



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

2015 THIRD QUARTER REPORT

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 Third Quarter 2015 Report Compendium

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of third quarter 2015 reports 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 are included, as indicated on the contents page.

The JJMU Third Quarter 2015 Report was produced by Margi Joshi, Nick Moroney, Tim Snyder and Eliza Steele. Thanks to Taran Henley, 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.

All 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

December 2015

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 population of youth in state operated detention and committed placement centers has continued to shrink. This is very positive news as a growing body of research indicates the harmful effects that confinement and justice system involvement have on young people. The State should continue and deepen efforts to reduce detention and committed placement populations and take bolder steps to keep children out of the juvenile justice system in the first place (see Juvenile Justice Reform in Maryland section, p.2).

Research also indicates a vast majority of kids in the juvenile justice system have experienced traumatic victimization. The State of Maryland should adopt proven, trauma-

informed approaches among all stakeholders in the juvenile justice system, including the Department of Juvenile Services and the courts (pp.5-8).

Addressing the needs of youth currently in DJS facilities will necessitate increases in funding for the Maryland State Department of Education's Juvenile Services Education division (pp.44-46).

Respectfully submitted,

Nick Moroney

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Maryland Juvenile Justice Monitoring Unit

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Chief Deputy Attorney General Elizabeth Harris
Deputy Attorney General Thiruvendran Vignarajah
Ms. Christine Buckley, Treasurer's Office
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Incident and Population Trends

Third quarter 2015 incident and population trends versus the same time last year:

- ✓ Average daily populations (ADP) of youth in secure detention decreased at the Baltimore City Juvenile Justice Center (BCJJC) and Cheltenham Youth Facility (CYF). ADP of youth in committed placement decreased significantly at the J. DeWeese Carter Center (Carter), Victor Cullen Center (Victor Cullen), and the youth centers in western Maryland.
- ✓ Youth fights/assaults decreased at CYF, Lower Eastern Shore Children's Center (LESCC), and Western Maryland Children's Center (WMCC) detention centers and in committed placement at Victor Cullen.
- ✓ Physical restraints in detention decreased at BCJJC, CYF, LESCC, and WMCC and in committed placement at Victor Cullen, Silver Oak Academy (SOA) and the youth centers. Mechanical restraints were not utilized at LESCC and were used twice at CYF and once at WMCC detention centers during the quarter. The use of mechanical restraints decreased significantly at BCJJC detention center and in committed placement at Victor Cullen.
- ✓ Seclusions were not utilized at CYF, LESCC, and WMCC detention centers. Seclusions decreased at Charles H. Hickey, Jr., School (Hickey) detention center and at the Victor Cullen committed placement center.
- ADP of youth in secure detention increased by 40% at the Thomas J.S. Waxter Children's Center (Waxter) and by 58% at Hickey.
- Youth fights/assaults increased at BCJJC, Hickey, and Waxter detention centers and in committed placement at Carter and the youth centers in western Maryland.
- Physical and mechanical restraints increased at Hickey and Waxter detention centers and at Carter committed placement center.
- Seclusions increased in detention at BCJJC and Waxter and in committed placement at Carter.
- There was a total of 2 suicide attempts, 99 instances of suicidal ideation, and 15 incidents of self-injurious behavior at the 14 DJS-operated facilities during the third quarter of 2015. Over sixty percent of suicide ideations and both suicide attempts occurred at Waxter hardware secure detention center for girls.

OTHER CONCERNS

- The Department's security policies require DJS staff to routinely and indiscriminately shackle and strip search children. (See page 3.)
- Not all youth in DJS facilities are protected by Child Protective Services. (See page 5.)
- Two children in an out-of-state placement were injured during the utilization of physical restraints that are prohibited by DJS policy. (See page 5.)

JUVENILE JUSTICE REFORM IN MARYLAND

Continue to reduce the numbers of children in secure detention and committed placement

Reductions in the secure detention and committed placement population continued in the third quarter of 2015. The average daily population (ADP) decreased by 8% in detention and by 17% in committed placement compared to the same time in 2014. Declining ADPs in detention and committed placement are positive trends that should continue.

While the numbers of youth out-of-home are dropping, secure detention and committed placement are still overused. The Department should continue and deepen collaboration with courts and other stakeholders to promote the use of alternatives to detention and committed placement. The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) in Baltimore City (see Detention intro, p. 23), should be replicated throughout the state, starting in Prince George's County, where there remains a consistent overreliance on secure detention.¹

Systemic drivers of the overuse of residential commitment should be addressed. Data indicates that, in fiscal year 2014, 27% of commitments to DJS were for technical violations of probation and that 59% of commitments were for kids who had a low to moderate risk for reoffending.² Maryland law should be amended to prohibit the commitment of youth for technical violations of probation. The State of Maryland should prioritize the provision of evidence-based services within the community instead of relying on ineffective and expensive facilities to provide rehabilitative services. Efforts to tackle the overreliance on commitment should be concentrated in counties with high rates of commitment for low to medium risk children, such as Prince George's and Wicomico counties.³

Legal representation that includes the use of social workers increases the likelihood that justice-involved youth will be considered for alternatives to detention and committed placement. According to a 2013 study, "kids who are represented by attorneys with social workers were nearly three times more likely to receive alternative sentences than those without social workers."⁴ In Maryland, many of the Office of the Public Defender juvenile divisions remain understaffed.⁵ The Office of Public Defender should receive increased funding for additional staff, including attorney and social work positions, to ensure all youth have access to services leading to effective representation.

¹ Department of Juvenile Services, Regional Trends, Prince George's County FY 2014, p. 4
http://www.djs.state.md.us/docs/PGCo_Region_Trends_FY2014.pdf

² Doors to Commitment: What Drives Juvenile Confinement in MD, The Annie E. Casey Foundation Juvenile Justice Strategy Group - January 2015, p. 13 and 43. Available at: <http://www.djs.maryland.gov/docs/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

³ Ibid p. 26

⁴ Guerin, L., Otis, M. and Royse, D. "Increasing Alternative Sentencing in the Juvenile Justice System Through a Partnership Between Public Defenders and Social Workers," *Journal of Forensic Social Work*. 3:261-277, 2013.

⁵ State of Maryland Office of the Public Defender, Fiscal Year 2014 Annual Report, p. 36.
<http://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/020000/020985/unrestricted/20150437e.pdf>

End the prosecution of kids as adults

Research indicates that prosecuting kids in the adult criminal justice system is harmful for Maryland youth and jeopardizes public safety.⁶ Effective October 1, 2015, Maryland law requires all kids charged as adults with the possibility of transfer to juvenile court to be housed in juvenile detention. Housing kids charged as adults in juvenile facilities is a developmentally appropriate practice that has protected many children from the dangers of adult jails. While this change is an improvement from previous practice, the State should end the prosecution of children as adults.

Establish a therapeutic culture guided by an evidence-based and trauma-informed approach

The establishment of a therapeutic culture enhances safety and provides a necessary foundation for the successful delivery of rehabilitative services (including treatment and educational services). DJS-operated facilities currently lack an overarching evidence-based, trauma-informed model that staff can be trained to reinforce in order to help create a therapeutic environment. The Department should adopt such a model in their facilities to promote a culture that emphasizes wellness. Individualized, evidence-based treatment services and robust educational and recreational opportunities should be provided within the context of an established therapeutic milieu.

Support for staff, including vicarious trauma services, should be made readily accessible given the stress incurred by working with traumatized children and being exposed to traumatic events while on the job.

End indiscriminate shackling and strip searches of children

Department of Juvenile Services security policies require DJS staff to routinely shackle and strip search children. These policies contradict the principles of trauma-informed care and should be changed.

Strip searches “can trigger flashbacks and exacerbate a traumatized child’s stress and mental-health problems.”⁷ Yet DJS policy requires all youth to be strip searched following all visits, including with lawyers and family members. Youth are also strip searched after trips off grounds, including outings earned as a reward for good behavior. During strip searches, youth are required to remove all of their clothes, squat and cough while observed by staff. A youth is subject to this practice whether or not there is a reasonable suspicion that the youth is hiding something potentially harmful.

⁶ Just Kids Partnership of Maryland, 2014. <http://justkidsmaryland.org/wp-content/uploads/2014/06/5-Reasons-To-Stop-Charging-Youth-As-Adults.pdf>

⁷ Brief for the Juvenile Law Center as Amicus Curiae, Joe Smook v. Minnehaha County, SD. <http://www.jlc.org/blog/juvenile-law-centers-findings-strip-searches-youth-detention-cited-international-report>

During the quarter, the Maryland judiciary adopted as policy “the presumption against the shackling of children during proceedings in the Juvenile Court”⁸ absent a particularized security concern. In adopting this policy, the Maryland courts recognize that shackling children is harmful, traumatic, and inconsistent with a trauma-informed and developmentally appropriate approach.

However, DJS policy continues to require youth in secure facilities to be restrained in handcuffs, shackles, waist chains and a black box with a padlock for transport to and from court, medical and educational appointments, and earned home passes. The policy applies to all youth whether or not there is any particularized security concern.

Following the court’s lead, the Department should end the practice of indiscriminate shackling of children. Shackling and strip searches are invasive procedures and should not be used except as a last resort where there is a documented, particularized security concern. Given their potential for re-traumatization, case-by-case approval from facility superintendents or administrators at DJS headquarters should be required before such tactics are utilized.

Increase DJS facility staff training and qualifications

Effective implementation of a comprehensive, evidence-based and trauma-informed therapeutic model will require extensive staff training and increased staff qualifications. In addition to developing expertise in operationalizing evidence-based, trauma-informed treatment programming, staff should demonstrate in-depth knowledge of youth mental health and adolescent development.

In order to attract and retain the most qualified workers, DJS should increase educational requirements for direct care staff and offer educational benefits and other incentives. Staff in the adult corrections system receive full state retirement benefits after 20 years of employment. DJS employees must work for the state for 30 years to receive full retirement benefits. The State should address this disparity.

Provide vital funding for education in DJS facilities

Schools in DJS facilities, which are operated by the Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE), are underfunded and under resourced.

Without appropriate funding, MSDE-JSE will remain unable to provide necessary education services for youth in DJS facilities. See the MSDE-JSE section (page 45) for details.

Protect children sent to out-of-state placements

On two separate occasions during the quarter, boys that DJS sent to the Canyon State facility in Arizona sustained significant injuries, reportedly during inappropriate restraint procedures utilized by facility staff. According to reports, the boys had their arms held behind

⁸ Maryland Judiciary Resolution Regarding Shackling of Children in Juvenile Court (September, 2015). <http://www.courts.state.md.us/judicialcouncil/pdfs/resolutionregardingshackling20150921.pdf>

their heads during the restraints while they were in a seated position with both legs extended in front of them. Their heads were then forcefully pressed to their knees for an extended period of time as staff took turns maintaining the restraint. One boy had difficulty breathing during the restraint and suffered knee and face injuries. The other boy suffered from a compression fracture to his back.

Maryland DJS-operated and licensed facilities are governed by DJS-issued policies and procedures. DJS policy prohibits restraints which inflict pain on youth or restrict a youth's ability to breathe.⁹ The Department should ensure that kids placed out-of-state are afforded the same protection from harmful restraint practices as kids placed in DJS-operated and licensed sites. Because of an inherent lack of comprehensive oversight when a child is sent to an institution out-of-state, the use of out-of-state placements should be discontinued or minimized. The Department should not send youth to any facility that utilizes types of physical restraints that would constitute a violation of DJS policy if used in a DJS facility.

Expand Maryland state Child Protective Services (CPS) coverage

Child Protective Services (CPS) investigates allegations of abuse and neglect at Maryland DJS-operated and licensed facilities only when the alleged victim is under 18 years old and only if the alleged victim is reported to have sustained a visible injury. CPS often relies on obtaining age and injury status of an alleged victim over the phone from DJS facility staff when deciding whether or not to accept an allegation of abuse for investigation. This practice does not safeguard against limited or inaccurate reporting of events (see Waxter, p. 37).

Allegations of abuse coming from DJS facilities should be independently reviewed by CPS whether or not there is a reported injury. During their review, CPS should ascertain facts (conduct interviews, review any available video footage and documentation relating to the allegation, including medical reports) before deciding whether or not to investigate allegations of abuse. CPS protections should be extended to cover all youth in DJS facilities, regardless of age or reported injury status.

⁹ CPM Techniques Policy, RF-02-07, Maryland Department of Juvenile Services

COMMITTED PLACEMENT CENTERS INTRODUCTION

The average daily population in the Maryland Department of Juvenile Services (DJS/the Department)-operated committed placement centers declined by 17% during the third quarter of 2015 compared to the same period last year (from 235 to 195). A reduction in the number of youth committed to state facilities is a positive trend. Out-of-home commitment is harmful for positive youth development and associated with poor outcomes. Research indicates 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.”¹⁰

In contrast, studies have shown that community-based programs “yield fundamental benefits such as decreased recidivism, more appropriate treatment for youth, reduced stigma associated with formal juvenile justice system involvement, and increased family participation.”¹¹

Although there have been significant declines in Maryland’s committed youth population, a recent study by the Annie E. Casey Foundation and DJS found that large numbers of youth are inappropriately sent to residential placement. According to the report, in fiscal year 2014, 59% of commitments to DJS were for youth assessed as low to moderate risk for reoffending, and 27% of commitments were for technical violations of probation.¹²

Children should receive individualized, evidence-based services in their community. Committed placement should not be used except as a last resort for high-risk youth who have committed the most serious offenses and after community-based options have been exhausted. The Department, through collaboration with the courts and other stakeholders, should continue efforts to remedy the inappropriate use of residential commitment.

Adopt an evidence-based, trauma-informed treatment model in committed placement centers

For the small number of youth who cannot be served in the community, the Department should adopt an evidence-based, trauma-informed model to foster the creation of a therapeutic culture within facilities. Individualized treatment and rehabilitative services should be delivered within an environment that promotes healing and wellness.

Studies indicate that a vast majority of youth in the criminal justice system have been exposed to trauma, often in multiple contexts, beginning early in life and persisting over time.¹³ However, there is no formal evidence-based, trauma-informed treatment program at DJS

¹⁰ 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>

¹¹ National Juvenile Justice Network, Community Supervision: Increased Public Safety, Decreased Expenditures, November 2014, p. 2 http://www.njjn.org/uploads/digital-library/NJJN-YAP_CBA-costs_Nov2014_FINAL2.pdf

¹² Doors to Commitment: What Drives Juvenile Confinement in MD, The Annie E. Casey Foundation Juvenile Justice Strategy Group - January 2015, p. 13 and 43.

¹³ Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network European Journal of Psychotraumatology 2013, 4: 20274 - <http://dx.doi.org/10.3402/ejpt.v4i0.20274>

operated facilities. The Department should act on plans to implement a trauma-informed treatment program.

Current department policy requires DJS staff to routinely and indiscriminately shackle children during transport and strip search them after visits with family and lawyers and trips off grounds, including medical and educational appointments. Adopting a trauma-informed approach will require DJS to change or abandon these policies (see page 3).

Staff who have routine contact with traumatized youth are at increased risk of experiencing vicarious trauma.¹⁴ According to the National Child Traumatic Stress Network, “helping staff recognize and address the impact of past trauma in their lives and secondary trauma experienced on the job is an essential part of the trauma-informed network.”¹⁵ Staff should have access to and be encouraged to use support services for vicarious trauma.

Direct care staff should be extensively trained in a cohesive treatment model grounded in evidence-based practices, such as cognitive-behavioral therapy¹⁶ and trauma-informed principles to assist them in creating and maintaining a therapeutic environment. Ongoing training should take place in evidence-based treatment interventions, adolescent development, mental health, and trauma. The Department should promote professional development by offering opportunities and incentives for staff to continue education in disciplines related to treatment and juvenile justice.

During the quarter, case managers and mental health clinicians at committed placement sites received training in an aggression replacement and social skills curriculum and have recently begun co-facilitating groups twice a week. The addition of an evidence-based intervention that aims to address anger issues and build youth social skills is a positive development. All direct care staff should be trained in the curriculum so that they are able to model and reinforce its principles on a continual basis. Group content should be incorporated into daily community meetings. The Department should continue to expand the use of evidence-based therapies in committed placement while it works to develop a therapeutic culture in its facilities.

Increase Opportunities for Family Engagement

Family engagement is an essential component to a trauma-informed system,¹⁷ protects children from negative influences, and is associated with better youth outcomes.¹⁸ The Department should promote family engagement by adopting policies and practices that facilitate family participation in a youth’s treatment.

¹⁴ Hatcher, Schnavia Smith et al. “An Assessment of Secondary Traumatic Stress in Juvenile Justice Education Workers.” *Journal of correctional health care : the official journal of the National Commission on Correctional Health Care* 17.3 (2011): 208–217. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3740517/>

¹⁵ Burrell, S. (2013). *Trauma and the Environment of Care in Juvenile Institutions*. National Center for Child Traumatic Stress. 6.

http://www.njcn.org/uploads/digital-library/NCTSN_trauma-and-environment-of-juvenile-care-institutions_Sue-Burrell_September-2013.pdf

¹⁶ Lipsey, M.W., “The Primary Factors That Characterize Effective Interventions With Juvenile Offenders: A meta-analytic overview,” *Victims and Offenders* 4 (2009): 124-147.

¹⁷ Rozzell, L. (2013). *The Role of Family Engagement in Creating Trauma-Informed Juvenile Justice Systems*. National Center for Child Traumatic Stress. http://www.nctsn.org/sites/default/files/assets/pdfs/jj_trauma_brief_familyengagement_rozzell_final.pdf

¹⁸ Vera Institution of Justice. *Family Engagement in the Juvenile Justice System*.

<http://www.vera.org/sites/default/files/resources/downloads/family-engagement-juvenile-justice.pdf>

The remote location of most committed placement sites is a significant barrier to family engagement. Families needing transportation assistance must travel to a DJS site in Baltimore or Laurel before being transported to see their child. The trip can often take an entire day to complete. The Department should arrange transportation services between homes of families needing travel assistance and facilities where their children are placed. The Department should also provide kids and their families with daily access to in-home video visitation services.

Restrictive DJS family phone and visitation policies are also an impediment to family involvement. DJS limits youth to two 10-minute phone calls per week. Youth often report difficulty staying connected to family members because of restricted phone contact and technical problems with the pay phones DJS installed in detention and committed placement facilities. The Department should allow kids to talk to their families on the phone more often and for longer periods and permanently address technical problems with telephones youth use.

Family visits are limited to certain hours on two specified days a week. Only two immediate family members are allowed per visit. Visits outside of the usual hours or with siblings under 16, children of youth, or extended family members must be specifically requested by youth, arranged through facility case managers and approved by facility superintendents (DJS Policy RF-706-15). The Department should ensure that family members are able to visit youth without going through an onerous process.

Mentors and others who have supportive relationships with youth should also be eligible to visit youth at facilities.

Department administrators have discussed plans to create a family engagement specialist position. As part of a family centered approach, the specialist should address the following issues for youth in detention or committed placement:

- The need to increase the number of visitation days and expand visitation hours.
- The need to raise the number of visitors allowed during a visit.
- The need to allow extended family members, children of youth, and siblings to visit during regular visits.
- The need to create programs that actively involve families in a child's treatment, by offering services such as parenting classes, family therapy, and case management to help meet family needs.
- The need to change policies mandating indiscriminate strip searches which happens after family visits.
- The need to change policies mandating indiscriminate shackling which happens during DJS transportation of youth to and from earned home passes.

Enhance Educational, Vocational, and Professional Opportunities

The Maryland State Department of Education Juvenile Services Education program (MSDE-JSE) is responsible for providing educational services to youth in DJS-operated detention and committed placement facilities.

Students can spend several months, a year, or even longer in placement yet cannot earn a high diploma from a MSDE-JSE school. Students should have the option to earn a high school diploma while in committed placement.

Increased funding for technological resources and additional staffing are needed to ensure students' educational needs are met and services are comparable to those available in public schools. The State of Maryland and the Maryland State Department of Education must address this need.

Students do not have access to the internet for educational purposes. Electronic tools such as tablets, laptops, and e-readers to facilitate learning are not available. Technology should be updated at MSDE-JSE schools and should include online access for students and technological devices to assist in educational instruction.

Classes are grouped by living units rather than grade level at MSDE-JSE schools. As a result, teachers must teach multiple subjects to students at different academic levels during each class period. Additional instructional assistants and teachers are needed to provide adequate educational instruction to all students in the classroom.

Girls are not afforded equal opportunities for post-secondary and vocational education as boys in MSDE-JSE schools. During the quarter, a girl at the Carter center who had her high school diploma was not allowed to attend classes at a local community college or provided access to college level courses. Apart from ServSafe, a basic food handling hygiene course, there are no hands-on vocational courses for students at Carter.

On the other hand, boys with a high school diploma placed at Backbone Mountain youth center have the option of attending classes at a community college off campus. Also, plans have been made for a professor from a local community college to hold a class in basic writing at Victor Cullen, a maximum security facility for boys. Additionally, boys placed at Silver Oak Academy are offered several hands-on vocational courses, including welding, barbering, culinary arts, and certified nursing assistant training programs.

At least one full-time vocational instructor should be assigned at each MSDE-JSE school and a variety of courses leading to certifications should be made available. Post-secondary options for youth should be expanded to all sites and include access to community college or college courses both locally and online.

There is a need for increased funding for MSDE-JSE if these necessary changes are to be effectuated. Please see the MSDE-JSE section on page 45 for more information.

During the quarter, a girl committed to Carter was suspended from school. Suspensions are an inappropriate response to behavioral challenges kids may face in the classroom. In collaboration with DJS, MSDE-JSE schools should use supportive, evidence-based strategies to keep children engaged in an educational curriculum.¹⁹

Inside certain facilities, kids may do odd jobs through the World of Work program. However, they are paid less than minimum wage and there is not always a sufficient amount of work to be done. Youth in all DJS facilities should have access to internship and work opportunities on-grounds and in the community. Employed youth should receive at least the statutory minimum wage.

¹⁹ Positive Behavioral Interventions & Supports, *Juvenile Implementation Features*. <https://www.pbis.org/community/juvenile-justice/juvenile-implementation-features>

Victor Cullen Center

Victor Cullen Center (Cullen), in Frederick County, is a maximum security 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 88% of total entries during the second quarter of 2015, compared to 78% during the same period last year.

Victor Cullen – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	47	45	33
1. Youth on Youth Assault/Fight	20	30	16
2. Alleged Youth on Staff Assault	4	6	7
3. Physical Restraint	73	69	37
4. Use of Handcuffs and/or Shackles	46	45	27
5. Seclusion	20	34	15
6. Contraband	2	1	1
7. Suicide Ideation/Attempt	2	1	1

During the quarter, average daily population decreased by 27% compared to the same period last year. The reduction in population is a positive trend that should continue as research shows 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.”²⁰

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%202016%20-%20Final%20PDF.pdf>

Given the impact on youth and the need to maintain safety, the Department should continue to work on lowering the population at Victor Cullen and should also cap the maximum allowable population at 32 youth (four groups of eight). The downward population trend is reflected in the reduction in the number of incidents involving aggression. With 27% fewer youth in the facility during the third quarter, fights and assaults decreased by 47%, physical restraints decreased by 46%, the use of mechanical restraints decreased by 40% and seclusions decreased by 56%, compared to the same time last year, when the population was considerably higher.

Case managers and mental health clinicians at Victor Cullen received training in START²¹, an aggression replacement and social skills curriculum, and have begun co-facilitating groups twice a week. The addition of a treatment-based programming element at Victor Cullen is a positive advance. All direct care staff should be trained in the START curriculum so that they are able to reinforce its principles on a constant basis and to support the integration of all DJS workers into the treatment effort. Principles of the curriculum could also be reinforced by incorporating them into daily community meetings. The Department should continue to expand on therapeutically oriented programming at Victor Cullen in an effort to establish a treatment culture.

Research indicates that “complex trauma stressors are highly prevalent among youth in secure juvenile justice facilities” and that “[s]everal lines of evidence suggest an association between complex trauma and aggression among youth.”²² Even with the introduction of an aggression replacement treatment curriculum, there is still a need to adopt and train all staff in an overarching therapeutic approach that incorporates an evidence-based and trauma-informed philosophy.

A unified and consistent approach needs to be adopted by all staff and supported by administrators and ongoing training, otherwise there will continue to be significant challenges in establishing a treatment culture at Victor Cullen. Unsafe conditions can arise in the absence of a therapeutic program at a facility like Victor Cullen where youth are likely to be facing a variety of serious challenges, including issues of aggression stemming from a history of trauma.

During the quarter, there was a group disturbance that involved two groups of kids from the same living unit (incident report 131144).

The incident started as a disagreement over a television channel. Certain youth attempted to de-escalate the situation but it eventually grew into a group disturbance with several fights occurring at the same time between groups of kids. No one was seriously injured during the incident. However, it took several minutes to quell the disturbance and staff relied to a large degree on some youth to help defuse and control the situation.

After the incident, administrators noted there had been mounting tension and discord on the youth living unit that staff had anticipated would eventually culminate in an incident. In order

²¹ Behavioral Institute for Children and Adolescents. http://www.behavioralinstitute.org/START_Resources.php

²² Julian D. Ford, et al., Complex Trauma and Aggression in Secure Juvenile Justice Settings. *Criminal Justice and Behavior*. June 2012 39: 697, 698. <http://cjb.sagepub.com/content/39/6/694.full.pdf+html>

to reduce incidents involving aggression and to promote a therapeutic milieu, a treatment model that addresses underlying causes of behavior, including a history of trauma, should be established. In addition to building constructive relationships with youth, staff should be trained in managing group dynamics and in consistent, timely therapeutic responses to challenging youth behavior.

The Department operates a restricted housing unit at Victor Cullen, the Intensive Services Unit (ISU), for kids who are struggling with issues of aggression and who DJS has identified as being in need of intensified interventions. During a monitoring visit on September 28, there were three youth on the ISU. While two kids were waiting for a teacher to come for an afternoon class, a third entered the unit angry and upset and he began to throw chairs.

The youth alternated between staying calm and becoming extremely agitated, pacing the room. The other two kids occasionally joined in and at others times made attempts to help their peer calm down. One of them subsequently became upset and tried to pull the grievance box from the wall. Some staffers attempted to de-escalate the situation at various times. The kids continued milling around the unit, sometimes throwing objects or shoving pieces of furniture and repeatedly asking for the teacher.

When a teacher arrived on the unit, he sat at a table for a few minutes trying to encourage the boys to do schoolwork. One of the youth threw a worksheet off the desk and the teacher left, instructing a staffer that he would return with more worksheets if the students asked for something to do. No other educational materials were left because a staffer told the teacher they would likely be ripped up by the students.

In the absence of an overarching therapeutic program, dynamics such as those detailed above are not addressed using an evidence-based and trauma-informed approach. Instead, youth may lose points according to the Department's behavior management system in response to challenging behaviors. However, the interventions prescribed by the behavior management system do not take into account the treatment needs, including those related to trauma, that youth may be manifesting.

Responses to youth behavior should be grounded in an understanding of a therapeutic approach, such as cognitive-behavioral therapy and knowledge of the effects that trauma has on adolescent development and behavior. To that end, direct care, case management, mental health, administrative, education, medical, dietary, and transportation staff should be trained in an approach that is trauma-informed and which supports and reinforces evidence-based therapies.

Increasing training and qualifications of direct care staff is key to effectuating this change. The Department should take steps to increase staff expertise by providing comprehensive training to all staff in adolescent development, youth mental health and trauma. The Department should increase required educational qualifications for direct care staff and work with other state agencies and departments to institute educational benefits for staff wishing to take college courses in fields related to juvenile services.

Efforts to promote staff development should also include increasing and facilitating staff access to therapeutic support services. Research shows that “overwhelming stress is a factor not just for adjudicated and detained youth, but for the staff and program milieus in which they are detained.”²³ The Department should make support services available to staff in response to the ongoing traumatic stress incurred by working with traumatized children and being exposed to traumatic events while on the job.

According to the National Child Traumatic Stress Network, “helping staff recognize and address the impact of past trauma in their lives and secondary trauma experienced on the job is an essential part of the trauma-informed care model.”²⁴ Staffers involved in incidents should have the opportunity and be encouraged to debrief with supervisory or mental health staff at any time. After an incident involving aggression, staff should be able to debrief with mental health professionals in an area removed from the location of the incident as soon as possible after the incident occurs.

Opportunities for varied recreational activities should be increased at Victor Cullen. Options for structured programming should incorporate and reinforce therapeutic elements. Plans DJS has considered to construct a ropes course and to establish a puppy training program at Cullen should go forward. The Department should also ensure a variety of therapeutically beneficial programs such as equine therapy are available at Victor Cullen.

The Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE), operates the school at Victor Cullen. MSDE-JSE attempts to introduce an online high school credit recovery program should go forward. Improvements to the educational program have been made, including opening a greenhouse and incorporating some hands-on vocational learning in construction.

A substantial number of students at Victor Cullen have earned a high school diploma or GED but do not have access to any post-secondary education. MSDE-JSE should move forward on plans to forge a connection with a local community college to provide students with the opportunity to enroll and earn credits online or on campus.

Youth may work around the facility through the World of Work program but earn less than the statutory minimum wage and there is not always a sufficient amount of work to be done. The World of Work program should be expanded and program participants should earn at least the statutory minimum wage.

The physical plant at the school needs to be cleaned and identified repairs should be made as soon as possible. Vacancies for a math teacher, a special education teacher and an instructional assistant should be filled expeditiously. For more information on MSDE-JSE in DJS facilities, see page 45).

²³ 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 4.

http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf

²⁴ Burrell, S. (2013). Trauma and the Environment of Care in Juvenile Institutions. National Center for Child Traumatic Stress. 6.

http://www.njcn.org/uploads/digital-library/NCTSN_trauma-and-environment-of-juvenile-care-institutions_Sue-Burrell_September-2013.pdf

Youth Centers x4

The youth centers consist of four separate staff secure 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 75% of total youth entries during the third quarter of 2015, up from 69% during the same period last year.

Combined Youth Centers (x4) – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	140	120	83
1. Youth on Youth Assault/Fight	41	22	25
2. Alleged Youth on Staff Assault	9	9	7
3. Physical Restraint	97	83	77
4. Use of Handcuffs and/or Shackles	16	32	25
5. Seclusion	0	0	1
6. Contraband	11	7	3
7. Suicide Ideation/Attempt	3	8	7

Average daily population (ADP) at the youth centers decreased by 31% during the third quarter compared to the same period last year. However, incidents of aggression increased by 14% and the use of physical and mechanical restraints remained high. The Department should provide comprehensive training for staff in an evidence-based, trauma-informed treatment approach in order to establish a therapeutic culture at the youth centers. Implementing an overarching evidence-based and trauma-informed treatment model could help enhance and facilitate therapeutic responses to youth behavior while minimizing the use of restraints.

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 and model therapeutic interventions for staff. Two vacancies for substance abuse counselors at Meadow Mountain, the dedicated substance abuse youth center, should be filled without delay.

The Department plans to spend money to convert the Savage Mountain youth center into a maximum security facility by installing a security fence and making other changes to the physical plant. Converting Savage Mountain into a maximum security facility is an inappropriate response to the need for a comprehensive, evidence-based, trauma-informed treatment program that offers individualized and intensive rehabilitative services to youth. The Department should focus efforts on establishing a functional treatment program at the youth centers.

Case managers and mental health clinicians received training in an aggression replacement and social skills curriculum, and have begun co-facilitating groups twice a week at the youth centers. The addition of an evidence-based intervention aimed at addressing anger issues and building social skills is a positive development. All direct care staff should be trained in the curriculum so that they are able to reinforce its principles with youth on a continual basis. Group content could be incorporated into daily community meetings. The Department should continue to expand the use of evidence-based therapies in the youth centers while working to establish a treatment culture.

Adequate staffing levels are required to create a safe and therapeutic environment, yet several of the youth centers remain understaffed. A supervisor and a rover should be assigned to each living group. There should at least one staffer for every four youth, and there should be a minimum of two staff present with youth at all times. Backbone and Meadow Mountain have vacancies for supervisory staff. The Department should fill vacancies, especially in supervisory positions, as soon as possible to minimize interruptions in coverage. In addition to ensuring comprehensive staffing, DJS should ensure every staffer has a working radio at all times.

Robust recreational and extra-curricular activities should be made available to complement therapeutic programming. Plans for a puppy training program, which were recently considered by the Department, should go forward and be expanded to other placement sites. During the quarter, the recreational specialist at Savage Mountain organized several off campus outdoor outings for youth. Access to indoor and outdoor recreational opportunities both on facility grounds and locally should be encouraged and increased for all the youth centers.

The Maryland State Department of Education, Juvenile Services Division (MSDE-JSE) operates schools at each of the four youth centers. High school classes are grouped by living units rather than grade level. As a result, teachers must teach multiple subjects to students at different academic levels during a class period. Additional instructional assistants and teachers are needed to provide adequate educational instruction to all students in the classroom.

Eligible students at Backbone Mountain youth center are able to attend a local community college. Kids who are placed at other youth centers who already have a GED or high school diploma do not have access to post-secondary education. The Department and MSDE-JSE should collaborate to ensure that all eligible students have access to post-secondary education. High school graduates should have the opportunity to pursue employment and internships in the local community. Also, hands-on vocational training is limited at the youth centers. All students should have access to a variety of hands-on vocational education programs on a daily basis.

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 85% of total entries to SOA in the third quarter of 2015 compared to 83% during the same time last year.

SOA – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	55	59	62
1. Youth on Youth Assault/Fight	6	11	11
2. Alleged Youth on Staff Assault	2	0	1
3. Physical Restraint	9	15	7
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	2	20	4
7. Suicide Ideation/Attempt	0	1	0

Average daily population during the third quarter of 2015 increased by 5% compared to the same time last year. The use of physical restraints decreased by 53%.

Silver Oak offers 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. The treatment approach is incorporated into all aspects of the program, including operations and management of SOA.

During the quarter, Silver Oak increased the number of weekly individual therapy sessions for youth. Family treatment and engagement opportunities were also increased. In addition to regular visits, parents and guardians now attend weekly treatment and educational sessions at Silver Oak that are based on the same therapeutic model as that in which the youth participate.

Students can earn high school credits at SOA, graduate with a high school diploma from the Carroll County school system and attend local colleges. Advanced placement classes are available to students as are preparation courses for college entrance exams. There is a wide variety of hands-on vocational courses leading to nationally recognized certifications in several fields including nursing, barbering, culinary arts, construction and welding. Students participate in interscholastic sports, community-based employment and internships, and regularly contribute to events in the local community.

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

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

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls. Located on the eastern shore, Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American girls represented 71% of total entries during the third quarter of 2015, up from 63% during the same time last year.

Carter – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	12	11	9
1. Youth on Youth Assault/Fight	6	1	8
2. Alleged Youth on Staff Assault	0	1	4
3. Physical Restraint	18	10	29
4. Use of Handcuffs and/or Shackles	0	0	1
5. Seclusion	4	5	12
6. Contraband	0	0	1
7. Suicide Ideation/Attempt	1	1	2

The average daily population during the third quarter decreased by 18% compared to the same period in 2014. Incidents of aggression increased from one to eight, the utilization of physical restraints nearly tripled and seclusions more than doubled. Incidents of suicide ideation increased and there were four incidents of self-injurious behavior.

According to DJS data, 46% of girls in out-of-home placements had a history of physical or sexual abuse.²⁵ Research shows that 45% of girls in the juvenile justice system experience complex trauma.²⁶

However, there is no evidence-based, trauma-informed treatment program at Carter. Direct care staff are not trained to reinforce a therapeutic model. The Department has not yet submitted a request for proposals to obtain and implement an evidence-based, trauma-informed treatment model. A request to send staff from Carter to a free training on the evidence-based

²⁵ DJS, 2011 *Report on Female Offenders*, p. 10. http://www.djs.state.md.us/docs/complete_Girls%20Report.pdf

²⁶ Sherman, F. and Balck, A. (2015). The National Crittenton Foundation and the National Women's Law Center. *Sexual Abuse to Prison Pipeline*, p. 8 http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

Trauma and Grief Component Therapy for Adolescents (TGCTA) model last summer was denied by DJS headquarters. The Department should support efforts by facility administrators to deliver appropriate treatment services in committed placement centers.

The implementation of an evidence-based treatment model would help create a therapeutic milieu at Carter. In the absence of a comprehensive treatment program, staff and administrators are extremely limited in their ability to establish and maintain a therapeutic culture.

In one instance during the third quarter, a Carter staffer facilitated a youth on youth assault. The incident was not reported at the time. According to the Department's internal investigatory unit (DJS-OIG), when a supervisor discovered the incident and the corresponding video footage, she informed an administrator. The administrator did not locate the footage or take further action. The incident remained undocumented, unreported and uninvestigated for over two weeks until the youth who were involved came forward about it.

In a separate incident (130369), a staffer assaulted a child by hitting her in the head and body during a physical restraint. Afterwards, a supervisor who witnessed the incident reviewed the video footage and documented on the original incident report that the staffer struck the child. All DJS employees are statutorily mandated to report suspected child abuse or neglect to Child Protective Services (CPS). However, the supervisor did not contact CPS.

According to the DJS-OIG investigation, the supervisor discussed the nature of the video footage with the involved staffer the next morning.

The supervisor also contacted an administrator the same morning, but did not explicitly state what occurred during the incident. The supervisor suggested that the involved staffer may need to be removed from contact with youth. The administrator responded that there was "no need to yet. There was a lot going on and he needed to see the footage before restricting [the staffer] from the unit." The administrator did not see the video until three days after the incident took place, at which time Child Protective Services was contacted.

The lack of a treatment program has prevented the establishment of a consistent therapeutic atmosphere at Carter. The Department's plans to seek a contract for an evidence-based, trauma-informed treatment program should go forward as soon as possible.

Successful implementation of an evidence-based, trauma-informed program will rely heavily on the quality of training for direct care staff. The Department should take steps to promote staff development by comprehensively training all staffers in adolescent development, youth mental health, and trauma. The Department should also increase required educational qualifications for direct care staff and offer improved educational benefits.

Staff development efforts should also include increasing and facilitating access to therapeutic support services for DJS employees. Research shows that "overwhelming stress is a factor not just for adjudicated and detained youth, but for the staff and program milieus in which they are detained."²⁷ The Department should make sure support services are offered to staff in

²⁷Blaustein, M. and Ford, J. "Systemic Self-Regulation: A Framework for Trauma-Informed Services in Residential Juvenile Justice Programs." *Journal of Family Violence* (2013). p 4.
http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf

response to the ongoing traumatic stress incurred by working with traumatized children and being exposed to traumatic events while on the job.

Staffers involved in incidents should have the opportunity to debrief with supervisory and mental health staff in an area that is removed from the location of the incident immediately after an incident occurs. According to the National Child Traumatic Stress Network, “helping staff recognize and address the impact of past trauma in their lives and secondary trauma experienced on the job is an essential part of the trauma-informed care model.”²⁸

Adoption of a trauma-informed approach will also require the Department to stop the harmful practices of indiscriminate strip searching and shackling.

Research shows that strip searches “can trigger flashbacks and exacerbate a traumatized child’s stress and mental-health problems.”²⁹ Their use “undermines, rather than helps, the child’s wellbeing.”³⁰ However, DJS policy routinely requires youth to take off all of their clothes, squat and cough in the presence of a staff member without any reasonable suspicion that the child is concealing something potentially harmful. This policy applies to all youth following any travel off grounds and after all visits with lawyers and family members.

Research also shows the use of mechanical restraints “exacerbates trauma, reviving feelings of powerlessness, betrayal, self-blame, and could trigger flashbacks.”³¹ During the quarter, the Maryland judiciary “adopted as policy the presumption against the shackling of children during proceedings in the Juvenile Court,” as “shackling promotes punishment and retribution over the rehabilitation and development of children.”³²

In contrast to the judiciary’s resolution, DJS policy requires all youth to be secured in shackles and handcuffs fastened to belly chains and black boxes during transportation by DJS to and from court, and medical and educational appointments. Youth remain mechanically restrained while in public waiting areas and during medical examinations and procedures. The policy also applies to youth during transport to and from earned weekend home passes. This policy is enforced whether or not there is any particularized security concern.

During the quarter, three youth at Carter were approved for a home pass on the same weekend based on their progress in the Department’s Challenge behavior management system. One girl’s family had the means to drive to Carter on the eastern shore to pick her up for the weekend. Parents of the other two girls did not have access to a car and, consequently, their daughters were transported by DJS in the mechanical restraint apparatus described above.

The Department should end the practices of indiscriminately shackling and strip searching youth. These mechanisms should not be used except as a last resort and only when there is a

²⁸ Burrell, S. (2013). Trauma and the Environment of Care in Juvenile Institutions. National Center for Child Traumatic Stress. 6. http://www.njcn.org/uploads/digital-library/NCTSN_trauma-and-environment-of-juvenile-care-institutions_Sue-Burrell_September-2013.pdf

²⁹ Brief for the Juvenile Law Center as Amicus Curiae, Joe Smook v. Minnehaha County, SD. <http://www.ilc.org/blog/juvenilelaw-centers-findings-strip-searches-youth-detention-cited-international-report>

³⁰ Ibid.

³¹ Center for Juvenile Justice, “Prohibition of Indiscriminate Shackling in Colorado Juvenile Courts.” [http://www.colorado.gov/clics/clics2013a/commsumm.nsf/b4a3962433b52fa787256e5f00670a71/95cfd4fabbc18dec87257b4f006dae57/\\$FILE/13HseJud0416AttachB.pdf](http://www.colorado.gov/clics/clics2013a/commsumm.nsf/b4a3962433b52fa787256e5f00670a71/95cfd4fabbc18dec87257b4f006dae57/$FILE/13HseJud0416AttachB.pdf)

³² Ibid.

documented, particularized security concern. Approval from facility superintendents or their supervisors at DJS headquarters should be required before such tactics are utilized.

There is a need to increase structured therapeutic and recreational programming for youth at Carter, especially on the weekends. Programming outside of the facility, including community service and recreational activities, should be expanded and available to all youth.

The Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE) operates the school at Carter.

During the quarter, a girl at Carter was suspended from school. Students facing challenges should not be excluded from participating in educational programming in school. Instead, DJS and MSDE-JSE should collaborate to identify other, more supportive, arrangements to keep all students educationally engaged and in school.

Boys in another DJS committed placement center have access to community college yet no equitable opportunity exists for girls at Carter. The Department of Juvenile Services and MSDE-JSE should collaborate to provide girls at Carter with access to local universities 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 individualized job training programs.

The Department should allocate an additional vehicle to Carter to facilitate participation in community based activities and ensure appointments are kept. During the quarter, a youth's medical appointment had to be cancelled at the last minute because another youth who was experiencing a mental health crisis had to be transported to the hospital using Carter's only van.

Additional staffing will also be required to ensure youth access to community based programming. On another occasion during the quarter, a youth could not take her GED exam on the scheduled date because of a staffing shortage. The Department should increase the number of staff allotted to Carter.

DETENTION CENTERS INTRODUCTION

In recent years, the Department of Juvenile Services (DJS/the Department) has reduced the population and improved the level of safety in secure detention centers in Maryland. These trends continued during the third quarter of 2015, with the exception of the Thomas J.S. Waxter Children's Center (Waxter) and the Charles H. Hickey, Jr. School (Hickey), where incidents of aggression increased.

Secure Detention Population

Average daily population at DJS operated detention centers declined by 8% in the third quarter of 2015 compared to the same time last year. This reduction is a positive trend that should be deepened and extended, given that a "longstanding and growing body of research shows that pre-trial detention and post-adjudication incarceration for youth can have extremely negative ramifications for the youth's ability to get back on the right track."³³

The Department has decreased the secure detention population in part by working to reduce extended lengths of stay among youth who are stuck waiting to go to committed placement. These efforts should continue and be intensified.

In Baltimore City, the Department has partnered with the Annie E. Casey Foundation in the Juvenile Detention Alternatives Initiative (JDAI). Through this partnership, DJS, the courts, and other stakeholders collaborate to identify ways to reduce the inappropriate use of secure detention. The JDAI effort should continue and be intensified in Baltimore City. The Department should also expand the initiative statewide.

The Department has initiated JDAI in Prince George's County. However, full participation from the court is still necessary for JDAI to be comprehensively and effectively implemented there. The most recent data available indicates the rate of Prince George's County youth in secure detention rose 115% from FY2005 to FY2014 while the rate of juvenile complaints handled by DJS intake in the county dropped 43% during the same time period.³⁴

The overall reduction in the secure detention population across the state was achieved while housing a significant number of youth charged as adults in juvenile detention centers. As of October 1, 2015, youth who are facing charges in adult court with the possibility of transfer to the juvenile system are automatically held in a DJS detention center. Housing kids charged as adults in juvenile detention centers is a developmentally appropriate approach that protects them from the dangers of adult jails and has not compromised safety at DJS facilities.

While using juvenile detention centers to house kids charged as adults is an advance, Maryland law should be changed to end the prosecution of children as adults.

³³ National Juvenile Justice Network, Community Supervision: Increased Public Safety, Decreased Expenditures, November 2014, p. 1 http://www.njjn.org/uploads/digital-library/NJJN-YAP_CBA-costs_Nov2014_FINAL2.pdf

³⁴ Department of Juvenile Services, Regional Trends, Prince George's County FY 2014, p. 4 http://www.djs.state.md.us/docs/PGCo_Region_Trends_FY2014.pdf

Secure Detention Safety

During the third quarter of 2015, reported incidents involving aggression decreased at Cheltenham Youth Facility (CYF), Lower Eastern Shore Children's Center (LESCC), and Western Maryland Children's Center (WMCC).

However, incidents involving aggression increased at Hickey and Waxter following an influx of youth and staff from the Alfred D. Noyes (Noyes) detention center, which was closed during most of the quarter for renovations. Noyes is projected to reopen in December of 2015. Until then, boys who would have been detained at Noyes will be held at Hickey and girls will be held at Waxter.

Incidents involving physical and mechanical restraints also increased at Hickey and Waxter. Noyes staff were involved in a serious incident at both facilities (see pages 32 and 36). To enhance youth safety, the Department should ensure Noyes staff receive intensive training in adolescent development, trauma, and verbal de-escalation techniques (see page 39).

Youth Mental Health

Youth facing mental health challenges continue to be detained despite research indicating that "young people with behavioral health problems simply get worse in detention, not better."³⁵

There were two suicide attempts, 89 instances of suicidal ideation, and 11 incidents of self-injurious behavior at DJS-operated detention centers during the quarter. Seventy percent of suicide ideations and both suicide attempts occurred at Waxter (the secure detention center for girls). Mental health staffing should be increased at Waxter to promote youth safety. Please turn to page 35 for more information.

Stakeholders including DJS and the courts should take measures to ensure that youth facing mental health challenges are not held in secure detention, and instead receive appropriate services in the community.

Behavior Management System

The Department has implemented a behavior management system, Challenge, in all DJS-operated facilities. The Department should replace the Challenge behavior management approach with evidence-based, trauma-informed programming that is aligned with the principles of adolescent development.

Research shows that "immediate incentives can alter both desirable and undesirable behavior in adolescents and may be used to positively alter behavior."³⁶ However, the Challenge

³⁵ 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_ij.pdf

³⁶ 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.

program stipulates that youth only receive tangible rewards during a designated time once per week.

Rewards that are available to kids are limited according to their level in the overall Challenge system. On the lowest level, youth are only eligible to earn name-brand hygiene products. Quality hygiene products should not have to be earned through a behavior management system. Youth on all levels of the program should be eligible to earn a variety of meaningful and individualized incentives. Youth progress in earning points should be recognized in community meetings or special ceremonies on a daily and weekly basis.

Challenge is out of kilter with the average length of stay in detention centers. Youth who are awaiting adjudication are placed on pre-disposition status. Under the Challenge system, pre-disposition status youth are only able to earn hygiene products. Youth may remain on pre-disposition status for weeks or even months due to slow processing in the court system, yet they cannot attain meaningful reward levels in the Challenge behavior management system until their court case is adjudicated. These circumstances mean that youth can abide by the system for weeks or even months and only be rewarded with items such as lip balm or other basic hygiene products, simply because their court case has not progressed. This stipulation is particularly detrimental for youth charged as adults and held in DJS detention centers, who are likely to remain on pre-disposition status for months.

Sanctions for rule infractions in the Challenge behavior management system can prevent youth from participating in useful programming, such as the Boys' Club at BCJJC and mentoring sessions at Hickey, for up to 30 days, which is longer than the average length of stay for youth in detention.³⁷ Sanctions involving loss of programming are in addition to the loss of points and, in some cases, level demotions that come with alleged Challenge rule infractions.

Intensive Services Units

The Department operates an Intensive Services Unit (ISU) at three of its secure detention centers (BCJJC, CYF, and Hickey). The ISU is a restrictive housing unit for youth involved in aggressive incidents who the Department determines to be in need of more individualized attention.

While on the ISU, youth are excluded from earning points, levels, and rewards through the facility-wide behavior management system. All youth should be equally eligible for recognition of positive behavior.

Youth on the ISU are also not allowed to participate in positive programming like mentoring groups at BCJJC and Hickey.

Although DJS policy limits the use of mechanical restraints to situations when kids pose an imminent risk to themselves or others,³⁸ children on the ISU are put in handcuffs and shackles

³⁷ According to the DJS FY 2014 Data Resource Guide (p.20), the average length of stay in detention for pre-disposition youth was 16.1 days and for youth pending placement was 26.7 days. http://www.djs.maryland.gov/drg/Full_2014_DRG.pdf

³⁸ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07

whenever they leave the ISU and move within the facility. Indiscriminate use of mechanical restraints is contrary to the principles of trauma-informed care and can be harmful for youth.³⁹ The Department should end the practice of routine shackling of children (see page 3).

The Department is in the process of updating the ISU policy and these issues should be considered and mitigated in the revised policy.

Education

The Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE) operates the schools in all DJS facilities.

During the quarter, youth were suspended from two MSDE-JSE schools in detention centers (see Waxter, page 38 and Cheltenham, page 30). The Department and MSDE-JSE should collaborate to identify alternative, supportive arrangements that keep students academically engaged and in school while in detention facilities.

Some youth may enter detention close to graduating from high school. However, youth cannot earn a high school diploma while in an MSDE-JSE school. Partnering with local school systems, MSDE should enable youth to earn a high school diploma while in a DJS facility.

MSDE-JSE emphasizes general academic re-engagement in detention over earning credits toward a high school diploma. There are no opportunities for post-secondary education in MSDE-JSE schools in detention facilities. This approach should be adjusted to accommodate youth charged as adults, who are likely to spend months in detention and will require opportunities to earn high school or college credits.

Some detention centers offer short-term courses that lead to certification in basic food handling hygiene, medical coding and billing, and occupational safety. A variety of hands-on courses leading to widely recognized certifications should be available at all detention centers.

The need to enhance post-secondary and vocational offerings in detention is particularly important for youth charged as adults so that they have access to comprehensive educational or career training programming on a daily basis for the entire time they are detained in a DJS facility. The Department and MSDE-JSE should collaborate and engage community-based resources to ensure youth access to post-secondary educational programming.

There is a need for increased funding for MSDE-JSE if these necessary changes are to be effectuated. Please see the MSDE-JSE section on page 45 for more information.

³⁹ Maryland Judiciary Resolution Regarding Shackling of Children in Juvenile Court (September, 2015). <http://www.courts.state.md.us/judicialcouncil/pdfs/resolutionregardingshackling20150921.pdf>

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 the third quarter of 2015 and during the same time last year.

BCJJC – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	89	88	79
1. Youth on Youth Assault/Fight	64	68	76
2. Alleged Youth on Staff Assault	4	7	9
3. Physical Restraint	88	108	104
4. Use of Handcuffs and/or Shackles	34	51	33
5. Seclusion	70	48	7
6. Contraband	7	5	1
7. Suicide Ideation	7	13	1

During the quarter, the total average daily population (ADP) decreased by 10%. This reduction in population was achieved while housing a significant number of kids charged as adults. The ADP of DJS kids (those being charged in juvenile court) decreased by 11%, from 56 to 50, during the third quarter compared to the same time last year.

The Department has achieved the reduction in ADP at BCJJC in part through its participation in the Annie E. Casey foundation's Juvenile Detention Alternatives Initiative (JDAI), which promotes the appropriate use of alternatives to secure detention. Efforts to decrease the utilization of secure detention should continue and be intensified in Baltimore.

Although there was a reduction in average daily population during the quarter, fights and assaults increased by 12% and the use of physical restraints remained high.

The Department contracts with a private company to provide mental health services to youth at BCJJC and each living unit has an assigned clinician. Plans to relocate mental health staff offices to the space just outside the living units should go forward to facilitate close collaboration between behavioral health and DJS direct care staff. Cooperation should include increased involvement in unit activities, and in de-escalation at the earliest signs of agitation.

The use of mechanical restraints decreased by 34% and seclusions decreased by 80%. In incident 129796, staffers locked a youth in his cell following a physical restraint. However, this use of seclusion was not documented and regular, ongoing checks by supervisors, mental health and medical staff did not take place, as required by DJS policy. This policy exists to ensure the safety of youth who are being held in their cells. Facility administrators should ensure that staff adhere to policies governing the use of seclusion and that all instances of seclusion are properly documented and mandated protocols are followed.

Youth who are involved in aggressive incidents and identified by facility staff as needing additional supports or more individualized attention are removed from the general population and placed on the Intensive Services Unit (ISU).

Kids on the ISU are not permitted to participate in the Boys' Club at BCJJC which provides structured, meaningful programming. Because they have been identified as needing enhanced services, kids on the ISU should be permitted to participate in positive programming. Kids on the ISU are not permitted to earn points in the facility-wide behavior management system and therefore do not receive tangible incentives. Kids on the ISU should receive acknowledgment for complying with facility rules. During the quarter, some youth on the ISU remained locked in their cells after showers, while others were allowed out for leisure time. All youth are to be let out of their cells after evening showers for leisure time.

Given their identified need for intensified services, youth on the ISU should have increased access to structured programming and should be fairly rewarded for positive behavior. The Department is currently revising ISU policy and adjustments allowing program access and incentives for youth on the ISU should be included in the revised policy.

The Maryland State Department of Education, Juvenile Services Education division operates the school at BCJJC. During the quarter, a shortage of teachers prevented daily comprehensive instruction on the ISU. Recruiting and retaining staff are serious challenges for MSDE-JSE. A permanent solution, which should include equitable salaries and benefits for JSE teachers (comparable to those in local school systems), needs to be implemented (See MSDE-JSE section, pp. 45-46).

A substantial proportion of youth detained at BCJJC are facing charges in the adult court system. Given the likelihood that kids charged as adults will remain in detention longer than kids charged in juvenile court, MSDE-JSE should enable these youth to work on earning high school and college credits, as opposed to exclusively emphasizing general academic re-engagement as the MSDE-JSE strategic plan proposes.⁴⁰

⁴⁰ 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

Cheltenham Youth Facility

Cheltenham Youth Facility (CYF), located in Prince George’s County, is a maximum security 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 84% of total entries during the third quarter of 2015, compared to 83% during the same time last year.

CYF – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	90	79	57
1. Youth on Youth Assault/Fight	32	42	12
2. Alleged Youth on Staff Assault	7	4	2
3. Physical Restraint	44	41	18
4. Use of Handcuffs and/or Shackles	2	9	2
5. Seclusion	0	1	0
6. Contraband	3	6	1
7. Suicide Ideation/Attempt	5	3	1

Average daily population during the third quarter decreased by 28% compared to the same time last year. Youth on youth fights and assaults decreased by 71%, physical restraints decreased by 56% and incidents involving the use of mechanical restraints decreased by 78%. Seclusion was not used during the quarter.

The decline in population at CYF is a positive trend, as “a growing body of evidence underscores the detrimental effects that system involvement and confinement can have on healthy adolescent development.”⁴¹ The Department recently re-launched the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) in Prince George’s County to systematically examine ways to further safely and appropriately reduce the numbers of detained youth. JDAI brings together the courts, the Department, and other stakeholders to promote

⁴¹ Listenbee, Robert, A Message from OJJDP, found in *Juveniles in Residential Placement* (2014), available at: <http://www.ojjdp.gov/pubs/246826.pdf>

effective alternatives to secure detention. Full participation by the court in JDAI is necessary to ensure continued and sustained reductions in the inappropriate use of secure detention in Prince George's County.

Administrators, mental health clinicians, and direct care workers closely collaborate at CYF to establish a safe environment for youth and staff. Emphasis is placed on verbal de-escalation, conflict resolution, and the minimization of restraints and seclusion. Incidents are promptly reviewed and thoroughly critiqued by supervisory staff, and any necessary corrective actions or disciplinary measures are implemented expeditiously. Management practices at CYF should be implemented at other DJS detention facilities.

Youth DJS determines to be in need of additional supports and individual attention due to issues with aggression may be removed from the general population and placed on the Intensive Services Unit (ISU). During the quarter, mental health clinicians created and implemented a tailored training for ISU staff and facility administrators to enhance services provided on the unit. Training provided by on-site mental health staff should continue and be expanded to other facilities.

During a monitoring visit in the school within the quarter, a staffer initiated a restraint with a student to prevent him from harming another student. The staffer was unsuccessful in his attempts to restrain the youth, and other school staffers, observing the struggle from the hallway, quickly intervened by entering the classroom and escorting the student outside. Mental health staff was dispatched immediately to process with the youth about the incident. The staffer assigned to the classroom, a recent trainee, remained in his post in the classroom though he was visibly upset.

Staffers involved in incidents should have the opportunity and be actively encouraged to debrief with supervisory and mental health staff immediately afterwards. Staffers should also have the option to move to a different post following debriefing.

Technical problems with the CYF incident database continue to be 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 are often incomplete for long periods of time. Administrators at DJS headquarter should address this issue and work with CYF staff to ensure a timely process for online incident reporting.

The Maryland State Department of Education Juvenile Services Education division (MSDE-JSE) is responsible for providing educational services to CYF youth. During the quarter, school administrators suspended some youth from school for several days because of problematic behavior. The youth were removed from the school building and kept on the unit during school hours on the days when they were suspended. Suspension is not an appropriate or effective response to problematic youth behavior and is detrimental to a child's educational progress. School personnel and DJS staff should collaborate on ways to address youth behavioral issues while keeping them in school.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a 72-bed secure detention center for boys owned and operated by the Department of Juvenile Services (DJS/the Department). African American youth accounted for 69% of entries in the third quarter of 2015, compared to 68% during the same period last year.

Hickey – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	56	38	60
1. Youth on Youth Assault/Fight	26	33	44
2. Alleged Youth on Staff Assault	1	1	4
3. Physical Restraint	75	44	78
4. Use of Handcuffs and/or Shackles	6	5	19
5. Seclusion	25	20	18
6. Contraband	3	1	5
7. Suicide Ideation/Attempt	8	6	18

During the third quarter, a number of youth and DJS staff were transferred to Hickey from the Alfred D. Noyes Children’s Center in Montgomery County. Noyes is being renovated and is expected to reopen in December 2015. In the meantime, the majority of boys who would be detained at Noyes are being held on a designated housing unit at Hickey.

The average daily population at Hickey increased by 58% during the third quarter of 2015 compared to the same time last year while physical restraints increased by 77% and the use of mechanical restraints increased by 280%.

Staff should privilege the use of conflict resolution and verbal de-escalation techniques in order to prevent incidents involving aggression and minimize the use of restraints and seclusion. Mental health clinicians should collaborate with direct care staff to create a safer facility environment and help stabilize situations that could potentially escalate to fights, restraints, or seclusions.

There were 18 instances of suicidal ideation during the quarter, an increase of 200% from the third quarter of 2014. There were also 4 incidents of self-injurious behavior. Detention is an inappropriate setting for children with significant mental health issues and direct care staff are not qualified and trained to meet their needs. Research indicates that “young people with behavioral health problems simply get worse in detention, not better.”⁴²

In incident 130641, a youth with a history of post-traumatic stress disorder and depression suffered a contusion on his upper left chest area, bruising on his right forehead area, and redness on his forearm following a restraint by a Noyes staffer. The incident was referred to Child Protective Services and was accepted for investigation after the youth stated to a nurse that a staffer had hit him.

According to the incident report, the restraint occurred after a staffer told the youth he could not sit in a chair that the staffer was going to use as his own chair. Video footage shows the youth entering the dayroom where the staffer and other youth were present and walking towards a chair. The staffer is seen talking to the youth and the youth kicks the chair towards the staffer. The staffer kicks the chair back in the youth’s direction. After several seconds of talking back and forth, the staffer, pointing his finger at the youth, confronts the child by swiftly approaching the child and standing face to face with him while he continues to talk and point his finger in the child’s face. The staffer then grabs the youth by his neck and upper chest area and takes the youth to the ground face down with assistance from another staffer. The staffer has his arms around the child’s neck and upper chest area while the child is on the floor struggling against the restraint for several minutes. Other Noyes staff assist in the restraint by holding down the child’s legs and handcuffing the child’s hands behind his back. The youth is brought to his feet and escorted out of the dayroom.

The CPS worker assigned to the investigation noted in his report that the staffer’s behavior was “inappropriate and unprofessional” toward the youth. However the allegation of abuse was ultimately ruled out.

Restraints to enforce compliance, as occurred in the above incident, violate DJS policy.⁴³ In order to minimize the use of restraints, staff should receive enhanced training in de-escalation techniques and therapeutic responses to problematic behavior that are informed by knowledge about youth mental health, adolescent behavior and development, and trauma-informed care.

In incident 131300, a youth alleged that a Noyes staffer slammed him against the wall during a restraint, hurting the youth’s face. Due to technical problems with the camera system at Hickey, administrators could not retrieve the incident for review. Administrators reported that the technical issues were not isolated and that periodic problems with the camera system hamper their ability to view video footage from around the facility.

DJS policy requires that an administrator or administrator’s designee conduct a timely audit of every incident report that includes review of video footage.⁴⁴ Persistent malfunctioning

⁴² Justice Policy Institute, “Dangers of Detention,” p. 8. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf

⁴³ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07

⁴⁴ Ibid.

of the camera system at Hickey prevents administrators from expeditiously reviewing and critiquing video footage of incidents, as required by DJS policy. The Department should fix problems with the camera system at Hickey and administrators should be trained on retrieving and storing camera footage.

During the quarter, two kids housed on the living unit designated for Noyes youth escaped from the facility by running away from staff during the recreation period and scaling a nearby fence. Both youth were apprehended without incident by law enforcement within two days. The portion of the fence where the escape took place is being fortified to prevent similar incidents in the future. The Department should also ensure every staff member has a working radio at all times.

At Hickey, youth involved in aggressive incidents that the Department determines are in need of additional supports and individualized attention are removed from the general population and placed on an Intensive Services Unit (ISU). Although DJS policy limits the use of mechanical restraints to situations when kids pose an imminent risk to themselves or others,⁴⁵ children on the ISU are routinely shackled when entering or leaving the ISU. As recently recognized by the Maryland courts, the use of mechanical restraints can be harmful and traumatizing for youth.⁴⁶ The Department should end the practice of routinely shackling children.

The Maryland State Department of Education Juvenile Services Education division (MSDE-JSE) is responsible for providing educational services at Hickey. The MSDE-JSE program needs to be funded at a level that allows for consistent hiring and retention of qualified teachers (see MSDE-JSE section, pp. 45-46).

There was a teacher shortage at Hickey during the quarter because of both vacant teaching positions and teacher absences due to vacation and illness. Youth attended school on a rotating basis (by housing unit) for several days during this time period instead of receiving consistent daily instruction. MSDE-JSE should seek appropriate funding and prioritize the recruitment and retention of qualified teachers in order to fill current vacancies and to provide substitute teachers for times when teachers are absent due to illness or vacation.

Several Hickey students earned their GED during the quarter, but post-secondary options are limited for students in detention. Additional post-secondary opportunities are needed to accommodate children charged as adults, who may be held in detention for several months. High school graduates should have access to online community college courses and vocational courses leading to certification while detained (see MSDE-JSE section, pp.46-47).

⁴⁵ Ibid.

⁴⁶ Maryland Judiciary Resolution Regarding Shackling of Children in Juvenile Court (September, 2015).
<http://www.courts.state.md.us/judicialcouncil/pdfs/resolutionregardingshackling20150921.pdf>

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) is a hardware secure detention center for girls with a DJS-rated housing capacity of 42 beds. Waxter is owned and operated by the Department of Juvenile Services (DJS/the Department) and is located in Anne Arundel County. African American youth represented 81% of total entries during the third quarter of 2015 compared to 77% during the same period last year.

The top three administrative positions at Waxter were vacant at different times during the third quarter. While those positions have since been filled, direct care staffer shortages are an ongoing concern.

Waxter – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	28	25	35
1. Youth on Youth Assault/Fight	30	17	48
2. Alleged Youth on Staff Assault	6	1	12
3. Physical Restraint	56	57	121
4. Use of Handcuffs and/or Shackles	3	7	16
5. Seclusion	12	8	15
6. Contraband	7	2	2
7. Suicide Ideation/Attempt	51	41	64

Population and incidents at Waxter increased substantially after an influx of staff and youth from the Alfred D. Noyes (Noyes) secure detention center. Noyes closed for renovations during the third quarter and is expected to reopen in December of 2015.

During the third quarter, average daily population (ADP) at Waxter increased by 40% compared to the same time last year. All DJS staff should receive intensive training in de-escalation and conflict resolution skills. Assaults/fights and physical restraints increased by 182% and 112%, respectively. The use of mechanical restraints more than doubled and seclusions increased by 88%. Incidents of suicide ideation increased by 45%. There were also two reported suicide attempts and five incidents of self-injurious behavior.

Additionally, more positions for direct care workers need to be created and assigned to Waxter. Increased staffing is required at Waxter to enable direct care workers to privilege processing and verbal de-escalation techniques which can help to defuse situations that may otherwise result in incidents involving aggression, restraint, or seclusion.

During the quarter, 78 girls at Waxter were placed on suicide watch. Staffing shortages inhibit the ability of direct care workers to utilize mental health resources when there are not enough workers to escort youth from the living unit to the mental health suite. The current staffing allotment at Waxter also does not take into account the need for additional personnel when staff are placed one-to-one with youth on suicide watch.

Additional positions for direct care workers should be assigned to Waxter. Existing vacancies for 6 direct care staff should be filled without delay and the Department should maintain a pool of eligible candidates so that vacancies can be filled promptly.

Youth Mental Health and Clinical Staffing Shortages

Seventy-percent of incidents involving suicide ideation in DJS detention centers during the quarter occurred at Waxter. The Department's data show that 75% of girls in out-of-home placement have a moderate-to-high mental health need, compared to 57% of boys.⁴⁷

Mental health staffing should also be increased at Waxter.

At the current level - when fully staffed - the mental health team at Waxter consists of one part-time and four full-time clinicians who are responsible for providing routine services to youth and conducting DJS required assessments (multidisciplinary assessment staffing team, MAST). However, two of the full time positions are vacant.

The Department should fill clinical vacancies without delay and assign a dedicated team of clinicians to conduct MAST meetings at Waxter to supplement the current mental health staff, as is the case at the three largest detention centers for boys. Research indicates that “[h]igher percentages of girls than boys in juvenile facilities report an above-average number of mental or emotional problems and traumatic experiences.”⁴⁸ The Department should add additional mental health staffers to help youth and address the challenging workload at Waxter.

The Department and the courts should ensure that youth facing mental health challenges are diverted away from secure detention and the juvenile justice system to appropriate services in the community. Research shows that “people with behavioral health problems simply get worse in detention, not better.”⁴⁹

Secure detention is an inappropriate and potentially unsafe environment for youth with mental health needs as indicated by an incident during the quarter that is described below (including information from incident reports 131495, 131504, and 131700).

⁴⁷ DJS Report on Female Offenders, 2012, p. 11. http://www.djs.state.md.us/docs/Girls_Feb_2012_Report.pdf

⁴⁸ Sherman, F. and Balck, A. (2015). The National Crittenton Foundation and the National Women's Law Center. *Sexual Abuse to Prison Pipeline*, p. 16. http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

⁴⁹ Justice Policy Institute, “Dangers of Detention,” p. 8. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf

On September 27 at 7:00 a.m., DJS staff at Waxter staff requested that the nurse see a child, who has a documented history of anxiety and panic attacks, because she had a bruise on her forehead. She was not seen by medical staff at that time.

A few hours later the child requested to see the nurse and told DJS staff that she sustained the head injury when she tried to knock herself out the night before. Medical staff did not see the child until almost 16 hours later (at 10:45 p.m.) when the child reported the following:

“I was freaking out. I was really scared. I kept asking someone to help me out and no one helped me out. And I didn’t want to be scared no more so I tried to knock myself out. It didn’t work. I got dizzy and confused. My eyes get blurry when I stand up and I’ve been dizzy and confused all day. Is that bad?”

The nurse ordered that the child be sent to the emergency room because she was experiencing altered mental status – a medical condition indicated by a change in normal responsiveness and awareness – as a result of the head trauma.

At the time of the nurse’s order, there were not enough DJS staff onsite at Waxter to take the child to the emergency room (all staff were also already working a double shift). No one contacted DJS transportation or called 911 to transport the child. She was not taken to the emergency room. Instead, she was placed on suicide watch level III and assigned a one-to-one staffer.

Medical staff should see youth with head injuries without delay.

The courts and DJS should collaborate to ensure that youth facing mental health challenges are not held in secure detention.

Use of Force

Video footage from incident 130027 on July 18 shows Waxter staff physically restrain a youth who was refusing to go to her cell. The youth resisted and staff struggled with her on the floor.

A supervisor transferred to Waxter from the Noyes facility then grabbed the youth by her feet. According to the investigation by DJS’ Office of the Inspector General (OIG), the youth’s arms were “spread out and her head and upper back [were] dragged along the floor” of the unit and into the back hallway by the Noyes staffer.

The staffer dropped the girl’s feet and then knelt down with his bent knee holding the girl down across her torso. Another staffer tried to hold the girl’s legs but she kicked them away. The Noyes staffer, still with his knee on the child’s stomach, “wrapped his arms around the youth’s legs [and stood] to his feet.” He held the child by her ankles and knees and lifted her body up so that her buttocks and lower back were in the air, her head and arms still on the floor.

He then “twists the youth around, flips her over and releases her leg. [The child] lands on her back.” Two other staffers who were present approached the child, picked her up and took her to her cell.

DJS staff inaccurately reported and improperly audited the incident. No one contacted Child Protective Services or the Department’s Office of the Inspector General (OIG) about the incident until August 13, when OIG received an anonymous tip.

Child Protective Services did not accept the 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. The investigation is still pending at time of writing (October 30, 2015).

Because of COMAR regulations that limit the timeframe within which disciplinary action can be taken against state employees, the Department was severely limited in its ability to hold the involved staffers accountable. Each of them continue to work with kids in DJS facilities.

The Department should ensure that DJS staff and administrators properly report and audit all incidents. Serious incidents must be immediately referred to the appropriate investigative entities and CPS should investigate all allegations of abuse stemming from incidents at DJS facilities. Limits on the time DJS has to take disciplinary action against employees should be changed.

Incident Reporting and Auditing, and Camera Coverage

There were incidents at Waxter during the quarter that were either inaccurately reported or incomprehensively audited (129491; 130027; and 131229). Thorough and timely review of incidents is required by DJS policy⁵⁰ and critical to ensuring youth safety. The Department and facility administrators should ensure all staff follow required reporting procedures. An investigator from OIG should conduct comprehensive review of all video footage at Waxter on a daily basis to ensure DJS staff appropriately report all incidents.

Additional security cameras should be installed in blind spots on A-Unit and in the B-Unit small dayroom. Comprehensive camera coverage is necessary to conducting thorough reviews of incidents and using video footage to facilitate staff training and promote accountability.

Need for Increased Structured Programming

Structured programming should be increased as excessive downtime can lead to increased incidents. The recreation specialist position at Waxter is currently vacant and should be filled without delay.

⁵⁰ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07

The Boys and Girls Club provides structured recreational programming to boys detained at the Baltimore City Juvenile Justice Center. Girls detained at Waxter should have access to comparable services.

Education Services

The Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE) operates the school at Waxter.

During the quarter, several youth at Waxter earned a GED. However there are no opportunities for post-secondary education in DJS detention facilities. Youth with a diploma or GED may complete chores around the facility for less than minimum wage through the World of Work program (when there is sufficient staffing). The World of Work program should be expanded and program participants should earn at least the statutory minimum wage.

A girl at Waxter was suspended from school during the quarter. The youth was removed from the school building and kept on the unit during school hours on the days when she was suspended. Students facing behavioral challenges should not be excluded from participating in educational programming in school. Instead, DJS and MSDE-JSE should collaborate to identify alternative, supportive arrangements for students to keep them educationally engaged and in school.

The Department and MSDE-JSE should collaborate to ensure that youth have daily access to comprehensive education programming, including post-secondary and hands-on vocational training options.

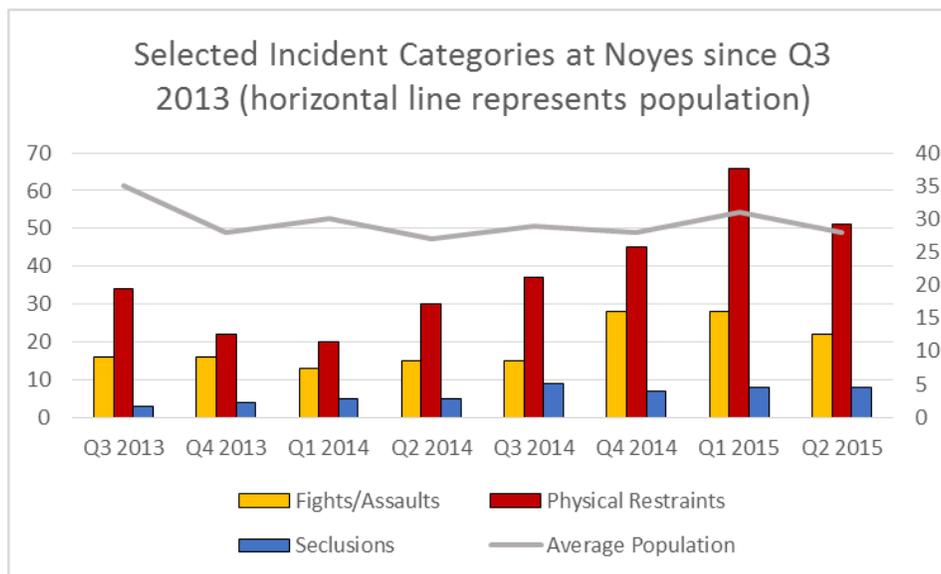
Alfred D. Noyes Children's Center

The Alfred D. Noyes Children's Center, in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a combined DJS-rated capacity of 57. Noyes was closed for renovations for most of the third quarter. The majority of boys who would have been detained at Noyes are being held on a designated housing unit at the Charles H. Hickey Jr., School (Hickey), and girls are being held at the Thomas J.S. Waxter Children's Center (Waxter). Noyes direct care staff are re-assigned to Hickey and Waxter during renovations. Noyes staff were involved in a serious incident at both facilities during the quarter (see pp. 32 and 36).

Noyes is expected to re-open in early December 2015. Administrators should ensure the facility is fully staffed with education, direct care, and mental health personnel before re-opening. Vacancies for a social worker and psychologist should be filled without delay.

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 which points to a need for improved staff training in de-escalation and therapeutically oriented responses to youth behavior. Mental health clinicians should support direct care staff in de-escalation efforts to promote a therapeutic approach and minimize staff use of physical interventions such as restraints and seclusions.

The graph below indicates increases in fights/assaults, restraints and seclusions at Noyes over the last several quarters while the population (the gray line) has trended downwards.



To support a safe environment at Noyes, current and prospective Noyes staff should receive intensive training on verbal de-escalation techniques, youth adolescent development, youth mental health, and trauma and its effects on behavior.

Lower Eastern Shore Children’s Center

Lower Eastern Shore Children’s Center (LESCC), located in Wicomico County on the eastern shore, is a secure detention center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). There are six cells for girls and 18 cells for boys. African American youth represented 71% of total entries during the third quarter of 2015, compared to 66% during the same period last year.

LESCC – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population (ADP)	21	19	19
1. Youth on Youth Assault/Fight	8	10	6
2. Alleged Youth on Staff Assault	1	7	4
3. Physical Restraint	65	42	23
4. Use of Handcuffs and/or Shackles	4	2	0
5. Seclusion	1	4	0
6. Contraband	1	0	0
7. Suicide Ideation/Attempt	12	15	5

Average daily population (ADP) at LESCC during the quarter was 19, equal to the ADP during the same time last year. Fights and assaults decreased by 40% and physical restraints decreased by 45%. Staff did not use mechanical restraints or seclusion during the quarter.

There is a longstanding vacancy for a social worker in the facility. The Department should expedite and improve hiring practices so that qualified candidates are not lost during the process. Comprehensive behavioral health staffing is necessary to sustaining a therapeutic milieu at LESCC.

The facility continues to be a safe and well-managed environment for youth in detention and LESCC could serve as a model for the state’s juvenile detention centers.

Western Maryland Children's Center

Western Maryland Children's Center (WMCC), located in Washington County, is a 24-bed maximum security detention center for boys owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American youth represented 66% of total entries during the third quarter of 2015, an increase of 1% from the same time last year.

WMCC – Selected Incident Categories	Q3 2013	Q3 2014	Q3 2015
Average Daily Population	19	19	20
1. Youth on Youth Assault/Fight	14	15	4
2. Alleged Youth on Staff Assault	0	1	0
3. Physical Restraint	24	37	5
4. Use of Handcuffs and/or Shackles	3	9	1
5. Seclusion	2	7	0
6. Contraband	3	1	0
7. Suicide Ideation/Attempt	5	0	2

The average daily population increased by 1 (from 19 to 20) during the quarter compared to the third quarter of 2014. Fights and assaults decreased by 73%, physical restraints decreased by 86% and the use of mechanical restraints decreased by 89%. Seclusion was not used during the quarter. Efforts to establish facility safety by utilizing verbal de-escalation techniques and minimizing the use of restraints and seclusions should continue.

During the quarter, a child detained at WMCC reported to his lawyer that a staffer revealed his charge, a sex offense, in front of other youth after the staffer had been arguing with the child during the course of the day. The child's lawyer, concerned about his client's safety after the staffer allegedly divulged his client's confidential information, reported the information to the Department for further review. An internal investigation was conducted in response to the incident.

According to the investigation, several witnesses observed the staffer and the child argue back and forth and reported hearing the staffer state to the child in front of a classroom of other

youth that if the other youth knew what the child's charges were, the child would be assaulted by the other youth. When interviewed, the staffer under investigation admitted to confronting the child when he was not following directions, and stated that he told the child to "shut up" at one point during their verbal exchange. Another staffer accompanied the child from the classroom in an attempt to deescalate the tension.

Following the incident, another youth referred the child to a facility handbook showing youth have a right to have their charges kept confidential. The child subsequently filed a grievance against the staffer. The child advocate, who is responsible for responding to and resolving grievances, reported that she did not refer the grievance for further action because other staff involved in the incident denied hearing the staffer refer to the child's charges in front of other youth. She also stated that the other youth told her that they learned about the child's charges from the child himself.

The incident above underscores the need to enhance staff training in therapeutic rather than confrontational responses to challenging behavior. Staff should also receive comprehensive training on youth rights in detention especially those connected to youth safety. Staff who violate a youth's rights by revealing a child's confidential information to other youth should be appropriately disciplined. The Department should also ensure child advocates refer grievances involving a serious violation of youth rights to DJS administration and to all other relevant authorities for investigation.

There are limited vocational or educational opportunities for students at WMCC with a high school diploma or GED. ServSafe certification, 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. During the quarter, three youth with a high school diploma had to attend high school classes while they were detained because of the lack of post-secondary educational opportunities.

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 certifications (see MSDE-JSE section, p. 46-47). The World of Work program is available at other DJS detention centers, although youth are not appropriately compensated. The World of Work program should be made available at WMCC and the Department should ensure youth earn at least the statutory minimum wage.

Youth housed at WMCC do not have access to outdoor green space. Areas are available at other DJS facilities for recreational purposes and for outdoor service learning projects (such as community gardens). Access to outdoor space at WMCC should be expanded to increase options for structured programming.

SMALLER FACILITY UPDATES

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. Residents have access to community-based mental health and educational services.

Incidents involving aggression remain low overall. However, there was a serious incident (131298) during the quarter where a youth required hospitalization after being punched in the eye by another youth. Program administrators should ensure that staffers are comprehensively trained to maintain a safe and secure environment at all times for youth under their care.

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. Population was low during the quarter in order to allow staff time to build a therapeutic culture.

Youth participate in outdoor activities and events in the community and receive individual and group therapy from a private contractor. There is also a music program and equine program on campus. Family visitation and engagement is encouraged.

Plans to make improvements to the physical plant should continue as some of the buildings on campus are outdated and in need of renovation or removal.

One Love Group Home

One Love is an 8-bed group home located in Baltimore City and 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.

The group home is a comfortable, home-like environment and youth attend school, work, and engage in recreational and volunteer activities in the surrounding community. One Love has a structured points and level system which allows 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. Family therapy is not currently available.

Incidents of aggression remained low during the quarter. 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 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. There were no incidents of aggression during the quarter.

Educational services are provided by the Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE). Vocational education options for youth are limited to ServSafe certification, a basic food handling hygiene course, and there are no opportunities for post-secondary education. During the quarter, a youth with his high school diploma was enrolled in the World of Work program. He was given various jobs to do within the facility although he was paid below minimum wage for his work. Due to the limited number of tasks available, the youth often finished his work early in the day, leaving him unoccupied for excessive amounts of time. The World of Work program should be expanded and youth should be paid at least the statutory minimum wage.

Post-secondary education, internships and employment in the community should be available to youth in DJS facilities (see MSDE-JSE section, p. 46-47). Technological resources should be updated to include online access for educational purposes, including the availability of online community college courses.

Youth at Schaefer House are not allowed to earn home passes. DJS should incorporate home passes into the program in order to facilitate successful transition back to home communities.

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education division (MSDE-JSE) operates the school in each of the fourteen Department of Juvenile Services (DJS) facilities. While MSDE-JSE has improved the quality of educational programming in DJS detention and committed placement centers, much more remains to be done to ensure youth at the deep-end of Maryland's juvenile justice system receive academic services comparable to their peers in local community schools.

During the quarter, MSDE-JSE published a strategic plan⁵¹ for 2015-2017. Although the plan is not all-encompassing,⁵² it includes important steps towards improving educational programming in DJS facilities.

NEED FOR INCREASED FUNDING

In order to realize the steps and goals of the strategic plan and carry out other needed reforms, MSDE-JSE must be appropriately funded. Leadership at MSDE should prioritize the JSE program and engage all necessary and available entities to secure the funding required to meet the educational needs of students in DJS facilities.

In fiscal year (FY) 2014, the total expenditure for MSDE-JSE was \$15,143,725. Of that, \$13,835,477, or 91%, went towards salaries, wages and fringe benefits.⁵³ At the same time, salaries at MSDE-JSE are lower than those educators can earn in local school systems. In addition to receiving lower salaries, MSDE-JSE staff must also work year round instead of traditional 10-month school year.

The MSDE-JSE budget included just \$1,251,728 in operating expenses for 14 schools in FY 2014. As it is currently funded, MSDE-JSE is extremely limited in its ability to meet the educational needs of youth in DJS facilities. The improvements that need to be made, some of which are detailed below, will only be possible with increased funding for MSDE-JSE.

NEEDED IMPROVEMENTS TO MSDE-JSE PROGRAM

Staffing

Retention of MSDE-JSE teachers is an ongoing challenge that creates significant barriers to providing consistent, daily classroom instruction to all students in DJS facilities. Teachers in MSDE-JSE schools work year round and in more challenging circumstances yet are paid less than teachers in local school systems. The MSDE-JSE budget should be increased to allow for improved compensation of teachers, principals and support staff.

⁵¹ The strategic plan is available at:

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

⁵² Please see the JJMU 2nd Quarter 2015 report section on MSDE-JSE: http://www.oag.state.md.us/JJMU/reports/15_Quarter2.pdf

⁵³ State of Maryland, FY 2016 Operating Budget, p. 38. <http://www.dbm.maryland.gov/budget/Documents/operbudget/2016/Volume3.pdf>

There is no network of substitute MSDE-JSE teachers. When there are vacancies or staff absences due to illness or leave, youth sometimes do not receive classroom instruction and may instead be required to complete packets of schoolwork on a living unit. The MSDE-JSE budget should be increased to allow for the hiring and training of a pool of substitute teachers.

Structure of MSDE-JSE Schools

Classes in MSDE-JSE schools are organized by living unit, as opposed to grade level, which impedes the ability of teachers to provide relevant and appropriate classroom instruction for each student in the class. Given the wide range of grade levels that MSDE-JSE students represent, the MSDE-JSE budget be increased to allow for more teacher and instructional assistant positions to facilitate a transition to class organization based on grade level.

Students in DJS facilities are unable to earn a high school diploma while enrolled in MSDE-JSE schools. MSDE-JSE should make arrangements, including expanding course offerings and ensuring necessary qualifications of teachers, to enable students to earn a high school diploma from a local school system while in a DJS facility.

Students Facing Adult Charges

Beginning October 1, 2015, kids charged as adults with the possibility of transfer to the juvenile court are automatically held at DJS detention centers. Because youth charged as adults tend to have longer lengths of stay in detention, certain adjustments need be made to accommodate their educational needs. MSDE-JSE emphasizes academic re-engagement in detention centers and accumulation of high school credits in committed placement because of trends in length of stay. However, youth charged as adults are likely to spend months in detention facilities and should be able to earn high school and college credits while awaiting court hearings and decisions.

Post-Secondary and Vocational Education

Only boys in committed placement at Backbone Mountain Youth Center have the opportunity to access post-secondary education. DJS and MSDE-JSE should collaborate to ensure all youth who have earned a high school diploma or GED have access to post-secondary education including online and on campus enrollment at local universities and community colleges. Students should receive instruction in college entrance exam preparation courses and be registered to take the entrance exams while in DJS facilities.

Availability of post-secondary education is particularly important for kids charged as adults who are held in DJS detention centers and likely to have increased lengths of stay. Youth who already have a diploma or GED should not be stuck in detention for months without educational programming.

Youth in some DJS detention and committed placement centers who have completed their secondary education may complete odd jobs around the facility through the World of Work program. They are paid less than minimum wage and there is not always sufficient work for all

eligible youth. Youth should be paid at least the statutory minimum wage. MSDE-JSE and DJS should collaborate to provide youth with appropriate job training and work opportunities, and coordinate community-based employment and internships.

Vocational training is limited at the MSDE-JSE schools. All students should have access to a selection of vocational education programs leading to widely recognized certifications. At least one full-time vocational instructor should be assigned to each MSDE-JSE school.

Resources: Physical Plant and Technology

MSDE-JSE should be adequately funded to provide student access to up-to-date educational technology. Students in MSDE-JSE schools do not have access to such resources, including up-to-date computers and software, the internet, and other technology-based resources comparable to their peers in local school systems. The lack of up-to-date technology serves as a particular impediment to students preparing for the GED exam, which is administered electronically.

Space limitations at some MSDE-JSE sites pose challenges to creating an environment conducive to learning and to establishing adequate areas for hands-on vocational education. Funding to improve and add to existing physical plants should be included in the DJS and MSDE-JSE budgets. Both departments should also collaborate to ensure students are connected to community-based job training resources.

Suspensions

During the quarter, some students were suspended from school by MSDE-JSE. Students facing challenges should not be excluded from participating in educational programming in school. Instead, alternative and supportive arrangements should be made for students to keep them educationally engaged and in school.

Aftercare

Credits students earn while in an MSDE-JSE school are not necessarily accepted by their local school system and applied toward a high school diploma when they return to the community from detention or committed placement. Local school systems should be required to accept credits from MSDE-JSE schools for application toward a Maryland high school diploma.

Court liaison workers in local school systems should coordinate with MSDE-JSE to help students transitioning from detention or committed placement to community schools. The liaison should ensure youth receive all credits earned at an MSDE-JSE school toward their high school diploma. Montgomery County had been exemplary in taking such an approach. However, due to recent cuts in the state budget, the court liaison worker in Montgomery County has more duties and reduced hours, severely limiting her ability to ensure MSDE-JSE youth are appropriately served. Vital support positions should be properly funded through state and local budgets and fully utilized in every jurisdiction.



December 4, 2015

DJS Response to the Juvenile Justice Monitoring Unit's 2015 Third Quarter Report

The Department of Juvenile Services (DJS) appreciates the time and effort that JJMU has taken to provide the 2015 Third Quarter Report. The Department will give thoughtful consideration to recommendations provided by the JJMU.

The Department continues to partner with the Annie E. Casey Foundation to implement juvenile detention alternatives and to help guide reform efforts. The Department requested that the foundation explore why reductions in the youth crime rates were not translating into proportional reductions in commitments. The January 2015 report cited by JJMU, entitled "Doors to Commitment: What Drives Juvenile Confinement in Maryland", completed by the Annie E. Casey Foundation Juvenile Justice Strategy Group in collaboration with the DJS Research and Evaluation Unit, determined that 59% of committed youth were assessed as low to moderate risk for reoffending, and 27% of commitments to DJS were for technical violations of probation. The Department's decision-making role in submitting referrals for technical violations was evaluated, and the Department sought to increase objectivity and develop standardization for referrals by implementing the Accountability and Incentive Management Program (AIM). The AIM Program establishes levels of graduated sanctions based on the type of violation. The program also provides incentives for youth compliance with probation requirements. Thereby, the most serious violations lead to court referrals. The AIM Program was piloted in December 2014 and implemented state-wide in July 2015. The Department will closely monitor implementation to determine the impact on commitments for technical probation violations.

JJMU recommends that the Department replicate the Baltimore City Annie E. Casey Foundation Juvenile Detention Alternative Initiative (JDAI) throughout the state. The Department continues to work collaboratively with stakeholders throughout the state to promote the use of alternatives to detention for the appropriate youth populations. DJS is one-fifth of the needed leadership structure for JDAI. The firm commitment and participation of the local juvenile court, prosecution, indigent defense and law enforcement leaders are also needed to replicate JDAI. This is in large part due to the frequency and nature of shared decision-making and interconnected policies and practices across agencies.

Adopt an evidence-based, trauma-informed treatment model in committed placement centers

The Department agrees with JJMU that a comprehensive trauma informed service delivery model is needed in DJS operated facilities. The Department has completed extensive research to determine the best evidence-based approach to establishing, and implementing a trauma-informed model for staff and youth. During recent months the Department has worked with the Department of Budget and Management to complete a Request for Bids for trauma informed programming and training. The solicitation has been posted with a closing date for bids on January 27, 2016.

The Department currently addresses trauma related needs of youth by using the Trauma Symptom Checklist for Children (TSCC) to assess and screen youth. Therapeutic individual and group services are provided by licensed behavioral health staff.

Protect children sent to out-of-state placement

JJMU inaccurately reports that two youth at Canyon State located in Arizona sustained significant injuries reportedly due to inappropriate restraint procedures. The DJS Office of the Inspector General investigated both youth incidents. Medical reports indicated that one youth sustained minor abrasions, scrapes and a small bruise. It was noted that the youth injuries were consistent with what can be expected when a youth is struggling and fighting to be released from a restraint. The second youth's medical record documented a complaint of back pain following football practice. This incident occurred prior to the youth's allegation of back injury due to a restraint. A later diagnosed back injury was not confirmed to be the result of an improper restraint.

The conditions of confinement in addition to the restraint techniques used at Canyon State were assessed by DJS. The Department suspended new admissions, and required the program to develop and implement a corrective action plan to address all areas of concern. Additionally, a DJS administrator visited the facility. DJS requires that contracted provider programs use restraint techniques and behavior interventions as approved by the Governor's Office of Children. The Department supports JJMU's recommendation that out-of-state placements should be minimized to the extent possible. In the past four years, DJS has reduced the out-of-state population by 50%.

Use of Restraint and Searches

The Department limits the use of restraints to youth determined to be the highest risk to public safety. 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 may jeopardize safety and security for youth and staff. The Department's strip search procedures are implemented only when youth have exposure to the public or there are reasons to suspect that the youth may have contraband.

Increase opportunities for family engagement

DJS has hired a Family Engagement Coordinator who is tasked with evaluating practices and procedures, and improving family engagement to achieve better outcomes for our youth and families. DJS is committed to increasing and incorporating family engagement into all service delivery areas beginning with family contact at intake, through probation, commitment and aftercare services.

Visitation is scheduled for families twice a week. Current policy and procedures provides for the approval of visits for mentors and other persons of significant support to the youth. A request to add visitors outside of the immediate family need only be presented to the youth's assigned counselor who will process the request.

Youth are permitted two phone calls each week paid for by the Department through a legislative appropriation. Increasing phone calls as suggested by JJMU would require additional funding.

Youth World of Work Program

Residential facilities have established on-grounds opportunities that employ youth through the World of Work program. However, designated work assignments at facilities are limited, and youth participation is limited to those youth who have earned high school diploma or GED. Work assignments include grounds keeping, and building sanitation. Youth are currently earning five dollars an hour and the Department will correct this to pay the current minimum wages.

FACILITY RESPONSES

Victor Cullen

JJMU cites the decrease in all areas of aggression and use of restraints and correlates it to the 27% reduction in population and suggests that the current facility capacity of 48 should be reduced. Victor Cullen is the state's only hardware secure facility. The Department must be able to provide services for youth in need of the highest level of security setting; otherwise those youth will have to be placed out of state. It should also be noted that there is not a causative and effect relationship between population census and acts of aggression as incidents can spike based on behaviors of a small number of youth. The Department's investment in staff training, behavior management programming, and behavior health services support the safe management of youth. It is reasonable to expect fluctuations in the number of incidents of aggression and the use of physical restraints to manage the aggressive and impulsive population of youth placed at Victor Cullen.

During a monitoring visit, JJMU observed several youth on the Intensive Services Unit (ISU) displaying inappropriate and aggressive behaviors. The ISU Program at Victor Cullen provides a more intensive level of supervision and therapeutic intervention for youth who cannot be successfully maintained in the general population. The behaviors that were observed, present a clear rationale as to why this level of programming is needed.

Programming at Victor Cullen is comprehensive and involves implementation of CHALLENGE, a behavior management program which utilizes evidence-based principles to support behavioral change. Youth are grouped in housing units of no more than 14. One mental health therapist and a counselor are assigned to each unit. The Department implements 7 Challenges, an evidence-based substance abuse program to address youth substance abuse treatment needs. Individual and group therapy is provided by qualified behavioral health staff. Social Skills Training and Aggression Replacement Training (START) to address anger management treatment needs are being co-facilitated by a counselors and behavior health staff. In 2016, all staff will receive training in START components to support the reinforcement of principles and skills with youth. Identified trauma treatment needs of youth are being addressed individually and in group. The Department is seeking to secure additional trauma-informed programming for youth and staff and has

posted a request for bids that will close January 27, 2015. The Department has allocated its highest level of resources at Victor Cullen to support the safe management of operations and delivery of services to youth.

Youth Centers

Incidents of physical restraints and the use of mechanical restraints decreased among the four Youth Centers during this quarter. The 14% increase in youth on youth assaults and fights is reflective of an increase of 3 incidents, up from 22 in the 3rd Quarter of 2014 to 25 in the 3rd Quarter of 2015. Staff management of youth behavior at the Youth Centers has remained stable.

Youth Centers are staff secure and they operate in an open campus environment, there is no security fencing. Youth assigned have medium security needs, a moderate level severity of committing offenses and a moderate to high level of treatment needs. Security staffing levels and assigned treatment staffing levels are not required at the same ratio as a hardware secure facility such as Victor Cullen. The JJMU recommendation for the same staffing levels at staff secure and hardware secure facilities are not required, supersede department and national standards, and cannot be achieved with existing resources. The Youth Centers have met and exceeded staffing ratios during the recent month as a result of lower youth populations. Recruitment to fill vacant positions is ongoing.

The Backbone Mountain Youth Center hosts a college program in partnership with Garrett Community College. Eligible youth are afforded an opportunity to attend Garrett College where they enroll in two classes per semester and may earn up to six college credits. This program is available to all eligible youth placed at any of the four Youth Centers. Approved youth are transferred to Backbone Mountain to participate in the college program.

A significant number of youth are ejected from the Youth Centers due to aggressive behaviors, threats and attempts to escape from the non-secure settings. Three of the Youth Centers have dormitory living areas that present challenges in managing youth behavior. The Department has analyzed the profile, security and treatment needs of the youth who have been unsuccessfully removed from the Youth Centers to develop therapeutic programming, staff training and needed physical plant modifications. Savage Mountain Youth Center has been determined to be the most suitable location to meet the physical plant and programming space needs. The JJMU reference to the Savage Mountain project presumes that DJS is only addressing the need for an increased level of security. The proposed modifications will comprehensively address the security and treatment needs of the population. Staff training and program development has been initiated and is progressing. The ability to successfully serve youth at Savage Mountain will reduce the number of youth who must be sent out of state for services.

Indoor and outdoor recreational opportunities are robust. Each facility has an assigned recreation specialist who develops monthly activities. All youth at the Youth Centers and the three additional committed residential programs 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. 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 also have opportunities for community service activities such as assisting local food banks and outreach centers.

During the summer and fall, the youth had an opportunity for an agricultural experience that involved harvesting peaches and apples from a local orchard. All of the fruit was donated to food banks and citizens in the community. DJS is excited about expanding agricultural programming, and youth knowledge of horticulture and environmental practices as the owner of the orchard has expressed a desire to donate the orchard to the Department.

J. DeWeese Carter Center

Carter Center is the hardware facility for females. Incidents of aggression increased from one to eight, and the utilization of physical restraints increased from 10 to 29. Staff receive ongoing training in verbal de-escalation and DJS policy and procedures direct its use as the first intervention when appropriate. When verbal de-escalation is unsuccessful and youth exhibit behavior that may be harmful to others or oneself, physical intervention by staff must occur, in addition to brief uses of seclusion to give the youth an opportunity for time out to calm down. The increases noted at Carter Center were largely the result of aggressive behaviors by three youth. The interdisciplinary treatment team developed additional treatment plans, and utilized individual and family therapy to address the behaviors.

JJMU reports the need for additional trauma informed programming. As reported, the Department currently has a solicitation posted to secure additional trauma informed programming for youth and training for staff. The solicitation closes on January 27, 2016. The Department currently addresses trauma needs by using the Trauma Symptom Checklist for Children (TSCC) to assess and screen youth. A treatment plan is developed for each youth to address her specific treatment needs.

The JJMU report references two specific incidents in which staff conducted themselves in an inappropriate and unprofessional matter. These incidents were investigated by the Office of the Inspector General and management has taken corrective disciplinary actions.

JJMU reports a need for an additional van at Carter. The Department is requesting additional vans to support operations at Carter and other facilities.

The Department's response regarding the use of mechanical restraints and search procedures are listed in the "Stop Indiscriminate Shackling and Strip Searches" section of this report.

Detention Center Responses

Baltimore City Juvenile Justice Center

DJS appreciates JJMU's recognition of the sustained reduction of juveniles held at BCJJC, and the successful management of a significant number of youth charged as adults. Reduced populations do not always translate into a reduction of incidents. There was a 12% increase of fights/assaults (from 68 to 76) during this quarter compared to the third quarter of 2014. However, it should be noted that interventions did not result in an increased use of mechanical restraints (reduction of 34%) or seclusion (reduction of 80%). Acts of aggression are addressed through the behavior management program, group and individual counseling. Youth who cannot be safely maintained in the general population are placed in the Intensive Services Unit (ISU), a self-contained unit that provides more intensive services to help youth stabilize their behavior. JJMU cites a concern that youth in the Intensive Services Program (ISU) are not permitted to participate in special activities such as the Boys Club. Assaultive youth are not eligible for the same incentives as

compliant youth. The interdisciplinary treatment team develops a highly specialized treatment plan for each youth in the ISU to support behavior change and reintegration back into the general population.

The staff performance issues JJMU referenced in incident #129796 have been addressed by the administration. JJMU inaccurately reported that the youth was not checked by behavioral and medical staff; however, facility documents confirm that these services were provided.

Cheltenham Youth Facility

DJS appreciates JJMU's acknowledgement of the work of staff at the Cheltenham Youth Facility. There continues to be a significant reduction in incidents of fights/assaults, and the use of restraints compared to the same time in 2014. Fights and assaults decreased by 71%, physical restraints decreased by 56% and incidents involving the use of mechanical restraints decreased by 78%. Seclusion was not used during this quarter.

The Department is aware of technical problems with the incident database and is addressing the issue.

Charles H. Hickey School

The increase in population at Hickey 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 280% increase of mechanical restraints represents a numerical increase from a low of 5 incidents in the 3rd Quarter of 2014 to 19 incidents in 2015. The Department will continue to ensure that all staff is trained in crisis prevention management, mental health first aid, and de-escalation techniques to prepare them to intervene appropriately. DJS screens all youth for acute mental health issues at intake by administering the Massachusetts Youth Screening Instrument (MAYSI). If youth cannot be maintained in detention they are referred to a local emergency room for stabilization or placement in an intensive mental health services facility. Behavioral health staff at the facility provides crisis intervention and assessment.

JJMU cites two incidents of staff misconduct. The incidents were investigated by the DJS Office of the Inspector General and corrective actions have been taken up to and including termination. The Department has established multiple layers of oversight and review to hold staff accountable and protect the youth we serve.

As reported by JJMU, two youth escaped from Hickey by scaling the perimeter fence. These youth were apprehended by police and returned to custody. The Department conducted a thorough review of staffing and did not determine any deficiencies. Operating practices were reviewed and improvements have been implemented. Needed repairs to enhance the security of the fence have been completed.

Thomas J. S. Waxter Children's Center

The population increase at Waxter during this quarter was impacted by a number of youth transferred due to renovations at Noyes.

There was a significant increase in incidents of fights, physical restraints, mechanical restraints, seclusions and suicide ideation during this quarter. A newly hired administrative team has been appointed at Waxter and the executive management team is working with them to develop and implement strategies to establish stability at the facility. Vacant positions are being actively recruited and staff is currently completing entry level training.

In keeping with Departmental procedures all youth receive a mental health evaluation at intake. All incidents of suicidal ideation and self- injurious behaviors are addressed by direct care and behavior health staff. The facility is staffed with trained mental health professionals who are on-call at all times to address the youth's immediate need 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 are vacant and are currently in recruitment. DJS has added an additional half time contracted social worker who will provide services until the vacancy is filled. Clinical hours have been expanded to provide services evenings and weekends.

The DJS Office of the Inspector General investigated the two incidents of staff performance cited by JJMU. Corrective measures have been implemented and disciplinary action within the Department's authority has been taken. Additional disciplinary actions are pending the outcome of the CPS investigation.

Alfred D. Noyes Children's Center

The facility was closed July 15, 2015 to December 2, 2015.

Lower Eastern Shore Children's Center

The Department appreciates JJMU's recognition of the 45% decrease in physical restraints and the 40% decrease in fights and assaults. There was no use of mechanical restraints or seclusion during this quarter. Recruitment efforts are ongoing to fill the vacant social worker position. 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 73%, physical restraints decreased by 86% and the use of mechanical restraints decreased by 89%. Seclusion was not used during this quarter.

JJMU cites an incident when a staff was verbally inappropriate when interacting with a youth in school. The investigation of the incident did not confirm that the staff disclosed the youth's committing charges as was alleged. Corrective action was taken to provide additional training and address the staff's performance. All staff receive initial and ongoing training in adolescent development, behavior management, mental health first aid, crisis prevention, and de-escalation techniques to develop skills to appropriately manage interactions with youth. None of the training offerings are based on confrontation as suggested by JJMU.

William Donald Schaefer House

WDSH has continued to provide community enrichment opportunities for youth. World of Work (facility youth work program) opportunities are limited at Schaefer House. The Department is addressing minimum wage compensation for youth who participate in the World of Work program. Home visit protocols for youth are being developed and will be implemented.

Silver Oak Academy

Silver Oak Academy is a privately operated staff secure group home licensed by the Department. Incidents of aggression remain low.



December 1, 2015

MSDE Response to the Juvenile Justice Monitoring Unit's 2015 Third Quarter Report

The Maryland State Department of Education (MSDE) appreciates the Juvenile Justice Monitoring Unit's (JJMU) continued focus on ensuring that 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 shares 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.

The MSDE Juvenile Services Education System (JSES) Strategic Plan, as JJMU indicates, is designed to provide a framework to guide and focus efforts over the next three years. 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 45-47)

- **Staffing**

MSDE JSES concurs that retention as well as recruitment of teachers is challenging. Over the past year, JSES together with the MSDE Office of Human Resources (OHR) has focused efforts on expanding recruitment activities. Currently, JSES and MSDE OHR 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).

MSDE JSES is 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.

- **Structure of MSDE-JSES Schools**

As JJMU states, students currently attend school based upon their living units. MSDE JSES concurs that having additional teachers and support staff would be beneficial to creating and implementing a school schedule based on grade levels as opposed to housing units. MSDE JSES is currently advocating for additional teacher and support PINS within the State budget process to assist with implementing this structural change.

- **Structure of MSDE-JSES Schools cont'd.**
 Students in MSDE JSES's schools have the ability to obtain their high school diplomas through examination. However, MSDE JSES students do not currently have the ability to earn their diploma from a local school system while in a DJS facility. 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.
- **Students Facing Adult Charges**
 MSDE JSES concurs that the October 1, 2015 expansion of youth charged as adults population into the statewide detention centers precipitates a change in the focus of the MSDE JSES detention center schools. The detention center schools as JJMU states emphasize academic re-engagement given the historically short length of stay of students at these facilities however, the youth charged as adults typically have longer length of stays. MSDE JSES' current class structure does afford these students the ability to earn credits no matter their length of stay. However, the area of challenge within the school schedule at the detention sites concerns career technology education. Historically, given the short length of stay MSDE JSES has implemented more short term career technology educational offerings. The introduction of the youth charged as adults population necessitates MSDE JSES' review of this practice and has resulted in MSDE JSES' advocating through the State budget process to obtain additional funding and staffing to expand career technology educational programming at all detention sites.
- **Post-Secondary and Vocational Education**
 MSDE JSES agrees that expanding post-secondary options for all students in JSES schools is important. MSDE JSES is currently discussing options for implementing online options for access to post-secondary courses with the Maryland Community College System and is seeking additional funding for post-secondary activities through the State budget process.
 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 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.
- **Resources: Physical Plant and Technology**
 MSDE JSES concurs that the addition of enhanced educational technology throughout the system would allow students greater ability to access online opportunities including additional career technology education as well as credit recovery and post-secondary classes. MSDE JSES has begun piloting online courses at one treatment site and is planning on expanding these services beginning in January 2016. 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.

- **Suspensions**

MSDE JSES collaborates with DJS to ensure the safety and security of all students during the school day. When students become exceptionally disruptive in class which prevents effective instruction for all students or when students become a physical danger to themselves or other students this may result in a student being temporarily removed from regular classes for a short period of time. MSDE JSES has worked with DJS to develop a transition room at designated MSDE JSES school sites to be used as a temporary instructional space for these students to work under staff supervision until they can be successfully reintroduced to their regular classes.

- **Aftercare**

MSDE JSES 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.

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

Victor Cullen Center

MSDE JSES appreciates JJMU's acknowledgment of the improvements made at Victor Cullen Center (VCC) over the past six to eight months. The addition of the greenhouse and new career technology instructor have significantly enhanced students' educational experiences and opportunities. MSDE JSES is currently planning on implementing online learning for students to include access to post-secondary instruction at VCC in the early winter of 2016.

MSDE JSES is actively recruiting for candidates to fill the three vacancies at VCC. Historically, filling positions at VCC have been challenging however, MSDE JSES through collaboration with MSDE Office of Human Resources (OHR) is poised to fill these positions early in 2016.

MSDE JSES does not implement the World of Work and as such cannot influence the amount of wages youth earn while involved in that DJS program.

Youth Centers

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 going to be expanded 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 of DJS and not within the scope of MSDE JSES' authority.

Detention Sites

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