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October 6, 2010

Ms. Marlana Valdez  
Executive Director  
Juvenile Justice Monitoring Unit  
200 St. Paul  
Baltimore, Maryland 21202

Dear Ms. Valdez:

I would like to thank you and the staff at the Juvenile Justice Monitoring Unit (JJMU) for this report. The Department of Juvenile Services (DJS) continues to believe that open and transparent reviews of its operations are the best way to verify improves to safety and security at all of our facilities. Our response to the report is attached.

Prior to addressing the individual recommendations in the report, we believe that the following information concerning DJS' response to the incident, staffing levels within the Department, other completed reviews of the incident and federal oversight of DJS provides some vital context to the report.

- ***DJS Immediate Response:*** The death of DJS employee Hannah Wheeling at the Cheltenham Youth Facility in February 2010 was a tragedy. DJS reacted quickly to this terrible incident, thoroughly investigating and moving swiftly to take steps to help ensure that nothing like it occurs again. During the last seven months, DJS has taken the following actions to increase the safety of staff and youth:
  - Terminated 2 staff members, demoted a high-level administrator, suspended a supervisor, suspended a program manager and reprimanded direct care staff;
  - Increased the frequency of random unannounced audits of security procedures to ensure compliance at DJS facilities. Cheltenham alone has been subject to 8 audits in the last 7 months with a successful outcome for each audit;
  - Provided safety and security training to non-direct care workers, including teachers, nurses, and behavioral health staff in partnership with the Maryland Professional Employees Council;
  - Re-trained all direct-care staff at Cheltenham on security policies; and
  - Implemented a new policy Statewide that requires department heads at facilities to confirm that all employees who are relieved at the end of their shifts have exited their work location.
- ***Increases in Staffing and Funding:*** Since January 2007, the Administration has made the Department a priority, increasing the Department's budget by over \$39.7 million– an increase of 18.5% percent. This increase in funding has allowed the Department to hire 99 additional resident advisors. These increases in staffing allowed the Department to increase staffing at Cheltenham by 41.8 percent.
- ***Investment in Security Technology:*** In the last three years, the Department has significantly upgraded its use of technology and taken a more comprehensive approach to security. Since January 2007, the Department has installed or repaired over 275 security cameras in DJS facilities across the state, added security fencing to 4 facilities, installed a community notification system and a guard patrol system at a cost of \$1.2 million.

- **Multiple Investigations of the Incident Already Completed:** As part of DJS' commitment to an open and transparent review of this terrible incident, the Department made publicly available a copy of the internal review of Ms. Wheeling's death conducted by the DJS Office of Inspector General in August 2010. In addition, Ms. Wheeling's death was investigated by Maryland Occupational Safety and Health (MOSH), a unit of the Department Labor, Licensing in Regulation. DJS worked with MOSH to abate the conditions found in the MOSH review and MOSH found that DJS has fully satisfied or abated the concerns raised in the review in September 2010. The report from JJMU noted several conditions cited in both the Inspector General review and the MOSH review, all of which have been resolved.
- **End of Federal Oversight:** Prior to the Governor taking office in January 2007, the U.S. Department of Justice entered into two consent decrees with the State of Maryland that required federal oversight of safety conditions in both the Cheltenham and Hickey facilities. The current administration voluntarily added a third facility for federal oversight located in Baltimore City. Due in large part to the investment in staffing and training, the Department has exited all three consent decrees with the Cheltenham facility exiting federal oversight in June 2008. In fact, the final Monitor's report on Cheltenham states, "[s]ince the Agreement was signed in 2005, DJS cured nearly all of the deficits noted in the DOJ's Findings Letter. In part, these changes were made possible by the significant fiscal resources that were dedicated to improving the conditions of confinement and the quality of care at Hickey and Cheltenham. These resources, along with the unwavering commitment of agency and facility administrators, clerical staff, professional and line staff, and community volunteers, have radically improved the care and treatment of youth and also enabled the State to satisfy nearly all of the extensive requirements of this Agreement in just three years."

While there is always room to improve, we believe the Department's efforts have strengthened safety throughout Cheltenham and all of other facilities. Although we do not agree with several aspects of the report, we do appreciate JJMU's overall approach and believe that your review can help us further improve conditions at the facility.

Thank you again for your thoughtful and thorough review of our operations at Cheltenham. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,



Donald J. Devore



## DJS Response to JJMU Special Report on Cheltenham Youth Facility

The DJS response to this report is divided into two sections – a response to the findings of the report and our response to the recommendations in the conclusion of the report. While we disagree with certain findings and conclusions presented in the report, we do unequivocally endorse and have already implemented many of its recommendations at CYF. In fact, our response identifies corrective actions undertaken by DJS that go beyond the suggestions identified in the JJMU Report such as enhanced lighting outside of the housing units and along the facility’s secure perimeter with high density lighting.

### Response to Findings Section of JJMU Report

#### *Youth Supervision*

JJMU Finding	DJS Response
<p><u>Resident Advisor Training:</u> The JJMU report states that Cheltenham resident advisor (RA) staff had "not received any training, including Entry Level Training, about supervising one-on-ones."</p>	<p>DJS policy is abundantly clear: Resident advisors (RA) are responsible for sight and sound supervision of youth at all times and youth are not to be left alone with anyone other than a staff certified to supervise youth.</p> <p>All DJS RA employees must successfully complete Entry Level Training (ELT) in order to be certified by the Maryland Correctional Police and Training Commission (MPCTC) to work as direct care staff at CYF and all other DJS facilities.<sup>1</sup> ELT instructs RA staff that they are responsible for the supervision of youth in our facilities <u>at all times</u> and under all circumstances, and specifically emphasizes that youth are never to be left alone with anyone other than RA staff. This clear requirement and responsibility is again emphasized to all RA staff during their 80-hour On-the-Job field training required of all RA staff and during required refresher training taught by facility staff who are certified by MPCTC as adjunct trainers.</p> <p>Since February 2010, DJS has increased the frequency of providing training modules for all staff at CYF. Courses are conducted in a wide variety of subjects, including but not limited to: Crisis Prevention and Management; Field Trainings; Logbook Refresher; Report Writing; Recognizing and Reporting Child Abuse; Safety and Security; Suicide Prevention and Education; Transition Planning and Verbal De-escalation.</p> <p>The DJS employees disciplined for their failure to comply with the practices about which they were fully trained.</p>

<sup>1</sup> MPCTC, a division of the Maryland Public Safety and Correctional Services, enforces strict certification standards for direct care staff at all DJS facilities. These requirements include 160 hours of entry level training and annual refresher trainings both of which include courses on safety and security. By policy directives DJS imposes additional requirements for annual training for all direct care staff.

	<p>All staff supervising youth in the ReDirect program, including those involved in supervising the youth charged with involvement in Ms. Wheeling’s murder, had completed ELT and were in compliance with annual refresher training requirements. In fact, 90% of all CYF direct care staff had completed their 2009 in-service required training courses in January 2010.</p>
<p><u>Supervision of One-on-One Instructional Sessions:</u> DJS did not promulgate or implement clear policy for youth supervision.</p>	<p>The Department disagrees with this statement. Three separate documents (two post orders and one facility operating procedure) governing youth supervision in the schools state, “Staff will be posted inside the classroom and provide supervision during the classroom instruction. In addition, Staff will ensure that education staff are not left alone with youth unsupervised for any reason.” Staff are required to sign a statement indicating they have read and understand the post orders.</p> <p>Further, the JJMU report bases its conclusion on potentially misleading information that may have inadvertently confused two separate items. The report indicates that the JJMU monitors asked RA staff about their knowledge of standards governing supervision of “one-on-ones” and their relevant training. Staff responses may be related to the fact that “one-on-one” is a term sometimes used by educators, but probably unfamiliar to RAs in the context of educational instruction. As used by DJS and familiar to RA staff, the term identifies youth required to be on individual supervision for suicide precaution – therefore the JJMU question may have been simply misinterpreted when applied to classroom supervision.</p> <p>Contrary to the JJMU conclusion, recently the two CYF teachers who serve as representatives to the Maryland Professional Employees Council/DJS Labor Management Committee at CYF, recently identified youth supervision by RA staff in the school as “excellent.” DJS provided supplemental safety and security training to all CYF teachers in March and April 2010, underscoring that DJS prohibits youth from being alone with teachers for any reason and in any location on the facility. CYF administrators continue to regularly reinforce this requirement for continuous sight and sound supervision of youth to all staff, including teachers and resident advisors, in shift briefings, All-Staff Meetings, faculty meetings, LMC meetings and other relevant forums.</p> <p>During the unannounced security audits conducted</p>

	<p>in the last seven months by the Department 40 Resident Advisors were interviewed and verified they fully understand the policy that they are responsible for supervising youth at all times and in all circumstances, including but not limited to individual instruction.</p> <p>CYF will be implementing additional, joint training sessions for teachers and RA staff who work in the school, for continued focus on the requirement for sight and sound supervision and related topics.</p>
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*Security Hardware and Equipment Systems*

JMU Finding	DJS Response
<p><u>Fence Systems</u>: The JMU report states “The Hickey School still lacks a sophisticated fence monitoring system as does the Victor Cullen Center.”</p>	<p>Both of these facilities are actually outfitted with state-of-the-art fence technology. These are fully functioning fence systems that trigger an alert if activity or motion is detected in defined, pre-configured zones. Alerts are investigated to respond as warranted or to deactivate on confirmation there was no security breach. The system generates and maintains a complete log documenting all alert events. Other fence systems used in many detention facilities throughout the U.S. are limited to the alert function and do not have the capability to identify specific zones of concern or to log events. In contrast, the fence systems at Cullen and Hickey provide the full combination of available functionality.</p>
<p><u>Cameras</u>: The JMU report infers the Department has not made a significant investment at any of its facilities and states, “cameras cover only a small fraction of the 900 acre campus at Cheltenham.”</p> <p><u>Security Cameras</u>: The JMU report states that “The entire Cheltenham campus, not just the Re-Direct building, should be retrofitted with additional security cameras and windows inserted into office doors. Staff should be assigned to view screens with real-time camera feeds from</p>	<p>In the last three years, the Department has: (1) upgraded the digital recording system and added/repared over 100 cameras at BCJJC; (2) installed digital recording and 10 cameras at Carter; (3) Installed 49 cameras and a digital recording system at Cheltenham; (4) installed a digital recording system and 5 cameras at LESCC; (5) installed digital recording and 13 cameras at Noyes; (6) installed digital recording and 92 cameras at Victor Cullen; and (7) installed digital recording and 16 cameras at Waxter. DJS believes these upgrades provide sufficient coverage at our facilities, including CYF.</p> <p>Prior to February 2010, most office doors in the secure detention area were already outfitted with vision kits (security windows) and tour office staff already had access to the video surveillance system for real-time feeds.</p> <p>JMU’s suggestion to add 90 more cameras along with related accessories and extra power that would be needed would cost the State approximately</p>

throughout the Cheltenham facility.”	\$600,000.
<p><u>Radios:</u> The JJMU report states, “There are an insufficient number of radios at Cheltenham and Hickey for each RA or direct care staff to have a radio, and staff must share them.”</p>	<p>Cheltenham has a total of 54 radios, which is sufficient for each direct care staff on duty individual working to have a radio. There are on average no more than 50 residential staff providing supervision of youth during the three daily shifts, and therefore the allocation of 54 radios is sufficient. Radios are always transferred between employees as shifts transition, thereby ensuring sufficient coverage. Hickey has 56 radios, an allocation which is sufficient to supply radios for residential staff during each shift. It is inefficient for each staff to have a radio if the staff is not working.</p>
<p><u>Personal Distress Alarms:</u> The JJMU report states that “At Cheltenham, six months after Ms. Wheeling’s death,<sup>2</sup> staff do not have personal distress alarms or enough radios,” and “Two DJS secure detention centers [Lower Eastern Shore Children’s Center and Western Maryland Children’s Center] have had personal distress alarms for staff for several years” and “Staff at Hickey, Noyes, Victor Cullen, and Waxter do not have personal distress alarms.”</p>	<p>The distress alarms at LESCC and WMCC are wall mounted systems that were part of the original construction of the facilities. The fiscal impact of installing such a system at the current Cheltenham detention center would cost approximately \$400,000. DJS has included a distress alarm system in the plans for the new Cheltenham Detention Center that will conform to current security standards.</p> <p>The new CYF facility will be a 72-bed, modern state-of-the-art detention facility. In addition to the main building, the project encompasses a new regional warehouse, parking lot and facility outdoor recreation area. The facility will contain housing areas for the youth, food service and dining areas, educational and recreation areas, medical and mental health support areas, spaces for case management staff, administrative and visiting areas, and support areas such as security control, laundry, supply and mechanical/electrical areas. The design of the new facility will preclude the need for a separate fence around the entire facility, but new fencing will be needed around outdoor recreation, the sally ports and regional warehouse.</p>

*Key Control, Sign-in/Sign-out Procedures, and Perimeter Security Checks*

JJMU Finding	DJS Response
<p><u>Key Control:</u> The JJMU report states that “Cheltenham has no facility specific key control policy and staff lacked clarity about who should receive restricted keys.”</p>	<p>During a September 2010 meeting with the JJMU, DJS explained its facilities have carefully identified which job classifications are eligible or required to have keys and which staff have access to certain restricted areas. As discussed during that meeting,</p>

<sup>2</sup> At the receipt by DJS of the JJMU report, it was nearly eight months, not six months, since this incident.

	<p>however, DJS does not make that information public for security reasons. As we also noted during our September 2010 meeting, DJS recently updated its key control policies after conducting the first safety and security audit at CYF.</p> <p>DJS policies governing safety and security at CYF and all of its other facilities are current, comprehensive and unambiguous. DJS developed and the federal CRIPA monitor approved a total of 22 policies during the period the Settlement Agreement was in effect including the following areas relevant to implementation of safety and security standards:</p> <ul style="list-style-type: none"> <li>✓ Key Control</li> <li>✓ Perimeter Security</li> <li>✓ Safety and Security Inspections</li> <li>✓ Youth Movement and Count</li> </ul>
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*Staffing*

JJMU Finding	DJS Response
<p><u>Security Staff</u>: The JJMU report indicates “The inability of a secure detention center to staff its security detail suggests personnel issues that should have been addressed. Based on conversations with staff at CYF and our first-hand observations following Ms. Wheeling’s death, DJS has yet to adequately address these issues.”</p>	<p>Unfortunately, this conclusion reflects a basic misunderstanding of staffing and how security posts are assigned and conducted at Cheltenham and other detention facilities. Security functions are a type of post for which resident advisors are trained and to which they may be assigned; security functions are not performed by a separate “security detail.” Security posts are covered during each shift by the assigned resident advisors.</p> <p>The Department implemented a new policy that directs all department heads to ensure staff have exited the building once their shift is completed. They must walk through the building checking each office, classroom and other locations. They are then required to radio the tour office acknowledging that the building is clear and all staff have left. During daily security checks, RA staff assigned to security posts tour the building to ensure they are empty and all doors are secured.</p> <p>A new post has been established and implemented continuously for the past nearly eight months at the entrance of CYF’s driveway for inspection of each vehicle entering the facility. This parking lot post is in addition to the staff that were already positioned at the gatehouse, and maintains a separate log. The staff member assigned to the parking lot post inspects the identification credentials of all drivers and enters the vehicle’s information and license plate into a sign-in sheet.</p>

	<p>The post is staffed twenty-four hours a day, seven days a week.</p>
<p><u>Staff Vacancies and Overtime:</u> The JJMU report states “Chronic staffing shortages and overtime work led to staff fatigue and created an unsafe environment for staff and youth.”</p> <p><u>Staffing Vacancies:</u> The JJMU report states “More staff must be hired at Cheltenham and Hickey where the RA vacancy rates are 27% and 17% respectively, and at Noyes (47% vacancy rate) and Waxter (31% vacancy rate).</p>	<p>All reviews of Ms. Wheeling’s death have shown that lack of staffing was <u>not</u> a factor. In fact, on that day, there was sufficient staff to cover all shifts and to maintain required youth supervision ratios.</p> <p>The Department has taken action to address historical staffing shortages at Cheltenham that existed well before January 2007 beyond relying only on overtime. The Department: (1) conducted a staffing analysis to identify mandatory posts and determine how many staff were needed to cover all safety, security and supervision functions; (2) streamlined personnel processes to expedite hiring, which resulted in reducing the staff vacancy rate at CYF by 37.7%, and (3) redirected existing resources to mitigate staffing deficiencies at CYF, which <u>increased RA series positions at CYF by 41.8%</u> since January 2007.</p> <p>The vacancy rate for RA series staff at Hickey is currently 6.3%, 6.6% at CYF, 6% at Waxter and 5% at Noyes. The JJMU report mistakenly states the vacancy rates for Waxter, Noyes, Hickey and CYF. Vacancy rates are calculated by dividing the number of unfilled merit positions by the total number of budgeted merit positions.</p> <p>The Department’s actions to maintain sufficient staffing for youth supervision led to CYF being found in CRIPA compliance by the federal Department of Justice. Although staffing at CYF has increased significantly, the Department still has to rely on overtime to meet staffing ratios. In order to increase staff at the facility to 100%, DJS would need an additional 41 RA series positions, corresponding to an increase of \$1.3 million to our budget.</p> <p>The final CRIPA report for CYF was issued in June 2008 when DJS achieved substantial compliance with all provisions of the CRIPA Settlement Agreement, including staffing requirements. What the JJMU do not report is that at that time the federal monitor found “all shifts in the Health Center, Shelter and Redirect programs were staffed within ratios 100 percent of the time.”<sup>3</sup></p>

*DJS OIG Report and Corrective Actions*

<sup>3</sup>Settlement Agreement Between the State of Maryland and the United States Department of Justice, Sixth Monitors’ Report For the Period of January 1, 2008 through June 30, 2008, page 36.

JJMU Finding	DJS Response
<p>The JJMU report states that the OIG Report "does not detail the reasons for the Department selecting three managerial staff to discipline."</p>	<p>DJS initiated its investigation and implemented corrective actions immediately following the discovery of Ms. Wheeling's death. DJS worked tirelessly to investigate the facts in order to hold accountable all involved staff for their failure to follow well-established Departmental policy and protocol. We deployed an on-site investigative team headed by our Inspector General<sup>4</sup> to examine the incident and to ensure full cooperation with the Maryland State Police investigation.</p> <p>The OIG report itself provides explanation that it should not be considered final. As further evidence is made available, OIG will review and take corrective action as warranted. OIG has taken great care in the issuance of its report not to interfere with the investigation and prosecution of this case, which is still pending.</p>

## Response to JJMU Recommendations

### Short Term:

1. Cheltenham administration should clarify the sight and sound supervision policy, and should instruct all staff on rules regarding one-on-one supervision.

### **DJS Response:**

DJS policy and training clearly require that resident advisors at Cheltenham and all DJS facilities are responsible for sight and sound supervision of youth at all times. Youth are not to be left alone with anyone other than a staff certified as a resident advisor to supervise youth.

Resident advisors are certified through successful completion of required MPCTC Entry Level and annual refresher trainings, which include courses on proper safety and security practices, including sight and sound supervision.

As of September 14, 2010 (the most current aggregate data) and with more than two months remaining in the calendar year, CYF demonstrates excellent compliance with training compliance – 80% of the facility's direct care staff have already completed all ELT and annual training requirements.

Since February 2010, DJS has increased the frequency of providing training modules in safety and security topics for all staff at CYF. In March 2010, DJS required all CYF staff to be re-trained in safety and security procedures to reinforce the existing policies and procedures related to safety and security measures. To date, 52 CYF employees have completed the 7.5 hour refresher course entitled Safety & Security- Critical Elements. This class has been added to the CYF training calendar and is offered twice a month at the facility.

Supplemental training was implemented for teachers by DJS in order to assist them in recognizing and understanding proper safety and security techniques, including safe restraints and verbal de-

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<sup>4</sup> The DJS Office of Inspector General is responsible for investigating employee misconduct, incidents involving youth safety and youth grievances. The OIG performs these functions independent of DJS management. The OIG staff are seasoned investigators with law enforcement experience.

escalation. In partnership with DJS, MPEC organized workplace violence prevention training sessions for teachers covered by the union at every DJS facility, including CYF, taught by a nationally recognized expert in school safety.

DJS implements additional, ongoing training for RA staff at the many facility forums available for this purpose including daily shift briefings, monthly All-Staff meetings, and through continuous supervisory oversight and coaching.

2. Sufficient radios should be purchased immediately for staff to ensure that each staff member on each shift has a radio.

**DJS Response:**

Cheltenham has a total of 54 radios. It is inefficient for each direct care staff to have a radio because all staff do not work in the facility at the same time. There are on average no more than 50 residential staff providing supervision of youth during the three daily shifts, and therefore the allocation of 54 radios is sufficient. Radios are always transferred between employees as shifts transition, thereby ensuring sufficient coverage.

The managers of non-direct care departments including education also receive radios. In addition to RAs working in each classroom, the RA Supervisor assigned to the school also has a radio.

3. Personal distress alarms should be purchased immediately for all staff.

**DJS Response:**

A distress alarm system that will conform to current security standards is included in the plans for the new Cheltenham Detention Center. The cost of installing distress alarm system at Cheltenham currently is approximately \$400,000 and the system could not be transferred to the new facility.

4. The entire Cheltenham campus, not just the ReDirect building, should be retrofitted with additional security cameras and windows inserted into office doors to allow visual supervision of youth in confidential one-on-one sessions.

**DJS Response:**

Since 2007, DJS has installed an additional 49 video surveillance cameras and a digital recording system at Cheltenham.

Plans for the new Cheltenham Detention Center include comprehensive camera coverage. Retrofitting the entire facility would require 90 additional cameras and related requirements for electrical power and system accessories at a cost of approximately \$600,000.

Prior to February 2010, most office doors in the secure detention area had already been outfitted with vision kits (security windows).

In accordance with facility operating procedures resident advisors are also posted to provide sight and sound supervision of all confidential sessions such with mental health clinicians and attorneys.

5. All old buildings in the DJS inventory should be similarly retrofitted.

**DJS Response:**

The fiscal impact of retrofitting all of the old buildings in our inventory would be approximately \$2 million.

6. One-on-one teacher-youth sessions/pull-outs at Cheltenham should not occur unless there are sufficient direct care staff to supervise them.

**DJS Response:**

DJS agrees with this recommendation. DJS does require that youth are always supervised by properly trained resident advisor (direct care) staff in all locations within the school and facility, including for individual tutorial sessions, educational assessments, and all other instructional purposes.

7. The Department should move forward with its plans to rekey the Cheltenham campus and continue monthly key control audits.

**DJS Response:**

The Department conducted a comprehensive key audit of CYF and is in the process of re-keying the entire facility.

DJS initiated the practice of conducting frequent unannounced audits by senior management officials to CYF with the specific purpose of monitoring all safety and security procedures, including key control. Eight unannounced audits have been completed at CYF in the last seven months.

The purpose of the visits is to observe staff compliance with various safety protocols concerning key control, supervision of posts, youth movement and counts, perimeter checks, staffing ratios, and logbook entries. Follow-up conferences are held after unannounced visits with facility managers to de-brief on any issues and to discuss the continuing safety and security needs of the facility. The findings and analysis of these safety and security audits are based on multiple sources of information including interviews with supervisory, direct care and support staff; direct observation of facility operating procedures; and examination of all relevant documents such as staffing schedules and logbook documentation for youth supervision ratio comparisons.

8. Each DJS facility should develop its own expertly developed facility-specific key control policy.

**DJS Response:**

DJS agrees with this recommendation and already requires facility-specific Key Control Facility Operating Procedures (FOP) consistent with the Department's Key Control Policy, which was approved by the federal CRIPA monitor. DJS has attached to this Response, the CYF Key Control FOP.

9. Additional school staff with crisis prevention and education training should be hired as Instructional Assistants in the school to supervise one-on-one instruction and should report directly to the school administration as they do at other facilities to avoid staff being pulled to cover housing unit shortages. This would alleviate the need for housing staff to supervise youth in the school and be consistent with the dedicated staff model practice at MSDE-operated schools in DJS facilities.

**DJS Response:**

Instructional Assistants (IA) are not certified direct care staff and are therefore not permitted to supervise one-on-one instruction unless an RA staff is present. They would never be required to supervise youth in housing units. Instructional Assistants at CYF and all DJS schools do report to the school administrator, although all staff in the facility are responsible for adhering to the expectations and directives of the facility Superintendent to ensure consistent operations throughout the campus. As a result, hiring of additional IA positions would not in any way diminish the need for RA staff in the schools in DJS facilities.

**Long Term:**

1. More staff must be hired at Cheltenham and Hickey where the RA vacancy rates are 27% and 17% respectively, and at Noyes (47% vacancy rate) and Waxter (31% vacancy rate).

**DJS Response:**

As discussed, lack of staffing was not a factor in the Redirect staff's failure to supervise youth on the day of Ms. Wheeling's death. Further, the JJMU report incorrectly calculates the vacancy rates for all four facilities mentioned in the report. Vacancy rates are calculated by dividing the number of unfilled merit positions by the total number of budgeted merit positions. The vacancy rate for RA series staff at Hickey is currently 6.3%, 6.6% at CYF, 6% at Waxter and 5% at Noyes. The Department has accomplished reducing the vacancy rate for the RA series positions at CYF to just less than half what it was three years earlier.

2. Mandatory overtime must be significantly reduced, and this can only occur with the addition of new staff.

**DJS Response:**

DJS is actively recruiting for additional staff at CYF in order to reduce overtime costs. We recognize the difficulties mandatory overtime may present. However, youth supervision and safety are our primary objectives and staff must be present to cover shifts when necessary.

DJS is currently working with AFSCME/Teamsters to alter the overtime system in juvenile facilities based on principles of seniority. The overtime policy already implemented at Hickey and the Western Maryland Children's Center is just the start. It will take some time and more training to implement statewide but DJS and AFSCME/Teamsters are working on expansion at this time. Additional facilities, including CYF, will be brought in line with the overtime policy in the coming months. The goal is to have core elements in the overtime assignment procedures uniform based on seniority but also allow for customization based on the differences in size, scheduling and operations of the different facilities.

3. Compensation rates and required qualifications for new direct care staff should be raised to facilitate full professionalism of the DJS workforce.

**DJS Response:**

DJS believes that, regardless of salary levels, staff at Cheltenham certainly represent a professional workforce. While we believe it was not intentional, the Department takes exception to any inference that staff at the facility are anything but professional and dedicated to serving juveniles under their care.

Further, starting pay for DJS resident advisors at facilities where there is demonstrated evidence of difficulty in recruitment and retention is approximately \$4,000 to \$8,000 above base salary. The facilities where direct care staff start at an advanced salary include Cheltenham, Noyes, Carter, Lower Eastern Shore Children's Center and Victor Cullen. Since the implementation of advanced steps, direct care voluntary turnover at DJS facilities has trended down from 11.9% in FY 08 to 9.9% in FY 09 and to 7.6% in FY 10.

Finally, DJS periodically conducts salary surveys of direct care positions in other jurisdictions and compares them to the compensation of DJS direct care staff. In FY 11, DJS will conduct a survey of salary levels and minimum qualifications for direct care positions and evaluate options that might be available as a result of the data.

4. Murphy Cottage should not be reopened as a residential program. While the building could be retrofitted to make it somewhat safer, the design is not appropriate for supervision of youth.

**DJS Response:**

In reviewing JJMU reports from the past four years, we found that no JJMU monitor has ever recommended the Redirect Program in the Murphy Cottage should close down due to the building's design being unsafe or inappropriate. The only specific comment the JJMU has made in prior reports about Redirect was in their 1st Quarter 2007 report which stated the following about the Redirect and Shelter buildings: "The atmosphere was very pleasant and the buildings were extremely well-

maintained. These two *units are models* [emphasis added] for the rest of the facility." (First Quarter JJMU report on Cheltenham, April 19, 2007 at page 12.)

In fact, as early as March 25, 2010, after Ms. Wheeling's death, the JJMU wrote on the facility debriefing form (after a meeting between the facility's administrators and the JJMU monitor) that they discussed the JJMU's recommendation of "re-opening Re-Direct with cameras, perhaps as shelter." If the Redirect building, even retro-fitted, is ultimately "not appropriate for supervision of youth" as the JJMU contend in the current report, then the recommendation in March to re-open it with cameras is in substantial conflict with the current JJMU recommendation that it should not be re-opened at all.

5. Staff should be assigned to view screens with real-time camera feeds from throughout the Cheltenham facility at BCJJC, one to two employees work full-time in Master Control and monitor camera feeds at all times.

**DJS Response:**

Prior to February 2010, Tour Office (Master Control) staff already had access to the video surveillance system for real-time feeds. What the JJMU do not take into account is that the staff assigned to work Master Control at BCJJC are responsible for a variety of tasks including using the computer-assisted door locks to open and ensure doors are locked, taking phone calls from staff and administrators, viewing the rear sallyport cameras for incoming and outgoing police and corrections staff, logging seclusions, and using the real-time feeds to assess whether a door should remain locked in order to ensure smooth movement throughout the facility. They are not assigned solely to view video feeds in real time and in fact that is a very small part of what they are needed to do. The CYF Tour Office staff similarly are handling a variety of duties in that role, including youth intakes.

6. Personal distress alarms should be included in the planning of all planned DJS detention and treatment facilities in the future. Staff at all facilities, including all professional staff, should be given distress alarms as soon as funding becomes available.

**DJS Response:**

As we have stated in this response, the current design of the new Cheltenham Detention Center includes various duress alarms throughout key areas and offices in the facility. The current strategy of holding staff accountable for proper supervision of youth ensures staff and youth are safe and well-supervised at all times.