



Maryland Department of
Juvenile Services
Treating ● Supporting ● Protecting

October 22, 2009

DJS Response to JJMU Special Report on BCJJC

We received the JJMU's Special Report on the Baltimore City Juvenile Justice Center (BCJJC) and appreciate the opportunity to respond. DJS as always welcomes a meeting with the JJMU Director and any of her representatives at any time regarding this issue or any other and we always feel open communication is the best method for discussing topics of interest to both agencies. We hope in this response to provide clear answers surrounding the JJMU report's recommendations listed at the end of their report.

There is no debate about the definitions in COMAR and DJS Policy on Seclusion. In DJS Policy, seclusion is defined as "the placement of a youth in a *locked room* (emphasis added) where a youth is kept for a period of time during waking hours" (DJS Seclusion Policy RF-01-07). As well, in COMAR it states that "a facility employee may not place a youth in *locked door* (emphasis added) seclusion as punishment" and that "seclusion means the confinement of a resident alone in a room from which the resident is physically prevented from leaving." (COMAR 16.18.02.02 and 14.31.06.03).

Though throughout the JJMU's letter, extended seclusion is alleged, respectfully no youth were locked for extended periods in their rooms. And as was evidenced by 18 hours of video review which the JJMU also viewed, youth were seen to be in unlocked rooms and often were outside their rooms at staff's discretion when other youth were not on the unit. To be clear, these few youth were on social separation (open door room time) due to having engaged in numerous and very aggressive fighting where other youth and staff were subject to their constant assaultive behavior. In employing this strategy, the facility's goal was to keep them from other youth while not employing locked door seclusion procedures; unsupervised locked door seclusions are the kinds of strategies the CRIPA monitor referred in her report as needing to be avoided, and we agree.

DJS' Office of the Inspector General conducted an investigation of this practice as well and found no violations of seclusion policy or the DJS Standards of Conduct and of the very few youth who were on social separation, none were harmed or mistreated and all received their meals, recreation and education packets. The use of this process, in

conjunction with the mental health clinicians at BCJJC, did not in any way violate State law or DJS policy as is alleged.

Since DJS relies on DJS Policy and COMAR definitions, we do not agree with the JJMU's definition of seclusion, which includes open door room time, and respectfully, we rely on the hours of videotape evidence to show these youth's doors were open and they were not secluded.

Below are the Department's specific responses to the JJMU's recommendations:

1. Department of Juvenile Services leadership should not utilize the Mental Health Behavior Contract program or any other behavior management or control programs that include extended solitary confinement of youth, whether with or without locked doors.

RESPONSE: DJS does not intend to utilize the Behavior Contracts as they were being implemented, which was discussed in our letter to JJMU however, we cannot altogether remove the possibility that for some violent youth, open door room time may have to be used to protect others. When social separation is necessary to ensure public safety: 1) the youth's door will be unlocked; 2) regular checks of the youth randomly every ten minutes will be required; 3) the Superintendent or his designee will have to approve its use; and 4) mental health clinicians, along with the shift commander, will have to check on the youth every two hours.

BCJJC is not a treatment center, but a detention center, differing greatly in its mission. Youth safety and facility security are utmost when youth are awaiting court dates or placement dates. We provide myriad opportunities, through MSDE educators and high quality clinical staff, to assist youth with immediate mental health and behavioral issues. The goal of the room time was to protect other youth and our direct care staff from highly aggressive youth while not using seclusion or punishment forms we would not employ.

2. BCJJC should develop "Guarded Care Plans" for youth who exhibit serious behavioral problems that are individualized, identify the problem behaviors, and skills youth need to develop, and articulate specific weekly goals and meaningful incentives. The plans should be reviewed on a weekly basis with youth and should incorporate social skill development.

RESPONSE: DJS already developed and we are currently implementing Guarded Care Plans as noted in the CRIPA report cited. In fact, this suggestion comes directly from the report of the CRIPA federal monitor as do the suggestions that they be individualized, articulate specific goals and provide incentives for youth who are compliant. The CRIPA monitor, in her visit this month, lauded BCJJC's Guarded Care Plans as very specific, individualized and including goals and appropriate follow-up by mental

health staff. DJS will continue to use Guarded Care Plans for youth who need and respond to them.

3. Any additional individual behavior modification programs should be developed in consultation with experts in that field.

RESPONSE: DJS has been developing a special unit for aggressive youth that will be implemented in mid-November. This “Intensive Services Unit” (ISU) will provide a smaller staff to youth ratio, extra training for staff, more structure and less movement and more mental health groups and programming. The unit’s design and concept includes referral and admission criteria, goal setting and regular reviews of youth progress, transition planning and an exit criteria and process as well. The goal is for this short term unit to provide more structure for youth whose behavior is not acceptable on their regular unit and to give them a few tools to be able to use when they are discharged so that they can be more successful on their unit. This unit has been developed in extensive consultation with our federal CRIPA monitor, an expert in the fields of juvenile justice special education, quality assurance and protection from harm, along with seasoned and experienced DJS staff and leadership, who are also experts in this field. We are optimistic about the impact its success could have for our most difficult youth. Though this has been discussed in a limited way with the JJMU Director, we are more than happy to meet to discuss it in more detail, and to share the concept and design documents and proposed location, training and staffing structure of the ISU.

We hope this was helpful. Again, DJS is always amenable to JJMU requests to meet with our leadership and discuss concerns about specific practices. It is highly likely that in discussing this matter, both agencies can save a great deal of time and energy, and more understanding can be developed about BCJJC’s issues and needs. We welcome the JJMU’s concrete suggestions on how better to manage the difficult population we serve at BCJJC and despite the sometimes unavoidable oppositional nature of our two agencies, we do welcome that kind of communication and continue to have an open door to discuss this and other issues of interest to the JJMU.