Justice
23 Section 2-118 *and 2-119*
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 2001 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 88A - Department of Human Resources
28 Section 6(b)
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2001 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
32 MARYLAND, That the Laws of Maryland read as follows:

33 **Article 49D - Office for Children, Youth, and Families**

34 1.

35 (a) The Office for Children, Youth, and Families is created as part of the
36 Executive Department.

1 (b) The head of the Office is the Special Secretary for Children, Youth, and
2 Families. The Special Secretary is appointed by and serves at the pleasure of the
3 Governor and is directly responsible to him. The Special Secretary shall receive the
4 salary provided in the State budget.

5 (c) The Office shall have a Director and the assistants, fiscal analysts,
6 consultants, and employees provided in the State budget. The Special Secretary may
7 establish areas of responsibility within the Office and may designate staff as
8 necessary to fulfill the duties assigned to the Special Secretary.

9 (d) The following units are in the Office:

10 (1) Advisory Committee for Children, Youth, and Families;

11 (2) Children's councils;

12 (3) Governor's Council on Adolescent Pregnancy;

13 (4) State Coordinating Council for Residential Placement of
14 Handicapped Children; [and]

15 (5) OFFICE OF THE INDEPENDENT JUVENILE JUSTICE MONITOR; AND

16 [(5)] (6) Other multiple agency initiatives for children, youth, and
17 families that are not reserved by law to another agency.

18 OFFICE OF THE INDEPENDENT JUVENILE JUSTICE MONITOR

19 40.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) "DISCIPLINARY ACTION" MEANS ANY PUNITIVE ACTION ~~OR ALTERATION~~
23 ~~IN THE STATUS OR PLACEMENT OF~~ *AGAINST* A CHILD THAT RESULTS IN MORE
24 SECURITY, ADDITIONAL OBLIGATIONS, OR LESS PERSONAL FREEDOM.

25 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE JUSTICE.

26 (D) "FACILITY" MEANS:

27 (1) *A* RESIDENTIAL ~~FACILITIES~~ *FACILITY* OPERATED BY THE
28 DEPARTMENT; AND

29 (2) *A* RESIDENTIAL ~~FACILITIES~~ *FACILITY* OWNED BY THE DEPARTMENT
30 BUT PRIVATELY OPERATED.

31 (E) *(1)* "GRIEVANCE" MEANS A COMPLAINT MADE BY A CHILD OR ON
32 BEHALF OF A CHILD ~~BY A PARENT, GUARDIAN, OR ATTORNEY FOR THE CHILD~~ DUE TO
33 A CIRCUMSTANCE OR ACTION CONSIDERED TO BE UNJUST.

1 *(2) "GRIEVANCE" DOES NOT INCLUDE AN EMPLOYEE GRIEVANCE,*
2 *DISCIPLINARY APPEAL, OR COMPLAINT.*

3 (F) "INDEPENDENT JUVENILE JUSTICE MONITOR" MEANS AN INDIVIDUAL
4 EMPLOYED BY THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES TO DETERMINE
5 WHETHER THE NEEDS OF CHILDREN UNDER THE JURISDICTION OF THE
6 DEPARTMENT ARE BEING MET IN COMPLIANCE WITH STATE LAW, THAT THEIR
7 RIGHTS ARE BEING UPHELD, AND THAT THEY ARE NOT BEING ABUSED.

8 (G) "OFFICE" MEANS THE OFFICE OF THE INDEPENDENT JUVENILE JUSTICE
9 MONITOR.

10 (H) "SECRETARY" MEANS THE SECRETARY OF JUVENILE JUSTICE.

11 (I) "SUBCABINET" MEANS THE SUBCABINET FOR CHILDREN, YOUTH, AND
12 FAMILIES.

13 (J) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY ~~FOR THE OFFICE~~
14 FOR CHILDREN, YOUTH, AND FAMILIES.

15 41.

16 THERE IS AN OFFICE OF THE INDEPENDENT JUVENILE JUSTICE MONITOR IN
17 THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES.

18 42.

19 (A) THE OFFICE SHALL INCLUDE:

20 (1) A FULL-TIME EXECUTIVE DIRECTOR; AND

21 (2) STAFF AS PROVIDED IN THE STATE BUDGET.

22 (B) ALL SALARIES FOR THE EXECUTIVE DIRECTOR AND INDEPENDENT

23 JUVENILE JUSTICE MONITORS AND EXPENSES FOR RENT, EQUIPMENT, SUPPLIES,
24 AND GENERAL OPERATING ~~MATERIALS~~ *EXPENSES* NECESSARY FOR THE WORK OF
25 THE OFFICE SHALL BE AS PROVIDED IN THE STATE BUDGET.

26 (C) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT,
27 THE OFFICE SHALL SET MINIMUM SALARIES, QUALIFICATIONS, AND STANDARDS OF
28 TRAINING AND EXPERIENCE FOR POSITIONS WITH THE OFFICE.

29 43.

30 THE OFFICE SHALL:

31 (1) EVALUATE AT EACH FACILITY:

32 (I) THE CHILD ADVOCACY GRIEVANCE PROCESS;

1 (II) THE DEPARTMENT'S MONITORING ~~AND INTERNAL~~
2 ~~INVESTIGATIVE PROCESSES~~ *PROCESS*;

3 (III) THE TREATMENT OF AND SERVICES TO YOUTH;

4 (IV) THE PHYSICAL CONDITIONS OF THE FACILITY; AND

5 (V) THE ADEQUACY OF STAFFING;

6 (2) REVIEW ALL REPORTS OF DISCIPLINARY ACTIONS, GRIEVANCES,
7 AND GRIEVANCE DISPOSITIONS RECEIVED FROM EACH FACILITY *AND ALTERATIONS*
8 *IN THE STATUS OR PLACEMENT OF A CHILD THAT RESULT IN MORE SECURITY,*
9 *ADDITIONAL OBLIGATIONS, OR LESS PERSONAL FREEDOM*;

10 (3) RECEIVE COPIES OF THE GRIEVANCES SUBMITTED TO THE
11 DEPARTMENT;

12 (4) PERFORM UNANNOUNCED SITE VISITS AND ON-SITE INSPECTIONS
13 OF FACILITIES;

14 (5) RECEIVE AND REVIEW ALL INCIDENT REPORTS SUBMITTED TO THE
15 DEPARTMENT FROM ~~RESIDENTIAL~~ FACILITIES; ~~AND~~

16 (6) RECEIVE *REPORTS OF THE* FINDINGS OF CHILD PROTECTIVE
17 SERVICES ~~RELATING TO~~ *INVESTIGATIONS OF* ALLEGATIONS OF ABUSE OR NEGLECT
18 OF A CHILD IN A FACILITY*; AND*

19 *(7) BE AVAILABLE TO ATTEND MEETINGS OF THE STATE ADVISORY*
20 *BOARDS ESTABLISHED UNDER ARTICLE 83C, § 2-119 OF THE CODE.*

21 44.

22 THE OFFICE ~~OF THE INDEPENDENT JUVENILE JUSTICE MONITOR~~ MAY:

23 (1) REVIEW RELEVANT LAWS, POLICIES, PROCEDURES, AND JUVENILE
24 JUSTICE RECORDS, INCLUDING RECORDS RELATING TO INDIVIDUAL YOUTH ~~OR~~
25 ~~STAFF~~;

26 (2) ON REQUEST, CONDUCT INTERVIEWS WITH STAFF, YOUTH, AND
27 OTHERS;

28 *(3)* *REVIEW INVESTIGATIVE REPORTS PRODUCED BY THE DEPARTMENT*
29 *RELATING TO YOUTH IN FACILITIES;* AND

30 ~~(3)~~ *(4)* PARTICIPATE*, WITHIN THE CONTEXT OF THE LOCAL*
31 *DEPARTMENT OF SOCIAL SERVICES' MULTIDISCIPLINARY TEAM PROCESS,* IN ~~AN~~ *A*
32 *CHILD PROTECTIVE SERVICES* INVESTIGATION *CONDUCTED UNDER TITLE 5,*
33 *SUBTITLE 7 OF THE FAMILY LAW ARTICLE* CONCERNING ANY ALLEGATION OF ABUSE
34 OR NEGLECT WITHIN ANY ASSIGNED FACILITY.

1 45.

2 (A) THE OFFICE SHALL REPORT IN A TIMELY MANNER TO THE SUBCABINET,
3 SPECIAL SECRETARY, THE SECRETARY, AND IN ACCORDANCE WITH § 2-1246 OF THE
4 STATE GOVERNMENT ARTICLE, THE SPEAKER OF THE HOUSE OF DELEGATES AND
5 THE PRESIDENT OF THE SENATE:

6 (1) KNOWLEDGE OF ANY PROBLEM REGARDING THE CARE,
7 SUPERVISION, AND TREATMENT OF CHILDREN IN FACILITIES;

8 (2) FINDINGS, ACTIONS, AND RECOMMENDATIONS, RELATED TO THE
9 INVESTIGATIONS OF DISCIPLINARY ACTIONS, GRIEVANCES, INCIDENT REPORTS, AND
10 ALLEGED CASES OF CHILD ABUSE AND NEGLECT; AND

11 (3) ALL OTHER FINDINGS AND ACTIONS RELATED TO THE MONITORING
12 REQUIRED UNDER THIS SUBTITLE.

13 (B) (1) THE OFFICE SHALL REPORT QUARTERLY TO THE SPECIAL
14 SECRETARY AND THE SECRETARY.

15 (2) A COPY OF THE REPORT SHALL BE PROVIDED TO THE STATE
16 ADVISORY BOARD FOR JUVENILE JUSTICE AND, IN ACCORDANCE WITH § 2-1246 OF
17 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

18 (3) THE REPORT SHALL INCLUDE:

19 (I) ALL ACTIVITIES OF THE OFFICE; ~~AND~~

20 (II) ACTIONS TAKEN BY THE DEPARTMENT ~~IN RESPONSE TO~~
21 *RESULTING FROM THE* FINDINGS AND RECOMMENDATIONS ~~PRESENTED IN REPORTS~~
22 ~~REQUIRED UNDER THIS SECTION~~ *OF THE INDEPENDENT MONITOR, INCLUDING THE*

23 *DEPARTMENT'S RESPONSE; AND*

24 *(III) A SUMMARY OF ANY VIOLATIONS OF THE STANDARDS AND*
25 *REGULATIONS OF THE DEPARTMENT THAT REMAINED UNABATED FOR 30 DAYS OR*
26 *MORE DURING THE REPORTING PERIOD.*

27 ~~(C) (1) THE OFFICE SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE~~
28 ~~STATE GOVERNMENT ARTICLE, TO THE SPEAKER OF THE HOUSE OF DELEGATES AND~~
29 ~~PRESIDENT OF THE SENATE ANY VIOLATIONS OF THE STANDARDS AND~~
30 ~~REGULATIONS OF THE DEPARTMENT THAT HAVE BEEN UNABATED FOR 30 DAYS OR~~
31 ~~MORE.~~

32 ~~(2) THE SPEAKER OF THE HOUSE OF DELEGATES AND THE PRESIDENT~~
33 ~~OF THE SENATE MAY REFER THE REPORT TO THE APPROPRIATE COMMITTEE FOR A~~
34 ~~HEARING.~~

35 ~~(D)~~ *(C)* BEGINNING IN 2003, ON OR BEFORE NOVEMBER 30 OF EACH YEAR,
36 THE OFFICE SHALL REPORT TO THE SPECIAL SECRETARY, THE SECRETARY, *THE*
37 *STATE ADVISORY COUNCILS ESTABLISHED UNDER ARTICLE 83C, § 2-119 OF THE*

1 *CODE,* THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
2 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON ALL THE ACTIVITIES OF THE
3 OFFICE AND THE ACTIONS TAKEN BY THE DEPARTMENT IN RESPONSE TO FINDINGS
4 AND RECOMMENDATIONS ~~PRESENTED IN THE REPORTS REQUIRED UNDER THIS~~
5 ~~SECTION~~ *OF THE INDEPENDENT MONITOR.*

6 **Article 83C - Juvenile Justice**

7 2-118.

8 (a) Each facility provided for in § 2-117 of this article shall operate under the
9 control and general management of the Department.

10 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,
11 the Department shall:

12 (1) Adopt regulations that set:

13 (i) Policies for admission, transfer, discharge, and aftercare
14 supervision; and

15 (ii) Standards of care, including provisions to administer any early,
16 periodic screening diagnosis and treatment program that the Department approves
17 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to
18 treat appropriately any condition that the screening reveals; and

19 (2) Order any needed changes in the policy, conduct, or management of a
20 facility to provide adequate care for the children and adequate services to the courts.

21 (c) The Department shall adopt regulations applicable to residential facilities
22 it operates that:

23 (1) Prohibit the use of locked door seclusion and restraints as
24 punishment, and describe the circumstances under which locked door seclusion and
25 restraints may be used; and

26 (2) Prohibit abuse of a child.

27 (D) (1) THE DEPARTMENT SHALL ADOPT A POLICY FOR ADDRESSING
28 DISCIPLINARY ACTIONS AND GRIEVANCES WITHIN ITS FACILITIES.

29 (2) THE POLICY SHALL:

30 (I) REQUIRE PREPARATION OF A WRITTEN REPORT OF ANY
31 DISCIPLINARY ACTION TAKEN AGAINST A CHILD OR ANY GRIEVANCE WHICH SHALL
32 BE FORWARDED TO THE ADMINISTRATIVE HEAD OF THE FACILITY;

33 (II) REQUIRE THE ADMINISTRATIVE HEAD OF EACH FACILITY TO
34 REVIEW ALL REPORTS OF DISCIPLINARY ACTIONS AND GRIEVANCES; AND

1 (III) REQUIRE THE DEPARTMENT TO FORWARD IN A TIMELY
2 MANNER ALL REPORTS OF DISCIPLINARY ACTIONS, GRIEVANCES, AND GRIEVANCE
3 DISPOSITIONS FROM EACH FACILITY TO THE OFFICE OF THE INDEPENDENT
4 JUVENILE JUSTICE MONITOR UNDER ARTICLE 49D OF THE CODE.

5 [(d)] (E) The Department shall develop within each facility special programs
6 that are designed to meet the particular needs of its population.

7 [(e)] (F) The Department shall develop and provide within each facility:

8 (1) Educational programs that are designed to meet the particular needs
9 of its population;

10 (2) Alcohol abuse and drug abuse assessment services; and

11 (3) Either alcohol abuse and drug abuse referral services or an alcohol
12 abuse and drug abuse treatment program that has been certified in accordance with
13 the requirements of Title 8 of the Health - General Article.

14 (G) THE DEPARTMENT SHALL COOPERATE WITH THE OFFICE OF THE
15 INDEPENDENT JUVENILE JUSTICE MONITOR ESTABLISHED ~~IN~~ *UNDER* ARTICLE 49D
16 OF THE CODE BY:

17 (1) PROVIDING THE OFFICE WITH ACCESS TO ALL FACILITIES, REPORTS,
18 AND RECORDS RELATING TO INDIVIDUAL YOUTH ~~OR STAFF~~ UPON REQUEST;

19 (2) ALLOWING THE INDEPENDENT JUVENILE JUSTICE MONITORS TO
20 CONDUCT INTERVIEWS WITH STAFF, YOUTH, AND ANY OTHER INDIVIDUALS UPON
21 REQUEST; AND

22 (3) SUBMITTING CORRECTIVE ACTION PLANS AND INCIDENT REPORTS

23 TO THE OFFICE IN RESPONSE TO FINDINGS AND RECOMMENDATIONS MADE BY THE
24 INDEPENDENT JUVENILE JUSTICE MONITORS REGARDING A FACILITY.

25 (H) (1) THE DEPARTMENT SHALL RESPOND TO REQUESTS FOR
26 INFORMATION PERTAINING TO A FACILITY FROM AN INDEPENDENT JUVENILE
27 JUSTICE MONITOR WITHIN ~~7~~ *30* DAYS OF THE DATE OF THE REQUEST.

28 (2) IF THE DEPARTMENT DOES NOT RESPOND TO A REQUEST FOR
29 INFORMATION, THE MONITOR MAY ~~INVESTIGATE~~ *CONDUCT A REASONABLE*
30 *INVESTIGATION RELATING TO THE ORIGINAL REQUEST FOR INFORMATION.*

31 *2-119.*

32 *(a) With the consent of the State Advisory Board, the Secretary may establish*
33 *an advisory board for 1 or more facilities.*

34 *(b) Each board shall consist of individuals who the Secretary and the State*
35 *Advisory Board believe may be helpful in matters that relate to the effective operation*
36 *and improvement of the facilities.*

1 *(C) THE INDEPENDENT MONITOR ESTABLISHED UNDER ARTICLE 49D OF THE*
2 *CODE SHALL BE AVAILABLE TO ATTEND MEETINGS OF EACH ADVISORY BOARD.*

3 **Article 88A - Department of Human Resources**

4 6.

5 (b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law
6 Article, § 6A of this subtitle, and this section, all records and reports concerning child
7 abuse or neglect are confidential, and their unauthorized disclosure is a criminal
8 offense subject to the penalty set out in subsection (e) of this section. Reports or
9 records concerning child abuse or neglect:

10 (1) Shall be disclosed:

11 (i) Under a court order; or

12 (ii) Under an order of an administrative law judge, if the request for
13 disclosure concerns a case pending before the Office of Administrative Hearings and
14 provisions are made to comply with other State or federal confidentiality laws and to
15 protect the identity of the reporter or other person whose life or safety is likely to be
16 endangered by disclosure; and

17 (2) May be disclosed on request:

18 (i) To personnel of local or State departments of social services, law
19 enforcement personnel, and members of multidisciplinary case consultation teams,
20 who are investigating a report of known or suspected child abuse or neglect or who
21 are providing services to a child or family that is the subject of the report;

22 (ii) To local or State officials responsible for the administration of
23 child protective services or child care, foster care, and adoption licensing, approval, or
24 regulations as necessary to carry out their official functions;

25 (iii) To the State Council on Child Abuse and Neglect, the State

26 Citizens Review Board for Children, or their designees, or a child fatality review team
27 as necessary to carry out their official functions;

28 (iv) To a person who is the alleged child abuser or the person who is
29 suspected of child neglect if that person is responsible for the child's welfare and
30 provisions are made for the protection of the identity of the reporter or any other
31 person whose life or safety is likely to be endangered by disclosing the information;

32 (v) To a licensed practitioner who, or an agency, institution, or
33 program which, is providing treatment or care to a child who is the subject of a report
34 of child abuse or neglect for a purpose relevant to the provision of the treatment or
35 care;

36 (vi) To a parent or other person who has permanent or temporary
37 care and custody of a child, if provisions are made for the protection of the identity of

1 the reporter or any other person whose life or safety is likely to be endangered by
2 disclosing the information;

3 (vii) To the appropriate public school superintendent for the purpose
4 of carrying out appropriate personnel or administrative actions following a report of
5 suspected child abuse involving a student committed by:

6 1. A public school employee in that school system;

7 2. An independent contractor who supervises or works
8 directly with students in that school system; or

9 3. An employee of an independent contractor, including a bus
10 driver or bus assistant, who supervises or works directly with students in that school
11 system; [or]

12 (viii) To the director of a licensed child care facility or licensed child
13 placement agency for the purpose of carrying out appropriate personnel actions
14 following a report of suspected child neglect or abuse alleged to have been committed
15 by an employee of the facility or agency and involving a child who is currently or who
16 was previously under that facility's or agency's care; OR

17 (IX) TO *THE OFFICE OF* THE INDEPENDENT JUVENILE JUSTICE
18 MONITOR ESTABLISHED UNDER ARTICLE 49D OF THE CODE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2002.

APPENDIX B

Visitation Chart

2002-2003 VISITATION BY THE OFFICE OF THE INDEPENDENT JUVENILE JUSTICE

DATE Facility/Capacity/Monitor	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
CARTER – 15 Kim Bones	9 K	2,9 K	24 K	15 K		27 K	15 K	4 K	5,12 K	10,24 K	8,13 K	4,30 K
CATONSVILLE SHELTER – 10 Earl El-Amin	22 E	22 E	10,25 E	16,22,30 E	21,26 E	11 E	13 E	26 E	11,27 E	2,15,29 E	8,20 E	10,26 E
CHELTENHAM - 300 Kim Bones	1,2,8,17, 22,24 K	5,6,15,19, 27 K	4,9,16,17, 19 K	5,11,25 K	17,18,24 K 25K/E/J/T/R	3,6,16,19, 23 K	6,16,31 K	20,27 K	15,16,17,28 K	1,4,8,16, 17,19,22, 25 K	1,5,8,16,20, 23,28,31 K	5,9,21,23, 27, K
VICTOR CULLEN – 255 Jeff Merson	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
E. SHORE SHELTER – 8 Kim Bones	11 K	22 K		1K		27 K	3 K		4, 26 K	24K	22K	4,30K
FERNDALE GROUP HOME – 6 Earl El-Amin	22 E	21 E	12 E	10,29 E	20 E	10 E	8 E	26 E	10,27 E	2,24,29 E	8,18,24 E	11,24 E
HICKEY – 355 Jeff Merson	17,23,28 J	15,22 J	9,18,24 J	1,10,17 J	19,J/R	3,14 J	20 J	5, 21 J	14,26 J	3,30 J	5,9,16 J	4,10 J
HURLOCK GROUP HOME – 10	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
MD. YOUTH RESIDENCE CENTER – 52 Earl El-Amin		21,22,26 E	17 E	7,16,31 E	13,20 E	18 E	9 E	24,26 E	4,20,25 E	1,3,15, 28 E	7,22,27 E	10,18,23 E
MOUNT CLARE HOUSE – 12 Earl El-Amin		26,29 E	18 E	7,15,22 E	26 E	17 E	9 E	26 E	4,25 E	1,19 E	7,27 E	10,18,26 E
NOYES – 37 Jeff Merson/Kim Bones	16,26 J	21 J	10,23 J	1,8 J	18,30 J	12,19 J	28 J/T	3, 25 J	24 J	2,21 K	3,16 K	3K
O'FARRELL YOUTH CENTER – 40 Jeff Merson	11,29,30 J	27 J	13,26 J	6 J	12,27 J	4 J	22 J	11,14 J	18 J	2,11 J	9,14 J	4,16 J
WM. DONALD SHAEFER HOUSE – 19 Earl El-Amin		20,28 E	23 E	8,17,29 E	26 E	11 E		11 R	11 E	14,28 E	21 E	12 E
SYKESVILLE SHELTER – 10 Jeff Merson	11 J	21 J	26 J	6 J	27 J	10 J	22 J	11 J	18 J	11,21 J	9 J	4 J
WAXTER – 60? Kim Bones/Jeff Merson	5,15,31 K	1,12 K	26 K	9,22,29 K	13,30 K	13 K	27, K, 30 K/R/E/J/T	5,8 K	7,19,20 K 30,31 J	2,21,23, 27 J	2,13,19 J	4,25 J
YOUTH CENTERS Tim Snyder												
Green Ridge 40	1	11 T	8,22,28 T	24,26 T	2,16 T	18 T	13,29 T	13 , 31T	19,26 T	17 T	3,28 T	8,15 T	10 T
Savage Mtn. 40	2	18 T	21,31 T	23, T	9 T	23 T	11,22 T	21 T	6,20 T	31 T	2,18 T	1, 16, 30 T	
Meadow Mtn 40	3	22 T	27,30 T	15 T	14,18 T	30 T	20,30 T		1, 10 T	21 T	15,22 T	5,20 T	5 T
Backbone Mtn 40	4	26 T	14,31 T	15,30 t	21 T		6,23,31 T	29 T	14,24 T	28 T	1,25 T	16,28 T	22 T
Maple Run 40	5	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
HAGERSTOWN HOLDOVER – 8 Tim Snyder		11,25 T	8,22 T	26 T	16 T	20 T	20 T	29 T	12 T	10 T	3 T	15, 7 T	23 T
Allegany Girls Home 9 Tim Snyder		2, 11 T	14,23,28 T	17,20 T	25 T	21 T	9,27 T	27 T	10,14 T	14 T	21 T	22 T	21 T
W. Md. Children's Center 24 Tim Snyder		11,25 T	8,22,28 T	26 T						3 T	15 T	
Lower Eastern Shore Children's Center 24 Kim Bones			7 K		1 K 30 K/R							

Number = day of month
R = Ralph Thomas, E = Earl El-Amin, T = Tim Snyder, J = Jeff Merson, K = Kim Bones

APPENDIX C

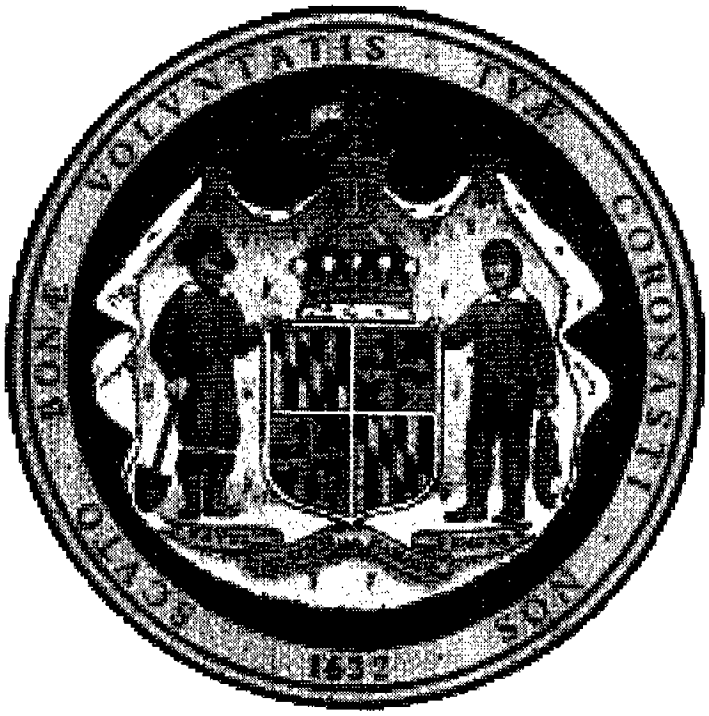
Quarterly Report

April – June 2003

QUARTERLY REPORT

APRIL 1, 2003 – JUNE 30, 2003

INDEPENDENT JUVENILE JUSTICE MONITOR



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

State of Maryland Executive Department

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

ROBERT L. EHRLICH, JR.
Governor

MICHAEL S. STEELE
Lieutenant Governor

M. TERESA GARLAND
Special Secretary

MEMORANDUM

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

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

Subject: Quarterly Report for April 1, 2003 – June 30, 2003, Office of the Independent Juvenile Justice Monitor

Date: August 27, 2003

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

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

This third quarterly report encompasses the period from April 1, 2003 to June 30, 2003. It notes conditions found within the Department of Juvenile Service's facilities by the Office of the Independent Juvenile Justice Monitor as well as those matters that have remained unabated since the issuance of the last quarterly report. As required, this report also includes the Department of Juvenile Service's response to the comments offered by the Office of the Independent Juvenile Justice Monitor. The Office of the Independent Juvenile Justice Monitor does not necessarily endorse or concur with the responses offered by of the Department of Juvenile Services.

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

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

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

FACILITY	LOCATION	Page #
Allegany Girls Group Home	Allegany County	1
Green Ridge Youth Center	Allegany County	2-5
Thomas J. S. Waxter Children's Center	Anne Arundel County	5-9
Ferndale Group Home	Baltimore City	9
Maryland Youth Residence Center	Baltimore City	9
Mount Clare House	Baltimore City	9-10
William Donald Schaefer House	Baltimore City	10
Guide Northeast Shelter Home	Baltimore County	10
Charles H. Hickey, Jr. School	Baltimore County	10-15
Thomas O'Farrell Youth Center	Carroll County	15-16
Sykesville Group Shelter Home	Carroll County	17
Eastern Shore Structure Youth Shelter	Dorchester County	17-18
Backbone Mountain Youth Center	Garrett County	2-5
Meadow Mountain Youth Center	Garrett County	2-5
Savage Mountain Youth Center	Garrett County	2-5
J. DeWeese Carter Youth Facility	Kent County	18-20
Alfred D. Noyes Children's Center	Montgomery County	20-21
Cheltenham Youth Facility	Prince George's County	21-25
Hagerstown Holdover Program	Washington County	25
Western Md. Juvenile Detention Center #	Washington County	26
Eastern Shore Juvenile Detention	Wicomico County	26

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

The YMCA operates the **Allegany County Girls Group Home** on property that is owned by DJS. ACGGH accommodates up to 9 girls, who stay in the program for an average of 9 months. The program has undergone and continues to undergo changes to enhance programming for the girls. A "Healthy Home" model of treatment intervention is being developed. This model includes the use of community resources for schooling, health, mental health services, and recreation. The Allegany County Girls Group Home continues to make improvements to their facility and programming. Senior staff at the home have been very receptive to input from the Independent Monitor.

- The physical plant appears to be in good condition overall, and is kept neat and clean by ACGGH. The landscaping is attractive, and the grounds are kept clean. The road, however is in bad shape, and should be repaired as soon as possible.

  Response: DJS will review this issue.

- Probation officers assigned to girls at the ACGGH have been participating for the most part in the treatment team planning and visitation.

  Response: No comment

- ACGGH has initiated a process whereby if the probation officer fails to apply for the medical assistance card for a youth within a timely manner, the group home begins the discharge process. This has helped expedite the process of youth receiving the card.

  Response: The Department continues to engage in discussion with vendors and DHR to expedite the Medical Assistance application process

- Referrals have diminished somewhat, especially as judges have sent youth *home rather than into placement. ACGGH offers a very viable treatment* resource, and should be utilized by DJS. This monitor has recommended that ACGGH invest in some public relations effort in order to make their program known to other referral sources.

  Response: No comment.

The Department of Juvenile Justice **Youth Centers** are state owned and operated programs located in Allegany and Garrett Counties of Western Maryland. The Youth Centers have been known in the past as Forestry Camps and Boot Camps. There are four Centers: **Green Ridge, Savage Mountain, Meadow Mountain, and Backbone Mountain**. Meadow Mountain operates specifically as an addictions program. A total population of 156 youth is served in the Youth Centers.

Secretary Montague and senior DJS administrators visited the Department of Juvenile Justice Youth Centers in May. The Secretary was very complimentary of the programming in the Youth Centers, saying he would like DJS to operate with the care and efficiency evidenced in the Centers.

It is noteworthy that there are very few issues regarding health, safety, and security that this monitor has had to report, and that most of the recommendations focus on ways in which to strengthen the programming for youth in the Centers. The Independent Monitor and DJS Superintendent Dale Schroyer have met regularly to discuss issues pertinent to the operation of the Youth Centers, and more frequent meetings will be scheduled to include Youth Center Supervisors and treatment personnel. The purpose of these meetings is to discuss ways to enhance programming in the Centers and respond to recommendations made by this monitor. This sense of cooperation and collaboration is very positive, and offers the possibility of identifying and addressing issues more creatively and productively.

- DJS Youth Center Superintendent Dale Schroyer has implemented a creative problem identification and resolution process involving Center staff and this monitor.

  Response: The Department continues to strive to improve problem identification and resolution.

- **Unabated for 30 Days or More:** There continues to be a discrepancy between the stated admissions criteria and the actual background of some of the youth in the Centers. It is the Independent Monitor's recommendation that the admissions criteria be worded in such a manner so as to reflect accurately the backgrounds of the youth served in the Centers.

  Response: Admission criteria are general guidelines. Each youth is assessed in an individual basis for appropriateness for admissions. Based

on the monitor's recommendation, the Department will review the admission criteria to determine if any changes in wording are appropriate.

- Fewer youth with IQ scores below 70 have been admitted during this quarter.

  Response: Often, youth who test low on IQ measures do so as a result of cultural and education deprivation. Cognitive abilities may be developed, making admissions to the Youth Centers appropriate. Admission is based on individualized assessment and decision.

- **Unabated for 30 Days or More:** At times, youth admitted into the Youth Centers that exceed the stated admissions criteria, could pose a threat to youth, staff, or the community. A more complete and effective process should be developed to improve the screening of youth considered for admission. The Independent Monitor has recommended that the admission consideration process be augmented with a face to face interview conducted by skilled staff. This recommendation has not been implemented as of yet.

  Response: The Department's position is that the current screening process is adequate. Written materials are augmented with discussions with Case Managers who have experience with youth. Youth are staffed by Resource Consultants and Case Managers and placed in programs to address their individual need. Proof of the effectiveness of the admission process is evidenced in the relative low incident rate and the low number of pre-mature discharges.

- The Youth Centers have experienced less pressure to accept inappropriate youth this quarter.

  Response: Placement discussions are made on an individualized basis consistent with mandates in federal and state law, requiring placement in the least restrictive and most appropriate environment.

- Youth Center programming could be enhanced if a continuum of care was readily accessible within the Youth Centers. The type of youth noted above could be served in the more secure setting until they could better respond to programming in the open program. A needs assessment should be *conducted to ascertain the feasibility of developing this continuum of care.*

  Response: The Department continuum of care dictates youth requiring a more secure setting than the Youth Centers should be placed in a more secure placement.

- **Unabated for 30 Days or More:** The group process program, in order to maximize effectiveness, is dependent upon maintaining group cohesiveness over a significant period of time. Factors that are disruptive to the group should be identified and minimized. Previously the Independent Monitor's Office has recommended a longer length of stay, with increased expectations for release. This has not occurred as of yet.

  Response: As stated previously, DJS does not agree with the monitor's recommendation to increase the length of stay. The longer the youth is away from his community and family, the more difficult to maintain critical family relations.

- The educational program in the Youth Centers continues to come under intensive review by DJS Headquarter Educational Administrators. DJS should ensure that any changes made to the already identified as exemplary program are driven by the treatment/educational needs of the youth, and not by rigidly interpreted regulations.

  Response: The Education Unit continues to work with Youth Centers to ensure compliance with COMAR and MSDE. The Department has identified the need to improve the delivery of education services in all DJS programs to better prepare students to transition to their home schools, obtain their Maryland high school diploma or transition to an institution of higher learning.

- **Unabated 30 Days or More:** Vocational training is minimal in the Youth Centers. Because of the vulnerability of youth returning to the community following residential placement, and the ever present temptations to re-offend, youth should either be enrolled in school immediately upon release, have a GED and a job, or vocational trade skill certification, and a job upon release.

  Response: Vocational training is very important as it provides students with employable skills. Currently, students receive 3.25 hours of vocational instruction weekly when the teacher is available. The after care case planning for youth begins at admission to a particular program.

- **Unabated 30 Days or More:** Comprehensive effective aftercare services are lacking for youth that have completed the Youth Center program. This issue has been reported repeatedly without being addressed adequately.

  Response: As previously mentioned, a new DJS After Care Policy (Secretary Directive SDE02-04) has been established which clearly outlines duties and functions of Case Managers with the responsibility of supervising

after care youth. The new policy directs that all case planning for youth begin at admission. The Youth Centers are working toward improving the quality and specificity of after care recommendations.

- **Unabated 30 Days or More:** The Youth Centers lack a viable newsletter. Media coverage usually focuses on the negative. The development of a high quality youth generated newsletter could help the public gain a more balanced perspective of the programming taking place in the Youth Centers, and be a creative educational outlet for the youth.

  Response: A newsletter is generated monthly at each center.

- **Unabated 30 Days or More:** An accounting of the Title One expenditure of funds has been requested by this office, but has not been received as promised. This request is again being made.

  Response: Title One expenditures are as follows:

Personnel	No.	Classification	Salary
	3	Teachers	$212,274
	4	Teacher Assistants	109,357
	1	Office Service Clerk	35,478
			$357,109
Supplies & Materials:			$ 63,672
		Total:	$420,078

The **Young Women's Facility of Maryland at Waxter** is a state owned and operated facility located in Laurel, Maryland. The facility is comprised of one detention unit and three programming units. The facility is operated under DJS Detention Standards and other DJS policies and procedures.

- **Unabated for 30 Days or More:** The facility was designed to house 68 males but the female population was moved there in 1998. Former DJS Secretary Robinson issued a May 30, 2002 directive that ordered Waxter's population be reduced to 68, but conditions of overcrowding at the facility continue. Waxter's population normally ranges between 70 – 83 females, but based on the square footage, bathroom facilities, American *Correctional Association (ACA) standards, and the Code of Maryland* Regulations (COMAR), there should be less than 50 females housed in the facility. The detention/pending placement area averages between 45 and 60 females but has only two toilets, showers and sinks. Again, according to COMAR and ACA, there should be no more than 10 to16 youths housed in the detention area.

Response: There are factors beyond the Department's control that impact the facility's population. However, the Department has been working to limit the population to 68 by using detention alternatives such as Community Detention/Electronic Monitoring and shelter care. Also, a confinement review team has been assigned to the facility to help facilitate youth placements. The two new detention facilities scheduled to open during Fall 2003 will help in the reduction of Waxter's population.

- **Unabated for 30 Days or More:** DJS must either reduce the facility's population or build a larger facility. Youths assigned to programs such as the short term commitment (NIA) and Drug Treatment (approximately 20 youths) should be removed from the facility and placed in other facilities. This would free up area to redistribute the detention/pending placement/secure placement youths throughout the facility.

  Response: The Department is reviewing options to reduce the population at Waxter that include relocating the NIA program. Also, plans are moving forward to develop a new facility on this site.

- This monitor was informed by staff that it is felt that part of the overpopulation stemmed from DJS case managers not sending out referral packets to their resource coordinators in a timely manner. She said that this creates a back-up on the pending placement unit, which is housed in the same area as detention. DJS case manager supervisors must ensure that adjudicated youths have their referral packets processed according to policy and regulations.

  Response: The Confinement Review Team, located at the facility, is responsible to help facilitate youth placement. DJS Managers/Supervisors will ensure that youth referral packets are processed according to policy and procedures.

- Females are sometimes forced to wear one pair of disposable underwear for several days, due to supply shortages. There is no elastic in the underwear and it is made of a paper material. This is a violation of a youth's right to clean, well-fitting clothes.

  Response: We agree youth should have clean, well fitting clothes. The underwear used is made of mesh fiber and, according to the manufacturer, can be washed 50 times. Managers are directed to ensure that clean underwear are available per procedure.

- Youths must be provided with consistent and varied education, vocational, and recreational opportunities. Staff interviews, youth interviews and observations reveal that there are sometimes problems with having enough staff available to start school on time and recreation/programming for many youths consists of standing around or watching television. Youths have been observed locked down on their units throughout the afternoon instead of attending school or an organized program.

  Response: Adequate staff are available to begin the educational program daily at 9:00 am. Scheduled structured recreation services are provided daily for all youth by the Recreation Supervisor. For behavior management reasons, it is sometimes necessary to remove youth from the educational setting.

- **Unabated for 30 Days or More:** Child abuse, assaults and violent type incidents continue to occur. According to the DJS ICAU Incident Report Database, incidents of assault and use of force have increased dramatically. Some staff have been identified and/or indicated for child abuse and/or neglect by Child Protective Services. CPS has also reported that some staff are not cooperating with investigators.

  Response: The Department does not tolerate any abuse of youth. Any staff found guilty of child abuse or neglect by DSS is terminated. Staff are instructed to cooperate with investigators.

- It was reported to this monitor by Administrative staff that procedures regarding child abuse reporting and investigation were operating smoothly. However, in contrast to this communication, there have apparently been numerous problems with agency coordination and cooperation during investigations. Attendance at several multi-disciplinary child abuse meetings with Anne Arundel Child Protective Services (CPS) revealed there were concerns about Waxter staff not cooperating with CPS investigators and DJS investigators not coordinating efforts with police/CPS investigators. DJS's Investigation and Child Advocacy Unit and the facility administration must make child abuse reporting and investigation a top priority. If youths are not secure safe in a facility, they will not be able to take advantage of programming and educational efforts.

  Response: The Facility Administrator will ensure facility staff maintains *open, cooperative communications with investigators during official* investigations. Non-compliant staff will be held accountable according to DJS Standards of Conduct and Disciplinary Process. The Facility Administrator will continue to diligently assist MSP and DSS/CPS with the coordination of investigations conducted at Waxter.

- This office recently facilitated a meeting to discuss child abuse investigative protocols for the Waxter facility. Representatives from DJS/ICAU, DSS, the State Police, and Waxter's superintendent met at the Maryland State Police Barracks in Glen Burnie, and it was agreed that investigators would cooperate and coordinate their investigations into these allegations of child abuse. The superintendent from Waxter also agreed to arrange a tour for the State Police and DSS/CPS supervisors.

  Response: The Department is committed to cooperating with MSP and DSS investigations conducted by outside agencies. The Superintendent coordinated a tour of Waxter for the State Police and DSS/CPS staff on June 3rd. However, only the State Police personnel attended.

- **Unabated for 30 Days or More**: Numerous staff persons have reported to this monitor that they are sincerely concerned about the youths at Waxters. These staff cite that other staff persons are not qualified to work with the youths and that they are often forced to work overtime due to staffing shortages. However, in order to help ease this situation, the facility administration has been actively interviewing applicants.

  Response: The facility is aggressively recruiting to ensure vacancies are filled quickly. Maryland Correctional Training Commission standards require a minimum of 160 hours of approved entry level training and 18 hours of approved in-service training each calendar year.

- The trailer has arrived that is designated to house mental health services. It is currently being prepared for use by the facility.

  Response: The trailer will support the Department's effort to enhance mental health services by providing office and programming space for the Mental Health Unit.

- Some youths from Baltimore City complain about not being visited by their DJS case managers. Another youth reported that her DJS case manager had been changed, but she was not aware of who the new case manager was. DJS has been notified when such concerns exist and the department appears to be responsive to correcting the immediate situation. However, DJS administration and supervision must continue to remind case workers of the need to maintain consistent and timely contact with their youths.

  Response: The Area Directors are responsible for ensuring staff comply with Departmental policies and procedures, and have been notified of this

allegation. They have been instructed to ensure youth contact occurs according to Departmental policy.

Ferndale House is a state owned and privately operated facility located in northwest Baltimore. It has a capacity to house six male youth providing respite care services which are mandated by DJS policy and standards and COMAR.

- Third floor bathroom is still in process of renovation and should be completed in early September.

  Response: No comment

Maryland Youth Residential Center (MYRC) is a Department of Juvenile Justice (DJS) owned and operated 24-bed shelter care facility that is located in Baltimore City.

- Surveillance cameras have been installed throughout the facility and are maintained and monitored in the tour office.

  Response: Surveillance cameras installed at the recommendation of the Independent Monitor have enhanced supervision and security.

- The twelve beds that were allotted to the Living Classrooms Program have been converted by DJS for the younger and smaller children who are eligible for shelter care, some of whom were recently transferred from Cheltenham.

  Response: The development of the shelter program for youth 13 years of age and younger has assisted the Department's effort at diverting this age group from detention.

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

- Inappropriate placements have been cited in the past. It appears that the Oversight Committee has become more sensitive to this issue and is taking steps to prevent this from occurring in the future.

Response: The youth are placed in accordance with admission criteria and individual need.

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

- Program's success rate is still unknown due to lack of evaluation and tracking. The Department's previous response indicated that a research unit would address this issue.

  Response: The Department's Research Unit will address the evaluation and tracking of youth after discharge.

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

- Inappropriate placements that exceed admissions criteria are in decline. Hopefully, this trend will continue.

  Response: The Department place youth based on admissions criteria and individual need.

The **Charles H. Hickey School** is a privately run facility located on State property. The facility is comprised of detention units and programming units designed for 30 days to 6 months programs. Correctional/Service Corporation (CSC) is current vendor in the facility and it is held accountable for its service to Maryland's youth through the Code of Maryland Regulations (COMAR) and certain Maryland Department of Juvenile Justice (DJJ) licensing requirements, Detention Standards and Conduct Standards.

- There are security issues concerning the failure of front gate staff to require identification prior to entry into the facility, failure to log visitors into the front gate logbook and the faulty operation of sallyport gates.

  Response: All gatehouse personnel will be retrained on Hickey's security policy and procedure, which states that all visitors entering the facility, must

show proper identification prior to entering. The Chief of Security will also inspect the visitor's logbook three times per week to ensure proper record keeping.

- **Unabated for 30 Days or More:** Youth on youth assaults, child abuse, and use of force incidents have continued to be a primary concern. According to information in the DJS Incident Reporting Database, yearly statistics reveal that assaults/use of force incidents have risen from 2.4 per day in the last quarterly report to an average of 3.0 assaults/use of force incidents per day through June. DJS must consider alternatives to placing detained and adjudicated youths at the Hickey School.

  Response: The Department has met with YSI corporate management staff to address the identified issues and others raised by the Department. YSI was directed to develop a corrective action to address issues raised by the Department. There have been regular meetings held with YSI's senior management staff to monitor progress. The Department has increased its monitoring of the Hickey School to 24 hours/seven days a week.

- This office has facilitated meetings between DJS, Child Protective Services and the State Police to address the concerns of agency cooperation during child abuse investigations. The investigating agencies are responding very positively to these efforts, but Hickey has been unable to reverse the tendency towards a violent/hostile environment within the facility. Youth on youth assaults, use of force incidents and overall assaults continue to occur at a steady rate.

  Response: As stated, the Department has directed and received a corrective action plan from YSI that should address these and other issues raised by the Department. The Department will be monitoring Hickey School's progress relative to putting their plan into practice.

- The facility has not taken action concerning previous warnings about the dangers of exposed sprinkler heads in seclusion rooms. Six of the eight rooms being used for seclusion do not have suicide proof collars on the sprinkler heads. There were two suicide attempts by youths who wrapped their bed sheets around the sprinkler heads and tried to hang themselves. The facility must take immediate action to properly cover the exposed sprinkler heads.

  Response: The facility has closed seclusion for remodeling. Part of remodeling is to ensure that any room that will be occupied as a youth seclusion room will have, in place, a tapered sprinkle head collar.

- The seclusion area of the facility is unsafe and dangerous due to the staff trying to handle new intakes and youths in seclusion at the same time. Staffing for such simultaneous procedures is not sufficient. The facility should consider increasing staffing in the seclusion/intake area or build a separate area for intake youths.

  Response: Hickey has hired six additional security staff to handle the intake and seclusion area. Additional staff will be trained in seclusion policy and procedure. The additional staff will enable us to have one staff to supervise seclusion and one staff to supervise intake area.

- DJS incident reports, the facility's seclusion log and conversations with staff persons who work in the seclusion area, reveal that the seclusion area of the facility is being used for punishment. Hickey supervisors advise that there are no sanctions available to deal with the violent youths. Staff said they realized that the seclusion rooms should not be used for punishment, but they advised that there are youths who are so violent and/or non-responsive to treatment that they must be separated from other youths. DJS and Hickey should consider placing youths in programs/units that are consistent with the progress of a youth's behavior and social responsibility.

  Response: Youth are placed in the least restricted setting consistent with their individual treatment needs. Also there is a Behavioral Management system identified that will address inappropriate behavior.

- The seclusion logs and room check sheets are not consistently being properly filled out. DJS monitoring should be intensified to make sure the facility is complying with established room seclusion procedures.

  Response: The Department has increased its monitoring at Hickey School to 24 hours/7 days a week to ensure the Contractor's compliance with the terms of the contract.

- On 4/3/03 the writer found two youths locked in the bathroom, taking a shower and staff were unaware the youths were in there. The facility's administration must become more involved with group leaders and shift commanders to ensure policies and procedures are being properly followed. Staff persons must remain alert while monitoring youth under their care.

  Response: To assist in the monitoring of policies and procedures throughout the facility, an additional Assistant Facility Administrator has been hired.

- **Unabated for 30 Days or More:** There appears to be some increase in a few youths' vocational activities. The Mechanic Apprenticeship Program (MAP) with the State Highway Administration (SHA) has become more active, but an escape from the program in April has caused a setback to progress. Only a couple of youths have been participating in the program that works with horses. Other educational and/or programming activities have not been developed to address the needs of all youths. There still appears to be an overall lack of resources for effective vocational programs for all youths. All youths should be consistently engaged throughout the day to participate in vocational, educational and recreational activities.

  Response:. The education department has started a mentoring program on Detention to provide additional services to meet the youth's educational and basic needs.

- A youth was assigned to participate in the MAP program to work with SHA but he escaped from an SHA facility in Hanover, Maryland on 4/15/03 to visit his pregnant girlfriend. To ensure the public's safety, the facility administration must do a better job of screening youths being considered for off-grounds work.

  Response: Before any youth is allowed to leave campus for workout, they are screened by education program staff with approval from DJS, and the Courts.

- There has been an increase in contraband and smoking incidents at the facility since the last report from January and February. The facility administration must reduce the possession of contraband and smoking incidents on the facility grounds.

  Response: We currently have a policy requiring units to perform daily searches for contraband. We are also having transportation staff members to conduct random searches that are unscheduled and unannounced. The facility has instructed the gate personnel to ensure that all bags are searched for contraband before being allowed to be carried behind the fenced area. The facility currently investigates the incidents in an effort to find out where the contraband came from. The facility will continue to attempt to stop the flow of all contraband, including cigarettes.

- ***Unabated for 30 Days or More:*** *Facility maintenance continues to lag behind* expected standards of safety. Numerous potholes have been repaired but the locks on many of the youths' doors on detention units are continually broken. Group leaders report that repairs are requested for stopped up sinks

and blown lights, but there is still no action after more than two weeks. A faulty fire alarm on one of the units sounded continuously at an annoying high pitch for several days. Reportedly, no one had a key to reset the alarm.

Response: Many of the outdoor pole lights have faulty underground wiring. This project has been turned in as a Capital Project to DJS. The facility has a procedure and protocol for repairing broken or stopped-up toilets. Once a facility toilet is reported to the maintenance department, a technician is immediately sent to remedy the problem, to avoid further more unsanitary problems. The facility is currently exploring other options to replace our current door locking mechanisms. We understand our current system is not working and we are trying diligently to find a suitable substitute. The fire alarm on King Hall experienced a programming problem and a specialist had to be called in to make the necessary repairs. The facility notified the repair company as soon as it was reported to be malfunctioning. We did have to wait for the repair technician to come. This problem was repaired.

- **Unabated for 30 Days or More:** Outside pole lights on the facility grounds in the area between detention and enhanced programming remain inoperative. This situation constitutes a danger to staff and youth who walk through the area at night.

  Response: The Department is reviewing options to increase lighting to enhance security.

- **Unabated for 30 Days or More:** External sallyport gates are not always operational.

  Response: Whenever a sally port becomes inoperable, repairs are done based on availability of the contractor and parts required.

- **Unabated for 30 Days or More:** Youths continue to pop their locks and interfere with staff persons during crucial situations. The locks are not operational on some doors.

  Response: The Department recognizes this issue and has directed the Hickey School to replace current locks with security locks that youth cannot pop. The Hickey School has researched options with a vendor and is reviewing whether they can modify their fail safe system (doors lock in a power outage) to a more appropriate system. The Department has requested a response from Hickey regarding this issue by August 26th. After receipt of their corrective action plan, the Department will determine what further action may be required to remedy this problem.

- **Unabated for 30 Days or More:** Ceiling Vents are not constructed in a way to prevent suicide attempts. The vents have horizontal slats approximately one quarter of an inch apart, but they are not in a grid pattern. Youth have been found hanging from these vents but, fortunately, staff responded in time to prevent serious injury or death.

  Response: DJS maintenance conducted an assessment of the vents and estimated the fiscal impact to replace all vents at approximately $330,000. The Department is exploring options for funding the replacement of the vents with suicide resistant vents.

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

- **Unabated for 30 Days or More:** There are on going concerns relative to the repair and/or replacement of air conditioners and an emergency generator. There are also concerns about the repair of the driveway and an outbuilding at the TLC.

  Response: At this time, no funding is available to replace the air conditioning system. The contractor is responsible for individual repairs of the units. The emergency generator is functioning properly at this time. Alban Generators provide quarterly maintenance to ensure its operation. The driveway was repaired by donations from LeForge Gravel and Springfield Maintenance, who graded the surface. The out buildings are considered historical units.

- **Unabated for 30 Days or More:** The diversity of recreation and programming on a daily basis is not adequate. An evening recreation/program schedule has been developed to try and meet youths' needs, but youths report that many staff persons are not following the schedule.

  Response: Managers are instructed to ensure staff follow activity schedules posted by the Recreation Coordinator. The Recreation Committee was established with youth representatives for each group to ensure participation and awareness of scheduled activities.

- *All major vacancies in administration have been filled.*

  Response: No comment.

- **Unabated for 30 Days or More:** There are continuing concerns that youths' DJS case managers are not visiting the youths for extended periods of time. Several youths and staff revealed that up to 5 months had elapsed before a DJS case manager made a personal visit with a youth. One youth had not seen his case manager for 3 months and one for 5 months. Both cases were from Baltimore City. Another youth reported that he was trying to get released from the program 1 month early due to his good behavior and progress. However, his DJS case manager transferred his case approximately 3 weeks prior and the youth did not know who his new case manager was. The youth also reported not seeing his case manager for more than 2 months. This was verified by TOYC administration.

  Response: The facility Case Manager is the primary worker while the youth is in placement. Community Justice Case Managers are required to visit youth at least once a month and as needed for treatment service plan development, crisis intervention, or discharge planning. A policy which is in draft form, has been developed to reflect such. DJS Area Directors have been directed to make the necessary adjustments to assure that staff are in compliance.

- **Unabated for 30 Days or More:** A review of the files reveals that Individual Service Plans (ISPs) are being properly developed at the facility, but getting them signed by the appropriate parties in a timely manner is a major concern. According to the clinical supervisor, most of the problems stem from Baltimore City DJS case managers not being available to sign the ISPs.

  Response: Area Directors have been directed to revisit these requirements with their staff.

- Youths charged with violent crimes within the facility have been arrested, processed and released back to the facility, even when the facility attempts to refuse the return of the youth. A meeting was established with the State Police, a DJS/ICAU investigator and the TOYC facility administration to discuss those issues. The DJS investigator agreed to contact DJS administration to establish a protocol/procedure that would facilitate the removal of a violent youth and agreed to cooperate with police to ensure inappropriate youths were not returned to the facility. DJS must contact police agencies and establish a procedure to prevent youths charged with violent crimes from being returned to non-secure programs.

  Response: The Department is aware of the issues and the Office of Professional Responsibility and Accountability (OPRA) is working to establish a Memorandum of Understanding with all parties.

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

- There have been several cases where youths have been reportedly sexually abused out-of-state prior to entering the custody of DJS, and the facility has had some problems reporting the abuse through local channels. This office established a meeting with the local state police, the DJS investigator who handles investigations at the facility, the local Child Protective Services supervisors, and the facility's administrator in an attempt to address these concerns. All attendees at the meeting agreed there would be more cooperation and communication between agencies.

  Response: No comment

- **Unabated for 30 Days or More:** There is still a problem with DJS intake personnel failing to provide adequate intake information on youths. The information is essential for determining acceptance by the facility.

  Response: Current Department policies and procedures outline expectations/requirements for Case Managers referring youth and/or placing youth in shelter care. The Area Directors have been directed to make necessary adjustments to ensure compliance.

The **Eastern Shore Structured Shelter Care** is a privately run shelter care home located in Cambridge, Maryland on state owned grounds of the Eastern Shore Hospital Center. The facility houses up to 8 males and 2 females. The facility operates under the Code of Maryland Regulations (COMAR).

- The facility is the only privately run shelter care program with computer access to DJS's Assist Program and Online Incident Reporting System.

  Response: No comment.

- **Unabated for 30 Days or More:** The youth participate in some trips within the community but a more enhanced schedule was supposed to be coordinated for the spring and summer months but has not yet been completed. Shelter care programs are required to integrate the program with the community, as appropriate, so that the youth have opportunities to *participate in community activities.*

Response: Facility trips in the community are planned as part of the program.

- The administration was researching additional staff training through MCTC but the Office of the Independent Monitor has not learned of the outcome.

  Response: Currently, staff receive training based on COMAR requirements and will continue to research additional training opportunities.

- **Unabated for 30 Days or More:** Although youth have only been assisting with breakfast preparation on the weekends since 2002, preparation of all meals could serve as a valuable life skill.

  Response: Facility will review recommendation.

- The Assistant Secretary's Directive listing "unacceptable charges for shelter care" now applies to all shelters in the State and is drastically reducing the number of inappropriate placements within the facility. However, youth with "non-community residential" court orders have been placed in the shelter by field service workers. All known pertinent information about the youth has not been given to the shelter staff during the intake process resulting in the youth's special needs not being met.

  Response: Current departmental policies and procedures outline the expectations/requirements for Case Managers referring youth to shelter care. DJS Area Directors have been directed to assure that their staff provide pertinent information on youth.

- Plans to hire a full time licensed clinical social worker (LCSW) in April were not followed through. The facility administrative assistant continues to provide case management services to the youth.

  Response: No funding available to hire a LCSW. Some of the duties were assigned to a Human Services professional.

The **J. DeWeese Carter Youth Facility** is a 24 bed detention facility located in Chestertown, Maryland. It is state owned and operated. The facility houses both males and females between ages 12 and 18. The facility operates under Department of Juvenile Justice's Detention Standards and other DJS policies and procedures.

- The facility is located on the grounds of a state owned mental health facility and maintains a good appearance. There are no outstanding physical plant issues.

  Response: No comment.

- Forced overtime for staff is rare. However the facility will lose a few staff to assist with training when the Lower Shore Juvenile Justice Center opens later this year.

  Response: When the new facility opens, the population at the Carter Facility will be reduced.

- **Unabated for 30 Days or More:** The facility was designed to house 15 youth at single capacity but often sleeps 30 - 36 youth at double capacity. At times, at least 5 - 7 special needs youth required single rooms resulting in the remaining rooms sleeping three to four youth at a time. When rooms are overcrowded, staff cannot provide adequate supervision while monitoring so many youth at one time.

  Response: Detention alternatives such as Community Detention and Shelter Care use used to reduce the population. When the new 24 bed Lower Eastern Shore facility opens, Carter Facility's population will be reduced.

- The direct care staff works closely with the mental health clinicians and medical staff. The facility has a full time social worker, 2 full time juvenile counselors, and a full time addictions counselor to provide enhanced programming and case management. The facility lost its mental health worker due to contracting problems with the grant, however, she then was hired as the DJS social worker.

  Response: The Department intends to ensure appropriate programming and services are provided the youth.

- **Unabated for 30 Days or More:** Youth should be detained in Carter for up to 30 days but the average stay is 2 ½ months. There have been issues with field services staff from the Eastern Shore failing to visit youth while being detained in the facility. Directives issued to Area Directors by the Department *have not resolved the problems and continue to be an issue.*

Response: Current department standards outline the visitation requirement of all Community Justice Case Managers. Managers and staff performance appraisals will be effected by non-compliance.

The **Alfred D. Noyes Children's Center** is a state owned and operated detention facility. The facility houses both males and females under the age of 18. DJS's Detention Standards, the Standards of Conduct and other DJS policies and regulations guide and direct the operation of the facility.

- **Unabated for 30 Days or More:** Some of the youths are still not receiving sufficient education services. This past spring, the youth continued to be allowed to go outside for recreation in sporadic periods, but the time spent outside was in addition to gym time. The extra time spent outside is being substituted for educational classes. Youth should go outside for gym when the weather permits and they should receive a minimum of 5 hours of education each day.

  Response: The youth are provided 5 hours of education services during the regular school year and are permitted outside recreation when the weather permits.

- **Unabated for 30 Days or More:** The youths housed at the facility continue to be deprived of their required outdoor recreation, reportedly due to staffing shortages. Recently a full time recreation supervisor was hired to coordinate daily recreational activities for all youth.

  Response: The newly hired Recreation Coordinator schedules recreational activities both inside and outside for youth. A daily log has been developed to document when youth are unable to go outside due to inclement weather conditions.

- **Unabated for 30 Days or More:** Adjudicated youth continue to be housed at the facility for longer than 30 days. Some youth state that physical altercations within the facility stem from those youth who are on pending placement status for extended periods of time.

  Response: The Department's Confinement Review Team implemented in each detention facility, including Noyes, will help facilitate placement of pending placement youth.

- **Unabated for 30 Days or More:** Nurses at the facility are encumbered with filing and paperwork that should be handled by a clerk or an intern.

Response: DJS will review the recommendation.

The **Cheltenham Youth Facility** (CYF) is a state owned and operated facility located in Cheltenham, Maryland. The facility is comprised of seven detention units and two shelters. The facility operates under the DJS Detention Standards and other DJS policies and procedures.

- **Unabated for 30 Days or More:** The facility was designed to house up to 160 males but currently houses approximately 190 males between ages 11 and 18. This population includes a high number of Baltimore City youth and contributes to violent/ physical altercations against youth from other jurisdictions. The opening of the Baltimore City Juvenile Justice Center (BCJJC) will help to alleviate these issues but the continued postponement of the opening may result in more youth and staff injuries. DJS's response to the prior quarterly report indicated that the BCJJC will open in the late summer/early fall of this year.

  Response: The Department continues to take decisive and aggressive action to address the population issue. The Confinement Review Team reviews youth daily to facilitate their placement and detention alternatives such as Community Detention and Shelter Care are used when appropriate. Also staff from other facilities have been detailed to CYF to enhance staffing. Community Justice Case Managers provide additional staff support on evenings and weekends. Finally, it is anticipated the BCJJC will begin accepting youth in detention in October 2003.

- The number of youth in the shelter remains in the teens. Detention youth should be screened for shelter care and, when appropriate, requests to amend "detention only" orders should be made to the Court. In May, some of the 11 – 12 year old youth from McGuire Cottage "detention only" orders were amended and these youth were transferred to the Maryland Youth Residential Center (MYRC) in Baltimore. Several CYF staff member were moved to MYRC to supervise the youth. The Office of Independent Monitor believes that another option would have been to maintain these youth in CYF's Murphy Shelter so the Cheltenham staff would not have been transferred out of this already inadequately staffed facility. Also, the remaining 12 – 13 year old detention youth were transferred to other Cheltenham cottages that house the older, sometimes more aggressive, youth. However, at the time of this report, *there were enough 12 - year olds in the detention units to reopen the McGuire* Cottage. The CYF shelter has been renovated into office space for the mental health team.

Response: Ongoing reviews of detention population are conducted to identify shelter eligible youth. The youth from McGuire was moved to MYRC shelter to reduce the population at CYF. The remaining 12 - 13 youth have been assigned to the cottage for youth 14 years old and under.

- **Unabated for 30 Days or More:** CYF continues to have many documented group disturbances within the detention units. Several group disturbances have also occurred in the dining hall and outside of the units. Inadequate staffing levels, under trained staff, and the lack of adequate programming have been major contributing factors. At times, units containing at least 35 – 45 boys are staffed with only one full time CYF staff and 2 or 3 probation officers working overtime within the facility during weekend and evening hours.

Response: The Department recognized the population and staffing issues at the facility and has taken decisive and aggressive action to address these issues. When the BCJJC opens, the population at Cheltenham will be reduced and the facility will serve the Southern Maryland region. The youth from Baltimore City who are currently housed at Cheltenham will be held in BCJJC regional center. Construction delays at BCJJC have contributed to the issues at Cheltenham.

A Confinement Review Team was formed to review all youth cases to identify youth appropriate for detention alternatives/expedite their placements. Other strategies that have been ongoing include the transfer of youth to other facilities, as appropriate. The Department is working with the Annie E. Casey Foundation to identify and develop additional detention alternatives.

The facility is aggressively recruiting to fill vacancies - recruitment is challenging and turnover is high in part because of low salaries. DJS continues to advocate for increased salaries and minimum requirements in order to attract a higher caliber of candidates. As of March 31, 2003, thirty-two staff have been hired since September 2002. From June 1st to August 19th, an additional 18 staff were hired. Walk-in testing was held at Bowie State College in December 2002. Ongoing recruitment/interviewing is being conducted to fill remaining vacancies. Employees' time and attendance are monitored by management. Problem employees are dealt with according to policy.

Employees hired to work at BCJJC have been detailed to Cheltenham to provide staffing coverage. Staff from other facilities have also be detailed to Cheltenham. Community Justice Case Managers work evenings and weekends to help provide additional staff coverage.

Training issues are being addressed as follows: new staff are provided a minimum of 160 hours of MCTC approved in-service training; the training center developed at Cheltenham provides ongoing on-site training for staff.

Ongoing programming issues are being addressed as follows: evening programming has been enhanced to include life skills such as victim awareness, anger management, HIV education, health and hygiene education. Recreation staff coordinates scheduled activities daily. A behavior management levels system has been enhanced to reward and encourage positive behavior. Specific activities are scheduled for high achievers. On June 23, 2003 an Inspirational Day for DJS youth at Cheltenham was held. A special *"Character Counts"* assembly was held for all Level III (high achievers) youth. Congressman Elijah Cummings and Delegate James Proctor were guest speakers. Each youth received an award for achievement. A youth advisory council has been reinvigorated to give voice to youth issues and develop leadership abilities.

- **Unabated for 30 Days or More:** Although this office cited the under reporting of incidents at this facility during the last quarter, a review of facility logbooks and reports indicates the problem continues. This office continues to find incidents that are not documented in accordance with DJS procedure.

  Response: We recognize this is a problem and are taking action to ensure incidents are reported in accordance with departmental policy and procedures. We are carrying out administrative monitoring and enforcement of incident reporting policy. Additional staff are receiving login identification codes and database training to ensure data entry ability on all tours of duty. Staff failing to follow incident reporting policy will be held accountable based on the Standards of Conduct and Disciplinary Process.

- **Unabated for 30 Days or More:** Housing conditions are poor, in part, because the facility's detention units do not have adequate sleeping, recreation, bathroom or programming space to house the current population. These conditions will continue until the BCJJC is opened and should be monitored once the Baltimore City youth are transferred out.

  Response: As mentioned, the BCJJC construction delays have created challenges for Cheltenham. Population reduction efforts are ongoing.

- **Unabated for 30 Days or More:** The facility is operating with a minimal staffing level. The staff is often overworked due to forced overtime and being under trained. The staff lacks ongoing training in dealing with mental health issues amongst the youth and appropriate crisis intervention. While MCTC

regulations only require 18 hours of in-service approved training per year, the number of riots, physical assaults, suicidal behavior, and youth secluded on the units should prove the need for additional hours. In May, a youth was assaulted while a staff member slept while on duty.

Response: The efforts to increase staff include recruiting, detailing staff hired for BCJJC, and detailing staff from other facilities and using Case Managers in the evenings and on weekends to increase staffing levels. The development of the Mental Health Unit will address the youth's mental health issues and help train direct care staff. Additional training for staff includes crisis and suicide prevention. The staff found to be sleeping on the job was disciplined and is no longer employed with the Department.

- **Unabated for 30 Days or More:** The facility lacks an enhanced evening program. More services are needed to meet the vocational, education, recreational and spiritual needs of the youth. Although juvenile counselors implemented an evening program as well as daily case management for the youth, more adequate programs are needed. The pool opened in June and a volunteer program is currently being implemented but has yet to provide services for the youth.

  Response: The facility is providing evening group programming, daily recreation is scheduled, which includes swimming. The education program provides five hours of education. The facility is reviewing options to further enhance the evening program.

- In April and May, the Department of Justice conducted an investigation into civil rights violations at CYF. Many improvements were made to the physical plant of the facility before, during, and after the investigation. Due to the age of the buildings, many more costly improvements have not been approved.

  Response: No comment.

- In May, two youth escaped from the facility through a hole that was cut by an outside individual in the perimeter fence. Although the fence security alarm sounded at least 6 times, staff failed to check for a problem. One youth was a sex offender and was in the community for approximately 5 weeks before being recaptured.

  Response: Corrective action includes disciplinary action for staff on duty, additional training and a review of current security procedures. As a result, Shift Commanders are directed to check security systems a minimum

of twice per shift. Security checks are currently being made and documented. All security breaches are documented and reported.

- In June, a rally to close CYF was conducted by juvenile justice advocates and parents.

  Response: No comment.

- Also in June, the Assistant Superintendent of Operations returned to his position within OPRA. While this position remains vacant, along with the Director of Group Life position, daily operations at the facility will be inadequate.

  Response: The Department recognizes the need to fill vacant positions.

- The facility's Community Advisory Board continues to meet monthly. However, attendance has dropped from approximately 10-15 to 4-5 board members. Board members complain about the lack of action they see.

  Response: The Department will continue to work with the Advisory Board to affect positive outcomes for Cheltenham. One Board member, who has expertise in the area of security, has volunteered to provide technical assistance to the facility.

- DJS informed this office that the future plan for the facility is to renovate the existing facility into two 24 bed units. The shelter will remain. Some buildings will remain but the other housing units will be demolished.

  Response: No comment.

The **Hagerstown Holdover Center** continues to be in operation, and will remain open until the new Western Maryland Detention Center is ready for occupancy. The Center is used to hold youth awaiting court on Wednesdays in Washington County, and as a stopover transition point for youth being transported to points further West and East of Hagerstown. The facility is frequently empty, except on Wednesdays. Staff have been preparing for their new duties in the Detention Center. The Holdover facility has improved in the completion of youth records, routine and order, and youth management. Overall, the Center seems to be a more professionally run operation.

Response: No comment.

The **Western Maryland Detention Center** is nearing readiness for occupancy. Most of the problems have reportedly been corrected, and DJS is in possession of the facility. A comprehensive policy and procedural manual has been completed, and staff are preparing to undergo training by participating in mock drills of scenarios they might face during the operation of the Detention Center. This monitor will now be able to resume regular monitoring visits in order to report on findings and make recommendations subsequent to the changes that have been made by the contractor and by DJS.

- The youth sleeping rooms and bathrooms used by youth have vitreous china fixtures, and have not been changed over to stainless steel as recommended. This material can be broken into dangerously sharp shards, and should be replaced as recommended.

  Response: No comment.

- ADA rails are used extensively throughout the facility in the bathrooms, and could pose a risk to youth. ADA rails should be used only in the minimum of bathrooms to satisfy ADA requirements, and be removed from all other bathrooms.

  Response: No comment.

The 24-bed **Eastern Shore Juvenile Detention Center** is currently under construction. It is located in Salisbury on the grounds of the Wicomico County Adult Detention Center and Sheriff's Office. It is scheduled to open sometime this year. This facility has some of the same issues in terms of design and construction as the Western Maryland Juvenile Detention Center. This Office's concerns regarding this facility were addressed in the October – December 2002 quarterly report. This Office maintains its position on these matters. DJS chose not to respond to these concerns. No new visits were made to this facility during the current quarter.

Response: No comment.