



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

2017 THIRD QUARTER REPORT

The Maryland Juvenile Justice Monitoring Unit (JJMU)

The Juvenile Justice Monitoring Unit (JJMU) is an independent state agency housed in the Office of the Maryland Attorney General.

The mission of the 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 2017 Third Quarter Report Compendium

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of 2017 third quarter 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 2017 Third Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder and Eliza Steele. Thanks to Taran Henley, Terri Jarman, Fritz Schantz, and Maria Welker for technical assistance.

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

Current and prior reports of the Maryland Juvenile Justice Monitoring Unit and related responses are available through our website at:

<http://www.marylandattorneygeneral.gov/Pages/JJM/default.aspx>



NICK MORONEY
Director

STATE OF MARYLAND
JUVENILE JUSTICE MONITORING UNIT

December 2017

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 juvenile justice system in Maryland, as in many states, is flawed. While progress has been made to reduce the youth population and violence levels in facilities at the deepest-end of the system, there is still substantial work to be done to ensure that we are fulfilling the mandate to rehabilitate—not punish—young people who come in contact with the courts. Fortunately, and unlike the adult corrections system, Maryland's juvenile justice system includes external oversight involving a significant level of transparency so that light can be shed on the areas most in need of improvement.

Substantial problems with the delivery of education services to youth in Department of Juvenile Services facilities across Maryland have not been resolved, notwithstanding the work and effort of the Maryland State Department of Education's Juvenile Services Education System—the agency responsible for these services—to make improvements. The structure of MSDE JSES is simply not designed to directly provide education services effectively to youth in the deep end of the juvenile justice system. Maryland should consider the possibility of relieving MSDE JSES of this burden, perhaps incrementally through pilot programs, and vesting the responsibility with other entities better equipped to operate schools and provide the full spectrum of education-related services that youth in the juvenile justice system urgently need.

Another pressing issue of concern is that serious problems with safety and security at the Victor Cullen Center have persisted and intensified. Far from offering a program of rehabilitation, Victor Cullen operates more comparably to a poorly run detention center. The Department of Juvenile Services must commit to overhauling the approach at Victor Cullen—and other committed placement centers—in order to meet the needs of the most vulnerable youth. Achieving reform at Victor Cullen will entail a rejection of corrections-oriented approaches in favor of evidence-based strategies and tools that take into account and help youth heal from traumas that they have experienced and address the challenges they face.

The flaws in the juvenile justice system do not signal that youth—and the community—are better served when youth are pushed into the adult system. Although the mandate to rehabilitate has been difficult to achieve, it is the juvenile justice system—and not adult corrections—that is best positioned to support young people toward a constructive and rewarding future.

Respectfully submitted,

Nick Moroney

Nick Moroney
Director
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh
Chief Deputy Attorney General Elizabeth Harris
Deputy Attorney General Carolyn Quattrocki
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Deputy Secretary Linda McWilliams, Mr. Karl Pothier and Mr. Jay Cleary, DJS
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Secure Detention Centers

Short-term, pre-disposition/pending placement

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

Committed Placement Centers

Long-term, post-disposition

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

Incident and Population Trends

Third quarter 2017 population and incident trends versus the same time last year:

- ✓ Average daily populations (ADP) of DJS youth decreased at CYDC, Waxter, Noyes, and LESCC secure detention centers and in committed placement at the four youth centers and SOA.
- ✓ Fights and assaults decreased at LESCC, Waxter, Noyes, and WMCC secure detention centers and in committed placement at Carter, SOA, and the four youth centers.
- ✓ Physical restraints decreased in secure detention at CYDC, Hickey, Waxter, Noyes, and WMCC.
- ✓ Mechanical restraints were not used inside the Carter committed placement center. The use of mechanical restraints decreased in secure detention at BCJJC, CYDC, WMCC, and Waxter.
- ✓ The use of seclusion decreased in secure detention at Hickey, Waxter, and WMCC and at Victor Cullen committed placement center.
- Average daily population (ADP) increased in secure detention at BCJJC and Hickey. ADP also increased in committed placement at Victor Cullen and Carter.
- Fights and assaults increased in secure detention at BCJJC, CYDC, and Hickey, and in committed placement at Victor Cullen.
- Physical restraints increased in secure detention at BCJJC, CYDC, Hickey, and LESCC and in committed placement at Carter, SOA and the four youth centers.
- Mechanical restraints increased in secure detention at Noyes and LESCC and in committed placement at Victor Cullen and the four youth centers.
- Seclusion increased in detention at CYDC, BCJJC, Hickey, Noyes, and LESCC.
- There were 103 incidents of suicide ideation, two suicide attempts, and 7 incidents of self-injurious behavior at DJS-operated facilities during the quarter. Incidents of suicide ideation have risen by 145% compared to the third quarter of 2016.

VICTOR CULLEN CENTER

Victor Cullen Center

The 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 81% of total entries during the third quarter of 2017, compared to 80% during the same time last year. Hispanic/Latino youth represented 6% of youth entries, compared to 7% last year.

Victor Cullen – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	33	26	28
1. Youth on Youth Assault/Fight	16	18	26
2. Alleged Youth on Staff Assault	7	5	7
3. Physical Restraint	37	83	82
4. Use of Handcuffs and/or Shackles	27	60	63
5. Seclusion	15	36	26
6. Contraband	1	2	1
7. Suicide Ideation	1	11	13
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	0	3	1

Average daily population (ADP) of youth at Victor Cullen during the third quarter of 2017 increased by 8% compared to the same period last year. Over the same time, fights and assaults increased by 44% while physical restraints decreased by one (from 83 to 82). Reported

seclusions decreased by 28% and reported uses of mechanical restraints inside the facility increased by 5%.¹

During the quarter, ongoing concerns about the culture and level of safety at Victor Cullen intensified. Without a functional overarching treatment program, proper education services, and a full schedule of structured recreational activities, youth frequently remained unengaged. Lacking vital therapeutic elements, education services and constructive physical outlets for youth, the culture of the facility is an environment where youth state they are “doing time” rather than participating in a rehabilitative program. Severe staffing shortages during the quarter exacerbated safety concerns and also contributed to the negative culture at Victor Cullen.

Staff on Youth Assault

In incident 146970, a youth was assaulted by two staffers who later alleged in a subsequent incident report that the interaction with the youth began because the youth was not wearing his shirt properly. However, video footage shows the youth, fully dressed, in the dayroom of a living unit. He and a staffer began to argue. As the youth and staff continued arguing, a second staffer approached them. The youth then hit the staffer he had been arguing with and the second staffer attempted to restrain him, eventually putting the youth in a headlock. The first staffer, who had been originally arguing with the youth, also got involved in the restraint.

Once the second staffer got control of the youth, the first staffer began kicking and hitting him. The staffer continued assaulting the youth while he was being restrained, pausing to take off an outer layer of clothing before continuing to assault the youth again. A third staffer then entered the unit who, along with the staffer who was still restraining the youth, moved the youth into the sally port area of the unit where there are no cameras. However, footage from a camera with a view through the windows of the door show that the second staffer and the youth continued arguing and the staffer appeared to continue punching and kicking the youth. The other staffer who had assaulted the youth earlier then entered the sally port and also continued hitting the youth. The assault finished when other staffers arrived and escorted the youth away from the unit.

Inappropriate Use of Seclusion

The Department’s policy defines seclusion as “the placement of a youth in a locked individual room where a youth is kept for a period of time during waking hours” and prohibits its use in DJS facilities except as a last resort in situations where a youth poses an imminent risk of harm to himself or others, or is attempting to escape.² According to state law, seclusion may not be used as punishment under any circumstances and, when it is used, may only continue so long as the child is physically acting out or verbally threatening harm to self or others; once a

¹ Incidents detailed in this report on the Victor Cullen Center indicate inappropriate utilization of mechanical restraints and seclusions during the quarter. As a result, the figures contained in the chart above may not reflect the actual total number of times mechanical restraints or seclusion were used at Victor Cullen during the reporting period.

² Md. Dept. of Juvenile Services Policy and Procedure RF-01-07.

youth no longer meets the criteria to be placed on seclusion, he (or she) is to be released.³ The DJS policy further requires particular practices around documenting the use of seclusion and monitoring youth who are being secluded.

From August 30 through September 1 of 2017, staff at Victor Cullen used seclusion in violation of DJS policy and state law. This prohibited use of seclusion occurred on the Intensive Services Unit (ISU) which is a self-contained and restrictive housing unit at Cullen within the hardware secure facility. The ISU was not designed to function as a punitive housing assignment. Rather, the unit was intended to provide youth allegedly involved in acts of aggression and facing the most challenges with the highest level of services and supports. However, many youth on the unit perceive the ISU as punishment because DJS prevents youth from progressing through the behavior management system while they are on ISU—which delays their release—regardless of their behavior while on the unit. Additionally, youth on the ISU at Victor Cullen do not receive intensive services. They are left without education services on a more frequent basis than living units in the rest of the facility and are often excluded from receiving enhanced programming (sometimes offered to the general facility population) that could be of therapeutic value. The ISU is stark, with peeling paint, little or no visual stimulation, and no furniture except for two tables with attached benches bolted to the floor.

The Department's internal investigatory unit (Office of the Inspector General [DJS OIG]) was notified about the prohibited use of seclusion on the ISU and conducted an investigation. The description that follows is based on the accounts contained within the OIG investigation.

Youth and staff referred to the seclusion at Cullen during this period as “23 and 1,” – a shorthand reference to a practice of isolation sometimes utilized in adult jails or prisons where prisoners are left alone in locked cells for 23 hours of each day. One youth said that he objected to the practice and “told them to ship me out; I didn't feel like dealing with the ‘bullshit, 23 and 1 is illegal.” Another youth referred to the practice as “23 and 1,” explaining that it means, “in your room for 23 hours and you come out for one hour.” During this period of seclusion, the youth were “let out to use the bathroom and some youth got out to talk to their PO [probation officer].” However, there were sometimes delays in allowing youth to use the restroom and a staffer confirmed a youth's report that some youth had to urinate in cups they had in their cells. One youth stated that one staffer would take the shackles off when the youth used the bathroom, but another staff didn't. The same youth stated that he “he took a shower on the last day but [he] took it with [his] shackles on.” During this period of seclusion, youth did not have one hour of large muscle exercise a day, as required by DJS policy. One youth stated that they “missed all of the recreation, they would say it would be on the unit, but we were in our rooms. The times that we did get out wasn't recreation, I still had my mechanical restraints on. I knew there would be no rec when [a staffer] said ‘Admin said y'all placed on 23 and 1.” The same youth also stated that staff “wouldn't give [the youth] grievance forms either.”

The precipitating event that triggered the inappropriate use of seclusion as punishment occurred at the beginning of what should have been shower time and preparation for bed time

³ COMAR 16.18.02.03

on the evening of August 29, when one youth on the unit kicked open the doors of other youths' cells and all the youth were put in their rooms (incident 146565). None of the youth on the ISU received showers that evening (August 29th).

The extended use of seclusion as punishment started on the following morning, August 30, when youth were not allowed out of their cells. One youth stated that "for the first three hours we didn't get a bathroom break." A supervisor on that shift stated that the youth "had to stay in their rooms for four hours. Then from that we were told to keep them in their rooms." According to a staffer, there was an administrative directive to keep the youth in their cells from the night before and "let them out one at a time for an hour." The same staffer stated that he didn't "think they were on seclusion. They said not to open the doors because of the way [the youth] had been acting...They said keep them in until they find out from Administration. They said let them out one at a time. They didn't say seclusion." Another staffer stated that "several youth were on lockdown due to [a] disturbance that had occurred previously...[The] youth were asking about rec time and when no immediate answer was given, one youth kicked open another youth's door until four youth were not secured and attempting to kick open another youth's door" (incident 146618). The youth were put back in their cells again for the rest of the day.

Direct care staffers had been given instructions which led them to believe the practice they were told to implement was something outside of what DJS policy defines as seclusion. Staff did not "go about it as seclusion' because [a DJS administrator] directed [them] to rotate the youth out of their rooms." A memo circulated to staff by the leadership at Victor Cullen on August 30 stipulated (in part) that "All youth will be secured on the back hallway. They will rotate out one at a time every hour in the dayroom while the other youth remain secured in their rooms. All youth will move in handcuffs and shackles to the dayroom when it is their turn. Once in the dayroom they will be taken out of the handcuffs and shackles. When their hour is up, they will be placed back into handcuffs and shackles and escorted back to the back hallway and secured in their rooms." The memo also required youth to be taken to and from the bathroom in mechanical restraints and stated that the one hour of legally mandated large muscle exercise would be satisfied by a workout the youth would perform in their cells. According to the memo, youth were to eat all their meals in their cells as well. There were six youth on the ISU at this time which meant that each youth would only be able to come out of his cell once a day. The same memo was in effect the next day, August 31. When a supervisor reported for her shift on the morning of August 31, she received the memo from an assistant superintendent. She questioned whether the practice was seclusion and was told, "no it's not seclusion because they can come out of their rooms every hour...[she] was never told [she] was conducting seclusion at that time." The youth were kept in their cells in the same fashion throughout the day on August 31.

The supervisor who received the memo on August 31 stated that "the kids that week were off the hook saying they would attack staff." There had been instances of youth kicking open each other's doors (146565, 146618, and 146599) and ongoing conflicts, accompanied by threats of aggression, between the youth on ISU. The DJS child advocate arrived at Victor Cullen for a routine visit on the second day of the seclusion and stated "there were several youth in their rooms behind locked doors. The youth were banging on the doors, yelling and demanding

to be let out and asking to speak to me.” The advocate noticed violations of the seclusion policy and brought them to the attention of staff and administrators at Victor Cullen. A youth stated that the “child advocate came on the unit and told the staff that door sheets [seclusion documentation] had to go up and that we shouldn’t be in for more than four hours. The staff told her they didn’t know.”

While the child advocate was there, a youth was out of his cell for the one-hour period when he told a staffer that he wanted to hurt himself (incident 146593). The youth was accompanied to the case manager’s office, still in mechanical restraints, and was allowed to call his grandmother in the presence of several DJS staff. As he was talking to his grandmother on the phone, a case manager supervising the call noticed the youth had a pen in his sock. While the youth was not paying attention, the case manager suddenly reached down towards the youth’s feet to grab the pen. The youth dropped the phone and tried to assault the case manager. Multiple other staff physically restrained the youth and took him back to his cell (incident 146594). Seclusion may arguably be justified for brief periods when youth pose an imminent risk of harm to themselves or others and under the limited circumstances outlined in the Department’s policy. However, prolonged utilization or use of seclusion as punishment—both of which happened at Victor Cullen during the quarter—violates DJS policy and state law.

A second memo, issued on September 1, altered the original plan to allow for groups of youth to be alternated in and out of their cells every hour. However, the youth were abruptly removed from seclusion that day after staff received a phone call. According to a supervisor, “It was a phone call. It went from ‘keep the youth in their rooms and to have shackles and handcuffs’ to ‘get those handcuffs off and let them out.’” A youth stated that the “only reason they stopped the seclusion is because the child advocate came on the unit and my lawyer talked to all the kids” on ISU.

Oversight and Documentation

Documentation and monitoring of youth in seclusion, as mandated by DJS policy did not occur at Victor Cullen during this period. The Department’s policy requires routine checks by supervisory, medical, and behavioral health staff. However, youth were not seen as required by the policy. A youth stated, “I never saw the shift commander, I just saw medical come by, I think.” Another youth stated that if medical and behavioral health came by, “they didn’t talk to me.” A third youth said “Medical and the other people [behavioral health] only see you if you were restrained or to get your medication in the morning. The shift commander didn’t see me.” The youth reported that two administrators visited and were aware of the situation on the ISU during the times when youth were secluded without proper documentation.

The child advocate noted that there was not seclusion paperwork posted at the youths’ doors during her visit. This documentation, referred to as “door sheets,” is required by DJS policy in order to protect youth by recording regular mandated checks by direct care staff, supervisors, nurses, and mental health clinicians. A mental health clinician noted at a different point during the seclusion that there were door sheets at the youths’ cells but that the paperwork was blank or not current. One staffer later told an investigator, “I don’t know why the door sheets weren’t

up, I can't answer that question." Another staffer, who sought clarification from two administrators on the evening of August 31, got conflicting directions – one administrator told her that the youth were on seclusion and documentation needed to be done, while another administrator maintained to the staffer that the youth were not on seclusion. The staffer later remarked to an investigator that at that point, "I knew something wasn't right." On the evening of August 31, the same staffer was directed by one of the administrators to start filling out the seclusion documentation that had been neglected in violation of DJS policy throughout the duration of the seclusion. Other staffers also reported that they were told to falsify seclusion documentation and one of them said, "I initially told them no," but that she ultimately did what she was told to do by administrators.

According to the DJS OIG investigation, administrators then called direct-care workers, nursing, and mental health staff to a conference room in the administration building and told them to fill out seclusion paperwork retroactively. Staff and administrators "all sat [in the conference room] and started doing the door sheets," except for the mental health clinician who refused to sign the papers, saying "I could lose my license." A supervisory staffer said, "those days were crazy," and that on the evening of August 31, "they were doing a lot of paperwork, after the fact, trying to get caught up." When he "looked in the conference room staff had reports and paperwork 'all over the place.'" A staffer stated that she believed "everybody felt comfortable with doing it because of who was in [the conference room. Administrators] being present made it ok. [The superintendent] came in here for a second and said, 'everything is being done right, right?'"

The subsequent DJS OIG investigation indicated that there were other unspecified instances of undocumented and unreported seclusions at Cullen. The investigation also found that there were other occurrences in the past where Victor Cullen staff retroactively filled out seclusion documentation to falsely reflect adherence with monitoring requirements mandated by DJS policy. According to nursing staff, "it has been the practice from time to time to bring the seclusion forms to nursing when a nurse forgot to sign, or the staff forgot to make nursing aware of the seclusion...[or] when medical go to the units to sign and see the youth [but] the papers are not available, or they may have new staff that is not aware of their location or that they are needed."

The ISU is not supposed to function as a punitive housing assignment. Practices that violate DJS policy and state law cannot be utilized, no matter the circumstances. All DJS employees must follow the Department's policy and accompanying documentation requirements which are designed to help ensure youth safety. If and when safety and security concerns arise, administrators should develop clear, coherent, and lawful plans that include close oversight and support of direct-care staff to ensure they are implemented appropriately. Staff and administrators at Victor Cullen, DJS headquarters, and MSDE JSES (the agency responsible for education services in DJS facilities) must ensure daily availability of structured and supportive programming on the ISU in order to increase safety and security, as well as create the opportunity for a positive culture to develop.

Recommendations

Victor Cullen represents the deepest end of the Maryland juvenile justice system for boys and houses youth who are arguably facing some of the most significant challenges. The Department's failure to offer comprehensive treatment to youth placed at Cullen culminated in situations like the staff on youth assault and the seclusions on the ISU. In addition to addressing the discrete failures of staff and administrators that occurred in these incidents, a complete resolution to the issues at Cullen should entail a wholesale reconsideration of DJS' approach at the facility. Without a safe environment, an effective treatment model, and a comprehensive schedule that keeps kids engaged, the negative culture at Victor Cullen will continue and the youth in need of the most attention and services will not be supported.

Youth need access to a variety of intensive education services on a daily basis.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Victor Cullen but due to ongoing and chronic issues with hiring and retention of teachers, the school schedule is unpredictable and often cut short. As a result, youth do not get comprehensive education services on a daily basis. In addition to negative short- and long-term education consequences, this issue frequently leaves youth unengaged on the living unit during times – up to six hours a day – when they should be in school. Excessive downtime can invite the development of a negative culture and increase incidents involving aggression.

Inadequate resources and teacher shortages also limit the types of education services that youth can access. For instance, there is no hands-on vocational education consistently available at Victor Cullen, despite the interest and motivation to learn a trade that most youth frequently express. For youth placed on the ISU, described earlier, the situation is more acute. In the investigation into the prolonged seclusion that occurred during the quarter, youth were asked about the receipt of education services on the ISU in general. The school was closed during the two days that youth were on seclusion, however the youth and staff interviewed indicated significant problems in the delivery of education services on the ISU. One youth stated, "No education, they come drop work off, that's it." A different youth stated, "before [the seclusion] we would never see the teachers anyway. They would come about 6:30 a.m. and drop off school work." A youth on the ISU had previously earned his high school diploma and said, "I've already graduated so I don't get school packets." Another youth said he didn't know how education services were supposed to be delivered on the ISU but added, "I didn't have no school work in two weeks." A staffer who works on the ISU said youth there receive education services "on the unit. The teachers brought work over and dropped it off. That's if they come."

If MSDE JSES is unable to make changes necessary to meet the needs of students in DJS facilities, the responsibility to provide those services should be vested elsewhere. In the meantime, collaborations with community organizations—including local colleges—should continue and be expanded to help meet the education needs of youth at Cullen.

For more information on education services in DJS facilities, please see the MSDE JSES section beginning on page 46.

Youth need to be engaged in structured activities throughout the day.

The Department of Juvenile Services must also commit to developing structured programming for youth on evenings and weekends and in the event of unexpected school cancellations. Throughout the quarter, youth expressed interest in family engagement events, athletic outlets, and creative arts programming. Recreation programs can also be selected to bolster treatment programming by prioritizing activities that promote teamwork and self-esteem among youth. However, youth consistently stated that they spend much of their time outside of school playing old board games, cards, and watching the same movies repeatedly.

Plans by administrators at Cullen to connect with community-based organizations for programming options should go forward and be supported by DJS. A dietary staff at Cullen is interested in developing a culinary arts program for youth with a basic food safety certification and one staffer is slated to receive training in a yoga program with a view toward engaging interested youth in yoga-based exercises. The Department should foster and bring to fruition these types of initiatives and ensure that all youth at Cullen—regardless of their housing unit or status in the behavior management system—have access to structured programming throughout the day.

Youth need a therapeutic environment guided by an evidence-based and trauma-informed treatment program.

The Department currently relies on a points and levels behavior management system, Challenge, as the overarching framework at Victor Cullen. Challenge is not evidence-based, trauma-informed, or conducive to delivering individualized treatment. As detailed in earlier reports⁴, Challenge is an ineffective system particularly in the context of a committed placement center like Cullen and should be fully replaced by an evidence-based, trauma-informed treatment model. Programming, including group therapies, and staff training should be updated to reinforce the treatment model and integrate therapeutic principles into routine interactions between youth and staff.

Currently, dialogue circles⁵, facilitated by contracted professionals, are held twice a month at Victor Cullen to help enhance conflict resolution programming. During the quarter, however, there were several instances where groups of youth housed on the same living unit were arguing. Direct care workers, lacking effective training in resolving conflicts among youth, kept these groups in separate areas of the living unit in an effort to avoid potential incidents. The Department should expand the availability of dialogue circles to help create a safe, positive, and stable culture at Victor Cullen by promoting effective conflict resolution skills among youth and staff.

⁴ JJMU Q2 2017 report, beginning on page 4: http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter2.pdf

⁵ For more information, see: <https://www.edutopia.org/resource/glenview-circles-overview-download>

Treatment elements like experiential exercises such as a ropes course should also be introduced at Victor Cullen. Youth also report the positive role that music plays as a coping skill and in improving the climate on the living units. Expanding and supporting options for constructive coping skills should also include individualized safety plans for youth to enact when they are triggered or struggling to self-regulate. While discrete treatment components like music therapy and conflict resolution programming should be increased, it is vital that DJS fully adopt a treatment program to help mitigate against the prison-like environment and corrections culture that exists at Victor Cullen.

OTHER COMMITTED PLACEMENT CENTERS

Youth Centers x4

The youth centers, located in remote western Maryland, consist of four separate staff secure (not locked or fenced) facilities for boys that are owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The facilities are: Green Ridge (40-bed capacity); Savage Mountain (24 beds); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 76% of total youth entries to the centers during the third quarter of 2017, compared to 74% last year.

Combined Youth Centers (x4) – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	83	103	86
1. Youth on Youth Assault/Fight	25	42	39
2. Alleged Youth on Staff Assault	7	9	13
3. Physical Restraint	77	113	154
4. Use of Handcuffs and/or Shackles	25	31	76
5. Seclusion	1	0	0
6. Contraband	3	7	2
7. Suicide Ideation	7	7	32
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) at the youth centers decreased by approximately 17% during the third quarter of 2017 compared to the same period last year. At the same time, youth on youth fights and assaults decreased by 7% while alleged youth on staff assaults increased by 44%, and the use of physical restraints increased by 36%.

The use of mechanical restraints (handcuffs and/or shackles) within the facilities and suicide ideation both increased dramatically (by 145% and 357% respectively) during the third quarter when compared with the same period last year.

A majority of youth in the juvenile justice system have a history of exposure to trauma⁶ and use of restraints run counter to the principles of trauma-informed care.⁷ The current behavior management system, Challenge, is neither evidence-based nor trauma-informed. The comprehensive adoption of an evidence-based and trauma-informed treatment model to help guide staff interactions with youth should be made a priority to improve safety and security at the youth centers and help minimize the excessive use of restraints.

According to youth, the Challenge system does not emphasize positive progress or offer meaningful incentives. Youth should be able to earn tangible incentives on a daily basis and there should be opportunities for youth to earn back previously lost points. Both youth and staff state that Challenge creates powers struggles that can lead to incidents. In Grievance 13690, a youth reported to a DJS child advocate that he was “very stressed out” and that the facility was “making [him] very depressed” and he was “about to have a mental breakdown.” He stated that he was “trying to stay on the right path” and trying to “be positive and strive to do better” but that staff “just want to see me get knock[ed] down or not be successful.” The youth was frustrated about losing points in the Challenge system and perceived that staff focus on his negative behavior more than recognizing his positive achievements.

Plans to replace Challenge with the evidence-based PBIS⁸ model should go forward without further delay. A half-day psychoeducation class on trauma and its effects has been incorporated into the training curriculum for direct care staff. The three-hour class should be coupled with extensive skills training in trauma-specific interventions and ongoing training in order to facilitate the creation of a trauma-responsive and therapeutic environment at the youth centers.

Temporary Closure of Savage Mountain Youth Center

Savage Mountain Youth Center was closed in September due to renovations to convert the campus to a maximum security facility. Youth placed at Savage Mountain were dispersed to other youth centers.

Instead of expending financial resources on fencing and other hardware to ratchet up the security level at Savage, the Department should focus efforts on developing a robust array of rehabilitative and therapeutic services that are integrated into an overarching treatment program at all of the youth centers.

⁶ National Child Traumatic Stress Network. “Ten Things Every Juvenile Court Judge Should Know About Trauma and Delinquency.” 2010. Available at: http://www.nctsn.org/sites/default/files/assets/pdfs/trauma_20bulletin.pdf

⁷ SAMHSA National Center for Trauma-Informed Care & Alternatives to Seclusion and Restraint. Available at: <https://www.samhsa.gov/nctic/about>

⁸ For more information, see: <https://www.pbis.org/>

Staffing

Incidents of suicide ideation increased from 7 to 32 during the third quarter of 2017. Mental health staffing at the youth centers should be bolstered to improve the provision of therapeutic services and provide needed support for youth with high mental health needs. Each group of youth should be assigned a mental health clinician and a clinician should be available on-site during waking hours, including on weekends. Facility superintendents should also foster close collaboration between mental health staff and direct care workers to help model and foster therapeutic interactions with youth.

Verbal processing and individualized attention can also help youth progress therapeutically. To ensure that direct care staff have the opportunity to provide youth with support, staffing ratios should be increased beyond the standard ratio of one staffer per eight youth. A minimum of one direct care staffer per four youth plus a supervisor and a rover should be available on campus to provide guidance and enhance coverage.

Family Engagement

Youth only receive two ten-minute phone calls per week to family members, the same access to phones as is given to youth in short-term detention. During the quarter, there was a youth at the centers whose mother lives outside Maryland and who was unable to visit her son. The youth was not allowed any increase to his allotted phone time due to the rigid rules regarding family contact. The number and duration of allotted phone calls should be increased for all youth to facilitate family engagement.

Visitation is also limited to specific times on two days a week, while the remote location of the youth centers makes it difficult for many parents to visit. Visitation hours and times should be flexible to accommodate families and transportation services between a youth's home and the youth centers should be consistently available to help families stay in touch and support family engagement which research shows is linked to positive youth outcomes.⁹

Structured Activities

Persistent boredom is an ongoing problem for youth at the centers and leads to restlessness, horseplay, and potentially also to incidents involving aggression. While occasional opportunities for off-grounds activities exist, youth spend the bulk of their time after school and on weekends sitting in the living units playing cards and watching the same batch of movies repeatedly. Participation in a variety of recreational, volunteer, and enrichment activities, organized sports, outdoor excursions, and arts and music, would be therapeutic and normalizing for youth and should be consistently offered as part of the rehabilitative program.

⁹ Vera Institute of Justice. "Family Engagement in the Juvenile Justice System." 2014. Available at: <https://www.vera.org/publications/family-engagement-in-the-juvenile-justice-system>

Education

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the schools at each of the four youth centers.

Although MSDE JSES has contracted with two organizations to provide substitute teachers, there are still instances when no substitutes are available and therefore classes continue to be cancelled when teachers are out sick or on leave. Vocational instruction for youth is limited in scope and is only sporadically offered due to teacher and resource shortages. Staffing issues should be permanently addressed to prevent frequent disruptions in educational instruction. A dedicated full-time vocational instructor should be assigned at each site and a variety of hands-on vocational courses in high demand areas leading to employment should be incorporated into the curriculum. Jobs and internship opportunities in nearby communities should also be arranged and available to supplement classroom learning.

For more about educational services in DJS facilities, see the MSDE JSES section beginning on page 46.

Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not fenced or locked) committed placement center licensed by the Maryland Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 90% of all DJS-youth entries to SOA during the third quarter of 2017, up from 80% during the same period last year.

SOA – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	59	44	39
1. Youth on Youth Assault/Fight	11	23	16
2. Alleged Youth on Staff Assault	1	0	5
3. Physical Restraint	7	16	20
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	4	18	3
7. Suicide Ideation	0	0	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

While Maryland youth continue to comprise the vast majority of the population, Silver Oak has begun accepting an increasing number of youth from juvenile justice agencies in jurisdictions other than Maryland, including Washington, D.C., Pennsylvania, and Florida. At the end of the quarter, there were 15 youth from out-of-state placed at Silver Oak compared to 40 youth from Maryland.

Out-of-state youth are not counted in the population figures above as they are not included in DJS' daily facility censuses. Incidents that involve exclusively out-of-state youth are not uploaded to the DJS incident reporting database and therefore are also not counted in the chart above. To date, Silver Oak has not forwarded original incident reports involving out-of-state youth to the JJMU as they occur, despite multiple requests to do so. These documents should be made available in order to support comprehensive monitoring of Silver Oak.

During the quarter, several youth reported a change in culture at Silver Oak which centered on perceptions of allegedly unfair treatment by staff. Fair treatment and perception of fair treatment are critical elements of programs working with youth in the juvenile justice system. Research shows that "perceptions of fairness mediate the youth's acceptance or rejection of a message; for example, children who perceive their parents' disciplinary practices to be fair are more likely to internalize their family's values and beliefs and to behave accordingly."¹⁰

This perception of a change in culture was reflected in an increase in the number of physical restraints during the third quarter of 2017. While the average daily population of DJS youth decreased by 34%, there was a 25% increase in physical restraints involving DJS youth. There was also, according to youth, a change in the nature of some physical restraints. In some incidents, youth alleged that staff performed physical restraints to enforce compliance (146423) and/or inflict pain¹¹ (145813). Restraints of this nature are prohibited in state operated facilities by DJS policy and state law.¹² During the quarter, allegations of abuse or staff misconduct stemmed from several incidents involving physical restraints (145813; 146445; 147209; 146423; 144834; and July 15, 2017 incident involving out-of-state youth¹³).

Silver Oak does not have a comprehensive surveillance camera system and many incidents occurred in areas of the facility without camera coverage (145813 [parking lot], 147212, 146423; 144384; 146445), including the area of the facility where youth are routinely brought to de-escalate during incidents (including 145813 and 146081). Additionally, video footage of all incidents that occurred during the quarter was not routinely saved for review unless administrators deemed it problematic. As a result, video footage of many incidents, including physical restraints, could not be externally reviewed. Some incidents either witnessed firsthand by administrators (146445) or captured on video footage (a July 15, 2017 incident involving out-

¹⁰ National Research Council. 2013. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. p. 187. Available at: <https://www.nap.edu/read/14685/chapter/9#187>

¹¹ Some youth accounts and incident reports [145987] mentioned the use of an "Arizona" restraint which refers to a physical restraint employed at a different Rite of Passage (SOA's parent company) facility. These restraints allegedly entail staff putting youth in a seated position on the ground with the youth's legs straight out in front of him and his arms held behind his back by staff who then lift the youth's arms and push his torso forward towards his legs, often times causing pain and/or pressure to the child's chest, shoulders, and legs.

¹² COMAR 16.18.02.04 and Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

¹³ Dates have been substituted for incident report numbers to document incidents involving out of state youth.

of-state youth and 147209) were found to involve staff misconduct or inappropriate physical restraints and resulted in internal accountability measures for staff.

In order to ensure that all incidents involving physical restraints can be thoroughly investigated and properly handled, Silver Oak should install cameras in areas of the facility where camera coverage is currently lacking, including the refocus room (where youth are brought to de-escalate) and the hallway immediately outside of it, blind spots in the lobby area, inside classrooms, outside the main building and residential units, in stairwells, and any other locations where youth may frequent (aside from inside bathrooms and sleeping quarters). Any and all video footage of reported incidents should be stored and saved indefinitely with original incident report documentation. Incident reports, including medical sheets, should be comprehensively documented and administrative reviews of video footage and supporting documentation of all incidents should occur without delay.

Youth also reported that the change in culture which they perceived at Silver Oak was connected to inconsistent or unpredictable implementation of the code of conduct (for example grievances 13747, 13746, 13743 where youth alleged the code of conduct had been unfairly or improperly implemented). On monitoring visits during the quarter, youth detailed situations where they believed their status or progress in the program was undermined by point losses or other sanctions that were either in excess of what the youth expected or applied retroactively and without notice to the youth. These changes can set youth back in the program drastically, thereby increasing length of stay by weeks or months while also discouraging and frustrating youth. Administrators at Silver Oak pointed to a renewed emphasis on strict adherence to the code of conduct as the source of youths' frustrations, rather than any change in rules or unfair treatment of youth by staff.

Staff and administrators must adhere to Maryland law and DJS policy and work to improve the facility culture by ensuring that physical restraints are not utilized except as a last resort in situations where a youth poses an imminent risk of harm to himself or others, or is trying to escape. Restraints must not be used to enforce compliance or to demonstrate staff authority. When physical restraints are performed, they must be executed with the goal of getting a situation under control without causing harm to youth, rather than inflicting pain or discomfort. Staff and administrators should also prioritize the fair and consistent implementation of SOA's code of conduct. Overly punitive interventions that drastically delay a youth's progress through the program or are disproportionate to a youth's behavior must not be utilized. Silver Oak needs to ensure a return to a system that is perceived as fair and supportive.

These efforts are necessary to protect the valuable education, vocational, therapeutic, and extracurricular programs offered at Silver Oak and to ensure that youth are afforded the opportunity to access them in a safe and supportive environment.

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) and has a DJS-rated housing capacity of fourteen girls. African American girls represented 53% of total youth entries during the third quarter of 2017, down from 64% during the same period last year.

Carter – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	9	6	11
1. Youth on Youth Assault/Fight	8	1	1
2. Alleged Youth on Staff Assault	4	1	0
3. Physical Restraint	29	2	5
4. Use of Handcuffs and/or Shackles	1	0	0
5. Seclusion	12	1	1
6. Contraband	1	0	0
7. Suicide Ideation	2	2	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	0	1

Although the average daily population increased during the third quarter of 2017 compared to the same time last year, incidents involving aggression remained low at Carter, as did staff utilization of physical interventions like restraints and seclusion.

The Department's data shows that girls in out-of-home placement are more likely than boys to have a history of neglect or physical and sexual abuse¹⁴ and research shows that girls

¹⁴ DJS 2017 update to *Report on Female Offenders* (February, 2012).

in the system are more likely than boys to be driven more deeply into the system by lower level offenses.¹⁵ Girls who do not pose a risk to public safety should not be placed in hardware secure facilities.¹⁶

Staff, youth, administrators, and clinicians at Carter help to establish and maintain a calm and safe facility environment which is a fundamental step in creating a trauma-informed treatment culture.¹⁷ Carter staff have received an elementary training about the principles of trauma-informed care but are not trained to employ concrete trauma-informed skills in their interactions with youth or to implement a trauma-informed treatment program. Instead, direct care workers at Carter are trained to implement the Challenge behavior management system which is neither evidence-based nor trauma-informed and instead impedes the development of a therapeutic, rehabilitative culture.

During the quarter, one girl stated that “they might as well have us at Waxter,” a secure detention center where DJS relies on the same Challenge system. The Department should replace Challenge with a trauma-informed and evidence-based treatment program without delay and take the following steps to facilitate the development of a therapeutic environment:

- Increase activities in the community to provide youth with meaningful incentives and help promote a normalized self-image among girls.

During the quarter, the Department strictly limited opportunities for youth at Carter to participate in outings and field trips in the community despite low incident numbers that reflect a safe facility environment and positive youth behavior. Youth at Carter consistently reported the need for activities in the community as a meaningful reward for their positive behavior and as a vital source of relief from the stressful dynamics that can develop when a small group of youth are stuck in a restrictive environment for several months.

One girl stated during the quarter that she has “nothing to look forward to besides sitting in here every day and going outside for an hour.” The same youth stated that although she is “in here because [her] mom doesn’t want [her] home,” she and the other girls at Carter “feel like we are getting too punished.” Administrators at DJS headquarters should facilitate recreation, education, and entertainment oriented activities in the community for all eligible youth.

Currently, youth can earn weekend home passes once they reach the two final stages of the behavior management system, if their family is available. The use of day passes of gradually increasing duration with family members (or staff when family members are not

¹⁵ Sherman, F. and Balck, A. “Gender Injustice: System-Level Juvenile Justice Reforms for Girls.” The National Crittenton Foundation, 2015. Page 11. Available at: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>

¹⁶ Sherman, F. and Balck, A. “Gender Injustice: System-Level Juvenile Justice Reforms for Girls.” The National Crittenton Foundation, 2015. Available at: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>

¹⁷ SAMHSA, “Trauma-Informed Care in Behavioral Health Services.” Strategy #15 *Change the Environment to Increase Safety*. https://www.ncbi.nlm.nih.gov/books/NBK207204/#_part2_ch1_s15

available) could also be used to help increase meaningful incentives and participation in pro-social, and normalizing activities in the community.

- Increase attention to family related needs.

The Department's data shows that 89.3% of girls in out-of-home placement have a moderate-to-high family related need.¹⁸ Although girls may participate in family therapy while they are placed at Carter, their regular contact with family is limited to two 10-minute phone calls and two designated visitation sessions per week – the same that is allotted to youth in short-term detention. One girl stated during the quarter that the limited number of phone calls “crushes my dad. It crushes my mom. My niece. My nephew. My niece did not want to get off that phone the other day and it hung up on her.”

Placement at Carter may fail to address underlying challenges facing families that can result in girls' involvement with the juvenile justice system. For example, a girl at Carter stated that she has ended up at Carter twice “because I don't feel safe at home, because I don't feel loved, because I'm lonely. I run away.” Another girl's family was experiencing homelessness during the quarter and in order to attend family day, they slept in their car in the Carter parking lot the night before the event because they could not afford a hotel and had to travel to the facility in advance. When girls are placed at Carter, DJS should ensure their families are connected to comprehensive support services to help address underlying causes behind juvenile justice system involvement.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the school at Carter. An increasing number of girls are arriving at Carter having already earned a high school diploma or GED or earn a GED shortly after entering the facility. During the quarter, one youth was enrolled in online community college courses. These efforts to connect youth with post-secondary education services should continue and be expanded to include vocational education and employment-oriented programming on-site and in the community. In order to help facilitate the development of needed education offerings, Carter should have its own dedicated principal position and vocational education instructor. Currently, the principal's position and time are split between Carter and another facility and hands-on vocational education in a variety of trades is not available daily due to insufficient staffing. For more information on education in DJS facilities, see the MSDE JSES section on page 46.

¹⁸ DJS 2017 Update to *Report on Female Offenders* (February, 2012)

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a maximum-security detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC with a DJS-rated housing capacity of 120 beds. African American youth represented 96% of total youth entries during the third quarter of 2017, compared to 94% at the same time in 2016.

BCJJC – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	79	92	94
1. Youth on Youth Assault/Fight	76	45	95
2. Alleged Youth on Staff Assault	9	10	12
3. Physical Restraint	104	72	123
4. Use of Handcuffs and/or Shackles	33	28	26
5. Seclusion	7	2	6
6. Contraband	1	11	5
7. Suicide Ideation	1	8	2
8. Suicide Attempt	0	0	2
9. Self-Injurious Behavior	1	1	0

Average daily population (ADP) during the third quarter of 2017 increased by 2% compared to the same time last year. The increase in population was driven by the proportion of youth at BCJJC who are facing charges in the adult criminal justice system. While the ADP of DJS-youth at BCJJC during the third quarter of 2017 decreased by 13% compared to the same period in 2016, the ADP of adult hold youth increased by 29%.

Youth facing charges in the adult system tend to have increased lengths of stay compared to youth in juvenile court which contributes to their increased representation in the overall ADP. The Department should continue working with stakeholders including the Office of the Public Defender to help reduce youths' length of stay in detention. Maryland should end the practice of automatically charging youth as adults. As long as the current practice remains, however, DJS and MSDE JSES (Maryland State Department of Education, Juvenile Services Education System [which operates the school at BCJJC]) should develop programming to help engage kids charged as adults in constructive activities during the period of months they are likely to spend waiting in secure detention. Under current limitations, youth who are charged as adults and held at BCJJC may leave detention after several months without having accessed targeted rehabilitation programming or individualized education services.

Safety and Security

While the overall ADP during the third quarter increased by 2% compared to the same time last year, fights and assaults increased by 111% and physical restraints increased by 71%. Seclusions increased from two to six. Incidents involving the use of mechanical restraints (handcuffs and/or shackles) inside the facility decreased by 7%.

Incidents involving aggression

According to administrators at BCJJC, the increase in incidents involving aggression is at least partially attributable to conflicts that exist between youth before they arrive in the facility. In other instances, conflicts develop after youth are detained and some aggressive behavior may be planned in advance (including 146782, 147207, and 146826). Staff may be unaware of these dynamics which can limit their ability to prevent issues from developing into fights or assaults. In an attempt to address these types of incidents, community conferencing workers are on-site once a week to try and address youth conflicts through dialogue circles¹⁹. Administrators at BCJJC have also increased collaboration with Boys Club staff²⁰ to help specifically target conflicts that arise during the school day. These efforts should continue and be expanded to fully meet the demand for conflict resolution services that exists on a daily basis and to help shape a positive culture at BCJJC.

Mental health clinicians at BCJJC sometimes meet individually with youth as well as deliver psychoeducation groups, covering topics including anger management and substance abuse. In one incident (147200) during the quarter, there was a serious youth on staff assault that involved a youth who had been waiting in detention for 303 days. Given the extended length

¹⁹ For an overview on dialogue circles, see:

<https://www.edutopia.org/resource/glenview-circles-overview-download>

²⁰ Boys Club is a program operated by the Boys and Girls Club of Metropolitan Baltimore that facilitates structured activities for youth detained at BCJJC.

of stay that many youth facing adult charges have at BCJJC, mental health staff should provide evidence-based anger replacement treatment programs on adult housing units.

Operational changes are also necessary to address the increase in incidents of aggression. For instance, there were several incidents that occurred when staff did not closely monitor youth or escort them when they moved on the living unit (including 146782, 146826, and 147158) and direct care staffers were not properly posted when fights occurred in incidents 146477, 146711, and 146772. In incident 146477, staffers on one shift failed to communicate issues that arose among youth during their shift to incoming staffers. Administrators and supervisors should emphasize attention to these operational details to ensure that incidents of aggression are minimized to the extent possible. Documentation reviewed during the quarter shows that administrators generally perform thorough audits of incident reports, highlighting ways in which direct care workers can improve performance to reduce incidents. These practices should continue in order to help enhance operational practices that can reduce the number of incidents of aggression.

Physical restraints

The Department's policy prohibits the use of physical restraint except as a last resort and only in situations where a youth poses an imminent risk of harm to himself or others, or is trying to escape. The policy explicitly prohibits staff from using restraints to enforce compliance.²¹

However, the Department's training does not provide direct care staff with sufficient skills to address non-compliance while avoiding inappropriate use of physical restraints. As a result, there were several incidents during the third quarter that involved physical restraints to enforce compliance (including 145386, 145394, 146195, 146401, 146129, 146723, and 146768). In some of these situations (146723 and 146768), mental health staff were not available to support direct care workers in their efforts to verbally process with youth and the youth were ultimately physically restrained.

The Department should enhance training in verbal processing for direct care staff, help develop plans for how to avoid restraints to enforce compliance, and ensure that mental health staff are available during youth waking hours to support direct care workers, particularly in situations involving youth non-compliance.

Seclusions

The Department's policy defines seclusion as "the placement of a youth in a locked individual room where a youth is kept for a period time during waking hours."²² Another policy defines a different intervention, known as social separation, as "the supervised placement of a

²¹ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

²² Md. Dept. of Juvenile Services Policy and Procedure RF-01-07.

youth in his/her room for a non-punitive 'cooling off' period of no more than 60 minutes, which provides an opportunity for a youth to calm down and the situation to defuse. The door of the room shall remain opened and unlocked."²³

In certain incidents during the quarter, video footage shows youth being placed in their cells with the doors closed and without seclusion documentation being completed (146477, 146723, 146775, and 146782). In some of these cases, video footage shows that youth were in their cells in some cases for at least 30 minutes (146477 at 146723), and in another for at least an hour (146775).²⁴ Staff witness statements in some of these incidents described the youth as being "secured" (i.e. locked) in their rooms (146775 and 146826), which is not social separation but seclusion (or de facto seclusion), yet there was no documentation showing that seclusion was being used or that the required protective observations and other protocols associated with seclusion were being followed. In other instances, it could not be determined in retrospect if youths' cell doors were closed and locked or not. Administrative and supervisory staff should pay increased attention to the use and documentation of seclusion following incidents of aggression or physical restraints and ensure that direct care workers adhere to the policy and protocols required in order to prevent unauthorized use of seclusion and protect youth when they are confined to a cell.

Staffing

During the quarter, there were several vacancies for case managers (at one point there were as many as five vacancies for case management staff). These staff play an integral role in addressing youth concerns and enhancing structure on living units in addition to operational responsibilities like managing youth phone calls. In grievance 13590, a youth's grandmother was denied entry to the facility for visitation because she was not on a list of approved family members. The youth had not been able to see a case manager to request that his grandmother be added to his list because, at the time, the case manager assigned to his living unit was also responsible for two other units. The same youth was also unable to make phone calls because without a case manager, he did not have access a specific code necessary to use the payphones on the unit.

Youth also depend on case management staffers to facilitate phone calls with their lawyers. These phone calls are especially important because in-person visits can be difficult to arrange due to lawyers' schedules and physical plant limitations at BCJJC.

The staffing situation was addressed by the end of the quarter as vacancies for case managers and supervisory staffers were being filled.

²³ Md. Dept. of Juvenile Services Police and Procedure RF-02-07.

²⁴ The exact amount of time youth spent in their cells was not always determinable because footage of an incident that was stored on a DVD only included a certain amount of time before or after the incident of aggression or physical restraint.

Education

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at BCJJC. While there is inadequate staffing throughout the MSDE JSES system, the situation is particularly acute at BCJJC where, even when every position is filled, there are not enough certified teachers when all the living units (including two ISUs²⁵ and the infirmary) are populated. As a result, youth on the ISUs typically do not have full days of school. The principal at MSDE JSES has adjusted the schedule to try and ensure youth receive teacher instruction on a daily basis, however, additional positions are essential to provide each living unit with sufficient education staff.

Additionally, as described above, a substantial proportion of youth at BCJJC are facing charges in the adult criminal justice system and have extended lengths of stay. However, the school at BCJJC—and all MSDE JSES sites—does not have distinct offerings for youth based on their projected length of stay. The result is that youth who will only stay at BCJJC for about two weeks are in class alongside youth who will be there for several months. MSDE JSES should develop a model that takes into account these varying situations to help meet the educational needs of youth in detention.

For information on education services in DJS facilities, see the MSDE JSES section beginning on page 46.

²⁵ Intensive Services Units (ISUs) are self-contained, restrictive housing units within the hardware secure facility where DJS places youth who have allegedly been involved in incidents of aggression and who are identified as needing increased supports.

Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (CYDC), 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 72 boys. African American youth represented 73% of total entries during the third quarter of both 2017 and 2016. Hispanic/Latino youth represented 11% of total youth entries during the quarter, compared to 10% during the same period last year.

CYDC – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	57	58	41
1. Youth on Youth Assault/Fight	12	32	54
2. Alleged Youth on Staff Assault	2	1	3
3. Physical Restraint	18	33	59
4. Use of Handcuffs and/or Shackles	2	8	0
5. Seclusion	0	3	19
6. Contraband	1	1	2
7. Suicide Ideation	5	4	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	0	0

Average daily population (ADP) during the quarter decreased by 29% compared to the same time last year. The reduction in population is a sign of sustained progress in reducing the inappropriate use of secure detention in Prince George's County.²⁶

²⁶ Maryland Department of Juvenile Services. Prince George's County Region Trends Fiscal Year 2016 (p.5). Available at: <http://djs.maryland.gov/Pages/Trends.aspx>

During the same time period fights and assaults increased by 67%; physical restraints increased by 79%; and seclusions increased from three to 19. Mechanical restraints were not used within the facility during the quarter.

Moving forward, staff and administrators should emphasize safety and security with an eye toward reducing incidents involving aggression. The current superintendent at Cheltenham continues to make strides at stabilizing the facility environment. A new assistant superintendent was hired during the third quarter, and facility administrators are working together to correct deficiencies in operating procedures and protocols that led to serious safety and security concerns during the first and second quarters of 2017. Efforts are also underway to foster a cohesive and functional team of middle managers.

A different contractual mental health provider, Hope Health Systems, Inc., began providing services to youth in September. Emphasis should be placed on creating a close partnership between administrators, mental health clinicians, and direct care staff to help enhance safety for youth and staff, decrease the number of aggressive incidents, and minimize the use of physical restraints and seclusions.

Staff Training on De-escalation and Positioning

The incident below indicates the need for comprehensive training on preventing incidents of aggression and minimizing the use of restraints.

In Incident 147052, a staffer who arrived on a unit noticed a youth sitting at the table with a pair of pants tied around his head. The staffer approached the youth and the two began to argue back and forth. The youth stood up and began pacing the room. The staffer followed the youth and stood face to face with him as the two continued to argue. The staffer then moved to physically restrain the youth, and they began to tussle and ended up falling on a table and then to the floor. Staff assistance was called and arrived to separate the youth and the staffer. Once separated, other workers had to counsel the staffer who was initially involved to prevent him from approaching the youth again as the youth was being placed the youth in his cell.

Administrators who reviewed video of the restraint made proper notifications to Child Protective Services and the DJS internal investigatory unit and pulled the staffer off coverage while investigations into the incident were being completed.

Staffers should receive ongoing training and coaching on how to employ verbal processing and de-escalation techniques to address youth behavior rather than relying on intimidation and physical force. Supervisors and mental health clinicians should be involved in helping staffers de-escalate situations before they lead to restrains and seclusions.

Other incidents during the quarter indicated that staff positioning themselves in closer proximity to youth may have prevented youth fights and assaults from occurring or aided in de-escalation efforts (Incidents 145758, 146070). Thorough incident reviews and audits by management should continue in order to identify staff training needs.

Programming

Administrators organized several events during the quarter. A well-attended family day event and a field day for youth were held in the large outdoor area behind the facility. The fenced-in outdoor field should continue to be utilized for recreational and programmatic purposes.

Excessive downtime for youth during after-school hours and on weekends is still an issue and should be addressed. Case managers, direct care staff, and mental health clinicians should collaborate to create ongoing structured activities. Recreation specialists should also be active in furthering recreational program development, as youth expressed interest in participating in a variety of physical exercises (such as weightlifting) in addition to playing basketball during gym time.

Music was used as a coping mechanism in the past on one unit at CYDC. Staff preloaded music on a personal music player and made it available for supervised youth use in the unit movie room. This initiative reportedly helped reduce anxiety among youth and should be reinstated and expanded to all the units.

Phone Calls

Youth receive two 10-minute phone calls per week. Many youth consistently report that the duration and frequency of the calls are not sufficient to maintain supportive family ties. The allotted time for phone calls should be increased. Youth should also be able to earn extra phone calls as an incentive.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Cheltenham. A targeted instruction program geared toward the GED test was discontinued by MSDE JSES administrators citing requirements set forth in state law.²⁷ MSDE JSES should work to address legal barriers in order to support efforts to provide individualized GED preparation for students who are eligible and interested.

Options for youth with a high school diploma are limited at CYDC. During the quarter, one youth who already had his high school diploma sat in on high school classes while another youth stayed behind on his residential unit during class time for a week. Some youth are eligible to participate in the DJS-administered World of Work program, which pays youth a wage for completing cleaning tasks around the facility. MSDE JSES and DJS should collaborate to develop relevant and consistent education programming for youth who have already earned a high school diploma.

For more about educational services in DJS facilities, see the MSDE JSES section beginning on page 46.

²⁷ See MSDE JSES section, page 48.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a maximum security detention center for boys. Hickey is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 72 beds. African American youth accounted for 81% of entries in the third quarter of 2017, compared to 71% at the same time in 2016.

Hickey – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	60	45	58
1. Youth on Youth Assault/Fight	44	38	50
2. Alleged Youth on Staff Assault	4	2	0
3. Physical Restraint	78	71	51
4. Use of Handcuffs and/or Shackles	19	5	5
5. Seclusion	18	3	14
6. Contraband	5	3	2
7. Suicide Ideation	18	4	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	0	0

Average daily population (ADP) in the third quarter of 2017 increased by 29% compared to the third quarter of 2016, while youth on youth assaults or fights increased by 32% and the use of seclusion increased more than threefold (from 3 to 14). The use of physical restraints decreased by 28% and the use of mechanical restraints within the facility remained low.

Although there was a significant increase in population during the quarter, one of the four main housing units was closed. The Department should re-open the closed unit in the event of

population spikes to ease cramped conditions, help ensure safety, and aid in the management of group dynamics.

Youth Safety

During the quarter, youth reported safety concerns to the DJS child advocate that they felt had been left unaddressed by direct care staff. Frequent check-ins with individual youth and collaboration among unit staff and with mental health clinicians and case managers can help direct care staff gauge and respond appropriately to group dynamics on the residential units at Hickey.

In grievance 13685, a youth was having issues with a second youth who he knew from his home community. The youth reported that he “told staff about [the] beef from outside the facility and asked to be moved to another unit.” He said he “made several attempts” to be moved because he did not feel safe. The two youths were eventually separated in the aftermath of a separate and unrelated incident that occurred on their unit.

Prompt measures taken at the first indication of a potential conflict proactively helps to deflate tension and prevent aggressive incidents.

In grievance 13772, a youth reported that he was being “threatened, bullied, harassed, for an ongoing amount of time and there is [a] conspiracy that I am going to be banked and that I am on contract.” He also reported that a couple of youths were “going to get him” and that he wanted to change units. The youth named two individuals that were instigating the bullying on the unit. The youth was closely monitored after the grievance was filed, and administrators indicated that they could not substantiate the allegation after reviewing video from the unit. However, the youth reported feeling better after one of the alleged instigators was removed from the unit.

Cognizance of youth interactions is vital to preventing bullying and to keeping kids safe. Unit staff should consistently engage with youth in an effort to stay aware of verbal exchanges and behavior. In addition to physical separation of youth (which may not always be feasible due to space limitations or other issues) alternative tools and techniques such as dialogue circles, community conferencing or conflict mediation should be utilized to resolve interpersonal issues.²⁸

Emergency Medical Care

In incident 145694 during the quarter, a youth in DJS care was transported from an out-of-state group home placement to the Hickey detention center by a private secure transportation

²⁸ For more information: Umbreit, M.S. Child Adolesc Soc Work J (1991) 8: 141. Available at: <https://link.springer.com/article/10.1007/BF00757555>

company. When he arrived at Hickey, he reported to staff that he hadn't eaten in three days and had no appetite. He was cleared for intake by Hickey facility medical staff and placed on a residential unit at the facility. The following morning, around 7 am, direct care staff reported to a supervisor that the youth needed to be seen by medical personnel. The supervisor responded to the unit and observed that the youth was sensitive to light, disoriented, confused, and incoherent. He also had a small bump on his forehead above his right eye.

The supervisor immediately called for medical assistance and was told by a nurse that medical could not see the youth at that time. Although the supervisor insisted that the youth receive prompt medical attention, twenty more minutes elapsed before a nurse reported to the unit to assess the youth. The nurse wanted the youth to go to the facility infirmary for further observation and evaluation. The youth was unable to walk and keep his balance at the same time. He fell to the ground and was breathing but seemingly unconscious for one minute. The youth was subsequently able to be placed in a wheelchair with staff assistance and was taken to the infirmary. He remained incoherent. He stayed in the infirmary until 10 a.m., hours after the initial request for medical attention, at which point medical staff determined that he needed to be seen at a hospital emergency room. Upon examination at the hospital, it was determined that youth was suffering from a brain hemorrhage and required immediate surgical intervention.

Medical staff should be required to respond without delay to staff requests for medical assistance during potential medical emergencies. They should also be adequately trained and sufficiently competent to recognize signs of a medical crisis and immediately call 911 in such cases. DJS personnel should be enabled to initiate a call for emergency medical services if they believe a child may be in need of emergency medical intervention.

Programming

The case management supervisor, with support from facility administration, has developed several programs for youth, including weekly book and chess clubs; wellness education classes offered through the local health department; game and bingo nights; and family engagement events. A proposal to expand access to the services offered by the Boys and Girls Club to youth at Hickey is awaiting Department approval. Efforts to create and engage a variety of programming options for youth should continue.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education services at Hickey. The education program at the facility has been restructured. Teachers and students are divided into one of two groups and instruction within the groups focuses on the core content areas of social studies, math, science, and English. Career Research and development (CRD) and office systems management (computer) classes are no longer available as a part of the decision to restructure the school program at Hickey.

Any further changes to the education curriculum should take into account the specific needs of youth charged as adults and held in secure detention at Hickey or other DJS facilities. Youth charged as adults comprised approximately a third of the population at Hickey during the third quarter. Students with adult charges typically spend several months languishing in secure detention as they wait for decisions about their cases. These youth are slightly older on average and are also likely to be further along in their education careers. Courses in vocational education and job readiness geared toward this subset of the detention population should be developed by MSDE JSES in conjunction with DJS. Youth should also have access to GED preparation courses and MSDE JSES needs to work to overcome any barriers that currently prevent the provision of these services.

There were vacancies for math, science, and social studies teachers during the quarter. An instructional assistant has been acting as a social studies teacher and a special education teacher has been covering core content area instruction until the position is filled. Half day school occurred on 5 days during the month of September due to teacher shortages. At times, classes were held on residential units rather than in the school due to staffing issues. Addressing staff shortages through comprehensive reform within MSDE JSES is necessary to help ensure youth receive education services comparable to those in schools in local communities.

For more information on education services at DJS facilities, please see the MSDE JSES section beginning on page 46.

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure detention center for girls. Waxter is operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 42 beds. African American youth represented 72% of entries during the third quarter of 2017 compared to 66% in the same period last year.

Waxter – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	35	25	19
1. Youth on Youth Assault/Fight	48	23	11
2. Alleged Youth on Staff Assault	12	8	7
3. Physical Restraint	121	52	44
4. Use of Handcuffs and/or Shackles	16	6	4
5. Seclusion	15	3	1
6. Contraband	2	1	5
7. Suicide Ideation	60	25	32
8. Suicide Attempt	2	0	0
9. Self-Injurious Behavior	6	7	4

Average daily population during the third quarter of 2017 decreased by 24% compared to the same time last year. Over the same period, fights and assaults decreased by 52%, physical restraints decreased by 15%, the use of mechanical restraints within the facility decreased by one third, and the use of seclusion also decreased. There was a 28% increase in the number of incidents of suicide ideation (from 25 to 32) and there were four instances of self-injurious behavior.

Girls in the juvenile justice system are more likely than their male counterparts to be facing significant mental health issues²⁹ and research shows that secure detention is an inappropriate environment for youth with these types of needs.³⁰ Girls in the system are also more likely to have suffered physical or sexual abuse and neglect than boys.³¹ The Department should support efforts to develop a more gender-responsive environment at Waxter by expediting the delivery of trauma-informed care trainings and ensuring that trainings are ongoing and include concrete skills for staff to employ in daily interactions with youth.

Administrators at Waxter coordinated with behavioral health staff during the quarter to initiate the delivery of therapeutic and psychoeducational groups throughout the week. According to administrators, these groups have likely contributed to a decrease in incidents of aggression as therapeutic group meetings promote a safer environment by providing youth with safe and constructive outlets for airing personal issues and processing interpersonal conflicts. Efforts to increase supportive and constructive programming should continue.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Waxter. Special education staffing has been bolstered at the facility. There was a vacancy for a social studies teacher throughout most of the third quarter that was filled by the end of September. Although MSDE JSES contracts for substitute teachers, none were provided for the social studies teacher vacancy before it was filled. Instead, the resource teacher at Waxter was required to substitute which limited her ability to fulfill other duties, including enhancing classroom instruction with technology resources available to certain JSES staff through the Unjammed initiative³². Each MSDE-JSES site should have access to short- and long-term substitute teachers so that all education staff can continue to perform their regular duties in the event of absences or vacancies. Additionally, the school at Waxter does not have sufficient internet bandwidth to utilize some technological resources that require internet access. Administrators at MSDE headquarters should ensure that each site has sufficient internet accessibility to meet the educational needs of students. For more information on education services in DJS facilities, see the MSDE JSES section beginning on page 46.

²⁹ Georgetown Center on Poverty and Inequality. "Improving the Juvenile Justice System for Girls: Lessons from the states." October, 2012. Available at: http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/jds_v1r4_web_singles.pdf

³⁰ Justice Policy Institute. "The Dangers of Detention: The impact of incarcerating youth in detention and other secure facilities." Page 8. Available at: http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf

³¹ Georgetown Center on Poverty and Inequality. "The Sexual Abuse to Prison Pipeline: The girls' story." 2015. Available at: http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

³² For more information, see: <https://www.cceas.org/unjammed/>

Alfred D. Noyes Children’s Center

The Alfred D. Noyes Children’s Center, located 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 DJS-rated capacity of 57. Youth are sometimes housed two or even three to a room depending on the number of detainees at the facility. This practice can lead to fights and assaults (incident 147174) and compromise youth safety. Population at the facility should be kept within levels that allow single occupancy housing.

African Americans represented 61% of youth entries during the third quarter of 2017 compared to 64% in the third quarter of 2016. Hispanic youth accounted for 16% of youth entries versus 22% in the third quarter of 2016.

Noyes – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	19	32	29
1. Youth on Youth Assault/Fight	6	44	31
2. Alleged Youth on Staff Assault	4	4	1
3. Physical Restraint	23	51	50
4. Use of Handcuffs and/or Shackles	0	5	11
5. Seclusion	0	3	7
6. Contraband	0	0	3
7. Suicide Ideation	0	8	17
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	10	1

Average daily population decreased by 9% in the third quarter of 2017 in comparison to the third quarter of 2016 while youth on youth fights and assaults decreased by 30% and physical restraints decreased by one (from 51 to 50). The reduction in population is a positive trend that should continue. Research shows that “well designed community programs are more likely to

reduce recidivism and improve youth well-being than institutionalization.”³³ Appropriate utilization of community based alternatives to secure detention, such as the county’s evening reporting center, should be optimized in order to keep the number of incarcerated youth to a minimum.

Incidents involving seclusions and the use of mechanical restraints (handcuffs and/or shackles) within the facility more than doubled. Restraints and seclusion are counter to the principles of trauma-informed care and their use should be curtailed.³⁴ Increased involvement of mental health staff in everyday interactions with youth and with de-escalation efforts when arguments occur can help reduce reliance on restraints and seclusion.

Family Engagement

Administrators at Noyes have made efforts to foster family engagement by adding visitation hours on the weekend and making themselves available during visitation times to respond to any family concerns or questions.

In addition to expanding visitation times, the Department should increase opportunities for phone contact with families. Kids in detention are limited to two 10-minute phone calls per week to immediate family members. Youth frequently report that restrictions on phone contact with caregivers makes it difficult to keep in touch with loved ones. At a minimum, youth requests for an additional 10 minutes of contact per call should be accommodated.

Programming

A manager was assigned to the girls’ unit to organize gender responsive programming and help mediate youth concerns. In addition, outside contractors were brought in to enhance programming for the girls, including yoga instruction and a workshop on human trafficking.

Efforts to enhance programming should be expanded to other units, especially after school and on weekends when youth are most likely to be sitting around playing cards or watching TV to pass time. Downtime is also especially pervasive when classes are cancelled on school days. MSDE JSES and DJS should have contingency plans for such situations and need to collaborate to consistently provide constructive programming within the facility.

The recreation specialist was out on maternity leave during the third quarter. A staffer volunteered to provide varied recreational activities for youth in her absence. However, this staffer is also assigned other duties within the facility which prevented him from providing consistent scheduled and organized programming for youth. The girls’ unit did not receive the legally mandated one hour of large muscle activity on a weekend during the quarter (Grievance

³³ McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. (p. 13). Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

³⁴SAMHSA National Center for Trauma-Informed Care & Alternatives to Seclusion and Restraint. Available at: <https://www.samhsa.gov/nctic/about>

13734). An active and full-time dedicated recreation specialist should be assigned to the facility to supplement programming and ensure youth are scheduled for and receive mandatory recreation time.

Food Services

An outside vendor provides meal service to the youth at Noyes. Youth and staff continue to consistently report issues with the quality and small portion size of the food served. Common concerns among youth about the food include it being unseasoned, bland, undercooked (including meat) and cold. Weekends are especially problematic because youth are often served bagged breakfasts and lunches instead of hot meals. The Department should either ensure that the food service provider substantially increases food quality and quantity, or DJS should contract with a different vendor who is prepared to offer appropriate service throughout the week including flavorful meals that are adequately portioned so that kids don't go hungry.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Noyes. There were ongoing vacancies for a guidance counselor and math, science, social studies, and computer teachers during the quarter. Classes were cancelled or youth stayed on residential units to complete packets of work on a frequent basis due to education staffing shortages. Comprehensive reform within MSDE JSES is needed to address the persistent disruption of education-related services for students.

A youth who had graduated high school before coming to Noyes was able to enroll in online community courses through a partnership with Frederick Community College. Post-secondary opportunities for youth at Noyes should continue to be expanded, and the DJS-sponsored World of Work program should also be made available at the facility.³⁵

For more information about educational services in DJS facilities, see the MSDE JSES section beginning on page 46.

³⁵ The World of Work program, available at some DJS-operated detention and committed placement sites, allows youth to earn a wage while performing odd jobs within the facility.

Lower Eastern Shore Children’s Center

The Lower Eastern Shore Children’s Center (LESCC) is a hardware secure detention center located in Salisbury. LESCC is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 18 boys and six girls. African American youth represented 80% of entries during the third quarter of 2017, compared to 78% during the same period in 2016.

LESCC – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	19	17	16
1. Youth on Youth Assault/Fight	6	14	5
2. Alleged Youth on Staff Assault	4	1	2
3. Physical Restraint	23	24	31
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	2
6. Contraband	0	1	1
7. Suicide Ideation	5	12	3
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population decreased by 1 (from 17 to 16) during the third quarter of 2017 compared to the third quarter of 2016. The number of youth fights and assaults decreased significantly during the same time period while the number of physical restraints increased. Mechanical restraints were not used within the facility during the quarter, and seclusion was used twice.

Close collaboration between administrators, direct care, dietary staff, education personnel and mental health clinicians contributes to the safe and supportive environment at LESCC. Mental health clinicians respond to incidents as they arise in order to aid direct care staff in de-escalating crisis situations. The recreation specialist has initiated several ongoing events to engage youth.

Current enrichment programming should be supplemented with more access to the small outdoor area and efforts should be made to add greenery in the space available to create a calming environment. Youth also report that access to music players would help them feel less stressed.

Toilets in the youth bathrooms at LESCC should be changed from porcelain to stainless steel. Porcelain toilets are a security threat as they can be broken and the shards used for self-harm or to hurt others.

For information about educational services in DJS facilities, see the MSDE JSES section beginning on page 46.

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 61% of total entries in the third quarter of 2017 compared to 69% in the third quarter of 2016.

WMCC – Selected Incident Categories	Q3 2015	Q3 2016	Q3 2017
Average Daily Population (ADP)	20	20	20
1. Youth on Youth Assault/Fight	4	14	10
2. Alleged Youth on Staff Assault	0	0	0
3. Physical Restraint	5	24	19
4. Use of Handcuffs and/or Shackles	1	4	2
5. Seclusion	0	1	0
6. Contraband	0	2	1
7. Suicide Ideation	2	7	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	1	0

The average daily population remained constant (at 20) in the third quarter of 2017 compared to the third quarter of 2016. During the same time period, youth fights and assaults and the use of physical restraints decreased. The use of mechanical restraints within the facility decreased by half (from 4 to 2). Seclusion was not used during the quarter. Administrators and direct care staff at WMCC worked together effectively to minimize incidents of aggression and the use of restraints.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at WMCC. The school consists of two main classrooms, and as a result, youth on two of the three units attend class together during the school day. At times during the quarter, there was conflict among some youth on different units. During these periods, youth from the units concerned attended school on a rotating basis throughout the day. While not in school, youth stayed on the unit and were given worksheets to complete. Teachers should be made available to provide instruction (rather than deliver worksheets) on the units if youth are restricted to a residential unit during the school day. Professional community conferencing services, available at other detention and committed placement sites, should be expanded to WMCC to enhance the ability of direct care and education to mitigate group conflict.

During the quarter, there was a vacancy for a Social Studies/English teacher. The vacancy has been filled as of time of writing (October 2017).

For more about education services in DJS facilities, see the MSDE JSES section beginning on page 46.

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

Liberty House Shelter – NOTICE OF CLOSURE

Liberty House, a shelter care facility in Baltimore City operated by Youth Enterprise Services, Inc., and licensed by the Maryland Department of Juvenile Services (DJS/the Department), closed during the first quarter of 2017. Liberty House was a safe, less restrictive alternative to secure detention and housed up to 10 boys between the ages of 13 to 18 years old in a home-like environment.

Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore and is operated by Vision Quest, Inc. Morning Star is licensed by DJS to house up to 24 boys. All direct care staff are trained to implement the Sanctuary model, a trauma-informed treatment modality, in their daily interactions with youth. In addition, youth receive group and individual therapy by facility clinicians and outside contractors. An equine program supplements therapeutic programming. Several youth reported that their length of stay was extended at the facility for reasons they didn't understand. In addition to therapeutic services, treatment and direct care staff should meet with youth individually on a weekly basis in order to review youth progress in the program.

Efforts to foster staff development and enhance communication between administrators and direct care staff should continue. In addition, recruitment incentives should be offered to attract and retain a pool of qualified direct care workers that are able to skillfully implement the facility's treatment program.

Education services are provided by an external vendor. Paid vocational opportunities both on and off campus should be available to youth to supplement educational programming. Youth engage in physical recreation both on- and off-site. The amount and variety of recreational and enrichment activities should be expanded as youth have voiced concerns about excessive downtime on weekends and after school.

One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. The program accepts adjudicated male youth between the ages of 16 and 20 years old and is geared toward preparing youth to successfully transition into adulthood. One Love provides youth with individualized attention in a nurturing environment. Youth either attend school or work in the surrounding area. Youth access local community resources for recreational and therapeutic services which are tailored to a youth's needs.

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for providing education services to youth in each of the 13 facilities—both detention and committed placement centers—operated by the Department of Juvenile Services (DJS).

While MSDE JSES staff who are on-site in DJS facilities work to try and meet the needs of youth who are in detention or committed placement, the structure of the system is insufficient to support their efforts. MSDE JSES administrators have sought to make some changes with respect to certain issues facing the system of education in DJS facilities, however, the overarching problems behind those issues persist and prevent youth in need of the most supports from consistently receiving even the most basic schooling services on a daily basis. Given the important impact that education services can have on reducing recidivism³⁶, the quality and availability of education services in DJS facilities is a critical component of the Maryland juvenile justice system.

In light of ongoing issues within the current system as detailed in the following paragraphs, stakeholders should evaluate the feasibility of MSDE JSES continuing to maintain responsibility for education services within DJS facilities. Other alternatives that have been successful in different jurisdictions elsewhere in the country should be considered and developed as appropriate. These alternatives could include shifting responsibility for education services in juvenile justice facilities to local school systems or charter schools.³⁷

MSDE JSES LACKS THE INFRASTRUCTURE OF A FUNCTIONAL SCHOOL SYSTEM

The Maryland State Department of Education exists primarily to serve regulatory and administrative functions with respect to various education systems throughout the state. This role does not include the direct provision of education services except through MSDE JSES. As a result, MSDE JSES lacks the infrastructure necessary to provide the level and type of education services that youth in DJS facilities need. For instance, MSDE JSES lacks its own procurement and human resources departments which encumber the processes of attaining contracts for needed educational programs and hiring teaching staff.

Additionally, funding from the state for MSDE JSES is not grounded in the needs of youth in the deep-end of the juvenile justice system. Additionally, staffing and resources across MSDE JESS schools are not effectively based on the realities of each particular site or distributed accordingly. For example, even when fully staffed, there are not enough teacher positions at the

³⁶ National Juvenile Justice Network. "Improving Education Outcomes for Youth in the Juvenile Justice System." March 2016. Available at: <http://www.njjn.org/our-work/improving-education-for-youth-in-juvenile-justice-snapshot#hub-ed3>

³⁷ Elly Yu, "Models for Juvenile Justice Schools," April 28, 2014, Juvenile Justice Information Exchange. Available at: <http://jjie.org/2014/04/28/models-for-juvenile-justice-schools/>

Baltimore City Juvenile Justice Center to cover every living unit that may need education services. Several other facilities rely on the same single instructional assistant who travels to MSDE JSES schools across the state to deliver introductory level courses in construction and workplace safety. However, the same instructional assistant is often unavailable due to demands that he provide coverage in cases of teacher absences or vacancies at other MSDE JSES sites. The MSDE JSES staffing plan also does not provide every school with a dedicated principal position; some principals are required to split their time between two sites.

All MSDE JSES employees are state employees who must work year-round schedules, unlike teachers in local school systems. Salaries for MSDE JSES teachers are not competitive with the highest paying school jurisdictions in the state and fail to account for the challenging and resource starved environment that MSDE JSES staff face.

The systemic shortcomings of MSDE JSES (see below) add further to the difficulties of efficient functioning of education services in a juvenile justice setting. These issues have created a severe and persistent problem with hiring and retention at MSDE JSES with high turnover of principals and staff across the state that continues to limit the availability of education services to youth. The implementation of contracts with outside vendors to provide substitute teachers has been a step in the right direction but the contracts have not always resulted in availability of substitute teachers at every site. Some sites in rural western Maryland, for example, could not find substitutes when they needed them during the third quarter of 2017.

MSDE JSES LACKS A SYSTEM THAT IS RESPONSIVE TO THE EDUCATION NEEDS OF DJS YOUTH

The nature of the juvenile justice system requires a specialized approach to schooling that incorporates the education needs of the youth and the realities of the system. There is a wide range of education needs among youth at a variety of levels: in the entire system, within particular facilities, and on individual living units (which, rather than grade level, often determine the composition of the classroom). The configuration and purpose of different facilities – detention versus committed placement, for example – also require further specialization of approach to education based on varying security concerns and lengths of stay. In some cases, education-related laws³⁸ can impede rather than facilitate the effective delivery of individualized education services to youth in MSDE JSES schools. The result is that many youth in the deep-end of the juvenile justice system do not receive the education services that they need while they are in detention and committed placement centers.

Rather than develop a proactive and creative approach to addressing these structural issues and advocating for changes in the law and more resources when needed, MSDE JSES

³⁸ ED ART. 8-501 THROUGH 8-507 prohibits students from being enrolled in two schools at once. This restriction can create barriers to smooth transitions between schools in the community and MSDE JSES sites. COMAR 13A.05.11.03B and COMAR 13A.03.02 – discussed below, prevent MSDE JSES from offering a distinct GED preparation program for youth in MDSE JSES schools.

has continued to maintain an inadequate status quo with some exceptions. While important gains like giving youth access to online community college courses have had significant ramifications for some students, systemic issues have remained unaddressed. For instance, a DJS youth entering a short-term detention center, is unenrolled within days from her/his community school and enrolled in core content classes at the MSDE JSES school. This process is required by state law. However, if the youth does not spend a certain minimum number of days in detention, which DJS data shows the average youth is unlikely to do, she/he has no opportunity to earn credits and also (under the current system) no other option for constructive educational gains—such as intensive assessment and skill building—during the period of detention. There are also problems for youth transitioning out of MSDE JSES schools. Upon a transition from a facility to the community, a youth cannot enroll at a local school until unenrolled from the MSDE JSES school which must come after leaving the DJS facility. This stipulation can create a delay of days or weeks before a youth can resume classes in a community-based school.

Some youth enter DJS facilities well situated and motivated to take the GED exam rather than trying for more high school credits toward a diploma. However, state law³⁹ requires that youth enrolled in school must be registered for credit-bearing classes and therefore students who want to study to take the GED have to sit in regular high school classes rather than receive instruction tailored to helping them prepare for the GED exam. Additionally, once youth at MSDE JSES schools have earned a high school diploma or GED, they do not necessarily have access to post-secondary education or programming geared toward career preparation. Online classes are currently only available at the beginning of a community college's semester and hands-on vocational education courses leading to certification are not available on a daily basis at each site.

MSDE JSES is not succeeding in its mission due to limited resources and other constraints and is not currently able to address the diversity of youths' education needs. Kids in the juvenile justice system are in need of education services that can be individually tailored to help support their rehabilitation – they do not benefit from limitations that set them back or create impediments to success in school. Stakeholders across the state should prioritize and ensure implementation of the changes necessary to improve the delivery of education for youth in the juvenile justice system.

Systemic shortcomings in education services at DJS facilities should be addressed without further delay, whether it is decided that these vital services are delivered by MSDE JSES or another entity.

For more information on education-related services, refer to the table of contents for individual facility reports.

³⁹ COMAR 13A.05.11.03B and COMAR 13A.03.02

MARYLAND DEPARTMENT OF JUVENILE SERVICES - RESPONSE



DEPARTMENT OF JUVENILE SERVICES RESPONSE TO

JJMU 2017 3rd QUARTER REPORT

The Department of Juvenile Services has reviewed the JJMU's third quarter report for 2017 and provides the following response.

Training of All Facility Staff in Trauma Informed Care

All staff in department committed facilities has been trained in trauma informed care, and all staff in detention is scheduled to complete training in December 2017. The comprehensive, evidence-based training gives staff important tools to assist youth whose past trauma affects their daily life, including contributing to their contact with the juvenile justice system. The training was provided by the National Association of State Mental Health Program Directors (NASMHPD), leaders in the field of trauma informed care who have been utilized by juvenile justice-involved and behavioral health agencies across the country.

The department's committed placement facilities recently concluded NASMHPD training with all case managers and behavioral health staff in a specific group intervention known as Trauma, Addictions, Mental Health and Recovery (TAMAR). TAMAR is a 15-week program for youth that combines psychodynamic therapy with expressive art therapy and psychoeducational techniques. Behavioral Health staff and case managers facilitate weekly groups for TAMAR. Additionally, a group of case managers and behavioral health staff have been trained as trainers of TAMAR, deepening the department's ability to provide these services to youth.

Implementing significant trauma informed care training and the TAMAR program within the department's facilities equips our staff with important skills they need to assist youth. It has further strengthened the treatment and therapeutic services provided to youth and our efforts to provide youth the tools they need to make better choices in their lives.

CHALLENGE is a Behavior Management Program similar to those utilized by Schools and in Residential Programs; Trauma Informed Care and Therapeutic Treatment by Clinicians provide individualized services to address the needs of each youth.

The foundational principles of CHALLENGE, the department's behavioral management program, are evidence-based, supported by clinical research, and have been successfully implemented in residential and educational settings. The purpose of the CHALLENGE Program is to provide a structure and safe environment for other treatment programs to be administered. The CHALLENGE Program not only serves as a system of positive reinforcement of prosocial behavior using a point system throughout the day, it also incorporates multiple levels which are tied to achievement in academic and treatment goals. The entire foundation of CHALLENGE is built upon providing positive encouragements and rewards to reinforce desired behavior while teaching new skills.

In addition to behavior management, multiple interventions are necessary to comprehensively address the service needs of our youth. These include group and individual therapy, anger management, trauma and substance abuse services, education, recreation, and medical services. Treatment services are individualized for each youth. A multidisciplinary treatment team uses youth social, educational, and psychological assessments along with input from the community case manager, the youth, and the youth's parents to develop an individualized treatment plan. Treatment services are provided by trained clinicians, and educational services are provided by the Maryland State Department of Education. Each youth's progress is reviewed by the treatment team monthly, and modifications are made to the youth's individualized plan as needed.

Committed Facility Responses

Victor Cullen

Victor Cullen is a hardware secure program that provides the highest level of committed programming for boys in the state. Youth placed at Victor Cullen are highly impulsive, pose the highest safety risk to the community, and many have been ejected from other placements. Youth who cannot be successfully served at Victor Cullen must be placed out of state. Therefore, the department makes every effort to develop individualized programming and to employ interventions to assist these youth in developing self-management skills, while ensuring safety and security for all youth and staff, and public safety.

Utilization of an Intensive Services Unit (ISU) is an essential programming component needed to separate youth who assault peers and staff while placed in the general population. The ISU provides a smaller setting where youth are provided additional supports from behavioral health and direct care staff to teach problem-solving and coping skills. During this quarter, several highly aggressive youth were removed from the general population and placed in the ISU for incidents of peer assaults and assaults of staff. While these youth were housed in the ISU, they continued displaying aggressive behavior by kicking in doors in order to breach security and assault other peers. These youth also physically assaulted staff who attempted to intervene in these incidents. As a result of this escalation of behavior while on the ISU, the Victor Cullen staff employed seclusion and the use of mechanical restraints to address the behavior.

While seclusion was a required and appropriate intervention in this instance, its implementation violated departmental policy and procedures specifically regarding authorization and

documentation of youth's behavior while secluded. The department has also determined that the decision by Victor Cullen management to retroactively complete seclusion documentation was an unacceptable management decision. The newly installed management team has received additional training in the department's policy and procedure for implementation of seclusion and the department's seclusion policy has been reinforced with all Victor Cullen staff. Additionally, all staff performance issues have been addressed. Corrective action has included on-sight executive oversight and support of daily facility operation. To address the security breaches caused by youth kicking doors in, the department is procuring enhanced replacement locks for installation.

The department is committed to enforcing operating policy and procedures that prohibit the use of seclusion as punishment, and that requires the removal of youth from seclusion when they have demonstrated self-control. In FY17, 97% of all incidents of seclusion at Victor Cullen averaged four hours or less. The department requires that all incidents of seclusion be reviewed by facility management for compliance with operating policy and procedure. Executive directors at headquarters monitor the use of seclusion and are required to review and approve all instances of seclusion that exceed four hours in duration.

A review of system-wide data shows that the department's programming and training of staff has supported the reduction of seclusion from 857 incidents in FY12, to 158 incidents in FY17, a reduction of 81%. Ninety-five (95%) percent of all incidents of seclusion in FY17 occurred for a period less than four hours.

Staff involved in incident 146970 responded inappropriately to a youth slapping a female staff member in the face. The youth complained about a consequence that he received for not being fully dressed. During his discussion with the female staff, the youth became aggressive. Staff responded inappropriately and neither of these two staff continues to be employed by the department. Victor Cullen administration contacted the Maryland State Police, Child Protective Services and the Office of the Inspector General for further investigation.

The department continuously evaluates resources and treatment services at Victor Cullen. All staff have recently received trauma informed care training. Behavior Health and case managers have completed training in TAMAR, a group therapy component to address individualized trauma needs of youth. Comprehensive evidence based services for substance abuse and anger management are provided to youth in addition to individual therapy. A therapist is assigned to each unit of 14 youth. Additional programming to address conflict resolution skill building is provided by Community Conferencing, a private vendor. Substance abuse treatment is provided through implementation of 7 Challenges, an evidence based substance abuse program that provides up to three hours of group counseling per week. All youth participate in up to two hours each week of Social Skills Training and Aggression Replacement Techniques (START) to assist youth in developing coping and anger management skills. Each youth at Victor Cullen is assigned an individual therapist and receives therapy services weekly.

Victor Cullen recently implemented a *Culinary Camp*, taught by the Food Service Administrator, with a focus on healthy eating and cooking.

During the quarter, Victor Cullen encountered a high number of direct care staff vacancies. The department has supplemented staffing at Victor Cullen by deploying staff from Savage Mountain Youth Center, which is currently closed for renovations. The Recruitment Unit is actively recruiting to fill the vacancies.

Youth Centers

The department takes every instance of suicide ideation with the utmost seriousness and acts immediately to increase supervision by assigning one-to-one supervision to youth. Suicide ideation increases can be contributed to a small percentage of youth. Half of the reported suicide ideation incidents were attributable to three youth at one Youth Center. Each Youth Center has sufficient behavioral health staff to address the needs of the population. There are at least four behavioral health positions at each Youth Center and behavioral health clinicians are available on-call 24 hours per day.

The Youth Centers participate in a variety of structured activities, both recreational and educational. The youth have a daily schedule to include six hours of school, therapy groups, individual therapy sessions and recreation time. In addition, the Youth Centers participate in intermural competitions to include soccer and basketball. Youth also have the opportunity to participate in hiking, biking, swimming and canoeing. Youth are active in the community volunteering at the local animal shelter and participating in church activities.

J. DeWeese Carter Center (Carter Center)

Youth who are eligible participate in community outings that have therapeutic and/or educational value. Youth at the Carter Center have participated in swimming at the Kent County Community pool, and camping at Meadow Mountain.

The Department strives to ensure that families and caretakers receive opportunities to engage with youth in detention and committed treatment facilities. As referenced in the JJMU report, a family traveling for a long distance reportedly slept in their car to be able to attend the event. Once Carter Center staff became aware of the family's hardship, they provided hotel accommodations for the family's next visit. Additionally, the Superintendent, at her own expense, purchased clothing for the mother and two children. This is a great example of DJS staff going above and beyond their required duties to support DJS youth and their families.

Detention Facility Responses

Baltimore City Juvenile Justice Center

The department identified and reported concerns regarding the extended lengths of stay in detention for youth charged as adults in Baltimore City in the DJS Response to the JJMU's 2017 First Quarter Report. The department is working with its partners on the Juvenile Detention Alternative Initiative

(JDAI) Committee to address factors impacting the longer lengths of stays for youth charged as adults housed at BCJJC.

As stated in the department's previous responses, the JJMU comparison of data by year does not accurately reflect the characteristics of the current population. A comparison by quarter provides a more current and accurate analysis of the population. When comparing the second quarter to the third quarter of 2017 the incidents of youth on youth aggression increased by four (4) incidents.

Interventions to address the acts of aggression have included the use of de-escalation, more intensive services, separation of youth from the general population through placement in the Intensive Services Unit (ISU), Community Conferencing to address peer conflict, counseling provided by behavioral health staff, and mentoring services provided by the Boys Club staff. Management has addressed the use of personal restriction, seclusion, and required documentation; even when the seclusion was for a brief period of time.

All case management vacancies were filled during this quarter. During the time that the positions were vacant, duties were reassigned to other staff to avoid an interruption of services. The facility has developed procedures to ensure that all newly admitted youth receive phone privileges without a delay.

The facility accommodates all requests for attorneys to meet and/or talk with youth.

Cheltenham Youth Detention Center

Formal and informal de-escalation training for staff is ongoing. The incidents reported by the monitor have been reviewed by management and corrective action has been taken to address staff performance and operational issues.

The newly installed management team is working to expand activities and programming for youth. Newly developed activities include a book club, life skills program, weekly basketball tournaments, and ceramics.

Charles H. Hickey Jr. School

Renovations of the living units at Hickey are complete. The three open units have more than adequate capacity to safely house the population. The department continuously monitors the population of facilities and the staffing needs. As deemed necessary, positions may be reallocated to different locations. One direct care position was reassigned from Hickey during the quarter. The closed living unit at Hickey will be re-opened when needed.

Incident #145694 involved the admission of a youth who was apprehended in Ohio pursuant to a court Order and transported to Hickey. The youth was cleared to travel by a physician in Ohio. As a result, the seriousness of the youth's condition was not and could not have been known at the time. The staff responded to the symptoms they observed and determined that the youth required placement in the

facility medical center for additional observation and medical care. After assessment and continuous monitoring, the RN consulted with the on-call physician who referred the youth for hospital emergency care.

Thomas J.S. Waxter Children's Center

For a description of DJS's trauma informed training for all staff, please see the introduction section of this report.

Alfred D. Noyes Children's Center

For a description of DJS's trauma informed training for all staff, please see the Introduction section of this report.

Management continues to review all incidents of restraint and the use of seclusion to ensure adherence to departmental operating policy and procedures. Formal and informal training in de-escalation techniques is ongoing.

A staffer was assigned full time to cover the recreation specialist vacancy. Recreation was cancelled one weekend during the quarter due to the level of conflict and fights among the eight girls on the unit. In addition to fights and a group disturbance, the youth refused to attend recreation.

The provision of food service by a vendor is continuously monitored by the Director of Food Service to include on-site tastings of prepared food. Serving size portions for breakfast and lunch meals are regulated by the Federal Child Nutrition Program. Youth are provided larger portions for the dinner meal, and an evening snack. While the food service vendor for Noyes recently experienced staffing issues, the only impact was the early breakfast meal. The staffing issues have been resolved and the youth are now receiving hot meals for breakfast.

Silver Oak Academy (SOA)

Silver Oak Academy (SOA) – As Submitted by Silver Oak Academy

1. During the quarter, several youth reported a change in culture at Silver Oak which centered on perceptions of allegedly unfair treatment by staff.

Response: We defined the code of conduct infractions (identifiable point deductions for inappropriate behaviors) and we trained and educated all staff and students on the process on October 2, 2017.

2. This perception of change in culture was reflected in an increase in the number of physical restraints during the third quarter of 2017. While the average daily population of DJS youth decreased by 34%, there was a 25% increase in physical restraints involving DJS youth

Response: We maintained average daily population with out of state youth. The increase in restraints was due to increased expectations, new staff adjustment, and strong negative leaders in the student culture.

3. There was also, according to youth, a change in the nature of some physical restraints. In some

incidents, youth alleged that staff performed physical restraints to enforce compliance (IR#146423) and/or inflict pain (IR#145813).

Response: We continue to use the safe crisis management technique approved by DJS.

4. During the quarter, allegations of abuse or staff misconduct stemmed from several incidents involving physical restraints.

Response: The incidents were reviewed and in some cases where staff did not follow procedures, staff were disciplined.

5. Silver Oak does not have a comprehensive surveillance camera system and many incidents occurred in areas of the facility without camera coverage.

Response: We have uploaded a camera in the administration hall adjacent to the refocus rooms but there are other areas that do not have cameras.

6. Video footage of all incidents that occurred during the quarter was not routinely saved for review unless administrators deemed it problematic.

Response: We have created a policy for review of all restraints by the Safe Crisis Management (SCM) certified instructors and all restraints are saved to external drive.

7. Youth also reported that the change in culture which they perceived at Silver Oak was connected to inconsistent or unpredictable implementation of the code of conduct.

Response: We defined the code of conduct infractions (identifiable point deductions for inappropriate behaviors) and we trained and educated all staff and students on the process on October 2, 2017.

8. On monitoring visits during the quarter, youth detailed situations where they believed their status or progress in the program was undermined by point losses or and without notice to the youth. These changes can set youth back in the program drastically, thereby increasing length of stay by weeks or months while also discouraging and frustrating youth.

Response: Students are given the opportunity to see their FFA daily. They are also given the opportunity to see their points daily in the 2:30p.m. group meeting. Students were educated on the process of making a commitment that would give them back points lost within 24 hours.

**MARYLAND STATE
DEPARTMENT OF EDUCATION
- RESPONSE**



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December 8, 2017

MSDE Response to the Juvenile Justice Monitoring Unit's 2017 Third Quarter Report

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2017 third quarter report in relation to the provision of educational services within the Department of Juvenile Services' (DJS) residential facilities.

Portions of the main section of the report, as well as, a section specifically addressing education in the committed placement centers and detention centers discuss educational services for students. The MSDE Juvenile Services Education System (JSES) has continued to place concerted effort and focus during the third quarter of 2017 on recruitment and hiring of certified staff to provide direct instruction to students. The MSDE JSES acknowledges the dilemma of three difficult to hire teaching areas – Special Education, Career and Technology Education (CTE), and Math. The MSDE JSES, working with the Office of Human Resources (HR) continues to have open and continuous recruitment for all professional staff offering a sign on bonus as an incentive to hire new certified teachers. In addition, the MSDE JSES provides a retention bonus for current professional staff as an incentive for educators to continue employment with JSES.

The MSDE JSES has taken the following actions to align the instructional program to meet the Maryland College and Career Readiness Standards:

- Provide teachers with professional development in their content areas
- Expedited the hiring process
- Increased resources for libraries
- Fully implemented the student information data system
- Implemented self-monitoring for special education
- Contracted with two vendors for substitutes
- Work with the University of Maryland strategic plan monitor in order to improve systems and structures.

Committed Placement Centers

Victor Cullen Center

The MSDE JSES acknowledges that Victor Cullen Center (VCC) had teacher vacancies during the third quarter however; JSES has aggressively recruited, streamlined the hiring process, and reduced the teacher vacancies to one. The statement “there is no hands-on vocational education consistently

available at VCC....” is inaccurate. During the third quarter, VCC had a full time CTE teacher and students completed credit-bearing coursework in Construction Core for the entire third calendar quarter with nine students earning credit toward meeting graduation requirements. The JJMU reports includes a student statement that teachers would come about 6:30 a.m. and drop off school work. This statement is not accurate. Staff sign into school at 7:30 am. Educational services to students on the Intensive Services Unit (ISU) are provided by teachers who are scheduled to report to the ISU. This process is a component of the regular school schedule.

Youth Centers

The JSES acknowledges the vacancies in the Youth Centers during the third quarter due to difficult to fill subject areas, location, and staff illnesses. With the temporary closing of Savage Mountain Youth Center, the reassignment of teachers has allowed JSES to relocate staff to fill some of the vacancies at the Youth Centers. Substitute teachers at the Youth Centers have been a challenge for the two vendors due to the location of the centers however, substitutes have not been needed since the addition of Savage staff and classes have not been cancelled. The MSDE JSES working with the Office of Human Resources (HR) has developed a system to prioritize hiring processes for specific Youth Centers.

Detention Centers

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) currently has two vacant teacher positions. The MSDE JSES is actively recruiting for both positions. Instruction is provided for all classes including both ISU units through scheduling of regular teacher and special education teachers. The MSDE JSES offers courses at all centers that meet the state’s graduation requirements. The JJMU report states “and all MSDE JSES sites does not have distinct offerings for youth based on their projected length of stay”. The JSES student portfolio policy addresses the student’s length of stay by delineating the requirement based on the amount of time at the facility.

Cheltenham Youth Detention Center

The JJMU report states, “MSDE JSES should work to address legal barriers in order to support efforts to provide individualized GED preparation for students who are eligible and interested.” The MSDE JSES offers students of appropriate age the opportunity to participate and work toward their preferred goal if it is the obtainment of a GED. The MSDE JSES has obtained a waiver of the compulsory school attendance requirements from the State Superintendent. The waiver permits students under the age of 18, who are enrolled and attending a JSES educational program, to have the opportunity to take the GED test. The process allows students to work on their GED and keeps students engaged in the classroom because the GED was revamped to align with the Common Core Standards. Having a dual track allows students the opportunity to continue the skills necessary to successfully pass the GED while having the ability to continue to work toward a traditional high school diploma. This process is beneficial to students as a safeguard in the event that they are not successful with passing the GED assessment. For students who transition to their local school system, the dual track allows the student to

continue with their graduation trajectory due to the fact that local school systems do not offer GED programs. The dual track that MSDE JSES offers continues to provide students with options.

Charles H. Hickey Detention Center

One third of the population at Hickey is “youths charged as adults” and several adjustments to the schedule have been made to accommodate this student population. Schedules with core classes were created for students because the majority of students enter the center with electives earned, but are deficient of credits in math, English, science, and social studies which are required for promotion and graduation. Students continue to receive basic skills and career research development is built into the core classes. For example, students can learn the Microsoft suite of products in their science class by using Word to complete a research paper, PowerPoint to do a presentation, and Excel to track and chart the data from an experiment.

Several of the staffing issues at Hickey were due to FMLA requests. Vacancies were filled with substitute teachers to ensure a full day of instruction for students. Two substitute teachers are working at Hickey to support instruction until staff is hired to fill open positions.

Thomas J.S. Waxter Children’s Center

The MSDE JSES acknowledges the social studies vacancy at Waxter. By the time Waxter had access to a general education substitute during the third quarter, the position was filled. Teachers involved with Unjammed initiatives are regular classroom teachers, who are incorporating Unjammed resources and technology into their current lesson planning. The school administrator worked with the resource teacher and developed a schedule to implement the Unjammed initiative in the social studies classroom during the second half of the third quarter. A resource teacher’s job is to provide support to as school as needed for long and short term vacancies, enhancing instruction and co-teaching and is not limited to one content area. The MSDE headquarters staff continue to work with the Department of Information Technology (DoIT) in procuring additional bandwidth for the school to support the Unjammed initiative and instruction.

Alfred D. Noyes Center

The MSDE acknowledges the vacancies at Alfred D. Noyes Center and because of the vacancies has provided three substitute teachers during the third quarter. As of the writing of this report Noyes has a full time guidance counselor.

Maryland State Department of Education in DJS Facilities

MSDE JSES LACKS THE INFRASTRUCTURE OF A FUNCTIONAL SCHOOL SYSTEM

The MSDE JSES is not considered a local school system like the twenty four Maryland Local Education Agencies (LEAs). The Maryland State Legislature formed the MSDE JSES as a program to educate students committed to the Maryland Department of Juvenile Services (DJS).

The MSDE JSES agrees that staffing issues continue to be an area of focus for the MSDE JSES schools. The MSDE JSES devotes human resources and attention to diligently work with the Office of Human Resources (OHR) to screen, interview, and hire qualified applicants. The MSDE JSES placed a concerted effort and focus during the third quarter of 2017 on recruitment and hiring of certified staff to provide direct instruction to students. The MSDE JSES acknowledges the dilemma of three difficult to hire teaching areas - Special Education, CTE, and Math. The MSDE JSES, in conjunction with HR, provides opportunities for continuous recruitment for all professional staff and offers a sign on bonus as an incentive to hire new certified teachers. The HR department has advertised using the following venues: The Washington Post, Journal of West Virginia, Salisbury Daily Times, Frederick News Post, Cumberland Times, Pennsylvania Media Group, Baltimore Sun, Journal and Shepherdstown Chronicle, Hagerstown Herald Mail and the internet. Additionally, the MSDE JSES has hired a human resource liaison staff member who is dedicated solely to JSES.

MSDE JSES LACKS A SYSTEM THAT IS RESPONSIVE TO THE EDUCATION NEEDS OF DJS YOUTH

The MSDE JSES provides the same Maryland College and Career Readiness Standards that are provided to all students in public schools in the state of Maryland. The JJMU report states, "If the youth does not spend a certain minimum number of days in detention, which DJS data shows the average youth is unlikely to do, she/he has no opportunity to earn credits and also (under the current system) no other option for constructive educational gains-such as intensive assessment and skill building-during the period of detention". Credit accrual is based on mastery of content and not the number of days a student is enrolled in school. Students who are enrolled in a detention facility are enrolled in courses which they were enrolled in while attending their community school in order to support the student's graduation trajectory. Students work on skill building, comprehension, and knowledge within the classroom setting, similar to educational activities provided in their community school. Any gaps in content would be detrimental to students who are already behind their peers academically.

The JSES is currently piloting a new reading, language, and math assessment that will identify students' current levels of performance. This assessment is used statewide and will provide teachers with knowledge to provide appropriate levels of instruction.

According to the Code of Maryland Regulations, students cannot be enrolled or show as active in more than one school at a time. The process for enrollment includes the process for withdrawal. The MSDE JSES facilitates a student's withdrawal once notified the student is to be released. The Maryland State

Records Manual requires a Maryland State records document be completed as part of the withdrawal procedure. This exit document is written notification that the student has formally withdrawn from the previous school. It is not a JSES stipulation but an enrollment procedure for every LEA in Maryland.

The MSDE JSES has obtained a waiver of the compulsory school attendance requirements to permit students under the age of 18, who are enrolled and attending JSES's educational programs to have the opportunity to take the GED test. The process allows students to work on their GED and keeps students engaged in the classroom, since the GED was revamped to align with the Common Core Standards. Having a dual track allows students the opportunity to continue learning skills necessary to pass the GED while having the ability to continue to work toward a traditional high school diploma. This process is beneficial to students as a safeguard in the event that they are not successful with passing the GED assessment. For students who transition to their LEA, the dual track allows students to continue with their graduation trajectory since local school systems do not offer GED programs. The dual track that MSDE JSES offers continues to provide students with options.

The MSDE JSES has an agreement with Frederick Community College to offer courses to all students within MSDE JSES who have earned their high school diploma or GED. The JSES provides students the opportunity to enroll in credit bearing courses or continuing education courses. All community colleges offer courses based on semesters and JSES must enroll students during the established enrollment period.