



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

**FOURTH QUARTER REPORT
AND 2015 ANNUAL REVIEW**

The Maryland Juvenile Justice Monitoring Unit (JJMU)

The mission of the Maryland Juvenile Justice Monitoring Unit (JJMU) is to promote the positive transformation of the juvenile justice system to meet the needs of Maryland's youth, families and communities. This mission is accomplished by collaborating with all who are involved with the juvenile justice system.

The JJMU is responsible for reporting on Maryland Department of Juvenile Services (DJS/the Department) operated and licensed programs across the state. Monitors from the unit conduct unannounced facility visits to guard against abuse and ensure youth receive appropriate treatment and services.

JJMU Fourth Quarter Report and 2015 Annual Review Compendium

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of fourth quarter reports and 2015 annual review from the Maryland Juvenile Justice Monitoring Unit. This report compendium provides data and analysis concerning treatment of and services provided to youth in DJS directly run and licensed facilities throughout Maryland.

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

The JJMU Fourth Quarter Report and 2015 Annual Review was produced by Margi Joshi, Nick Moroney, Tim Snyder and Eliza Steele. Thanks to Taran Henley, Terri Jarman, Fritz Schantz, and Maria Welker for technical assistance.

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

Current and prior reports of the Maryland Juvenile Justice Monitoring Unit and related responses are available through our website at www.oag.state.md.us/jjmu.



NICK MORONEY
Director

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
JUVENILE JUSTICE MONITORING UNIT

February 2016

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

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
Maryland General Assembly

The Honorable Michael E. Busch, Speaker of the House of Delegates
Maryland General Assembly

Members of the General Assembly

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

The Honorable Arlene F. Lee, Executive Director
Governor's Office for Children

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

Dear Governor Hogan, Senate President Miller, Speaker of the House Busch, Members of the General Assembly, Secretary Abed, Director Lee, and State Advisory Board Members:

The Department of Juvenile Services has become committed to reducing the numbers of children stuck in the juvenile justice system in Maryland (see page 13).

The Department should continue and intensify efforts to keep children out of detention centers and in communities rather than out-of-home placements.

Children in out-of-home placements often face complex challenges and should have access to evidence-based and trauma informed treatment programs in small facilities close to their families.

The Victor Cullen Center (p.16) and the Carter Center (p. 22) represent the deepest end of the out-of-home spectrum for youth within Maryland and availability and intensity of proven programming and treatment services in these facilities should reflect that reality. Addressing concerns about safety should be prioritized and considered a vital step towards the overall goal of creating a treatment milieu at Cullen.

Attempts to provide treatment should not be undermined by misguided policies or a behavior management system that is out-of-kilter with what research indicates about adolescent development.

The Department of Juvenile Services should not be indiscriminately strip searching and shackling youth (p. 3) and the Department needs to find an alternative to the 'Challenge' behavior management system (p. 6).

Respectfully submitted,

Nick Moroney

Nick Moroney
Director
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh
Chief Deputy Attorney General Elizabeth Harris
Deputy Attorney General Thiruvendran Vignarajah
Ms. Christine Buckley, Treasurer's Office
Deputy Secretary Linda McWilliams, Mr. Karl Pothier and Mr. Jay Cleary, DJS
Margi Joshi, Tim Snyder and Eliza Steele, JJMU

JUVENILE JUSTICE MONITORING UNIT 2015 ANNUAL AND FOURTH QUARTER REPORT

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Incident and Population Trends

Calendar year 2015 population and incident trends versus 2014 include:

- ✓ Average daily populations (ADP) of youth in secure detention centers decreased at BCJJC and CYF, and in committed placement centers at Carter, Cullen, the youth centers (combined), and SOA.
 - ✓ Fights and assaults decreased in secure detention at BCJJC, CYF, and WMCC, and in committed placement at Cullen and the four youth centers (combined).
 - ✓ Physical restraints decreased in secure detention at BCJJC, CYF, LESCC, and WMCC, and in committed placement at Carter, Cullen, and SOA.
 - ✓ Mechanical restraints were not used in secure detention at LESCC. The use of mechanical restraints decreased in secure detention at BCJJC and CYF, and in committed placement at Cullen.
 - ✓ Seclusion was not used in secure detention at CYF and was utilized twice at LESCC, and once at WMCC. The use of seclusion decreased in secure detention at BCJJC and Hickey. Seclusions decreased in committed placement at Cullen.
- ADP increased in secure detention at Hickey, Waxter, and LESCC.
 - Fights and assaults increased in secure detention at Hickey, Waxter, and LESCC, and in committed placement at Carter.
 - Physical restraints increased in secure detention at Hickey and Waxter, and in committed placement at the four youth centers (combined).
 - Mechanical restraints increased in secure detention at Hickey, Waxter and WMCC, and in committed placement at the four youth centers (combined).
 - Seclusion increased in detention at Waxter and in committed placement at Carter.
 - There were 344 incidents of suicide ideation, four suicide attempts, and 77 incidents of self-injurious behavior at DJS-operated facilities during 2015. Forty-five percent of incidents involving suicide ideation, two of the suicide attempts, and 19 of the incidents involving self-injurious behavior occurred at Waxter secure detention center for girls.

Secure detention centers

Short term/pre-disposition/pending placement

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

Committed placement centers

Long term/post-disposition

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

ONGOING CONCERNS IN 2015

SHACKLING AND STRIP SEARCHES

According to the Maryland judiciary, shackling “can be traumatizing and contrary to the developmentally appropriate approach to juvenile justice.”¹ Because “the majority of shackled youth have had at least one – and often multiple – exposures to trauma...a policy of indiscriminate shackling is in essence a policy of retraumatization.”²

Given research in adolescent development and evidence that 92% of kids in the juvenile justice system have experienced trauma, the Department of Juvenile Services (DJS/the Department) should adopt a trauma-informed and developmentally appropriate approach.³

However, DJS policy requires staff to shackle all children in hardware secure detention and committed placement facilities during transportation to and from court hearings, medical and educational appointments, and earned home passes, without any individualized determination of risk. Youth are mechanically restrained in shackles and handcuffs fastened to a belly chain with a metal box,⁴ as shown on the next page.

DJS policy also requires that youth take off all their clothes, squat, and cough in the presence of a staff member after all visits with family or lawyers. Children are also strip searched after any travel off grounds, including medical and educational appointments, court hearings and outings earned as rewards. Strip searching children runs counter to the principles of trauma-informed and developmentally appropriate care. Research shows that “strip searches have a more serious impact on children than adults,” and “can seriously traumatize children.”⁵

Children in DJS detention and committed placement centers are routinely subjected to strip searches whether or not there is an individualized or reasonable suspicion that they are concealing something potentially harmful. In an incident during the fourth quarter of 2015 (132658), a staff member at a DJS detention center misplaced a set of keys. All youth in the facility were strip searched and the keys were not recovered. It was later discovered that the keys had been returned to the master control area by another staffer.

Maryland law should be changed to prohibit indiscriminate shackling and strip searches in DJS facilities and during transportation.

¹ Maryland Judiciary Resolution Regarding Shackling of Children in Juvenile Court (September, 2015). <http://www.courts.state.md.us/judicialcouncil/pdfs/resolutionregardingshackling20150921.pdf>

² American Orthopsychiatric Association, “Shackling Children in Court: Implications for Adolescent Development.” 2015. http://njdc.info/wp-content/uploads/2014/09/Shackling_Reform_Position_Statement.pdf

³ Dierkhising, C. B., Ko, S. J., Woods-Jaeger, B., Briggs, E. C., Lee, R., & Pynoos, R. S. (2013). Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network. *European Journal of Psychotraumatology*, 4, 10. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/> and Bonnie, R. J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. Washington DC: National Research Council. <http://www.nap.edu/read/14685/chapter/1#xv>

⁴ Pregnant youth in their first two trimesters wear handcuffs only and mechanical restraints are not applied to girls in their third trimester.

⁵ Jessica Feierman & Riya Shah, “Protecting Personhood: Legal Strategies to Combat the Use of Strip Searches on Youth in Detention,” 60 Rutgers L.R. 67 (2007). http://pegasus.rutgers.edu/~review/vol60n1/Feierman-Shah_v60n1.pdf



A girl at Carter earned a home pass to celebrate Christmas but her family was not able to pick her up at the facility. As a result, she was transported by DJS in shackles and handcuffs, fastened to a belly chain with a black box, per the Department's policy. The girl was also wearing a GPS monitor, as shown in the bottom left photograph.



GIRLS IN THE JUVENILE JUSTICE SYSTEM

A growing body of research shows that a disproportionate number of girls in the juvenile justice system suffer from mental illness⁶; have histories of trauma connected to physical or sexual abuse; and are also disproportionately in the deep-end of the system as a result of technical violations of probation and low-level offenses.⁷

Department of Juvenile Services' data shows that in fiscal year 2015, 83% of girls in committed placement had a misdemeanor as their most serious offense (compared to 68% of all youth).⁸ During the same period, 60% of girls placed at Carter (hardware secure committed placement for girls) had a misdemeanor as their most serious offense, as had 51% of boys placed at Victor Cullen (hardware secure committed placement for boys). The Department and the courts, should take steps, including the following, to alleviate these disparities:

- **Increase opportunities for diversion away from the system through programs such as the Front End Diversion Initiative (FEDI).**⁹ The FEDI diverts certain low-risk youth away from court involvement and into intensive, mental health focused case management. This type of model would help address two of the systemic problems that disproportionately impact girls.
- **Curtail the duration and terms of probation that judges and magistrates can set.** Limits on the duration and terms of probation would reduce the number of youth detained or committed for technical violations of probation, and help address one burden that disproportionately impacts girls in the system.
- **Prohibit the use of committed placement and secure detention for technical violations of probation.** Because girls are more likely than boys to be pushed deeper in the system for technical violations of probation, keeping youth out of residential settings entirely for technical infractions would address one of the disparities that impact girls in the system.
- **Increase evidence-based treatment options in the community.** Multi-Dimensional Treatment Foster Care (MDTFC) is an evidence-based service that is proven to be especially effective for girls.¹⁰ Community-based programming should be used as alternatives to placement in facilities to prevent the inappropriate placement of low-risk girls in residential settings.

⁶ DJS Report on Female Offenders, February 2012, p. 11 <http://www.djs.state.md.us/docs/Girls.Feb.2012.Report.pdf>

⁷ Francine Sherman and Annie Balck, "Gender Injustice: System-Level Juvenile Justice Reforms for Girls," 2015. http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf and Saar, M., Epstein, R., Rosenthal, L., and Vafa, Y. "Sexual Abuse to Prison Pipeline: The Girls' Story." February 2015. http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

⁸ DJS FY 2015 Data Resource Guide, p. 131, 133. http://djs.state.md.us/drg/2015/2015_Full_DRG.pdf

⁹ Erin Espinosa & Kathleen R. Skowyra, National Center for Mental Health and Juvenile Justice. "Diverting Youth at Probation Intake: The Front End Diversion Initiative." April 2015. <http://cfc.ncmhji.com/wp-content/uploads/2015/04/FEDI-508.pdf>

¹⁰ National Institute of Justice. "Program Profile: Multidimensional Treatment Foster Care-Adolescents." <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=141>

BEHAVIOR MANAGEMENT SYSTEM IN DJS FACILITIES

The Department of Juvenile Services (the Department/DJS) created a points and level behavior management system called Challenge that is used in all DJS-operated detention and committed placement facilities. Youth receive daily points for demonstrating prescribed behaviors, which they can redeem for rewards at the end of the week.

Several problems with the program, some of which are outlined below, undermine efforts to promote youth progress and growth.

Youth lack opportunities to earn timely and meaningful incentives under the DJS behavior management program

Research on adolescent development indicates that immediate incentives can be used to foster positive youth behavior.¹¹ However, Challenge only allows youth to receive rewards at the end of each week. Daily rewards and recognition for appropriate conduct should be incorporated into the program.

Youth held in detention on pre-disposition status (waiting for a court decision) are only allowed to redeem their points for name-brand hygiene products and snacks. Quality hygiene products should not have to be earned. Some youth charged as adults are held in DJS detention centers and may be on pre-disposition status for several months, during which time they cannot progress to higher levels of the behavior management system, and can only use their earned points to buy hygiene products and snacks. All youth, regardless of level or status, should be eligible for an array of meaningful and individualized incentives.

Increased family contact is an important incentive for many youth. Children in detention are not allowed to earn increased time for phone calls or visits with family members. Some children in committed placement may redeem their points for additional time for visits and are eligible for a maximum of two home passes after they have reached higher levels on the Challenge program. All children should have the opportunity for increased family contact. Intensive family engagement, including increased opportunities for family contact and home visits, should be a regular part of the program at committed placement sites.

Challenge does not recognize the effects of trauma or mental health on behavior or emphasize positive skill development

Challenge does not facilitate attention to issues underlying problematic behavior in youth, such as past trauma or mental illness.

A majority of youth in the juvenile justice system have been exposed to traumatic events which can have lasting implications for a child's mental and behavioral health including issues with anxiety, depression, and anger. Youth who have experienced trauma may also face

¹¹ Bonnie, R. J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. Washington DC: National Research Council. p. 94. <http://www.nap.edu/read/14685/chapter/1#xv>

challenges with managing emotions and impulse control. As a result, they may be easily triggered and struggle to calm down.¹²

Instead of considering these factors in response to difficult youth behavior, Challenge can punish or exacerbate what may be behavioral manifestations of underlying issues by taking points from youth or issuing behavioral reports. In some instances, the program's response to problematic behavior arguably escalates a situation which then becomes an incident involving aggression (incident numbers: 133368, 133495, 132952, 132817, 132638, 132886, 133002, and 133123).

Challenge does not promote improved behavior among youth who are struggling. There is no opportunity to earn lost points back through demonstration of healthy behaviors, and some kids who have contravened Challenge rules are prohibited from attending valuable programming such as mentoring groups, which can promote and support improved behavior.

The Department should adopt an individualized approach to behavior management which considers the impact of trauma and mental illness on youth behavior.

All youth are not afforded the opportunity to participate in the DJS behavior management program

Children who are involved in aggressive incidents or are identified by DJS as needing intensive services are housed in a separate unit at some detention centers and committed placement sites. These youth are not permitted to participate in Challenge which prevents them from earning tangible incentives and attending positive programming. All youth should receive recognition for positive behavioral change and youth facing particular issues with aggression or mental health should have enhanced rather than reduced access to structured programming.

The Department should replace its behavior management system with a program that is trauma-informed; responsive to adolescent development and youth mental health needs; and consistent with proven strategies that foster positive youth development.

¹² National Child Traumatic Stress Network. Effects of Complex Trauma. <http://www.nctsn.org/trauma-types/complex-trauma/effects-of-complex-trauma>

JUVENILE JUSTICE REFORM

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DEPARTMENT OF JUVENILE SERVICES FACILITIES

The Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE) is responsible for providing educational services within the fourteen Department of Juvenile Services (DJS) facilities.

Ongoing concerns, including the lack of student access to up to date technological resources, the dearth of vocational and post-secondary educational opportunities, issues with credit transfer, and the inability of students to earn their high school diploma while in detention or placement remain unresolved (see JJMU 2015 Third Quarter Report, pp. 45-47; JJMU 2015 Second Quarter Report, pp. 38-40). Increased funding and resources for the JSE program and prioritization of the JSE program within MSDE leadership will be necessary to effectuate these and other much needed reforms.

During 2015, MSDE-JSE created a strategic plan scheduling additions and improvements to enhance the quality of educational services in JSE schools and hired an expert from the University of Maryland to help implement the plan and monitor progress.¹³

Teacher and other educational staff shortages remain a persistent problem at MSDE-JSE schools requiring immediate attention. As a result of staffing issues, students do not receive comprehensive, consistent daily instruction with appropriate educational supports. Teachers in MSDE-JSE schools are paid less than their colleagues in local school systems and work year round. In order to recruit and retain qualified teachers, MSDE-JSE should offer salaries and benefits comparable to teachers in local school systems. MSDE-JSE schools should not share principals as is current practice at several sites.

Greater investment in the JSE program overall, with specific attention to special education services, is also needed to provide JSE students with the education they are legally entitled to receive. During the fourth quarter of 2015, the NAACP filed a complaint with the federal government concerning inadequate educational services at JSE schools.¹⁴ All students entering JSE schools should be screened for special education needs, and an Individual Education Program (IEP) should be created for those students identified as requiring services. Any changes by JSE staff of a child's existing IEPs should be approved by the MSDE Division of Special Education and Early Intervention Services to ensure that changes are based on educational need and not resource availability. Parents or guardians and the child's attorney should be consulted and in agreement before such changes occur.

Students are unenrolled from their community school upon entering a detention center even though they are often (sometimes within a few days) released to the community following a court hearing. Parents then have to appear in person at the county or city school administration

¹³ Maryland State Department of Education, 2015. Strategic Plan 2015-2017 Juvenile Services Education Program.

http://marylandpublicschools.org/MSDE/divisions/careertech/juvenile_services/docs/MSDEJSEStrategicPlan09222015.pdf

¹⁴ "NAACP requests federal investigation into juvenile justice education." The Baltimore Sun. November 11, 2015

<http://www.baltimoresun.com/news/maryland/bs-md-ci-juvenile-education-complaint-20151106-story.html>

office to try and re-enroll their child in his or her local community school. School time lost during the re-enrollment process can disrupt a child's education and hinder successful transition back to the local school. Students in detention should remain enrolled in their community school at least until their adjudication hearing to help ensure continuity in their educational program.

Each school system should have a court liaison who provides individualized, comprehensive support to kids as they transition between MSDE-JSE and community high schools. The approach taken by the Montgomery County court liaison could serve as a model for other local school systems. Budget cuts have significantly undermined the court liaison's ability to meet the needs of students. Funding for a full time court liaison in Montgomery County should be restored and allocated for all other jurisdictions in the state.

Please see page 52 for MSDE-JSE's response to concerns raised in this section.

CHILD PROTECTIVE SERVICES AND YOUTH IN DJS FACILITIES

The Maryland Department of Human Resources (DHR) has a Child Protective Services Unit (CPS) in each county to receive and investigate allegations of abuse and neglect of children, including those in facilities operated and licensed by Maryland Department of Juvenile Services (DJS).

However, CPS protections do not extend to all youth in DJS facilities. Youth up to age 21 can be held in DJS-operated and licensed facilities, yet CPS only investigates allegations of abuse or neglect of youth under 18. Youth aged 18 and over are vulnerable to potential abuse and should have the same protections that other youth in the facilities receive. (See JJMU 2014 Second Quarter Report, p. 28.)

Additionally, CPS will only investigate allegations of abuse if the person reporting to CPS says the child has sustained a physical injury. For cases involving youth in DJS facilities, CPS often relies on obtaining information about a youth's injury status from a DJS worker. This practice does not ensure that CPS has accurate or complete information when decisions about accepting an allegation for investigation are made.

In one instance during 2015, CPS did not accept a case for investigation based on the report from a DJS staff that the child had not sustained any injuries. However, the nurse had documented and treated the youth for skin irritation on the youth's shoulder where she had been dragged. After inquiries from the JJMU, Anne Arundel County CPS opened an investigation and ultimately indicated a staffer involved in the incident for child abuse. (From JJMU 2015 Third Quarter Report, p.37).

Maryland law should be changed to empower CPS to investigate all allegations of abuse or neglect stemming from incidents in DJS facilities, regardless of age or injury. In all reported allegations of abuse or neglect in a DJS facility, CPS should ascertain facts (conduct interviews, review available video and documentation, including medical reports) before deciding whether to investigate a case.

There should be comprehensive communication between CPS, facility superintendents, and the DJS Office of the Inspector General (OIG – DJS' internal investigatory unit). CPS should inform facility superintendents and OIG investigators when CPS has received a report of alleged abuse or neglect from a DJS facility, and inform DJS when a decision about whether the case will be investigated has been made. The status of open investigations and their eventual outcomes should also be communicated by CPS to facility superintendents and OIG investigators.

Increased communication between CPS and DJS is necessary to help ensure appropriate responses to allegations of abuse or neglect in DJS facilities. Per DJS policy, any staff member suspected of child abuse or neglect must be removed from contact with youth. During the fourth quarter of 2015, staffers in two different DJS facilities continued to have contact with youth while they were the subject of an ongoing CPS investigation. (See Noyes, p. 36, and CYF, p. 28) In

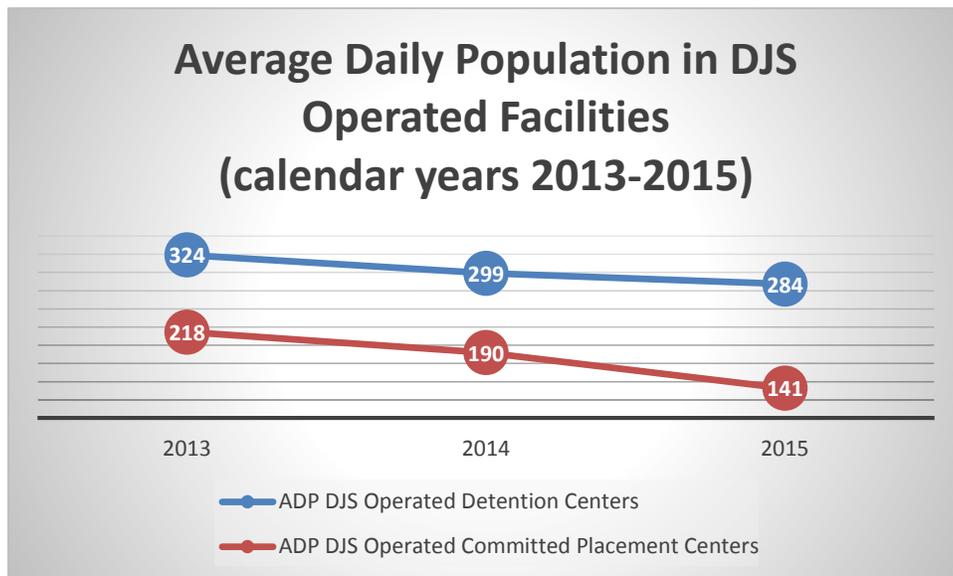
one of the cases, the superintendent at the facility was not aware that the staffer was under investigation by CPS. (See Noyes, p. 36).

In some jurisdictions, a meeting is convened to discuss findings from CPS investigations involving youth in DJS facilities. Representatives from DJS are not consistently in attendance which impedes communication efforts. Local units of CPS should ensure timely advance notice is given to DJS about meeting dates and DJS should ensure attendance by facility superintendents, OIG investigators, or their designees at all such multi-disciplinary meetings.

The Department of Human Resources (DHR) and the Department of Juvenile Services should develop and implement standard procedures to ensure effective communication and collaboration for cases of alleged child abuse or neglect in DJS facilities in all jurisdictions.

Please see page 56 for DHR's response to concerns raised in this section.

JUVENILE JUSTICE REFORM BY THE NUMBERS



In calendar year 2015 (compared to 2014 and 2013), the average daily population of youth in Department of Juvenile Services (DJS/the Department) operated detention and committed placement centers continued to decline. Since 2013, detention center population has decreased by 12% (from 324 to 284) and committed placement center population has dropped by 35% (from 218 to 141). Although there are ongoing concerns about safety at certain facilities, there are fewer youth in the system and DJS has improved management practices. As a result, DJS facilities are safer overall than they were in the past.

Reducing the use of residential facilities should continue as research shows that they are costly and ineffective.¹⁵ The Department and local stakeholders have continued the Annie E. Casey Foundation’s Juvenile Detention Initiative (JDAI) to reduce the inappropriate use of secure detention in Baltimore City. Courts and stakeholders in other jurisdictions should collaborate with the Department to launch JDAI statewide.

In 2015, the Department along with the Annie E. Casey Foundation published a report which showed that, in 2013, 27% of youth who were committed to a placement out-of-home were there as a result of a technical violation of probation.¹⁶ The Department and the courts should partner with the Annie E. Casey Foundation to improve probation practices and reduce

¹⁵ Justice Policy Institute, “Sticker Shock: The Price We Pay for Youth Incarceration.” December 2014, http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf

¹⁶ Doors to Commitment: What Drives Juvenile Confinement in MD. The Annie E. Casey Foundation Juvenile Justice Strategy Group. January 2015, p. 43. <http://www.djs.maryland.gov/docs/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

the inappropriate use of detention and committed placement facilities in jurisdictions across the state.

All stakeholders should ensure that placement in a residential facility is not used except as a last resort and only when a child poses a demonstrated risk to public safety. Committed placement should provide these children with evidence-based treatment programming in a small, therapeutic setting close to home. Plans to adopt a trauma-informed treatment program in DJS-operated committed placement centers should move forward expeditiously, and include measures to keep youth who are in placement close to home.

There is a vital need for improvements to the education services in DJS-operated facilities which cannot be made without increased funding for the Juvenile Services Education system within the Maryland State Department of Education (see page 9).

As of October, 2015, all youth charged as adults with the possibility of transfer to juvenile court are held in a DJS-operated detention center. Further reforms should include a change in Maryland law to end the automatic prosecution of children in criminal court, given mounting evidence which shows the negative implications of charging youth as adults.¹⁷

¹⁷ Bonnie, R. J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. Washington DC: National Research Council. p. 32.

COMMITTED PLACEMENT CENTERS

Victor Cullen Center

Victor Cullen Center (Cullen), in Frederick County, is a hardware secure (locked and fenced) committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth represented 84% of total entries during calendar year 2015, compared to 89% during 2014.

Victor Cullen – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	46	43	34
1. Youth on Youth Assault/Fight	85	104	65
2. Alleged Youth on Staff Assault	30	20	19
3. Physical Restraint	283	265	179
4. Use of Handcuffs and/or Shackles	171	178	148
5. Seclusion	97	106	83
6. Contraband	17	6	10
7. Suicide Ideation/Attempt	7	13	28

In 2015, average daily population decreased by 21% compared to 2014. The Department should make permanent reductions in the population at Victor Cullen (and other committed placement sites) given that, “institutionalization disrupts a youth’s ties to his or her family and community, while interfering with healthy adolescent development. When compared to youth charged with comparable offenses and with similar histories, youth who have been incarcerated are less likely to graduate, more likely to have trouble obtaining employment, and more likely to end up in the adult criminal justice system.”¹⁸

Comparing 2015 with 2014, fights and assaults decreased by 38%, physical restraints decreased by 32%, the use of mechanical restraints decreased by 17% and seclusions

¹⁸ Doors to Commitment: What Drives Juvenile Confinement in MD, The Annie E. Casey Foundation Juvenile Justice Strategy Group - January 2015, p. 9. <http://www.djs.maryland.gov/docs/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

decreased by 22%. However, there were 28 incidents of suicide ideation (and one incident of self-injurious behavior) in 2015, an increase of over 100%.

Serious incidents during the fourth quarter indicate that ongoing concerns about the culture and level of safety at Cullen have not been resolved.

In incident 132730, one youth sustained a broken jaw after another child hit him with a broom. A staffer reported that in the days leading up to the incident, the victim “had been approached about being put on ‘contract’ to surrender food and snacks by a group” of youth that included the aggressor in incident 132730. The staffer noted that when the victim in the incident “refused to accept the contract, he was constantly and consistently harassed. The observations and accounts of intimidation were logged daily and just moments before the incident occurred.”

The injured youth was transferred from Victor Cullen to a detention facility infirmary. Administrators at the facility and DJS headquarters should take prompt and permanent action to mitigate the culture of bullying and intimidation at Victor Cullen.

Between October and December of 2015, there were two group disturbances (133326, 131912). In another incident during the quarter (132387), youth were found to have pills, bottles of urine, dozens of pages of pornography, and a homemade weapon.

Twice during the fourth quarter (133483 and 133103), group fights ensued after several youth were left unsupervised in the bathroom. This basic supervision and safety issue should be permanently addressed.

The nature of these incidents suggests that the culture at Victor Cullen could exacerbate the effects of trauma, which most youth in the juvenile justice system have experienced, by reinforcing a perceived lack of safety which triggers a shift to “survival mode,” also known as “fight or flight,” among youth.¹⁹

Addressing concerns about safety should be prioritized and considered a vital step towards the overall goal of creating a treatment milieu at Cullen. The Department’s plans for Victor Cullen should also include the adoption of an evidence-based and trauma-informed approach, enhanced staff training in a proven therapeutic model, and a substantial increase in the amount and variety of structured recreational programming scheduled on a daily basis.

¹⁹ Blaustein, M. and Ford, J. “Systemic Self-Regulation: A Framework for Trauma-Informed Services in Residential Juvenile Justice Programs.” *Journal of Family Violence* (2013). p 3.
http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf

Youth Centers x4

The youth centers consist of four separate staff secure (not locked and fenced) facilities for boys, and are owned and operated by the Maryland Department of Juvenile Services (DJS/the Department): Green Ridge (40-bed capacity), Savage Mountain (36 beds), Meadow Mountain (40 beds), and Backbone Mountain (48 beds) youth centers. African American youth represented 74% of total youth entries in 2015, compared to 73% in 2014.

Combined Youth Centers (x4) – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	146	124	88
1. Youth on Youth Assault/Fight	181	140	92
2. Alleged Youth on Staff Assault	44	30	25
3. Physical Restraint	381	284	304
4. Use of Handcuffs and/or Shackles	91	92	113
5. Seclusion	0	0	1
6. Contraband	45	29	19
7. Suicide Ideation/Attempt	21	18	28

Average daily population (ADP) at the youth centers decreased by 29% in 2015 compared to the previous year, and fights and assaults decreased by 34%. The Department should sustain efforts to reduce the committed population as “institutionalization disrupts a youth’s ties to his or her family and community, while interfering with healthy adolescent development. When compared to youth charged with comparable offenses and with similar histories, youth who have been incarcerated are less likely to graduate, more likely to have trouble obtaining employment, and more likely to end up in the adult criminal justice system.”²⁰

Despite reductions in population and assaults, physical restraints at the youth camps increased by 7% during 2015 and use of mechanical restraints increased by 23% compared to

²⁰ Doors to Commitment: What Drives Juvenile Confinement in MD, The Annie E. Casey Foundation Juvenile Justice Strategy Group - January 2015, p. 9.
<http://www.djs.maryland.gov/docs/AECF%20Assessment%20of%20MD%20Dispositions%20%20Updated%20March%2016%20-%20Final%20PDF.pdf>

the prior year. In addition, incidents of suicide ideation increased by 55%. The Department should implement an evidenced-based and trauma informed treatment program at the youth camps to facilitate a therapeutic environment and reduce the staff use of physical and mechanical restraints.

Problems with staff retention and staff shortages at the youth camps lead to decreased safety and undermine the establishment of a therapeutic environment. During the year a significant number of staff were required to work double shifts on a regular basis due to staffing shortages. A supervisor and a rover should be assigned to each living group. There should be at least one staffer for every four youth, and there should be a minimum of two staff present with youth at all times. All staff should receive functional radios. In addition, mental health staffing should be increased and at least one mental health staff should be assigned to each living unit (as is the practice at Victor Cullen and some of the DJS-operated detention centers) to provide individual and group therapy services for youth. Mental health staff should also train staff on therapeutic interventions to problematic behavior.

Recreational programming is limited at the youth camps. Structured activities both on site and in the community should be made available to aid in rehabilitation efforts and to prevent excessive downtime which can lead to incidents. Components of the Mountain Quest program at Green Ridge, including off-grounds wilderness excursions, should be restored. Opportunities for experiential learning should be available at each of the youth centers.

The Maryland State Department of Education, Juvenile Services Education system (MSDE-JSE) operates the school at each youth center. Robust educational opportunities should be implemented to complement therapeutic programming. MSDE-JSE and DJS should collaborate to ensure that students at each youth center have access to post-secondary education, hands on vocational programs leading to nationally recognized certifications, and internships and employment in the community. Students at Backbone Mountain youth center who have a high school diploma can attend a local community college. Higher education should be available to eligible students at all DJS facilities.

Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately operated staff secure committed placement center which is licensed by the Maryland Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 87% of total entries to SOA in 2015 compared to 90% during 2014.

SOA – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	54	62	59
1. Youth on Youth Assault/Fight	24	39	39
2. Alleged Youth on Staff Assault	3	2	5
3. Physical Restraint	17	59	46
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	24	64	50
7. Suicide Ideation/Attempt	2	1	0

In 2015, average daily population at Silver Oak decreased by 5% compared to 2014. There has been a notable increase in fights and assaults and physical restraints since 2013.

Administrators and staff at Silver Oak should closely examine and act to address these increases to help ensure a safe environment for youth and staff and reduce incidents of aggression and physical restraint.

During the year, an allegation of physical child abuse stemming from a restraint at SOA was not reported to Child Protective Services (CPS), as required by state law. In incident 128311, a youth was physically restrained by staff. The youth was seen by a nurse onsite who documented that the youth had a scrape on the side of his face. In his witness statement, the youth wrote that a staff grabbed him and “slamed (sic) [his] face on the pavement.”

The witness statement was reviewed by an administrator, however CPS was not contacted until months later when a member of DJS’ licensing unit interviewed the youth and

then reviewed the witness statement from the incident report. Carroll County CPS did not accept the case for investigation and DJS Office of the Inspector General was not contacted by Silver Oak or the DJS licensing unit employee in regard to the allegation. An investigation by the Department's internal investigatory unit (DJS-OIG) was eventually initiated.

State law requires any professional employee of any facility licensed by DJS who has reason to believe that a child has been subjected to abuse to notify the local department of social services as soon as possible.²¹ Administrators and staff at Silver Oak must ensure that all allegations of abuse are referred, without delay, to Carroll County CPS.

Silver Oak needs to permanently address concerns about safety and proper reporting issuing from situations outlined above.

Overall, SOA continues to offer a comprehensive treatment program to youth in a school-like environment. Direct care staff are trained to implement a therapeutic model based on the principles of cognitive behavioral therapy. Students also participate in interscholastic sports, community-based employment and internships, and regularly contribute to local events.

Students can earn high school credits at SOA, graduate with a diploma from the Carroll County school system and attend local colleges. During 2015, 35 Silver Oak students earned a high school diploma. In addition to earning credits towards their high school graduation, students at Silver Oak enroll in hands-on vocational courses leading to industry certifications in a variety of fields including nursing, barbering, culinary arts, construction, and welding.

There is a transitional living unit for students who have graduated from the program and have elected to stay at Silver Oak while they work and attend college classes in the community. Students in the transitional program practice financial literacy and independent living skills with the support of the Silver Oak staff.

To augment DJS case management and ensure program graduates are connected to education and, where appropriate, mental health resources in the community, Silver Oak contracts with a private provider for aftercare services.

²¹ Md. State Govt. Code Ann. §5-704.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a hardware secure (locked and fenced) committed placement center on the eastern shore. Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated capacity of 14 girls. African American youth represented 69% of total entries during 2015, compared to 74% in 2014.

Carter – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	11	11	8
1. Youth on Youth Assault/Fight	6	9	11
2. Alleged Youth on Staff Assault	2	4	9
3. Physical Restraint	44	60	54
4. Use of Handcuffs and/or Shackles	10	1	1
5. Seclusion	9	15	18
6. Contraband	0	2	3
7. Suicide Ideation/Attempt	15	15	5

The average daily population during 2015 decreased by 27% compared to 2014. Physical restraints also decreased while fights and assaults and seclusions increased. In addition to five incidents involving suicide ideation, there were nine incidents of self-injurious behavior.

According to DJS data, 46% of girls in out-of-home placements in fiscal year 2010 had a history of physical or sexual abuse.²² Research shows that 45% of girls in the juvenile justice system experience complex trauma.²³ The mental health therapists at Carter should receive training and certification in trauma counseling and plans to adopt a trauma-informed treatment program in DJS-operated committed placement centers should move forward as soon as possible.

²² DJS Report on Female Offenders, February 2012, p. 11 <http://www.djs.state.md.us/docs/Girls.Feb.2012.Report.pdf>

²³ Saar, M., Epstein, R., Rosenthal, L., and Vafa, Y. "Sexual Abuse to Prison Pipeline: The Girls' Story." February 2015. p. 8. http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

The Maryland State Department of Education, Juvenile Services Education system (MSDE-JSE) operates the school at Carter. A vacancy for a principal at Carter should be filled as soon as possible and staffing plans should be adjusted to ensure that the principal position is not shared with the Lower Eastern Shore Children's Center, as the current allotment mandates.

There is no opportunity for post-secondary education for girls at Carter, though boys in another DJS-operated committed placement center are able to earn credits at a local community college.

The Department of Juvenile Services and MSDE-JSE should collaborate to provide girls in committed placement with access to local colleges and community colleges online and on-campus. Community-based resources should also be tapped to connect girls at Carter to employment and internship opportunities and vocational education programs on an individualized basis.

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a 120-bed hardware secure detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. African American youth represented 95% of total entries during 2015 compared to 94% during 2014.

BCJJC – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	81	90	85
1. Youth on Youth Assault/Fight	209	270	226
2. Alleged Youth on Staff Assault	13	34	38
3. Physical Restraint	347	395	330
4. Use of Handcuffs and/or Shackles	114	171	115
5. Seclusion	246	199	15
6. Contraband	26	25	10
7. Suicide Ideation/Attempt	17	28	22

The total average daily population (ADP) in 2015 decreased by 5% compared to 2014. This reduction in population was achieved while housing a significant number of kids charged as adults. In 2015, the ADP of kids charged as adults held at BCJJC was 35.

In 2015, fights and assaults decreased by 16% compared to 2014. The use of physical restraints decreased by almost 17%, the use of mechanical restraints decreased by 33%, and the use of seclusion decreased by approximately 92% during the same time period. In addition to 22 incidents of suicide ideation during the year, there were nine incidents of self-injurious behavior.

Recreational programming should be increased at BCJJC to reduce downtime that youth spend on the living units. Plans to increase weekly sessions with the Baltimore Youth Arts project should go forward and other opportunities for structured programming for all youth should also be identified and added to the schedule at BCJJC.

Plans to relocate mental health staff offices to the space just outside the living units should go forward to involve clinicians in unit activities and de-escalation, as well as provide privacy during meetings between youth and therapists.

A vacancy for an assistant superintendent should be filled as soon as possible.

The Maryland State Department of Education, Juvenile Services Education (MSDE-JSE) system operates the school at BCJJC. Severe teacher shortages at BCJJC during 2015 prevented consistent and comprehensive classroom instruction. During the fourth quarter of 2015, shortages intensified and at times there were only three or four teachers available with ten living units needing coverage. As a result, a number of living units went without classroom instruction over the course of several days. MSDE-JSE should permanently address staff shortages at BCJJC (for more information see the MSDE section on page 9).

Cheltenham Youth Facility

Cheltenham Youth Facility (CYF), located in Prince George's County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 115 boys. African American youth represented 79% of total entries in 2015 and 2014.

CYF – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	88	79	61
1. Youth on Youth Assault/Fight	187	135	98
2. Alleged Youth on Staff Assault	22	9	11
3. Physical Restraint	299	139	112
4. Use of Handcuffs and/or Shackles	17	24	22
5. Seclusion	7	1	0
6. Contraband	21	12	5
7. Suicide Ideation/Attempt	22	16	10

Average daily population in 2015 decreased by 23% compared to 2014. During the same period, youth on youth fights and assaults decreased by approximately 27%, physical restraints decreased by almost 19% and incidents involving the use of mechanical restraints decreased by 8%. Seclusion was not used at CYF in 2015.

The decrease in population at CYF indicates important progress, as “a growing body of evidence underscores the detrimental effects that system involvement and confinement can have on healthy adolescent development.”²⁴ The Department has attempted to re-launch the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) in Prince George’s County to systematically reduce the inappropriate use of secure detention. Full participation by the juvenile court in JDAI will be necessary to ensure complete implementation of JDAI in Prince George’s County.

²⁴ Listenbee, Robert, A Message from OJJDP, found in *Juveniles in Residential Placement* (2014), available at: <http://www.ojjdp.gov/pubs/246826.pdf>

Incident Reporting and Review Practices

In incident 132658, a youth alleged that supervisory staff punched and choked him while conducting a strip search in the facility bathroom. Administrators at CYF called Child Protective Services (CPS) to report the alleged abuse, but the supervisor was not removed from contact with children. A couple of days later, the supervisor engaged in a verbal altercation with the youth involved in 132658, at which point the supervisor was removed from contact with children. Administrators should ensure that staff are removed from contact with children as soon as an allegation is made. Staffers should remain out of contact with kids until they have been cleared by any and all subsequent investigating agencies.

On the same day as the events described in incident 132658, the same supervisor was involved in a separate incident (132978) during which he restrained a youth. However, he did not generate an incident report documenting the restraint as required by DJS policy. Administrators should ensure that staff follow incident reporting procedures.

Video footage of incident 132978 also showed that another staffer involved in 132978 slammed the child to the ground while trying to restrain him. In a routine review after the incident, CYF administrators failed to note that the staffer had inappropriately restrained the child and did not notify CPS. The OIG investigator called CPS to report the incident after reviewing the footage in the course of her investigation.

Incidents involving possible abuse must be reported without delay to CPS. Comprehensive review of incidents by facility administrators is necessary to ensure youth and staff safety.

Technical problems with the CYF incident database continue to remain unaddressed. Staff face difficulties uploading, editing, and finalizing incidents on the database. As a result, incidents are not posted to the database in a timely manner and posted incidents often remain incomplete indefinitely. Administrators at DJS headquarters should address this issue and work with CYF staff to ensure a timely process for online incident reporting.

In the meantime, the Department should scan and email to the JJMU copies of complete, original incident reports (including witness statements and medical sheets) for all incidents at CYF at the end of each week.

Need for Enhanced Staff Training

Mental health clinicians at CYF collaborate closely with direct care staff and regularly provide staff training on issues related to working with detained youth. Training topics for staff should be expanded to include knowledge about group dynamics and group facilitation.

During a monitoring visit in the fourth quarter, staffers were lecturing a group of youth for a prolonged period right before lunch. Persistent yelling by staffers escalated tensions on the unit and the youth become increasingly frustrated. Whenever possible, mental health staff should attend groups to support direct care staff and provide feedback about their performance.

Education

The Maryland State Department of Education Juvenile Services Education system (MSDE-JSE) is responsible for providing educational services to youth at CYF. During the fourth quarter, a resident at CYF who had his GED did not have access to post-secondary education or vocational training.

Some students who have their high school diploma have the opportunity to participate in the World of Work program at other DJS facilities. Participants are given various job assignments on facility grounds and receive compensation for their work. The World of Work program should be made available at CYF and offer youth at least the statutory minimum wage. Postsecondary options should be expanded at CYF and other facilities to include access to online community college courses and to vocational courses leading to certification.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth accounted for 69% of entries in both 2015 and 2014.

Hickey – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	52	40	54
1. Youth on Youth Assault/Fight	130	97	166
2. Alleged Youth on Staff Assault	12	6	16
3. Physical Restraint	303	186	300
4. Use of Handcuffs and/or Shackles	31	22	63
5. Seclusion	72	83	70
6. Contraband	7	10	11
7. Suicide Ideation/Attempt	36	26	44

From July 2015 to early December 2015, boys who would have normally been held at the Alfred D. Noyes Children’s Center (Noyes) in Montgomery County were detained at Hickey while Noyes underwent renovations.

The average daily population at Hickey increased 35% in 2015 compared to 2014 while physical restraints increased almost 61% and the use of mechanical restraints increased by 186%. Staff should be trained to privilege the use of conflict resolution and verbal de-escalation techniques in order to prevent incidents involving aggression and minimize the use of restraints.

Incidents of suicide ideation increased by 69% in 2015 compared to 2014. Secure detention is an inappropriate setting for children with significant mental health issues as staff are not trained to handle their needs and research indicates that “people with behavioral health

problems simply get worse in detention, not better.”²⁵ The Department and the courts should collaborate to ensure that children with serious mental health needs are not held in secure detention facilities.

The incidents from the fourth quarter described in the following two sections highlight areas that should be addressed to improve safety and security for youth and staff at Hickey.

Need for Enhanced Staff Training

Direct care staff are required but not comprehensively trained to lead group meetings in accordance with the DJS behavior management program. In incident 132846, a group disturbance erupted after two boys began fighting following an argument they were having during a community meeting group. In addition to enhanced training in conflict resolution, staff should receive specialized training in group process and dynamics in order to run safe and effective groups for youth. Whenever possible, mental health staff should train and assist direct-care workers in leading groups. Mental health clinicians should collaborate with direct care staff to create a safer facility environment for youth and staff and help stabilize situations that could potentially escalate to fights and restraints.

In incident 132019, a group disturbance occurred after several youth were allowed to take bathroom breaks at the same time with only one staffer present. Youth were able to push the staffer out of the bathroom and barricade the door while fighting ensued inside the bathroom. Supervisory review of the incident noted that multiple youth should not have been allowed to take a bathroom break at the same time. Administrators should ensure that staff implement basic security protocols in order to maintain a safe environment.

Incident Reporting and Review Practices

In incident 132829, a youth alleged that he received a bruise on his leg from hitting furniture in his room after being pushed into his room by a staffer during a restraint. Video footage shows the staffer restraining the child, yet the staffer did not complete an incident report following the restraint as required by policy. The Department and Hickey administrators should ensure staff follow proper incident reporting procedures.

In incident 133424, two youth began fighting over use of a phone which led to a group disturbance on the unit. Comprehensive video footage of the incident was not available because of technical issues with the camera system at Hickey. Law enforcement was called in to investigate the incident. Functioning cameras are necessary for administrators to conduct timely and thorough audits of incidents, as required by DJS policy.²⁶ Camera footage also aids in investigations of incidents and staff training. The camera system at Hickey should be upgraded or repaired without delay to help ensure proper incident review procedures are followed.

²⁵ Justice Policy Institute, “Dangers of Detention,” p. 8.
http://www.justicepolicy.org/images/upload/0611_rep_dangersofdetention_ji.pdf

²⁶ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07

Education

The Maryland State Department of Education Juvenile Services Education division (MSDE-JSE) is responsible for providing educational services to students at Hickey. Students were given worksheets on the unit instead of going to school for several days during the fourth quarter because of teacher shortages. The MSDE-JSE program needs to be funded at a level that allows for hiring and retention of qualified teachers. (See MSDE-JSE section, pp. 9-10)

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter), located in Anne Arundel County, is a hardware secure (locked and fenced) detention center for girls. Waxter is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 42 beds. African American youth represented 79% of total entries during 2015 compared to 80% during 2014.

Waxter – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	26	25	29
1. Youth on Youth Assault/Fight	106	66	137
2. Alleged Youth on Staff Assault	15	10	31
3. Physical Restraint	172	147	303
4. Use of Handcuffs and/or Shackles	8	24	35
5. Seclusion	26	27	41
6. Contraband	18	6	12
7. Suicide Ideation/Attempt	117	130	157

The average daily population (ADP) in 2015 increased by 16% compared to 2014 while fights and assaults and physical restraints both more than doubled. The use of mechanical restraints increased by 46% and seclusions increased by 52%. Efforts to increase safety must be prioritized by administrators and staff at Waxter.

Youth facing mental health challenges continue to be detained despite research which shows that “young people with behavioral health problems simply get worse in detention, not better.”²⁷ In addition to 157 incidents of suicide ideation and two suicide attempts in 2015, there were 19 incidents of self-injurious behavior at Waxter. All stakeholders, including the courts and DJS, should ensure that youth in need of mental health services are diverted away from the juvenile justice system and into community-based treatment.

²⁷ Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (2011), p. 8. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

A vacancy for an assistant superintendent should be filled as soon as possible. Complete administrative staffing is necessary to support efforts by Waxter leadership to promote sound management and thorough incident review practices.

Severe direct-care staff shortages were an ongoing concern during 2015. Comprehensive staffing is essential to providing proper supervision, maintaining staff morale, and enabling the utilization of verbal de-escalation and processing skills to avoid incidents involving aggression, restraint, or seclusion. At the end of the year, there were seven vacancies for direct-care workers. These positions should be filled as soon as possible and increasing staff retention rates should be a focus for administrators at Waxter and at DJS headquarters.

Comprehensive mental health staffing is also necessary to help ensure youth safety at Waxter, especially given that research and DJS data indicates girls in the juvenile justice system are more likely than boys to be facing significant mental health challenges.²⁸ Positions were added to the mental health staff during the year, however two vacancies for full time clinicians remained unfilled. Attractive salaries and benefits packages should be offered to ensure that these positions are filled as soon as possible by qualified candidates.

Mental health staff offices are located in trailers outside of the main building. Space in the case management hallway should be used to station mental health staff during youth waking hours to facilitate increased clinician involvement in unit activities, de-escalation, crisis intervention, and collaboration with DJS direct-care staff. Additionally, trainings for direct-care staff led by mental health clinicians should continue and be increased in frequency.

The Maryland State Department of Education (MSDE), Juvenile Services Education system operates the school at Waxter. A vacancy for the principal position should be filled as soon as possible (see the MSDE section on pages 9 and 10 for more information).

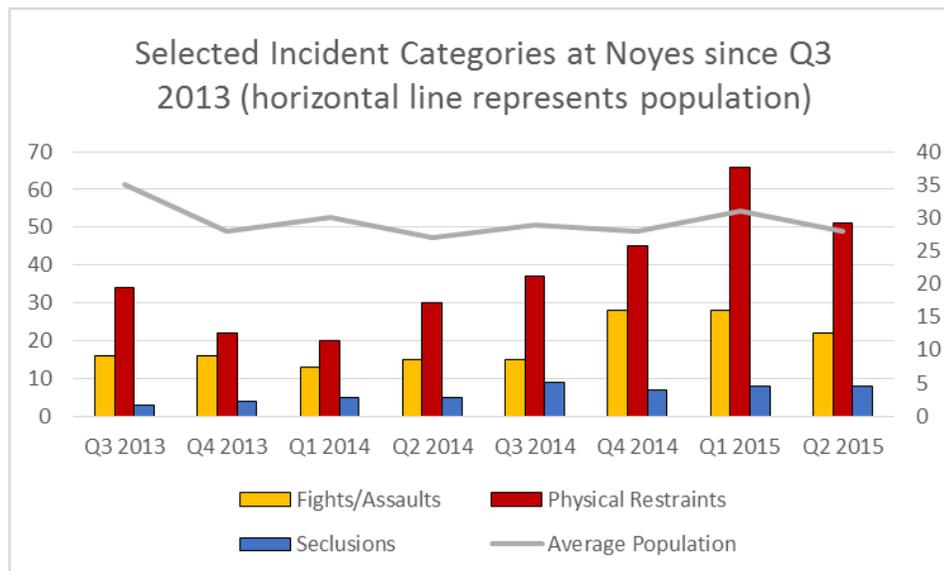
²⁸ DJS Report on Female Offenders, February 2012, p. 11 <http://www.djs.state.md.us/docs/Girls.Feb.2012.Report.pdf>

Alfred D. Noyes Children's Center

The Alfred D. Noyes Children's Center, in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated hardware secure (locked and fenced) detention center for boys and girls with a combined DJS-rated capacity of 57.

Noyes was closed for renovations from July 2015 to early December 2015. The majority of boys who would have been detained at Noyes were held on a designated housing unit at the Charles H. Hickey Jr., School (Hickey), and girls were held at the Thomas J.S. Waxter Children's Center (Waxter) during this time. Noyes direct care staff were re-assigned to Hickey and Waxter during renovations.

Prior to closing for renovations, there was a pattern of increased incidents at Noyes despite a decrease in average population over the last several quarters. The graph below illustrates the increases in fights/assaults, restraints and seclusions at Noyes since 2013 while the population (the gray line) has trended downwards.



Additionally, several Noyes staff were involved in serious incidents throughout the year (See JJMU 2015 First Quarter Report, p. 28; JJMU 2015 Third Quarter Report pp. 32, 36). Noyes staff should receive intensive training on verbal de-escalation techniques, youth adolescent development, youth mental health, trauma, and their effects on behavior.

Incident 133548 occurred following the reopening of the renovated facility. Video footage shows a youth sitting in a chair throwing a deck of cards in the air. A staff member approaches the youth and begins talking as the child sits silently in the chair. Another staffer and a supervisory staffer confront the youth. The supervisory staffer stands directly in front of the seated youth and leans down face to face with the youth as he is talking to the youth. After several minutes, the youth stands up and faces the staff. The three Noyes staffers then lunge toward the child and pin the child to the chair. The youth is handcuffed and escorted to his room.

An overall pattern of increased incidents and staff involvement in incidents like the one described above point to a need for improved training in communication skills, de-escalation and therapeutically oriented approaches and responses to youth behavior. Administrators at Noyes should prioritize the involvement of mental health clinicians in training direct care staff on de-escalation techniques to minimize staff use of physical interventions such as restraints and seclusions. When they are not involved in individual therapy or clinical assessments, mental health staff should spend as much time as possible with youth on the living units and in school.

A longstanding vacancy for a substance abuse counselor should be filled without delay.

A Noyes supervisor who was under investigation by Child Protective Services (CPS) for an incident (130027) that occurred while he was working at Waxter continued to have contact with children after returning to Noyes during the fourth quarter. Administrators at Noyes were unaware that the staff member was under investigation by CPS. The supervisor was eventually indicated for abuse.

There should be ongoing communication between CPS, DJS facility administrators and the DJS-OIG (the Department's internal investigation unit) concerning when an allegation has been received and accepted for investigation by CPS and about the status of open investigations to ensure that staff members suspected of child abuse are removed from contact with children, as required by DJS policy. (See Child Protective Services and Youth in DJS Facilities section, p. 11).

Lower Eastern Shore Children's Center

Lower Eastern Shore Children's Center (LESCC), located in Wicomico County, is a hardware secure (locked and fenced) detention center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). There are six cells for girls and 18 for boys. African American youth were 77% of entries during 2015, compared to 67% in 2014.

LESCC – Selected Incident Categories	2013	2014	2015
Average Daily Population (ADP)	19	18	19
1. Youth on Youth Assault/Fight	27	32	38
2. Alleged Youth on Staff Assault	2	15	7
3. Physical Restraint	160	138	86
4. Use of Handcuffs and/or Shackles	6	5	0
5. Seclusion	8	8	2
6. Contraband	10	1	2
7. Suicide Ideation/Attempt	26	43	27

Average daily population during 2015 increased by 6% compared to 2014 and fights and assaults increased by 19%. The use of physical restraints decreased by 38%, the use of seclusion decreased by 75%, and mechanical restraints were not used during 2015. Incidents of suicide ideation decreased by 37%. There were five incidents of self-injurious behavior during 2015. A longstanding vacancy for an addictions counselor was filled during the third quarter. A vacancy for a social worker went unfilled during 2015 until late in the fourth quarter.

There is currently a vacancy for a principal position that is shared with another facility on the eastern shore. The schools in DJS facilities should each have their own principal and the vacancy at LESCC should be filled as soon as possible.

LESCC is a safe and well-managed facility with a therapeutic environment that could serve as a model for the state's other detention and committed placement centers.

Western Maryland Children's Center

Western Maryland Children's Center (WMCC), located in Washington County, is a hardware secure (locked and fenced) detention center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). DJS-rated housing capacity is 24 boys. African American youth represented 54% of total entries in 2015, compared to 59% in 2014.

WMCC – Selected Incident Categories	2013	2014	2015
Average Daily Population	21	18	18
1. Youth on Youth Assault/Fight	40	40	18
2. Alleged Youth on Staff Assault	0	3	2
3. Physical Restraint	87	96	73
4. Use of Handcuffs and/or Shackles	11	16	26
5. Seclusion	8	12	1
6. Contraband	4	2	3
7. Suicide Ideation/Attempt	14	9	9

The average daily population remained unchanged from 2014 to 2015. Fights and assaults decreased by 55% and the use of physical restraints decreased by 24%. However, the use of mechanical restraints increased by 63%. Staff should utilize verbal de-escalation techniques and seek assistance from mental health staff before resorting to the use of mechanical restraints.

There are limited vocational or educational opportunities for students at WMCC with a high school diploma or GED. Certification in ServSafe - a basic food handling hygiene course - is the only vocational educational option for students at WMCC, and there are no opportunities for post-secondary education.

Students in detention with a high school diploma should have access to a broad range of post-secondary educational and vocational programs, including online community college courses and vocational training leading to certification. Some students who have their high school diploma have the opportunity to participate in the World of Work program at other DJS

facilities. Participants are given various job assignments on facility grounds and receive financial compensation for their work. The World of Work program should be made available at WMCC and offer youth at least the statutory minimum wage.

Youth housed at WMCC do not have access to outdoor green space. Other DJS facilities have space for recreational purposes and for outdoor service learning projects (such as community gardens). Access to outdoor space at WMCC should be expanded.

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

The number of incidents involving aggression at smaller facilities operated or licensed by DJS remained low throughout 2015.

Liberty House Shelter

Liberty House is a 10-bed capacity DJS-licensed shelter care facility in Baltimore City operated by Youth Enterprise Services, Inc. Liberty House offers a less restrictive alternative to secure detention for boys 13 to 18 years old. Youth reside in a home-like environment and attend school and recreational activities in the community.

Morning Star Youth Academy

Morning Star Youth Academy is licensed by DJS and located on the eastern shore. The facility closed during the third quarter of 2014 and reopened during the third quarter of 2015. Youth participate in outdoor activities and events in the community and receive individual and group therapy from a private contractor. Music and equine therapy programs are also available on campus. Family visitation and engagement are encouraged.

Morning Star is providing transportation services for youth attending court hearings or traveling home on earned passes so that children under Morning Star care will not have to undergo DJS transportation procedures requiring children to be mechanically restrained in shackles, and handcuffs fastened to a belly chain with a metal box (see Shackling and Strip Searches section, pages 3 and 4).

One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. The program focuses on providing adjudicated boys between the ages of 17 and 20 with the skills and services they need to facilitate transition back to home communities.

One Love is a comfortable, home-like environment and youth attend school, work, and engage in recreational and volunteer activities in the surrounding community. There is a structured points and level system allowing youth to earn meaningful rewards (walks in the community, allowance money, food from nearby community restaurants) on a daily and weekly basis. Youth receive individual and group therapy (including trauma therapy if indicated), life-skills training, and substance abuse counseling. One Love continues to offer youth individualized services in a safe and nurturing environment.

The Way Home (NOTICE OF CLOSURE)

The Way Home - located in west Baltimore and licensed by the Department of Juvenile Services to serve up to 12 girls - closed during the second quarter of 2015. The Way Home

provided girls with an appropriate alternative to long term placement in a more restrictive facility.

William Donald Schaefer House

William Donald Schaefer House (WDSH) is a staff secure (not locked and fenced) substance abuse treatment program with the capacity to serve up to 19 adjudicated boys between the ages of 13 and 17. The program runs for approximately 120 days and is located in a converted home in Baltimore City. Individual and group substance abuse counseling is provided. Schaefer House also partners several community organizations to provide youth with enrichment and recreational activities and programs.

Educational services are provided by the Maryland State Department of Education, Juvenile Services Education system (MSDE-JSE). Vocational education options for youth are limited to certification in ServSafe - basic food handling hygiene course - and there are no opportunities for post-secondary education.

Post-secondary education, internships and employment in the community should be available to youth in DJS facilities. Technological resources should be updated to include online access for educational purposes, including the availability of online community college courses.

Plans to incorporate home passes into the treatment program at Schaefer House should go forward.

NOTICE OF CLOSURE - William Donald Schaefer House

In early February of 2016, the Maryland Department of Juvenile Services informed the JJMU of plans to close the William Donald Schaefer House by the end of fiscal year 2016. The Department and the courts should ensure that youth who would have otherwise been placed at WDSH are not sent out-of-home, but receive evidence-based substance abuse services in the communities where they live.



February 29, 2016

DJS Response to the Juvenile Justice Monitoring Unit's 2015 Fourth Quarter Report and Annual Review

The Department of Juvenile Services (DJS) has carefully reviewed the JJMU's 2015 Fourth Quarter Report and Annual Review. The Department will give consideration to recommendations and provides the following response.

During 2015 the Department continued to focus on implementation of reforms to provide services to low level offenders in the community. DJS has continued to partner with the Annie E. Casey Foundation to implement the Juvenile Detention Alternative Initiative (JDAI) in Baltimore City and Prince George's County. The Department is working to reduce low level technical violations through implementation of the AIM initiative, an Accountability and Incentive Management Program that provides graduated sanctions for youth probation rule violations and incentives for compliance.

DJS appreciates JJMU's acknowledgement of the reduction of fights, assaults, and physical restraints in 2015 at the two largest detention facilities, Baltimore City Juvenile Justice Center and Cheltenham Youth Facility, and at the four Youth Centers and Victor Cullen.

DJS has focused efforts to expand the continuum of services in its residential facilities in order to serve as many youth as possible in state. In the past four years, the population of youth placed out of state has been driven down by 50%. In 2015, DJS became the first juvenile justice system to offer all direct care staff training in Youth Mental Health First Aid, USA (YMHFA). YMHFA is an evidence based model designed for lay people to increase their knowledge and skills to respond to youth with ongoing or chronic mental health or behavioral issues. The program was initially developed in Australia and has been adapted for implementation in the USA. Staff that completes the training is certified for three years. YMHFA is supported by multiple agencies and individuals to include the National Council for Community Behavioral Healthcare, Maryland Department of Health & Mental Hygiene, Mental Health Association of Maryland, Missouri Department of Mental Health, Mental Health Association of

Maryland, National Federation of Families for Children's Mental Health, Substance Abuse and Mental Health Services Administration, and the Center for Mental Health Services. Anger management programming was expanded with implementation of START, an evidence-based cognitive behavioral group intervention that teaches social skills and anger reduction techniques. Recognizing the needs of youth exposed to trauma the Department's behavioral health staff have worked with the Department of Budget & Management to develop and issue a public request for proposals to provide comprehensive training for direct care staff and clinicians in trauma informed services. Proposals have been received and will be evaluated for program implementation.

Mechanical Restraints and Searches

Court ordered youth who require the highest levels of supervision and who present the greatest risk to public safety are placed in DJS facilities. The Department limits the use of restraints to youth determined to be the highest safety risk. Restraints are required for the secure transport of youth assigned to detention and the two hardware secure facilities. Youth placed in staff secure programs are not restrained during transport, with the exception of instances where there is a known risk for escape, or threat to harm self or others.

Search procedures are implemented to reduce and eliminate the introduction of contraband which can jeopardize safety and security for youth and staff. The Department's strip search procedures are restricted to occasions when youth have exposure to the public or there are reasons to suspect that the youth may have contraband. Strip searches are visual only and are performed in private by staff of the same gender as the youth. The Department's policy and procedures for searches adhere to national standards.

GIRLS IN THE JUVENILE JUSTICE SYSTEM

The population of girls in committed placements decreased by 29.5% between FY 2013 and FY 2015. In FY 2015, there were 196 girls in committed placements, of which 23 girls were placed in hardware secure programs, the deepest end of the juvenile justice system. The Department uses evidence-based treatment options to keep youth (male and female) at home and in their communities when appropriate to do so. These services include Multi-Systemic Therapy (MST), and Functional Family Therapy (FFT), family-based therapeutic models shown to be effective with youth (male and female) involved with the juvenile justice system. In fiscal year 2015, 25% of the 533 FFT placements were female, and 21.6% of the 97 MST placements were female. In addition, during 2015 the Department placed 352 youth in Family Centered Treatment, a family preservation model for in-home treatment. Nineteen percent of the youth placed were girls. In July 2015, the Department implemented the Accountability Incentives Management (AIM) initiative with the objective of reducing the number of low level violations for youth who fail to adhere to court ordered rules of supervision. The AIM initiative establishes a standardize structure of graduated responses and incentives and will impact both male and female youth under supervision.

JJMU recommends that the department increase opportunities for diversion through programs such as the Front End Diversion Initiative (FEDI). The Department in partnership with the Annie E. Casey Foundation recently received a grant to train and implement the Front End Diversion (FEDI) Initiative in

Baltimore City and Wicomico County. This training will assist case managers in making diversion recommendations for youth who require mental health services.

BEHAVIOR MANAGEMENT SYSTEM

The JJMU's critique of CHALLENGE, the Department's behavior management program, is without merit. The CHALLENGE Program incorporates evidence based principles to promote the development of pro-social skills. Research supports the use of behavior management programming in classrooms and juvenile correctional settings.

Evidence based concepts and principles include the following:

- A program manual standardizing interventions to insure fidelity.
- Established expectations including identifying and defining positively stated expectations that include desired behavior.
- Active supervision which would include consistent verbal cueing of appropriate behavioral expectations – specific, contingent praise for desired behaviors.
- Behavioral contracts – written documents that specify a contingency relationship between behavior and consequences/reinforcements.
- Token economy programs – where youth earn points, tokens, etc., contingent upon desired behavior that can be cashed in for a back-up reinforcer.
- Use of tangible reinforcements that are tied into the points/tokens.
- Group reinforcement contingencies – small groups gain opportunities to earn rewards/reinforcers as an ensemble.
- Time out from reinforcement – when a youth may be removed from a reinforcing environment contingent upon an undesired behavior.
- Use of silent/quiet space – an area for the youth to regroup and refocus their behavior with minimal distraction.
- Continuous reinforcement schedule – youth are provided reinforcers on a regular, predictable basis.
- Social skills training – teaching psychosocial/educational skills to youth with social deficits that can be generalized to the larger group/population.
- Modeling – youth observe staff displaying appropriate behaviors.
- Use of extinction for non-desired behaviors – ignoring those behaviors that are not disruptive, destructive or aggressive – thus reducing the reinforcing value. The importance of extinction is to always complement its use with verbal praise/recognition of appropriate behaviors.²⁹

(References for the above principles are listed on the last page.)

All of the above listed principles and concepts are incorporated in the CHALLENGE Program. The program promotes the development of respectful staff and youth relationships, and positive role

²⁹ Simonsen, B., et. al, 2008

modelling by staff of pro-social and problem-solving skills. Behavioral expectations are clearly delineated for desired behaviors that are reinforced through social praise, youth leadership roles, program points, and tangible reinforcers. Staff are trained to “catch youth doing something well” and to provide a ratio of four positive statements for every negative one. Social learning principles indicate that positive reinforcement for desired behavior is a more powerful change agent than negative reinforcement for behavior to be eliminated.

JJMU reports that youth do not have opportunities to earn points back. CHALLENGE establishes clear de-escalation interventions to address unacceptable youth behaviors. Behavior is evaluated in three to four hour blocks throughout the day. Points are awarded based on the entire evaluation period. This provision gives youth multiple opportunities to self-manage and correct behavior. Each evaluation period and each day is a new start for youth to earn program points, and program days resulting in level promotions and ultimately recommendations to the court for release.

JJMU reports that youth lack opportunities to earn timely and meaningful incentives...daily rewards and recognition should be incorporated in the program...all youth should be given name brand hygiene products. Recognition for positive behavior is ongoing and is reinforced by social praise and the awarding of points four times each day. Youth earn program levels, are awarded increasing privileges and are appointed to leadership roles for demonstrating sustained periods of positive behavior. Eligible youth receive tangible rewards weekly, consistent with evidence based principles for providing rewards on a predictable and regular basis. Tangible rewards must be of value to youth to be a reinforcer. A youth focus group selected name brand hygiene products as a tangible reward menu item and it has been a very effective reinforcer. All youth are provided quality hygiene products based on approved state contract items.

Youth are afforded two phone calls weekly to maintain contact with their family. These calls are not tied to behavior or earned points and are funded by an appropriation. Family counseling and home visits opportunities are a therapeutic re-entry tool provided to help prepare youth for returning home. Youth are not required to purchase home visits privileges.

CHALLENGE is not a treatment program. CHALLENGE supports the development of an environment and milieu where therapeutic work to address trauma and mental health issues can occur. One of the most important aspects of CHALLENGE is that it facilitates the development of a safe and predictable environment, which is consistent with critical components of trauma informed care. CHALLENGE is not designed to address all of the issues that youth experience, but rather is one component in multifaceted interventions offered in facilities. In committed programs, youth receive substance abuse treatment, aggression management training, individual psychotherapy, psycho-education/psycho-skills training, and family counseling. CHALLENGE complements these interventions, and it is the combination of interventions and programs that is most important to addressing youth needs, not any one component.

JJMU reports that not all youth are afforded the opportunity to participate in the DJS behavior management program. DJS implements an Intensive Services Program (ISU) to address the assaultive behaviors of youth that cannot be maintained in the general population. Behavior continues to be

evaluated using the CHALLENGE point system. However, youth in ISU are not given tangible rewards available to youth who have refrained from assaulting peers and staff; doing so would negatively reinforce the very behaviors we are seeking to change. The ISU intervention provides intensive one to one services to help youth stabilize their behavior. Highly specialized individual treatment plans are developed for each youth. Issues of anger management and conflict resolution are addressed individually by a therapist. Mental health staff work closely with direct care staff to model appropriate implementation of interventions. Individualized plans contain coping strategies such as anger management techniques with practical suggestions for staff to encourage behavioral compliance through positive feedback. When the youth is able to demonstrate an improved ability to self-manage they are returned to the general population. The general length of stay in ISU is fourteen days or less. The ISU intervention has been very successful in providing for the safety of youth and staff and youth have demonstrated improved self-management skill development.

CHILD PROTECTIVE SERVICES AND YOUTH IN DJS FACILITIES

The Department is committed to providing every child in its care a safe and stable environment. Policy and procedures for reporting and investigating allegations of abuse and neglect adhere to state and federal laws and regulations. Reporting redundancies are required by policy and procedures to build in safeguards for youth. In accordance with state laws, mandated reporters are required to report allegations and suspicions of abuse and neglect to Child Protective Services (CPS). The Department requires a medical evaluation for all youth who report an allegation of abuse, are involved in any physical altercation or are involved in a restraint occurring in a state operated facility. Medical staff are mandated reporters and must make a verbal as well as written report. In addition, facility staff are mandated reporters and must complete an incident report. All reports submitted to CPS indicate whether or not video recordings are available. The Department contracts with Maryland 411 and makes available to youth a phone system with direct access to afford youth communication with a third party for reporting purposes. Allegations regardless of the youth's age are reported to State Police and the DJS Office of the Inspector General for investigation.

JJMU reports that during the fourth quarter staff at two different facilities continued to have contact with youth while under investigation. A Noyes staffer while temporarily assign at Waxter was involved in an allegation of abuse that was reported to and screened out by CPS. At JJMU's request the investigation was re-opened and it was not communicated to the Noyes nor Waxter administrator. Upon notification corrective action was immediately taken. At Cheltenham disciplinary action was taken to address the staff's failure to adhere to operating procedures.

Victor Cullen

During 2015, incidents of assaults, fights, physical restraints, seclusions and use of mechanical restraints reduced significantly compared to 2014. However, incidents of group disturbances, and suspected gang activity during the fourth quarter is of great concern for the Department. Executive and behavior health staff are working with facility management to develop and implement interventions to address these behaviors and improve safety for youth and staff.

Youth Centers

Incidents of fights and assaults reduced at the Youth Centers in 2015 compared to 2014. Incidents of physical restraint and use of handcuffs increased in response to efforts to prevent acts of aggression and reduce attempts to escape. The fluctuations in incident percentages are relative to the impulsivity of the population being served.

Recruitment to fill vacancies at the Youth Centers is ongoing. Direct care staff to youth ratios are one to eight which meets national standards. Staffing levels are increased based on the safety and security needs of the facility. Each center has mental health and substance abuse counselors on site to provide group, individual and family therapy. Mental health staff also collaborate with treatment teams and direct care staff to address youth behavioral concerns. Programming at all of the Youth Centers was expanded in the fourth quarter with the implementation of START, an evidence based cognitive behavioral group intervention that teaches social skills and anger reduction techniques.

Recreational programming for Youth Centers is commensurate with other facilities. Each facility has an assigned recreation specialist who develops monthly activities. Youth have the opportunity to participate in the Reflections Camping Program on a five week rotating basis. The Reflections Camping Program, located at Meadow Mountain, is a structured therapeutic recreational program that includes core components of a ropes course, camping, mountain biking, and hiking. A full calendar of outdoor activities will resume in the spring when weather conditions improve. Youth also have the opportunity to participate in CHAMPS, Changing Habits and Making Progressive Strides, the DJS intramural program. The program offers sports, art and intellectual competitions among DJS facilities. Youth have opportunities for community service activities such as assisting local food banks and outreach centers.

All eligible youth placed at the Youth Centers have the opportunity for post-secondary education through the college program at Garrett Community College. Eligible youth are transferred to the Backbone Mountain Youth Center who the program is located. The Department will continue to collaborate with MSDE-JSE for the expansion of vocational services for youth.

J. DeWeese Carter Center

Carter Center is the hardware secure facility for females. Incidents have remained at a low rate. Physical restraints decreased while fights and assaults increased from 9 to 11 and seclusion increased from 15 to 18 incidents in 2015 compared to 2014. Incidents of suicidal ideation decreased from 15 in 2014 to 5 in 2015. As reported the Department is currently reviewing proposals to expand trauma informed care services.

Detention Center Responses

Baltimore City Juvenile Justice Center (BCJJC)

DJS appreciates JJMU's recognition of the sustained reduction of incidents at BCJJC. Fights and assaults decreased by 16%, physical restraints decreased by 17%, mechanical restraints use decreased by 33% and the use of seclusion decreased by 92% from 199 incidents to 15. These decreases are a huge testament to the efforts of the BCJJC staff to manage the challenging behaviors of youth.

BCJJC participates in an array of recreational and other programming to include in and outdoor

sports, CHAMPS, special programs, family events, church volunteers, Boy's Club and the Baltimore Youth Arts project.

Interviews have been conducted to fill the vacant assistant superintendent position.

Cheltenham Youth Facility

DJS appreciates JJMU's acknowledgement of the work of staff at the Cheltenham Youth Facility. There was a significant reduction in incidents of fights and assaults, and the use of restraints compared to the same time in 2014. Fights and assaults decreased by 27%, physical restraints decreased by 19% and incidents involving the use of mechanical restraints decreased by 8%. Seclusion was not used during this quarter, nor was it used during calendar year 2015.

Corrective disciplinary action was taken to address incident 132658, in which a supervisor under investigation for an allegation of abuse was not removed from supervision of youth and failed to complete an incident report as required by Departmental policy and procedures. In incident 132978 the facility administration determined that the level of force used during the restraint was not excessive and the result of the youth struggling to get away from staff. The incident was not assessed as "slamming" as reported by JJMU. CPS viewed the video and determined that the incident would not be investigated.

JJMU reports technical problems with the CYF incident database. Currently there are no technical problems. Previously reported issues have been resolved.

During a monitoring visit in the fourth quarter, JJMU reports that staff were lecturing a group of youth for a prolonged period. It was reported that persistent yelling by staff escalated tension on the unit and the youth became increasingly frustrated. This incident was investigated by OIG. The interpretations by JJMU were not consistent with the youth's perception nor the staff facilitating the discussion.

Charles H. Hickey School

The increase in population at Hickey during the fourth quarter was due to the transfer of youth from the Alfred D. Noyes Children's Center while the facility was being renovated. The use of physical and mechanical restraints increased.

The increase of restraints correlates to the increase of acts of aggression in 2015. Incident data is monitored by facility and executive staff monthly. The executive team will continue to work with newly appointed administrators at Hickey to reduce facility incidents.

JJMU reports that detention is an inappropriate placement for youth with significant mental health issues. DJS screens all youth for acute mental health issues at intake by administering the Massachusetts Youth Screening Instrument (MAYSI). Youth experiencing a mental health crisis are evaluated by qualified mental health clinicians. Youth who cannot be maintained at the facility are evaluated at a local emergency room and residential treatment center placements are secured as appropriate.

JJMU cites two incidents of group disturbances under the heading, "Need for Enhanced Staff Training." Hickey administration is working with Hope Health Systems to develop a curriculum to conduct in house staff training on group dynamics and facilitation. The Hope Health Behavioral team is available to assist with crisis situations and to help facilitate youth community meeting. The Hickey administration has updated operational protocols for response to group disturbances.

JJMU cites an occurrence of staff not following incident reporting procedures. Management has taken corrective disciplinary action. JJMU cites an incident when video cameras malfunctioned at Hickey. The Department's IT unit has addressed all issues.

Thomas J. S. Waxter Children's Center

The population increase at Waxter during the fourth quarter was impacted by a number of youth transferred from Noyes while it was under renovation. There was a significant increase in incidents of fights, physical restraints, mechanical restraints, seclusions and suicide ideation in 2015 compared to 2014. Waxter's administration continues to work to develop and implement strategies to reduce incidents at the facility.

Mental health staff are available at the facility to address the critical and crisis needs of the youth. Appropriate referrals are made for emergency room care and residential treatment center placements. The facility is staffed with trained mental health professionals and a clinician is on-call at all times to address the immediate needs of youth and provide guidance to direct care staff. The following behavioral health positions are assigned to the facility: a licensed clinical professional counselor, two clinical social workers, a licensed psychologist, two substance abuse counselors, and a half time contracted licensed social worker. The licensed clinical professional counselor and one social worker position remain vacant and DJS continues to recruit for these positions. A half time contracted social worker position has been added to provide supplemental services until the vacancy is filled. Clinical hours have been expanded to provide services evenings and weekends.

Alfred D. Noyes Children's Center

The facility was closed July 15, 2015 to December 2, 2015. The youth from Noyes were placed at Hickey and Waxter. When the facility re-opened in December a new superintendent was appointed. The new management team will schedule additional staff training and will work with behavior health staff to develop strategies to reduce incidents of aggression and restraints at the facility.

Corrective disciplinary action was taken by management for incident 133548.

Lower Eastern Shore Children's Center

Incidents of aggression rose slightly in 2015 compared to 2014 (fights and assaults increased by 19% (32 to 38). There was a significant reduction of restraints 38% and seclusion decreased by 75%. Mechanical restraints were not used in 2015. DJS appreciates JJMU's recognition of LESCC as a safe and well-manage facility with a therapeutic environment.

Recruitment efforts continue to fill the vacant social worker and addictions counselor positions. The community mental health clinician will continue to provide services until the position is filled.

Western Maryland Children's Center

Fights and assaults decreased by 55%, and physical restraints decreased by 24%. There was an increase in mechanical restraint use (16 to 26). All instances were reviewed by management and deemed appropriate.

William Donald Schaefer House (WDSH)

WDSH had an average population of 12 in 2015. The program specialized in providing evidence based substance abuse programming. The facility is proposed for closure at the end of fiscal 2016 to achieve fiscal efficiencies. The Department will continue to provide the level of substance abuse services at one of its staff secure facilities.

Silver Oak Academy

As reported by JJMU incidents of fights and assaults increased from 2013 to 2014; however there was no increase from 2014 to 2015. The use of physical restraints decreased from 59 incidents in 2014 to 46 incidents in 2015.

The Silver Oak administration reports staff turnover and implementation of programming changes as having significant impacts on operations. The administration is focusing on staff training and is refocusing efforts to create a positive organizational culture using behavior management and tools necessary to build a positive culture for youth and staff.

The administration has instituted an additional review process by an administrator to eliminate incidents such as 128311, in which a staffer failed to report a youth's allegation of abuse.

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Jack R. Smith, Ph.D.
Interim State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

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MSDE Response to the Juvenile Justice Monitoring Unit's Fourth Quarter Report and 2015 Annual Review

The Maryland State Department of Education (MSDE) appreciates the Juvenile Justice Monitoring Unit's (JJMU) detailed fourth quarter report and 2015 annual review in relation to the provision of educational services within Department of Juvenile Services' residential facilities. JJMU's on-going monitoring efforts serve to ensure the educational and treatment needs of youth under the jurisdiction of the Department of Juvenile Services (DJS) are being met in compliance with State law (Chapter 255, Acts of 2002 and Chapter 12, Acts of 2006).

MSDE continues to share the JJMU opinion that additional effort and resources are required to ensure the students within Maryland's juvenile justice system receive instructional services commensurate with that of their peers within the local school systems in Maryland. To this end, as the fourth quarter report indicates, MSDE Juvenile Services Education System (JSES) has developed and implemented a Strategic Plan designed to provide a framework to guide and focus efforts over the next three years. Additionally, MSDE JSES has arranged through a contract with the University of Maryland and Dr. Peter Leone for on-going monitoring and verification of the Strategic Plan implementation. MSDE JSES appreciates JJMU's understanding of the overall importance of the Strategic Plan (SP) as well as JJMU's appraisal that the successful implementation of activities outlined in the SP is dependent greatly on MSDE JSES being appropriately funded.

Below are MSDE's responses to JJMU's specific areas of which JJMU outline as areas needing improvement.

MSDE Response to JJMU General Recommendations (Pages 9-10)

• **Technological Resources**

MSDE JSES concurs that providing student access to current technological resources is essential. The initial phase of deploying these technological resources was completed in the Fall of 2015 when all JSES schools were connected to the main server. Since that time, MSDE JSES has:

- contracted with the Maryland Department of Informational Technology to implement a filtering system designed to provide student internet access to appropriate educational websites;
- implemented a pilot for virtual learning to provide student access to foreign language courses;

- initiated procurement of additional laptops to be used as mobile labs for JSES sites;
- initiated a systemic deployment of e-readers for use within all JSES schools;
- finalized the procurement for a credit recovery program and on-line courses scheduled for implementation over the next several months.

Funding to purchase additional educational technology as well as software and licenses for discreet educational courses and instructional applications is being requested through the State budget process.

- **Post-Secondary and Career Technology Education**

MSDE JSES agrees that expanding post-secondary options for all students in JSES schools is important. MSDE JSES has developed a detailed Memorandum of Understanding and is currently discussing options for implementing online options for access to post-secondary courses with the Maryland Community College System. Funding to support these post-secondary activities is being requested through the State budget process.

MSDE JSES concurs that career technology education courses especially within the detention sites given the statewide introduction of the youth charged as adults population warrants additional staffing, resources, and in some cases additional physical space. MSDE JSES is currently advocating through the State budget process for additional funding and staffing to achieve these changes.

- **JSES High School Graduation**

Students in MSDE JSES's schools have the ability to obtain their high school diplomas through examination as well as accrue credits in order to obtain their high school diplomas from their home school system after release from DJS supervision. MSDE JSES does not currently have the authority to confer diplomas and given the current regulations each separate JSES school would need to work with the county school system where they are geographically located to have that school system confer diplomas.

- **Staffing**

MSDE JSES concurs that retention as well as recruitment of teachers is challenging. JSES and the MSDE Office of Human Resources have begun discussions with the Maryland Department of Budget and Management concerning options for increasing salaries of staff on the Institutional Educator Pay Scale (IEPP) as well as exploring options for sign-on bonuses for difficult to recruit for content area teaching positions.

Additionally, it is important to underscore that MSDE JSES is also exploring several options for developing access to a substitute teacher pool. MSDE recognizes this is a critical area to address teacher vacancies, vacation leave, and medical leave. MSDE is also advocating for the required additional funding through the State budget process to pursue contracting with a vendor to provide substitute services.

- **Special Education**

MSDE JSES concurs that all students entering DJS residential facilities should be screened for special education needs. Currently, all student entering MSDE JSES schools undergo an intake process which occurs simultaneously with the records request process. These measures combined with a detailed records review allows each school the ability to both identify and provide the required special education services for each student based upon their Individualized Educational Program (IEP).

The details governing the IEP team process for changing an IEP are currently addressed in the same manner as all local school systems and correspond to state and federal compliance requirements. The MSDE Division of Special Education and Early Intervention Services (DSE/EIS) provides each local school system with technical support and also serves as the compliance monitoring agent. IEP changes are the product of an IEP team discussion and consensus which includes school staff, parents, and other invited guests such as advocates. MSDE DSE/EIS does not legally have the ability to counteract the decision of the IEP team.

- **Aftercare**

With respect to credit transfer, MSDE JSES regularly conducts quarterly reviews of credits earned for youth who have transitioned back to their home schools to ensure that credits earned while at JSES facilities are accepted. To date these quarterly reviews show that credits are being accepted by students' home schools. Additionally, MSDE JSES's Coordinator of Guidance and Student Records continues to routinely meet with counseling supervisors from LSSs to provide updates related to the transition of youth between MSDE JSES and all 24 LSS and private schools within Maryland to ensure these youth experience a smooth transition between MSDE JSES and their home schools.

It is also important to note that MSDE JSES and DJS have initiated steps to develop an Inter-Agency Memorandum of Understanding which will serve to formalize as well as streamline the existing transition guidelines concerning students' educational transition process to their home schools. This inter-agency agreement will provide a conduit designed to both expedite as well as ensure students' transition to their community schools is seamless as they leave DJS residential facilities across the State.

MSDE JSES concurs that court liaison workers in local school systems should coordinate with MSDE JSES and DJS to ensure the effective transition of students from MSDE JSES to their community schools. Having dedicated and designated court liaisons in each jurisdiction who worked individually with each student transitioning back to their communities and especially their home schools would serve to greatly enhance students' ability to successfully transition in a seamless manner.

MSDE Response to Facility Based Concerns

Treatment Sites

Youth Centers

As indicated previously in the third quarter report response, MSDE JSES is currently advocating for additional positions and funding which will serve to enhance the ability to provide grade level instruction across the State. Additionally, post-secondary educational opportunities are expanding to all MSDE JSES schools in Spring 2016. MSDE JSES' Coordinator for Career Technology Education is exploring options to add internships as well expand hands-on career technology course offerings at the Youth Centers.

J. DeWeese Carter Center

JSES is exploring options for providing designated online courses throughout the system. Transportation issues associated with taking the students to Chesapeake Community College are within the purview DJS and not within the scope of MSDE JSES' authority.

Detention Sites

Baltimore City Juvenile Justice Center

MSDE JSES acknowledges that in late Fall 2015, staff vacancies at the Baltimore City Juvenile Justice Center impacted the ability of JSES to provide consistent classroom instruction. These vacancies combined with the increasingly larger than expected "adult holding" population forced the implementation of a modified school schedule for a period of time. MSDE JSES has worked with MSDE OHR to address these teacher vacancies resulting from resignations as well as retirements.

Cheltenham Youth Facility

The World of Work program is operated by DJS and is not currently a part of the MSDE JSES' school schedule nor program of study. MSDE JSES is exploring options for collaborating with DJS to possibly review this program as a possible option for an in-facility internship directly aligned with designated MSDE JSES career technology educational courses.

MSDE JSES response to comments regarding the other detention sites is embedded in the general recommendations portion of this response. No additional site specific comments for the detention centers other than ones specifically outlined above are necessary.



February 25, 2016,

Mr. Nick Moroney, Director
JJMU-OAG
Maryland Juvenile Justice Monitoring Unit
Office of the Maryland Attorney General
200 St. Paul Place, 19th floor
Baltimore, MD 21202

Dear Mr. Moroney:

The Department of Human Resources appreciates the opportunity to comment on the Juvenile Justice Monitor's 4th Quarter Report and 2015 Annual Review. Our response to the comments on pages 11 and 12 of the report are in the attachment. As you will see, the response points out that procedures and protocols were developed several years ago for properly handling allegations of child abuse and neglect in facilities. This included recommendations for communicating during an investigation. Should you choose to re-visit those agreements this Department is willing to participate.

Sincerely,

Kary A. James, MSW
Executive Director, Social Services Administration

Attachment

Cc: Tracey Paliath, Deputy Secretary of Programs
Rebecca Jones Gaston, Deputy Executive Director for Programs
D'Artagnan Caliman, Chief of Staff
Steve Berry, Program Manager, In-Home Services

The current Family Law definition of child abuse and neglect requires that the victim be under the age of 18 at the time of the alleged incident. Any event after the individual's 18th birthday that would be investigated by Child Protective Services (CPS) would require a finding of child abuse or neglect "ruled out" based on that definition. Suspected assaults of DJS residents 18 years of age and older by staff members need to be investigated by law enforcement. This is the same policy followed at this Department should an 18-21 year old in the foster care program be assaulted by a Department employee.

If individuals report that a child was not injured in any way during an incident between a resident under the age of 18 and a DJS employee the allegation is generally screened out from investigation since "injury" has to be found for a finding other than "ruled out". It is recommended that youth involved in incidents with staff members be seen immediately by the facility health staff or other medical professional to document the presence of any injury prior to contacting CPS. If it is clear that no injury was sustained by the youth, the appropriate CPS response is to screen the incident out from being an allegation of child abuse. If there is an injury or a suspicion of injury (youth complains of soft tissue pain for example) the report should be accepted for investigation. If the initial report to CPS makes it clear that no injury is present or suspected, the appropriate response to the report is to screen it out with no CPS investigation to follow.

The Department of Human Resources agrees that there should be frequent and open communication regarding the status of ongoing investigations. Several years ago there was a large investment in time and energy to produce agreements and protocols to be followed when there are allegations of child abuse/neglect at DJS facilities. The agreements were reached with input from DJS facility staff, local law enforcement, Child Protective Services and the Monitor regarding handling of child abuse/neglect investigations. If communication has broken down, those agreements should be reviewed and updated. Should you decide to revisit the agreements the Department is willing to assist.