



**OFFICE OF THE ATTORNEY GENERAL  
JUVENILE JUSTICE MONITORING UNIT**

**2007 ANNUAL REPORT**

**DEPARTMENT OF JUVENILE SERVICES  
RESPONSE**

# Table of Contents

## I. Introduction

a.	The Monitor's Function.....	3
b.	Activities and Accomplishments.....	4
c.	Monitoring Challenges in 2007.....	5

## II. Progress Toward DJS' FY 2008 Strategic Goals.....9

## III. Major Systemic Issues in 2007

a.	Population.....	15
b.	Staffing.....	19
c.	Safety and Security.....	28
d.	Medical and Mental Health Services.....	42
e.	Education.....	46
f.	Programming.....	50
g.	Facility Maintenance.....	53
h.	Advocacy, Grievances, and Monitoring.....	59

## IV. Appendices

a.	History of the Juvenile Justice Monitoring Unit.....	59
b.	Staff Biographies.....	60
c.	Monitoring Responsibilities.....	63
d.	2007-2008 Facility Visitation Data.....	64

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OFFICE OF THE ATTORNEY GENERAL  
JUVENILE JUSTICE MONITORING UNIT

## **ANNUAL REPORT 2007 INCLUDING DEPARTMENT OF JUVENILE SERVICES RESPONSE**

### **Introduction**

The Juvenile Justice Monitoring Unit (JJMU) respectfully submits this report to the Governor, members of the General Assembly, the Secretary of Juvenile Services, and members of the State Advisory Board on Juvenile Services as required by Md. State Govt. Code Ann. §6-401 et seq. (Supp. 2007). This year marks the seventh anniversary of the creation of the Monitor's Office and its sixth annual report.

This report discusses:

1. JJMU's activities and achievements during the reporting period;
2. Major systemic issues affecting the safety and treatment of youth in Department of Juvenile Services residential facilities;
3. Corrective actions taken by the Department to remedy problems and other progress during the year.

Readers are referred to our website at [www.oag.state.md.us/jjmu](http://www.oag.state.md.us/jjmu) for copies of all other reports of the Juvenile Justice Monitor from 2002 – present.

This report was produced by the staff of the Juvenile Justice Monitoring Unit – Philip (Jeff) Merson, Tim Snyder, Tanya Suggs, Marlana Valdez, and Claudia Wright.

### **The Monitor's Function**

The Juvenile Justice Monitoring Unit (JJMU) evaluates Department of Juvenile Services (DJS) residential facilities, including detention centers, committed placement programs, group homes, and shelters. The Unit monitors 20 facilities – those operated by DJS or operated by private vendors on State-owned property. Reports of its evaluations are issued on a quarterly basis and address the following issues:

1. Treatment of and services to youth;
2. Adequacy of staffing
3. Physical conditions of facilities;
4. The child advocacy grievance process; and
5. DJS' internal monitoring process.

*Md. State Govt. Code Ann. §6-404 (Supp. 2007).*

Monitors make unannounced visits to facilities, visiting between one and four times per month, depending on current challenges at the facility. During these visits they inspect the physical plant, interview youth and staff, observe school classes, and review documents including seclusion reports, activity logs, medical records, school records, and staffing charts.

Monitors also review the DJS Incident Reporting and ASSIST Databases to follow up on incidents in facilities, particularly those involving alleged staff on youth violence, youth on youth violence, group disturbances or injuries. They review DJS Investigative Reports for incidents that prompt formal investigations and review all grievances filed by youth. Monitors participate in multi-agency meetings called to discuss reports of alleged child abuse or neglect in facilities.

Each quarter Monitors incorporate their findings into Individual Facility Reports. When a serious and immediate threat to youth and/or staff safety is identified (e.g., fire safety code violations, escapes, or serious staffing or operational issues), the Juvenile Justice Monitoring Unit may issue a Special Report.

Monitors attend Facility Advisory Board meetings, which include community leaders and advocates, and report their findings to the Boards. JJMU also attends meetings of the State Advisory Board on Juvenile Justice and reports to its membership.

### **Activities and Accomplishments in 2007**

To date in 2007, the Juvenile Justice Monitoring Unit has issued approximately 60 Individual Facility Reports and 3 Quarterly Reports. These include a pictorial report issued for the 2<sup>nd</sup> Quarter that highlighted critical facility needs.

The Unit also issued Special Reports relating to:

- Waxter Children's Center (multiple physical plant and safety issues)
- Charles Hickey School (escape)
- Charles Hickey School (escape)
- Carter Center (overcrowding, youth safety, and lack of supervision)

In addition to statutorily-required duties, JJMU staff members participate in a number of task forces and work groups on juvenile justice issues. This year our external work included:

- Task Force to Study Group Home Education and Placement Practices
- Governor's Office for Children, Workgroup on Core Regulations
- Annie E. Casey Foundation Juvenile Detention Alternatives Initiative, Baltimore City Juvenile Justice Center Self-Assessment
- Task Force on Juvenile Prevention and Diversion Services
- Maryland Juvenile Justice Coalition
- Montgomery County Commission on Juvenile Justice
- Child Welfare League of America
- Maryland Child Action Network
- Maryland Disability Law Center
- Maryland Office of the Public Defender
- Department of Juvenile Services Transition Working Group
- Department of Human Resources Transition Working Group

Senate Bill 360, passed in the 2007 legislative session, expands JJMU's monitoring responsibilities to include all facilities licensed by DJS. This expansion of responsibility, which adds 14 new facilities to JJMU's inspecting and reporting authority, becomes effective on January 1, 2008. At that time, the Unit will also add new staff members to assist with the increased workload – two Monitors and one Information Specialist. We have devoted significant attention to developing appropriate procedures and work plans to successfully incorporate these new facilities into our monitoring program.

One of JJMU's goals for 2007 was to write more reader friendly reports that clearly articulate issues in Maryland's juvenile facilities and accurately depict conditions. We added a quarterly overview on systemic issues and developed a consistent format for all Individual Facility Reports.

A second goal was to produce more data-driven reports and improve the consistency of reporting across institutions, enhancing our ability to measure progress. To that end, JJMU is working collaboratively with the Department of Juvenile Services and the Governor's Office for Children to develop a monitoring tool which we will implement in 2008.

## **Challenges**

### **a. Access to Information**

While this Annual Report is as data-based as possible, we acquired much of the statistical data supporting its conclusions from sources outside DJS. The major challenge the Unit encountered this year was the Department's repeated failure to provide access to records that this Office is legally authorized to inspect and needs to fulfill its legal reporting responsibilities.

In mid-September, the Monitor's Office issued a formal letter to the DJS Secretary requesting that a standardized and reliable information sharing system be developed. The letter listed specific data required for completion of our reports.

Nearly two months later, DJS released a limited number of documents and made others available for on-site inspection but refused to provide **ongoing access** to information without a complete re-negotiation of the agencies' Standard Operating Procedure, a complex contractual negotiation that will undoubtedly take many months, if not longer.

In the meantime, the Department will release data to the Monitor's Office only upon written request specifying the precise documents requested, somewhat equivalent to a Public Information Act (PIA) request.

Information that should be shared on a regular on-going basis includes:

- a. Staffing data, including overtime hours worked, number of vacancies, and employee training records;
- b. Timely population data, including Daily Population Sheets that DJS widely distributes outside state government;
- c. Facility renovation, replacement, or repair plans, including project requests submitted to the Department of General Services.

The Department already produces most, if not all, of these reports for the Governor's StateStat Program, the Department of Budget and Management, or the General Assembly. Statistics and reports produced by DJS would enhance both the accuracy and quality of the Monitor's reports.

The only regular information source available to JJMU is its access to the DJS Incident and ASSIST databases which document incidents in facilities and include individual youth records. While these information sources are quite valuable, they do not provide the full range of data needed to produce our reports.

The current DJS administration has also discontinued the historical practice of informally notifying the Monitor about critical and emergency incidents in facilities, a practice followed since the inception of the Monitor's office. These events include

serious injury to or death of a youth, escapes, allegations of child abuse, and mass lockdowns.

In the past month alone, DJS' Office of Investigations and Audits declined to notify JJMU about a large group disturbance involving Cheltenham and BCJJC youth that sent five youth to the hospital and a staff member's arrest for child abuse. JJMU learned of these events from local media reports.

The Department is legally obligated to provide JJMU with access to "any information that is readily accessible on site at a DJS facility or office..." and to notify JJMU "as soon as practicable...of all imminent or material threats to the health, life, and safety of youth, staff, or the public..."<sup>1</sup>

Establishing a free-flowing exchange of information is not just a legal issue, however. It is good public policy. Transparency is particularly critical in this State where employees, families, youth, child advocates, and the general public have suffered so many false starts at reform.

**DJS RESPONSE:**

**It is important to emphasize that DJS does provide the JJMU with 24-hour-per-day access to our electronic incident report database, which contains any and all occurrences of events such as those identified above. DJS will meet with JJMU to plan a structured process for additional notification to the Director of JJMU.**

**b. Corrective Action Planning**

JJMU's enabling legislation envisions a collaborative corrective action planning process – one in which DJS and JJMU work together to develop corrective actions to address facility problems. The agencies' Standard Operating Procedure *requires* them to "engage in discussions concerning DJS' proposed Corrective Action Plan."<sup>2</sup>

For most of this year, JJMU and DJS did not engage in a meaningful corrective action planning process, and collaborative corrective action planning has been rare, if not non-existent. Most responses to JJMU reports and corrective action plans have sorely lacked detail, and many issues raised in monitoring reports are never addressed at all. For example, in the 1<sup>st</sup> Quarter 2007 Report, we discussed the issue of weekend detention, a legally questionable practice followed in several counties. Judges in these jurisdictions delegate blanket authority to Case Managers to send youth to weekend

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<sup>1</sup> Department of Juvenile Services and Juvenile Justice Monitoring Unit Standard Operating Procedure, §§5.3.1, 5.6.

<sup>2</sup> Department of Juvenile Services and Juvenile Justice Monitoring Unit Standard Operating Procedure, §6.6

detention for violating probation conditions. These short-term detentions occur without due process hearings and exacerbate facility overcrowding.

Following issuance of the report, DJS said it would discuss the issue with judges. Those discussions may have occurred and some agreement on the issue may have been reached, but JJMU has been unable to learn what, if any, progress has been made on this issue.

In September we expressed concern about the treatment of pregnant girls in detention facilities after a girl detained at Noyes gave birth at a local hospital and was then returned to Noyes. With no access to her baby or appropriate post-natal care, she became seriously depressed. We asked the Department to designate a specific facility for detention of pregnant girls and to develop appropriate programming that takes into account the special medical, psychological, and familial needs of this population. We understand Noyes staff has completed the gender-specific training the Department developed for those who work with girls, but have observed no new system-wide policies or programming pertaining to pregnant girls and have received no follow-up on our inquiry.

**DJS RESPONSE:**

**DJS outlines a detailed response within the relevant section of this Annual Report that includes the context required for an accurate understanding of the care that was provided to the girl at Noyes and our initiatives with regard to programming for girls.**

In December, DJS appointed its Deputy Secretary for Operations as the primary point of contact for JJMU. As mentioned in the report, a new DJS staff member began coordinating responses and corrective action planning in October. A first meeting to renegotiate the agencies' Standard Operating Procedure has been scheduled for mid-January. We hope that these changes may signal a willingness to engage in true discussion and negotiation with JJMU on issues raised in its reports.

**c. Conclusion**

The Juvenile Justice Monitoring Unit fulfills a critical role for Maryland youth, families, communities, and State leadership, and the information collected and reported by Monitors should be welcomed by the Department. Monitors' reports provide crucial information to assist the Department in protecting and providing services for youth in its care.

We urge the Department to work toward a more transparent and collaborative relationship with JJMU as well as with other organizations seeking improvements for youth. Maryland's juvenile justice system has been mired in crisis and dysfunction for decades. Reform of the system will require the hard work of all who have a stake in these issues, and all willing participants should be invited to the table.

## **Response to Juvenile Justice Monitoring Unit 2007 Annual Report**

### **Executive Summary**

The Department of Juvenile Services (“DJS” or “the Department”) carefully reviewed the Draft/Preliminary 2007 Annual Report (“JJMU Report”) received December 5, 2007 from the Juvenile Justice Monitoring Unit (“JJMU”). The Department responded to each item identified in the JJMU Report. Based on our responses, JJMU removed or modified some of the inaccuracies in its Report and added information that we provided to clarify certain statements and conclusions. The JJMU Report does not accurately portray many of the long-standing challenges facing DJS and does not identify evidence-based reform initiatives that are actively underway, many of which have already resulted in measurable benefits to youth. Conclusions in the JJMU Report are often inaccurate, misleading and unsubstantiated. As a result, the JJMU Report falls significantly short of its stated purpose to present “major systemic issues,” “corrective actions,” and “other progress” (JJMU Report, p. 3) related to DJS’ responsibilities for conditions and treatment services in its residential facilities.

This response corrects, clarifies and adds essential information to facilitate more accurate and complete understanding of the issues presented in the JJMU Report. Conclusions based on faulty methodology are identified and reliable data is provided. The response also summarizes achievements and accomplishments spearheaded by Secretary Donald DeVore since he assumed leadership of DJS eight months ago, including major projects developed and implemented in partnership with external stakeholders across the State.

The Department agrees that a collaborative relationship with JJMU would better serve efforts to reform Maryland’s Juvenile Justice System. DJS has been able to establish such a relationship with the federal Department of Justice (DOJ), which has commended the Department for its transparency, commitment to success and tangible progress in making improvements.

This relationship is based on the premise of working together to make needed improvements, enhancing DJS’ ability to monitor facilities and eventually eliminating the need for external oversight. As is standard practice in effective monitoring systems, the DOJ findings are grounded in clearly delineated methodology that includes analysis of patterns of practice derived from multiple data sources.

We would encourage JJMU to model the DOJ approach and to adopt a goal of working with DJS to achieve successful reform and eventually eliminating the need for such a unit, as the Department becomes fully transparent and implements its new monitoring system.

We would also encourage JJMU to train its staff and become more familiar with contemporary juvenile justice standards so that their reports can contain more than just obvious, long-standing issues but also diagnose the causal factors and provide recommendations based on Best Practice in the field. DOJ employs experts in Juvenile Justice to conduct monitoring and their reports can serve as a model for JJMU.

DJS has identified comprehensive strategies to address all the issues identified by JJMU- including those germane to youth and staff safety, staffing, programming, medical and mental health services, educational opportunities and adequacy of physical plants. For clarity and ease of reference, the response is organized to provide specific examples of these initiatives within the relevant sections of the JJMU Report. Finally, in the interest of facilitating productive partnership with the JJMU, the response includes the following recommendations based on widely accepted standards for monitoring in juvenile justice agencies.

### Recommendations for JJMU

1. JJMU should develop and utilize a code of conduct governing its monitoring activities;
2. JJMU should maintain confidentiality of information obtained through the investigative process;
3. JJMU should work with DJS to revise the Standard Operating Procedures for the JJMU (SOP), to include a protocol governing DJS response to information requests from JJMU;
4. JJMU should develop and utilize a standards-based monitoring tool, consistent with requirements of the SOP; and
5. JJMU should conduct exit de-briefing interviews at the conclusion of on-site monitoring visits, to include reporting issues of concern identified during monitoring visits to the facility administrator, in accordance with requirements in the current SOP, so that these issues can be immediately clarified and/or resolved.

### DJS 2007 Accomplishments

Under the leadership of Secretary DeVore the Department has embarked on accomplishing three goals: 1) Treating Maryland's Children in Maryland, 2) Exiting Federal (CRIPA) Oversight, and 3) Becoming A Data Driven Agency. We provide a summary listing of these accomplishments below, and describe the accomplishments in our response to various sections of the JJMU Report.

#### Treating Maryland's Children in Maryland

- Opening Victor Cullen Center, the only secure residential treatment facility in the State
- Implementing best practice, community-based treatment models with demonstrated efficacy that also yield cost savings compared with facility placement, including Multi-systemic Therapy; Family Functional Therapy, and Multi-dimensional Treatment Foster Care
- Initiated statewide, Interagency Joint Strategic Planning with all public child serving agencies in Maryland
- Established Opportunity Compact with Baltimore County for provision of Multi-systemic Therapy
- Developing integrated assessment, treatment and tracking system model focusing on addressing criminogenic factors
- Enhanced oversight of and technical assistance to private providers
- Established the Community and Family Partnerships Unit

- Enhancing post-secondary educational opportunities for DJS youth through expansion of DJS/Garrett College partnerships
- With MSDE, co-sponsored statewide Best Practices in School Re-entry Conference involving representatives from every local school system, the judiciary, case managers and parents/families
- Reopened William Donald Schafer House after extensive renovations
- Expanding career preparation/vocational services for youth
- Implemented gender-specific services and training for all staff working with female youth
- Implemented intensive strategies to address reduction of youth pending placement
- Substantially reduced the average length of stay for youth pending placement
- Implementing systemic reforms in case management practices, including case processing and youth supervision

#### Exiting Federal (CRIPA) Oversight

- Achieved significant compliance with all CRIPA requirements
- Designed and implemented Behavior Management Model
- Significantly increased structured programming for youth
- Developed and issued a set of new policies and standard operating procedures related to safety and security
- Enhanced staffing levels for direct care positions at all CRIPA facilities
- Training, consultation and coaching provided by national experts in strength-based positive peer culture models
- Established a Quality Assurance and Accountability Office
- Developed and implemented a standards-based quality improvement system
- Active Executive oversight with onsite weekly meetings in all CRIPA facilities
- Removed environmental hazards through major capital improvements projects
- Implemented staff training in a wide array of topics related to safety, security and youth services

#### Become a More Data-Driven Agency

- Enhanced automated Incident Reporting Database
- Participating in Governor's StateStat initiative
- Developed CaseStat, AreaStat, and FacilityStat processes
- Created Gang Database
- Created Youth Grievance Database
- Developed agreement for information exchange with Department of Public Safety and local law enforcement agencies
- Creation of a database to track youths' social security benefits
- Completed an MOU with DHMH to secure access to the Medicaid Information System
- Hired Medicaid Specialist to assist in maximizing Medicaid coverage of services for DJS youth
- Hired a IV-E Eligibly Specialist to expedite the determining what youth are IV-E

- eligible
- Continued participation in nationally recognized Performance-based Standards for juvenile justice facilities

### **Access to Information**

DJS is a data-driven, transparent agency. The Department challenges the assertion that it has not provided the Juvenile Justice Monitoring Unit with the information it needs to fulfill its statutory duties. The Department believes that the existing SOP, which was signed by JJMU and DJS, already provides a protocol to ensure the necessary information is provided to JJMU and establishes a framework for effective collaboration and communication. The problem is not the protocol, but rather the unwillingness of JJMU to follow the SOP.

On September 20, 2007, Ms. Marlana Valdez, the JJMU Director, sent an email to the Department indicating, "I have attached a letter I mailed to Sec. DeVore today requesting that DJS set up a formal protocol for regularly sharing information with my office. As most of you know, I believe all of us spend an excessive amount of time debating information sharing issues. It would be much simpler and less onerous for everyone involved to have an established process for information exchange between our agencies and an agreed-upon list of information that we agree to share."

DJS provides JJMU with 24 hour-per-day access to the DJS automated Incident Database and ASSIST system from which they can retrieve information on any incident and compile the same aggregate data that we use and report. This effectively provides information on all critical incidents to the JJMU on an ongoing basis in full accord with 5.3.2 and 5.6 of the SOP, which provides that DJS report "imminent or material threats to the health, life, and safety of youth, staff, or the public" to the JJMU "as soon as practicable."

The DJS Incident Database has been recognized by the U. S. Department of Justice CRIPA monitors as an "industry leader" that provides high quality statistical information. DJS has also received requests to demonstrate the database to other agencies. The Fourth CRIPA Monitors Report issued by the Department of Justice to DJS in July 2007 (page 21), states:

Overall, the process for reporting incidents of staff misconduct, youth-on-youth violence, and use of force has been fully implemented. The Department's incident reporting form brought new structure and guidance to the process and has resulted in high-quality narrative descriptions of the incidents...The fact that the IR forms are automated permits [the Department] to produce useful statistical reports on the type, frequency, location and time of all incidents..."

Contrary to the assertion that DJS does not readily provide access to information, this JJMU Annual Report itself references numerous data sources in addition to the incident and ASSIST systems to which DJS provides JJMU access on an ongoing basis.

In summary, the Department already provides access to critical information and is reluctant to create a "formal protocol" outside of the existing SOP because it already provides procedures for

requesting information, reasonable timeframes to transmit that information, and confidentiality protections for children in our care and custody. The Department has invited JJMU to comprehensively review the SOP and revise it as necessary, as well as to address the Department's concerns. DJS discontinued the practice of informal notification of critical or emergency incidents to JJMU because this practice led to incomplete or inaccurate conclusions about the information. However, to redouble efforts to establish a productive working relationship with the JJMU, DJS will also meet with JJMU to establish a structured protocol for additional notification to the Director of JJMU regarding serious incidents.

The Department has several concerns with the JJMU approach to requesting information:

- JJMU staff makes requests for the same information to multiple parties within DJS often resulting in duplication of efforts.
- JJMU staff makes information requests onsite at our facilities that are not readily available, directing our staff to produce the information "right now."
- JJMU staff will mention confidential information contained in DJS records while interviewing youth which has led to complaints from youth that their confidentiality is being violated.
- JJMU staff asks the Department to provide aggregate data and analysis to them as opposed to performing these functions themselves.

In response to JJMU's numerous ad-hoc information requests, the Department has many times reminded JJMU that:

- Some of the information requested is posted on our website and therefore readily available.
- Some of the information requested is available if JJMU were to generate reports from ASSIST, our information management system, and/or the Incident Report automated system, our database maintaining critical and emergency information. DJS has provided training for JJMU staff on how to access the ASSIST and Incident Report databases to produce reports at the youth and aggregate or summary levels. DJS will provide additional training at JJMU's request.
- Some of the information requested is available only on-site at the facilities themselves.
- Some of the information requested is voluminous and available for review by JJMU on-site at DJS.
- Some of the information requested falls outside the scope of the JJMU's responsibility and is confidential.

Also of concern, the JJMU discloses information in its Annual Report that it is well aware is not for public distribution, even quoting directly from a confidential document without attribution to the author.

Contrary to the assertion of JJMU, DJS is fully committed to transparency and accountability and provides data to the JJMU in accordance with the terms of the SOP. For example, apparently to bolster its contention that DJS fails to provide JJMU with access to records, the JJM Report

(p. 5) states, “While this report is as data-based as possible, we acquired much of the statistical data supporting its conclusions from sources outside DJS.” A thorough review of data source citations in the JJMU Report, however, finds only two sources external to DJS – CRIPA Monitoring Reports, which JJMU acknowledges are available on the DJS website, and a small number of references to data from the Maryland Department of Legislative Services.

### **Corrective Action Planning**

The Department believes that JJMU has failed to engage in a collaborative planning process. In conformity with accepted professional practice, the SOP requires a debriefing after a monitoring visit which enables facility superintendents to be made aware of issues as quickly as possible so that they can clarify information and begin the process of establishing a corrective action plan. Currently, the JJMU does not provide a verbal debriefing after visits and the Department only becomes aware of issues when a written report is issued which requires a short turnaround response time to develop a response and corrective action plan.

The JJMU has issued reports that contain information that is inaccurate, incomplete, outdated or unsupported by any objective methodology. Currently, the JJMU does not have a monitoring tool and their approach to monitoring has been subjective, inconsistent and varied depending on the experience and/or personality of the JJMU monitors. The findings put forth by JJMU in monitoring reports and in the 2007 Annual Report are often ambiguous and supported only by vague descriptions based on “many” or “some” cases that are not identified. This makes it difficult to respond to generalized and unsupported conclusions or to isolated incidents that are described in the reports as systemic issues.

A significant amount of time is spent reviewing JJMU reports and responding to inconsistencies, misleading comments, inaccurate information and other deficiencies which require considerable DJS staff time. As the JJMU has indicated, we have had to re-assign a staff person just to respond to their reports. The Department would be much better served to use these resources for the actual remedying of problems, rather than engaging in a “needle in the haystack” exercise to discern the problem.

### **Facility Visits**

In its Draft Annual Report, JJMU referenced a facility logbook entry without providing context. Like all individuals who do not work directly in the facility, monitors are required to be escorted when in the facility for their own safety and security. What the JJMU reports neglect to mention is that the JJMU monitors have access to youth and staff so they may speak with the monitors in confidence. For purposes of efficiency and accountability of DJS staff, the Department has monitors direct information requests to facility Superintendents, so that appropriate staff can be assigned to provide the information. JJMU monitors should not direct DJS staff to provide information that would divert these direct care staff or management from their assignments or from providing supervision to the youth.

## JJMU Final Comments January 7, 2008

We begin by expressing serious reservations about the wisdom of pursuing a monitoring and reporting relationship in this way...reporting, defending, defending, reporting...most of the relationship played out in writing with little face-to-face contact between the parties.

In February, at the outset of the new DJS administration, both DJS and JJMU staff declared their hopes for a collaborative and productive working relationship. This is not an impossible feat. Examples of positive monitoring relationships exist in many business and governmental environment. However, a productive working relationship will only be accomplished with hard work on both sides, sufficient time devoted to the task, and a modicum of trust between the agencies.

In December, DJS appointed its Deputy Secretary for Operations as the primary point of contact for JJMU. As mentioned in the report, a new DJS staff member began coordinating responses and corrective action planning in October. A first meeting to renegotiate the agencies' Standard Operating Procedure has been scheduled for mid-January.

JJMU welcomes these developments and hopes they may signal a new era of cooperation. We pledge to do our part.

Nevertheless, some comments from the DJS Response can not go unanswered. In the following pages, we address criticisms and questions raised about the Juvenile Justice Monitoring Unit in the DJS Response to the Annual Report.

### **Page References:**

1. [p. 10](#) – “The JJMU Report does not accurately portray many of the long-standing challenges facing DJS and does not identify evidence-based reform initiatives that are actively underway, many of which have already resulted in measurable benefits to youth.”

**JJMU Response:** Our first responsibility is to report on what we see. To the extent we report on DJS challenges and accomplishments, we are limited by the information we are able to gather. To date, we have received very little information on these issues from DJS. We do not participate in strategic planning. We are not notified when new programs or reforms come on line. Most of what we learn about DJS is through the grapevine or from other outside sources, including news reports. We hope this situation will improve in 2008.

**DJS RESPONSE:**

**In order for JJMU to meet its goal of writing accurate reports, we are suggesting they report on improvements as well as deficiencies, and on strategies undertaken by the Department to address and resolve deficiencies. It is disingenuous to indicate that "we report on what we see" when the approach utilized by JJMU monitors is to only look for negative information.**

**One recent example is that JJMU monitors asked youth and staff at Victor Cullen, "tell me about the bad, we don't want to hear the good." Should JJMU ever decide to ask what we have accomplished we would be happy to share that information with them. We have provided that information in our response to this Annual Report but they have not integrated it into the body of their Report or they have included the information and then minimized its significance. For example, JJMU did not provide any information about new structured programming options for youth in its Annual Report. As this information is critical to understanding improvements to conditions in our juvenile facilities, we provided it in our response. The JJMU included this information but dismissed its significance by evaluating the programming as "one-shot" or "time-limited," when a fair reading would have led to the conclusion that these efforts have been explicitly structured to support their sustainability.**

2. [p.10](#) – "Conclusions in the JJMU Report are often inaccurate, misleading and unsubstantiated."

**JJMU Response:** We provide a draft of each report to DJS for correction and comment. We welcome and rely on DJS input to correct any inaccuracies. We acknowledge that inaccuracies do occasionally occur, and we always correct those when they are discovered.

Much of our investigation is based on personal interviews with administration, staff and youth who work and live in the facilities. These statements often contain subjective evaluations that may be in conflict with the point of view from Headquarters. We verify each and every statement we use in our reports. The documents we use come directly from DJS and other official sources.

Our conclusions are our own, based on the expertise of the monitors.

**DJS RESPONSE:**

**JJMU reports are more than just "occasionally" inaccurate or misleading. These issues occur consistently and regularly. We would have no problem whatever using DJS staff time to respond to reports that provide information based on sound methodology. Our objection is to the use of a great deal of staff time on a regular basis to correct factual inaccuracies**

and to clarify issues in JJMU reports that are put forth as representative or systemic but that are actually isolated or atypical events within a normal range.

Monitoring methods often do rely in part on staff and youth interviews, but the JJMU approach is flawed because it does not utilize an objective validation process to confirm anecdotal or unsubstantiated opinions that are obtained from only a few staff.

In an effective monitoring system, even subjective comments by youth and staff should be collected through sampling and a structured interview process so as to reduce bias introduced by the monitor and to quantify the percentage of respondents that reflect a particular viewpoint or perception. JJMU should cite sources for all its findings and identify the methodology that was used to verify and validate the information.

3. [p.10](#) – Recommendations for JJMU

a. Code of Conduct

JJMU Response: We have and follow a rigorous internal code of conduct.

DJS RESPONSE:

DJS will complete and provide to JJMU a DJS Incident Report to identify any instance of inappropriate conduct on the part of the JJMU Monitors that impacts the safe operation of our facilities.

b. “Maintain confidentiality of information obtained through the investigative process.”

**JJMU Response:** Our primary responsibility is to report on issues, not to keep problems secret. If there is a legal or ethical requirement of confidentiality, we adhere to those requirements.

All JJMU employees have completed an internal training course on confidentiality and signed confidentiality agreements, both with JJMU and with DJS.

DJS RESPONSE:

DJS strongly objects to JJMU’s assertion that we want to keep findings secret or that our request that JJMU respect confidentiality is based on our disagreement with perceptions of staff outside of Headquarters. This is completely baseless. Our objection is to JJMU’s breaches of confidentiality. For example, in its Draft of this Annual Report, the JJMU included information it was fully aware was confidential – not because of a desire for secrecy on the part of DJS but because the information, which was not substantiated, was covered by a confidentiality agreement among the involved parties. JJMU in effect

**acknowledged its breach of confidentiality by removing the information from its Annual Report. Moreover, we include interviews with youth and staff in our own internal quality improvement process in order to actively seek their perceptions and opinions.**

- c. Work with DJS to revise the SOP, including managing information requests

**JJMU Response:** We agree that the current SOP should be revised. A first meeting is scheduled for mid-January.

- d. Develop monitoring tool

**JJMU Response:** As mentioned in the report, we are developing a monitoring tool and will ask for DJS input in that process. Our goal is to implement at least a preliminary version of the tool by the beginning of the 2<sup>nd</sup> Quarter, 2008. We recognize that development of a monitoring tool is a requirement of the SOP.

- e. Conduct exit de-briefing interviews

**JJMU Response:** We have never received a complaint about failure to debrief from DJS, either orally or in writing. It is the policy of JJMU to conduct a debriefing interview with administrative personnel following every visit to a facility. JJMU monitors rigorously follow this policy. The only exceptions to the policy occur when there is no supervisory person available for the debriefing interview.

**DJS RESPONSE:**

**In order to address the issue we raised about the failure of JJMU to regularly conduct verbal debriefing conferences as required by the SOP, we recommend that JJMU develop a form to confirm that a debriefing occurred that includes signatures by the monitor and the most senior onsite manager/supervisor: Supervisory personnel are always available in DJS facilities to participate in a debriefing with JJMU.**

- 4. p. 12 – “The problem is not the protocol, but rather the unwillingness of JJMU to follow the SOP.”

**JJMU Response:** JJMU is eager to follow the SOP, either as it presently is written or a revised version. Every request for information that JJMU has made is supported by specific provisions of the SOP, yet many of these have been denied. For example, the SOP clearly requires that DJS promptly notify JJMU of critical facility incidents, but DJS has declined to do so.

**DJS RESPONSE:**

**As is explained in more detail in the relevant sections of this Report, DJS consistently conforms to notification requirements for critical incidents as identified in the SOP. JJMU has 24-hour access to our automated critical incident database. In addition, DJS will meet with the JJMU to plan a structured system for additional notification to the Director of JJMU.**

5. p.13 – Department concerns with JJMU approach to requesting information: “JJMU staff makes requests for the same information to multiple parties within DJS often resulting in duplication of efforts.”

**JJMU Response:** We agree that the information sharing process has been problematic and should be improved to prevent duplicate requests for information and ensure that information is promptly provided upon request.

We hope the appointment of a single point of contact at DJS will help in this regard.

6. “JJMU staff makes information requests onsite at our facilities that are not readily available, directing our staff to produce the information “right now”.”

**JJMU Response:** We have never received a complaint about this issue from DJS, either orally or in writing.

7. “JJMU staff will mention confidential information contained in DJS records while interviewing youth which has led to complaints from youth that their confidentiality is being violated.”

**JJMU Response:** We have never received a complaint about this issue from DJS and are not aware of any such incident. It would be extremely helpful to review details of such complaints from youth so that if such an incident has occurred the problem could be addressed. JJMU policy requires strict compliance with confidentiality of youth records.

8. “JJMU staff asks the Department to provide aggregate data and analysis to them as opposed to performing these functions themselves.”

**JJMU Response:** It is important to compare DJS aggregates and analysis with JJMU findings to determine whether there are significant differences in the findings, and the reasons for those differences.

**DJS RESPONSE:**

**JJMU can produce and analyze such aggregate reports through its 24-hour access to our automated Incident Database.**

9. p. 13 – “DJS discontinued the practice of informal notification of critical or emergency incidents to JJMU because this practice led to incomplete or inaccurate conclusions about the incident.”

**JJMU Response:** The current SOP absolutely requires such notification. The decision of DJS to arbitrarily discontinue such required notification is a violation of the SOP.

10. p. 14 – “The Department believes that JJMU has failed to engage in a collaborative planning process.”

- a. Inaccurate, incomplete, outdated information

**JJMU Response:** Virtually all of our information comes directly from DJS Headquarters, from the facilities, or from other official sources within the Maryland State Government.

- b. Information unsupported by objective methodology, subjectivity in reporting among monitors

**JJMU Response:** Monitoring reports contain both objective and subjective components. Both are important to a full understanding of the issues. The monitoring tool to be implemented in 2008 will also enhance consistency.

- c. Ambiguous and vague descriptions/isolated incidents that are difficult to respond to

**JJMU Response:** Isolated incidents are cited as illustrations of systemic problems.

- d. Significant amount of time/ full-time person assigned to respond to reports because they are inconsistent, misleading, inaccurate and other deficiencies – “needle in a haystack” exercise.

**JJMU Response:** If the Department wishes to engage in a collaborative planning process with JJMU, at least one person should be assigned the task of reading and responding to JJMU reports.

**DJS RESPONSE:**

**Senior staff members carefully read each JJMU Report. Our objection is not to assigning staff to read the JJMU reports, but to the use of staff time on a consistent basis to correct inaccuracies that regularly appear in the Reports.**

## Progress on DJS' Strategic Goals

In July, DJS issued its Fiscal Year 2008 Strategic Plan. The Plan set out four major goals:

1. Reduce reliance on out-of-state placements;
2. Eliminate federal oversight – CRIPA;
3. Keep our children, staff and communities safe;
4. Organization development.

This section of the report evaluates progress toward achievement of these strategic goals. Although the Strategic Plan itself does not include metrics by which progress can be measured, the Department evaluates progress via metrics established in its Managing for Results report. Evaluation of progress toward strategic goals is complicated, however, because:

1. The most recent posted update to the Managing for Results document is dated January, 2007. This report does not include actual data from fiscal years 2007 or 2008 – only projected data.<sup>3</sup> A new Managing for Results report will be published in early, 2008 including data through June, 2007.
2. Managing for Results does not include data on some strategic goals – for example, reducing the number of youth placed out-of-state or ending CRIPA involvement. Managing for Results does include indicators to measure progress toward DJS' 3<sup>rd</sup> strategic goal – “keep(ing) our children, staff, and communities safe.” Presumably, indicators such as the number of injuries from youth injuries in state-operated programs would be one such measurement (MFR, p. 8). Again, however, progress toward this goal is difficult to assess, because the report is outdated:

Actual FY 2005	1330
Actual FY 2006	1709
Estimated FY 2007	1538
Estimated FY 2008	1384 <sup>4</sup>

DJS has also spearheaded an interagency strategic planning process to include the Department of Human Resources,, Department of Health and Mental Hygiene, Governor's Office for Children, and Maryland Department of Education. The University of Maryland's Innovation Institute is facilitating the plan's development and has moved quickly to schedule meetings and complete the plan by June, 2008. The goal of the

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<sup>3</sup> Managing for Results, p. 8 <http://djs.state.md.us/pdf/djsfy2008mfr.pdf>

<sup>4</sup> Managing for Results, p. 8. <http://djs.state.md.us/pdf/djsfy2008mfr.pdf>

strategic planning process is to develop and implement “a coordinated interagency effort to develop a youth service system that can better meet the needs of youth and their families and target children who are at-risk.”<sup>5</sup>

While implementation of the strategic plan will no doubt improve delivery of services to children in DJS care, it will not address issues such as facility replacement and renovation, youth and staff safety in facilities, improvement of staffing, and enhancement of facility programming and educational opportunities. DJS needs a planful and concrete approach to these issues that are peculiar to its responsibilities and population.

**DJS RESPONSE:**

**The Department’s Strategic Plan does have indicators which measure progress and they are included in our Managing for Results (MFR) document, which is available on our website at <http://www.djs.state.md.us/pdf/djsfy2008mfr.pdf>. Some of the objectives in the Strategic Plan are structural or process changes which would not be measured by metrics.**

**MFR documents are prepared and issued in accordance with annual State budget cycle requirements, so the JJMU is correct that the most recent MFR was issued by DJS last year. DJS posts the MFR report on our website, so JJMU will have access to this year’s document as it has had in previous years.**

**The focus of the interagency plan is on prevention and systems coordination. The areas mentioned are reflected in the DJS Strategic Plan under the second goal and will be further refined in our Strategic Plan update that will be issued in February 2008.**

**JJMU indicates that the Department’s interagency strategic planning process “will be limited in scope to interagency service delivery issues (JJMU Report, p. 9).” This statement could not be more inaccurate and misinformed. Had JJMU spoken to the Department about the interagency strategic plan, we would had provided them with the correct information.**

**The interagency strategic plan involves the following State Agencies: DJS, MSDE, DOD, GOC, DHMH and DHR. It also involves a Partner’s Council composed of key stakeholders and experts, as well as engaging the voice and opinions of families and children through a series of state-wide listening sessions that are standing room only, and being enormously well-received. The planning process will generate a comprehensive blueprint that has not been previously undertaken to create a system that better serves children and their families.**

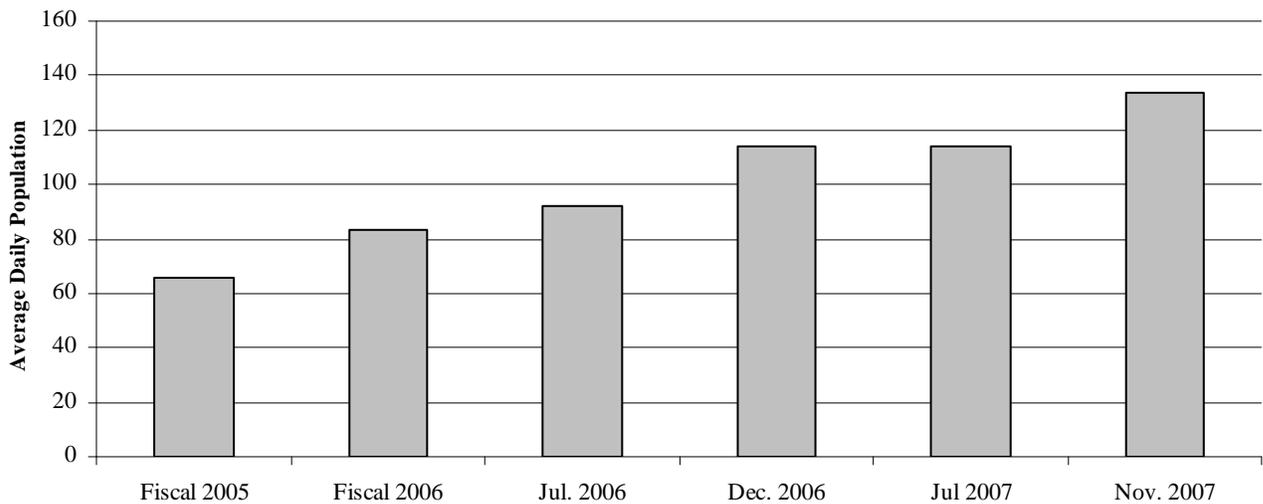
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<sup>5</sup> DJS Interagency Youth Services Strategic Plan Fact Sheet.

## 1. Reduce reliance on out-of-state placements

The Department has not made progress on this goal in 2007. Out-of-state placements have risen in 2007, from 117 in January to 134 as of the writing of this report, a 14% increase. The chart below illustrates the continued rise in the number of out-of-state placements over the past four years.

### Out-of-state Committed Residential Populations Average Daily Population Fiscal Year, 2005 – 2008 (to date)



Source: Department of Legislative Services, FY 2008 Executive Budget Analysis

### Number of Youth in Out-Of-State Placements January, 2007 – November, 2007

January	117
February	113
March	113
April	no data
May	119
June	114
July	114
Aug	121
Sept.	126
Oct.	134
Nov. 18 <sup>6</sup>	134

<sup>6</sup> Last date for which this office has data.

One major strategy the new DJS Secretary developed to reduce out-of-state placements was the renovation and reopening of the Victor Cullen Academy in western Maryland. The facility underwent an expensive fast-track renovation this year, opening 48 new beds for committed placement youth. At the time of writing of this report, 27 youth are housed at Victor Cullen, and 30 are expected by the end of the year.

Although the General Assembly appropriated \$6.8 million for Victor Cullen's renovation, total FY2008 costs to date are approximately \$10 million. In June, 2007, DJS estimated that by the end of the 2008 fiscal year (June, 2008), reopening and operating costs for Victor Cullen would total \$19 million.

Victor Cullen's admission criteria raise questions about the program's ability to help stem the tide of out-of-state placements. Generally, youth are placed out of state because their problems are complex (e.g., significant mental health issues or violent history) and because no appropriate treatment programs exist within the state. Originally, Victor Cullen was planned as a facility for treatment of these difficult to place youth, particularly those who required placement in a secure facility.

Neighboring community members, however, did not favor reopening the facility if "dangerous" youth would be placed there, and as a result, few youth with histories of serious violence or mental health issues are placed at Victor Cullen. Out-of-state placement numbers will continue to rise until appropriate treatment programs for these populations are developed in-state.

#### **DJS RESPONSE: Out-of-State Placement**

**On assuming leadership of DJS, Secretary DeVore immediately took action to implement a set of strategies, both internally and in partnership with our external partners, to address and resolve significant and long-standing issues related to placement pending in Maryland's juvenile justice system. While the benefits of systemic reform such as this generally are not realized on a very short-term basis, the impact of the Department's efforts has already resulted in a drastic reduction in the number of youth pending placement for extremely long periods of time. Between April 2007 and December 2007, the percent of youth waiting for placement over 90 days was reduced from 33 percent to only 8 percent of the total pending placement population. For BCJJC, the percentage dropped from 24 percent to just 2 percent of youth waiting over 90 days for placement.**

**The opening of Victor Cullen has been very significant to DJS' capacity to serve Maryland's Children in Maryland. Currently 29 youth who required placement in a secure treatment facility, including youth who were being considered for out-of-state placement, are at Victor Cullen. The \$6.8 million appropriated for Victor Cullen was for renovation costs and did not include operating funds. The opening of Victor Cullen has been accelerated beyond the scheduled phase-in anticipated in the budget preparation. The JJMU indicates that the first year's renovation and operating cost have already exceeded \$18 million. That figure is not accurate. To date, total fiscal year 2008 cost for**

**Victor Cullen is less than \$10 million.**

**DJS RESPONSE**

The tables below display substantial reductions in LOS by intervals for pending placement youth statewide and at BCJJC from April to December 2007. Data in the tables are one-day counts on the first day of each month.

**Statewide**

LOS Intervals

	<b>Apr-07</b>	<b>May-07</b>	<b>Jun-07</b>	<b>Jul-07</b>	<b>Aug-07</b>	<b>Sep-07</b>	<b>Oct-07</b>	<b>Nov-07</b>
<b>Youth</b>	<b>192</b>	<b>155</b>	<b>163</b>	<b>158</b>	<b>160</b>	<b>140</b>	<b>148</b>	
<=1 Month	42	77	84	82	68	56	83	
<=2 Months	54	33	44	35	50	32	27	
<=3 Months	32	20	15	20	15	23	18	
<=4 Months	19	11	9	9	18	11	15	
<=5 Months	20	6	4	5	6	13	1	
<=6 Months	10	3	4	3	1	4	3	
> 6 Months	15	5	3	4	2	1	1	

**BCJJC**

LOS Intervals

	<b>Apr-07</b>	<b>May-07</b>	<b>Jun-07</b>	<b>Jul-07</b>	<b>Aug-07</b>	<b>Sep-07</b>	<b>Oct-07</b>	<b>Nov-07</b>
<b>Youth</b>	<b>46</b>	<b>54</b>	<b>55</b>	<b>50</b>	<b>49</b>	<b>47</b>	<b>43</b>	
<=1 Month	8	22	25	24	17	15	17	
<=2 Months	9	10	16	13	16	13	10	
<=3 Months	5	9	2	7	7	8	9	
<=4 Months	7	7	5	1	8	5	6	
<=5 Months	5	3	2	3	0	6	0	
<=6 Months	8	2	3	1	1	0	1	
> 6 Months	4	1	2	1	0	0	0	

**JJMU Note:** The tables above have been incorporated into the report (in the section on Population, p. 19) and demonstrate significant reductions in the number of youth waiting more than 90 days for placement. The percentages in the statement below from the DJS response appear to be incorrect. Please clarify:

. “Between April 2007 and December 2007...(f)or BCJJC, the percentage dropped from 24 percent to just 2 percent of youth waiting over 90 days for placement.”

The correct percentages appear to be 52% (April) and 5% (Dec.).

**Number of Youth in Pending Placement Status for 90 Days or More in 2007  
(System-wide)**

<b>April</b>	<b>33%</b>	(64 of 192 total pending placement)
May	16%	(25 of 155)
June	12%	20 of 163)
July	13%	(21 of 158)
August	17%	(27 of 160)
Sept.	21%	(29 of 140)
Oct.	13.5%	(20 of 148)
Nov.	17.6%	(27 of 153)
<b>Dec.</b>	<b>8%</b>	(11 of 144)

**Number of Youth in Pending Placement Status for 90 Days or More in 2007  
(BCJJC)**

<b>April</b>	<b>52%</b>	(24 of 46 youth pending placement)
May	24%	(13 of 54)
June	22%	(12 of 55)
July	12%	(6 of 50)
Aug.	18%	(9 of 49)
Sept.	23%	(11 of 47)
Oct.	16%	(7 of 43)
Nov.	19%	(8 of 43)
<b>Dec.</b>	<b>5%</b>	(2 of 43)

**2. Eliminate Federal Oversight – CRIPA**

The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Department of Justice to conduct investigations and litigation relating to conditions of confinement in government operated residential facilities to enforce the constitutional rights of residents.

In 2004, the U.S. Department of Justice concluded that certain longstanding conditions at Cheltenham and Hickey violated the constitutional and federal statutory rights of juveniles confined there. In 2005, the State of Maryland entered into a settlement agreement to implement key reforms to strengthen services for youths at Cheltenham and Hickey.

This year, the Baltimore City Juvenile Justice Center (BCJJC) was added to the agreement, and the State promised to improve conditions there as well. A federal monitoring team evaluates the State's progress in approximately 50 areas, issuing reports every six months. DJS hopes to be in compliance in all areas by July, 2008 and to be released from federal oversight at that time.

No progress reports on BCJJC have been issued yet, but DJS has made significant progress in remedying deficits at both Cheltenham and Hickey and appears to be on track to satisfy its strategic goal of eliminating federal CRIPA oversight, at least at these two facilities, by next year.

The chart on the following page summarizes findings of the most recent federal monitoring report, covering January 1 – June 30, 2007. All CRIPA monitoring reports may be found on the DJS website at [www.djs.state.md.us](http://www.djs.state.md.us).

**Settlement Agreement between the State of Maryland**

**and the United States Department of Justice**

**Fourth Monitors' Report (January – June, 2007)**

<u>Substantive Area</u>	<u>Total Provisions</u>	<u>Substantial Compliance</u>		<u>Partial Compliance</u>		<u>Non-compliance</u>	
		<u>Hickey</u>	<u>CYF<sup>7</sup></u>	<u>Hickey</u>	<u>CYF</u>	<u>Hickey</u>	<u>CYF</u>
Protection from Harm	17	7	6	10	11	0	0
Suicide Prevention	9	7	6	2	3	0	0
Mental Health	10	7	5	3	5	0	0
Medical Special Education	5	1	2	4	3	0	0
Fire Safety	8	6	6	2	2	0	0
<b>Total Facility – Level</b>	<b>50</b>	<b>28</b>	<b>25</b>	<b>22</b>	<b>25</b>	<b>0%</b>	<b>0%</b>
		<b>56%</b>	<b>50%</b>	<b>44%</b>	<b>50%</b>		
Mental Health	1	1		0		0	
Medical Quality Assurance	1	1		0		0	
	4	1		2		1	
<b>Total Agency – Level</b>	<b>6</b>	<b>3</b>		<b>2</b>		<b>1</b>	
		<b>50%</b>		<b>33%</b>		<b>17%</b>	

**DJS RESPONSE: Eliminate Federal Oversight**

<sup>7</sup> Cheltenham Youth Facility

**As indicated in the JJMU Report, DJS is on track to exit federal oversight at Cheltenham and Hickey by July 2008, and would be one of the only states to have ever successfully resolved a CRIPA Settlement Agreement without requiring an extension of time. This accomplishment is indicative of the success of the substantial reforms undertaken by DJS to improve facility conditions and practices.**

**The chart summarizing DJS' progress with the CRIPA Settlement Agreement is included in the JJMU Report without attributing authorship to the CRIPA Monitor's Fourth Report. The JJMU should either delete the chart or properly credit its authorship. In the final version of the Annual Report, JJMU provided the citation for this data as recommended by DJS.**

### **Unanticipated Consequences of Strategic Goals #1 and #2**

An unanticipated consequence of the first two strategic goals – reducing out-of-state placements and ending CRIPA oversight – is that precious departmental financial and staff resources have been diverted from other important priorities while attention is focused on these.

For example, renovating Victor Cullen within a three month period diverted millions of dollars that might have been used for desperately needed repairs at other facilities. Large contingents of Headquarters staff were also detailed on nearly a daily basis to the Victor Cullen construction site in western Maryland. While Victor Cullen was built, other facilities and programs suffered, and as discussed above, the facility may or may not be successful in diverting youth from out-of-state placements in the long run.

Likewise, the CRIPA monitoring process taxes limited staff resources. Correcting conditions cited by the CRIPA Monitors must be a critical priority for the Department because these conditions involve civil rights violations. However, the focus should be on repairing the conditions correctly, no matter how long that takes, rather than quick fixes aimed at releasing the state from federal oversight at some arbitrary point in the future. For example, \$700,000 has been invested in installing fire sprinklers in buildings at Cheltenham – buildings that the Department admits should be demolished, and more must be invested to install sprinklers in the Infirmary Building.

An alternative might have been to focus on building two facilities – one for detention and one for committed care - on the Cheltenham site this year. The property is beautiful, historic, and in a portion of the State that lacks committed placement beds. New construction on the Cheltenham (or Hickey) site would have addressed many federal monitoring concerns while providing additional committed placement beds.

#### **DJS RESPONSE: Unanticipated Consequences**

**The Department takes strong issue with the JJMU's contention that reforms at**

**Cheltenham and Hickey have been “quick fixes” (JJMU Report, 13). Contrary to this unfounded conclusion, DJS has invested substantial effort in developing policies, procedures and practices to support and sustain fundamental reform, including the establishment of a new office for Quality Assurance and Accountability that developed and implemented continuous quality improvement systems in the facilities.**

**The assertion by JJMU that “several million dollars has been invested in installing fire sprinklers in all buildings at Cheltenham” is incorrect. DJS has installed fire sprinkler systems in two buildings at Cheltenham at a cost of about \$700,000.**

**In its draft of this Annual Report that was provided to DJS for comment, the JJMU erroneously claimed that installation of the fire sprinklers at Cheltenham cost “several million dollars.” DJS provided the actual, substantially lower, cost. JJMU then responded with another, inaccurate claim that fire sprinklers need to be installed in the infirmary. Fire sprinklers have already been installed in the Cheltenham infirmary.**

### **3. Keep Our Children, Staff, and Communities Safe**

The Department’s strategies under this goal include:

- Reducing recidivism
- Enhancing services for reduction of gangs

The effect of any new programs or strategies to reduce recidivism will not be known for some time in the future – at a minimum, two years.

The Department has funded several anti-gang programs focusing on conflict resolution, anger management, and alternatives to gang membership. We hope these programs will be significantly expanded, taking advantage of the State’s skilled cadre of gang mediators and conflict resolution experts.

### **4. Organizational Development**

#### **a. Recruitment and retention of personnel**

Progress toward this goal is discussed in the section on staffing (p. 19).

#### **b. Implementation of regionalization**

Recent legislation required DJS to regionalize service delivery via the development of multiple service regions throughout the state. The Western Region (Region 3) was established as a pilot program and a final plan for regionalization was to be submitted to the General Assembly by November 1, 2007. As of the writing of this report, the regionalization plan, to include the number of regions to be established and

residential and non-residential services to be provided in each region, has not been submitted. Reportedly, it is forthcoming.

c. **Improve inter- and intra-agency planning**

DJS participates in numerous inter-agency task forces and groups in all branches of government. In October, it contracted with the University of Maryland's Innovation Institute to develop an inter-agency strategic plan to improve coordination of services among DJS, the Department of Health and Mental Hygiene, and the Department of Human Resources.

The strategic planning team is actively organizing the planning process and scheduling stakeholder meetings around the state. A final inter-agency plan is expected by July, 2007 (see discussion above, p. 9).

d. **Improve fiscal planning and management**

The strategic plan does not provide metrics by which to gauge progress on this goal.

# Major Systemic Issues in 2007

## Population

### 1. Overcrowding

Among detention facilities, the Baltimore City Juvenile Justice Center and Carter Center in eastern Maryland have experienced chronic overcrowding this year. Western Maryland Children's Center has experienced periodic overcrowding. When a facility's beds are full, youth sleep in "boats" (fiberglass sleeping containers into which a mattress is inserted). These youth frequently sleep in hallways or other common areas and have no private space or space for personal belongings. Overcrowded facilities threaten youth safety and tax already overworked staff.

The detention facilities at Cheltenham, Hickey, Lower Eastern Shore Children's Center and Noyes generally have not housed youth beyond their capacity.

The typical departmental response to facility overcrowding, particularly when it results in a group disturbance, is to move problem youth to another detention facility. This practice does not solve the problem – it only shifts it to another location. Reviews of Incident Reports show that the same few youth are often responsible for disturbances at multiple detention facilities, causing new problems with each shift in placement.

The Department operates a number of detention alternative programs, including Community Detention (CM), Electronic Monitoring (EM). Baltimore City has two evening reporting centers, and the PACT Center (also in Baltimore City) collaborates with youth and their families to develop intervention plans to address underlying issues. The Choice Program provides community-based supervision and services in education, employment, advocacy, family support, community service and resource linkage at five sites in and around Baltimore City.

The Detention Diversion Advocacy Program (DDAP) is part of the larger Annie Casey Foundation's Juvenile Detention Alternatives Initiative (see below) and provides increased community supervision with daily monitoring and weekly therapeutic interventions. It is also only available in Baltimore City.

While some diversion programs have been highly successful in reducing recidivism, they are still only available in a few areas of the state – primarily in and around Baltimore City. These programs should be expanded, particularly those that are evidence-based,<sup>8</sup> Additional solutions to overcrowding should be developed to keep youth out of secure detention unless absolutely necessary. Facility staff should also be given authority to turn away youth when the facility has reached capacity.

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<sup>8</sup> Proven by rigorous studies to be successful in reducing recidivism, increasing graduation rates, and improving other indicators of success for juveniles.

Despite community programs, new risk assessment tools, and improved casework practices, the numbers of youth held in secure detention increased in 2007 and remained stable throughout the year - but the number of youth in secure detention decreased by 25 between October and November.

**DJS RESPONSE: Overcrowding**

The JJMU Draft Annual Report alleged that DJS “shuttles” youth between facilities to address overcrowding. DJS objected to this statement as erroneous and misleading. In its final Annual Report, JJMU has removed the term “shuttles” and replaced it with “moves,” but leaves intact the misleading assertion. DJS has established an inter-disciplinary staffing process for systematic planning prior to making a decision to transfer youth, including youth who cause severe problems in a facility. The goal of this process is the development of strategies or “guarded care plans” for difficult-to-manage youth. The team is composed of staff representing behavioral health, direct care, facility management, community and facility case management, medical, and education services. DJS implements these and other strategies to support maintaining youth in facilities closest to their homes and communities; however, it may become necessary to transfer youth to ensure safety and security.

We also note that in response to the Draft Annual Report, DJS provided the information below about the Department’s important initiatives related to reduction of overcrowding that now appears in the final Report.

Significant efforts are underway to identify and divert youth who do not need secure detention. We have hired a new JDAI Coordinator with a national reputation for success in implementing risk assessment tools and other strategies to decrease Disproportionate Minority Contacts (DMC) while reducing facility overcrowding. Regrettably, this concerted effort that has been the focus of legislators and advocates for many years in Maryland is not addressed or acknowledged anywhere in the JJMU Annual report.

The detention risk screening tool is a fundamental strategy used to evaluate each youth arrested and referred to DJS to determine the need for secure confinement. Good risk instruments cannot be constructed in a day, or by intuitive guesswork. DJS has invested the necessary staffing, time and effort to ensure that our risk tool is scientifically validated. The implementation of the risk assessment instruments (RAI) has assisted in identifying needs for a variety of options to supervise youth pending action of the juvenile court.

The Community Detention (CD) program provides community supervision, and CD may also be coupled with electronic monitoring (EM). Other alternatives to detention range from the use of shelters to Evening Reporting Centers. Baltimore City currently has two evening reporting centers in operation. The PACT Center utilizes a youth

**development model and collaborates with youth and their families to develop an intervention plan to address the underlying issues which lead to anti-social behavior.**

**Several other detention alternative options are in place, including the Detention Reduction Advocacy Program (DRAP), which provides increased community supervision with daily monitoring and weekly therapeutic interventions, and the Choice Intensive Advocacy and Case Management program, which provides community-based supervision and services in education, employment, advocacy, family support, community service and resource linkage.**

## **2. Detention Population**

The number of youth held in secure detention remained stable throughout the year. Although the Department implemented new assessment tools and case management practices to decrease the number of youth in secure detention, to date these measures have not reduced detention population numbers.

For the past five years, the Department has participated in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). The Baltimore City Juvenile Justice Center (BCJJC) has been the pilot site, and the Department hopes to expand the program to other areas of the State. JDAI focuses on eight core strategies that analyze the conditions of confinement, collaboration between systems, controlling the front gates of detention centers, case processing, and reducing racial and ethnic disparities.

### **DJS RESPONSE:**

**DJS notes that JJMU added to its Annual Report the information provided by DJS about our participation in the JDAI project.**

Although DJS implemented a variety of strategies to reduce the detention population at BCJJC, the detention population was fairly flat through the first months of the year and increased in September, October, and November.

### **Baltimore City Juvenile Justice Center Detention Population January – November, 2007**

January	78
Feb.	77
March	85
April	84
May	82
June	77

July	76
Aug.	83
Sept.	96
Oct.	95
Nov.	91

**Secure Detention – Pre-Adjudication**

In FY2005, an average of 253 youth were held in secure detention – in FY2008 (to date), that number has increased to 285.

**Number of Youth in Pre-Adjudication Secure Detention  
Fiscal Year Average 2005 – 2008**

FY 2005	253
FY 2006	290
FY 2007	288
FY 2008 (to date)	285

**Average Number of Youth in Pre-Adjudication Secure Detention  
January, 2007 – November, 2007**

January	<b>303</b>
Feb.	297
March	289
April	272
May	282
June	271
July	272
Aug.	283
Sept.	300
Oct.	299
Nov.	<b>274</b>

**DJS RESPONSE: Secure Detention Pre-Adjudication**

The average pre-adjudication detention population for the entire month of January was 305. It is misleading to compare a single day population (January 3) with monthly averages, as JJMU has done, because detention population varies widely from day to day within a month. Similarly, the average for the complete month of November was 275. The use of monthly comparisons yields a completely different picture than put forth by JJMU, with the average monthly population decreasing by 30 youth, not 5 youth as presented here. The JJMU can readily obtain monthly population data on the DJS website: [http://www.djs.state.md.us/mo\\_pop\\_reports.html](http://www.djs.state.md.us/mo_pop_reports.html)

**In its final Report, JJMU used data as corrected by DJS above in our response to the JJMU Draft Annual Report, but continues to reach misleading conclusions based on the data.**

Source: DJS Monthly Population Report, November 2007.

### **Secure Detention – Post-Adjudication (Pending Placement)**

The number of youth in Pending Placement status has increased since January of this year and is virtually identical to the averages for FY 2007.

The numbers of youth in pending placement have declined, however, since June (from an average of 160 to 140). New case management practices and frequent meetings to discuss difficult to place youth (“stuck kids”) may continue this downward trend, but it is too early to predict the long-term effect.

### **Number of Youth in Post-Adjudication Secure Detention (Pending Placement) Fiscal Year Average 2005 – 2008**

FY 2005	130
FY 2006	167
FY 2007	144
FY 2008 (to date)	145

### **Average Number of Youth in Post-Adjudication Secure Detention (Pending Placement) January, 2007 – November, 2007**

January 3	130
Feb.	137
March	153
April	151
May	153
June	159
July	155
Aug.	149
Sept.	136
Oct.	136
Nov.	137

Source: DJS Monthly Population Report, November, 2007

As part of its JDAI effort, the Department’s FY2008 Strategic Plan set “an ambitious goal to decrease the number of youth pending placement (at BCJJC) by 50%

by June 30, 2008.”<sup>9</sup> Numbers of Youth in Post-Adjudication Secure Detention (Pending Placement) at BCJJC for the for calendar year 2007 are:

**Average Number of Youth in Post-Adjudication Secure Detention  
(Pending Placement) at  
Baltimore City Juvenile Justice Center  
January, 2007 – November, 2007**

January	25
Feb.	29
March	40
April	40
May	50
June	52
July	48
Aug.	48
Sept.	46
Oct.	39
Nov.	36

**DJS RESPONSE: SECURE DETENTION - POST-ADJUDICATION**

As we indicated with regard to comparing pre-adjudication data, it is misleading to compare data for one day with monthly data to reach conclusions about population trends as JJMU has done. More accurate trend data can be derived by comparing the monthly pending placement average for January 2007, which was 130, with the monthly average for November 2007, which was 136, and for December 2007, which was 115 – a substantial reduction especially in the latter part of the 12-month period. It is also misleading to compare pending placement averages to data for March 2007, because that is when Bowling Brook closed and our in-state capacity for treatment beds was impacted.

The JJMU Report acknowledges DJS’ “ambitious goal” (JJMU Report, p. 16) to reduce the number of youth in detention facilities who are pending placement, but the goal should be clarified in the JJMU Report. The goal refers to the reduction of the number of youth pending placement *in Baltimore City* by 50% by June 30, 2008. Toward that end, senior DJS administrators, including members of the Executive Staff, meet frequently with members of the judiciary, the State’s Attorneys Office, the Office of the Public Defender, DSS, and DHR to problem-solve solutions to barriers to appropriate placement. Youth who are discussed and assisted through this “Stuck Kids” committee are among the most difficult to place due to severe difficulties in multiple domains (e.g., school, family, peer, community), and serious legal charges. This intensive process has been very successful, resulting in the placement of 28 youth since its inception several

<sup>9</sup> DJS Strategic Plan FY2008.

months ago.

DJS also frequently convenes a committee for strategizing and problem-solving based on analysis of data trends related to pending placement issues. Similarly to the Stuck Kids committee – which was organized as an outgrowth of the pending placement meetings - the participants in this committee include DJS staff and external partners, including representatives of the Office of the Public Defender, the judiciary, the Governor’s Office for Children and the State Coordinating Council (SCC).

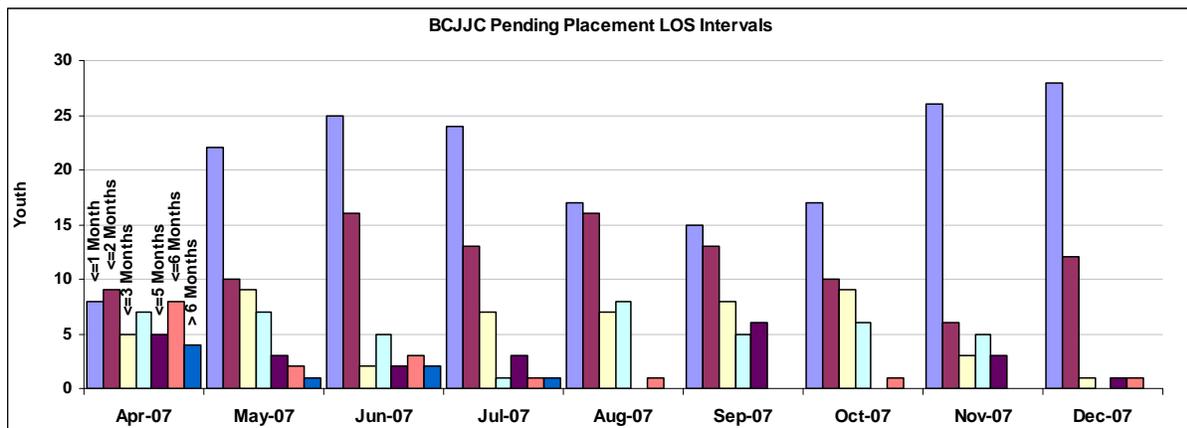
The conclusions reached by the JJMU about pending placement trends are inaccurate. While JJMU references the total number of pending placement youth, reliable analysis of pending placement trends also requires examination of the length of stay in detention for pending placement youth. As detailed in response to other issues raised in the JJMU Report, the Department's efforts to address ongoing pending placement issues have already resulted in drastic reduction in the number of post-adjudicated youth waiting in detention for extremely long periods prior to placement.

Moreover, by State statute DJS cannot make unilateral or immediate placement decisions in circumstances requiring involvement of the Local Coordinating Council (LCC) and the SCC. DJS is actively engaged in reform efforts with our partner agencies within the LCC and SCC process to streamline placement decision procedures.

**JJMU Note:** Please provide supporting data for reduction of pending placement periods in 2007. This data has not been made available to JJMU and is not included in the DJS Monthly Population reports posted on its website.

### DJS RESPONSE

The data in the table below shows the substantial reduction in length of stay (LOS) for youth pending placement at BCJJC by month from April to December 2007.



### 3. Alternatives to Detention

The Department is funding several community-based programs that reduce the number of youth in secure detention or committed care. These include Functional Family Therapy (FFT), Multi-systemic Therapy (MST), and Multidimensional Treatment Foster Care (MDTFC), all evidence-based practices that support youth in the community through intensive intervention for them and their families. These programs have been proven to significantly reduce recidivism, enhance clinical functioning and improve school performance, at considerable cost savings compared with confinement in juvenile facilities.

Currently DJS is funding FFT in Baltimore City, Charles County and the Eastern Shore. In September, the Department entered into a four-year compact agreement to implement MST in Baltimore County.

Again, while these are positive steps, evidence-based programs remain unavailable to the vast majority of Maryland youth. The Department has discussed establishing additional evidence-based practice programs in Anne Arundel, Prince Georges and Montgomery Counties, but no time frames have been provided, and the pace so far – one county per year – is exceedingly slow.

#### **DJS RESPONSE:**

**In less than one year, under Secretary DeVore’s leadership, DJS has completed an Opportunity Compact in collaboration with Baltimore County to bring evidence-based practices to that jurisdiction, and has worked with external partners to implement evidence-based practices in other jurisdictions.**

### 4. Recommendations

A real and long-term solution to overcrowding must be developed – not just a system of shuffling youth among detention facilities. Some options that should be explored include:

- Intensive case management to ensure that all youth in detention are, in fact, “a danger to themselves, others, or the community or pose a flight risk.” Monitors routinely observe youth in secure detention facilities who do not meet the criteria for secure detention. In some cases, no family member is available to take the child. In others, the child has mental illness or mental retardation but no other short-term care facility has been identified.

#### **DJS RESPONSE:**

**DJS requests that JJMU provide the basis for their assertion that they “routinely observe” youth who do not meet the criteria for secure detention. DJS utilizes a validated risk**

**assessment instrument in making detention decisions, and juvenile court judges review all detention decisions.**

**JJMU Note:** This recommendation relates to a number of different youth observed in monitoring visits during Sept., Oct., and November by both Monitors and the JJMU Director. Many of these youth were placed in secure detention by judges as a “last resort” because their cases were complex and no better options appeared to exist.

These youth included pregnant girls (Noyes, Waxter, and LESCO): a boy with such serious behavioral and mental health issues that he was required to have one-on-one supervision on a 24-7 basis (Cheltenham); a youth who appeared to have at least a moderate level of mental retardation (BCJJC), a youth going through drug withdrawal (Carter), several youth not allowed to leave detention because no family member was willing to pick them up or allow them to live at home (multiple facilities); and a youth recovering from multiple stab wounds (Cheltenham), among others.

The question here is not whether DJS can provide adequate care for these youth. It is whether the youth’s civil rights are violated by placing them in secure detention, even by court order, when they do not meet the standard for secure detention – posing a danger to themselves or others or a flight risk.

It is incumbent upon all agencies involved with youth, including the courts, to develop alternatives for these “special needs” youth that do not involve secure detention if they do not meet the statutory standard for such.

The Baltimore City Juvenile Justice Center's Community and Family Resource Center offers a promising model – its focus is on providing an array of services to families to enable them to successfully care for a youth who might otherwise be detained. The Department should provide additional support for this program and consider replicating this model in other areas.

- Shelter care alternatives should be more aggressively pursued. Ironically, a number of shelters in the State operate under capacity and would be more appropriate settings for many detained youth.
- Development of more community-based alternatives to secure detention. In many cases, youth released on community detention or electronic monitoring have no programming options available to them. In some jurisdictions, such as Baltimore City, multiple community-based detention alternatives exist, but decision-makers under-utilize them. These programs must be evidence-based – shown by research to reduce recidivism and improve long-term outcomes for youth.

**DJS RESPONSE: Recommendations**

**The Juvenile Detention Alternatives Initiative (JDAI), supported by the Annie E. Casey Foundation, examines juvenile detention through many different perspectives. JDAI**

**focuses on eight core strategies that analyze the conditions of confinement, collaboration between systems, controlling the front gates of detention centers, case processing and ensuring data-driven decision-making, and reducing racial and ethnic disparities. JDAI is currently implemented in Baltimore City, and DJS has committed to expanding the initiative throughout the state. JDAI has proven effective in reducing detention populations while maintaining public safety in numerous jurisdictions throughout the country.**

**DJS has funded evidenced-based practices including Functional Family Therapy (FFT), Multi-systemic Therapy (MST), and Multidimensional Treatment Foster Care (MDTFC), nationally recognized programs designed to support adjudicated youth in the community through intensive intervention for them and their families. These programs have been demonstrated through rigorous evaluation to significantly reduce recidivism while improving clinical functioning and school performance, at considerable cost savings compared with confinement in juvenile facilities.**

**Currently DJS is funding FFT in Baltimore City, Charles County and the Eastern Shore. In September 2007, DJS in partnership with the Baltimore County's Executive Office, Local Management Board (LMB) of Baltimore County, Department of Budget and Management (DBM) and the Governor's Office of Children (GOC) instituted a four- year Compact Opportunity Agreement to implement Multisystemic Therapy. Provisions of the agreement require DJS to target youth who are at immediate risk of placement in a group home or in and out of state facility. More importantly, the portion of savings (in lieu of placement) will be returned to Baltimore County for continued operation of MST and for additional investments as prioritized by the LMB. Private partners in this cost-saving effort include the Crane Foundation and the Safe and Sound Campaign in Baltimore City to raise capital to seed this State initiative to avoid long-term State expenditures.**

**The Department is establishing FFT services for implementation in Anne Arundel County, in collaboration with Anne Arundel County Mental Health. The Department is also pursuing additional Compacts.**

**The Department is working with the Annie E. Casey Foundation to explore the feasibility of bringing the Blue Sky initiative to Maryland. This is an initiative that is currently being piloted in New York City that integrates FFT, MST and MDTFC for a comprehensive continuum of services.**

# Staffing

## Introduction

DJS facilities have suffered for many years from inadequate staffing. Staffing problems appear to be slowly improving as the General Assembly approves more permanent positions. One notable exception to the issue of understaffing is the Victor Cullen Academy. The Department expended great effort to advertise, interview, and hire staff to enable the opening of Victor Cullen in a record 4 months. All of the positions at Victor Cullen are permanent PIN positions carrying full benefits.

While the target direct care staff/youth ratio system-wide is 1 to 8<sup>10</sup>, the target staff/youth ratio at Victor Cullen is 1 to 4, and 1 to 10 at the Youth Centers. As of the date of this report, all but four facilities were meeting their targeted staff/youth ratios, but were using significant overtime hours to meet the target.

### 1. Staff vacancies

As of October 1, DJS reported a total of 1,118.7 permanent (PIN) staff positions for the programs monitored by JJMU.. Eighty nine percent, or 988.5 of the total permanent positions, are reported as filled, and 130.2 positions are reported as vacant, representing an 11% vacancy rate overall.<sup>11</sup> Individual facility staff vacancy rates are as follows:

Facility	Total Permanent Positions	Vacant Positions	Vacancy Percentage
Cheltenham	168	16	9.5%
Hickey	144	22	15.3%
Carter	22	1	4.5%
BCJJC	171.2	9.2	5.4%
MYRC	41	3	7.3%
LESCC	48	3	6.3%
Noyes	70	10	14.3%
Schaefer House	25	1	4%
Victor Cullen	90	36 <sup>12</sup>	40%
Waxter	78	3.5	4.5%
Western Md. CC	60	11	18%
Youth Centers	201.5	14.5	7.2%

Excluding all vacancies at Victor Cullen, the overall staff vacancy rate is 8.75%.

<sup>10</sup> 1 to 16 during sleeping hours.

<sup>11</sup> DJS StateStat Report, October 1, 2007

<sup>12</sup> Victor Cullen's vacancy rate is unusually high because the facility has only been open a few months and does not have a full complement of staff or youth on site yet.

In 2007, the General Assembly required DJS to submit a plan to improve its recruitment and retention of staff. That plan included the following provisions:

- increasing base salaries for initial hires;
- hiring and referral bonuses for certain key job categories, e.g., nurses, social workers, teachers, and school psychologists;
- tuition assistance/student loan repayment programs;
- attendance and retention bonuses for all direct care staff, including bonus for completing 12 months of employment with continued good attendance; and
- geographically based recruitment and retention bonuses.

Some of these strategies have been implemented, but others have not. The FY 2008 Executive Budget Analysis commented:

*For the most part, these strategies were not new. Indeed, the plan noted that some have been available to DJS for some years (for example, hiring and referral bonuses for nurses and social workers and tuition reimbursement) but have not been funded.*<sup>13</sup>

Staffing has improved this year, and in some facilities nearly all positions are filled at this time. Nevertheless, staff members continue to work enormous overtime hours, making it clear that facilities need even more positions than are currently allocated to them.

#### **DJS RESPONSE: Staff Ratios and Vacancies**

**DJS agrees with the information about staff ratios presented in the introduction to the JJMU Report, with the exception of the staff/youth ratio at Victor Cullen, which is 1:6, and the ratio for the Youth Centers, which is 1:10 due to program design. Although the ratio for all other facilities is 1:8 due to program or facility design, DJS has established goals for 1:6 ratios for CYF, Carter, Hickey, BCJJC, LESCC, Noyes and WMCC and a 1:7 ratio for Waxter. As of 12/6/07, all facilities were within the 1:8 ratio and only 4 facilities were not at their goal ratio. (Note that all staffing ratios are for awake hours.)**

**DJS youth/staff ratios are comparable to or better than those in neighboring states, including the District of Columbia, 1:10 staff/youth ratio; Delaware, 1:8 or 1:10 staff/youth ratio depending on the number of youth at a facility, Connecticut, 1:8**

<sup>13</sup> Source: Department of Legislative Services, FY 2008 Executive Budget Analysis

staff/youth ratio; New Jersey, 1:8 staff/youth ratio; Pennsylvania, 1:7 staff/youth ratio; Virginia, 1:10 staff/youth ratio; and West Virginia, 1:8 staff/youth ratio.

While the numbers and percentages for staff vacancies cited by the JJMU Report are accurate, the data is not a sufficient basis from which to derive conclusions about the Department's vacancy rate. As a result, the information on staff vacancies in the JJMU Report contains a number of errors.

First, vacancies on 10/1/07 are not representative of the number of vacancies throughout the year. During 2007, DJS markedly reduced the number of vacant positions and, at times, the vacancy rate was less than 3%. The vacancy reduction was accomplished through revised hiring practices including conducting the pre-employment parts of the background investigations on the same day, prescreening applicants in anticipation of vacancies and the implementation of recruitment and retention incentives.

Second, on 6/30/07 DJS had 67 vacancies. On 7/1/07, DJS was allotted an additional 165 positions, with funding for 100 positions for Victor Cullen to be phased in over the year. The number of vacancies on 10/1/07 reflect both new vacancies in difficult to recruit classifications, such as nurses, and vacancies for existing positions that were intentionally left vacant to provide funding for Victor Cullen positions due to the accelerated opening of the facility in accordance with the DJS goal of serving Maryland's children in Maryland. When these 74.5 new vacancies are deducted from the total number of vacancies, the vacancy rate on October 1, 2007 is less than 5%.

As indicated by JJMU, the General Assembly required DJS to submit a plan to improve recruitment and retention of staff. The JJMU is correct that the DJS recruitment and retention plan included the following programs that had been available:

- Hiring employees at higher salaries than base salaries in classifications for which DJS experienced recruitment and retention difficulty;
- Funding Nurse and Social Worker hiring and referral bonuses; and
- Funding tuition reimbursement.

However, the JJMU Report did not indicate that the DJS recruitment and retention plan included the following new programs:

- A direct care hiring and attendance bonus;
- A direct care bonus for completing 12 months employment, completing entry level training as scheduled and continued good attendance;
- A teacher hiring and referral bonus; and
- A special education teacher and school psychologist bonus.

DJS had proposed a geographically-based recruitment and retention bonus but it was not approved by the Legislative Budget Committees. In addition, DJS revised the original plan and made the decision not to fund the pilot student loan reimbursement program because of budget constraints and concerns that it may not be effective for

**priority hiring of direct care staff, who are not required to have a college degree.**

## **2. Staff Turnover**

The Maryland Legislative Information Service FY 2008 Executive Budget Analysis reports that the percent of “new direct care hires (regular and contractual) leaving within 12 months, while still high at one third, is certainly much better than in fiscal 2003 when only one-third were staying for 12 months.”<sup>14</sup>

DJS supervisory staff reports that it often takes two years for new hires to become very effective. In the mean time, another third of the staff may have left, leaving the facility in the hands of a few experienced personnel and even more new staff – a revolving door system that affects safety and security, programming, and staff morale.

### **DJS RESPONSE: Staff Turnover**

**It is not clear what the numbers reported for staff turnover by the JJMU reflect or if the data is accurate. It appears the fiscal years cited by JJMU are inaccurate and that the data may be vacancy rates and not turnover rates. Nevertheless, as identified in the table below, DJS records reflect a reduction in staff turnover for facilities:**

	<b>2006</b>	<b>2007</b>
<b>Direct Care Permanent</b>	<b>16%</b>	<b>12%</b>
<b>Other Permanent</b>	<b>17%</b>	<b>19%</b>
<b>Direct Care Contractual</b>	<b>61%</b>	<b>39%</b>
<b>Other Contractual</b>	<b>30%</b>	<b>37%</b>
<b>All Direct Care</b>	<b>22%</b>	<b>14%</b>
<b>Total</b>	<b>21%</b>	<b>16%</b>

**Source: DJS Office of Human Resources**

**JJMU Note:** JJMU’s data came from the FY2008 Executive Budget Analysis prepared by the Legislative Information Service. The cited DJS turnover rate for 2007 (16%) directly contradicts the Budget Analysis figure of 33%. Please provide additional supporting data and methodology.

### **DJS RESPONSE:**

**The Maryland Legislative Information Service FY 08 Executive Budget Analysis accurately stated that one third of new direct care hires (regular and contractual) left employment within twelve months. However, this statistic does not represent turnover. Turnover is defined by the Department of Budget and Management as the number of acceptable separations divided by the average number of filled positions during the subject period.**

<sup>14</sup> Source: Department of Legislative Services, FY 2008 Executive Budget Analysis

Separations resulting from rejection on probation, termination, death or retirement are not included but are included in the adjusted turnover rate. In-service promotions are excluded from both turnover and adjusted turnover calculations.

In the twelve months ending 11/29/07, the average number of filled mandated positions at the facilities was 679 and the average number of filled non-mandated positions was 274. During this time period, for mandated positions, turnover was 9% and adjusted turnover was 14% and for non-mandated positions, turnover was 12% and adjusted turnover was 20%.

Facility leadership also changes at an extraordinary rate – numerous Facility Superintendents and Directors resigned, were transferred to other facilities, or were terminated during 2007. Frequent leadership turnover affects facility stability and services for youth and has a strong negative impact on staff morale.

Facilities monitored by JJMU had the following number of Superintendents or Directors this year:

Hickey	3
Carter	3
Noyes	3
O'Farrell	3
BCJJC	2
Waxter	2
MYRC	2 (before closing in October)
LESCC	2
WMCC	2
GUIDE	2
Victor Cullen	1
Youth Centers	One transfer among 4 Centers but no other changes
Allegany	1
Mt. Clare	1
WDSH	1
Cheltenham	1
Sykesville	1

**DJS RESPONSE: Facility Leadership**

DJS continually monitors the quality of leadership in facilities and provides management personnel most appropriate for the facility. In 2007, two new facility superintendents were hired, four facility superintendents were transferred to other facilities and three separated from DJS. The JJMU's conclusion about turnover in facility superintendent positions does not take into account that qualified staff may be placed in an "acting" capacity as the search for a permanent Superintendent is initiated.

**Staff serving in an acting superintendent capacity may also be appointed as the superintendent.**

**The turnover rate at facilities is 15% annually. As a result, it is unlikely that a third of staff may have routinely left a facility at any one time leaving a facility in the hands of a few experienced personnel as concluded by JJMU. In addition, when a facility experienced unusually high turnover such as Noyes, DJS deployed experienced staff from other facilities to the facility.**

**JJMU Note:** Staff deployments negatively affect the “deploying” facility in many ways, including increasing staff overtime and burnout and decreasing the facility’s ability to provide quality youth services.

### **3. Staff/Youth ratios**

The 4<sup>th</sup> federal CRIPA Monitors’ Report said:

“The Department’s standard staffing ratios are 1:8 during waking hours and 1:16 during sleeping hours. These are within the range of those accepted in the field as necessary to protect youth from harm, *However, these ratios should be considered minimal staffing ratios – they are sufficient only to the extent that the population congregates in only a few locations* (emphasis added) (e.g., dining hall, housing units).

Given the convoluted physical design of the housing at both facilities (Cheltenham and Hickey) and the range of activities in which youth can be engaged, additional staff may be needed to adequately supervise youth. For example, if three staff are assigned to supervise 24 youth, and one staff is working with four who are writing letters, the ratios fall out of compliance by leaving 2 staff with 20 youth playing basketball. Rather than looking at staffing numbers in terms of simple ratio, they must also be examined throughout the day to ensure proper deployment.”<sup>15</sup>

The Report found that staffing levels at Hickey were met 98% of the time. However at CYF, “the facility met its targeted staffing ratios for only 69 percent of all shifts. The failure to meet targeted ratios was particularly pronounced during the latter half of the monitoring period when the facility’s population was higher.”<sup>16</sup>

### **DJS RESPONSE: Staff Ratio**

**A 1:8 staffing ratio is one measure of appropriate staffing. As stated earlier in this**

<sup>15</sup> Federal CRIPA Monitors’ Report, 4<sup>th</sup> Report, January 1 – June 30, 2007. [www.djs.state.md.us](http://www.djs.state.md.us)

<sup>16</sup> Federal CRIPA Monitors’ Report, 4<sup>th</sup> Report, January 1 – June 30, 2007. [www.djs.state.md.us](http://www.djs.state.md.us)

response, staffing ratio goals reflect program and facility design.

DJS uses a widely accepted formula to determine acceptable staffing levels:

# Youth/Ratio Desired = # Per Shift

# Per Shift X 3 Shifts = # Staff Per Shift Monday through Friday

Answer X 1.7 ( Relief Factor) = Staff Needed

Using this formula, on October 31, 2007, DJS facilities were staffed, without overtime, at 1:8 with the exception of Cheltenham that was at 1:9 and the Youth Centers that were at their target of 1:10.

#### 4. Overtime

The Department continues to report extremely high overtime hours among staff. Excessive overtime leads to exhaustion, inattention, burnout, and resulting threats to safety and security .

According to the October 1, 2007 StateStat Report, between July 1 and September 25 (87days) DJS employees worked a total of 64,579 overtime hours.

#### **Overtime Hours By Facility July 1 – September 25, 2007**

Cheltenham	19,327 hours
BCJJC	15,827 hours
Hickey	10,354 hours
Noyes	6,235 hours
WMCC	2,607 hours
Waxter	2,266 hours
Carter	2,083 hours
Youth Centers	1,771 hours
LESCC	1,731 hours
Victor Cullen	1,193 hours
WDSH	605 hours
MYRC	580 hours
<b>Total</b>	<b>64,579 overtime hours</b>

The Department would have needed over 90 additional staff working 40 hour weeks during this 3-month period to avoid assigning staff to overtime hours.

Excessive overtime also results in significant costs to the State. According to the Oct 1, 2007 StateStat Report, between July 1 and September 25 (87 days), DJS spent \$1,685,951 in overtime pay for the following facilities monitored by DJS – annualized, this would be approximately \$7 million per year in overtime pay.

**Overtime Costs By Facility  
July 1 – September 25, 2007**

Cheltenham	\$541,235
BCJJC	\$388,215
Hickey	\$261,636
Noyes	\$168,737
WMCC	\$63,615
Carter	\$60,786
Waxter	\$56,034
LESCC	\$47,699
Youth Centers	\$37,049
Victor Cullen	\$27,061
WDSH	\$17,442
MYRC	\$16,442
<b>Total</b>	<b>\$1,685,951</b>

The Department of Budget and Management required that DJS reduce its overtime hours by 25% by August, 2007 (DJS FY 2008 Strategic Plan, p. 42). JJMU does not have information sufficient to evaluate progress toward this goal.

**DJS RESPONSE: Overtime**

**The overtime figures provided by the JJMU are for the period 06/20/2007 – 09/25/2007, 98 days. Using JJMU’s method of calculation, the Department would need 83 additional staff to cover all overtime hours. The Department is committed to increasing the number of direct care staff at its facilities. Contractual employees are the only avenue available to DJS at this time.**

**5. Training Issues**

The federal CRIPA Monitors’ Report to DJS for of January 1 – June 30, 2007 discussed staff training issues:

“Although staff are not permitted to work independently with youth prior to completing ELT (Entry Level Training), some evidence suggests that at times, multiple provisionally certified staff (ie, those who have not completed ELT) are assigned to cottages with only one fully-certified staff person.”

Not only is this a dangerous practice in terms of protecting youth from harm if a fight were to occur, but it also places these provisionally certified staff in an untenable situation – either to intervene without proper certification, or to stand by without supporting their colleagues.

It is not uncommon for Monitors to observed uncertified staff working with youth. At Noyes, on several occasions this year, uncertified staff who had received neither the background clearance nor Entry level Training were working alone with youth with no other supervision.

**DJS RESPONSE:**

**DJS requests that JJMU provide the data to substantiate its statement that “It is not uncommon” that uncertified staff were working alone with youth. In addition, to clarify the information provided by JJMU, completion of ELT is not a requirement for staff to work with youth. Once a direct care staff’s background investigation has been completed, the employee may be provisionally certified by the Maryland Correctional Training Commission (MCTC). With provisional certification, staff may legally be responsible for the supervision of youth.**

From the information provided to JJMU, it is difficult to determine how many staff are completing required training hours. In response to a request from JJMU, DJS said that its records “indicate that during calendar year 2006, the In-Service Training compliance rate for existing employees was 93%. The information is not broken out by facility.”

However, the federal Monitors’ Report for January 1 - July 30, 2007 assessed staff training compliance at Hickey and Cheltenham and found that “For those staff hired prior to January 1, 2006..., of 106 staff at Hickey, 23% did *not* (meet the annual in-service training) requirement...Of (57) staff at CYF, 55% did *not* meet this requirement.” (CRIPA Monitors’ Report, January 1, - July 30, 2007, p. 34.)

Inexperience of staff (due to high turnover) is also a problem. For example, in April 2007 Noyes reported that only half of the 42 direct care staff have served for more than a year, and that approximately 18 of the 42 had been hired in the past six months.

The number of ELT classes increased this year, and the Department is recruiting an additional full-time trainer.

**DJS RESPONSE: Staff Training**

**DJS continues to provide training to assure that staff has the level of proficiency required to supervise and support youth. With regard to staff training compliance at Cheltenham and Hickey, intensive efforts have resulted in significant improvement in compliance with training requirements.**

**6. Staff Culture**

Staff culture varies from facility to facility. Many staff demonstrate tireless dedication to youth in their charge. Nevertheless, some staff do not model appropriate

behavior for youth. Reviews of Incident Reports and Youth Grievances include staff using excessive use, inappropriate language and disrespectful behavior in interactions with youth.

While the Department disciplines staff demonstrating these behaviors, because of severe staff shortages, staff are only terminated for the most egregious behaviors. Strong leaders in some facilities are working to improve staff professionalism – to be successful in the long term, these efforts must include increasing required credentials of incoming staff and providing significant pay upgrades.

Some longer term staff have intimidated newer staff as reported in the Noyes report July, 2007. “Interviews with staff during this quarter revealed that some staff permit behavior that should result in an incident report and discourage other staff from initiating a report.”

### **DJS RESPONSE: Staff Culture**

**DJS challenged JJMU’s conclusions in its Draft Annual Report about staff culture in DJS facilities including allegations of “inappropriate moral behavior” and “drug use.” In response, JJMU deleted these statements from its Final Report. While we welcome such correction, this is an example of the unfounded assertions in JJMU reports to which we object.**

**The Department is aware of any instances of unprofessional conduct and moves swiftly to provide corrective action, including, as warranted, suspension and termination. Categorizing these atypical incidents as a “staff culture” undermines the professionalism of the majority of our direct care staff.**

**Moreover, DJS has implemented strategies to support positive staff and youth culture in our facilities. An important effort is the provision of specialized training and consultation to all facility staff by expert consultants in Positive Peer Culture (PPC) and Response Ability Pathways (RAP) models. These models utilize strength-based interventions that build staff skill to respond constructively rather than react ineffectively or inappropriately to maladaptive behaviors demonstrated by youth.**

**The implementation of the PPC and RAP strategies will contribute to a safe and positive culture that supports pro-social change for delinquent youth. The models draw on emerging research about youth resilience, the adolescent brain and positive psychology to teach staff practical strategies to connect with challenging youth, clarify problems and restore bonds of respect.**

## **Factors Contributing to Staffing Issues**

### **1. Salaries**

Low salaries for direct care workers present an obstacle in the attraction and retention of staff at DJS facilities. Most entry level staff at DJS facilities begin between \$27,000 and \$29,000. At Noyes, salaries were adjusted so that an entry level employee with a bachelor's degree could begin as high as \$34,000.

Salaries were adjusted upwards significantly to attract staff at Victor Cullen. At Victor Cullen, a Residential Advisor 1 with a bachelor's degree begins at an annual salary of \$38,000.

By comparison entry level direct care staff at the Fairfax County Detention Center in Virginia earn a starting salary of \$40,000.

## **2. Permanent Positions v. Contractual Positions**

The provision of Position Identification Numbers (PINs) which entitles the employee to benefits is an important incentive for attraction and retention of staff.

The facilities with the lowest number of PINs are BCJJC at 71%, (135 PIN, 54 Contractual), Cheltenham with 72% PIN positions (115 PIN and 43 Contractual) and Noyes with 78% PIN positions (47 PIN and 13 Contractual).

In contrast MYRC (now closed) reports 100% PIN positions. At Victor Cullen 99% of its positions have a PIN, and the Youth Centers reported that 96% of the positions have a PIN.

### **Percentage of PIN and Contractual Positions by Facility**

This data includes facility administration, and for Noyes, Victor Cullen, WMCC and all of the Youth Centers it also includes dietary and health employees.

BCJJC	135 Pin (71%)	54 Contractual (29%)	189 total
Cheltenham	115 PIN (72%)	43 Contractual (28%)	158 total
Noyes	47 PIN (78%)	13 Contractual (22%)	60 total
Hickey	128 PIN (87%)	19 Contractual (13%)	147 total
Carter	20 PIN (90%)	2 Contractual (10%)	22 total
LESCC	34 PIN (92%)	3 Contractual (8%)	37 total
Waxter	51 PIN (93%)	4 Contractual (7%)	55 total
WMCC	39 PIN (93%)	4 Contractual (7%)	43 total
Green Ridge	30 PIN (94%)	2 Contractual (6%)	32 total
WDSH	16 PIN (95%)	1 Contractual (5%)	17 total
Youth Ctr.	98 PIN (96%)	4 Contractual (4%)	102 total
<i>Savage Mt.</i>			
<i>Meadow Mt.</i>			
<i>Backbone Mt.</i>			
Victor Cullen	89.5 PIN (99%)	1 Contractual (1%)	90.5 total
MYRC	29 PIN (100%)	0 Contractual (0%)	29 total

### **3. Length of time to fill vacant positions**

It takes many months to fill vacant positions – a major contributing factor to staffing shortages and the excessive use of overtime. After advertising, interviewing, and offering an applicant a position it has usually taken the Department several months to offer the new hire a start date. On occasion it has taken up to a year or even longer to fill vacated positions.

For example, at Savage Mountain Youth Center where there are three Case Managers, one left in November, 2006, but permission to fill the vacancy was not given until February of 2007. The new Case Manager was hired and was on site on April 25<sup>th</sup>.

However, the staff could only observe because his background check was not completed until October of 2007. After the background check was completed, the staff member began Entry Level Training (5.5 weeks). At the time of writing this report, no fully certified staff has been in the position for over a year.

In the Spring of 2007 the other two Case Managers left, and only one of those positions has been filled. The other Case Manager position remains open.

Some hiring initiatives implemented this year to reduce the time it takes to fill positions include conducting drug screening, fingerprinting and mental health interviews at the time of the applicant interview. Reference checks and background checks are completed later. This appears to have taken several days off the application/screening process, but the Department says it does not keep records on the length of time it takes to fill vacant positions.

#### **DJS RESPONSE: Staff Hiring Time**

**DJS does not have systems to measure time to hire on an on-going basis, but we recognized that the hiring process took too long and implemented reforms. We conducted an ad-hoc, manual analysis of DJS records for Hickey, Victor Cullen and BCJJC for the six months ending 12/5/07 and determined that time to hire had been reduced for those facilities on average to 1.4 months. Because streamlined hiring processes have been implemented throughout DJS, we believe this is representative of all direct care hiring.**

**Infrequent anomalies may occur, and this appears to be the case in filling a case manager position at Savage Mountain, the one instance cited in the JJMU Report. An analysis of the Savage Mountain records indicates that filling the vacant Case Manager positions took as long as 9 months. In that all were filled with internal candidates who did not require background investigations, the reasons for the delay are unclear. As of**

**12/13/07, there are three Case Managers and one Case Management Supervisors at Savage Mountain and no vacant positions.**

**JJMU Note:** Please provide data to support statements regarding hiring times for Hickey, BCJJC, and Victor Cullen.

**DJS RESPONSE:**

**Data showing the time to hire at Victor Cullen, Hickey and BCJJC is provided in the chart below. The chart does not include applicants who were disqualified and does not identify employees by name.**

Location	Transmittal Rec'd Date	Prescreen Date	Hire Date	Time Elapsed from prescreen	Time Elapsed from transmittal rec'd
Victor Cullen	8/28/2007	10/2/2007	EOD 10/24/07	2 months	2 months
Victor Cullen	9/25/2007	7/17/2007	EOD 10/3/07	2 months	1 month
Victor Cullen	10/5/2007	10/22/2007	EOD 11/21/07	1 mth, 3 wk	1 mth, 3 wk
Victor Cullen	6/5/2007	5/16/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	8/28/2007	10/2/2007	EOD 10/24/07	2 months	1 month
Victor Cullen	6/6/2007	5/17/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	8/17/2007	7/17/2007	EOD 8/29/07	1 mth, 1.5wk	1 week
Victor Cullen	8/17/2007	7/17/2007	EOD 8/29/07	1 mth, 1.5wk	1 week
Victor Cullen	9/14/2007	9/28/2007	EOD 10/24/07	1 mth, 1 wk	1 month
Victor Cullen	8/28/2007	9/13/2007	EOD 10/10/07	1 mth, 2 wk	1.5 weeks
Victor Cullen	10/3/2007	7/17/2007	EOD 10/24/07	3 months	3 weeks
Victor Cullen	6/6/2007	5/17/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	6/6/2007	5/17/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	8/17/2007	7/30/2007	EOD 10/17/07	3 mth, 2.5 wk	2 months
Victor Cullen	6/6/2007	5/16/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	6/6/2007	5/17/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	10/19/2007	6/5/2007	EOD 11/7/07	5 months	3 weeks
Victor Cullen	10/19/2007	8/17/2007	EOD 11/7/07	2 mth, 3 wk	3 weeks
Victor Cullen	9/10/2007	6/26/2007	EOD 12/5/07	7 mth, 1 wk	2 mth, 3 wk
Victor Cullen	9/7/2007	9/13/2007	EOD 11/7/07	1 mth, 3 wk	1 month
Victor Cullen	8/17/2007	7/30/2007	EOD 8/29/07	1 month	1 week
Victor Cullen	6/12/2007	5/17/2007	EOD 6/13/07	1 month	1 day
Victor Cullen	6/20/2007	6/14/2007	EOD 6/20/2007	1 month	0 days
Victor Cullen	6/11/2007	6/14/2007	EOD 7/9/07	3 weeks	1 month
Victor Cullen	8/28/2007	10/2/2007	EOD 1/2/08	3 months	4 months
Victor Cullen	6/11/2007	5/16/2007	EOD 6/13/07	1 month	2 day
Victor Cullen	6/6/2007	5/17/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	6/6/2007	5/16/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	8/17/2007	6/14/2007	EOD 8/29/07	2 mth, 1 wk	1 week
Victor Cullen	10/19/2007	7/17/2007	EOD 11/7/07	2 mth, 3 wk	3 weeks
Victor Cullen	6/6/2007	5/16/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	9/12/2007	7/17/2007	EOD 9/26/07	1 mth, 1 wk	2 weeks

Victor Cullen	6/20/2007	6/14/2007	EOD 6/20/2007	1 week	0 days
Victor Cullen	6/6/2007	5/16/2007	EOD 6/13/07	1 month	1 week
Victor Cullen	8/28/2007	9/28/2007	EOD 11/7/07	1 mth, 1 wk	2 mth, 1 wk
Victor Cullen	6/20/2007	6/14/2007	EOD 6/25/07	1 week	1 week
Victor Cullen	6/20/2007	6/14/2007	EOD 6/20/2007	1 week	1 week
Victor Cullen	9/12/2007	7/17/2007	EOD 9/26/07	2 mth, 1 wk	2 weeks
				<b>1.5 months</b>	<b>0.7 months</b>

Location	Prescreen Date	Transmittal Rec'd Date	Hire Date	Time Elapsed from prescreen	Time Elapsed from transmittal rec'd
Hickey	9/26/2007	10/12/2007	<b>11/7/2007</b>	1 mth, 1 wk	3 weeks
Hickey	9/13/2007	8/29/2007	<b>10/24/2007</b>	1 mth, 1 wk	2 mth, 1 wk
Hickey	9/26/2007	10/12/2007	<b>10/24/2007</b>	1 month	1 week
Hickey	10/2/2007	9/18/2007	<b>11/7/2007</b>	1 mth, 1 wk	1 mth, 3 wk
Hickey	9/26/2007	8/29/2007	<b>11/7/2007</b>	1 mth, 1 wk	2 mth, 1 wk
Hickey	7/18/2007	6/26/2007	<b>8/29/2007</b>	2 mth, 1 wk	3 months
Hickey	9/13/2007	8/29/2007	<b>10/10/2007</b>	1 month	1 mth, 1 wk
Hickey	10/2/2007	9/18/2007	<b>11/21/2007</b>	1 mth, 2 wk	2 months
Hickey	9/13/2007	8/29/2007	<b>10/24/2007</b>	1 mth, 1 wk	2 months
				<b>1 month</b>	<b>1.5 months</b>

BCJJC	9/19/2007	10/16/2007	<b>10/17/2007</b>	1 month	1 day
BCJJC	9/19/2007	10/16/2007	<b>10/17/2007</b>	1 month	1 day
BCJJC	9/20/2007	10/15/2007	<b>10/17/2007</b>	1 month	2 days
BCJJC	9/26/2007	10/25/2007	<b>10/31/2007</b>	1 month	5 days
BCJJC	9/20/2007	10/16/2007	<b>10/17/2007</b>	1 month	1 day
BCJJC	8/22/2007	8/16/2007	<b>10/3/2007</b>	2 mth, 1 wk	55 days
BCJJC	8/7/2007	10/3/2007	<b>10/10/2007</b>	2 months	6 days
BCJJC	8/22/2007	10/15/2007	<b>10/17/2007</b>	2 months	1 day
BCJJC	9/19/2007	10/16/2007	<b>10/17/2007</b>	1 month	1 day
BCJJC	9/20/2007	10/15/2007	<b>10/17/2007</b>	1 month	2 days
BCJJC	8/7/2007	10/15/2007	<b>10/31/2007</b>	2 mth, 3 wk	13 days
BCJJC	8/22/2007	10/16/2007	<b>10/17/2007</b>	2 months	1 day
BCJJC	7/18/2007	10/16/2007	<b>10/17/2007</b>	3 months	1 day
BCJJC	8/22/2007	10/2/2007	<b>10/17/2007</b>	2 months	12 days
BCJJC	9/26/2007	10/17/2007	<b>10/31/2007</b>	1 month	11 days
BCJJC	9/26/2007	10/25/2007	<b>11/14/2007</b>	1 mth, 2 wk	15 days
BCJJC	8/22/2007	10/15/2007	<b>10/31/2007</b>	2 months	13 days
BCJJC	6/19/2007	10/16/2007	<b>10/17/2007</b>	4 months	1 day
BCJJC	9/20/2007	10/16/2007	<b>10/31/2007</b>	1 mth, 1 wk	12 days
BCJJC	8/22/2007	10/16/2007	<b>10/31/2007</b>	2 months	12 days
				<b>1.7 months</b>	<b>8.3 days</b>

			1.4 months	0.8 months
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**Recommendations**

**1. Staff Vacancies**

**DJS RESPONSE: Staff Vacancies**

**It is standard industry practice to use a 1.7 relief factor multiplier to determine appropriate levels of direct care staff for juvenile facilities.**

**DJS RESPONSE: Staff Vacancies**

**DJS has developed a staff exit interview protocol that will be implemented in 2008.**

**A.. Salaries should be increased to be competitive.**

- 1. Entry level staff with a bachelor's degree should start at no less than \$34,000, and regionally salaries should be adjusted upwards to \$40,000.**

**DJS RESPONSE: Staff Salaries**

**DJS conducts direct care salary surveys of neighboring jurisdictions staff annually. The most recent, completed in April 2007, indicated that the DJS Resident Advisor annual base salary of \$30,844 was from \$3,000 to \$9,000 higher than Pennsylvania State Government, York Pennsylvania, Lancaster Pennsylvania, New Jersey, Virginia Statewide, Northern Virginia, Delaware, West Virginia, and Georgia and \$6,000 lower than the District of Columbia. The Resident Advisor maximum salary was from \$1,000 to \$13,000 more than Pennsylvania State Government, York Pennsylvania, New Jersey, Virginia Statewide, Delaware West Virginia, Georgia and the District of Columbia and from \$9,000 to \$13,000 lower than Lancaster Pennsylvania and Northern Virginia.**

**The survey indicated that DJS Case manager annual base salary of \$39,478 was from \$6,000 to \$17,000 higher than the District of Columbia, Virginia Commonwealth, Northern Virginia, Delaware, Lancaster, Pennsylvania, Franklin, Pennsylvania, Adams, Pennsylvania, Georgia, and West Virginia and from \$1,000 to \$7,000 lower than the District of Columbia, Fairfax County and New Jersey. The Case Manager maximum salary of \$63,021 is from \$50 to \$22,000 higher than the District of Columbia, Virginia Commonwealth, Delaware, Pennsylvania, Lancaster, Pennsylvania, Franklin Pennsylvania, Georgia and West Virginia, and from \$3,000 to \$17,000 lower than Fairfax Virginia, Northern Virginia and New Jersey.**

**DJS Resident Advisor base salaries are \$2,000 lower and maximum salaries are \$3250 less than salaries for comparable positions in the Maryland Department of Public Safety and Correctional Services.**

**The salary rules for DJS are promulgated by the Department of Budget and Management and do not provide additional steps for employees with degrees beyond the minimum qualifications, but rather compensate employees for performing similar duties. DJS provided additional steps for degrees at Victor Cullen as a pilot for treatment programs and because the State may develop different requirements for positions within treatment programs.**

2. PIN positions should be increased to attract and retain staff.

**DJS RESPONSE: PIN Positions**

**DJS agrees that there is less turnover with PIN positions and has been successful in the past in increasing the number of PIN positions through the budget process. In addition to 100 new PIN positions for Victor Cullen, DJS received 65 other PIN positions in FY 08.**

**DJS RESPONSE: Hiring Bonuses**

**DJS utilized all recruitment and retention incentives available to state agencies. These included hiring employees at advanced steps in high turnover locations and classifications, funding social work and nurse bonuses, implementing and funding bonuses for direct care staff, teachers and school psychologists, and funding tuition reimbursement for employees.**

**DJS initiated an Incentive Performance Awards Program for employees per the State Personnel and Pensions Article § 10-204. Incentives have been added for DJS employees for performing extraordinary service.**

3. Staff who refer other candidates who become employees and who stay for a year should receive a bonus.

**DJS RESPONSE: Referral Bonus**

**DJS will consider this proposal. This will require approval from DBM.**

- 4 Staff who maintain good attendance records and remain beyond a year, and for each year afterward should receive a bonus.

**DJS RESPONSE: Referral Bonus**

**DJS will consider this proposal. This will require approval from DBM.**

**JJMU Note:** Please clarify. Earlier portions of the response state that retention bonuses have already been implemented.

**DJS RESPONSE:**

Direct care employees hired after August 1, 2006 are eligible for a bonus that comes in two payments of \$500. The first payment is after six months employment and employees who have had no disciplinary actions and have performed satisfactorily and have had less than three unscheduled absences are eligible. At the end of twelve months of employment, employees who have had no disciplinary actions and have performed satisfactorily, have had less than five unscheduled absences and have successfully completed ELT as scheduled are eligible. These bonuses are intended to address the high turnover in direct care staff during the first year of employment and are considered recruitment and retention bonuses.

There is also a retention bonus of \$1,200 annually for special education teachers and school psychologists both of whom are difficult to recruit.

B. School loan repayment programs should be considered.

**DJS RESPONSE: Tuition Assistance**

**DJS has funded tuition reimbursement. DJS does not plan to fund student loan repayment at this time.**

C. DJS should develop working relationships with Maryland and neighboring state colleges and universities to enhance recruiting.

D. DJS should expand internship opportunities.

E. DJS should attend job fairs not only in Maryland, but in neighboring states.

**DJS RESPONSE: Job Fairs**

**DJS attends approximately 15 job fairs annually. Although as a State agency our goal is to employ Maryland residents, we do advertise in neighboring states and send job announcements to neighboring states that have relevant courses of study.**

F. DJS should develop a staff mentoring capability to attract new direct care staff and should follow up after employment.

G. DJS should develop a cadre of personnel to fill anticipated vacancies. With an 11% vacancy rate and an annual 1/3 drop out rate an ongoing effort to maintain the cadre should ensure that candidates to not have to wait long to be called up for employment.

H. DJS Human Resources must shorten the time it takes to approve hiring for a vacancy. Many vacancies can be anticipated, and permission to hire should be given in advance.

**DJS RESPONSE: Approval to Hire**

**Approval to fill a vacancy is required from management within the Operations Division, the Fair Practice Officer, Budget and Human Resources. The process has been streamlined and personnel transmittals are reviewed twice weekly for approval.**

**DJS RESPONSE: Background Checks**

**The time to complete background checks is expedited to the extent appropriate. DJS is in the process of purchasing LiveScan equipment that will speed the return of criminal record reports. However, the response time for some actions required in the background check such as the military record review, verification of foreign education and the time it takes to reach references, is outside of DJS control.**

**2. Staff Turnover**

Many of the recommendations above will help reduce staff turnover.

**DJS RESPONSE: Staff Turnover**

**As stated above, turnover is on a downward trend due to our active focus on this issue and development and implementation of several initiatives.**

**JJMU Note:** Please provide supporting data.

**DJS RESPONSE:**

DJS provides the additional documentation below supporting the downward trend in turnover for mandated staff.

	<b>2005</b>		<b>2006</b>		<b>2007</b>	
	Turnover/Adjusted		Turnover/Adjusted		Turnover/Adjusted	
Mandated Staff	14%	28%	13%	22%	9%	14%
<b>Total</b>	Data not available		13%	21%	10%	16%

### 3. Staff/Youth Ratios

As exemplified at Victor Cullen, a 1 to 4 staff ratio should be maintained.

### 4. Overtime

Overtime should be reduced by implementing the above recommendations to decrease staff shortages. In addition, overtime should be limited to 16 hours a week to reduce the incidence of fatigue and burnout.

### 5. Training

- A. ELT training should be scheduled more frequently and locally.
- B. More trainers are needed to offer both ELT and 40 hour annual refresher courses.

#### **DJS RESPONSE: Training**

**DJS offered 33% more ELT classes in FY 08 (n = 13) as compared with FY 07 (n = 9). DJS is in the process of hiring an additional full-time trainer and will continue to identify additional adjunct trainers.**

**JJMU Note:** Please clarify. FY 2008 continues until June 30, 2008.

#### **DJS RESPONSE:**

**DJS offered 33% more ELT classes in CY 08 (n = 13) as compared with CY 07 (n = 9).**

### 6. Staff Culture

- A. Shifts should overlap so that weekly training and teambuilding can occur at the facility level.
- B. Inappropriate behavior should not be tolerated and staff should be appropriately disciplined and terminated for serious misbehavior.

#### **DJS RESPONSE: Inappropriate Staff Behavior**

**DJS does not tolerate inappropriate staff behavior and takes appropriate disciplinary action in accordance with the Department's Standards of Conduct and relevant law and regulation.**

## Safety and Security

The number of incidents in facilities including Youth on Youth Assaults, Physical Restraints, Group Disturbances, and Youth on Staff Assaults have either remained stable or risen during the year. Safety and security of youth, staff, and the public remain an issue of great concern. Among all facilities, DJS reported total incidents as follows:

4 <sup>th</sup> Quarter, 2006	1,108
1 <sup>st</sup> Quarter, 2007	1,318
2 <sup>nd</sup> Quarter, 2007	1,157
3 <sup>rd</sup> Quarter, 2007	1,242

The following pages feature statistical breakdowns of various incidents throughout the year and by facility. Full interpretation of this data is beyond the purview of this report, but several conclusions can be drawn:

1. Over 70% of all youth on youth assaults occur at BCJJC, Hickey, Noyes, and Cheltenham, the system's four large detention centers. Measures to reduce aggressive incidents in these facilities such as implementation of effective behavior management programs, increased staffing, and reductions in population should be a high priority.
2. Over 85% of all group disturbances occur at these same four detention centers.
3. Youth at BCJJC and Hickey are physically restrained with much greater frequency than youth at other facilities. Waxter also shows an unusually high number of physical restraints, given its small population.

### **DJS RESPONSE: Safety and Security**

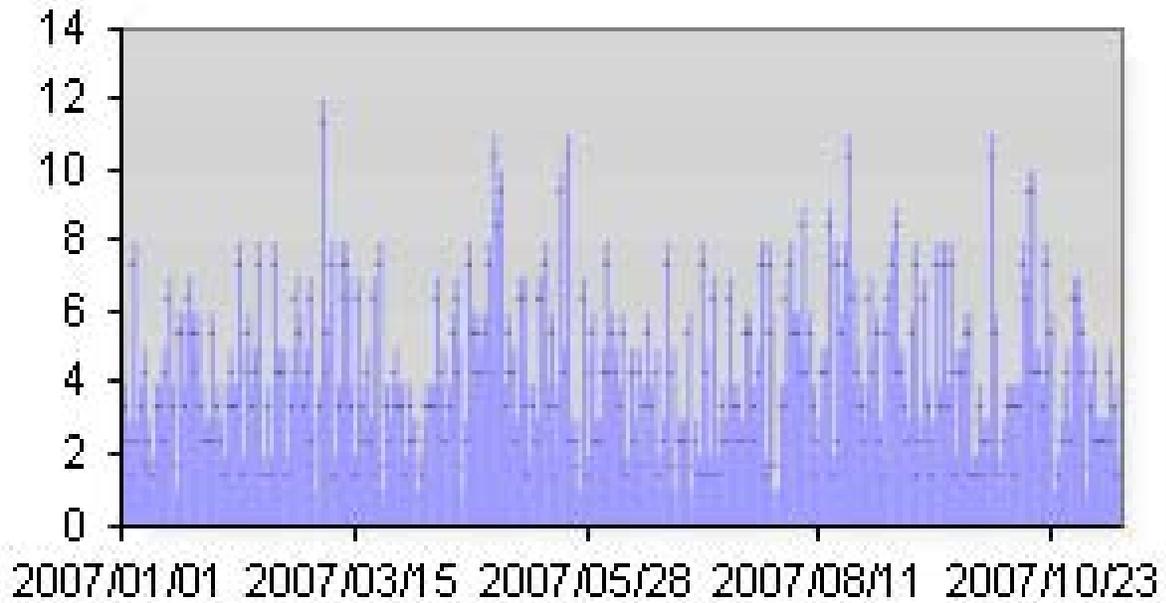
**We continue to focus on the reduction of youth violence in our facilities through intensive staff training, increasing structured rehabilitative programming, increasing staffing levels, implementing behavior management systems and other strategies.**

**Some of the conclusions reached by the JJMU about the rates of youth on youth assault in our facilities are inaccurate. The methodology for deriving reliable trend data such as for youth on youth assault requires comparing the rate of incidents over the same period in the previous year. The rate of youth on youth assault is actually lower this year at Noyes and Cheltenham as compared with last year.**

JJMU Note: All data reported was collected from DJS' Incident and ASSIST Databases. Although youth-on-youth assaults at Cheltenham and Noyes decreased between 2006 and 2007, assaults remained fairly stable or increased at other facilities. If the Department has data comparing 2006 to 2007 that demonstrates a system-wide decline in incidents, please provide.

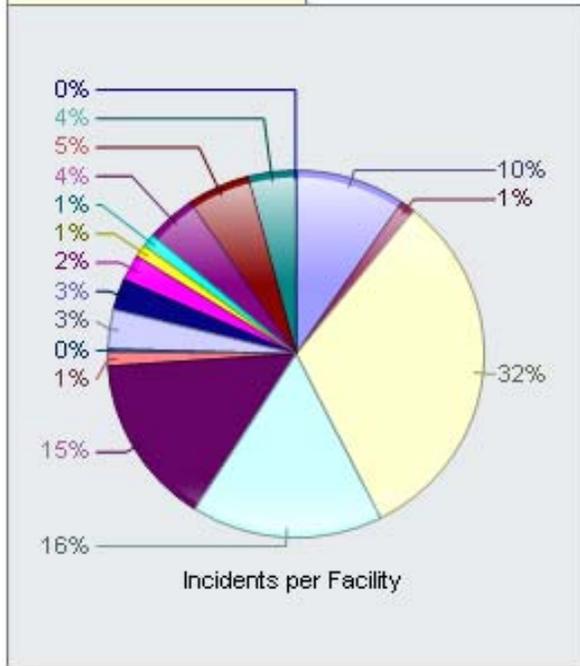
**Violent and Aggressive Incidents  
January 1 - November 15, 2007<sup>17</sup>**

**Youth on Youth Assaults per Day**



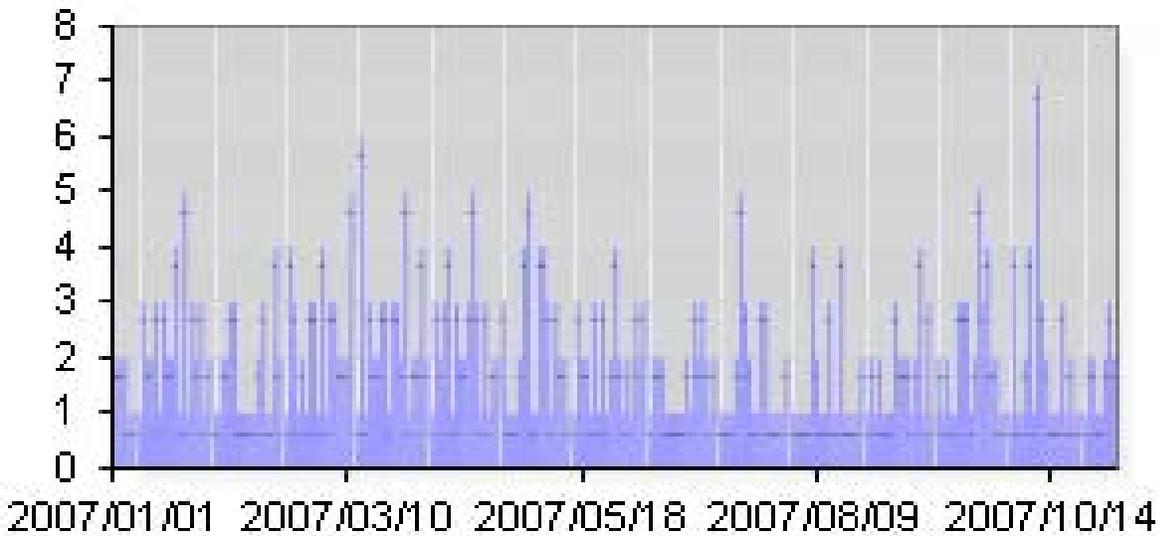
<sup>17</sup> Source: DJS Incident Database; All Facilities Monitored by JJMU

**Distribution by Facility**

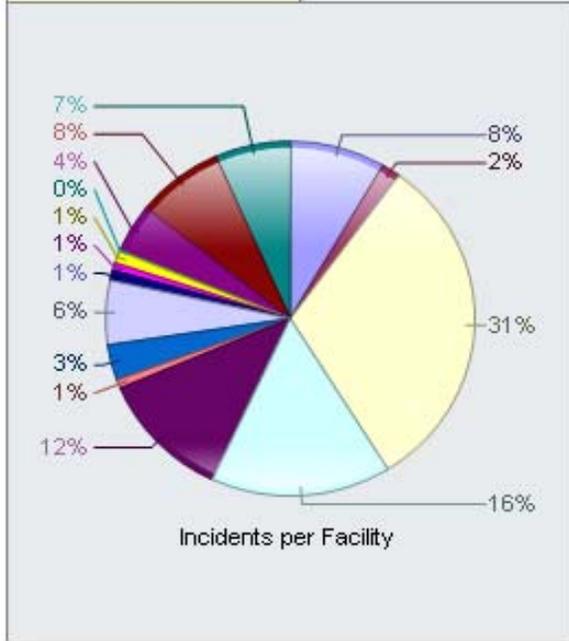


- 140 Alfred D Noyes Childrens Center Administrative
- 18 Backbone Mountain Youth Center
- 468 Baltimore City Juvenile Justice Ctr Administrative
- 242 Charles Hickey School Headquarters
- 219 Cheltenham Youth Facility Headquarters
- 18 Green Ridge Youth Center
- 4 Guide-Catonsville Struct. Shelter Care
- 51 J DeWeese Carter Facility Administrative
- 40 Lower Eastern Shore Children's Center
- 34 Maryland Youth Residence Center Administrative
- 16 Meadow Mountain Youth Center
- 17 Savage Mountain Youth Center
- 63 Thomas O'Farrell Youth Center (Minimum)
- 79 Waxter Children's Center Administrative
- 60 Western Maryland Children's Center Administrative
- 1 William Donald Schaefer House

### Physical Restraints per Day

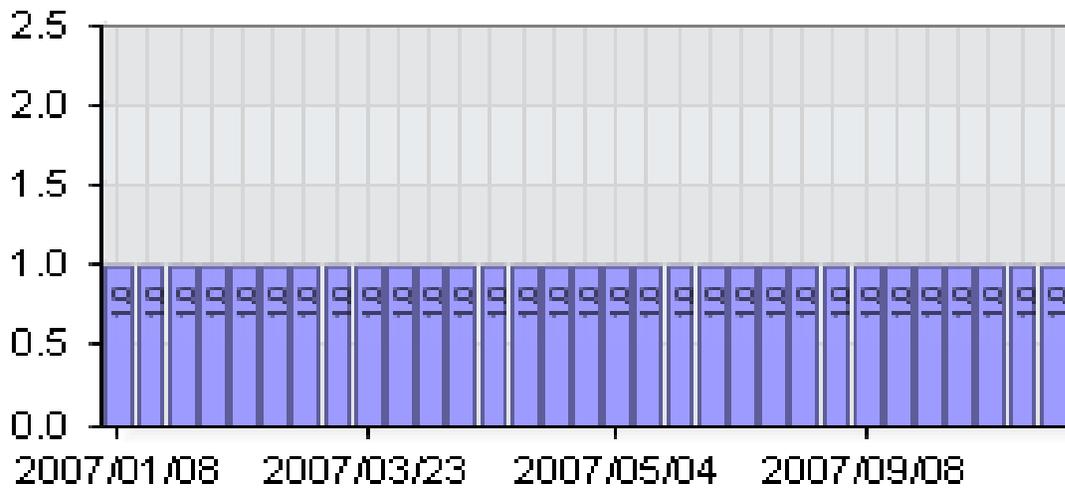


**Distribution by Facility**

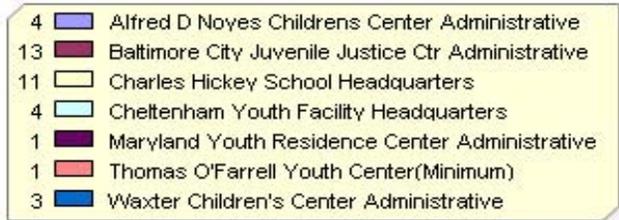
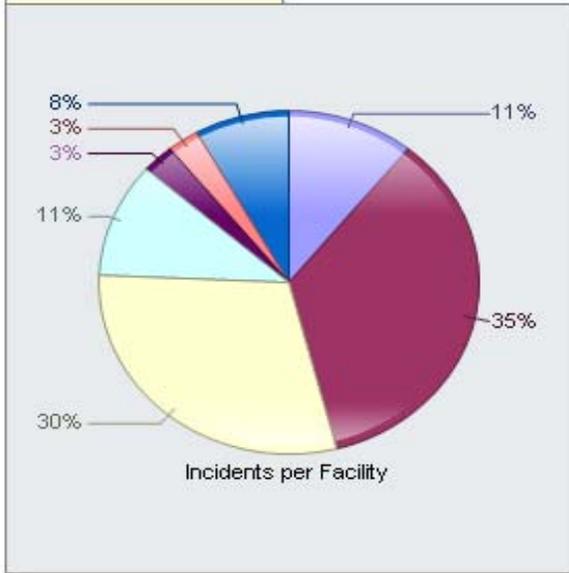


- 119 Alfred D Noyes Childrens Center Administrative
- 23 Backbone Mountain Youth Center
- 441 Baltimore City Juvenile Justice Ctr Administrative
- 224 Charles Hickey School Headquarters
- 165 Cheltenham Youth Facility Headquarters
- 11 Green Ridge Youth Center
- 46 J DeWeese Carter Facility Administrative
- 83 Lower Eastern Shore Children's Center
- 13 Maryland Youth Residence Center Administrative
- 10 Meadow Mountain Youth Center
- 16 Savage Mountain Youth Center
- 1 Sykesville Group Shelter Home
- 63 Thomas O'Farrell Youth Center (Minimum)
- 108 Waxter Children's Center Administrative
- 94 Western Maryland Children's Center Administrative

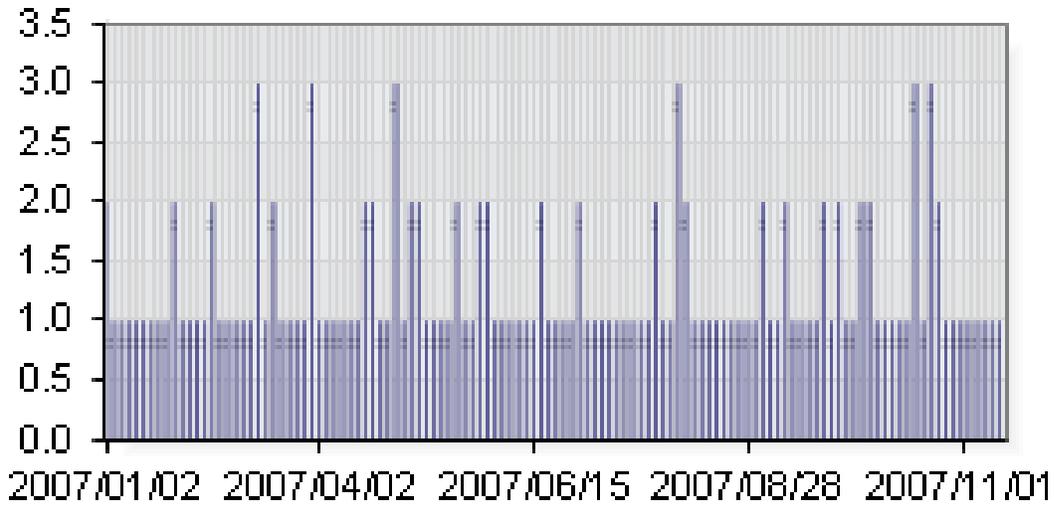
**Group Disturbances with Injury or Property Destruction per Day**

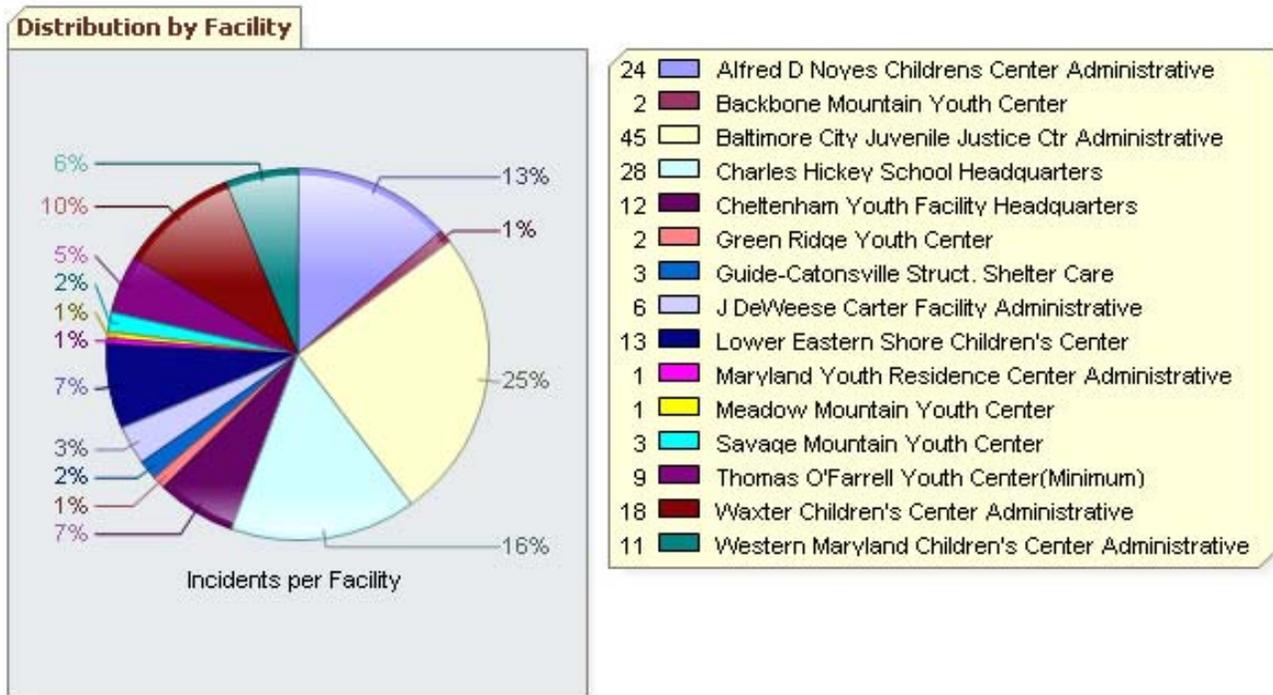


**Distribution by Facility**



### Youth on Staff Physical Assaults per Day





The following summary of Quarterly and Special Reports submitted throughout the year highlights ongoing concerns for the life, health and safety of youth in our juvenile service system. One more Special Report concerning safety and a riot at the Baltimore City Juvenile Justice Center on November 15 is pending.

### 1. Group Disturbances

Numerous large group disturbances are not prevented or properly controlled, resulting in injuries to youth and staff.

Contributing factors include:

1. Different groups of youth being moved at the same time without proper supervision.
2. Staff failing to hold youth accountable for, and often contributing to, inappropriate horseplay or behavior.
3. When an incident occurs, staff may divert their attention to that incident and fail to work appropriately as a team to remain aware of potential threats from other youth who are not yet involved.
4. Staff persons inappropriately restraining or assaulting youth, creating feelings of unfairness and incentive for retaliation among youth.

5. Staff holding the entire group accountable for the inappropriate behavior of one or two youth.
6. Youth moving from table to table, with no apparent assigned seating.
7. Youth freely taking food from one another's plates, both with and without permission.
8. Intolerable noise levels.

Significant group disturbances this year included:

1. Waxter – A melee involving approximately 20 girls resulted in flooding of the unit, intervention by the State Police and the Fire Department, and mass lockdown of the girls, some for as long as 48 hours.
2. BCJJC - A group disturbance with at least 7 separate youth on youth assaults and restraints occurred at a basketball game between Cheltenham and BCJJC youth. The DJS Incident Report indicated 7 youth were treated for "injury or pain that required first aid treatment only;" however, a total of 5 youth were transported to the hospital for treatment of their injuries.
3. Hickey – A large group disturbance resulting in youth on youth assaults, restraints and injuries that was partially videotaped revealed a staff striking a youth in the head with her hand and overall chaos as staff struggled to gain control.
4. Cheltenham - There was a large fight and group disturbance during a basketball game and thirty-two youth were placed in seclusion. One youth had an eye injury that was treated at the facility and another youth had an injury to his mouth and was transported to the hospital

## **2. Excessive Use of Force, Child Abuse, Staff Misconduct**

Staff members frequently fail to follow proper Crisis Intervention Techniques. Police, Child Protective Services, and DJS Investigators must be thoroughly trained and familiar with Department-sanctioned intervention procedures to ensure competent investigation of Use of Force cases and appropriate staff accountability.

Although some staff members are quite skilled at interacting with youth in heated situations, many consistently resort to force against youth. Monitors observe that staff members disciplined for excessive use of force or misconduct involving youth are often transferred to another facility where they continue to cause problems.

Some of the contributing factors are:

1. Staff shortages and excessive overtime which overtax staff, and render them less able to successfully de-escalate situations. At several facilities staff report that they regularly are held over to work a double shift because of staff shortages.
2. Insufficient training in proper de-escalation methods and appropriate restraint techniques.
3. The culture inside some facilities which resembles an adult correctional model more than a youth rehabilitative model.

Examples of excessive use of force, physical abuse against youth, and staff misconduct during the year include:

1. Hickey – One staff was terminated and one disciplined after handcuffing youth and elbowing him in the mouth during a verbal altercation.
2. Hickey – Sustained finding against staff for Unnecessary Use of Force after youth was “choked” and “punched” by staff, leaving “welts on his neck and marks on his chin and face.”
3. Hickey – Staff member was captured on video striking a youth in the head with her fist during a group disturbance. DJS sustained a violation of policy for Unnecessary Use of Force; however, the Baltimore County State’s Attorney declined to charge.
4. BCJJC – Staff caused injuries to youth’s face while using unnecessary force to stop an altercation. Child Protective Services “indicated” that abuse had occurred and DJS sustained findings against the staff for unnecessary use of force.
5. Cheltenham – There were a total of 220 incidents reported in the 3<sup>rd</sup> Quarter, including 70 youth on youth assaults, 6 youth on staff assaults and 3 allegations of child abuse by staff. Two of the allegations of child abuse by staff were sustained.

**DJS RESPONSE:**

**There were actually a total of 221 incidents reported at Cheltenham for the third quarter of the year (July-September 2007) including those identified by the JJMU above and, in addition, two group disturbances. It is not clear how the JJMU believes that the remaining 140 incidents represent any type of staff misconduct, violence or abuse. What the JJMU is**

**not explaining is that our Incident Database is designed to be very comprehensive by including not only all serious or emergency events but also a wide array of other events that would affect daily facility operations such as physical plant problems, sports-related injuries experienced by youth and a range of inappropriate youth behaviors.**

6. Carter – A staff member was charged with child abuse, 2<sup>nd</sup> degree assault, and reckless endangerment after throwing a youth to the ground and using a “chokehold,” a prohibited restraint technique, on him.

7. O’Farrell – While on the grounds, one staff person committed an assault against another staff person using some type of weapon. The suspect staff had been involved in previous aggressive incidents involving youth and staff and was terminated.

Regardless of whether allegations of child abuse or excessive force are sustained after investigation, the high number of reported cases raise questions about the extent to which staff resort to physical intervention with youth rather than using approved Crisis Intervention Techniques that seek to deescalate situations without physical intervention.

**DJS RESPONSE: Use of Force**

**Any allegations of use of force are vigorously investigated, reported and appropriately dealt with by DJS. JJMU has immediately access to our critical incident reporting system and the incidents above are included in this database.**

**The information provided about the incident at LESCC is not accurate, and DJS provides the correct information about this incident in its response to the Medical Services section of the JJMU Report.**

**3. Seclusions**

Seclusion continues to be overused as a behavior control mechanism, as punishment, and as a solution to staff shortages. At BCJJC, seclusions increased dramatically during the 3<sup>rd</sup> Quarter, from 59 incidents in April to 206 in September. Many of the seclusions were a result of staff shortages. Over the Labor Day weekend, a mass lockdown at Hickey was ordered due to staff shortages following a fight.

Due to staff shortages, mass seclusions were regularly used at Carter as described in the 3<sup>rd</sup> Quarter Report:

*“At Carter youth were locked in their rooms for the night at 6:30 pm, often being required to eat their meals there, because of staff shortages. Extensive damage was done to the rooms during these lockdowns, including youth taking*

apart metal beds to bang on the doors and walls, broken light fixtures and windows, and tiles ripped from floors.

*Unit logs noted: '[Youth] urinated on the floor, it is running out from under the door;' and 'To Staff: do not give youth milk cartons and cups for urine unless you have time to remove them.' One youth had four cups of urine under his bed when he was finally released from his room."*

The 3<sup>rd</sup> Quarter report described seclusion used as punishment at Cheltenham. "A review of the seclusion log indicates that seclusion in locked cells is used as punishment. Youth are placed in the cells at the same time, released at the same time, and reasons for seclusion are consistently noted as 'danger to others' with no further explanation for why the child is secluded for a particular period of time. Youth know when they go into seclusion how long they will be held there, whether they have regained control of their behavior or not."

In a sampling of seclusions at Noyes during one month, of 32 seclusions, 6 were imposed as punishment because of contraband, typically cigarettes. Youth are also sometimes placed in seclusion for refusal to attend school.

When a youth must be placed in seclusion, policy requires that he be released as soon as he has regained control and no longer poses a danger to himself or others. Reviews of door sheets documenting required 10 minute checks of youth in seclusion shows many entries such as "sitting quietly on bed", "reading", or "lying on bed", entered by both direct care staff and medical staff, indicating that the youth has regained control and should have been released.

**DJS RESPONSE: Seclusion**

**The Department through its FacilityStat process is focusing on tracking and ensuring implementation of strategies (many discussed elsewhere in this response) to reduce seclusion, physical restraint and other "last resort" interventions.**

**The events relating to the Carter Center described above provide a clear example of a situation that DJS thoroughly investigated and took decisive action to change.**

**4. Suicide Attempts**

On September 4, a Hickey youth who had been on Suicide Level III Watch on August 24 slashed his arms repeatedly with pieces of glass and the blade from a pencil sharpener. Fortunately staff discovered him during a routine room check, sitting in the middle of his room with blood on his walls and door.

**DJS RESPONSE: Suicide Attempts**

**The JJMU Report identifies one instance of a youth who had demonstrated self-**

**mutilating behavior. Generally our suicide precautions are effective and this incident is an anomaly. This youth was on Suicide Watch at the time of the incident and had been receiving mental health services in the facility. As the JJMU Report indicates, in monitoring the youth facility staff discovered the episode of self-mutilation. The youth was immediately seen by medical and mental health staff.**

**JJMU Note:** A youth on Suicide Level III Watch should not have access to pieces of glass or a pencil sharpener blade. A serious suicide attempt that occurred as a result of staff inattention should never be classified as an “anomaly.” The more important question is what actions Hickey supervisory staff have taken to ensure such an incident never occurs again.

The DJS Incident Database reports that in 2007 there were a total of 233 incidents of suicidal ideation, gestures, attempts, or behaviors in DJS facilities. Thirty-seven of these incidents involved injuries. DJS data collection methods do not separate out suicidal ideations from actual suicide attempts.

**DJS RESPONSE:**

**While suicidal ideation and behavior are grouped within one reporting category in our Incident Database, the number of ideation and gestures/attempts can be disaggregated simply by reviewing the narrative description of incidents. We did not characterize the one incident identified by JJMU as an anomaly in the sense implied by JJMU, and we immediately responded appropriately.**

**5. Escapes**

By law, youth who leave staff or hardware-secure facilities without permission are “escapes.” Facilities from which youth can “escape” include Noyes, BCJJC, Cheltenham, Hickey, Carter, LESCC Waxter, Victor Cullen, WMCC, and the Youth Centers. Youth who leave non-staff-secure facilities are considered “AWOL’s.”

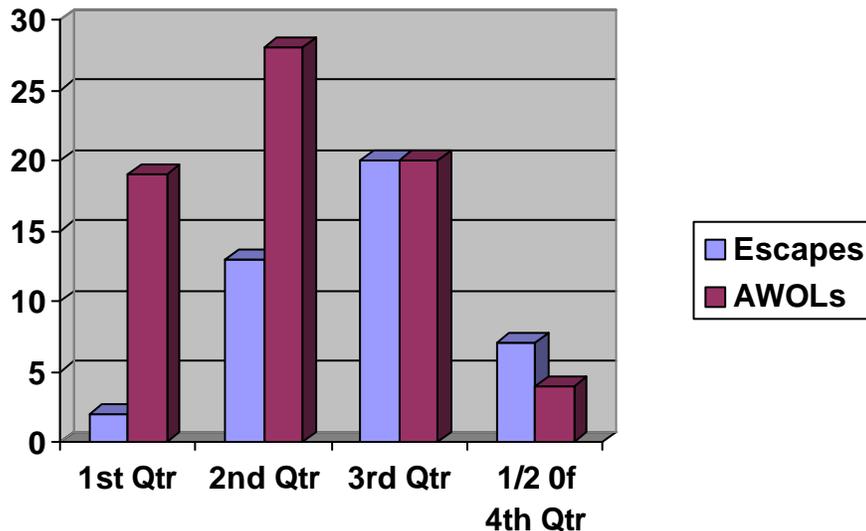
DJS statistics in this area are ambiguous and confusing The Incident Database mixes the reporting and labeling of these incidents, labeling many “escapes” as “AWOL’s.” For example, in 2007, seven escapes from Cheltenham, Carter and BCJJC were reported as “AWOL’s.” Some youth who left Thomas O’Farrell this year were reported as “escapes” while others were reported as “AWOL’s.”

**DJS Response: Escapes**

**DJS data on escapes and AWOLs conform to definitions in current law. The 2007 supplement to the Criminal Law Article shows that there were amendments to the statute last session. Section 9-404 of the Criminal Law Article prohibits "escape" from (i) a detention center for juveniles; (ii) a facility for juveniles listed in Section 9-226(b) of the Human Services Article; or (iii) a place identified in a juvenile community detention order. This applies to Noyes, BCJJC, Cheltenham, Hickey, Carter, LESCC, Waxter,**

**Victor Cullen, WMCC and the Youth Centers. DJS has updated the incident report database, changing the category from "AWOL of Youth(s)" to "Escape from staff secure facility" for AWOL incidents at the Youth Centers.**

The following statistics consider escapes as those from hardware and staff-secure facilities, and AWOL's from shelters and non-secure programs.



There were 9 escapes from hardware secure facilities and 33 escapes from staff secure facilities (25 of those escapes were from a private program). In 2007 (through November 15), a total of 113 youth escaped or AWOLed from the facilities monitored by JJMU.

Escapes during 2007 included:

1. Hickey - Two youth walked off the campus from the West Campus Gym although 7 staff were reportedly supervising 15 youth during that time. One of the escapees had severe behavior problems, was on suicide watch and should have been monitored one-on-one by staff. Also, the youth had attempted to escape one week prior to this incident, attempted to force staff to hand over the keys to a transport van on another occasion, and assaulted staff with a shovel on three different occasions. The other youth had 6 previous escapes from placements. A DJS Investigative Report stated, 'Both students are high AWOL risks and should not have been allowed to leave from behind the [alarmed] fence.' The report also found that 'the side gate to the gym was left unlocked.'
2. Thomas O' Farrell Youth Center - Two youth stole a facility van and left the area in the early morning. The van was recovered in Ocean City, Maryland. The two youth had criminal records involving

Possession of a Deadly Weapon, Arson, and Burglary. Subsequent interviews confirmed that some night-shift staff brought in pillows and slept.

3. Hickey - Ten youth escaped after a youth stole wire cutters from a teacher and secreted them in his room. At bedtime youth overpowered staff, opened doors from the control center, and used staff keys to let themselves out of the dorm. Then they cut a hole in the fence with the wire cutters and escaped.

4. Noyes - Ten youth exited from the dorm in a scenario similar to the escape at Hickey - at bedtime youth overpowered staff, took the keys, opened the exterior doors of the facility, and one youth exited into the courtyard.

5. Hickey - Two youth escaped from a van, exiting through unsecured rear doors while staff were either asleep or otherwise inattentive. The youth reportedly stole a vehicle in the community that was later recovered after being involved in a hit and run accident. According to investigative reports, one youth was involved in a vehicle chase during which a police officer was assaulted resulting in police firing shots in an attempt to apprehend the youth.

6. Youth Centers - Nine youth escaped in the 2nd Quarter, 2007, placing the community at risk. Youth have stolen vehicles, and in one case a youth entered a house at night while the owners were in bed, found keys, and unsuccessfully tried to take two different vehicles causing damage to both. He later found another truck and drove it to Baltimore.

Major contributing factors in escapes include:

1. [Lack of video surveillance equipment.](#)

This played a role in escapes at Noyes and Hickey, including the escape of 10 youth from Hickey in May. Had video cameras been in place, security would have seen the youth before they were able to cut through the fence and leave the grounds.

2. [Staff inattention](#)

This has played a role in escapes from Hickey, Noyes, Thomas O'Farrell and the Youth Centers in Western Maryland. Some episodes of staff inattention (sleeping while incidents were occurring) may be attributable to staff shortages and the large number of overtime hours worked by many staff.

3. [Contraband, Tool and Key Control](#)

Stolen scissors, wire cutters and keys played major roles in several escapes at Hickey and Thomas O'Farrell. Keys are often misplaced or not properly signed out by staff.

#### 4. Community Wide Notification System

There was a breakdown in the community notification system at Hickey on May 6 and despite warnings from this Office and assurances from DJS that the system had been repaired, the system failed again during an escape on July 31. Community lack of awareness of the escape resulted in break-ins and stolen vehicles that were used to effect escapes.

#### **DJS RESPONSE: Community-Wide Notification System**

**The Department completed a major upgrade of the community alert system and community notification tests are now performed on a regular basis. All tests are closely monitored and have been successful to date.**

#### 5. Distress Alarms

Distress alarms for staff should be made available and DJS should ensure staff use them properly. Some facilities are not equipped with the alarms (Hickey, Cheltenham) while others have the alarms but staff have been observed not wearing them because they are "uncomfortable." Given the high number of escapes from Hickey this year, staff at Hickey should be provided with distress alarms immediately.

#### **DJS RESPONSE: Distress Alarms**

**BCJJC implemented two types of distress systems and determined they were ineffective. The "man-down" alarm system was installed in September 2004 at BCJJC. This system provided personal pager size devices worn on a belt or clothing by the youth counselors and staff during their tour of duty. The device would send an alarm to the Master Control station when a staff was not in a standing position. The problem with the devices was that they were constantly sending false alarm signals to Master Control. Whenever staff would bend over or turn quickly, the device would send an alarm. The system was used less than three months when the decision was made to terminate its use.**

**The second type of system, installed when BCJJC was built, is the "panic" alarm. These large buttons were placed along hallways, in the dining hall, school, and in the common areas of the housing units. Youth not only pushed the buttons on a regular basis, but ripped the buttons out of the wall. False alarms were commonplace and these too were disabled late in 2004.**

**JJMU Note:** It is still incumbent on the Department to find a distress alarm system that works. Current technology advancements may offer systems adequate for staff safety and comfort. The February, 2004 issue of *Corrections Today*, Vol. 66, No. 1, includes an excellent article authored by U.S. Naval experts comparing various distress alarm systems.

**DJS RESPONSE:**

**Distress alarms may be used in adult correctional facilities but are not the standard for maintaining safety and security in juvenile justice systems. The Corrections Today article referenced by the JJMU summarizes both advantages and disadvantages of three types of distress alarms geared to use in adult corrections. In conformity with contemporary standards for juvenile justice agencies, DJS manages safety and security through a range of methods including adherence to staffing ratios, incentive-based behavior management, specialized staff training and provision of structured programming.**

**6. Fences and Locks**

Fences and locks must be thoroughly inspected and maintained on a daily basis. Escapes and other disturbances at Hickey, Noyes and Waxter were the result of fences and/or locks that had not been properly secured and/or maintained. Electronic controls for door locks are either inoperable or vulnerable to abuse and operation by youth on the unit.

DJS blamed a lack of perimeter security by its own employees for escapes at Hickey in 2006 and hired a private security company to prevent future escapes from occurring. In September of this year, that same company was fired and blamed partially for escapes that occurred in 2007. DJS reassumed control of security at Hickey in September.

**DJS RESPONSE: Fences and Locks**

**Facilities perform perimeter checks at least twice on each shift. Additionally most facilities utilize a computer-based alert system. The problems with locks, identified in the JJMU Report, are associated with outdated facilities and lend support to our need for new facilities.**

JJMU concurs that facilities are “outdated” but still contends that aggressive measures must be undertaken to repair faulty gates and locks, ensure staff are following proper procedures when using such gates and locks and ensure staff are conducting their perimeter checks as required until these facilities are replaced.

**DJS RESPONSE:**

**DJS has in place and continues to utilize effective key control and perimeter security measures and is completing replacement of all outdated locks.**

**7. Failure to make corrective actions after escapes**

DJS generally provides a corrective action plan following an escape, but the plans have a poor track record of preventing future escapes, either because they are not implemented or do not address the root cause of the security breach.

Escapes from facilities, especially detention facilities, often result in extensive searches by law enforcement and dangerous attempts to apprehend youth. An escape from Hickey resulted in a police officer firing his weapon to protect himself from being assaulted by a youth operating a motor vehicle. Youth have often been bitten by police dogs and/or injured during apprehension.

**6. Contraband**

Failure to control tools, keys and illegal contraband has resulted in several escapes, suicide attempts and make-shift weapons. A youth who was in seclusion at BCJJC set the sheets of his room on fire. The investigative report did not indicate how the youth was able to acquire matches or a lighter or take them to his room to set the fire. The mass escape from Hickey in May was accomplished by a youth stealing a tool from the Vocational Education building and secreting it in his room.

**DJS RESPONSE: Contraband**

**DJS continues daily facility shakedowns as well as frisk searches of youth at movement/transition periods. We have implemented a much more aggressive tool control policy at our schools. We provide ongoing training to staff related to locating contraband as well as deterring youth access to contraband.**

**7. Reporting and Investigating Incidents**

Numerous errors and omissions in incident reporting continue to occur, meaning that incidents are under-reported and raising questions about the validity of DJS self-reporting on incidents in facilities.

1. Incidents are frequently mislabeled – incidents that are actually assaults are labeled as “other.” An incident in which a staff member sprayed youth with a fire extinguisher was labeled “other.”
2. Paper records and the Incident Database often differ. For example, during the 3<sup>rd</sup> Quarter at Hickey paper records indicated there were 88 restraints, but no incidents labeled as physical restraints appeared in the Incident Database.

3. From the 3<sup>rd</sup> Quarter Report: “According to the DJS Incident Report Database, there were only 2 reports of Alleged Child Abuse/Neglect in the first quarter, 4 reports in the second quarter and 0 reports in this quarter. The Department of Social Services, however, notified this Monitor about 10 such allegations in the first quarter, 14 last quarter and 7 this quarter. DJS’ failure to self-report 24 allegations of child abuse or neglect raises additional questions about the accuracy of data it collects and reports.”
4. There are still some concerns about nurses and/or staff failing to report suspected abuse or neglect directly to DSS. Some of the nurses at the facilities feel they must notify their supervisor or the facility administrator and let them contact DSS for suspected abuse and neglect cases. This is contrary to both law and policy.

#### **DJS RESPONSE: Incident Reports**

**DJS takes strong issue with JJMU’s contention that we mischaracterize or underreport critical incidents. DJS critical incident data is entered properly and categorized correctly in our Incident Report database. JJMU’s conclusion is based on numerous inaccuracies and misunderstandings about the DJS incident report process.**

**The DJS incident report database is designed to include reports of primary and associated events precisely to record all events and generate a comprehensive account of critical incidents. The event that causes the incident is the primary incident. All other events that follow the primary incident are classified in associated categories. For example, if a youth on youth assault occurred and a physical restraint was required, the primary incident would be recorded as the youth on youth assault and the physical restraint would be recorded as the associated category. As has been explained and demonstrated to the JJMU many times, the DJS incident database maintains and readily provides data that reflects the number of physical youth on youth assaults with a physical restraint involved.**

**Physical restraints are required to be reported regardless of the level of intervention. Simply placing hands on a youth to stop him or her from fighting or separating youth before an altercation starts is considered a physical restraint. This standard for strict reporting required by DJS will reflect higher restraint data, but it reflects how strongly DJS is committed to reporting complete and accurate data.**

**The handwritten incident report is completed by the facility. Upon completion, the report is submitted to a supervisor for review and approval, and then to management for final approval. Once the handwritten report is approved, the report is submitted into the incident data base. This does not signal delay or obfuscation, simply a procedure to ensure accuracy and accountability.**

**JJMU Note:** When the DJS Incident Database was developed in 2001, it was agreed that the primary incident reported would be the most serious incident in the chain of events. For example, a youth who acts inappropriately, is restrained and physically abused by staff would be labeled an “alleged physical child abuse” because that is the most serious event. This follows the same protocol as has been established in the criminal justice system for identifying, investigating and prosecuting crimes.

The new policy to report as the primary incident “the event that causes the incident” means that many incidents will be primarily reported as “inappropriate behavior” because that is the incident that begins the chain of events. Physical restraints will never be identified as a primary incidents because they do not begin a chain of events.

**DJS RESPONSE:**

**DJS requests that JJMU provide the basis for their assertion that the most serious incident was planned to be the primary incident for reporting purposes in our incident database.**

**The most important point is that reporting the precipitating event as the primary incident, as is and has been DJS practice, ensures accurate and comprehensive reporting of the full sequence of events associated with all critical incidents. All incidents including physical restraint, whether primary or associated, can be readily retrieved from our Incident Database.**

**DJS has provided training to the JJMU on the use of our Incident Database. As JJMU apparently continues to misinterpret and not fully utilize the capabilities of the Incident Database, DJS will on request provide additional training to JJMU including demonstration and practice retrieving data in aggregate form for any incident type.**

**8. Additional Safety and Security Issues**

Several years ago, the Department of Juvenile Services’ Office of Investigations committed to coordinating development of Memorandums for Understanding (MOU) for Child Abuse Investigations in every county. MOUs have not been implemented in any other Maryland counties except for Baltimore County and Anne Arundel County.

These agreements are essential to establish the cooperation and coordination necessary to protect the safety, security and rights of youth in the custody of the Department of Juvenile Services. Many of these youth are victims of abuse and neglect and we must assure they are not re-victimized by our institutions.

The Department of Juvenile Services’ Office of Investigations also committed to completing Crisis Intervention Training for Maryland State Police and Child Protective Services investigators but there has been no training in this area. It is crucial for investigators of institutional abuse and neglect to review, experience and understand the Department of Juvenile Services Crisis Intervention Techniques. Investigators must be able to determine if restraints and crisis intervention techniques are being applied

according to the training provided to each employee and they must be prepared to hold staff accountable for not following those prescribed techniques.

**DJS RESPONSE: Additional Safety and Security Issues**

**The Baltimore City MOU and the Montgomery County MOU were not moving forward in local state's attorneys offices. Last April, the JJMU offered to move them along and on April 24 2007, our Attorney General's office e-mailed the contact information to Jeff Merson and Marlana Valdez. We have not heard from the JJMU concerning its progress with the Montgomery County MOU since we sent them the contact information on April 24.**

**The City MOU was signed by the State's Attorney in June and is now at Baltimore City DSS where it is awaiting signature.**

**The Carroll County MOU is circulating for signature and is now with the Maryland State Police for signature.**

**The Prince George's County's MOU is with the Prince George's County DSS for signature.**

**We will also clarify that DJS is not required by law to enter into an MOU with the local departments of social services. Nevertheless, DJS has attempted to do so because it seemed to be best practices to establish a clear protocol that would prevent all the involved agencies from interfering with one another during the course of an investigation (CPS, police, DJS, MSDE, JJMU, State's Attorney). Regardless whether there is an MOU in place, CPS and the police are still legally required to investigate allegations of child abuse and CPS is still legally required to investigate allegations of child neglect. The elements of abuse and neglect, reporting requirements, time frames for beginning and completing CPS investigations, and criteria for CPS findings are contained in the Family Law Article and there is really no need for an MOU to activate the statutory requirements. The MOUs are not "essential to establish the cooperation and coordination necessary to protect the safety, security and rights of youth in the custody of the DJS" as claimed by JJMU. That is already taken care of by the existence of the laws governing CPS.**

**JJMU Note:** The response seems to miss the point. All involved agencies have agreed that child abuse and neglect investigations proceed more smoothly when the agencies have an ongoing working relationship with lines of responsibility clearly delineated. The MOU's were designed to enhance inter-agency coordination. The process of negotiating and finalizing MOU's with individual counties has been extremely slow with only two finalized and three more in various stages of negotiation.

Involved agencies should actively move forward to finalize MOU's in all counties or should decide to pursue other avenues to ensure that alleged child abuse and neglect in

DJS facilities is promptly and fully investigated and agencies have clarity about their own responsibilities in these investigations.

## Medical and Mental Health

### 1. Medical Staff

In the 2007 legislative session, the General Assembly provided nearly 22 PINS for nurses (full-time permanent positions) to relieve the severe shortage of nursing staff in DJS facilities. In calendar year 2007, one facility hired a Nurse Practitioner, and 15 nurses were hired. DJS' October 1 StateStat report indicated that 13 nursing and Nurse Practitioner positions still remain open. System-wide, there has been significant improvement in this area although some facilities continue to be short of medical staff.

#### **DJS RESPONSE: Medical Staffing**

**System-wide there has been significant improvement in medical staffing in the facilities. Many nurses have been hired or are being actively recruited: In calendar year 2007, 51 nurses were interviewed and 16 have been hired by DJS including one nurse practitioner at Victor Cullen.**

As with most DJS issues, staff at some facilities provide excellent medical care for youth, and at other facilities services are spotty at best. Among others, Cheltenham and Waxter staff provide good coverage and services in a difficult environment.

DJS' Medical Director responds quickly to problems, including stepping in to provide physicals and other health services in crisis situations.

### 2. Medical Services

Several facilities still have no night or weekend on-site nursing services, and the only option for youth who are sick is calling in a nurse or taking the youth to an emergency room. The DJS Medical Director consults with staff by phone regarding difficult medical cases, but the lack of full medical staff coverage complicates this task,

During the summer months, Carter had no medical staff at all for a six-week period. During the month of July, youth were admitted without full physicals or screening for communicable diseases such as tuberculosis or for chronic conditions such as asthma. From July – September, the Waxter Nursing Supervisor filled in at Carter. As of this writing one Nursing Supervisor is on duty during weekdays, and a par-time (25%) nurse covers every other weekend. A third nurse is scheduled to begin to cover evenings starting January 16.

Recently, a youth went through serious drug withdrawal at Carter. According to medical staff at the facility, the youth should have been in the hospital, but he had been discharged from the hospital earlier that day after two overdoses and several days of hospitalization. After his release from the hospital, the youth's father appeared in court and the Judge ordered the youth brought to Carter that evening.

**DJS RESPONSE:**

As is clearly stated in the response below, it was the opinion of DJS and private medical experts that this youth did not require admission to a hospital to manage his level of withdrawal. If JJMU has evidence to the contrary from medical sources, they should supply it.

A detention center is clearly not an appropriate setting for a youth to move through drug withdrawal. Given the numerous “bad” options facing the medical staff, including the fact that the hospital would have likely turned him away, the youth’s symptoms were managed appropriately by Carter medical staff with frequent consultation by the DJS Medical Director.

This case highlights, however, the not-infrequent “dumping” of youth on inappropriate DJS detention facilities by court and law enforcement personnel. Youth undergoing drug withdrawal should never be sent to a detention facility, even one with 24-hour nursing services. Detention facilities are not designed to manage drug withdrawal, nor is that their purpose. Youth about to give birth (see below) should never be sent to an all-purpose detention facility without specialized prenatal services. Nevertheless, in difficult cases, DJS facilities appear to be the placement choice of last resort.

It is incumbent upon the Department, the judiciary, law enforcement, and other relevant agencies to develop appropriate alternatives for these youth. Facility staff should also be given authority to turn away youth who do not meet admission criteria.

**DJS RESPONSE: Medical Services**

Three DJS facilities have 24 hour per day, 7 day per week nursing coverage: BCJJC, Cheltenham, and Hickey. The Standards for Health Services in Juvenile Detention and Confinement Facilities, promulgated by the National Commission on Correctional Health Care, does not require 24/7 nursing coverage in juvenile justice facilities.

Historically, nursing coverage at Carter consisted of one full-time Nursing Supervisor and 2 part-time nurses to cover weekends and evenings. In July 2007, the Nursing Supervisor retired. The nurse that was hired to replace her was scheduled to begin work on July 4 but declined the position right before her start date. As a result, for most of July the nursing staff at Carter consisted of medication technicians and two part-time nurses. As with all admissions to DJS facilities, however, youth are screened by intake staff using the DJS FIRRST form to determine altered level of consciousness, abnormal behavior, serious injury, bleeding, under the influence of drugs or alcohol, drug or alcohol withdrawal, suicidal or homicidal ideation, communicable disease, and serious dental problems. Youth identified with any of the above conditions are seen by a health professional on-site or immediately referred to the emergency room.

From the end of July until mid-September, the nursing supervisor for Waxter filled in until the current Nursing Supervisor for Carter was hired and oriented. Currently, Carter has one full time Nursing Supervisor who works five days per week and one part-time (25%) nurse to cover every other weekend. A third nurse was just hired full time to cover evenings starting January 16. By mid-January, the nursing coverage at Carter will be greater than what was staffed prior to July.

The information provided in the JJMU Report concerning a youth at the LESCC is substantially incorrect. On July 5 and July 18, a youth at LESCC was observed to have what appeared to be a seizure by residential staff and youth. On July 5, residential staff radioed the health center of the situation but nursing staff did not hear the radio transmittal. Residential staff then came to the health center and nursing staff immediately accompanied the residential staff back to the youth – nursing staff believes that they were on the scene within minutes of the event. The youth was taken by ambulance to the ER and admitted for observation. His work-up, including a head CT, lumbar puncture, and blood work, was negative for any identifiable cause of a seizure and he had no seizure activity while in the hospital. He was discharged back to LESCC infirmary on 7/6/07. Out of an abundance of caution for the possibility that he may still have had a seizure, the physician at LESCC discontinued his ADHD medication in case the medication was lowering his seizure threshold and making seizures more likely. On July 16, he had a brain MRI which was also negative. On the afternoon of July 18<sup>th</sup>, the same youth had another episode that appeared to be a seizure witnessed by youth and residential staff. This event occurred while in the gym. There was no loss of consciousness which makes it unlikely that this episode was a seizure however there was noted weakness on his right side. Unfortunately, the nurse was initially out of the building for about 15 minutes on a lunch break but quickly returned to assess the youth. The youth again was taken by 911 to the ER for evaluation with a negative work-up for a cause of a seizure. The diagnosis of migraine was considered.

It is of note that earlier in the day prior to the seizure on 7/18/07, this youth told nursing staff that, “I’m gonna fake another seizure today,” upon which he left medical laughing and talking with staff. This encounter is clearly documented in the medical chart.

At no point on July 5<sup>th</sup> or 18<sup>th</sup> did nursing staff delay getting to the scene or obstruct a thorough evaluation of the youth out of belief that the youth was faking a seizure, despite his statement on the 18th. On the contrary, he had a very thorough and prompt work-up for possible seizures by DJS nursing and medical staff. If this youth was managed in the community, it is unlikely that he would have had as extensive and prompt evaluation as he had via care provided by DJS. In the process of evaluating this youth’s possible seizure like activity, he was seen by the ER twice, admitted once for observation, subjected to multiple tests including head CT, brain MRI, and lumbar puncture, and examined by the LESCC physicians in addition to his own community pediatrician. While at Carter, he was further evaluated by both a neurologist and a cardiologist to rule out any other cause of seizure-like activity including cardiac arrhythmia, syncope (fainting), or heart condition. Both an EEG and EKG were normal as were his evaluations by both the neurologist and cardiologist.

The DJS Somatic Health Unit is in the process of initiating emergency medical drills across all the facilities so that residential and health staff becomes more comfortable dealing with potential medical emergencies. DJS will implement emergency drills at LESCC in January similar to drills that are currently being held at Hickey and Cheltenham. DJS investigates at any point when medical care is thought to be deficient, including in this case. The results of the extensive medical review of this case determined that the youth received prompt care and a very thorough medical evaluation. Seizure and seizure-like activity can be frightening to witness especially for lay people, and definitively diagnosing a seizure disorder often takes some time. Although his first episode on 7/5/07 was consistent with a possible seizure, his second episode was not. To date, he has not been diagnosed with a seizure disorder after comprehensive medical assessments, which does not rule out the possibility of an isolated seizure, and it remains unclear what caused either event.

In regards to the Carter youth who was experiencing opiate drug withdrawal, his case is equally complex, and health and residential staff did an excellent job managing him given the situation. This youth, who has an extensive substance abuse history, had overdosed while in the community. He was evaluated that day at the ER and released. Within two days he had overdosed again, was brought to the ER, and admitted for several days. He was released from the hospital in apparently stable condition. His father appeared in court that same day and the court ordered the youth brought to Carter. Police brought him to Carter that evening and it became evident to the nursing supervisor that he was having withdrawal symptoms including some abdominal cramping, chills, and mildly elevated diastolic blood pressure. The youth did not require admission to a hospital to manage this level of withdrawal (and was in fact discharged from a hospital that same day) but clearly needed some medical management to make him more comfortable. His condition was not an emergency and did not warrant a 911 call for ambulance transport to the ER. If he had gone to the ER, it is the DJS Medical Director's opinion and the DJS contract physician's opinion that he would not have been admitted but sent back to Carter in the middle of the night. If he had been transferred to another DJS facility such as Cheltenham, he would not have arrived there until close to 2 A.M. and would have been transported in a van while feeling uncomfortable from withdrawing. Given the fact that his withdrawal was not severe and that the nursing supervisor and contract physician for DJS were very comfortable and experienced managing withdrawal, we decided to manage him at Carter with medication and close observation. The youth was seen and evaluated the next day by the psychiatrist and started on further medication for depression. Under ideal situations, this youth should not have been discharged from the hospital as soon as he was. Even if we had transportation available that night, it would not have been in his best interest to be transferred between facilities in the middle of the night.

DJS is working on developing a plan so that youth known to have certain health conditions are eligible for admission only to DJS facilities that are equipped to handle the level of care required. In this instance, the youth received excellent management of his withdrawal at Carter and did well.

**Unfortunately many DJS youth do have complex health issues requiring a team effort of both DJS and community health professionals. It may be difficult for JJMU to access the adequacy of health care provided by DJS without having its own medical consultants to rely upon in its evaluation process.**

### **3. Mental Health Services**

Detention Centers and Shelters provide very limited mental health services. Therapeutic groups meet once per week, but most youth do not receive individual therapy, a critical need for youth in detention or shelter care who have been removed from their homes and experience anxiety about court proceedings and their futures.

Committed placement programs provide individual therapy and therapeutic groups run by qualified staff, particularly in the area of drug treatment, but besides limited medication management by psychiatrists, detention facilities and shelters offer little in the way of therapeutic services or treatment.

Youth entering detention are assessed for mental health treatment needs, but our observation is that only those with acute needs receive treatment. DJS standards require that youth identified as substance abusers receive one-on-one drug counseling and group counseling not less than once per week.

The FY 2008 Strategic Plan says that DJS will train all remaining behavioral health staff, facility-based staff and community supervision staff on the use of the CASII (Child and Adolescent Service Intensity Instrument) that helps to determine level of care each youth requires and to develop treatment plans and appropriate placement.

“Implementation of the CASII is the initial phase of an over-arching service plan assessment system. In the coming year, the department will develop a guiding document to list all assessments and identify gaps and what resources are needed.” The Strategic Plan also says the Department will issue an RFP with multiple vendors who will begin providing assessments which will result in regular reports and data tracking which will be reported monthly. (Strategic Plan, p. 27)

JJMU has not been made aware of any progress toward implementation of this strategic initiative.

#### **DJS RESPONSE: Mental Health Services**

**DJS recognizes that national studies indicate that an estimated 70% of youth who come into contact with juvenile justice agencies are likely to meet the criteria for at least one mental health disorder, and that most of those youth are likely to meet the criteria for two or more disorders. In addition, approximately 60% of youth with a mental health disorder are likely to have a co-occurring substance use disorder.**

**Recognizing that it is critical to identify youth with mental health and substance abuse problems as soon as possible, DJS has been aggressive in building the capacity to identify, diagnose and treat these youth effectively. Every youth admitted to a DJS detention facility is screened within two hours for mental health problems using the Massachusetts Youth Screening Instrument (MAYSI-2). This is a scientifically validated instrument recognized as a best practice screening tool for youth who come into contact with juvenile services. The MAYSI alerts staff to potential needs and triages youth for high-priority, immediate response—for example, suicide prevention and thought disorder—as well as for clinical referral.**

**In addition, every youth admitted into detention and/or shelter is screened for substance abuse within 24 hours of admission using the Substance Abuse Subtle Screening Inventory (SASSI). Youth flagged by the SASSI as having a high probability for substance abuse or dependence are administered within 72 hours of admission the Problem Oriented Screening Instrument For Teenagers (POSIT) and the ASAM (American Society Of Addiction Medicine) Patient Placement Criteria for the Treatment of Psychoactive Substance Use Disorders, an instrument designed to provide guidelines on level of treatment needed by youth upon discharge or placement.**

**DJS has also been steadily building capacity for providing enhanced mental health treatment in detention facilities. BCJJC, Hickey, Cheltenham and Waxter are all fully staffed for mental health service delivery. Plans are underway to increase mental health staffing at Noyes. The Director of Behavioral Health is working with Mid-Shore Mental Health (the mental health authority for the Eastern Shore) to improve mental health services at Carter Center. Any staffing deficiencies at WMCC and LESCC will be identified and corrected.**

**Because youth who come into a detention center are likely to have a short length of stay, behavioral health staff provide brief interventions designed to help youth develop new skills to deal with their problems and to prepare them for more in-depth treatment either in the community or in residential placements. DJS is focusing on implementation of evidence based practices such as Aggression Replacement Therapy (ART) in our facilities. ART has already been implemented at BCJJC, Hickey and Cheltenham and staff will be trained in this model at other detention facilities over the coming year. DJS is also working to engage families/caretakers of the youth in family therapy to facilitate transitioning for youth who will return to the community. Training in short-term cognitive behavioral therapy interventions will also be provided to staff, again focusing on helping youth develop skills to make better choices. Waxter provides treatment services that are specific to the needs of girls.**

**DJS believes that it is critical that each child who is identified in the screening process as having a mental health or substance abuse problem receive a thorough assessment to ensure that all appropriate diagnoses are identified. Assessment would include gathering information from parents/caretakers, a mental status exam, and direct interaction with and observation. Assessment should also include a structured interview with the youth that delves deeply into areas that the youth identifies as problematic.**

**These various sources of information would result in a mental health/substance abuse evaluation to help clinicians structure treatment plans while youth are in detention facilities, and develop transition plans that provide guidance in selecting appropriate placements or, if the youth is returning to community, link youth and their families with appropriate treatment services following discharge.**

#### **4. Medical Space**

Most facilities lack space to provide private examination and treatment of youth. (See 2<sup>nd</sup> Quarter Report on Critical Facility Needs, [www.oag.state.md.us/jjmu](http://www.oag.state.md.us/jjmu)) In a number of detention centers and some committed care programs, medical suite space consists of a small room which does double duty as an examination room, medical file room, and office for nursing staff. There is little private space for examining youth.

Medical suite space is particularly inadequate at Carter, O'Farrell, Waxter, Noyes, and Cheltenham. At Cheltenham, the infirmary is used for general administrative segregation. JJMU has received conflicting information about the Cheltenham infirmary building – some DJS staff report that sprinklers will be installed to ensure compliance with fire safety standards and others report that a modular unit will replace the infirmary building. No time frame has been provided for either option.

#### **DJS RESPONSE: Medical Space**

**DJS is taking steps to improve the medical areas in the facilities. The Cheltenham health center and infirmary will be replaced by a modular unit. At Hickey, renovations are underway for a new somatic health center which will include the infirmary, dental suite, and office space and examination rooms for nursing, medical, and psychiatric providers. For the current population, the Carter health center, although small, is adequate.**

**DJS agrees that medical space at Noyes and O'Farrell is inadequate because it consists of a small room which also functions as an examination room, medical file room, and office for nursing staff, and that Waxter could benefit from additional space specifically for an infirmary, storage and office space.**

**It is important to emphasize that, contrary to the JJMU assertion, even though there is little private space for examining youth at Noyes, O'Farrell and Waxter, health staff can provide a private, confidential and humane setting when interviewing and examining youth.**

#### **5. Reports of Suspected Child Abuse**

Nurses in some facilities continue to fail to report suspected child abuse and neglect as required by law. All DJS staff are mandated reporters (individually required to report suspected or alleged child abuse) – yet when youth are injured during restraints, altercations with staff, etc. Child Protective Services is not always contacted

as required. In some cases, staff has not contacted Child Protective Services about a possible abuse until checking with the Facility Superintendent, a clear violation of law.

In one case at the Carter Center this fall, a staff member allegedly abused a youth, punching him in the eye and taking him to the floor in a “chokehold,” a prohibited restraint technique. Although staff witnessed the event, no one reported the case to Child Protective Services, and the child was not examined by the nurse until mid-day the following day. Although the nurse’s examination documented injuries consistent with abuse, still no one called Child Protective Services until late the following day when the acting Facility Director decided to call.

The staff member involved was later arrested and charged with Child Abuse, 2<sup>nd</sup> Degree Assault, and Reckless Endangerment. JJMU wrote the Department on November 15 expressing concern about Carter Center staff’s multiple failures to report suspected abuse as well as Incident Reports filed by Carter staff that were completely inconsistent with later statements they gave to police. No response has been received to date.

Staff at the Carter Center, in particular, should be retrained on their mandated reporting duties and Facility Superintendents system-wide should remind all staff of their responsibility to report alleged child abuse without checking with superiors.

**DJS RESPONSE: Child Abuse Reporting**

**The one case at the Carter Center reported by the JJMU took place in the evening, and staff notified the nurse that night by phone that a restraint had occurred and the youth was stable. The youth was examined by the nurse the following day. Although the nurse’s examination documented injuries consistent with abuse, she did not call Child Protective Services because she was under the impression that a call was already made. The nurse did report the incident to the acting Facility Director after she examined the youth, and he later made the call to CPS. The report was made within 48 hours of the incident.**

**DJS agrees that all cases of suspected abuse need to be reported in a timely fashion and that all DJS staff and health care providers must clearly understand what constitutes abuse and their legal obligation to report suspected abuse. While it is unclear how often JJMU believes that DJS nurses are failing to report abuse in a timely fashion, the JJMU Report implies that DJS staff are not reporting abuse as required. On the contrary, it is a very rare case in which suspected abuse is not reported by DJS nursing staff. DJS nurses, including agency nurses, receive training on child abuse reporting and completion of the Nursing Report of Youth Injuries form, which DJS modified to help prevent any confusion over when to call protective services. In addition, the Medical Director, in coordination with DJS legal counsel, is establishing a protocol for reporting suspected abuse or assault in cases in which the DJS youth is an adult (18 years old or over).**

## 6. Pregnant Girls

We continue to be concerned about pregnant girls detained at secure facilities. Some individual employees do an admirable job of caring for these girls and staff at Waxter provide prenatal education and counseling for girls detained there. All staff at facilities detaining girls have received gender-specific training.

Yet no system-wide program or regulations to deal with pregnant girls have been developed, and some staff express concern about these girls' condition while in detention.

In September, we wrote to the Secretary after a girl at Noyes was taken to the hospital to give birth, returned to the facility, and became depressed. The youth did not have access to her baby during this period because her mother declined to bring the baby to the facility, fearing it might contract an infectious disease. At that time, we questioned whether judges should be sending pregnant girls to secure detention facilities at all – violence and hygienic conditions at these facilities are inappropriate for pregnant girls.

If the Department has no choice but to accept pregnant girls in detention, we asked that a specific facility (and area of that facility) be designated where all pregnant girls statewide would be detained. In addition, we asked that staff dealing with these girls receive not only gender specific training but training in issues surrounding pregnancy, childbirth, and preparation for parenting. We asked that facilities also make special provision for pregnant girls and new mothers to maintain close contact with supportive individuals, family and otherwise, who would be important during their pregnancies and after.

We have not received a response to our request but are aware that staff at the 3 detention facilities that house girls (Waxter, Noyes, and LESCC) have completed gender-specific training.

### **DJS RESPONSE; Pregnant Girls**

**DJS agrees that a statewide coordinated girls' health program is needed including a focus on the needs of pregnant and parenting teens. DJS hired a new nurse to help implement programs and the first task will be to address a coordinated girls' health program after doing a needs assessment. Such a health program may include, for example, a gender-specific curriculum teaching about the reproductive cycle, contraception, prenatal health issues, breastfeeding and parenting. The Medical Director is at Noyes on a weekly basis to provide comprehensive health and OB/GYN care as well as individual health education to the girls including the young lady referenced in the JJMU Report. This particular youth is bipolar with a history of assault. Although several people were trying to help with placement options for her including DJS case managers, health staff, and the public defenders office, she refused**

all placement options with her baby that were offered other than going home. She was discharged to home two weeks after her delivery, however was sent back to Noyes two weeks later. At no time did DJS refuse her access to her baby. The youth's mother, who has custody of the baby, refused to bring the baby to Noyes out of concern for exposing the infant to potential infectious diseases. During the youth's stay at Noyes, she did receive regular and timely prenatal care by both the Medical Director and her community OB/GYN provider, who initially refused to see her due to her non-compliance with her previous OB/GYN appointments. Prior to her Noyes admission, this youth did not initiate prenatal care until her second trimester, was smoking cigarettes every day, and had failed to keep several of her prenatal appointments to the point where her provider was refusing to see her. DJS has seen other girls who were pregnant and also malnourished, not receiving prenatal care, abusing drugs, or suffering from untreated infections including serious STDs. At the LESCC, nursing staff has developed strong relationships with community OB/GYN clinics to provide care for pregnant girls and at Waxter, an OB/GYN comes to the facility on a weekly basis.

## **7. Other Issues**

Oversight of contractors should be enhanced. In the 3<sup>rd</sup> Quarter, we discovered that several private providers were engaging in questionable medical treatment practices. One required girls who said they were sick to sign a "Sick Contract" in which they agreed to stay in their rooms for the entire day (except to eat or do chores) and agreed to stay on a liquid diet for 24 hours, regardless of the type of illness.

Our report to the DJS Medical Director resulted in a prompt order to discontinue use of the Contract. Nevertheless, in a visit a month later, we discovered the facility was still using the Contract. Questionable approaches to dealing with sick youth appear to be more of a problem in privately-run shelters than DJS-run facilities.

### **DJS RESPONSE: Other Issues**

The DJS Medical Director discussed the "sick contract" with contractual program staff. Residential staff was instructed by the Medical Director to stop using the "sick contract" since it was unnecessary, appeared punitive and was not specific to the individual needs of each girl who was sick. Apparently the program did not immediately comply. The DJS Program Evaluation Unit is currently monitoring a corrective action plan requiring the provider to cease use of the "sick contract."

DJS is increasing its oversight of contract programs to include the provision of technical assistance, and has undertaken reform of the contract management process to include incorporating requirements for and tracking implementation of best practices related to youth services.

## Education

The Maryland State Department of Education is responsible for the schools at BCJJC, Carter, Hickey, LESCC, and Victor Cullen. GUIDE, Thomas O'Farrell, and Sykesville hold classes within the facility and teachers are programs are supervised by the contractor running the facility

The Department of Juvenile Services is responsible for the school programs at Cheltenham, Noyes, Waxter, WMCC, WDSH, and the Youth Centers. Youth at Allegany and Mount Clare attend public schools.

### 1. School Records

Like other State agencies with child custodial responsibilities, the Department has difficulty obtaining school records from youths' home schools. In some cases, DJS staff does not request the records in a timely fashion; in others, the home school fails to respond to a timely request.

For example, during the 3<sup>rd</sup> Quarter, a random review of records at BCJJC revealed:

- Youth A - Admitted 8/26/2007. Records first requested on 9/13 – 2 ½ weeks later. As of 9/20, no response from home school.
- Youth B - Admitted 8/4/2007. Records first requested on 9/14 – nearly 6 weeks later. As of 9/20, no response from home school.
- Youth C - Admitted 8/16/2007. Records first requested on 8/23, second request on 8/28, no reply as of 9/20 – more than one month after admission.
- Youth D - Admitted 8/15/2007. First request to Baltimore on 8/28, no reply as of 9/20 – more than one month after admission.

Many student academic records are incomplete, lacking clinical forms and other documentation necessary to provide accurate assessment and appropriate educational placement of the youth.

Without home school records, DJS staff do not know whether the child has special needs and an Individualized Education Plan (IEP) entitling him/her to additional services and do not have sufficient history to place the child in classes appropriate for his/her level.

This problem seems particularly acute at Waxter, Carter, and BCJJC. The General Assembly provided funding for 3 new DJS positions this year to improve

educational records transfer, but the Department continues to experience stubborn challenges on this issue.

## **2. Quality of Classroom Experience**

During visits, our Monitors observe many devoted and caring classroom teachers who do their best to meet each individual child's needs in a very challenging environment.

Particularly in smaller facilities, teachers struggle to teach to a variety of levels within one classroom and most do not appear to know or employ effective strategies for teaching to youth at different educational levels. Varying youth ability levels are particularly difficult for teachers at GUIDE, Sykesville, and Carter.

Some teachers are unprepared for class and do not develop formal lesson plans. It is not uncommon for Monitors to walk into classrooms in which all youth are working on the same assignments regardless of academic level or in which no organized learning appears to be taking place at all. Youth may be flipping through books or watching movies – in one case, they were coloring.

Again, many teachers engage their students with creative learning approaches, but because the system has such difficulty recruiting teachers, others are allowed to serve as “place holders,” even though youth in their classrooms are completely disengaged.

System-wide, teachers lack audio-visual and tactile learning strategies for youth who may be better engaged by alternative learning approaches.

## **3. Vocational, GED, and College Courses**

Vocational educational instruction is sorely lacking at DJS facilities. The exception is Cheltenham which has developed an inventive and vigorous program based primarily on the staff's enthusiasm for mentoring youth. Cheltenham's Voc Ed program includes construction and graphics design and should be a model to other facilities.

Many of the committed care programs, where youth live for 6-12 months offer virtually no vocational training beyond allowing youth to work in the kitchen or with maintenance staff. To date few vocational educational opportunities are provided for youth at Victor Cullen or Thomas O'Farrell, and programs at the Youth Centers should be expanded. Development of Vocational Education programs should be a high priority for the Department.

Fortunately, most facilities have successful GED programs, and many youth complete their GED's while in committed care facilities. Once a youth completes his/her GED, however, few educational options are available. Most work independently, help

other students in the classroom, or complete unchallenging assignments with the rest of the classroom. Career planning and life skills programs for older youth are rare.

The Youth Centers have developed a program with Garret County Community College program that allows youth to earn college credit while housed at the Centers, and the Victor Cullen Academy is developing a similar program. One youth at Waxter is enrolled in an online community college program, and one youth began a program at Thomas O'Farrell this year but was released soon thereafter.

#### **4. Teacher and Staff Shortages**

In recent months, JJMU has reported that youth at BCJJC sometimes do not attend school at all because there are not enough staff at the facility to escort them to the classrooms. Youth spend the day in their housing pods instead of school with teachers traveling to the housing pods to provide instruction – a less-than-optimal situation since teachers and students lack access to learning materials, desks, equipment, and other classroom resources.

Most facilities are short of Teaching Assistants and Special Education Teachers. A DJS direct care staff member must be present along with the teacher in each classroom, but often direct care staff are sitting or standing near the door and not engaged in the classroom experience. While these staff may not qualify to formally serve as Teaching Assistants, they should be trained to assist teachers and be required to participate in the classroom experience. Some staff already voluntarily assist teachers, significantly improving the teacher's ability to diversify teaching approaches.

#### **5. Disruptive Youth**

When youth are disruptive, they are usually sent back to their pods for "time out." Sometimes the disruptions result in seclusion. A Behavior Alternative Classroom should be designated at each facility for disruptive youth – to ensure that they continue with their school work and to ensure that other youth are provided a classroom environment free from these interruptions.

### **Recommendations**

1. School records should be requested in the timeframe mandated by State guidelines.
2. The Department should meet with local school systems, particularly in Baltimore City and Baltimore County to improve transfer of school records.
3. Teaching Assistant positions should be filled immediately.
4. Staff should consistently review each youth's file to ensure that it contains required forms and complete documentation.

5. Teachers should develop structured weekly lesson plans according to MSDE standards that are challenging and motivating for mainstream and special needs youth.
6. Teachers should utilize a variety of learning tools and resources that will accommodate each youth's individualized needs.
7. Volunteers and interns should be recruited from local colleges to assist in the classroom.
8. Youth who have obtained their GED should be provided with a continuing education program that includes college level education, career exploration, and vocational education.
9. A Behavior Alternative Classroom should be implemented so that youth who are disruptive in the classroom are not placed in seclusion or time out.
10. Direct care staff should be trained and required to assist teachers in the classroom.
11. Development of strong vocational education programs should be one of the Department's highest priorities.

**DJS RESPONSE: Education**

**DJS schools follow all State statutes regarding timelines for requesting records from previous schools, and utilize a system for close monitoring to assure records are received for all youth. While prior school records are usually received within statutory guidelines, DJS recognizes the difficulty that local school systems sometimes have locating records for youth who have experienced multiple out of home placements, truancy, suspension and expulsion, and provides additional resources to obtain records for these youth through its Office of Pupil Services. This system consistently works very well; however, as indicated in the JJMU Report, the process at the Waxter Children's Center requires improvement and this is being addressed.**

**Similarly, MSDE has developed and is in the process of implementing a system-wide intake procedure to address obtaining student records, identifying possible special education students, and assessing student academic skills for placement. This procedure includes tracking and documenting all contacts related to school record acquisition. DJS has offered ASSIST training to MSDE staff and will include MSDE staff in additional ASSIST training. This will support articulation between MSDE and DJS and will be particularly beneficial for obtaining records for students previously placed in DJS facilities.**

DJS and MSDE are actively focused on ensuring successful transition to minimize disruptions in educational services for youth experiencing out-of-home placements. As part of this effort, DJS and MSDE recently co-sponsored *Best Practices in School Re-entry for Court-Involved Youth*, a statewide conference attended by 225 people representing every local public school system in Maryland and many State agencies, community organizations, justice officials and families. Workshops were presented by Maryland and national experts in school re-entry. Some of the conference presentations are on the DJS website at <http://www.djs.state.md.us/best-practices/school-re-entry-youth-conf.html>

DJS is responsible for the operation of schools in the Youth Centers, Schaefer House, WMCC, Noyes, Waxter and Cheltenham. As of December 19, 2007, all of these facilities will be fully staffed with general education teachers, special education teachers, and instructional assistants.

MSDE does provide both regular and special education services to youth at the Carter Center. Prior to July 1, 2007 MSDE completed the recruitment and selection process to fully staff the Carter Center. Unfortunately, several of the selected candidates declined appointments necessitating extended recruitment. On July 1, 2007, MSDE employed two full-time academic teachers and one full-time instructional assistant. During the first quarter of this fiscal year, MSDE added a secretary/records clerk and detailed a certified special education teacher to Carter to provide instruction, monitor related services, and develop transition plans. In October, 2007, MSDE employed a full-time special education teacher and assigned an administrator to oversee the education program.

All teachers are required to have lesson plans and to differentiate instruction to accommodate varied student skill levels. Special education teachers co-teach and/or conduct individual or small group resource sessions with students according to their individual needs. In-service training and mentoring is provided to enhance teacher skills. Special Education Coordinators consult with teachers to ensure that the delivery of instruction is consistent with goals and objectives identified in each student's IEP.

Cheltenham currently operates career exploration programs in horticulture, carpentry, the Internet and Computing Core Certification program; a graphics design program will soon begin operation. The Youth Centers offer carpentry, automotive repair, and aquaculture programs. O'Farrell has an off-grounds work program for eligible youth. The Department is very interested in expanding career/vocational preparation; for example, in the Department's response to the JJMU Report under "Programming," there is reference to a United States Department of Labor grant that will provide workforce development and educational opportunities specifically to youth involved in the juvenile justice system in Baltimore City.

The GED programs in DJS schools are very successful with about 80% of enrolled students earning the GED (recognized in Maryland as a high school diploma). In partnership with Garrett College, 10-12 students at the Youth Centers attend college

courses each semester. To date, 44 students have completed this program. Of this total, 33 students have been discharged from the Youth Centers and of these students, 14 are currently enrolled in college, one joined the military, and 9 are employed. Similar web-delivered college programs are offered to youth at Waxter and O'Farrell.

DJS and MSDE do recognize the importance of continued educational opportunities for youth who enter facilities with a high school diploma or obtain one while in placement. Providing on-line college courses is being presently explored by MSDE as a possible educational service for youth with high school diplomas. DJS is developing a program for these youth to focus on prevocational skills, preparation of a portfolio which would include a resume and career interest inventory. All DJS schools have career software which will be incorporated in this program, and SAT materials and college entry level reading and math books are on order.

MSDE is in the process of finalizing the award to procure a modular school building for the education program at Victor Cullen. Funding for the project will come from DJS. A detailed project schedule anticipates that the modular school building will be in place and ready for occupancy by March 2008. The space needed for occupational skills training is included in the plans for the new modular classroom building. MSDE has two PINs allocated for occupational teachers. MSDE is also completing procurement for a modular school building for Carter, with delivery also anticipated in March 2008.

**JJMU Note:** Despite the fact teachers are required to have lesson plans and to differentiate instruction to accommodate varied skill levels, Monitors frequently observe the opposite in unannounced facility visits. We suggest that MSDE and DJS begin making more frequent unannounced visits to observe classes.

**DJS RESPONSE:**

It is disingenuous for JJMU to suggest that we “begin” to make unannounced classroom visits. While JJMU Monitors are at our juvenile facilities about once or twice per month, on-site supervisors with specialized educational experience are in the schools in all DJS facilities everyday, and as part of their responsibilities regularly conduct announced and unannounced classroom observations in addition to numerous other related activities. Central office staff also regularly visit our classrooms and schools.

## Programming

### 1. Behavior Management Programs

Some facilities such as WMCC have implemented strong behavior management systems that are easy for youth to understand, focus on positive incentives, and are uniformly applied.

Still others are in the process of implementing systems and youth complain that “points” are taken from them at staff’s discretion or that they don’t understand the system. Few facilities use a rubric to record points. When youth do not understand the system or believe it is unfairly applied, they become discouraged and fail to actively participate – in some cases, misbehavior increases.

All Behavior Management Programs would benefit by focusing more on positive incentives and creating more meaningful opportunities for youth who excel in the BMP.

Several facilities use food and snacks as incentives which have been shown to encourage theft and other problematic behaviors.

Positive and meaningful incentives include additional phone calls home, extended family visits, ability to participate in special groups such as construction projects, drumming classes, and off-campus trips.

#### **DJS RESPONSE: Behavior Management Program**

**DJS has implemented an incentive-based behavior management level system for detained youth which promotes the reinforcement of pro-social behaviors and has issued a Behavior Management Policy. The goal of the behavior management system is to consistently encourage positive behaviors and modify non-compliant, maladaptive behaviors. Employee training and methods of quality assurance will ensure the integrity and fair application of the behavior management program.**

### 2. Enrichment, Cultural, Life Skills, and Recreational Activities.

Again, some facilities, notably BCJJC and Cheltenham have significantly increased enrichment and recreation activities – including basketball games against external adult teams (Police, Coast Guard, etc.) and vocational educational classes.

More detention facilities have filled Recreational Specialist positions this year which relieves line staff of the responsibility of developing engaging activities for youth. But in several facilities, youth still spend too much time in unstructured activities - playing cards or video games, watching TV, or just sitting.

DJS Standards require that youth desiring to participate in religious services be allowed the space and time to do so, including being taken to a place of worship in the

community if doing so presents no security risk. Most facilities still need to develop this capacity in a way that respects diversity of religious belief and cultural background.

### **3. Recreation Space**

Lack of indoor and outdoor space for required large muscle exercise and recreation continues to be a problem at numerous facilities. Carter has no gym – all youth go to school, eat, and recreate in one room. There is an outdoor basketball court with no cover which cannot be used in inclement weather. Waxter only has a “cafenasium” – a gym-type room where tables are set up for eating.

Several gyms need major repairs – Hickey (east gym) and Cheltenham (a beautiful historic facility), particularly need repairs to their gyms.

The Sykesville and GUIDE facilities have no outdoor recreation space save a basketball area that doubles as parking space. The Department should enhance outdoor recreational areas at these sites. Little outdoor recreation besides basketball is available at these facilities and staff must transport youth to local gyms to engage in sports or active recreation.

#### **DJS RESPONSE: Recreation Space**

**DJS agrees that Waxter, Hickey and Cheltenham do not have adequate recreation space and our goal would be replacement of the facilities to include adequate recreation areas. With respect to Carter, we are seeking to contract local alternative options until funding can be obtained to build an on-site gymnasium.**

### **4. Team Building and Peer Conflict Resolution Programming**

Historically, the Department has reacted to conflict and to gang activity by segregating youth who become involved in incidents. There is movement toward using these incidents as the opportunity to incorporate conflict resolution training and team building programming.

We hope the Department continues to expand these programs and takes advantage of the cadre of skilled conflict resolution professionals in the State.

### **5. Assessments to Guide Individual Treatment Plan Development**

The FY 2008 Strategic Plan says DJS will train all remaining behavioral health staff, facility-based staff and community supervision staff on the use of the CASII (Child and Adolescent Service Intensity Instrument that helps to determine level of care each youth requires and to development treatment plans and appropriate placement.

“Implementation of the CASII is the initial phase of an over-arching service plan assessment system. In the coming year, the department will develop a guiding

document to list all assessments and identify gaps and what resources are needed.” The Strategic Plan also says the Department will issue an RFP with multiple vendors who will begin providing assessments which will result in regular reports and data tracking which will be reported monthly. (Strategic Plan, p. 27)

After issuance of the Strategic Plan, the Department made a decision not to implement the CASII system-wide and is now exploring other assessment tools. It plans to select a new assessment tool in early 2008.

**DJS RESPONSE: Assessments**

**After a careful review of the CASII, and at the recommendation of the CRIPA monitor, the Department began reviewing other structured assessment tools for use in shelter care/detention settings. Because of the high incidence of co-occurring substance abuse and mental health disorders, it is critical that the chosen instrument is sensitive to both substance abuse and mental health disorders. The Department is currently considering several instruments and will select one in early 2008.**

**Recommendations**

1. The Department should form contractual partnerships with community enrichment recreational programs and human resource agencies (e.g., YMCA and Boys and Girls Club).
2. The Department should renovate and expand the parking/recreation areas at the Sykesville and GUIDE shelters.
3. Staff should demonstrate team building, leadership, and sportsmanship by actively participating in events and activities.
4. Innovative cultural, life skills, and enrichment programming must be implemented system-wide.
5. Volunteers and college interns should be actively recruited from local colleges to assist with programming.
6. A clear Behavior Modification System should be implemented at all DJS facilities – the system should be easily understandable to youth, consistently applied, and based on positive incentives to the extent possible.
7. Opportunities to participate in religious programs that respect diversity of religious beliefs should be offered at all facilities.

**DJS RESPONSE: Programming**

DJS has implemented a wide array of high-interest structured programming including:

- **Facility Enhancement to Accommodate Gang Prevention Programming**  
DJS has embarked on innovative approaches to prevention that, although they do not fall under the jurisdiction of review for JJMU, evidences the Department's holistic understanding and commitment to measures that prevent youth from being arrested and coming under its jurisdiction. In September, the Department issued the first of several grant initiatives that encourages innovation and collaboration in addressing serious problems. The "Capitol Improvements Related To Gang-Related Violence and Crime Prevention and Intervention" specifically invited public county, bi-county and municipal jurisdictions operating recreation facilities in areas experiencing or at imminent risk of experiencing gang-related violence and crime to apply for funding for improvement of infrastructure to further support gang prevention programs.

DJS understands that local jurisdictions have the desire to work proactively and productively with their youthful populations, especially those more vulnerable to involvement with gangs or violence. However, dilapidated, antiquated or facilities in need of update or repair prevent the kind of programming that can address this need. The Department awarded grants to organizations throughout the State. Preliminary awards have been made, and now await approval by the Legislative Policy Committee. These awards strengthen the Department's partnerships with local jurisdictions and enhance local control, which furthers its effort for prevention of delinquency.

- **Gang Prevention & Intervention Funding**  
The "Juvenile Gang Prevention and Intervention Program" grant solicitation targeted national and statewide public or private non-profit organizations for funding to provide evidence-based best practices for supporting and enhancing anti-gang initiatives, with a special emphasis on prevention and intervention programs in community-based settings. Grants were awarded to organizations that have shown a commitment to working with challenging youth, and success in doing so, including Boys and Girls Clubs in multiple jurisdiction throughout the state.
- **Facility Programming**  
Acknowledging the deficit of structured programming in facilities to productively engage youth after school and on weekends, in recent months DJS has brought in organizations to provide arts, self-esteem and empowerment programs to youth in detention facilities. This has included mural projects at both the Waxter Children's Center and the Baltimore City Juvenile Justice Center, as well as African drumming at BCJJC. At Noyes a multi-week self-esteem and character building program was provided for male youth. The Hickey School will be bringing in organizations in December and January to start empowerment trainings for youth.

Following on these successful efforts, the Department is releasing a small procurement for six facilities that will primarily fund further facility programming, but will also encourage vendors to provide family involvement and community transition strategies in conjunction with facility staff. The following programming is being solicited:

- **Facility programming**
  - **Arts:** poetry, visual arts, instrumental music, vocals.
  - **Life skills:** time management, teamwork, cooperation, task completion.
  - **Self-esteem:** self-reflection, goal setting, healthy relationships, leadership.
  - **Empowerment and social skills:** conflict resolution, civility, anger management.
  - **Workforce development:** career exploration, resumes, applications, job searches.
  
- **Family Involvement**
  - **Advocacy:** positive relationships with case managers, how to obtain information.
  - **Substantive trainings:** navigating juvenile justice & other child-serving systems.
  - **Shared activities:** arts, picnics, sports, games and recreational opportunities.
  - **Skills development:** reading and literacy, computer assistance, resumes.
  - **Support:** structured focus groups, parenting guidance, appropriate guide setting.
  
- **Community Re-Entry Programs For Youth**
  - **Mentoring:** traditional one-on-one, and innovative group skills mentoring.
  - **Registration and introduction:** for community-based programs or supports.
  - **Volunteer, Internships or Service Learning:** opportunities for giving back.

BCJJC, Carter, Cheltenham, Hickey, Noyes and Waxter will also receive funding through this small procurement to provide programming after school and on weekends through June 30, 2007. DJS will release an RFP that will enhance after school and weekend activities in the facilities for the period July 2007 through June 2008.

- **Department of Labor Workforce Development Grant**

Baltimore was one of five cities nationally to be awarded a \$4.6 million grant from the United States Department of Labor to target at-risk youth, those on probation, and youth previously incarcerated for implementing strategies to keep them in school, or returning to school, and meaningful workforce development and employment. Working with Baltimore City Public Schools and other local agencies, DJS will identify youth in targeted geographic areas for special school-based programs and workforce initiatives that will support academic

enhancements, counseling and employment. DJS will use its funding to hire three workforce development specialists that will focus on identifying youth who have challenges that require more concerted assessment and support, and will provide workforce development, employment and retention support.

- **Carpentry Program**

The school and a direct care staff member at Cheltenham have developed and implemented a carpentry program at the facility, and a model for similar facility-based programs. The program integrates academic and vocational skill development and is implemented both during and after-school. Youth are able to create individual projects, many of which are given to family members. They also have also been engaged in designing and constructing borders for trees and flower beds, and other projects that are enhancing the aesthetics of the campus.

- **Ceramic Studio**

In December, a new ceramic studio was opened with a resounding response from youth at Cheltenham. Initial programming with a master potter has been funded by a community-based organization in a combined in-school and after-school program. Plans have been made to provide special sessions with youth and family members, as well as with case managers to build and rebuild trusting relationships in a non-threatening atmosphere.

- **Jobs Skills Training**

Staff from headquarters, direct care, case management, behavioral health and education are being trained to facilitate a new jobs skills curriculum that include career exploration, resumes, cover letters, job applications and interviewing. A 16-week pilot was conducted with pending placement youth at BCJJC in the spring with great success. As youth left for placements, other youth who came to learn of the program filled slots, and both long-serving youth and newcomers were served in the weekly Saturday morning program. Behavioral health staff served as assistant facilitators and now will embark on a second program in the coming weeks. Additionally, direct care, case management and education staff will serve as co-facilitators for two programs at Hickey, one which start in December as an after school program, and one which starts in early February on Saturday mornings. Plans are underway to train additional staff, as well as other professionals and adult volunteers for expansion to more facilities, as well as community-base settings.

- **Conflict Resolution Training**

In March, youth at BCJJC, and in November, youth at Hickey participated in an interactive conflict resolution training. The trainings were offered as a prelude to the jobs skills training to impart concrete conflict resolution strategies, create cohesion amongst youth, break down barriers, and create a pool of youth wanting further opportunities. In all respects the trainings were successful, and enthusiastically received by youth. DJS is developing plans to train staff and volunteers so that these trainings can be offered on their own merit, and in

conjunction with other trainings, again both in facilities and with community partners.

- **Book Clubs**

Two attorneys from the Office of the Public Defender proposed a concept for a book club that has been enthusiastically embraced by DJS. A pilot program will start in the coming weeks at Hickey and then be replicated at BCJJC. 500 books have been donated by Scholastic Publishers through the efforts of the OPD. A protocol for the Book Club has been adopted that includes creative writing, poetry and rap.

- **Mentors**

The Secretary met with undergraduate students from Johns Hopkins University interested in mentoring youth in the juvenile justice system. A new mentoring program has been designed that brings in these college students to be introduced to prospective mentees in detention facilities through a group skills programs, including jobs skills, conflict resolution, and the book club. In December, two groups of Johns Hopkins students participated in conflict resolution trainings with Hickey youth on consecutive weekend days. Further conflict resolution trainings with the Hopkins students are planned for BCJJC and Waxter. Mentees are now being matched to mentors who continue to build their relationships with youth while they are in the detention facilities, and then provide a weekly group mentoring program at the Johns Hopkins campus.

- **Staff Advisory Teams**

Staff Advisory Teams have been launched at Hickey, Cheltenham and BCJJC to allow staff who work most directly with youth to have input into the development and implementation of facility programs. This decision-making creates ownership of programs and enhances the cooperation between vendors and staff to foster facility programming. Direct care, case management, behavioral health, and education staff are invited to participate to design programs logistics and strategies for engaging youth. SATs will be instrumental to residential case managers working with their fellow community case managers to identify similar opportunities for youth in their home communities so they continue interests and successes begun in the detention facilities. SATs are going to be formed at Carter, Waxter and Noyes to support enhanced facility programming, family involvement and community re-entry strategies for youth.

**JJMU Note:** As reported for several years, DJS youth continue to spend an excessive number of hours each day playing cards, watching TV, or waiting.

Although new programming ideas are positive steps, those programs implemented so far tend to be scheduled at a single facility (not throughout the system) and many are one-time events or time-limited programs.

We hope the Department will move more quickly and devote sufficient resources to implementing proven programming such as the vocational educational programs developed at Cheltenham which can and should be replicated throughout the system.

Please provide additional details on the six-facility procurement to improve programming, involve families, and develop community transition strategies:

- a. How much funding is involved?
- b. At which facilities will the programs be implemented?
- c. Because the procurement depends on legislative funding, does the Department anticipate awarding the procurement after the conclusion of the 2008 legislative session?

**DJS RESPONSE:**

A total of \$450,000 is being dedicated for structured programming at BCJJC, Carter, Cheltenham, Hickey, Noyes and Waxter.

## Facility Maintenance

### 1. Large Detention Facilities

#### A. Hickey School and Cheltenham Youth Facility

Both Hickey and Cheltenham primarily rely on ancient buildings for housing, dining, recreation and programming. The ambience in these buildings is dark, and depressing. Innumerable layers of paint applied over many years no longer cover deteriorating surfaces, and grime that is impossible to remove can be seen collecting in every corner and crevice. Screens that cover the windows are so caked with dirt that it is impossible to see through them. These structures are difficult or impossible to clean and keep free of insects. And they are extremely expensive to maintain. What maintenance is done is rarely adequate despite the best intentions of youth, staff and maintenance personnel. These buildings have far outlived their usefulness for the treatment of troubled youth.

Further, housing units are of the old fashioned prison-type “telephone pole” design with heavy screens on windows, heavy steel doors that lock youth into the building and into individual rooms. There are no clear sightlines for the supervision of youth. If youth are locked in cells it is impossible to adequately supervise them. Even if staff stands at the door and observes through the glass, most of the glass has been scratched and marked so that vision is obstructed. This poor design makes it impossible to properly supervise youth. Poor design also contributes to over-use of seclusion and constant threat of escape. The threat of fire is a constant issue because youth spend so much of their time locked in individual rooms with inadequate locking systems.

Furnishings (beds, linens, furniture) are in poor condition. The threadbare furnishings that are provided do not meet the needs of youth. Appropriate beds (suicide proof) are not consistently provided to the population. Day room furniture is often torn and dirty. Fire safety is a constant issue because of the locked doors, lack of sprinklers and tampering with sprinklers and other fire safety equipment.

Hickey and Cheltenham are both on huge, beautiful tracts of land. There is a lot of room to construct new buildings and to increase outdoor activities. Hickey is located near an urban center which facilitates visiting, and minimizes transportation of youth.

A first step to significantly improve the atmosphere at both of these facilities would be to demolish the abandoned buildings. Then modular, portable buildings could be constructed where they are most needed, as older buildings are phased out of use.

## **B. Baltimore City Juvenile Justice Center**

Unfortunately, the relatively new BCJJC is of very poor design. It is a grim, prison-like structure housed within the court and juvenile services building in downtown Baltimore City. It is too large for appropriate housing of youth and yet too small to provide adequate education, program, and recreation space for the number of youngsters who are housed there. Although it is of the more modern “pod” design, supervision is difficult because of the many nooks and crannies out of sight of the staff. Violence among youth is a chronic problem in this facility

There is a serious lack of space for indoor/outdoor activities, school, therapeutic activities (counseling, testing, visits with families). For example, there are no private offices for caseworkers and psychologists to work with clients.

BCJJC is blessed with an outstanding location within the same building with court and community services. The downtown location facilitates visiting and minimizes transportation. This facility should be re-designed and renovated to house no more than 48 youth in detention. Youth pending placement should be expeditiously moved to programs or transferred to foster care or detention alternatives. The space now used for housing should be converted to office, education and program space.

## **2. Small Detention Facilities**

### **Waxter and Noyes**

Youth at Waxter and Noyes are housed in old, dilapidated buildings with very poor design. They are difficult or impossible to clean and maintain. Bathrooms are beyond salvage and require major renovation.

Both facilities are prison-like environments with heavy screens on windows, and heavy metal doors that lock youth into individual rooms. The design makes it very difficult to supervise youth. The poor design, along with lack of program space, leads to over-use of seclusion and restraint.

There are worn and inappropriate furnishings throughout, including inconsistent use of suicide proof beds. Laundry facilities are inadequate and some dryers are dangerous fire hazards. Fire safety issues also exist due to individual key locking systems, vulnerability of sprinkler systems to tampering and extensive lockdown of youth.

Waxter and Noyes both house relatively small populations and are fairly well located in close proximity to population centers. Both facilities should be razed and replaced with new, modern design, modular/portable buildings on the existing location.

## **B. Carter Children’s Center**

Carter is different from the other facilities in that it was never designed to be a detention center for youth, and the design is inappropriate for that purpose. The program is housed in one wing of an adult mental health facility. Even though it is of relatively new construction, it should be abandoned and replaced by an appropriately designed building. The facility is also difficult to keep clean. Youth report regularly catching mice on the living unit. Bathrooms are completely inadequate. Early this fall new doors and suicide proof beds were installed on the housing units.

The most difficult problem at Carter is that there is no adequate program space (recreational, educational or therapeutic) either indoors or outdoors. This fact, along with the use of individual locked rooms, contributes to the over-use of seclusion and restraint. The poor design of the facility, which prohibits healthy activity, contributes to the difficulty in maintaining appropriate levels of staff and providing training to staff.

A trailer for the school was promised with the takeover by MSDE in July, but the trailer is not expected to be installed before March, 2008. A promised cover for the outdoor basketball court has not materialized to date.

This housing unit should be abandoned. Alternative housing should be found for the small population (15) of youth who require detention in the northern counties Eastern Shore. Under no circumstances should youth from the Western shore counties be housed with the Carter population.

**DJS RESPONSE: Space at Carter Center**

**The Department obtained proposals for a dome to cover the outdoor basketball court. However, the cost to rent the dome was greater than anticipated and it would be less expensive to build a new structure. The Department is seeking funding for this initiative.**

**MSDE is completing the procurement process for a modular school building for Carter, with installation expected March 2008.**

**C. Lower Eastern Shore and Western Maryland Children's Centers**

LESCC and WMCC are both new facilities. Lower Eastern shore has the superior design because of the amount of light that enters the building. This design ameliorates the prison-like atmosphere and allows maximum ability to supervise youth. Both buildings are adequate for rated population but are problematic when over-populated or short staffed.

Program space is very limited, especially for outdoor activities. Neither facility has secure, functional outdoor space.

Vitreous china toilets remain in individual cells which house youth.

We recommend that the Department provide program space through new construction, repair, or renovation, especially for outdoor space.

### 3. Commitment Facilities

#### A. Victor Cullen Academy

Following the escape of two youth in late November, the Department assured neighboring residents that the fence will be repaired so that it is permanently escape-proof.

#### **DJS RESPONSE: Fence Repair**

**Temporary repairs have been completed. The Department is working with DGS on a more permanent solution.**

#### B. William Donald Schaefer House

WDSH is a beautifully renovated facility in good location. There is need for program space for indoor activities. The program also would benefit from the addition of a kitchen. Food is now brought in from BCJJC. Staff has no ability to provide bag lunches, off-time meals, and snacks when necessary.

#### C. Mount Clare House

The physical facility and equipment are in very poor condition. The kitchen and bathrooms are worn out. Mount Clare is in need of a complete renovation. Furniture is also worn out and in need of replacement.

Mount Clare is located in downtown Baltimore city in a gentrifying neighborhood. The location is ideal to meet the needs of residents. The Department installed a new air conditioner during summer 2007.

#### D. Allegany County Girls Group Home

This facility continues to need both indoor and outdoor maintenance work.

#### E. Thomas O'Farrell

O'Farrell needs numerous repairs and renovation in housing units, program space and administrative space. Modular buildings are dilapidated and need to be replaced. Maintenance is a major issue because of the poor conditions of the units.

There have been major problems with the kitchen equipment – some repairs have been completed but problems persist. Medical examination space is inadequate.

Fire safety has been approved by the fire Marshal, but concerns persist about alarms and lack of sprinklers.

#### **F. Youth Centers**

The Youth Centers are located on four tracts of scenic land in Western Maryland. One is in Allegany County, and the other three are in Garrett County. The facilities were originally constructed as Conservation Corps Camps in the 19<sup>th</sup> century, but most of those buildings have been torn down. The Youth Centers, formerly known as Forestry Camps have served to help provide treatment services to troubled youth since the 1960's, and are comprised of cinderblock buildings, some small wood frame buildings, a few wood frame buildings covered with metal and some modular buildings.

Ongoing repair and renovation has taken place, but some of the wood frame buildings have surpassed their service life. It would be more cost effective to replace rather than to continue to repair these buildings. Examples of buildings that should be replaced are: the school building at Meadow Mountain, the storage building at Green Ridge, the storage building and the drug treatment double wide trailer at Savage Mountain, the office building and drug treatment building at Backbone Mountain.

#### **4. Shelters**

##### **A. Sykesville and Guide**

Both shelter programs are housed in run-down trailers. Numerous maintenance problems are noted. Furniture is worn and often inappropriate (bunk beds). There is very little outdoor recreation space which contributes to idleness of youth.

##### **B. Maryland Youth Residence Center**

MYRC was closed early this fall after Monitors noted severe fire safety issues at the facility.

#### **5. Ongoing Facility Maintenance Issues**

This year, the General Assembly allocated \$1.2 million for the lease purchase of trailers at Hickey and Cheltenham (health buildings) and O'Farrell and Noyes (classroom space). None of these trailers have been received to date.

The General Assembly also appropriated:

- \$450,000 for bathroom renovations at Waxter – JJMU has not observed any progress on this project.

**DJS RESPONSE: Waxter Bathrooms**

**RFP has been issued for Waxter bathroom renovations and the pre-bid meeting has been scheduled.**

- \$750,000 for renovations at Hickey – these renovations, including renovations of cottages, is ongoing.

**DJS RESPONSE: Hickey Renovations**

**Beds are on order to complete the replacement at Noyes.**

- \$415,000 for handrails at BCJJC – the suicide-proof rails have been installed.

Suicide proof beds have been installed at Hickey, and Carter (and the beds at BCJJC, LESCC, and Victor Cullen are suicide proof). Some suicide proof beds have been installed at Noyes, Waxter, and Cheltenham, but the facilities need many more.

**DJS RESPONSE: Suicide-Proof Beds at Noyes**

**Suicide-proof beds are on order for Noyes, which will complete a major project providing such beds at the facilities.**

JJMU has asked DJS for any centralized data or plans for construction or renovation of facilities and Department of General Services project requests, including emergency project requests. The Department responded that no final plans, other than the January 16, 2006 Facilities Master Plan exist, and the “DJS does not maintain” DGS project lists.

## Advocacy, Grievances, and Monitoring

Child Advocates appear to visit most facilities regularly and work diligently with youth and staff to resolve grievances. DJS does not maintain centralized data on the number of visits Child Advocates make to facilities.

It is less clear how often Community Case Managers and AfterCare Case Managers visit youth. In response to a request from JJMU, DJS said that it does not keep aggregate records on numbers of Case Manager visits. Random inspections of facility visitation logs, however, show that some youth are visited infrequently by their Community Case Managers. Many youth do not know the name of their Community or Aftercare Case Managers. To ensure proper case management, the Department should begin collecting data on this issue and holding individual staff members accountable for making sufficient numbers of visits to youth assigned to them.

DJS provides copies of all grievances to JJMU after they have been completely reviewed and resolved. In the past, this has resulted in a lag time of up to six months between the time a youth filed a grievance and the time the Monitor received the grievance. Recently, DJS has processed grievances in a more timely fashion and the lag time has been reduced significantly.

Nevertheless, youth grievances provide Monitors with important information about potential trouble spots and facility environments. Providing JJMU with access to the DJS Grievance Database would allow Monitors to review grievances close to the time of filing and to follow up with DJS promptly on serious complaints.

Although JJMU is statutorily required to evaluate DJS' internal monitoring process, the agency has never regularly provided internal monitoring reports and has forwarded no reports this year. Recently, the Department agreed to allow JJMU to review monitoring reports for the past few years, an essential aspect of its preparation to take responsibility for 14 facilities monitored by DJS in past years.

Part of the DJS advocacy and monitoring process is fulfilled by the Office of Investigations and Audits. As discussed above, this office has declined to proactively provide JJMU with any information about incidents. Staff only respond to inquiries and do not voluntarily share information.

Finally, we express concern (see Safety and Security) about the accurate reporting of incidents and in some cases, suspected falsification of incident reports. Incidents appear to be underreported, calling into question the reliability of data reported by the Department.

### **DJS RESPONSE: Grievance and Advocacy**

**DJS does not maintain centralized data on the number of visits that Child Advocates make to the facilities. However, this information is reported to the Child Advocate Supervisors monthly. The information can be obtained by the JJMU upon request.**

## **Appendix A**

### **History of the Juvenile Justice Monitoring Unit**

In 1999, the former Maryland Department of Juvenile Justice received national media coverage over the treatment of youth in its boot camps facilities. A Task Force investigation concluded that the Department lacked oversight and recommended creation of an external monitoring agency to report to the Governor and members of the General Assembly on conditions in DJS facilities as well as safety and treatment of youth in DJS custody.

Legislation in the 2002 session established the Office of the Independent Juvenile Justice Monitor in the Governor's Office of Children, Youth, and Families. In 2006, the Monitor moved to the Office of the Attorney General and was renamed the Juvenile Justice Monitoring Unit (JJMU).

## Appendix B

### JJMU Staff

The Juvenile Justice Monitoring Unit (JJMU) includes a Director, four Monitors, and an Assistant Attorney General. Our staff members are experienced professionals with a broad range of educational qualifications, substantive knowledge and practical skills including juvenile programming, child abuse investigation, juvenile legal representation, systemic reform, counseling and casework, education, facility operations, and organization management.

**Philip “Jeff” Merson** served 26 years with the Maryland State Police and retired in 1999. He was instrumental in establishing the Child Abuse Sexual Assault Unit in Carroll County and spent the last six years of his law enforcement career with the FBI’s Violent Crime Task Force in Baltimore City. Mr. Merson worked in residential treatment facilities and as an investigator with the Department of Juvenile Services and joined the Juvenile Justice Monitoring Unit in 2001. Mr. Merson is an adjunct professor at Carroll County Community College where he teaches Criminal and Juvenile Justice courses. He is also certified by the Maryland Police and Correctional Training Commission to teach investigations of child abuse and has been training police officers and juvenile justice professionals for 15 years. Mr. Merson earned his M.Ed. and B.A. (Sociology) degrees from Loyola College.

**Timothy Snyder** joined the Juvenile Justice Monitoring Unit in 2001 after many years of working directly with troubled youth and their families. For eleven years, he served as Director of the New Dominion School in Maryland, an adventure-based residential treatment program for troubled youth. He also worked in direct care and family services at New Dominion School in Virginia. In private practice, Mr. Snyder consulted with numerous families experiencing difficulties with their children. He holds an M.A. in Pastoral Counseling (special emphasis in marriage and family counseling) from LaSalle University and a B.A. from Guilford College (Sociology).

**Sharon Street** has served as Assistant Attorney General for the Juvenile Justice Monitoring Unit since August, 2006. She has also worked as an Assistant Attorney General in the Environmental Crimes Unit and the Correctional Litigation Division and as a Staff Attorney with the Division of Pretrial Detention and Services. Ms. Street began her legal career at the law firm of Brown, Goldstein and Levy. She received her J.D. degree from the University of Maryland School of Law and her undergraduate degree from the University of Delaware.

**Tanya Suggs** joined the Juvenile Justice Monitoring Unit in August of 2007. For six years she served as a case management specialist and activities coordinator at Big Brothers Big Sisters, assisting at-risk youth and their families. While working on her graduate degree, Ms. Suggs interned at a number of juvenile justice organizations in Washington, D.C. and Baltimore, including the Justice Policy Institute where she worked as a Researcher, and the Baltimore City State’s Attorney’s Office where she worked

with youth in a first time offender program. Ms. Suggs received a B.S. (Education) from Morgan State University and an M.S. in Criminal Justice from Boston University.

**Marlana Valdez** joined the Juvenile Justice Monitoring Unit in 2007 after a 25-year career as a practicing attorney, professor, and management consultant. She started her career practicing family and children's law and served as General Counsel of the Texas Juvenile Probation Commission. For nearly two decades she taught family and children's law on the faculties at American University, George Washington University, and Georgetown University. In 2003, Ms. Valdez formed a management consulting firm, specializing in helping clients improve organizational performance and manage change. She completed a post-graduate program in Organization Development at Georgetown University and received both her J.D. and B.S. (Speech Communication) degrees from the University of Texas at Austin.

**Claudia Wright** has been a Juvenile Justice Monitor since January, 2007. Ms. Wright began her career as a public defender, serving as Chief of the Juvenile Division of the Public Defender's Office in Jacksonville, Florida. She later litigated major class action cases for the American Civil Liberties Union National Prison Project, including cases challenging conditions of confinement for children in training schools, jails and detention centers. She was lead counsel on *Bobby M. v. Chiles*, which was the catalyst for reform of the juvenile justice system in Florida. Ms. Wright was a founder of Florida State University's first juvenile law clinic and founded Gator TeamChild, a multi-disciplinary juvenile law clinic at the University of Florida. Her article, "Re-Thinking Juvenile Justice - Using the IEP Concept to Create a New Juvenile Justice Paradigm", appears in the Fall 2007 issue of *The Link*, a publication of the Child Welfare League of America.

## Appendix C

### Facility Monitoring Responsibilities

<ul style="list-style-type: none"><li>• Cheltenham Youth Facility</li><li>• J. DeWeese Carter Children's Center</li><li>• Mount Clare House</li><li>• Thomas J. S. Waxter Children's Center</li><li>• William Donald Schaefer House</li></ul>	<p><b>Claudia Wright</b> (410) 576-6957 <a href="mailto:cwright@oag.state.md.us">cwright@oag.state.md.us</a></p>
<ul style="list-style-type: none"><li>• Baltimore Juvenile Justice Center</li><li>• Charles H. Hickey, Jr. School</li><li>• Lower Eastern Shore Children's Center</li><li>• Thomas O'Farrell Youth Center</li><li>• Victor Cullen Academy</li></ul>	<p><b>Jeff Merson:</b> (410)-576-6959 <a href="mailto:pmerson@oag.state.md.us">pmerson@oag.state.md.us</a></p>
<ul style="list-style-type: none"><li>• Alfred D. Noyes Children's Center</li><li>• Backbone Mountain Youth Center</li><li>• Green Ridge Youth Center</li><li>• Meadow Mountain Youth Center</li><li>• Savage Mountain Youth Center</li></ul>	<p><b>Tim Snyder:</b> (410)-576-6968 <a href="mailto:tsnyder@oag.state.md.us">tsnyder@oag.state.md.us</a></p>
<ul style="list-style-type: none"><li>• Allegany Girls Group Home</li><li>• GUIDE Catonsville Structured Shelter Care</li><li>• Sykesville Shelter Care</li><li>• Western Md. Children's Center</li></ul>	<p><b>Tanya Suggs:</b> (410)-576-6954, <a href="mailto:tsuggs@oag.state.md.us">tsuggs@oag.state.md.us</a></p>

## Appendix D Facility Visitation Data

### 2006-2007 VISITATION BY THE JUVENILE JUSTICE MONITORING UNIT

FACILITY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TTL
ALLEGANY GIRLS HOME	1	2	2	1	1	1	1	1	0	1	2	1	14
BALT. CITY JUVENILE JUSTICE CENTER	1	2	1	2	2	2	1	1	3	2	2	3	22
CARTER	1	0	1	0	1	1	1	1	3	0	2	1	12
CATONSVILLE SHELTER	1	0	1	0	0	2	0	1	1	0	2	0	8
CHELTENHAM	1	1	1	0	1	1	1	1	2	1	3	1	14
HICKEY	2	2	1	1	2	2	2	2	1	1	3	2	21
LOWER EASTERN SHORE CHILDREN'S CENTER	3	2	2	0	4	0	1	1	2	1	2	1	19
MD. YOUTH RESIDENCE CENTER	1	2	1	1	2	2	1	1	2	1	1	3	18
MOUNT CLARE HOUSE	0	0	0	0	0	0	0	1	1	0	1	0	3
NOYES	1	2	1	2	2	2	1	2	2	1	2	2	20
THOMASO'FARRELL YOUTH CENTER	1	2	1	3	2	0	0	2	2	1	3	3	20
WM. DONALD SHAEFER HOUSE	1	0	3	1	2	2	1	1	2	1	1	3	18
SYKESVILLE SHELTER	1	2	1	1	1	0	0	2	1	1	1	2	13
YOUTH CENTERS													
Green Ridge	1	2	1	1	1	1	1	2	1	1	1	1	14
Savage Mountain	2	1	1	1	1	1	1	1	1	1	1	1	13
Meadow Mountain	1	1	1	1	1	2	1	1	1	1	1	1	13
Backbone Mountain	0	2	1	1	1	1	1	1	1	2	1	1	13
THOMAS WAXTER	1	0	1	0	1	1	3	1	2	5	4	1	20
W. MD. CHLDRNS CNTR	2	3	2	2	2	2	2	2	2	1	2	2	24
<b>TOTALS</b>	<b>22</b>	<b>26</b>	<b>23</b>	<b>18</b>	<b>27</b>	<b>23</b>	<b>19</b>	<b>25</b>	<b>30</b>	<b>22</b>	<b>34</b>	<b>30</b>	<b>299</b>

<b>DJS-Licensed Facilities</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>(JJMU Responsibility Effective 01-01-08)</b>													
Aunt CC's Harbor House	1	1	1	1	1	1	1	1	1	1	1	1	12
Family Advocacy Grp. Home	1	1	0	1	1	1	1	1	1	0	1	1	10
Graff Shelter (San Mar)	1	1	1	1	1	1	1	1	1	1	1	1	12
Karma Academy Rockville	1	1	1	1	1	1	1	1	1	1	1	1	12
Karma -Randallstown	1	1	1	1	1	1	1	1	1	1	1	1	12
Kent Boys Group Home	1	1	1	1	0	1	1	1	1	1	1	0	10
Larrabee House Girls Home	1	1	0	1	1	1	1	1	1	1	1	0	10
Liberty House	1	1	1	1	1	1	1	1	1	1	1	1	12
Linkwood Girls Home	1	1	1	1	0	1	1	1	1	1	1	0	10
Morning Star (VisionQuest)	1	1	1	1	1	1	1	1	1	1	1	1	12
New Dominion	1	1	1	1	1	1	1	1	1	1	1	1	12
One Love Group Home	1	1	0	1	1	1	0	1	1	1	1	1	10
Salisbury Boys Home	1	1	1	1	1	1	0	1	1	1	1	0	10
The Way Home	1	1	0	1	1	1	1	1	1	0	1	1	10
<b>Total Per Year</b>	<b>14</b>	<b>14</b>	<b>10</b>	<b>14</b>	<b>12</b>	<b>14</b>	<b>12</b>	<b>14</b>	<b>14</b>	<b>12</b>	<b>14</b>	<b>10</b>	<b>154</b>