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**JUVENILE JUSTICE MONITORING UNIT  
STATE OF MARYLAND**

**2018 FIRST 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 2018 First Quarter Report**

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of 2018 first 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 2018 First Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder and Eliza Steele. Thanks to Taran Henley, Fritz Schantz, and Maria Welker for technical assistance.

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

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

June 2018

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

Ms. Jaclin Warner Wiggins, Acting 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, Acting Director Warner Wiggins, and State Advisory Board Members:

Enclosed is the Juvenile Justice Monitoring Unit's 2018 first quarter report.

During the first quarter, the Department continued to fail to address ongoing and systemic issues related to the culture and level of safety at the Victor Cullen Center.

Deficiencies in basic safety and security practices allowed the structure to deteriorate and the culture continued to suffer in the ongoing absence of an overarching treatment model while youth were frequently left unengaged in any structured programming.

The Maryland State Department of Education, through its Juvenile Services Education System, has also failed to improve its operation at Victor Cullen (and across the state), thereby contributing to and exacerbating these issues.

Prolonged inattention to these shortcomings has left the deep end of Maryland's juvenile justice system unequipped with the resources necessary to help meet the needs of the most vulnerable youth in the state.

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  
Ms. Christine Buckley, Treasurer's Office  
Deputy Secretary Linda McWilliams, Mr. Karl Pothier and Mr. Jay Cleary, DJS  
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# JUVENILE JUSTICE MONITORING UNIT 2018 FIRST QUARTER REPORT

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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

First quarter 2018 population and incident trends versus first quarter 2017:

- ✓ Average daily populations (ADP) of DJS youth decreased at BCJJC, CYDC, Waxter and WMCC secure detention centers and in committed placement at Carter, the four youth centers, and SOA.
- ✓ Fights and assaults decreased at BCJJC, Waxter and LESCC secure detention centers and in committed placement at Carter.
- ✓ Physical restraints decreased in secure detention at BCJJC, Hickey, and Waxter and in committed placement at Victor Cullen and Carter.
- ✓ Mechanical restraints were not used inside Waxter and LESCC secure detention centers. The use of mechanical restraints decreased in secure detention at BCJJC and WMCC and in committed placement at Victor Cullen and the four youth centers.
- ✓ The use of seclusion decreased in secure detention at Hickey and Waxter, and at Victor Cullen and Carter committed placement centers. Seclusion was not used at LESCC secure detention center.
- Average daily population (ADP) increased in secure detention at Hickey, Noyes and LESCC, and in committed placement at Victor Cullen.
- Fights and assaults increased in secure detention at CYDC, Noyes, and WMCC and in committed placement at Victor Cullen, SOA and the four youth centers.
- Physical restraints increased in secure detention at CYDC, Noyes, WMCC and LESCC and in committed placement at SOA and the four youth centers.
- Mechanical restraints increased in secure detention at CYDC and Noyes and in committed placement at Carter and the four youth centers.
- Seclusion increased in detention BCJJC, CYDC and Noyes. Seclusion was used once in committed placement at the four youth centers.
- There were 100 incidents of suicide ideation and 12 incidents of self-injurious behavior at DJS-operated facilities during the quarter. Incidents of suicide ideation have risen by 30% compared to the first quarter of 2017.

# **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 comprised 87% of total entries during the first quarter of 2018, compared to 74% during the first quarter of 2017.

Victor Cullen – Selected Incident Categories	Q1 2016	Q1 2017	Q1 2018
<b>Average Daily Population (ADP)</b>	<b>32</b>	<b>28</b>	<b>31</b>
1. Youth on Youth Assault/Fight	21	10	14
2. Alleged Youth on Staff Assault	7	3	10
3. Physical Restraint	51	37	34
4. Use of Handcuffs and/or Shackles	47	29	25
5. Seclusion	29	9	1
6. Contraband	7	2	4
7. Suicide Ideation	3	3	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	1	2

The average daily population (ADP) at Victor Cullen during the first quarter of 2018 increased 11% compared to the first quarter of 2017. Over the same time, fights and assaults increased by 40% and youth-on-staff assaults increased more than threefold. There was an 8% decline in physical restraints, a 14% decline in mechanical restraints, and seclusions decreased from nine to one. There were eight incidents involving suicide ideation – up from three during the first quarter of 2017; two instances of self-injurious behavior; and no suicide attempts.

Incident report figures for the first quarter of 2018 were not available until June because not all of the reports were uploaded to the Department's database on time. There may have also been incidents that were not reported, as incident 151365 illustrates (on page 5).

Concerns about the culture and level of safety at Victor Cullen continued and were not successfully addressed during the first quarter of 2018, as the following situations illustrate:

- In incident 150342, a youth pushed a staffer who reacted by shoving the youth into a chair. The youth grabbed another staffer's radio and hit the first staffer in the head with it. The staffer then swung his fist at the youth's head and punched him once in the side while another staffer was attempting to physically restrain the youth.
- According to grievance 14286, a mental health staffer gave a youth an unwarranted behavior report and then threw the paperwork in the youth's face.
- In incidents 149717, 150240, 150384 and 150383, youth assaulted staffers or interfered with their attempts to physically restrain other youth during incidents involving aggression.
- In incident 149766, staff allowed multiple youth in a bathroom at the same time and failed to supervise them, resulting in one youth being assaulted.
- In incident 150716, a social worker contacted Child Protective Services after she saw leg irons incorrectly applied to a youth's legs in a way that appeared to cause him physical pain. She documented the report in an incident report and gave it to a facility administrator at Cullen. The administrator contacted his supervisor at DJS headquarters who said "shackles being too tight is not considered an allegation, no further action." The facility administrator failed to process the incident report and contacted the social worker's supervisor, allegedly "very angry" that the report had been made to CPS. The social worker's supervisor asked the social worker for "written justification as to why she filed a CPS report when [the supervisor] had indicated that there was not a need." Social workers – and all staff working in DJS facilities – are mandated reporters and are legally required to contact CPS when they suspect a child may have been abused or neglected.
- In incident 149814, a staffer attempted to restrain a youth in a classroom. The physical restraint devolved into a struggle on the ground between the youth and staff. Other staff took over the restraint, relieving the staffer while a case manager held him back from the youth as the youth was escorted out of the classroom. The staffer then moved "aggressively towards the youth" and the case manager had to again redirect him. The staffer was nominated for employee of the month two days later, at which point the case manager who witnessed the incident reported that the staffer had called the youth "a light

skinned n-----” and told the youth, “suck my dick.” In a follow-up investigation, the staffer admitted to making the statements and the school principal also admitted to having heard one of them. Other staffers who were present denied hearing the comments.

- In incident 150077, two trainee staff were supervising youth on a residential unit. One of the trainees let a youth in his cell contrary to protocol and without informing the other staffer. That youth had recently rebuffed demands by his peers to give them his food and to carry out an assault on another youth. The second trainee staff allegedly inadvertently opened the door to the youth’s cell, allowing the peers who had tried to pressure him earlier to rush in and assault the youth in his cell.
- According to incident 151365, a staffer hit a youth either in his chest or face. Another staffer observed the conduct – which occurred on February 24, 2018 – but did not report it until April 5. It was not uploaded on the DJS incident report database until April 23.
- Following incident 150378, three youth made allegations of abuse. One of them was never taken to medical to be evaluated by nursing staff, contrary to DJS protocol.

## **Safety and Security**

The following safety and security deficiencies contributed in part to the unsafe environment at Victor Cullen during the quarter.

### **Staffing**

Rather than bolstering levels of staff supervision and facilitating positive interactions between youth and staff to help cultivate a treatment orientated milieu at Cullen, the Department decreased the staff-to-youth ratio from one staff for every six youth to one staff for every seven youth. The youth population was housed on two residential units, each holding 14 youth and requiring only a total of two staffers posted on each unit under the new ratio requirement. Maintaining consistent basic visual supervision of all youth by staff is difficult in such circumstances while staff ability to build rapport and process with youth who are struggling is severely limited. The Department should enhance the staffing ratio to provide one staffer for every four youth and limit groups to eight youth.

Due to serious incidents that occurred toward the end of 2017 and the beginning of 2018, there were approximately 20 staffers out on injury leave and unavailable to work by the end of the first quarter. Additionally, there were 10 unfilled positions for direct-care workers around the same time. This combination of staffing-related issues seriously impacted the seven direct care (resident advisor) staff supervisory positions at Cullen, resulting in a situation where only one resident advisor supervisor was actually available to report to work. These shortages persisted even though Cullen was benefitting from the use of staffers from the DJS-operated Savage Mountain Youth Center which has been temporarily closed. A shortage of staffers can result in

forced double shifts several times per week for staff who are available, which, in turn, negatively impacts performance on the job and results in staff burnout and yet more staffing problems including staff turnover. The Department is consistently recruiting new staff, but one result of hiring efforts is the presence at Cullen and elsewhere of a large proportion of employees with little experience.

### Keys

A set of keys was lost on Saturday, February 10 (incident 150052). The keys were not recovered. During a monitoring visit weeks later, a staffer reported that there were not enough sets of keys to properly equip the staff in coverage. While two of the three staffers posted on the unit at the time of the visit had keys, one staffer did not have keys and reported feeling unsafe as a result. A month after the keys were lost, there was still only a limited number of keys available for staff working in direct coverage. Staffers were unable to move around the facility campus as needed and instead had to call over the radio and wait for a key carrier to let them in and out of buildings.

### Schedules

Inconsistencies in schedule and daily operations contributed to the sense of disorganization and lack of structure at Cullen during the first quarter. According to a staffer, youth sometimes went to bed as early as 6:30 p.m. or as late as 9:00 p.m. In grievance 14198, a youth on the Intensive Services Unit (ISU)<sup>1</sup> received a worksheet from education (MSDE JSES) staff – in place of instruction – and was taken to the gym by direct care (DJS) staff 10 minutes later. The youth was given a zero on his school assignment since he didn't complete the worksheet. After filing the grievance, the youth was given another opportunity to complete his work.

Adherence to the schedule became even more problematic at times during the quarter when the Department dictated that youth were only allowed outside movement in handcuffs and in groups no greater than six at a time. The mechanical restraints were ordered in response to a tree falling and leaving a hole in the perimeter fence. These measures lasted for nearly two weeks and caused multiple and substantial delays on a daily basis in routine youth movement around the facility (to and from the school building or the cafeteria, etc.). Staff sharing mechanical restraints had to wait for enough pairs of handcuffs to be delivered to their location and had to make multiple trips to move an entire group of youth.

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<sup>1</sup> ISU is a self-contained and restrictive housing unit for youth DJS identifies as being in need of enhanced services. Youth do not leave the unit except for one hour daily for large muscle exercise. The ISU was used intermittently during the first quarter of 2018. For more information, see page 9-10 of the JJMU 4<sup>th</sup> Quarter 2017 report at: [http://www.marylandattorneygeneral.gov/JJM%20Documents/17\\_Quarter4.pdf](http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf)

## **Negative Culture**

A negative culture continued to permeate Victor Cullen as ongoing issues related to the lack of an overarching treatment model and persistent boredom among youth remained unaddressed during the first quarter.

### **Lack of Treatment Model**

The Department has failed to develop a positive culture at Victor Cullen over the past several years and DJS leadership has continued to insist on the implementation of the Challenge behavior management system as the controlling force in shaping youth and staff interactions and in determining a youth's eligibility for certain privileges and ultimately, release. Challenge is not evidence-based or trauma-informed. Rather than promote a therapeutic approach to behavior issues by taking into account underlying causes like anger, grief, and trauma, Challenge focuses simply on punishing youth who display undesired behaviors. Staff are trained to issue directives and take points when youth misbehave rather than employ verbal processing skills to help youth identify and better understand what is behind their behavior. This approach imposes a barrier to the development of supportive and positive relationships between youth and staff by instead creating an "us versus them" dynamic.<sup>2</sup>

The emphasis on rules, points, and behavior reports dictated by Challenge is adhered to inconsistently by staff and also comes at the expense of any effort to undertake the hard but rewarding work of building positive relationships with and among youth and staff and, as a result, stymies the development of a therapeutic culture. On a monitoring visit, a teacher stated that, during the first quarter, "there were four or five youth running this facility." According to the teacher, youth on multiple occasions grabbed teachers forcefully by the wrist and demanded to receive all of their points while direct care workers stood by looking on without intervening. Youth also allegedly refused to give teachers their point sheets, acted out, and would later have the point sheets filled in by staff who would document that the youth had demonstrated positive behavior. Youth who had struggled to act appropriately would then be rewarded at the end of the week by the superintendent with candy and other incentives.

In the absence of a therapeutic model that promotes verbal processing and positive relationships, staff may rely on attempts to physically control or dominate a situation rather than talk with youth and help them regulate their own behavior.

- In incident 150061, a youth had been involved in an earlier incident and was not present on the unit during daily shower time. When he returned to the unit, he wanted to take a shower but a staffer told him it was too late and directed him to his cell for the night. The youth did not follow directions and gathered his

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<sup>2</sup> Farn, A. & Umpierre, M. (2017). Creating an integrated continuum of care for justice-involved youth: How Sacramento County collaborates across systems. Washington, DC: Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy. Available at <http://cijr.georgetown.edu/wp-content/uploads/2017/10/Creating-an-Integrated-Continuum-of-Care-inSacramento.pdf>

clothes and walked to a shower stall in the bathroom and began taking off his clothes. The staffer followed after the youth and “pulled the shower curtain open and told the youth he was not showering tonight.” The youth subsequently made an allegation of abuse against the staffer.

- In incident 150342, a youth did not follow staff directions to turn off the television and go to their cells for showers (at 6:10 p.m.). The staffer did not process with the youth and instead turned off the television himself which triggered the youth and escalated into a situation where the youth hit the staffer in the head with a radio and the staffer swung his fist at the youth’s head and punched him.
- In incident 150079, a youth was refusing to lock-in his cell for the night. He sat on the floor and held on to a table that is bolted to the floor. Two supervisory staff then grabbed the youth, pulled him away from the table and stood him up. The youth bent his knees and stopped holding himself up. Video footage shows the two supervisors then “take [the youth] down to the floor. [The youth] lands on his back [and the supervisors] struggle to gain control of the youth’s arms, raising them above his head.” The youth was then turned over to his stomach, handcuffed, and taken to his cell.

The Department has responded to criticism of Challenge by training staff in the Positive Behavioral Interventions and Supports (PBIS)<sup>3</sup> model. However, the Department is not replacing Challenge but is set on attempting to implement PBIS as “a framework to support Challenge,” according to DJS leadership. This attempt to meld two inconsistent approaches has contributed to the dysfunctional and negative culture at Victor Cullen which continued during the first quarter of 2018.

The Department has also required staff to attend a three-hour hour information session about trauma and its effects on youth. However, the training did not include concrete skills components. Staff need real world skill development more than a lecture on definitions, and an effective trauma-informed approach will require ongoing professional training to help staff thoughtfully and consistently apply the principles of trauma-informed care in their everyday interactions with youth and with each other.

If Cullen remains open, the Department must focus on fostering a positive, therapeutic, and trauma-informed culture rather than overlaying a dysfunctional environment and a flawed behavior management system with discrete initiatives like PBIS and basic information sessions about trauma.

However, the Department is in the process of seeking accreditation through the American Correctional Association (ACA). The American Correctional Association is “a private non-profit

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<sup>3</sup> For more information, see: <https://www.pbis.org/community/juvenile-justice>

organization composed mostly of current and former corrections officials.”<sup>4</sup> ACA accreditation does not emphasize the development of a positive and therapeutic culture for young people or entail the implementation of an evidence-based or trauma-informed treatment model.

### Persistent Boredom

On monitoring visits throughout the quarter, youth and staff consistently reported a lack of structured activities for kids. In the absence of opportunities to participate in constructive programming and physical activities on evenings, weekends, and when school was not held, youth defaulted to playing cards and board games, or re-watching the same movies over and over again. On one monitoring visit during the quarter, youth were waiting for a staffer to arrive with handcuffs so they could move from a classroom in the school. The youth had their heads down, some fell asleep, and one youth commented, “We’re tired from doing nothing.” The lack of constructive activities for youth also impacted staff morale. Staff reported feeling demoralized and discouraged about their ability to make an impact with youth given the acute programmatic shortcomings at Cullen.

Some youth at Victor Cullen have already earned a high school diploma or GED. However, DJS and MSDE JSES<sup>5</sup> failed to keep these youth constructively occupied during the school day. On a visit to the living unit where most of the high school graduates were housed, kids were found to be sleeping, spread over furniture in the dayroom during the middle of the day. Although MSDE JSES worked to forge a connection with Frederick County Community College, MSDE JSES did not actually enroll Cullen youth in post-secondary education and although DJS has implemented the modest World of Work program<sup>6</sup> at other DJS operated facilities, it has not been consistently available to qualifying youth at Cullen.

Issues of boredom and lack of engagement were exacerbated during the first quarter when a tree fell and left a hole in the perimeter fence. Youth were confined to their living units and allowed to leave only to go to the gym for the mandated hour of large muscle exercise. Youth were required to move in handcuffs and in groups of six at a time. MSDE JSES are responsible for providing six hours of instruction every school day and, during some of this period

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<sup>4</sup> “The standards are established by the ACA with no oversight by government agencies, and the organization basically sells accreditation by charging fees ranging from \$8,100 to \$19,500, depending on the number of days and auditors involved and the number of facilities being accredited. [See, e.g.: *PLN*, Aug. 2014, p.24]. The ACA relies heavily on such fees; it reported receiving more than \$4.5 million in accreditation fees in 2011 – almost half its total revenue that year. The organization thus has a financial incentive to provide as many accreditations as possible. Notably, the accreditation process is basically a paper review. The ACA does not provide oversight or ongoing monitoring of correctional facilities, but only verifies whether a facility has policies that comply with the ACA’s self-promulgated standards at the time of accreditation. Following initial accreditation, facilities are re-accredited at three-year intervals. As a result, some prisons have experienced significant problems despite being accredited. For example, the Otter Creek Correctional Center in Kentucky, operated by Corrections Corporation of America (CCA), was accredited by the ACA in 2009 when at least five prison employees were prosecuted for raping or sexually abusing prisoners. [See: *PLN*, Oct. 2009, p.40]. Kentucky and Hawaii withdrew their female prisoners from Otter Creek following the sex scandal, but the facility did not lose its ACA accreditation. The prison has since closed.” Alex Friedmann, How the Courts View ACA Accreditation, *Prison Legal News*, October 10, 2014. Available at: <https://www.prisonlegalnews.org/news/2014/oct/10/how-courts-view-aca-accreditation/>

<sup>5</sup> Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for operating the school at Victor Cullen.

<sup>6</sup> Youth in the World of Work program complete odd jobs around the facility for pay.

of forced restriction, youth were purportedly receiving education services on the living unit. However, residential units are not equipped with even basic classroom materials and there is no technology available to support education programming. Education staff brought worksheets to the residential units - sometimes staying for varying periods of time to help youth with assignments. At other times, teachers simply dropped off education-related “packets” and then left to return to the school building. On a monitoring visit during this period, teachers remained on the unit after dropping off worksheets for youth but did not provide any instruction; offer any support with assigned work; or even attempt to engage with the youth. This arrangement was particularly problematic for youth who were studying to take the GED which requires computer access (grievance 14213).

Youth should be moved to the education building for school on a daily basis. In the event that school has to be held on the living units, MSDE JSES and DJS must develop a system that ensures youth receive six hours of education services a day. Additionally, arrangements should be made to expand access to school-based resources – including internet connectivity and other technology – to the living units to enable youth to study or work on education-related projects outside of school hours.

The Department must proactively develop a wide variety of constructive programming options, including physical and outdoor activities, in order to improve the culture and level of safety at Victor Cullen. The timely development and introduction of a comprehensive activities schedule is essential to the basic functioning of Victor Cullen. The added activities need to be scheduled for evenings and throughout weekends, and at least some of them need to be available on a short or no notice basis to ensure youth are productively occupied in situations when school is cancelled or when there is any kind of unexpected or unavoidable schedule change.

### **Mental Health Staffing**

A social worker supervisor position, which had been vacant for a year, was filled during the first quarter. At the end of the quarter, there was one full time social work vacancy and two vacancies for part-time social workers.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education related services at Cullen, however a DJS social worker had to be assigned to the school building during the day to help satisfy requirements set forth in youths’ Individualized Education Plans (IEPs) and support youth during school time. As mentioned earlier in this report, there is a shortage of social workers at Cullen and the social worker assigned to the school already had extensive duties. MSDE JSES or DJS should create an additional social worker position to ensure that a dedicated social worker can be present in the education building during school hours without detracting from clinicians’ existing duties.

## **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Victor Cullen.

Youth placed at Victor Cullen have not had consistent or daily access to hands-on vocational education leading to certification for two years due to a longstanding vacancy for a career technology education teacher. That vacancy remained unfilled during the first quarter and at time of writing.

Previously, an instructional assistant traveled to DJS sites across the state to deliver short-term courses leading to certification in workplace safety and basic construction skills. That arrangement yielded a high number of earned certifications for youth at Cullen and other DJS facilities but is no longer in place. A different instructor now travels around the state to deliver a brief flagger certification course which was available to youth at Victor Cullen once during the first quarter. This level of vocational education is wholly inadequate for youth at Cullen – who typically spend months in placement – and is particularly problematic for youth who have already completed their secondary education and go without constructive programming during school hours.

Class periods at Victor Cullen run for 90 minutes and include only the core subjects (math, science, social studies, and language arts) plus a limited number of electives such as Career Research and Development and Office Systems Management (a computer class). Interviews with youth and staff and observations during monitoring visits indicate that many youth struggle to stay focused for the entirety of class periods and typically spend significant amounts of time unengaged in classwork. MSDE JSES should design school schedules that incorporate a variety of courses including required core content classes and engaging electives such as physical education or hands-on vocational education courses.

For more information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

## **Group disturbance requiring law enforcement**

At time of writing, there was a serious group disturbance at Victor Cullen that required DJS staff to call the police for help. The disturbance occurred on April 8, 2018, and will be detailed in the JJMU report for the second quarter of 2018.

# **OTHER COMMITTED PLACEMENT CENTERS**

## Youth Centers x4

The youth centers, located in remote western Maryland, consist of four separate staff secure (not fenced and locked) 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 70% of total youth entries in the first quarter of 2018 compared to 67% in the first quarter of 2017. Hispanic youth represented 10% of total youth entries during the first quarters of both 2018 and 2017.

<b>Combined Youth Centers (x4) – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>112</b>	<b>113</b>	<b>83</b>
1. Youth on Youth Assault/Fight	49	27	48
2. Alleged Youth on Staff Assault	10	3	10
3. Physical Restraint	94	122	176
4. Use of Handcuffs and/or Shackles	24	41	36
5. Seclusion	0	0	1
6. Contraband	6	6	9
7. Suicide Ideation	12	11	21
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	0	1

Average daily population (ADP) at the youth centers decreased by 27% in the first quarter of 2018 compared to the first quarter of 2017. During the same time period, youth on youth fights and assaults increased by 78% and physical restraints increased by 44%. In addition, alleged youth on staff assaults more than tripled (from 3 instances to 10) and incidents of suicide ideation almost doubled (from 11 to 21).

Many youth with significant mental and behavioral health needs are sent to the youth centers with the expectation that they receive treatment. Chronic staffing issues, the lack of rehabilitative and therapeutic programming, and limited availability of mental health services and expertise have impeded efforts to create a functional program to address youth challenges and have sometimes contributed to an unstable environment at some centers. Meanwhile, individual treatment needs remain unaddressed and as a result, youth expressing anger or having difficulty with self-regulation languish in the deep end of the juvenile justice system without getting effective assistance for underlying problems such as trauma and grief.

Staffing: The Department currently requires a staff to youth ratio of one-to-eight at the youth centers, which is similar to ratios at larger detention centers operated by DJS. While the current staff to youth ratio meets minimum standards, the ratio does not enable the formation of constructive and therapeutic relationships between youth and staff and is therefore inadequate to meet the treatment needs of youth. Staff often find themselves “putting out fires” and responding to crisis situations instead of being able to proactively provide individualized attention to youth. The constant stress leads to staff burnout and call outs due to sickness and fatigue. People who report for duty are often required to work mandated overtime to make up for shortages of available staff. Additionally, high staff turnover rates at the centers result in a dearth of experienced staff. At Green Ridge Youth Center, for example, the majority of direct-care staff have less than two years of experience.

Staffing ratios should be increased to one staff for every four youth to help maintain structure and provide staff with the opportunity to build rapport with youth. The Department should also ensure a shift commander and rover are available on every shift to provide staff support.

Mental Health Services: A majority of the youth in the juvenile justice system have experienced trauma<sup>7</sup> and during the first quarter of 2018, there was an increase in the number of incidents of suicide ideation at the youth centers compared to the same period the previous year. Mental health staff at other DJS facilities have been certified on administering evidenced-based therapies to address trauma-related issues, including trauma-focused cognitive behavioral therapy (CBT-TF). Clinicians at the youth centers should be similarly trained. Mental health staffing shortages should also be rectified. For instance, Meadow Mountain specializes in substance abuse treatment, however, there is a long-standing vacancy for an addictions counselor supervisor and two open positions for mental health clinicians remained unfilled during the quarter. Every youth center should have a minimum of two full-time mental health clinicians and a supervisor. Mental health staff should be available during waking hours seven days a week to provide therapeutic support and help staff with crisis intervention, verbal processing and de-escalation.

The rural location of youth centers makes it difficult to secure physician services for psychiatric evaluations and follow-up care. Delays have occurred even after the recent

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<sup>7</sup> Justice Policy Institute, “Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense.” Available at: [http://www.justicepolicy.org/images/upload/10-07\\_REP\\_HealingInvisibleWounds\\_JJ-PS.pdf](http://www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf)

introduction of telemedicine. According to the Department, the average wait time for youth to attend an initial medication management appointment is nine days.

Therapeutic model: Administrators and staff at the youth centers do not operate under an overarching trauma-informed therapeutic model that is grounded in evidenced-based practices such as cognitive behavioral therapy to guide their interactions with youth. Instead, staff follow the same behavior management program, Challenge, that is used at DJS-operated detention centers. Challenge is a compliance-based program in which youth receive points for adhering to certain rules. Points can be redeemed each week for rewards such as hygiene products and snacks. Behavioral non-compliance can lead to loss of incentives, prohibition from attending the limited amount of extracurricular programming available to youth at the centers, or even an extension of time youth are required to stay at the youth centers. While certain elements of PBIS<sup>8</sup> were recently integrated into Challenge, the core of the program remains intact and governs a youth's length of stay in placement. Youth describe the program as "doing your time and getting your points so you can go home."

Conflict between youth and displays of youth aggression are a major source of incidents at the youth centers. Although case management and mental health staff facilitate an anger management group (START)<sup>9</sup> at the youth centers, restorative practices are not embedded into the facility culture to help manage conflict. Youth who shows signs of aggression are usually ejected from a center and sent to detention or another DJS placement site, where the program remains the same and is equally ill-equipped to handle youth needs. Moreover, the constant ejections, transfers and influx of youth from site to site de-stabilizes facility environments and makes it difficult for administrators and staff to establish structure and create a therapeutic or even a functional environment.

A paradigm shift away from a correctional approach and toward a treatment focused approach is needed at all DJS committed placement centers to help youth begin to address their behavioral health needs. A cohesive trauma-informed model of care that incorporates evidenced-based interventions that are grounded in cognitive-behavioral techniques should be implemented at the youth centers. According to juvenile justice experts:

[A] substantial body of evidence points to the value of using cognitive-behavioral approaches with youth involved in the juvenile justice system. Broadly speaking, cognitive-behavioral approaches seek to develop pro-social patterns of reasoning by focusing on managing anger, assuming personal responsibility for behavior, cultivating empathy, solving problems, setting goals, and acquiring coping and life skills. They also build well upon what we know about adolescent brain development. When integrated into a unified continuity of care plan, cognitive-behavioral approaches can help facilities focus on what will happen after release to the community. *What it takes to succeed in placement (namely, compliance with group living rules and requirements) is not what it takes to succeed in the community. For this reason,*

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<sup>8</sup> Positive Behavior Interventions and Supports. For more information, see: <https://www.pbis.org/>

<sup>9</sup> START is not, itself, evidence-based although it relies on materials from an evidence-based anger management program, ART. For more information on START, see: <https://www.behavioralinstitute.org/training--start.html>  
For more information on ART, see: <http://www.aggressionreplacementtraining.com/>

*interventions should be geared towards preparing youth to manage his or her behavior through self-regulation and improved decision-making in community settings, rather than through fear of getting caught and its consequences. [emphasis added]*<sup>10</sup>

**Structured programming:** Successful placements include “high-quality, rigorous programming throughout the day” in order to “not just to keep young people engaged, but also to boost their educational, social, and emotional development.”<sup>11</sup> In contrast, youth at the centers spend the majority of their time after school and on weekends watching the same movies repeatedly or playing cards. Excessive downtime can contribute to boredom and in turn lead to frustration, horseplay and aggressive behavior.

Staffing issues can impede efforts to engage youth in meaningful activities. For instance, the recreation specialist at Backbone Mountain had to be in coverage as a direct-care staffer several times during the quarter to maintain minimum staffing ratios and was unable to perform his duties as a recreational specialist during this time. Inadequate staffing also prevents youth from being able to engage in community activities offsite as staff are needed at the facility simply to maintain minimum ratios. Additionally, youth are only given the opportunity to participate in community programming after they have progressed through several levels of the behavior management system which can take several months for some youth. Ultimately, while several youth may be eligible for occasional off-campus outings, only a select few actually get the opportunity to participate. Facilitating youth engagement in pro-social activities both on and off campus should become a priority for the Department. Increased resources, including staffing, should be devoted to bolstering recreational, enrichment, and community service opportunities for all youth, regardless of their level in the program.

There was a serious group disturbance at Meadow Mountain during the quarter (incident 149422). Due to space constraints, all youth are housed and spend most of their time in a single open dorm room at Meadow Mountain. As youth were preparing to go to bed, youth began bickering with one another and a fight broke out. One staff had to be sent to the hospital due to injuries sustained during the fracas. Eight youth were ejected from the center and many were eventually sent to other DJS placement sites. The lack of structure and available outlets for boredom alleviation led one youth who was involved in the melee to remark that “it’s just really chaotic there a lot. We were all stuck in one room together with nothing to do.”

### **Temporary Closure of Savage Mountain Youth Center**

Savage Mountain Youth Center has been closed since September 2017. Renovations are ongoing to convert the center from a staff secure to a maximum security (locked and fenced) facility.

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<sup>10</sup> Attschuler, D. and Bilchik, S., Critical Elements of Juvenile Reentry in Research and Practice (April 2014), available at: <https://csgjusticecenter.org/youth/posts/critical-elements-of-juvenile-reentry-in-research-and-practice/>

<sup>11</sup> 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. 25). Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

Staff from Savage Mountain have been temporarily assigned to other DJS-operated placement facilities that were facing critical staffing shortages, such as the maximum security Victor Cullen facility and the remaining three staff secure youth centers. Given the chronic staffing problems at the youth centers and the declining numbers of youth sent to out-of-home placement, the Department should permanently close one of the youth centers in western Maryland and permanently reassign staff from the shuttered center to the other DJS facilities.

## **Family Engagement**

Youth rely on family support to cope with the stress of incarceration and family engagement is associated with improved youth outcomes.<sup>12</sup> Restrictive visitation policies, such as the limitation of visiting times to two hours on two designated days per week, deter family engagement. The remote location (involving many hours of driving from the communities where the majority of youth come from) of the youth centers also makes it difficult for many families to make the trek to see their child. The Department does not provide transportation assistance to families of children placed at the youth centers. However, such assistance is provided to families of children in placement at the Carter Center on the eastern shore and should be available to families of all youth in each of the DJS-operated facilities. During the quarter, a youth placed at a youth center was to be transported to a detention center in his home jurisdiction so that he could attend a court hearing. The youth requested to have his court date on the day that the local detention center allowed visitation. He reported that he hadn't seen his mother in months and wanted a visit with her. Travel barriers and her work schedule prevented her from being able to visit him in western Maryland. When commenting on his stay in the local detention center the youth stated, "I wish I could just do my time here so I could see her more often." Visitation times in DJS facilities should take into account individual children's family circumstances and should be as flexible as possible to expand opportunities for family contact.

Youth in DJS placement sites are allotted two 10-minute phone calls a week, similar to youth held in local DJS detention centers. Telephone communication with family members is especially important at the youth centers and at other DJS placements given how hard it is for families to visit in person. The duration and number of phone calls permitted should be increased to help youth stay in contact with their loved ones.

## **Education**

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

Classes are scheduled for 90-minute blocks, and some students have trouble remaining engaged for the full length of time. Elective courses such as physical education and art are not available to help break up the school day. Individual class times should be shortened and

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<sup>12</sup> Ryan Shanahan and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Available at: [https://storage.googleapis.com/vera-web-assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy\\_downloads/family-engagement-for-juvenile-justice-agencies.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy_downloads/family-engagement-for-juvenile-justice-agencies.pdf)

enrichment courses outside of core content areas should be offered to help students remain active learners throughout their time in school.

Hands-on learning with practical application is frequently cited by youth as the biggest improvement that could be made to the educational program at the youth centers and other DJS facilities. The addition of a robust vocational/career and technology program with courses leading to certification in high demand fields should be implemented at all DJS placement sites. Youth should also be given the opportunity to gain job skills through work and internships in nearby communities.

For more information on education services in DJS-operated facilities, see the MSDE JSES section beginning on page 74.

## Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center. SOA is licensed by the Maryland Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 96% of Maryland youth entries referred through DJS during the first quarter of 2018, compared to 89% during the same time period last year.

<b>SOA – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>46</b>	<b>58</b>	<b>33</b>
1. Youth on Youth Assault/Fight	1	11	23
2. Alleged Youth on Staff Assault	0	0	1
3. Physical Restraint	2	8	17
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	9	7	7
7. Suicide Ideation	0	0	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

During 2017, Silver Oak began accepting an increasing number of youth from other states' juvenile justice agencies. On one day during the first quarter of 2018 (March 7, 2018), there were 17 youth at SOA from out of state, compared to 41 youth placed through the Maryland juvenile justice system.

Out of state youth are not counted in the daily population data collected by DJS and incidents involving exclusively out of state youth are not uploaded to the DJS database.

Therefore, the figures in the incident chart reflect only population and incident data for DJS-referred Maryland youth.

While the average daily population of Maryland youth at SOA decreased by 43%, fights and assaults increased by 109% (from 11 to 23) and physical restraints increased by 113% (from 8 to 17). There were four instances of Maryland youth leaving the facility without permission during the first quarter of 2018 compared to two during the same time last year. Additionally, there was at least one instance of an out-of-state youth leaving the facility without permission during the first quarter of 2018.

### **Staff Supervision of Youth**

During the first quarter of 2018, failures in supervision protocol created opportunities for youth to runaway (149881, 150365, and March 4 incident) and incidents involving aggression (149337, 149847, 150460, 150572, and 150655) to occur. Administrators and staff should emphasize comprehensive supervision of youth to help reduce incidents of aggression and prevent youth from running away from the facility. Increased staff-to-youth ratios may be necessary to bolster supervision.

#### Incidents involving aggression

Several incidents of aggression occurred during the first quarter when staffers failed to maintain adequate supervision over youth. There were particular issues with supervision in the bathrooms where three incidents involving aggression occurred (149337, 150460, and 150752). Other assaults occurred when youth were either left unsupervised (150655) or when staffers were distracted and did not pay attention to the youth in their care (149847).

#### Runaways

In incident 150365, youth were moving between education buildings on the grounds of Silver Oak. Staffers left a post unsupervised and two youth were able to leave the facility unnoticed. Both youth were caught in the vicinity of the facility and ejected from Silver Oak.

In incident 149881, there were three staff monitoring a living unit. Three youth asked to use a separate space on the living unit to pray. Staff allowed them to do so – which created a fourth area in need of monitoring – but failed to maintain supervision over the youth who subsequently left the building through a window. The youth allegedly broke into a nearby shed and stole a truck. They were apprehended in Hagerstown and were subsequently ejected from Silver Oak.

On March 4, 2018, two youth left the facility from the gymnasium where a large group of youth were playing basketball. Although two staffers were present, a youth subsequently commented that they were not doing a “very good job of watching us.” Both youth were caught about 40 minutes after leaving and returned to Silver Oak.

## **Staff Misconduct**

Other incidents that occurred during the quarter highlight the need for administrators at Silver Oak to ensure that staff maintain positive interactions with youth and do not engage in inappropriate or unnecessary physical restraints.

In one incident, an out of state youth was involved in a fight with another youth. After staff broke up the fight, the out of state youth sat down in a chair in the lobby but continued to make comments directed at one of the staffers. The staffer, a unit manager, then quickly walked towards the youth who was still seated and pushed him down in his chair. The youth stood up, facing the staffer who then pushed into the youth before walking away. The youth then grabbed a flower pot and threw it at the staffer who turned around, approached the youth again and began grabbing him. The youth struggled and the staffer was unable to restrain him. Another staffer then tried grabbing the youth's legs from underneath him. The unit manager eventually gained physical control over the youth and walked outside holding onto him. Another staffer followed them and walked with the youth to help him calm down.

In incident 149760, a youth who was frustrated and visibly upset on the living unit took off his shirt and walked to the other side of the dorm. Without any attempts to verbally de-escalate or help the youth process, a staffer followed closely behind him with his face in close proximity to the youth. The staffer then grabbed the youth from behind, forcefully restraining him to the ground where he and other staff held the youth for a time before allowing him to stand up and walk with staff to the administration building.

In incident 150747, a youth became upset when a staffer instructed another youth to fetch a shower curtain from a bathroom. The staffer yelled at the upset youth and pushed him. Another staffer witnessed the staffer pushing the youth and yelling in his face. The upset youth was subsequently physically restrained on the floor of the bathroom. After the restraint, a third staffer aggressively confronted the youth. The staffer took off his own jacket while moving up close to the youth before ultimately backing away.

In incident 151135, a large group fight broke out involving most of the youth population of a living unit. A staffer posted to the unit had allegedly been allowing a youth to use the staffer's smartphone. When the staffer then refused to allow the youth to use his phone, the youth became upset and, while they were both in the unit bathroom, took the staffer's keys and demanded his phone. Video footage shows the staffer coming out of the bathroom, taking off his jacket, and returning to the bathroom. Moments later, the youth was punched by another youth who was present in the bathroom. Most of the youths on the living unit then became involved, swarming in a large group fight that moved into and out of the bathroom, around the living unit, and ended up eventually spilling outside the residential unit. The lone staffer stood by and did not properly intervene as the incident unfolded.

## **Camera Coverage**

There are several camera blind spots throughout the facility physical plant and grounds at Silver Oak including classroom areas, stairwells, parts of the administration area, and the refocus room where youth are brought in an effort to de-escalate fraught situations or to process incidents immediately after they occur. During 2017, physical restraints occurred in the refocus room and prompted investigations by the DJS internal investigatory unit (DJS OIG) due to allegations of abuse.

The Department, in a letter dated March 15, 2018, required SOA to install a camera in the refocus room but later rescinded the demand based in part on the understanding that only two restraints had occurred in the refocus room throughout all of 2017. However, according to the DJS incident report database, at least 11 restraints occurred in the refocus room during 2017: 141682, 142825, 143005, 144723, 145119, 145813, 145814, 145848, 145987, 146081, and 146942.

Administrators began emphasizing avoiding the utilization of physical restraints in the refocus room. There were no reported physical restraints involving Maryland youth in the refocus room during the first quarter of 2018.

Plans to install cameras in the gymnasium should go forward as soon as possible. Cameras should also be installed in remaining areas of the facility currently lacking them (with the exception of sleeping rooms and bathrooms).

## **LGBTQ Youth**

During the first quarter of 2018, an out of state youth at Silver Oak who came out as bisexual was bullied and assaulted by multiple other youth (incidents 150460 and 150483, grievance 14196). The youth's therapist at SOA attempted to find him a support group in the community and the clinical director held a group meeting with the youth's entire unit to address the culture. An administrator met with the youth to speak about "his behavior and the things he was doing to draw attention to himself around his orientation," according to grievance 14196. Silver Oak staff received training in working with LGBTQ youth during the quarter, which they had not previously received, and the program administrator facilitated a facility-wide meeting after the youth was assaulted (incident 150460).

Silver Oak administrators should ensure that staff receive ongoing training in working with LGBTQ youth and that facility policies are adopted to prohibit discrimination by youth or staff, protect the rights and safety of LGBTQ youth, and promote a safe and inclusive environment where all youth, including those who identify as LGBTQ, are protected from abuse and aggression and have access to comprehensive treatment services.

## **Rehabilitative Services**

Youth at Silver Oak attend a non-public school where they can earn credits and graduate with a high school diploma. Students can also prepare for and take the GED and students at SOA frequently enroll in post-secondary education upon earning their high school diplomas. Additionally, there are several hands-on vocational/career and technology-related education courses, which can result in youth earning nationally recognized certification. Students also participate in extracurricular activities, including intermural sports, on-site and in the community. Staff at Silver Oak are comprehensively trained and receive ongoing coaching in cognitive behavioral treatment programming. Using such a model helps promote an individualized approach to service provision for youth in addition to contributing to the fostering of an overarching therapeutic environment at SOA.

Comprehensively and successfully addressing the challenges and issues described in earlier sections of this report is essential for maintaining the quality of treatment and education programming available at Silver Oak.

## J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter), located on the eastern shore, is a maximum security committed placement center for girls. Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 14 girls. African American youth represented 45% of total youth entries to Carter during the first quarter of 2018, compared to 73% during the same period in 2017.

<b>Carter – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>7</b>	<b>10</b>	<b>6</b>
1. Youth on Youth Assault/Fight	3	5	0
2. Alleged Youth on Staff Assault	2	1	0
3. Physical Restraint	18	9	5
4. Use of Handcuffs and/or Shackles	0	0	1
5. Seclusion	8	8	1
6. Contraband	0	0	0
7. Suicide Ideation	0	1	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	0	2

The average daily population of youth at Carter during the first quarter of 2018 decreased by 40% from ten to six. During the same period, there were no fights or assaults at Carter. There were five instances where staff physically restrained youth, one use of mechanical restraints (handcuffs and/or shackles) within the facility and one seclusion. There was one instance of suicide ideation and two incidents involving self-injurious behavior. There were no suicide attempts.

## **Girls in the Juvenile Justice System: Population**

According to experts in the field of girls and the juvenile justice system, young women are disproportionately represented in the deep-end of the system for low-level offenses.<sup>13</sup>

There were eleven girls at Carter throughout the first quarter of 2018 – eight of whom were from western Maryland (and five of those were from Hagerstown in Washington County). The eleven girls' adjudicated offenses – those for which they were found to be involved – are listed below starting with the most recent. The offenses ascribed to each girl are grouped together by date, meaning that offenses stemming from single occasions are listed together:

1. Violation of Probation (VOP) – Traffic violation incarcerable – Unspecified misdemeanor
2. Disturbing the peace – 3<sup>rd</sup> degree burglary – VOP – theft misdemeanor under \$100
3. VOP – Three violations of probation – Two violations of probation – 2<sup>nd</sup> degree assault – Two violations of probation – Disturbing the peace
4. Not applicable – Seven violations of probation – Malicious destruction – Six violations of probation – Theft misdemeanor under \$1000 – Five violations of probation – Disturbing the peace – Five violations of probation – Five violations of probation – Four violations of probation – 2<sup>nd</sup> degree assault – Violation of probation – 2<sup>nd</sup> degree assault – Disturbing the peace – Resisting arrest
5. Two violations of probation – Two violations of probation – Two violations of probation – Violation of probation – 2<sup>nd</sup> degree assault – 2<sup>nd</sup> degree assault
6. Three violations of probation – Three violations of probation – Six violations of probation – Six violations of probation – Two violations of probation – Six violations of probation – Two violations of probation – Two violations of probation – Disturbing the peace – Two violations of probation – Two violations of probation – Disturbing the Peace – Disturbing the peace
7. 2<sup>nd</sup> degree assault (transferred from adult system)
8. Two violations of probation – Two violations of probation – 2<sup>nd</sup> degree assault – 2<sup>nd</sup> degree assault
9. Theft misdemeanor under \$1000 – Two theft misdemeanors under \$100 – 2<sup>nd</sup> degree assault – Theft misdemeanor under \$100 – 4<sup>th</sup> degree burglary – Conspiracy to commit any misdemeanor offense – 2<sup>nd</sup> degree burglary

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<sup>13</sup> 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>

10. Disturbing the peace – 2<sup>nd</sup> degree assault

11. 2<sup>nd</sup> degree assault, Deadly weapon open, Deadly weapon concealed, Reckless endangerment, 1<sup>st</sup> degree assault

While Carter is a maximum security facility, most of the girls who were there during the first quarter had not been adjudicated on charges that would indicate they pose a significant risk to public safety. Research shows that incarceration in facilities like Carter actually increases recidivism, particularly among youth with the lowest levels of offending.<sup>14</sup> Furthermore, it costs the state \$934 a day to house a youth at Carter.<sup>15</sup>

The Department and other stakeholders should ensure that comprehensive services – including those geared towards the needs of girls – are available and utilized in the community.

### **Girls in the Juvenile Justice System: Treatment Needs**

#### Family-related needs

According to DJS data, 90% of girls at the deep-end of the system have moderate-to-high family related needs, compared to 79% of boys.<sup>16</sup> Research shows that family contact during placement in a juvenile justice facility helps promote positive youth outcomes.<sup>17</sup>

While girls at Carter can participate in family therapy over the phone, regular family contact is limited to two 10-minute phone calls per week to immediate family members who must be included on a pre-approved list. During the quarter, one girl at Carter said her dad, with whom she already had a positive relationship, agreed to participate in family therapy simply so that he could talk to his daughter on the phone for more than 20 minutes weekly. The Department should increase the duration and frequency of phone calls to help support family connections and promote positive youth outcomes. Additionally, some girls may not be planning to return home after placement at Carter and should be allowed to make phone calls to people with whom they have positive and supportive relationships, and who the Department has vetted.

While families are allowed to visit on two specified days and times a week, Carter's location on the eastern shore makes it difficult for most families to visit due to the amount of time it takes to travel there and the lack of any options for public transportation. Travelling from

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<sup>14</sup> Pew Charitable Trusts, "Re-Examining Juvenile Incarceration: High cost, poor outcomes spark shift to alternatives." April 20, 2015. Available at: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

<sup>15</sup> Information on operating costs at DJS facilities is available on page 201 of the Appendices section of the 2017 Data Resource Guide, available at: [http://www.djs.maryland.gov/Documents/DRG/Appendices\\_FY2017\\_DRG.pdf](http://www.djs.maryland.gov/Documents/DRG/Appendices_FY2017_DRG.pdf)

<sup>16</sup> Maryland Department of Juvenile Services Interim Report: Services for DJS-involved Girls. January 2018. Page 28.

<sup>17</sup> Ryan Shanahan and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Available at: [https://storage.googleapis.com/vera-web-assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy\\_downloads/family-engagement-for-juvenile-justice-agencies.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy_downloads/family-engagement-for-juvenile-justice-agencies.pdf)

Hagerstown – where five of the eleven girls at Carter during the first quarter were from – takes over two-and-a-half-hours each way by car.

Girls at Carter may participate in weekend home passes once they have attained the levels at the later stages of the DJS behavior management system (“Challenge”). In some cases, family circumstances do not allow girls to return home after placement at Carter. Instead, they go into foster care or independent living. Administrators at Carter have arranged for these youth, when possible, to meet the family with whom they will be living or visit the site of their step-down program in place of a home pass. In addition to the role they play as a re-entry tool, home passes are an important reward for youth who are adhering to the rules of the behavior management system. Administrators at Carter should ensure that all youth who are not returning home have opportunities to participate in an alternative activity that fulfills the incentivizing role of home passes.

### Treatment-related needs

Research shows that girls at the deep end of the juvenile justice system tend to present with more intensive mental health needs and more extensive histories of traumatic experiences their male counterparts.<sup>18</sup> According to DJS data, 81% of girls at the deep end of the Maryland system have moderate-to-high mental health needs, compared to 61% of boys.<sup>19</sup>

DJS data also shows 30.6% of girls in the deep end of the system – more than twice as many as boys – have a history of physical abuse, and 38.1% of girls – more than six times as many as boys – have a history of sexual abuse.<sup>20</sup> During the first quarter of 2018, the two mental health therapists at Carter received certification in trauma-focused cognitive behavioral therapy (CBT-TF) and youth participate in a series of modules about trauma.<sup>21</sup> In 2017, DJS staff attended a three-hour information session about trauma and its effects. However, the session did not include concrete skills training for frontline staff and there is no overarching trauma-informed treatment model in place at Carter.

Additionally, the Department continues to use a behavior management system (“Challenge”) that is neither evidence-based nor trauma-informed and yet it is the controlling force at Carter in determining youth progress and shaping interactions between youth and staff. The Department has begun implementing Positive Behavior Interventions and Supports (PBIS), but only as a “framework to support Challenge” according to administrators at DJS headquarters. The slight shift in emphasis away from Challenge has included some positive change such as a

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<sup>18</sup> Francine Sherman and Annie Balck, “Gender Injustice: System-Level Juvenile Justice Reforms for Girls,” 2015. [http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender\\_Injustice\\_Report.pdf](http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf) and Saar, M., Epstein, R., Rosenthal, L., and Vafa, Y. “Sexual Abuse to Prison Pipeline: The Girls’ Story.” February 2015. [http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015\\_COP\\_sexual-abuse\\_layout\\_web-1.pdf](http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf)

<sup>19</sup> Maryland Department of Juvenile Services Interim Report: Services for DJS-involved Girls. January 2018. Page 28.

<sup>20</sup> Id.

<sup>21</sup> For more information, see: [http://www.cffutures.org/files/A5\\_TAMARTraining.pdf](http://www.cffutures.org/files/A5_TAMARTraining.pdf) and see also: <https://www.nasmhpd.org/content/trauma-addictions-mental-health-and-recovery-tamar-treatment-manual-and-modules>

departure from mandating that staff not deviate from the issuance of a prescribed set of verbal commands when youth are upset or in crisis.

There are additional non-therapeutic aspects of life at Carter for youth that do not help promote the development of a treatment culture at the facility. Youth are still required to write essays using the title “Saying Goodbye to My Criminal Past,” and “Criminal Thinking versus Criminal Behavior,” that the girls have to read in front of other youth and staff. As described earlier in this Carter report, most girls placed at the facility have not committed serious offenses and have in fact struggled with instability or trauma at home or in their community. Requiring youth to write an essay that pigeonholes them as criminals is contrary to the mission of the juvenile justice system and is also counterproductive to efforts to help promote a positive and normalized self-image.

Youth are still not permitted to maintain control over their appearance in a normalizing way and instead have to follow strict rules – set out along cisgender lines – about hair and fingernails. They are not allowed to wear make-up, and everyone is required to wear the same uniform on a daily basis. These restrictions, according to girls at Carter, can make it difficult to improve self-esteem and self-image – two critical components of healthy adolescent development. Youth also consistently report issues with the quality and quantity of food at Carter. Ensuring youth access to basic needs related to food, clothing, and shelter and helping them to practice self-care are essential parts of creating a humane environment, which is critical to developing a therapeutic culture.<sup>22</sup> Unlike a culture of control and compliance, a therapeutic culture helps to reduce recidivism rates among youth.<sup>23</sup>

Rather than adopting a trauma-informed treatment model, the Department plans to bolster the corrections/control/institutionalized approach at each of the DJS detention and committed placement centers by seeking accreditation from the American Correctional Association (ACA).<sup>24</sup>

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<sup>22</sup> Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 72.

<sup>23</sup> *Id.*

<sup>24</sup> “The standards are established by the ACA with no oversight by government agencies, and the organization basically sells accreditation by charging fees ranging from \$8,100 to \$19,500, depending on the number of days and auditors involved and the number of facilities being accredited. [See, e.g.: *PLN*, Aug. 2014, p.24]. The ACA relies heavily on such fees; it reported receiving more than \$4.5 million in accreditation fees in 2011 – almost half its total revenue that year. The organization thus has a financial incentive to provide as many accreditations as possible. Notably, the accreditation process is basically a paper review. The ACA does not provide oversight or ongoing monitoring of correctional facilities, but only verifies whether a facility has policies that comply with the ACA’s self-promulgated standards at the time of accreditation. Following initial accreditation, facilities are re-accredited at three-year intervals. As a result, some prisons have experienced significant problems despite being accredited. For example, the Otter Creek Correctional Center in Kentucky, operated by Corrections Corporation of America (CCA), was accredited by the ACA in 2009 when at least five prison employees were prosecuted for raping or sexually abusing prisoners. [See: *PLN*, Oct. 2009, p.40]. Kentucky and Hawaii withdrew their female prisoners from Otter Creek following the sex scandal, but the facility did not lose its ACA accreditation. The prison has since closed.” Alex Friedmann, “How the Courts View ACA Accreditation,” *Prison Legal News*, October 10, 2014. Available at: <https://www.prisonlegalnews.org/news/2014/oct/10/how-courts-view-aca-accreditation/>

## **Community Programming**

Youth at Carter consistently express interest in participating in off-grounds activities to help reduce downtime and promote a normalized self-image. Given the successful efforts of staff and administrators at Carter to establish a safe environment, the Department should increase youth access to community-based programming to include volunteering options as well as jobs, internships, and education-related opportunities.

## **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Carter. Despite widespread issues with hiring and retention at other MSDE JSES schools, Carter has consistently remained fully staffed. However, the principal position is shared between Carter and another MSDE JSES school located 85 miles away. MSDE JSES should ensure that each site has its own full-time principal to help promote the ongoing development of creative education initiatives and ensure that schooling services are effectively delivered on a daily basis. The special education teacher position used to double as a vocational education teacher but is now strictly reserved for providing special education services. MSDE JSES should also dedicate a full-time career technology education teacher to Carter or forge connections with education institutions in the community so that girls can have daily access to hands-on vocational education courses leading to nationally recognized certification in high-demand trades.

For more information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

# 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, which has a DJS-rated housing capacity of 120 youth. African American youth represented 95% of total youth entries during the first quarter of 2018, compared to 94% during the same time in 2017.

<b>BCJJC – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>84</b>	<b>101</b>	<b>98</b>
1. Youth on Youth Assault/Fight	64	97	91
2. Alleged Youth on Staff Assault	10	15	11
3. Physical Restraint	92	114	100
4. Use of Handcuffs and/or Shackles	23	33	24
5. Seclusion	3	1	4
6. Contraband	4	9	6
7. Suicide Ideation	5	9	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	2	0

Average daily population (ADP) at BCJJC during the first quarter of 2018 decreased by 3% compared to the same time last year. Over the same period, fights and assaults decreased by 6%, physical restraints decreased by 12%, and the use of mechanical restraints (handcuffs and/or shackles) inside the detention facility decreased by 27%. Seclusions increased from one instance to four.

## **Adult Housing**

Maryland law provides that certain youth who are charged as adults can be held in DJS detention centers, such as BCJJC, while a court decides whether the youth's case will be processed through the adult or juvenile court system.

Youth charged as adults comprised 45% of the ADP at BCJJC during the first quarter of 2018. The average length of stay for youth charged as adults is substantially longer than that for youth whose cases are in the juvenile court.<sup>25</sup> At time of writing, a youth charged as an adult has been detained at BCJJC for over 15 months. Housing youth charged as adults in DJS facilities is a positive development, as youth are protected from more dangerous conditions at adult jails. However, BCJJC and other DJS detention centers are not designed to house youth for extended periods of time. While youth have some access to education services and mental health therapists, there are no longer-term rehabilitative elements – such as job training or treatment programs – designed to meet the needs of youth who might spend several months, a year, or even longer at BCJJC.

During the quarter, MSDE JSES<sup>26</sup> sent an instructor to offer classes leading to construction flagger certification to BCJJC for a week to deliver the course to adult housing youth. This course was valuable to the youth who could access it and short-term programs like the flagger certification class should be offered to every youth whenever possible. For youth whose lengths of stay are likely to span several months or longer, MSDE JSES in conjunction with DJS should provide a variety of longer-term education and job training programs to keep kids engaged in something productive throughout the time they are detained. Youth consistently express an interest in learning trades such as HVAC, plumbing, and barbering.

## **Safety and Security**

Administrators at BCJJC conduct thorough audits of incident reports to help identify ways in which incidents involving aggression may be prevented. Mental health staff also meet with youth following incidents and these debriefing sessions can include information about what led to an incident. During the first quarter, several incidents occurred after negative group dynamics were not comprehensively addressed; when direct care staffers struggled to maintain adequate structure or supervision on a unit; or during downtime when youth were left unengaged or without any structured activity. Administrators should emphasize attention to these issues among supervisory and direct care staff to further reduce incidents involving aggression at BCJJC.

Although there were vacancies during the first quarter for middle management staff - the people primarily responsible for coaching direct-care workers on issues identified through incident report audits - most of the positions have been filled at time of writing.

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<sup>25</sup> See page 112 in the "Detention" section of the Department's FY 2017 Data Resource Guide available at: [http://www.djs.maryland.gov/Documents/DRG/Detention\\_FY2017\\_DRG.pdf](http://www.djs.maryland.gov/Documents/DRG/Detention_FY2017_DRG.pdf)

<sup>26</sup> Maryland State Department of Education Juvenile Services Education System, which is responsible for operating the school at all DJS-operated facilities.

## Group dynamics

In the following situations, negative dynamics among youth were not addressed and led to incidents involving aggression. Some of the incidents appear in more than one category.

- Incident 149798: After the incident – a large fight which involved nearly all of the youth on a particular unit – some youth made comments such as, “I had to hit him before he hit me,” “he was talking slick,” and “I told you I was going to get in trouble over here.”
- Incident 149764: A youth was assaulted by several others on his unit and stated afterwards, “They tried to take my food today, but I told them no. I think that’s why they jumped me.”
- Incident 149519: A youth was assaulted by another youth, and then by a group of youths, following two days of bickering and ongoing issues between the aggressors and the victim. Mental health staff had alerted direct care workers to the ongoing bickering before the incident occurred.
- Incidents 149729, 149548, and 150523: Individual youth were assaulted by groups of other kids, allegedly in retaliation for being disrespectful to staffers.
- Grievance 14246: A youth reported “not feeling safe, being assaulted by other youth, ‘every unit I go to’” because of a problem he had with another youth. The youth writing the grievance said he was “too fearful to tell anyone ‘the real problem’” that he believed was behind the aggression he was being subjected to by other youth.

These situations and youth remarks suggest that issues among youth – when left unaddressed – can lead to incidents involving aggression and highlight a need for enhanced staff intervention into negative dynamics. Consistent and appropriate staff intervention into issues among youth can help establish a sense of safety and structure in the facility, which can in turn help instill a positive climate and lead to further reductions in the numbers of incidents involving aggression. Administrators, supervisory staff and mental health professionals at BCJJC should continue to work closely with direct-care workers to help cultivate these skills. The Department should support efforts to manage group dynamics by providing all staff with enhanced training and by increasing youth access to constructive programming – like Boys Club, community conferencing, and facility-wide basketball games – that can also help to mitigate anxiety or tension among incarcerated youth.

## Structure, supervision, and intervention

- Incidents 150157 and 149764: In the minutes preceding assaults, there was unrestricted movement on the unit, with youth standing up, walking around, and at one point jumping over a railing. At other times youth sat facing away from their table with their legs in the aisle. In 150157, a youth distracted a staffer by walking him away from the group when another youth assaulted a third youth. Two youth who got involved in the incident explained that they had done so to protect a friend even though, as one of them described, “it was the duty of the staff to protect his peers, and...not his job to protect his smaller peers.”
- 149519: Two staffers supervising a unit were absorbed in a conversation with each other when one youth assaulted another after coming out of the bathroom.
- 149548: A youth on a residential unit went to get a drink of water and then assaulted another youth at the same time as a staffer was busy handing out lunch trays. A second staffer on the unit was not posted in close proximity to the youth. After the assault, one of the staffers physically restrained the aggressor and then released him in the area outside of the unit. Although there was another staffer outside with the youth, the door to the unit was open and the youth was able to run back into the unit and begin assaulting the victim again.
- 150178: A staffer was posted on a unit with six youth. One youth was on the upper tier in his cell and with the door open. Another youth - celled on the bottom tier - requested to use the bathroom in his cell. As the staffer was responding to the request and opening the second youth’s cell door, the other four youth on the unit ran upstairs and into the cell where the first youth was located and began assaulting him.
- 150523: A group of youth on a living unit were sitting at tables facing towards the aisle between them. Another youth was in his cell on the bottom tier and a staffer – who was relatively new to the job – opened the youth’s cell door at the back of the unit. The staffer remained near the back of the unit while the youth walked through the aisle of tables towards another staffer waiting to escort him off the unit. As the youth walked through the aisle, the seated youths stood up and began assaulting the passing youth. The fight spilled into the pod area as the main door was still open. Some youths also entered an office on the unit and assaulted a youth who was there meeting with a case manager.
- 150706: Two youth were involved in a heated verbal exchange and a staffer approached them to address the situation. As the staffer walked towards the youth,

the two boys began fighting and the staffer attempted to separate them while another staffer posted on the unit stood by, apparently unsure of what to do.

Administrators identified a number of issues in the above described situations that needed addressing and documented their recommendations in audits of the incident reports. Supervisory and administrative staff should continue to emphasize coaching new staff and should enhance training and ensure direct care workers receive continuous support to help maintain a safe and structured environment on the living units.

### Downtime

In six of the nine incidents described above (149764, 149519, 150157, 150523, 150652, and 150706), youth were sitting on the living unit and were not engaged in structured activities. While several outside organizations provide valuable programming to youth at BCJJC, spatial and resource limitations prevent them from working with the entire facility population, leaving some youth unengaged. The Department should further bolster programming with an emphasis on active, constructive programs and should proactively support administrators at BCJJC in helping to fill gaps in the activity schedule, particularly on the weekends, when youth are not in school.

### **Behavior Management System**

The Department requires staff to implement a behavior management system called Challenge at each of the DJS-operated secure detention centers (and DJS committed placement centers) in the state. Challenge is not evidence-based or trauma-informed. Additionally, Challenge more heavily emphasizes negative consequences over positive rewards.

Challenge contravenes principles central to adolescent development, such as fairness and timeliness. These principles underpin the efficacy of systems that include immediate and meaningful positive rewards to encourage desired behavior among youth and include fair and proportionate responses designed to discourage negative behavior. Challenge, in contrast, only allows youth to earn tangible rewards on a weekly basis and primarily limits these incentives to items like snacks and candy. Furthermore, youth can be excluded from constructive programming (not including school) for a month or more as a consequence for negative behavior. Youth with charges in the juvenile court system typically spend between 12 and 28 days at BCJJC, while youth with adult charges are there for an average of close to five months.<sup>27</sup> The timeliness (or lack thereof) involved in the Challenge system of rewards and consequences is problematic in that it does not align with youth length of stay data and disproportionately emphasizes consequences for negative behavior over incentives for positive behavior.

During the quarter, youth grievances illustrated that implementation of the Challenge system at BCJJC intensified these issues. Staff further restricted youth access to the tangible incentives by only allowing rewards to be given on a bi-weekly basis and stating that “the youth

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<sup>27</sup> See pages 112 and 117 in the “Detention” section of the Department’s 2017 Data Resource Guide available at: [http://www.djs.maryland.gov/Documents/DRG/Detention\\_FY2017\\_DRG.pdf](http://www.djs.maryland.gov/Documents/DRG/Detention_FY2017_DRG.pdf)

tend to hoard the items, gamble and trade them” (grievances 14160 and 14137). This approach only further elongates a timeline which already delays rewards for youth even though research into adolescent development recommends the delivery of immediate rewards for positive behavior in order to promote constructive change.<sup>28</sup>

In another youth grievance (14197), a youth had been at BCJJC for five months during which time he had made it to level two in the Challenge system – the highest level available to youth in detention. The youth was taken to central booking for one day and when he was returned to BCJJC, he was told he had to start the Challenge system over from the very beginning because of the way the computer database works.

The Department should replace Challenge with a system that is evidence-based, trauma-informed, and aligned with adolescent development. The Department should also ensure the system is being implemented in a way that promotes principles like fairness and immediacy that are central to adolescent development.

### **Recreation and Structured Programming**

Youth in DJS facilities are entitled to one hour of large muscle exercise daily. However, there is only one full size indoor gym at BCJJC that each of the ten living units rely on for their one hour of large muscle activity during winter months or when there is inclement weather. There are not enough hours outside of the school day to ensure that each living unit has an hour in the gym and some youth, therefore, do not have an hour of large muscle exercise daily. This issue is particularly pronounced on visitation days during the week, as visits are held in the gymnasium for three hours in the evening. The Department must comply with its own policy to provide a daily opportunity for at least an hour of large muscle exercise for every youth.<sup>29</sup> DJS should install a moveable partition in the gymnasium to help increase access to the space and ensure that all youth have a chance for an hour of large muscle activity every day.

Some youth at BCJJC have already earned a high school diploma and may be eligible to enroll in online community college courses. However, for youth who are not eligible or not interested in higher education, there is no structured programming available. At other DJS sites, youth who have completed high school may participate in the World of Work program, earning minimum wage to complete jobs around the facility. The Department should provide BCJJC with the staff and resources necessary to expand the World of Work program to eligible youth who are detained there. The Department should also collaborate with the Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) to ensure youth access to job training programs, with particular attention to youth who have earned a high school diploma.

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<sup>28</sup> National Research Council. 2013. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>.

<sup>29</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.  
Md. Standards for Juvenile Detention Facilities 4.5.1.3.

## **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE-JSES) operates the school at BCJJC.

Despite chronic staffing issues across much of the MSDE JSES schools system, there are no vacancies for teachers at BCJJC at time of writing (April 13, 2018). The current level of staffing allows for enough teachers to provide both Intensive Services Units<sup>30</sup> (ISUs) with instruction for the entire school day in addition to enabling appropriate levels of staffing in the school classrooms area. MSDE JSES and DJS should communicate daily to ensure that staffing resources are being carefully deployed so that all youth, including those housed on the ISU, have access to instructors for the full six hour school day.

Because DJS does not allow youth placed on an ISU to move to the school area within the facility, youth on the ISUs do not have equal access to education programming as their peers on other living units. The ISUs are not outfitted with basic classroom resources or any technological supplements that are available in the school. These limitations have particular ramifications for youth who have already earned a high school diploma and require computer access to participate in post-secondary education preparation or programming. MSDE JSES and DJS should ensure that youth on the ISUs have equal access to resources and education programming as their peers on other housing units.

For more information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

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<sup>30</sup> The Intensive Services Units are self-contained, restrictive housing units within BCJJC for youth identified by DJS as being in need of intensive support and increased structure following alleged involvement in incidents of aggression. Youth on the ISUs remain seated all day and do not leave the unit except once each day for large muscle exercise in the gym. They are excluded from earning tangible incentives for positive behavior and from participating in structured programming, including activities that may be of therapeutic value like art classes or groups with the Boys Club staff.

## Cheltenham Youth Detention Center

Cheltenham Youth Facility (CYDC), located in Prince George’s County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 70% of total youth entries during the first quarter of 2018, compared to 72% in the first quarter of 2017. Hispanic/Latino youth represented 17% of entries in 2018, an increase of 6% compared to the first quarter of 2017.

<b>CYDC – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>65</b>	<b>62</b>	<b>50</b>
1. Youth on Youth Assault/Fight	47	26	49
2. Alleged Youth on Staff Assault	1	8	2
3. Physical Restraint	58	50	57
4. Use of Handcuffs and/or Shackles	12	0	2
5. Seclusion	0	4	9
6. Contraband	2	2	0
7. Suicide Ideation	7	3	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	1	2

Average daily population during the first quarter of 2018 decreased by 19% compared to first quarter of 2017. However, over the same time period, youth fights and assaults increased by 88%, physical restraints increased by 14%, and the use of seclusion more than doubled. Mechanical restraints were used twice within the facility in the first quarter of 2018.

## **Fostering a Collaborative Approach**

Several incidents during the quarter involved staff physically restraining youth to enforce compliance, counter to DJS policy.<sup>31</sup> Administrators are working on fostering a cohesive team approach in which mental health clinicians, direct-care staff, and supervisors work together to prevent and respond to incidents. Staff should be trained to enlist supervisors and mental health professionals' support in verbal processing, de-escalation and crisis intervention, to address problematic behavior rather than rely on restraints as the following incidents demonstrate:

In incident 149611, a youth was on the phone during shower time preparation while staffers were sitting chatting at a table near the phone. The youth hung up the phone and walked toward the staffers. The incident report indicated the youth told staffers that he was not going to follow the routine of locking in to his cell to prepare for shower time. The staff and the unit manager did not respond and the youth did not display aggressive behavior. However, a supervisor entered the unit and ordered staffers to place the youth in his cell. At that point, the youth became agitated and staff physically restrained him and put in him in the cell.

In incident 149932, a youth propped his feet on a chair while watching TV. A staffer instructed the youth to put his feet down, and when the youth did not comply, the staffer pulled the chair out from under the youth's feet. The youth grabbed another chair and placed his feet on top of it. This cycle continued and the staffer got frustrated. Another staffer nearby did not intervene to mediate the situation nor was a supervisor called for assistance. The frustrated staffer walked away, took off his jacket, walked back to the youth and continued to try to physically remove the youth's feet from the chair. The staffer eventually attempted to physically restrain the youth and the youth became agitated. A call for assistance was made and multiple staffers responded and subdued the youth.

In incident 144796, a youth with high mental health needs was sitting by the phone during shower time. The incident report indicates he was refusing to lock in to his cell. Three staffers surrounded the kid to talk to him. The youth stood up and a staffer pushed the youth who then went sliding across the floor. The staffers followed and began to physically restrain the youth who then became visibly upset. Several staffers were subsequently involved in attempts to physically control the youth. The shift commander was also called to the scene as the staffers were having difficulties keeping the child restrained. The youth was eventually placed in his cell.

Incident 149797 involved another youth who refused to lock in during shower preparation time and instead began to clean up the unit, wiping down surfaces and throwing away trash. The unit manager was present but did not intervene. Staffers attempted to physically restrain the

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<sup>31</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

youth which caused the youth to become visibly upset and attempt to resist the restraint. According to the nursing report, the youth hit his head on a wall while trying to resist the restraint.

In incident 150009, a youth with a significant trauma history was seen taking something from a staff desk and entering a room on a residential unit where youth are sometimes allowed to watch television. Several unsupervised youth were sitting in the room. A staffer came to the room and asked the youth for the item missing from the desk. The youth responded by leaving the TV room and sitting on a chair in the unit dayroom. The staffer sat down next to the youth and talked for a moment and then called for staff assistance. Several staffers responded to the unit and walked toward the youth. The youth became upset and began running around the residential unit. He was restrained and brought to his cell. Although there is a mental health clinician posted on the unit and the clinician was present in her office on the unit as this incident unfolded, her assistance was never requested or utilized.

### **Structured Environment**

There were several group fights or disturbances during the quarter that were precipitated by unstructured youth movement or issues with staff posting or positioning (149580, 149547, and 149542). Also, during a group disturbance (144813), issues with crowd control led to delays in securing the area. These incidents have been flagged by administrators for staff training purposes. Emphasis on establishing structure through appropriate supervision of youth movement and optimal staff posting should continue.

### **Interpreter Training**

Hispanic/Latino youth represented a significant portion of youth entries to CYDC in the first quarter of 2018 and many of these youth do not speak English fluently. Per Department policy, non-English speaking youth are assigned an interpreter during waking hours. Translation services are provided by an outside contractor and interpreters do not receive specific training on working with detained populations. During the quarter, multiple youth reported that translators were asking invasive questions about their personal life and about their charges (grievances 14118 and 14069). Facility administrators should conduct orientation sessions for all translators that address the unique issues, including confidentiality concerns, which may arise in their work with youth housed at CYDC.

### **Medical Emergencies and Routine Medical Care**

During a monitoring visit, a youth reported that he was unhappy with a recent response to a medical emergency. The youth was experiencing severe abdominal pain and was seen by facility nurses and then taken to a nearby hospital for evaluation. Hospital staff determined that the youth needed an emergency appendectomy, however the local hospital could not accommodate his needs. He was transferred to Children's National Medical Center in

Washington, D.C., for specialty care. The hospital initially refused to treat the child because he was detained. The Department and the hospital worked out an arrangement and the youth was finally prepped and admitted for surgery 24 hours after he had reported the initial symptoms. The youth reported being in severe pain during the time he spent waiting for treatment. He was discharged within hours of the completion of the procedure and transported back to the infirmary at CYDC for recovery. Both the youth and the youth's mother were distraught about the refusal to deliver prompt medical care.

All DJS facilities should ensure that pre-existing arrangements are in place for youth to receive timely treatment at nearby hospitals for medical emergencies or health issues requiring secondary or tertiary care.

Youth also submitted several grievances about a lack of medical attention for routine medical issues, such as requests for replacement eye glasses (14136), access to prescribed medications (14134), and follow up care for injuries (14130). The quality of delivery of medical services within facilities should be regularly evaluated by the Department to ensure that youth are getting their health needs met within a reasonable time frame.

## **Recreation**

Youth are entitled to at least one hour of large muscle activity per day.<sup>32</sup> Youth on one residential unit and youth in the infirmary reported not receiving a full hour of recreation over multiple days during the first quarter (grievances 14172 and 14135). Administrators must ensure that the facility schedule includes at least an hour of recreation time with opportunities for large muscle exercise for all youth.

The physical plant at CYDC includes a large outdoor space with a football field and track. While several special events were held in this outdoor area during the first quarter, usage of this resource should be increased and youth should have access to the outdoor area on a regular basis for recreational purposes.

## **Family Engagement**

Family contact is linked with better outcomes for youth involved in the juvenile justice system. According to best practices, "family should be defined broadly to reflect all the positive people a young person can have involved in their life—including extended family, mentors, teachers, and coaches."<sup>33</sup>

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<sup>32</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.

Md. Standards for Juvenile Detention Facilities 4.5.1.3.

<sup>33</sup> Ryan Shanahan and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Available at: <https://storage.googleapis.com/vera-web->

Current DJS policy on family engagement does not recognize the positive role that extended family and other adults can have on a child's progress. Regular visitation and phone contact is limited to immediate family members (biological or adoptive parents and siblings) on two specified days per week. During the first quarter, a youth facing adult charges who has an extended family of supportive aunts and cousins made repeated attempts to schedule a special visit with his family while housed at CYDC. He reported that contact with them during his stay in adult lock-up helped him cope and have hope.

The same youth's girlfriend is pregnant with his child but had to wait outside in the car during visiting hours while the youth's mother visited the youth at CYDC because the Department's visitation policy limits visits to family members. The youth commented that he felt disconnected from his girlfriend and that he was anxious to work to become a good father. He also expressed interest in parenting classes and learning more about prenatal development so that he could be involved and supportive of his girlfriend during the pregnancy.

Family visitation policies should involve the identification of all important people in a child's life and include flexibility in accommodating visitation for all supportive individuals that can promote youth well-being.

Administrators at CYDC make efforts to schedule engaging events for youth and their families during visitation, including activities to improve communication and bring families closer together. Family engagement initiatives that are tailored to youth and family needs, such as parenting classes, should also be incorporated into the schedule.

## **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at CYDC.

Both youth and education staff reported issues with school climate. Tension was partly attributable to a newly hired teacher who many youth perceived as being racist and antagonistic (grievance 14133). In incident 149839, a youth and the recently hired teacher were having a verbal back and forth. The youth stood up and the teacher in response walked from behind his desk and approached the youth while pointing his finger at him. Both the youth and teacher were visibly upset. The youth lunged at the teacher and was physically restrained and removed from the classroom by staff. In incident 150571, the same teacher and another youth were involved in a verbal argument. As DJS direct-care staff were trying to de-escalate the situation, the teacher told the youth to "shut up" and pushed him while he was being physically restrained. The youth was removed from the classroom by staff. The teacher has since been transferred to a different DJS facility.

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[assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy\\_downloads/family-engagement-for-juvenile-justice-agencies.pdf](#)

Students reported a disconnect between the content of the material they were being taught and their interests. For example, during Black History Month, youth in history class said they were not learning enough about African American history and the contributions of and positive role that African Americans play in U.S. culture and society.

Education staff in DJS facilities should receive specialized training on skills and competencies necessary to work fruitfully with incarcerated youth, including classroom management strategies, trauma-informed care, implicit bias, and cultural sensitivity. Restorative practices should be embedded into educational operations to help foster constructive and productive relationships between youth and education staff and improve the school culture. The daily curriculum should incorporate themes and projects that are relevant to youths' lives and engage them in the learning process.

During the first quarter, a special education student reported that he was not receiving services in accordance with his Individualized Education Plan (IEP) and that, when he requested the services, his teachers got angry with him (grievance 14086). An inquiry by the DJS child advocate revealed that mandated services were not consistently provided to the youth and that there was also a lack of documentation for services rendered. Administrators at MSDE JSES should ensure that schools have the resources to meet the needs of special education students. In addition, every school should have thorough bookkeeping procedures to ensure that the provision of services is properly documented.

There is one GED testing site (at the Hickey detention center) to cover almost all youth housed in DJS detention facilities. A youth housed at CYDC had to postpone his GED because of a physical plant issue at the testing site. Testing sites should be expanded to more locations to accommodate youth needs.

High school graduates are eligible to participate in the DJS organized World of Work (WoW) program, which pays youth minimum wage to perform odd jobs around the facility. But for youth enrolled in WoW, there are often not enough jobs to keep them constructively occupied during the entirety of school hours, and many youth end up having to sit in on high school classes for part of the school day. Large numbers of youth have consistently expressed interest in acquiring skills and learning trades (including barbering, mechanics, landscaping, and HVAC) while incarcerated so that they can become certified in career and technology-related skills that will help them in finding employment upon their release. Robust career and technology education options should be incorporated into the educational program at all DJS facilities including CYDC.

For more information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

### 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 owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 79% of entries in the first quarter of 2018, compared to 77% during the first quarter of 2017.

Hickey – Selected Incident Categories	Q1 2016	Q1 2017	Q1 2018
<b>Average Daily Population (ADP)</b>	<b>47</b>	<b>52</b>	<b>59</b>
1. Youth on Youth Assault/Fight	28	39	39
2. Alleged Youth on Staff Assault	4	0	1
3. Physical Restraint	65	63	44
4. Use of Handcuffs and/or Shackles	8	13	3
5. Seclusion	6	7	5
6. Contraband	5	0	5
7. Suicide Ideation	5	4	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	0	0

Average daily population (ADP) in the first quarter of 2018 increased by 13% compared to the first quarter of 2017. During the same time period, physical restraints decreased by 30%, use of mechanical restraints within the facility decreased by 77% and use of seclusion decreased by 29%.

The reduction in the use of restraints and seclusion is a positive development. Hickey administrators should continue efforts to maintain a safe detention environment through the

development of constructive programming for youth, the promotion of positive relationships between youth and staff, and the utilization of verbal processing and de-escalation techniques.

### **Lack of Running Water/Unhygienic Conditions**

In early January, water was shut off to the facility by Baltimore Public Works in order to fix faulty pipes located in an adjacent neighborhood. Facility administrators were not notified of the planned disruption in water supply and were not informed as to how long the repairs would take. Youth remained at the facility and went without running water from Sunday, January 7<sup>th</sup>, through Wednesday, January 10<sup>th</sup>. Movement outside of living units was curtailed during this time. Instead of showers, youth used moist wipes to bathe. Bottled water was brought into the facility for drinking, and youth were required to use buckets of water brought to the unit to flush toilets.

During a monitoring visit, toilets on one unit were left unflushed and youth reported being reluctant to use the bathroom because of the putrid smell and lack of hygiene. Youth on other units reported being worried about the potential for illness and infection in addition to feeling “grimy” from being un-showered for days. Running water is an essential component of facility operations and yet, during the days without running water, the Baltimore City water supply administration (which services the area around Hickey) failed to prioritize the resumption of public water flow to Hickey - a large congregate facility with a population unable to go elsewhere to shower or utilize toilet facilities. The Department of Juvenile Services ended up making alternative arrangements by hiring tanker trucks filled with water and using them to supply some basic water dependent needs beginning on the morning of Wednesday, January 10<sup>th</sup>. The resumption of public water supply to Hickey occurred later that evening.

In order to ensure youth always have access to functional toilets and showers, the Department’s emergency preparedness protocols should include the immediate implementation of contingency plans (for example, ensuring the timely provision of water tanker trucks) in the event that water flow is interrupted or cut off at any DJS facility.

### **Reporting Incidents**

The following incidents during the quarter indicate a need for direct care and medical staff refresher training about reporting incidents per DJS policy<sup>34</sup> and on individual responsibility regarding legally mandated reporting of potential abuse or neglect.<sup>35</sup>

In incident 149854, a group of youths were returning to a living unit from school. One youth walked toward a staffer who was seated at the far end of a room. The staffer quickly stood up, approached the youth, and began tussling with him, causing the youth to fall into and over a nearby chair. Staffers present on the unit failed to report the incident. Hours later, a supervisor

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<sup>34</sup> Md. Dept. of Juvenile Services Policy and Procedure MGMT-03-07 and RF-11-05.

<sup>35</sup> Ann. Code of Md. §5-704

was conducting a randomized video review for safety and security purposes and came upon the incident and, following appropriate reporting procedures, contacted Child Protective Services (CPS) to report potential abuse and also contacted the Department's internal investigatory unit (DJS OIG) so that the incident could be investigated for alleged inappropriate use of force by staff.

Staff are required to report incidents involving restraints of youth. Supervisors review identified incidents to ensure that restraints are conducted in accordance with DJS policy. These procedures help protect youth and staff and promote staff accountability. Efforts to create and maintain a culture of safety for youth and staff are undermined when staff violate policy by failing to report incidents.

In incident 149853, youth were lining up to leave the Hickey gym. A staffer and a youth began arguing and the staffer approached the youth, placed his hands around the youth's neck, and pushed him over to the gym wall. Other staffers intervened to get the staffer away from the youth. The youth got back in line and the unit proceeded to walk to the cafeteria. During the line movement, the shift commander, who had not witnessed the alleged assault, noticed that the youth was crying and visibly upset. The shift commander took the youth aside and sat with the youth at lunch to process with him. After some time, the youth reported to the supervisor that the staffer tried to choke him.

The youth was immediately brought to the medical unit for evaluation. While the nurse indicated in the medical record that the youth was being seen due to alleged abuse by a staffer, she inexplicably checked off "no" in response to a question on the medical form asking the following: "Do the circumstances indicate the child may have been abused?" She also did not complete the notification information indicating that Child Protective Services (CPS) was contacted. Facility administrators did initiate a call to CPS to report the alleged physical abuse.

Nursing staff (whether permanent DJS employees or contracted providers) are legally mandated reporters and are required to notify CPS of suspected abuse of youth. Administrators at DJS headquarters should address this issue of non-compliance with a legal mandate permanently by ensuring all employees and contractors understand and carry out their duties in reporting alleged abuse or neglect. Additionally, medical personnel within DJS facilities should receive periodic training on accurately completing medical documentation and on making referrals to CPS in situations involving alleged abuse or alleged neglect.

### **Camera Coverage**

Video footage facilitates comprehensive incident reviews and enhances safety, however, blind spots located around the facility (noted in incidents 149928, 149759 and 149998) and a malfunctioning camera system (noted in incident 150698) prevented administrators and managers from viewing some incidents for auditing and monitoring purposes.

Incident 149321 occurred in the infirmary and involved an allegation of indecent exposure by one youth toward another youth. During an investigation into the incident by the Department's Office of Inspector General (DJS OIG), a supervisor noted that "there is a blind spot that the camera does not pick up" and that "youth will usually sit in the [blind spot] of the camera so that cameras cannot record them."

In grievance 14245, a youth reported that he was kept in his room for 24 hours following a fight (incident 150698). The written incident report on the fight did not indicate seclusion was utilized and the seclusion log included no reference to a seclusion on the day the incident occurred. However, when the child advocate who followed up on the grievance spoke to the shift commander concerning the grievance, the shift commander indicated that youth were indeed placed in their rooms while she investigated the incident and debriefed with the allegedly involved individuals. The shift commander added that youth were let out of their rooms in time for the lunch period. Video review of the incident was requested during a monitoring visit to ascertain whether and how seclusion or de facto seclusion was utilized. Due to a malfunctioning video system, administrators were not able to pull up footage from the day in question to definitively ascertain the length of time that youth were placed in their rooms following the fight.

Blind spots on the Hickey campus should be identified and remedied with camera coverage and the camera system at Hickey should be permanently fixed to enable administrators to adequately monitor all areas of facility operations in order to help ensure safety and security for youth and staff.

### **Trauma-Informed Care**

The Department mandated a three-hour information session for direct-care staff to raise awareness about trauma and its effects. While the session was a positive introductory step, further ongoing professional trainings involving comprehensive, targeted and practical skills-based instruction must be undertaken to help staff integrate the principles of trauma-informed care into evolving situations and daily interactions with youth. Experts in trauma-informed care have noted that "a trauma-informed system is not just about raising awareness, but changing behavior, actions, and responses. The approach requires doing things differently so as not to re-traumatize or introduce additional trauma."<sup>36</sup> The following incident highlights the need for substantive training – beyond an introductory lecture about trauma – in concrete strategies to identify and manage fraught situations, utilizing skills that take into account individual challenges and potential triggers for traumatized youth:

Incident 150127 involved a youth with a history of significant mental health issues. As the youth stood outside in a hallway, staff entered the youth's cell to remove a set of books the youth had placed inside earlier. (Facility rules limit the number of books that a child can keep in his room to a maximum of two). As the staffer exited the room, the youth asked why the staffer was

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<sup>36</sup> "Implementing a Trauma-Informed Approach for Youth across Service Sectors," page 4. Available at: <https://youth.gov/youth-topics/youth-mental-health/trauma-informed-approaches>

removing his books and the staffer and the youth exchanged words. The child suddenly threw a cup of water in the staffer's face. The youth was physically restrained and placed in his cell after which he became extremely agitated. Several staff assisted in keeping him restrained until he calmed down. The youth later debriefed with mental health staff and told the clinician that he was triggered and upset when his books were taken away. He had recently attended his father's funeral and one of the books had a picture of his dad in it.

Staff should be trained to implement a trauma-informed approach – one involving communication and understanding, rather than sole dependence on rule enforcement as in the case described above – to help de-escalate situations and guard against the potential traumatization or re-traumatization that can occur from the use of physical restraint.

### **Restorative Practices**

Incidents can occur as a result of ongoing youth conflicts and arguments that have not been adequately resolved (incidents 149759 and 149998). Restorative practices such as community conferencing and responsive circles<sup>37</sup> can help to prevent and resolve youth conflict. The Department should incorporate consistent use of restorative practices led by trained facilitators into youth programming at all DJS detention centers and placement sites.

### **Food and Hygiene**

Youth across almost all DJS-operated facilities, including Hickey, voice complaints about the small portion sizes for meals – leading them to be hungry throughout the day – and also note that they are required to use substandard hygiene products that can cause skin irritations (grievances 14274 and 14216). Name brand hygiene products and additional snack items are considered a privilege under the Department's behavior management program, Challenge, and can only be "earned" through behavior management program points which can be redeemed on a weekly basis. All youth should have access to essentials such as nourishing and filling meals and skin and hair products of appropriate quality while they are under DJS care.

### **Family Engagement and Special Events**

Administrators, case managers, and mental health staff at Hickey work as a team to create and coordinate special events, family engagement activities, and enrichment programs for youth. Mental health staff and case management staff worked together to pilot a youth music production program and have also sponsored an ongoing weekly book club. Additionally, the case management supervisor has organized several activities based on youth input of ideas, including special meals, games nights, and holiday themed events.

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<sup>37</sup> For more information, see Restorative Response Baltimore, available at: <https://www.restorativeresponse.org/restorative-practices/>

Family engagement events should be bolstered with substantially more opportunity and time for phone contact with loved ones. Current DJS policy limits youth to two 10-minute phone calls per week, an allowance which youth indicate is wholly inadequate to the task of proper maintenance of critical family relationships and support.

### **Education**

For information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

**Thomas J.S. Waxter Children’s Center**

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a maximum security detention center for girls. Waxter is owned and 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 77% of total entries during the first quarter of 2018, compared to 68% during the same period last year.

<b>Waxter – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>22</b>	<b>25</b>	<b>21</b>
1. Youth on Youth Assault/Fight	22	18	14
2. Alleged Youth on Staff Assault	4	5	2
3. Physical Restraint	50	56	35
4. Use of Handcuffs and/or Shackles	9	0	0
5. Seclusion	12	3	1
6. Contraband	1	1	1
7. Suicide Ideation	36	29	33
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	0	4

**Safety and Security**

Average daily population (ADP) at Waxter during the first quarter of 2018 decreased by 16% compared to the same period last year. Over the same time, fights and assaults decreased by 22%, physical restraints decreased by 38% and seclusions decreased from three to one. Mechanical restraints (handcuffs and/or shackles) were not used in connection with any incident

inside the facility during the first quarter. However, incidents involving suicide ideation increased by 14%.

## **Adult Housing**

Maryland state law provides that certain youth charged as adults can be held in detention centers operated by DJS. During the first quarter, adult housing youth detained at Waxter comprised 24% of the overall ADP, an increase from 16% during the same period last year.

Youth charged as adults have, on average, increased lengths of stay compared to youth with cases in the juvenile court system. In fiscal year 2017, youth charged as adults at Waxter had an average length of stay of 62.7 days, compared to 17.1 days for youth awaiting adjudication in the juvenile system and 31.4 days for youth who, after adjudication, are waiting to be transferred to a committed placement center through DJS.<sup>38</sup> Waxter does not include programming designed to provide supportive or rehabilitative services to youth who may spend months awaiting a decision from the adult court. The Department and MSDE JSES<sup>39</sup> should provide resources to staff and administrators to enable the delivery of constructive programming to youth facing adult charges who will likely spend two months or longer in secure detention.

During the first quarter of 2018, girls at Waxter who were facing adult charges frequently expressed anxiety and asked questions about aspects of the criminal justice system that they did not understand. Representatives from the Women's Bar Association of Maryland visit Waxter each month and, during some visits, present information about how court systems function and the processes involved. These information sessions help resolve some, but not all, of the questions that adult housing youth typically ask. Kids facing adult charges need regular, ongoing, and speedy access to information that can help answer their questions about the adult criminal justice system. Furthermore, and given research showing a negative impact on public safety and unsuccessful outcomes for young people issuing from the practice of charging youth as adults, the state of Maryland should ensure that all cases against youth – regardless of charged offense – start in the juvenile court.<sup>40</sup>

## **Staffing**

### **Ratios**

In 2017, the Department reduced the staff-to-youth ratio at Waxter from one staff for every six youth to one staff for every eight youth.

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<sup>38</sup> Maryland Department of Juvenile Services, 2017 Data Resource Guide, page 125. Available at: [http://www.djs.maryland.gov/Documents/DRG/Detention\\_FY2017\\_DRG.pdf](http://www.djs.maryland.gov/Documents/DRG/Detention_FY2017_DRG.pdf)

<sup>39</sup> The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for providing education services to youth in DJS facilities.

<sup>40</sup> Pew Charitable Trusts, "How 'Raise the Age' Laws Might Reduce Recidivism." May 31, 2017. Available at: <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/05/31/how-raise-the-age-laws-might-reduce-recidivism>

Both before and after this change, the Department's staffing levels allow for situations where a single staffer is responsible for supervising a group of youth. On a monitoring visit during the quarter, a youth was unaccounted for on a living unit. When staffers realized they did not know where the youth was, they searched and found her in a bathroom which is located in a hallway behind a locked door. The youth explained that a staffer had let her into the bathroom before returning to supervise the rest of the group. The girl said she had stayed in the bathroom to get away from the group and have time to herself.

Enhancing overall staffing ratios and requiring that at least two staffers supervise groups of youth would help ensure comprehensive supervision and the availability of staff to process and build rapport with youth, both of which promote safety and security.

### Staff Morale

Administrators at Waxter convened a staff morale committee to organize staff appreciation events and other morale-boosting programs. Staff and administrators have to fund these initiatives on their own – they do not receive financial support from the Department. These events help promote a positive environment at Waxter and the Department should support efforts by administrators to improve staff morale on a regular and ongoing basis.

### **Mental Health Staffing**

During 2017, mental health and case management staff began holding group sessions on residential units to deliver psychoeducational material and help manage interpersonal dynamics among youth. Following implementation of this initiative, Waxter facility administrators credited the added programming with contributing to declines in incidents involving aggression. However, during the first quarter of 2018, mental health staffing vacancies reduced the availability of clinicians to hold groups and to help provide early intervention and crisis de-escalation. Instead, mental health staff had to devote the bulk of their time to performing evaluations and attending meetings, rather than interacting directly with youth (individually and in group sessions).

Mental health staff are available on weekdays and have expanded the hours they are available on-call (for consultation by phone) during evenings and weekends. The Department should increase the number of clinician positions assigned to Waxter to ensure that there is always at least one mental health staffer on-site during youth waking hours specifically for the purpose of meeting with youth and supporting crisis intervention and de-escalation efforts.

The physical plant at Waxter also impedes the delivery of mental health services. Responding to the school building from the hallway in the main building where therapists' offices are currently located can take several minutes. There should be a sufficient number of mental health clinicians on site during the week to allow for a therapist to remain posted in the school building while youth attend classes. In incident 150202, a youth was upset during class and was asked to leave the classroom to process with a direct-care staffer. The youth became more upset and staffers ultimately physically restrained the youth. The Department should ensure a mental

health clinician is posted in the education building to help provide prompt support for youth and direct-care staff when issues arise during the school day. Given available space limitations in the school building at Waxter, adjustments to the physical plant may be necessary to accommodate the posting of a mental health professional in the school area during class time.

### **Pregnant Youth**

Near the end of the first quarter, a pregnant youth was transferred from the J. DeWeese Carter Center to Waxter where she remained for several weeks until she gave birth. State law prohibits the utilization of mechanical restraints on girls who are in their “third trimester of pregnancy or during labor, delivery, or postpartum recovery, including during all transports” unless there is an individualized determination by a facility superintendent that restraints are necessary to prevent harm to the mother or others, or prevent escape.<sup>41</sup>

Before the baby was born, administrators from Waxter proactively visited the hospital where the youth was scheduled to deliver, Howard County General Hospital, to ensure that the youth would not be shackled before, during, and after the birth. After Howard County General Hospital refused to agree to care for the youth while unshackled, Waxter administrators arranged for the youth to deliver her baby at Baltimore Washington Medical Center where hospital staff agreed to provide care while the youth remained unshackled.

### **Physical Plant & Basic Needs**

Establishing a humane environment is a critical part of developing a therapeutic culture which – unlike a culture of control and compliance – helps to reduce recidivism rates among youth.<sup>42</sup> Ensuring youth access to basic needs related to food, clothing, and shelter and helping them to practice self-care are essential parts of creating a humane environment.<sup>43</sup>

During the first quarter of 2018, there were ongoing problems with the heating system at Waxter which caused extreme fluctuations in temperature on the living units. While maintenance staff responded promptly to moderate the temperature to the extent possible on a case-by-case basis, the Department should ensure the system is permanently fixed or replaced to avoid similar problems next winter.

The Department has begun requiring each facility to use hygiene products purchased through a contract between DJS and a supply vendor. The products purchased through this contract include deodorant, toothpaste and a 3-in-1 shampoo/conditioner/body soap product. Youth and staff consistently report that the 3-in-1 product causes skin irritations, that the deodorant has a foul smell, and that the toothpaste does not work. Helping young people to adopt sound hygiene practices is a critical part of adolescence and fostering a positive self-image. Requiring girls and boys in DJS facilities to use ineffective and low-quality hygiene

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<sup>41</sup> Md. Code Ann., Human Services §9-237.

<sup>42</sup> A New Juvenile Justice System: Total Reform for a Broken System, NYU Press, 2015. Page 72.

<sup>43</sup> Id.

products undermines these processes. The Department should only contract with vendors who agree to provide quality products that support sound hygiene practices.

### **Recreation and Structured Programming**

A vacancy for a recreation specialist at Waxter should be filled as soon as possible – currently, a direct-care staffer is covering duties associated with the recreation specialist position.

Youth in detention are required to have an opportunity for at least one hour every day of large muscle activity.<sup>44</sup> This mandate is difficult to satisfy at Waxter, particularly during winter months or other times of inclement weather, where there is only one area inside the facility that is large enough to provide a group of youth with a meaningful opportunity for large muscle movement. This space, known as the “cafenasium,” also doubles as the cafeteria and as the visitation area, severely limiting its availability for exercise, particularly on designated visit days.

This physical plant shortcoming has disproportionately impacted one of the living units – A Unit – by requiring youth and staff on A Unit to remain in the unit living space while attempting to partake in the hour of large muscle activity to which youth are entitled. The unit is not large nor was it designed to facilitate exercising for fitness. The acting recreation specialist has proposed rearranging the schedule to allow equal access to the cafenasium by every living unit. A permanent schedule should be developed to ensure each living unit has an opportunity for an hour of large muscle exercise either in the outdoor recreation yard or in the cafenasium every day.

Staff and administrators at Waxter work to keep youth engaged in a variety of structured activities. These efforts should continue and be supported by the Department, as constructive activities help to reduce downtime and mitigate against pervasive boredom or rising tension, which can lead to incidents involving aggression.

### **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Waxter. Education administrators and staff at Waxter have worked to develop a positive and constructive climate in the school, despite facing resource limitations and other challenges that persist within the MSDE JSES system as a whole.

For instance, while widespread hiring and retention issues exist across the MSDE JSES system, the school at Waxter has remained consistently well-staffed. Although there is currently a vacancy for a science teacher, the resource teacher assigned to Waxter, who is certified in science, has been filling in while MSDE JSES seeks a permanent replacement.

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<sup>44</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.  
Md. Standards for Juvenile Detention Facilities 4.5.1.3.

During the first quarter, a youth at Waxter was nearing completion of her high school graduation requirements. Youth cannot receive a high school diploma – only a GED – from MSDE JSES schools, and the youth decided she wanted to begin SAT preparation courses as a way to stay on track with her peers in the community. However, there are no preparatory courses for the SAT or any other college entrance exams available at Waxter or at any other DJS facilities. MSDE JSES and DJS should collaborate to help eligible youth access college preparatory resources.

Internet access in the school at Waxter continues to be limited by insufficient bandwidth which prevents school staff from connecting girls to potentially valuable education programming. MSDE JSES and DJS should ensure that Waxter has sufficient access to high speed internet without delay.

For more information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

### 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. African Americans represented 64% of youth entries during the first quarter of 2018 compared to 59% in the first quarter of 2017. Hispanic youth accounted for 23% of youth entries versus 30% in the first quarter of 2017.

<b>Noyes – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>22</b>	<b>32</b>	<b>33</b>
1. Youth on Youth Assault/Fight	14	21	29
2. Alleged Youth on Staff Assault	2	1	5
3. Physical Restraint	38	24	55
4. Use of Handcuffs and/or Shackles	7	1	8
5. Seclusion	10	2	3
6. Contraband	1	1	3
7. Suicide Ideation	12	12	9
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population increased by 1 (from 32 to 33) in the first quarter of 2018 in comparison to the first quarter of 2017 while youth on youth fights and assaults increased by 38% and physical restraints increased by 129%. Use of mechanical restraints (handcuffs and/or shackles) within the facility also increased substantially (from 1 to 8).

## **Use of Alternatives to Detention**

The rated capacity at Noyes is based on placing two or more youth in a cell together, which can lead to conflict and fights and assaults (Incident 149697). The population at Noyes should be minimized to aid in facility management. In place of detention, juvenile justice stakeholders in Montgomery County should advocate for greater utilization of community-based alternatives such as the Evening Reporting Center<sup>45</sup> and shelter<sup>46</sup> options. Community-based programs facilitate both public safety and positive youth outcomes. In contrast, research indicates that youth in detention are more likely to recidivate than youth in community-based programs, and that detention can “negatively affect a child’s mental state, academic aptitude, and employment prospects.”<sup>47</sup>

## **Group Dynamics**

Several fights and assaults during the quarter were possibly connected to tensions in or between communities or groups of youth (149183, 149947). Other incidents stemmed from negative group dynamics which developed among youths while at Noyes (149342, 149705, 150321). Some youth reported feeling unsafe because of issues arising from tension among youth (grievance 14237, 14081). Direct care staff sometimes attempt to mediate when these tensions arise or if and when they become aware that there is an issue that requires intervention (incident 150034). However, staff efforts would be greatly enhanced if paired with consistent use of professional mediation and conflict resolution services, including community conferencing and other restorative practices. Embedding restorative practices into facility programming can teach youth ways to constructively respond to interpersonal conflict.<sup>48</sup> In addition to facility-based resources, partnerships between local organizations and youth and their families should be fostered while youth are detained to provide families with comprehensive and holistic violence prevention interventions and services in the community.

## **Contraband**

In incident 149331, a youth was found with a cell phone in his room. A subsequent investigation by the Department’s Office of the Inspector General (OIG) found that a direct-care staffer was smuggling a personal cell phone into the unit for resident use. The staffer no longer works at the facility and search procedures for staff were modified to help prevent such security breaches in the future.

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<sup>45</sup> The Evening Reporting Center in Montgomery County is operated by Lead4Life, a community-based non-profit agency. For more information, see: <http://www.lead4lifeinc.org/>

<sup>46</sup> Kemp Mill Group Home is an alternative to detention group home that is operated by the non-profit agency Hearts for Homes. For more information, see: <http://heartsandhomes.org/group-homes/>

<sup>47</sup> Office of Juvenile Justice and Delinquency Prevention, “Alternatives to Detention and Confinement,” August, 2014. Available at: <https://www.ojjdp.gov/mpg/litreviews/AlternativesToDetentionandConfinement.pdf>

<sup>48</sup> For more information on alternative approaches to conflict resolution, see: <https://www.restorativeresponse.org/conferencing/>

## **Staffing**

In incident 149144, one staffer was posted to the girls unit when an argument broke out between two of the youth. While the staffer was restraining one of the two youth, the other youth ran up to the restrained girl and hit her on the head several times with a TV remote control. The injured youth was taken to the hospital for evaluation due to swelling and a possible concussion. Having just one staffer supervising when there is more than one youth present on residential units or elsewhere within a facility undermines the ability to prevent incidents and protect youth and staff from harm in situations where tensions escalate and involve aggressive behavior.

## **Living Conditions**

In comparison to community-based alternatives to detention, which often offer home-like environments and personalized attention to meet youth needs, living conditions and quality of life standards in detention institutions can be stark, frustrating, and dehumanizing. During the quarter, youth at Noyes frequently expressed concerns about their living situation. There were complaints about problems with the contracted phone service and issues with the quality of food provided by a contracted food vendor were consistently reported from several youth. Girls housed at Noyes were particularly concerned about the unit environment (insect infestations and cold temperatures and vent problems) and the lack of gender specific hygiene products. These concerns are detailed in the sections that follow.

### **Phone Service**

Many incarcerated youth rely on phone contact to stay connected to family members. Phone services in DJS facilities are primarily provided by a correctional telecommunications company, Global Tel Link (GTL). Youth phone calls are completed on a GTL phone located in the common or public area of the residential units.

In addition to the inappropriate public location of the phones and the fact that almost all calls are recorded, there are ongoing systemic problems with the GTL phone system which have yet to be permanently unaddressed. Case managers are responsible for setting up youth phone access and for resolving any issues. Several youth reported not being able to access phone service because their account was not set up for them in a timely manner (grievances 141271, 14263, 14251, and 14252). Phone reception is poor and phone calls drop in the middle of calls (grievances 14270, 14278, and 14256). During inclement weather, phone service can be down for an entire week (grievance 14186). The Department should ensure the provision of a consistently working phone service and the State of Maryland should ensure that all contractors with the State provide appropriate levels of service and product quality.

## Food Service

Food service is provided by an outside vendor at Noyes. While portions for dinner service were recently increased based on persistent complaints, youth report that breakfast and lunch portions remain meager and that they often remain hungry throughout the day (grievance 14268). Food quality has not improved, and youth describe the food as “unseasoned and tasteless.” The Department and State continue to utilize the same contracted food provider for the youth at Noyes despite multiple and longstanding complaints about food quality.

Additionally, dietary staff can be inattentive to youth allergies and food intolerances (grievances 14277 and 14260).

## Unit Environment

Girls housed at Noyes expressed dissatisfaction about the lack of attention to housing issues. For example:

- Ant infestations are an issue on all units, and are especially common on the girls’ unit. Girls requested extermination services several times during the quarter due to ants in their cells. The services were eventually provided but administrators need to be more proactive in addressing this issue.
- During winter months, the girls’ unit was cold and the girls had trouble sleeping at night because of discomfort caused by low temperatures (grievance 14207). Several girls commented that bathroom vents also blew cold air on them during showers, compounding the cold air temperature. The issue with the bathroom vents was ongoing for a year (grievance 14187). Initially, the maintenance supervisor was dismissive of the concern, remarking that he “was not worried about the cold air vents because residents were only supposed to be in the shower for 10 minutes” and that residents could find somewhere else in the bathroom to dry off that was not near the vent (grievance 14187). The vents issue was also ultimately addressed.

## Hygiene Products

Hygiene items at DJS facilities are bought through a correctional supply company. Quality is low and products are not gender specific or tailored to meet the specific needs of girls of color. Girls at Noyes requested gender specific hygiene products, including female deodorant, body wash, and conditioner formulated for textured hair (grievances 14259 and 14167). Facility staff reiterated that brand name hygiene products must be earned as rewards through the Department’s behavior management system, Challenge.<sup>49</sup>

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<sup>49</sup> For more information on Challenge, see pages 7-8 of this report.

Quality of life issues raised by youth in detention are often ignored or regarded as unimportant. However, being responsive to youth needs for food, hygiene, family contact, and a comfortable living environment helps demonstrate to them that they are cared for and valued. The Department and administrators at all DJS facilities, including Noyes, should ensure an emphasis on promoting youth well-being by meeting their essential needs.

### **Recreation and Programming**

Department policy requires access to a full hour of large muscle activity for youth daily. Scheduling a full hour of recreation outside of the unit is a challenge at Noyes due to space limitations. The gym space is also used as a cafeteria, visitation room, special event space, and barbering and beautician area when haircare services are provided. Notwithstanding the policy<sup>50</sup> stipulating the provision of an hour of large muscle exercise daily, youth only receive half an hour of recreation time (rather than a full hour) when the gym is being used for other activities. Administrators could and should utilize outdoor space as much and as often as possible to help accommodate the recreation needs of youth. The Department needs to develop a schedule that affords all youth one hour of large muscle exercise on a daily basis, including during inclement weather.

While administrators organized several special events and family engagement activities throughout the first quarter, excessive downtime remains an issue, especially after school hours and on weekends. When school is not in session, youth spend the majority of their time watching TV or playing cards. Case management staff, mental health staff, and direct-care staff should collaborate to bring more daily activities to units. Outreach to attract more community volunteers would also help to bring further meaningful programming into the facility.

### **Family Engagement**

Family contact is linked with positive youth outcomes. According to experts in juvenile justice reform, “identifying and engaging family and community members to help juveniles throughout all stages of the juvenile justice system can improve youth’s mental health, reduce behavioral problems, provide motivation, and lower the rate of recidivism.”<sup>51</sup> Furthermore, “for youth in the juvenile justice system, family is best defined broadly to include biological family members, extended and chosen family (including godparents and foster siblings), and other important people such as mentors, teachers, and coaches.”<sup>52</sup>

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<sup>50</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.  
Md. Standards for Juvenile Detention Facilities 4.5.1.3.

<sup>51</sup> Ryan Shanahan and Margaret diZereega. “Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies.” Vera Institute of Justice. February 2016. Available at: [https://storage.googleapis.com/vera-web-assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy\\_downloads/family-engagement-for-juvenile-justice-agencies.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy_downloads/family-engagement-for-juvenile-justice-agencies.pdf)

<sup>52</sup> Id.

During the quarter, a homeless youth wanted to add an adult cousin to his phone list. Because DJS policy limits family contact to immediate family members, the youth had to make a special request through his probation officer to add the cousin to his call list, a procedure which took several weeks. The Department's family engagement policy should be expanded to allow for visitation and phone contact with anyone that is a part of the youth's support system. Requests and vetting should be processed in a timely way.

## **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Noyes.

A partnership between Montgomery County Public Schools (MCPS) and the school at Noyes has resulted in students at Noyes having access to online courses offered through MCPS. Students are able to earn school credit through the program. New computers were donated by MCPS to facilitate student access to the online portal.

The principal at Noyes encourages youth to become involved with educational enrichment activities in the community. Teachers have worked with youth to prepare submissions to state and national essay, poetry, and science contests. During the quarter, a student at Noyes placed third in a state essay contest sponsored by the Maryland Chapter of the Federal Bar Association.

For more information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

### 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 70% of entries during the first quarter of 2018, compared to 68% in 2017.

LESCC – Selected Incident Categories	Q1 2016	Q1 2017	Q1 2018
<b>Average Daily Population (ADP)</b>	<b>15</b>	<b>17</b>	<b>18</b>
1. Youth on Youth Assault/Fight	11	11	4
2. Alleged Youth on Staff Assault	0	1	3
3. Physical Restraint	23	28	35
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	1	0	0
6. Contraband	2	0	0
7. Suicide Ideation	4	3	7
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	2	0	2

Average daily population increased by one (from 17 to 18) during the first quarter of 2018 compared to the first quarter of 2017 while youth fights and assaults decreased by 64%. Physical restraints increased by 25% during the same time period. Mechanical restraints and seclusion were not used within the facility during the first quarter of 2018.

Administrators and staff at LESCC provide therapeutic care to youth in a detention setting. Youth consistently report that staff are emotionally supportive and attentive and provide sufficient quality food and amenities to make their time in detention as tolerable as possible.

Several programs were introduced during the first quarter including a speaker series, cooking classes, and a Black History Month event. Youth were also provided with extra gym time on a daily basis and had increased access to the outdoor areas to help ease restlessness. Youth requested more varied and engaging activities held on a consistent basis to help break up the monotony often experienced during incarceration. Meaningful enrichment opportunities should continue to be developed by LESCC staff in conjunction with community partners.

Toilets and sinks in youth bathrooms at other secure detention centers are made of stainless steel. However, at LESCC, sinks and toilets for resident use are porcelain which can potentially be broken up into shards and used as a weapon or to self-harm. Porcelain fixtures should be replaced with stainless steel. In addition, throughout the facility, Americans with Disabilities Act (ADA) compliant grab bars are in place in bathrooms. These bars currently pose a hanging risk and they should be modified in order to minimize the potential for them to be used in a suicide attempt.

The Maryland State Department of Education, Juvenile Services Education System is responsible for education services in DJS facilities. For information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

## 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 first quarter of 2018 compared to 68% in the first quarter of 2017. Hispanic youth accounted for 10% of total entries during the first quarter of 2018 compared to 6% during the first quarter of 2017.

<b>WMCC – Selected Incident Categories</b>	<b>Q1 2016</b>	<b>Q1 2017</b>	<b>Q1 2018</b>
<b>Average Daily Population (ADP)</b>	<b>20</b>	<b>22</b>	<b>21</b>
1. Youth on Youth Assault/Fight	18	12	14
2. Alleged Youth on Staff Assault	0	1	0
3. Physical Restraint	34	28	32
4. Use of Handcuffs and/or Shackles	4	5	4
5. Seclusion	2	1	1
6. Contraband	0	2	0
7. Suicide Ideation	1	1	6
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	0	0

The average daily population decreased by one (from 22 to 21) during the first quarter of 2018. Fights and assaults increased by 17% and use of physical restraints increased by 14% during the same time period.

Administrators at WMCC attributed the uptick in fights, in part, to existing neighborhood and community conflicts among youth that were exacerbated by the close living quarters of a

small facility environment. Proactive measures should be taken to address tension among groups of youth. Programming and intervention services to teach youth emotional regulation and conflict resolution skills should be available to all youth in DJS facilities to help create a safer environment. Professional mediators that engage in restorative practices with youth in conflict are utilized at other DJS facilities. These services should be expanded to WMCC.

### **Staff Professionalism**

Administrators and staff at WMCC are able to create a safe facility environment by forming constructive relationships with youth while remaining professional. However, the incident described below highlights a situation in which a staffer's efforts to establish rapport violated appropriate youth/staff boundaries.

In incident 149665, a youth reported to a mental health clinician that a staffer engaged in horseplay with him four days prior and that he suffered injury to his nose from physical contact with the staffer. The youth said that he did not report what happened at the time because the staffer offered him extra food when he got hurt. He was taken to medical and the nursing record noted that the youth had bruising and some swelling to the right side of his nose.

Video footage of the incident shows the youth facing a door talking to another youth through the door window. The staffer runs over to the youth and jumps toward the youth's back. The force of the contact causes the youth's face to hit the glass window. The youth bends over and grabs his nose and face while the staffer runs away, laughing.

An investigation was initiated by the Department's internal investigatory unit (DJS OIG), and the staffer was interviewed. The staffer reported that he had rapport with the youth and that he and the youth "could play around like that." The staffer also told the investigator that he believed that "it is hard to have a rapport with youth and not horseplay now and then." When he realized the youth was hurt, he stated that he felt apologetic and offered the youth an extra snack "because he felt bad." The staffer did not report the incident to supervisors and an incident report was not generated until the youth spoke to the mental health clinician days afterward. According to the staffer, "it didn't seem like a big deal."

Disciplinary action was taken by administrators following completion of the investigation.

Staff professionalism is pivotal to maintaining safety and security at WMCC. Administrators should continue to take prompt measures to address improper staff conduct and sustain the positive culture at WMCC.

### **Case Management Supervisor Vacancy**

The Department reassigned the WMCC case manager supervisor to another facility toward the end of the first quarter of 2018. In addition to case management duties, the case

manager supervisor proactively brought a variety of programming to WMCC through various partnerships with community corporations and non-profits. The case manager supervisor also performed administrative functions such as scheduling evaluation team meetings, assisting with facility audits, and helping the superintendent in reviewing facility operating procedures to ensure that they were in line with Department policy. The position is especially vital at WMCC since there is no assigned assistant superintendent. The vacancy should be filled with an equally qualified and motivated individual without delay.

### **Phone Calls**

Phone services at all DJS facilities are provided by a Virginia-based correctional technology company (Global Tel Link or GTL). Youth are required to use phones located in a public area to make calls home, and almost all phone calls are automatically recorded. Law enforcement have requested and used recordings of youth phone calls. The recording of youth phone calls violates privacy and subjects youth to potential legal harm. The practice of recording family phone calls should be discontinued.

### **Education**

The Maryland State Department of Education, Juvenile Services Education System is responsible for education services in DJS facilities. For information on education services in DJS facilities, see the section on MSDE JSES beginning on page 74.

## **SMALLER FACILITY UPDATES**

## SMALLER FACILITY UPDATES

Incidents involving aggression at smaller facilities licensed by DJS were low during the first quarter of 2018.

### Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc. and licensed by DJS to house up to 24 boys. Low numbers of referrals and admissions to Morning Star during the first quarter have undermined the viability of the program. Morningstar has adopted the Sanctuary model, a trauma informed and trauma responsive approach, to guide all aspects of its treatment program.<sup>53</sup> Direct care staff are trained in utilizing the model in their work with youth. Staff should devote greater attention to establishing safety by maintaining daily structure to ensure the model remains effective. In addition, mandatory monthly staff meetings between administrators and facility staff should be implemented to help create more cohesion between management and personnel on the ground.

An outside vendor consistently provides high quality education services. Youth also have the opportunity to visit nearby colleges and universities. During the quarter, administrators began planning for a woodworking program to supplement classroom learning. Vocational opportunities should continue to be expanded. Youth at Morning Star participate in a wide variety of recreational and volunteer activities both on and off campus. While there is a greater array of activities and the level of community engagement is far more substantial than that afforded youth in remotely located DJS-operated placement facilities, youth do report excessive downtime on weekends and after school. Administrators should look for additional outlets on site and in nearby communities to provide youth with additional constructive activities and programming on a daily and weekly basis.

### 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 17 and 20 years old and is geared toward preparing youth for independent living. One Love provides youth with therapeutic care in a home-like environment. High staff to youth ratios ensure that youth receive personalized attention. One Love administrators excel at identifying and utilizing community providers and resources in order to meet the educational, vocational, and physical and mental health goals of individual youth. As a result, One Love is able to successfully care for youth with high medical and mental health needs who often have faced multiple ejections from previous placements and prolonged stays in secure detention centers.

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<sup>53</sup> Information on the Sanctuary Model can be found at <http://sanctuaryweb.com/TheSanctuaryModel.aspx>

# **JUVENILE JUSTICE AND REFORM IN MARYLAND**

## Placing Youth Closer to Home

The Department should increase efforts to keep youth that courts have sent out-of-home closer to their communities given that “[m]ounting evidence from the best statistical analyses suggests that incarceration of youth may actually increase the likelihood of recidivism.”<sup>54</sup> Two smaller DJS facilities, Mount Clare (12 beds) and the William Donald Schaefer House (19 beds) in Baltimore City have been closed over the last several years, leaving fewer resources to allow youth to remain close to their families and communities. At the same time, the Department has recently spent \$1.5 million on construction to convert Savage Mountain youth center (located in remote western Maryland) from a staff secure facility to a hardware secure facility.<sup>55</sup> This step represents a departure from trends across the country to close youth prisons and invest in the development of a continuum of community-based treatment options, based on the research just described.

## Reductions in Average Daily Population in DJS-Operated Facilities

### DJS OPERATED FACILITIES - AVERAGE DAILY POPULATION OF YOUTH (ADP)

<b>FIRST QUARTER AVERAGE DAILY POPULATION</b>	<b><u>2017</u></b>	<b><u>2018</u></b>	
<b>DJS Operated Placement Facilities</b>	<b>151</b>	<b>120</b>	<b>20% REDUCTION</b>
<b>DJS Operated Detention Facilities</b>	<b>311</b>	<b>258</b>	<b>17% REDUCTION</b>

The average daily population (ADP) in both DJS-operated placement and DJS-operated detention facilities was substantially smaller during the first quarter of 2018 when compared with the same period in 2017. The reduction in the number of youth in the deep end of Maryland’s juvenile justice system has been achieved even as DJS continues to house youth charged as adults.

<sup>54</sup> 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. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

<sup>55</sup> For more information, see page 9 at: <http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2017fy-budget-docs-capital-V00-Department-of-Juvenile-Services.pdf>

The population reduction also took place as Savage Mountain - one of the four youth centers in western Maryland - was closed in September of 2017 to allow for conversion from a staff secure to a hardware secure (maximum security) facility. The Department is planning to re-open Savage Mountain in the summer of 2018.

During the many months that Savage Mountain remained closed, the Department managed with three youth centers. Indeed, the combined average daily population (ADP) for the youth centers declined significantly from 113 when all four youth centers were open during the first quarter of 2017 to 83 youth during the first quarter of 2018, a drop of approximately 26%. At the same time, there was also a reduction in the average daily population of youth sent to the DJS-licensed but privately operated Silver Oak Academy. When Savage Mountain re-opens, the Department will be operating three staff secure youth centers and one hardware secure (maximum security) youth center for boys in addition to the Victor Cullen hardware secure facility. The current and recent size of the youth population does not justify the operation of so many facilities. Additionally, the Department suffers from a very high level of staff turnover in the youth centers and at Victor Cullen.

The Department should permanently close one of the youth centers in order to adjust to the size of the youth population and to mitigate staffing issues.

### **Trauma and the Juvenile Justice System**

Research shows that, nationally, between 75 and 93 percent of youth in the juvenile justice system have been exposed to trauma, compared to about 34 percent of youth in the general population.<sup>56</sup> Girls at the deep-end of Maryland's juvenile justice system are even more likely than their male counterparts to have experienced trauma, particularly in the forms of physical and sexual abuse.<sup>57</sup> These challenges can greatly affect youth behavior and require a specialized approach on the part of adults working with youth in contact with the juvenile justice system, both in the community and inside facilities.

In 2017, all DJS staff attended a three-hour informational session about trauma and its effects. However, by failing to equip staff with trauma-informed skills training and continuing to insist on the statewide implementation of a behavior management system that is not trauma-informed, the Department has not taken the steps necessary to ensure a fundamental change in approach on the ground, as the situation described below highlights.

On a monitoring visit to Baltimore City Juvenile Justice Center (BCJJC) during the first quarter of 2018, a 13-year-old boy was using negative language and pestering his peers on the unit. Staff responded according to the DJS behavior management system's formula by verbally prompting the youth to stop, followed by a verbal warning to stop, and ultimately culminating in an order for him to take a "personal restriction" or time-out period in his cell. A staffer also began writing the youth a behavior report which documents the child's behavior and corresponding

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<sup>56</sup> Justice Policy Institute, "Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense." Available at: [http://www.justicepolicy.org/images/upload/10-07\\_REP\\_HealingInvisibleWounds\\_JJ-PS.pdf](http://www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf)

<sup>57</sup> Maryland Department of Juvenile Services "Interim Report: Services for DJS-Involved Girls." January 2018.

punishments (typically exclusion from participating in constructive activities for a period of days or weeks). The youth's behavior escalated as he became increasingly agitated, using threatening language and refusing to move to his cell. Other staff arrived on the unit to coax him into going to his cell for the personal restriction. The youth ultimately walked to his cell with his dinner tray, which he threw on the ground, and continued yelling. It was later learned that the boy's brother had died the day before.

Staff should be trained to privilege effective verbal processing and de-escalation skills as part of an approach that is trauma-informed. The Department should replace Challenge with an evidence-based and trauma-informed model and train all staff accordingly.

The prevalence of traumatic experiences and mental health needs among youth in the system also effects staffers who learn the details of youths' histories and who respond to youth who are in crisis.<sup>58</sup> While the State of Maryland offers an Employee Assistance Program (EAP), staff cannot access support until the challenges they are facing have begun to negatively impact their performance at work.<sup>59</sup> This arrangement restricts the ability of staff to access support services as needed and to independently and proactively prevent problems with work performance. The State of Maryland should address the issue of vicarious trauma by expanding staff access to the EAP to include receipt of support services upon request. The Department should not wait until staffers begin to burn out, suffer from compassion fatigue, or evince negatively impacted work performance to provide them with supportive resources.

## **Basic Needs**

Establishing a humane environment is a critical component of developing a therapeutic culture which – unlike a culture of control and compliance – helps to reduce recidivism rates among youth.<sup>60</sup> Ensuring youth access to basic needs related to food, clothing, and shelter and helping them to practice self-care are essential parts of creating a humane environment.<sup>61</sup> Programs that meet the basic needs of youth mitigate safety concerns such as “bartering, hoarding, misuses of power by youth and staff, and a harmful environment.”<sup>62</sup>

Despite the importance of meeting youths' basic needs, youth consistently report a need for increased food portions, particularly at breakfast. While the Department is bound by federal guidelines which limit caloric intake at breakfast and lunch, dietary staff should work within the bounds of these regulations to try and help youth access nutritious and satisfying meals.

On a monitoring visit to BCJJC during the quarter, several youth on a living unit were frustrated because their cells had been searched and left in disarray by staffers who conducted the shakedowns. While youth are expected to keep their beds made and their cells organized and neat, staffers left them messy and disorganized and some youth suspected their private

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<sup>58</sup> Alicia Moore, Johns Hopkins Bloomberg School of Public Health. Healing Together: Community-Level Trauma, Its Causes, Consequences and Solutions. 2015. Available at: [http://urbanhealth.jhu.edu/PDFs/SDH/SDH\\_2015\\_Brief\\_2.pdf](http://urbanhealth.jhu.edu/PDFs/SDH/SDH_2015_Brief_2.pdf)

<sup>59</sup> For more information, see: <http://dbm.maryland.gov/employees/pages/eap.aspx>

<sup>60</sup> Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 72.

<sup>61</sup> Id.

<sup>62</sup> Id.

materials – including journals, letters, and court documents – had been read. Staff should be trained and expected to treat youths and their belongings with respect and to model expectations, including those related to tidiness in living spaces.

The Department has also begun requiring each facility to use hygiene products purchased through a contract between DJS and a supply vendor. The products purchased through this contract include deodorant, toothpaste and a 3-in-1 shampoo/conditioner/body soap product. Youth and staff consistently report – through grievances and directly to monitors – that the 3-in-1 product causes skin irritations, that the deodorant has a foul smell, and that the toothpaste does not work (grievance 14247). During the first quarter, a youth put in a sick-call to request a different soap product because of the irritation the 3-in-1 product had caused. Medical staff provided him with name-brand soap, however he was required to make another sick-call and be reassessed by the nurse each time he needed more soap. Frustrated by this process, the youth said he stopped asking for name-brand soap and reverted to the 3-in-1 product that irritated his skin. Helping young people to adopt sound hygiene practices is a critical part of adolescence and fostering a positive self-image. Requiring girls and boys in DJS facilities to use ineffective and low-quality hygiene products undermines these processes. The Department and the State of Maryland should support sound hygiene practices and should contract with vendors to provide products of appropriate quality.

### **Family Engagement**

Research shows that family contact during incarceration improves youth behavior and education performance.<sup>63</sup>

During the quarter, a youth who had been detained at BCJJC for five months described how contacting his family helped improve his mood. However, the Department restricts all youth to two 10-minute phone calls a week. This policy applies to all youth in committed placement (where youth are sent for months at a time) and in detention centers regardless of the projected length of stay. The Department should increase the number and duration of weekly phone calls allotted to youth as part of its efforts to develop family engagement policies that facilitate, rather than hamper, frequent youth contact with positive supports in their communities.

The same youth who was detained at BCJJC also described frustration with rules about who he was permitted to call. He had been raised by his mother and his best friend's mother. After his best friend was killed, his best friend's mother remained active in his life. However, the youth could not add her to his phone call list because she is not a member of his immediate family. Positive and supportive people in youths' lives should be included on phone call lists after proper vetting, regardless of whether or not they are members of a youth's immediate family.

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<sup>63</sup> Vera Institute of Justice, "Family Engagement in the Juvenile Justice System." Available at: [https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy\\_downloads/family-engagement-juvenile-justice.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy_downloads/family-engagement-juvenile-justice.pdf)

# **MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES**

## THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education through the Juvenile Services Education System (MSDE JSES) is responsible for providing educational services to students in DJS-operated detention and committed placement centers.

MSDE JSES continues to lack ability and resources to offer consistent quality instruction to youth in the juvenile justice system. Persistent problems within MSDE JSES schools were highlighted by a recent report from a team of independent consultants contracted to evaluate the education services provided to youth incarcerated in DJS-operated placement and detention facilities. Critical areas where progress has not been achieved include:

- Staffing: Evaluators noted that “one of the most significant obstacles to delivering high quality services to youth included the high rate of staff turnover and persistent staff vacancies in the field.”<sup>64</sup> A year-long work schedule with no built-in school holidays combined with a salaries that are not commensurate with local school districts continue to contribute to high staff attrition rates at MSDE JSES schools.<sup>65</sup>
- Access to special education services: Students are not consistently receiving services in accordance with their Individualized Education Program (IEP) and documentation of services which are delivered are not adequately maintained (CYDC, p. 43).<sup>66</sup>
- Access to education for students in restrictive housing: Some youth housed in Baltimore at the largest juvenile detention center in the state (BCJJC) and at the hardware secure placement center for boys (Victor Cullen) are placed on a restrictive housing unit called the Intensive Services Unit (ISU). These separate and self-contained units are being operated inside a number of DJS-operated maximum security facilities. Youth are involuntarily placed on an ISU after allegedly being involved in an aggressive incident and have therefore been identified by DJS as needing additional supports and services. In practice, far from intensified services, youth education-related (and other) needs are afforded low priority and often sparsely addressed with learning “packets” (dropped off) and limited or no instructor time. Youth are required to stay on the ISU during school hours instead of being allowed to be in a normalized classroom environment (either with or separate from peers). In addition to the level of restriction youth are subjected to on ISUs, these housing units lack the basic necessities of a classroom such as dry erase boards, books, and technological resources such as smart boards and computer access. The potential for productive instruction time is also impeded by school staff vacancies, absenteeism and an ongoing lack of available qualified teachers<sup>67</sup> and/or lack of initiative

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<sup>64</sup> University of Maryland Strategic Plan Review Team, Implementation of the Strategic Plan for the Juvenile Services Education Program: Second Report, March 2018, p. 2. MSDE JSES has not made the report available online.

<sup>65</sup> Id., at 6-7.

<sup>66</sup> Id., at 8.

<sup>67</sup> Id. at 4, noting that students on one restrictive housing unit did not have access to education services for several weeks.

by education administrators to engage youth on the ISU in positive programming (Victor Cullen, p, 10-11).

- Parental engagement: Family engagement is linked to better educational outcomes for youth.<sup>68</sup> However, a majority of MSDE JSES schools at DJS facilities do not offer parents consistent opportunities to be involved in their child’s education.<sup>69</sup> In addition, there has been “no systematic plan to improve communication” to parents about their child’s academic progress.<sup>70</sup>
- Re-entry: Effective transition and re-entry services that connect youth to education and employment opportunities have been shown to reduce recidivism.<sup>71</sup> Yet students coming from DJS facilities are not provided consistent and comprehensive supports when leaving MSDE JSES schools to ensure that they are enrolled in local schools and more effort must be made to proactively ensure credits earned in MSDE JSES schools are transferred appropriately. Additionally, there is no mechanism to track student progress and outcomes once they have left a MSDE JSES school.<sup>72</sup>

Other long-standing issues that have been identified through monitoring visits include:

- Post-secondary education: Options to pursue post-secondary education are limited at DJS detention and committed placement centers. Some high school graduates with lengths of stay that correspond to the beginning of the school semester are given the opportunity to enroll in online courses offered through Frederick Community College. In addition, some graduates placed at Backbone Youth Center can take courses at a nearby community college.

However, most high school graduates placed in a DJS-operated facility spend significant amounts of the day sitting in high school classes to pass time (school time takes up 6 hours per day). Programs for college and career preparedness should be expanded at MSDE JSES schools, including access to SAT and ACT preparation courses. MSDE JSES should also establish at least one designated testing center where youth can sit for the SAT or ACT exam. During the quarter, a student at the Waxter detention center was nearing completion of her high school graduation requirements and wanted to begin formally studying for the SAT but this option was not available to her. A youth who earned his GED while detained for over a year was placed at Victor Cullen and was not connected to any post-secondary education during his placement. On a

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<sup>68</sup> Agudelo, S. “The Impact of Family Visitation on Incarcerated Youth’s Behavior and School Performance: Findings from the Families as Partners Project.” Vera Institute for Justice. Page 8. April 2013. Available at:

<http://archive.vera.org/sites/default/files/resources/downloads/family-visitation-and-youth-behavior-brief.pdf>

<sup>69</sup> University of Maryland Strategic Plan Review Team, Implementation of the Strategic Plan for the Juvenile Services Education Program: Second Report, March 2018, page 4.

<sup>70</sup> Id, at 10.

<sup>71</sup> “Juvenile Justice Reentry.” Available at: <https://youth.gov/youth-topics/juvenile-justice/reentry>

Atlschuler, D. and Bilchik, S., “Critical Elements of Juvenile Reentry in Research and Practice” (April 2014), available at:

<https://csgjusticecenter.org/youth/posts/critical-elements-of-juvenile-reentry-in-research-and-practice/>

<sup>72</sup> University of Maryland Strategic Plan Review Team, Implementation of the Strategic Plan for the Juvenile Services Education Program: Second Report, March 2018, page 9.

monitoring visit to Victor Cullen during the quarter, high school graduates were observed laying around the living unit unengaged in any constructive programming.

- Vocational instruction: Stable employment has been linked with lower rates of recidivism.<sup>73</sup> Youth frequently request the opportunity to engage in job training programs that will prepare them for employment in high demand careers upon release. Unfortunately, even basic and short term hands-on vocational courses are only sparsely and inconsistently available at DJS facilities, and there have been no successful efforts to forge community-based relationships with business concerns near to facilities to help facilitate a pipeline for internships, practicums, and/or employment opportunities for youth who are in long term placement. At minimum, one full time career technology education (CTE) teacher should be assigned at each MSDE JSE school to provide students with consistent vocational instruction leading to nationally recognized certification in skilled trades in addition to ensuring consistent availability to all youth of short term courses leading to basic food hygiene and occupational safety-related certification.
- Training for juvenile justice educators: Youth in the deep end of the juvenile justice system have complex and individualized educational needs. Students of color are disproportionately represented in the juvenile justice system, and a significant number of youth have been exposed to traumatic events during childhood.<sup>74</sup> Professional development initiatives should be aimed at helping educators to comprehensively address the barriers to academic achievement that incarcerated students must overcome. Ongoing training for teachers should include a focus on recognizing implicit bias, improving cultural sensitivity, and implementing trauma-informed educational practices in the classroom. In addition, social-emotional learning interventions have been shown to improve student academic performance and should be incorporated into the school schedule.<sup>75</sup>
- Engaging curriculum: Students in MSDE JSES schools often report being disengaged from the learning process and disconnected from the educational content and curriculum. Many students report interest in topics that have direct relevance to their lives, such as in-depth study of African American history. Administrators should plan classes (while adhering to curriculum guidelines) that are culturally responsive to the needs and interests of incarcerated youth.

The chronic deficiencies in the MSDE JSES program led the independent evaluation team (referred to earlier) to conclude that “despite incremental changes in a positive direction, education services for youth in DJS facilities lack the autonomy and support of an independent

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<sup>73</sup> “Education, Employment, and Recidivism: A Review of the Literature,” 2016 Annual Report to the Florida Department of Education: Juvenile Justice Educational Enhancement Program, page 59. Available at: <http://criminology.fsu.edu/wp-content/uploads/Education-Employment-and-Recidivism-a-Review-of-the-Literature-Ch-5-2006-Annual-Report.pdf>

<sup>74</sup>Lacy, Clinton. “Racial Disparities and the Juvenile Justice System: A Legacy of Trauma.” Available at: [https://www.nctsn.org/sites/default/files/resources//racial\\_disparities\\_and\\_juvenile\\_justice\\_system\\_legacy\\_of\\_trauma.pdf](https://www.nctsn.org/sites/default/files/resources//racial_disparities_and_juvenile_justice_system_legacy_of_trauma.pdf)

<sup>75</sup> Taylor, R. et al. “Promoting Positive Youth Development Through School-Based and Emotional Learning Interventions: A Meta-Analysis of Follow-Up Effects.” *Child Development*, 88, 4, 1156-1171. (July/August 2017). Available at: [http://180-degrees.com/pdf/meta-2017-Child\\_Development.pdf](http://180-degrees.com/pdf/meta-2017-Child_Development.pdf)

school board.”<sup>76</sup> Legislation mandating an independent school board for MSDE JSES was unsuccessfully proposed during the 2018 session of the Maryland General Assembly, however, legislation was passed mandating the development of a pilot program in which a public school system will take over operational control of an MSDE JSES school for the 2019 academic year.<sup>77</sup> This initiative represents the beginning of a proactive approach towards rectifying the systemic and structural issues that currently impede the delivery of high quality and effective education services within DJS-operated facilities. Resources from a local school system will be available to students and the introduction and operation of the pilot program is expected to lead to enhanced ability to secure and retain teachers and substitutes as well as a wider pool of education expertise and a greater level of systemic accountability at the chosen site.

The pilot initiative will be evaluated for effectiveness and is also expected to result in recommendations for and development of further improvements to education programming.

Targeted education strategies that transform the overarching structure of service delivery to students in DJS custody offer a path toward providing students in DJS facilities access to the quality of education that they are entitled to receive. Stakeholders in the Maryland juvenile justice system must prioritize the delivery of quality education to incarcerated youth by continuously identifying challenges and ensuring the implementation of essential reforms that break down the barriers to academic success that stand in the way of Maryland’s most vulnerable youth.

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<sup>76</sup> University of Maryland Strategic Plan Review Team, Implementation of the Strategic Plan for the Juvenile Services Education Program: Second Report, March 2018, page 10.

<sup>77</sup> For more information, see:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=HB1607&stab=01&pid=billpage&tab=subject3&ys=2018RS>

# **MARYLAND DEPARTMENT OF JUVENILE SERVICES – RESPONSE**



## DEPARTMENT OF JUVENILE SERVICES

### RESPONSE TO JJMU 2018 FIRST QUARTER REPORT

The Department of Juvenile Services has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2018 First Quarter Report, and provides the following response:

#### **The JJMU Should Adopt Standardized and Objective Audit Tools.**

The department will continue to urge the JJMU to adopt nationally-recognized standards and audit tools to ensure objective and credible evaluations of department facilities. JJMU staff should also be certified to audit all state and federal regulatory requirements (Md Code Ann., State Government §6-404). By doing so, the department would be provided clear, factual, measurable, and objective recommendations. Using objective standards would assist the JJMU in reducing any biased or subjective recommendations and provide a consistent framework for its evaluations.

#### **Facility Accreditation by the American Correctional Association Requires a Rigorous, Objective Audit Process Conducted by Experienced Auditors and is Based on National Best Practices.**

The American Correctional Association (ACA) was founded in 1870 and is considered the foremost authority on correctional facility operations in the United States. The mission of the ACA is to "provide a professional organization for all individuals and groups, both public and private that share a common goal of improving the justice system." Today, it has thousands of members nationwide and over 40 committees, including a Juvenile Corrections Committee, focused on ensuring the effectiveness and safety of correctional facilities in the United States

Through its membership of experienced facility staff and administrators, ACA began developing standards for correctional facilities in the 1940's. Eventually, the ACA created an accreditation process through a grant from the Ford Foundation in the 1960's and implemented the accreditation process nationwide by the mid-1970's.

Currently, the ACA sets the national standards for adult and juvenile facility operations with over 1,500 correctional agencies utilizing those standards to manage their operations. The ACA's Committee on Standards is responsible for creating and refining correctional facility standards consistent with national best practices and current research. All new or enhanced standards must be approved through a majority vote of the Committee on Standards.

ACA establishes juvenile standards for all areas of juvenile facility operation to include mental and somatic health services, physical environment, recreation, education, youth discipline, abuse and neglect, food services, security, maintenance, and administration. Even with ACA standards in place, the agency that operates a correctional facility is responsible for consistently implementing those standards through oversight, accountability and a quality assurance process. DJS facilities are internally audited at least once a year by the department's quality assurance unit to ensure that policies, procedures and practices are being followed.

The accreditation process is the method by which the ACA verifies compliance and adherence to its standards. Initial accreditation of a facility is a 12 to 18 month process. In order for a facility to be accredited it must achieve 100% compliance with mandatory standards and at least 90% compliance with non-mandatory standards. Once a facility achieves ACA accreditation, it undergoes audits to ensure continued compliance every 3 years.

All audits are conducted by qualified, independent auditors that meet strict qualification standards. In order to be an auditor for the ACA, an individual must be a correctional professional, have at least 5 years of correctional experience, a recommendation from an agency administrator and demonstrated knowledge of the area in which they intend to audit. For example, individuals who wish to conduct audits of juvenile facilities must have 5 years of experience in correctional facilities with at least some of their experience cultivated by working in a juvenile facility. All auditors must additionally be trained and certified by the ACA.

DJS is currently in the process of working towards initial accreditation for its hardware secure committed facilities. This process has required the agency's entire Operations division to revise all of the policies and procedures for facilities to ensure consistency with ACA standards.<sup>78</sup>

The JJMU should adopt the objective and well-researched ACA standards and become certified to serve as an independent reviewer of ACA compliance in DJS facilities.

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<sup>78</sup> The blog post cited by the JJMU discusses the influence of ACA accreditation in court proceedings involving prisoners challenging the conditions of their confinement. <https://www.prisonlegalnews.org/news/2014/oct/10/howcourts-view-aca-accreditation/> While the post sheds some light on how certain courts view ACA accreditation, it essentially confirms that the courts decide the constitutionality of a prisoner's conditions of confinement irrespective of ACA accreditation. In other words, determinations regarding the U.S. Constitution are within the exclusive domain of the courts. In terms of an agency's efforts to ensure their secure facilities operate safely and effectively, ACA standards are national best practices. However, standards alone do not prevent incidents. Facility staff and leadership must comply and adhere to all standards and policies in order to achieve the intended benefits. This compliance can be ensured through staff accountability and a quality assurance process.

## **Under New Leadership and Ongoing Support from DJS Executive Staff, the Victor Cullen Center Continues to Make Progress**

In its 2018 First Quarter Report, the JJMU describes events at the Victor Cullen Center (VCC) that existed 3 to 6 months prior to the writing of this Response. Since that time, conditions at VCC have changed for the better and continue to improve.

In its Response to the 2017 4th Quarter Report and Annual Report filed in March 2018, the department acknowledged that VCC faced challenges with staffing and structured programming. See JJMU 2017 Fourth Quarter Report and 2017 Annual Review pp. 76, 80-81, [http://www.marylandattorneygeneral.gov/JJM%20Documents/17\\_Quarter4.pdf](http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf).

In February 2018, DJS embarked on a facility improvement plan to support the youth, staff and leadership at VCC. During the course of the enhanced executive oversight, the following changes were made at VCC:

- Increased Executive Team presence to provide support to administration and staff.
- Increased outreach to vendors to provide programming to youth.
- New Superintendent installed at the facility.
- New Assistant Superintendent installed at the facility.
- New Case Manager Supervisor installed at the facility.
- Temporary suspension of new youth admissions to the facility, which has been lifted.
- Additional training has been provided to all direct care and case management staff.
- Contracted with an independent consultant to conduct an objective evaluation of the facility culture and make recommendations for improvements.
- Implementation of a new music composition and production program, which includes the use of a recording studio.
- Implementation of a new mindfulness/yoga program for youth.
- Developed activity toolkits for direct care staff to engage with youth during leisure time.

To help stabilize VCC, the department employed a nationally-recognized best practice of temporarily halting new admissions to the facility and holding the population at a lower level. This allows the new leadership and the staff at VCC an opportunity to re-focus on proper implementation of department policies and procedures and developing positive relationships with the youth.

The new leadership at VCC has already begun the process of re-establishing a more positive culture among youth and staff. Additionally, new programming has been added to the daily and weekend schedule with more to come in the future. The department is pleased with the facility's progress and will continue its efforts to strengthen VCC's operations.

## Other Facility-Related Issues Raised in the JJMU's 2018 1st Quarter Report

Throughout the JJMU's 2018 1st Quarter Report, various issues ranging from trauma-informed care training to phone calls for youth were raised. The department works to strike the appropriate balance between creating a positive and supportive environment in our facilities and the need to provide safety and security for youth and staff.

- **Trauma-Informed Care** – All staff in DJS's secure committed facilities received and continue to receive trauma-informed care (TIC) training in entry level training. The initial training of all staff and the training of DJS trainers was provided by the National Association of State Mental Health Program Directors (NASMHPD). NASMHPD trainers are experts in trauma and have trained staff from juvenile justice-involved and behavioral health agencies across the country.

The department's delivery of trauma services includes three components: 1) trauma informed care training, 2) TAMAR, a group intervention known as Trauma, Addictions, Mental Health and Recovery, and 3) individual therapy. Trauma Informed Care (TIC) training for all staff involves understanding, recognizing, and responding to the effects of trauma. TIC emphasizes the physical, psychological and emotional safety of youth and staff, and helps youth build a sense of control and empowerment. This training helps staff to identify the signs of trauma as well as the impact of trauma on our youth. TAMAR is a 15-week specific group intervention for youth. Behavioral health staff and case managers co-facilitate TAMAR groups that combine psychodynamic therapy with expressive art therapy and psychoeducational techniques. Licensed psychologist and social workers provide individual therapy to help youth address emotional and self-regulation issues. Department therapist have begun to receive additional training in cognitive behavioral therapy with a trauma focus.

- **Food portions** - As noted by the JJMU, DJS is required to abide by federal requirements for meals provided to youth in the department's care and custody. While these requirements set limitations on the size and kinds of foods that can be served, DJS's dietary unit is able to provide a variety of healthy meal options to our youth.
- **Hygiene Products** – The department understands the importance of hygiene in the development and self-esteem of youth. DJS was made aware of the issues with the previous skin care products and procured an alternative product.
- **Phone Calls in DJS Facilities** – All youth in DJS secure facilities are entitled to two 10 minute calls per week. In addition, DJS offers extra phone calls as an incentive choice to reinforce positive behavior. DJS's therapeutic interventions include family therapy sessions, which

involve family members participating in person or via telephone and video conferences. To comply with the requirements of the Prison Rape Elimination Act (PREA), DJS provides a phone system where a youth can anonymously call outside of the facility to report violations. DJS has an interest in limiting the people that youth can call in order to support communication with family and limit contact with influences that may negatively impact the youth's adjustment and compromise facility security.

- **Third-Party Vetting** - DJS is supportive of positive family contact for youth in secure facilities but must also ensure to the best of its ability that the individuals coming to visit the youth at the facility are, in fact, family members. For youth in the juvenile system, DJS case managers are responsible for confirming that the individuals identified by youth as their parents/caregivers and siblings are correctly identified as such.

However, a challenge exists for youth who are charged as adults and held in DJS secure detention facilities. Since the youth are not in the juvenile system, the department has little to no information about them. DJS makes every effort to properly confirm all family members identified by youth charged as adults but that process may take longer at times. While girlfriends/boyfriends of youth are not permitted to participate during regularly scheduled family visitation, special arrangements may be made through DJS behavioral health staff for youth to have visits with significant others, if it is deemed appropriate and positive for the youth.

### **PBIS provides a comprehensive approach to behavior management at DJS facilities**

The department implemented PBIS to provide a comprehensive approach to treatment delivery in DJS facilities and to align services with practices used in public schools and support transition back into the community.

In 2017, DJS contracted with the Mid-Atlantic PBIS Network at Sheppard Pratt Health System (SPHS)<sup>79</sup> to serve as consultants to assist the department in the implementation of Facility Wide Positive Behavioral Interventions and Supports (FW-PBIS). The intended scope of work with our PBIS consultants was to assess our behavior management practices and to comprehensively integrate the delivery of treatment services at all committed facilities using the PBIS framework.

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<sup>79</sup> The Mid-Atlantic PBIS Network at SPHS is a recognized partner provider for the National PBIS Center. The MidAtlantic PBIS Network at SPHS represents one of the most effective PBIS implementation structures in the United States with over 17 years of experience in training for implementation and sustainability at all three tiers of PBIS.

Positive Behavioral Interventions and Supports (PBIS) is a framework or approach for assisting staff in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students.<sup>80</sup>

PBIS organizes the delivery of services in a three tiered structure that identifies treatment and behavioral supports based on the needs of youth. Level one of the continuum of services includes implementation of behavior management programming for all youth. The Mid-Atlantic PBIS Network consultants review of the CHALLENGE Program gave praise for the concepts and intervention strategies and approval of their use within the PBIS framework. Working with our consultants we have enhanced interventions with an increased emphasis on youth and staff relationships, teaching pro-social skills, positive statement interventions, modified targeted behaviors, and increased opportunities for positive reinforcers. In alignment with PBIS, youth behavioral outcomes are monitored and decisions for implementation of supports are data driven and evaluated by the youth's treatment team and the facility leadership team.

The consultants provided targeted technical assistance at each committed facility to assess the contextual fit of existing practices, team decision-making utilizing data to focus on facility-wide group and individual interventions, and the systems of staff supports. The consultants assisted DJS with behavior management program revisions and they facilitated training for interdisciplinary leadership teams at each facility. DJS launched PBIS implementation in late January 2018 and continues to work with our consultants to achieve full PBIS model fidelity. Significant modifications have been made to enhance the existing CHALLENGE Program. DJS will rename the CHALLENGE program implemented in committed programs to STARR to distinguish the revisions and adherence to the PBIS framework.

The goals for implementation of PBIS at DJS is to improve services to youth by utilizing the PBIS framework and core logic teams to identify outcomes to be achieved, to determine practices to achieve the outcomes, to use data to monitor the impact of practices, and to support staff that are implementing the interventions so the outcomes last over time. The PBIS programming format is currently in use in schools in Maryland and across the nation. Subsequently, the implementation of PBIS will better align DJS's behavioral management program with those which DJS youth are familiar with in their community schools.

DJS will continue to offer opportunities for JJMU staff to participate in PBIS and trauma-informed care training.

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<sup>80</sup> [www.pbis.org](http://www.pbis.org)

## **Committed Facilities**

### **Victor Cullen:**

In February 2018, the department enhanced supervision of operations and management team performance to improve facility stability. Measures implemented included installing a new superintendent, assistant superintendent, case manager supervisor, holding of admissions while staff received extensive program and security training, and developing additional structured activities.

### Incidents

All incidents for the first quarter of 2018 have been entered in the data base. Some delays existed due to the change of facility leadership. DJS policy requires the timely reporting of all incidents that occur in the facility. However, in the event that an incident is not reported timely, there are multiple systems in place to establish an independent record for investigation. This includes comprehensive camera coverage with 45-day video storage, video review by supervisors, random video review by the DJS Inspector General, and staff and youth reporting.

### Staffing:

The staffing shortages at Victor Cullen during the first quarter were addressed by re-assigning staff from Savage Mountain Youth Center (Savage), which is closed for renovations. The additional staff from Savage addressed the shortages and ensured consistent compliance with the staffing ratio of one staff per seven youth. This ratio exceeds the Federal requirement of one staff per eight youth.

DJS ensures compliance with established staffing ratios which are based on standards and physical plant design. Staffing ratios are also adjusted to address issues of youth aggression and conflict.

### Keys:

Additional key sets have been made available to direct care staff.

### Schedules:

Victor Cullen operates with a twenty-four hour schedule, and adjustments are made throughout the day depending on facility needs. The facility has prioritized maintaining a consistent schedule as part of the facility improvement plan.

The compromise of the security of the fence mandated that additional security measures be taken, which did impact the schedule. The fence has since been repaired and the additional security measures are no longer in place.

### Culture:

The implementation of PBIS and the revision of behavior management interventions are helping to improve facility culture. There is an increased emphasis on developing positive staff and youth

relationships and teaching pro-social skills. During February and March all staff were trained on the new point cards, STARR expectations, and positive interventions.

### Structured Programming:

Consistent efforts have been made to increase activities for youth and to offer activities of interest. Youth activities have included participating in camping, CHAMPS intramural basketball competitions, living unit competitions, exposure to animal's courtesy of the facility's Community Advisory Board member who is a veterinarian. Additionally, Board members are providing art, horticulture, and science classes for the youth. At the time of the writing of this report yoga, and lyric writing and music recording classes have begun at Victor Cullen. The administrators continue to work to secure a variety of structured activities for youth.

### Mental Health Staffing:

The presence of behavior health professionals in the school was a management decision to assist direct care staff and support youth in crisis. Staffing was sufficient to meet all of the behavioral health needs of the youth.

### Youth Centers:

PBIS programming has been fully implemented at the Youth Centers. For more information about PBIS, please see the Introduction section of this Response.

### Staffing:

Staffing ratios at the Youth Centers meet Federal requirements and national best practices.

### Mental Health Services:

All staff at the Youth Centers have received trauma informed care training. Behavioral health staff are facilitating TAMAR groups to address the trauma needs of youth by providing psychodynamic group therapy with expressive art therapy and psychoeducational techniques. Youth also receive Social Skills Training and Aggression Replacement Techniques (START) programming.

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. 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. Currently, all behavioral health positions for the Youth Centers are filled.

### Structured Programming

All of the Youth Center staff have been trained in PBIS, which establishes a framework for provision of evidence-based behavioral strategies.

During weekdays the youth's schedules are structured to include six hours of school, one hour of large muscle activity, and the provision of therapeutic groups to include Seven Challenges, substance abuse groups, TAMAR groups to address trauma, START anger management groups, and community problem-solving groups.

DJS recognizes the therapeutic value of permitting youth to engage in community service. The Youth Centers have a robust volunteer program that is active during warmer months that include landscaping work in parks, orchard fruit gathering, and community activities to assist churches and food banks. DJS staff are engaged in the development of additional recreational programming at the Youth Centers.

#### Family Engagement:

The department has made family engagement a high priority and believes that a customerfriendly approach to keeping families connected during treatment will result in positive outcomes for youth. Family day events are held at each facility to encourage family engagement. Phone calls for youth in residential placements are fully funded by the department to encourage the building and strengthening of family bonds and to avoid placing additional financial burdens on families. The department has reviewed its policies and practices in an effort to support increased family engagement within secure facilities. Visitation procedures have been updated to permit family members of all ages to visit youth. At its own expense, DJS provides transportation from the Baltimore City Juvenile Justice Center and Waxter Youth Center to the J. DeWeese Carter Center in order to support families without a means of transportation. Safety regulations limit the number and ages of passengers because DJS vans are not equipped to safely install child car seats.

#### **J. DeWeese Carter Center**

As the JJMU is aware, all of the youth at Carter have been court-ordered to an out of home placement at a hardware level of security. The assessment of who poses a public safety risk is the ultimate determination of the courts.

As the low population at Carter clearly indicates, there are very few young women in the "deep end" of the juvenile justice system. While the population at Carter is low, it is a critical piece of the continuum of care because it serves a population of young women who would otherwise be placed in out-of-state programs.

## **Detention Facilities**

### **Baltimore City Juvenile Justice Center**

#### Group Dynamics

DJS appreciates the JJMU recognition of the efforts of administrators and supervisory staff to cultivate skills to appropriately manage group dynamics at the facility.

Behavioral Health staff work in conjunction with the direct care and all facility staff by collaborating daily on the housing units and engaging the youth in thought provoking groups to include a variety of topics such as conflict resolution, emotional regulation, communication skills and anger management.

#### Recreation and Structured Programming:

The Boys Club and indoor and outdoor recreation is utilized to offer one (1) hour of large muscle activity. Additionally, the following activities are available for youth participation:

- Mental Health group specific to climate on unit.
- Youth for Christ
- Yoga
- Community of Faith Volunteers.
- Paint like a CHAMP
- Page Turners Book Club
- Baltimore Youth Arts

#### Adult Housing:

DJS has been advocating for faster case processing times for youth charged as adults. The longer lengths of stay associated with these cases pose programmatic challenges and, therefore, should be addressed by the courts as soon as possible.

### **Cheltenham Youth Center**

DJS appreciates the recognition by the JJMU of the work to establish a collaborative approach employed by the administrators and staff at Cheltenham Youth Center.

As part of the department's transition towards compliance with ACA standards, DJS will be seeking letters of agreement with healthcare providers.

With respect to visitation by non-family members, see Introductory Section discussing third party vetting.

## [Charles H. Hickey, Jr.](#)

### Water Line Shut Off:

On Sunday January 7, 2018 the Department of Juvenile Services (DJS) became aware that water service to Hickey had been shut off by the local water agency for an off-site water line issue. DJS immediately procured and provided drinking water for the entire facility as well as water to be used to operate the bathrooms. A water truck first arrived at Hickey on Tuesday January 9, 2018 with additional water trucks arriving shortly thereafter. Each water truck was connected directly into the facility's water lines providing water service so that routine hygiene activities could resume. DJS complied with all recommendations from the Baltimore County Health Department during the brief water outage. Water service to Hickey was restored on Wednesday January 10, 2018.

### Reporting of Incidents:

All of the incidents were reviewed and appropriate corrective actions were taken.

### Camera Coverage

Cameras are inspected on a daily basis to ensure functionality. When a camera malfunction is discovered it is reported to the IT Department and repairs are made remotely or onsite repairs are scheduled. The malfunctions reported were with specific cameras and not the entire system. Repairs were made. A request for additional cameras to eliminate blind spots is being processed. In the interim, furniture has been arranged to prevent youth from sitting in the blind-spot.

In response to the grievance cited by JJMU, there is no documentation that indicate seclusion was used. Youth were placed in their rooms with the doors unlocked.

### Trauma-Informed Care

For a description of the department's Trauma-Informed Care training, see the Introduction Section of this Response.

### Food and Hygiene:

For a description of Food Portions and Hygiene products, see the Introduction Section of this Response.

## [Thomas J.S. Waxter Children's Center](#)

### Adult Housing

DJS has been advocating for faster case processing times for youth charged as adults. The longer lengths of stay associated with these cases pose programmatic challenges and, therefore, should be addressed by the courts as soon as possible.

## Staffing

Staffing ratios at Waxter meet Federal requirements and national best practices.

## Mental Health Staffing

One Social Worker vacancy is in recruitment. In the interim, staffing resources have been deployed from other sites.

## Physical Plant & Basic Needs

For a description of hygiene products, see the Introduction Section of this Response.

## Recreation and Structured Programming

The Recreation Specialist position at Waxter has been filled.

## **Alfred D. Noyes Children's Center**

There has been an increase in the number of fights and assaults related to an increase of gang involved youth at the facility. Many of the youth have neighborhood conflict. There is ongoing prevention and intervention training for staff. Community conferencing will be used to assist in diffusing youth group conflicts.

## Phone Service

The Case Manager Supervisor completes bi-weekly audits of the GTL phone system. When the youth report that their calls have dropped, they are allowed to receive an additional phone call. When the system does not function properly, case managers allow calls from their office. There have been no recent reports of system failures.

## Food Service

For more information on Food Portions, see the Introduction section.

## Hygiene Products

For more information on Hygiene Products, see the Introduction section.

## Recreation & Programming

Facility staff are ensuring that a full hour of large muscle exercise is occurring on a daily basis. Outdoor space is utilized when the weather permits. After school hours are utilized for meals, visitation, hair care services, religious services, recreation and programming.

## Family Engagement

For more information about Third Party Vetting, see the Introduction section of this Response.

### **Lower Eastern Shore Children's Center**

#### Fixtures

Replacement of the grab bars in the bathrooms were completed in April 2018. They meet or exceed American National Standards Institute (ANSI), Uniform Federal Accessibility Standard (UFAS), and American Disabilities Act (ADA) requirements for structural strength.

### **Western Maryland Children's Center**

#### Neighborhood Conflict

Administration and case management staff work diligently with community partners to address community conflicts inside the facility.

#### Staff Professionalism

All incidents were investigated and corrective action was taken as appropriate.

#### Case Management Supervisor Vacancy

The Case Management Supervisor position is currently in recruitment.

### **Silver Oak Academy:**

#### ***Response as submitted by SOA***

#### Staff Supervision of Youth:

Silver Oak Academy had four students that accounted for 16 altercations. Two of these students have been removed from program due to their inability to comply with program. There were four instances of youth leaving the facility without permission during the first quarter of 2018 compared to two during the same time last year. Additionally, there was at least one instance of an out-of-state youth leaving the facility without permission during the first quarter of 2018. The four walk offs included the same two students who we accepted back into our program. We have since decided to not allow students who AWOL from campus to return in the future.

#### Incident Involving Aggression:

Staff training has significantly increased to reduce the restroom altercations as well as the restroom doors should be locked always. The final support system has been to isolate the use of the bathroom down to one side at a time. The correct ratio of staff to students in all program elements is the number one priority. This will support staff that is being distracted by other students. We are training staff on the interactive supervision policy over a six-week period; so that we can develop our staff members discipline and compliance implementing the correct levels of supervision always.

#### Runaways:

Staff were reprimanded, disciplined and in some instances terminated; we are also considering 24-hour camera monitoring on campus to add a support for potential breakdowns and enhance our safety and security training.

#### Staff Misconduct:

Regarding the staff pushing the youth down in the chair, unfortunately, in review of the incident the staff member did get over invested in confronting the student for his behavior while the student was in the chair. The staff member used the wrong approach to get the student to understand that he can't go around pushing students out of chairs (i.e.; what if I pushed you out of a chair giving him an example). The staff member walked away and the student grabbed a flower pot and threw it toward the staff. The staff member grabbed the student and held him until he calmed down. The staff member was held accountable for not using the proper proactive levels of confrontation procedures as well as the behavior management system.

Regarding incident 149760, the staff member believed that the student was displaying threatening and aggressive behavior and was inciting the entire dorm. The incident was reviewed by the staff member's supervisor with him to help him identify the best intervention for a situation such as that one. The staff member was disciplined for not using the least restrictive intervention first.

Regarding incident 150747 & 151135 the staff was terminated from employment at Silver Oak Academy.

#### Camera Coverage:

The Counseling Center (refocus) area cameras have been installed. The administration building is now under full camera view. We have not installed cameras in the classrooms and have not had any concerns with students or staff behaviors in this area. We have not installed any cameras in all the stairwells on campus and we have only had one altercation and or restraint on a student in a stairwell in three years, and we are in the process of wiring the gymnasium for cameras.

LGBTQ Youth: Staff and students have been trained in having tolerance for others. We have inserted The tolerance for others training into our new student orientation. We have implemented the tolerance for others training into our pre- service training for all new employees.

**MARYLAND STATE  
DEPARTMENT OF EDUCATION  
- RESPONSE**



Karen B. Salmon, Ph.D.  
State Superintendent of Schools

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June 25, 2018

### **MSDE Response to the Juvenile Justice Monitoring Unit's 2018 First Quarter Report**

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2018 first quarter report in relation to the provision of educational services within the Department of Juvenile Services' (DJS) residential facilities. The MSDE Juvenile Services Education System (JSES) appreciates JJMU's report which provides insight into the educational services the JJMU believes require further support, enhancement, and structural changes.

#### **Committed Placement Centers**

##### **Victor Cullen Center**

In September, 2016 an MOU was established between JSES and Frederick Community College (FCC). The first set of students began taking classes beginning spring, 2017. JSES students have participated in on-line college credit bearing courses as well as continuing education and workforce development courses every semester. The Victor Cullen Center (Victor Cullen) had four students enrolled in the spring of 2017, six students enrolled in the fall of 2017, one student enrolled in the spring of 2018. Enrollment at FCC for coursework can only occur during the FCC designated registration window.

Content teachers are currently scheduled to provide instruction in the living units when students are prohibited from moving to the school. Teachers go to the living units and provide direct instruction to students who will participate. If a student refuses to participate in the direct instruction, teachers will leave the assignment for the student who refuses to participate, to complete when the student is willing to re-engage with the assignment.

The MSDE/JSES maintains responsibility for, and ensures the provision of related services for students. The school counselor at the Victor Cullen oversees and provides related services in addition to collaborating with DJS social workers when social/emotional goals overlap with DJS student goals and needs. This collaboration affords both providers the opportunity to best meet the needs of students during the school day without overlapping services.

A space was created in the school for DJS behavioral health staff allowing them immediate access to students if behavioral health services are needed during the school day. The DJS social workers do assist with the provision of related services when a student's IEP goals align with goals the social worker is already working on with the student. The social worker is listed on the IEP as one of the providers who can deliver services. The DJS social workers were not assigned to the school solely to provide these

services. The DJS social workers did not receive additional youth nor did they perform additional duties that detracted from their existing duties and responsibilities.

The JJMU report indicates that the Cullen Career Technology Education (CTE) position has been vacant for two years. This statement is incorrect. The position was vacated in November 2017. Three applicants have applied and interviews have been conducted. The Career Technology Education position requires a certified teacher in the various trades to achieve a nationally recognized certification. These teachers are in high demand throughout the state and country. Based on these factors the search for a qualified teacher to conduct trades at Cullen has broadened with the anticipation that a qualified candidate will emerge. The position was offered to one applicant in May and the applicant declined the offer in June. Students have access to an Office System Management(OSM) class which is a course aligned to the State of Maryland's Career and Technology Education Pathways. Students who remain in the pathway have the ability to receive OSM certification.

Cullen currently runs classes for 70-minute periods, not 90-minutes. Once approved by procurement, JSES students will have access to a plethora of courses online through Apex, including Music Appreciation, Art Appreciation, AP-level courses, and creative writing. Block scheduling is researched based and provides students who are over-aged and under-credited an opportunity to earn more credits toward their high school diploma.

### **Youth Centers**

Once approved by procurement, JSES students will have access to a plethora of courses online through Apex, including Music Appreciation, Art Appreciation, AP-level courses, and creative writing.

Backbone Youth Center has a dedicated CTE teacher who provides hand-on experiences for students.

#### **J. DeWeese Carter Center**

The opportunities for hands-on CTE programs are severely restricted due to the complexity of the program requirements and the rules of safety and security; however, courses are being designed and implemented to fit the varying needs of JSES students. These courses will provide students with the necessary knowledge and credentials to enter into several career fields.

### **Detention Centers**

#### **Baltimore City Juvenile Justice Center**

The Intensive Service Unit (ISU) at Baltimore City Juvenile Justice Center (BCJJC) is currently staffed with three certified teachers and an instructional assistant. The students receive daily instruction from the teachers just like the students in the school setting. Students in the ISU have access to iPads for

technology use. In addition, the DJS staff with approval from the administration, will allow ISU students off the units for educational testing.

The students have access to GED and the option to enroll in college. During the month of June, two students received their GED and one student was enrolled in Frederick Community College (FCC). The student enrolled in FCC was a student in the ISU unit.

### **Cheltenham Youth Detention Center**

The JJMU report states, “Students reported a disconnect between the content of the material they were being taught and their interest. For example, during Black History Month, youth in history class said they were not learning enough about African American history and the contributions of and positive role that African Americans play in U.S. culture and society”. African-American history is a part of American History. It is not part of the curriculum in order to celebrate Black History month. The curriculum is multi-cultural and addressing a variety of cultures and experiences. Each teacher at Cheltenham Youth Detention Center (Cheltenham), including the social studies teachers, submitted weekly lesson plans describing the lessons specifically developed for Black History Month. All of the lessons plans were reviewed and approved by the Principal. All lessons were appropriate and included black historical figures, topics, and activities.

Staff at all schools have received training on trauma-informed care with the DJS staff. A professional learning plan is in place for the 2018-19 school year to include session on trauma informed care and cultural sensitivity. These practices will be embedded into the curriculum across all of the content areas.

The MSDE JSES schools have processes to ensure students receive free and appropriate public education. Cheltenham monitors compliance with special education services and documents these services on an ongoing basis. Additionally, supports are provided for schools that have identified difficulties. These supports include, but are not limited to the certified special education substitute teachers and technical assistance from JSES central office staff.

The JJMU report stated, “Testing sites should be expanded to more locations to accommodate youth needs.” The MSDE disagrees with this statement. The MSDE JSES has two accredited Pearson VUE GED testing sites, one at the Green Ridge Youth Center (Green Ridge) and the other at the Charles H. Hickey Jr. School (Hickey). The JSES also has an agreement with Chesapeake Community College to test our students from the J. DeWeese Carter Center. Each GED testing site is staffed with a full time Pearson VUE GED certified Testing Administrator.

Over the past six months, JSES has tested seventy-seven (77) students in the two Pearson VUE GED sites. Our GED sites have never been at capacity, nor has JSES ever turned students away because of capacity or staffing issues. Over the same time period, the Hickey site is averaging 50% capacity during each testing session, while Green Ridge is averaging a capacity of 30%. To ensure students are tested as soon as possible, JSES has offered an average of 13.5 testing sessions per month during the first quarter. Furthermore, JSES has not canceled any student due to capacity, staffing, technical, or facility issues. If the JSES experienced any testing issues beyond control of the facility, all students are rescheduled in a

timely manner, therefore, allowing all students the opportunity to sit for the exam without cancellation. Having two accredited Pearson VUE GED sites and two fulltime certified GED Test Administrators gives JSES the flexibility to provide the GED exam around the students' schedule. This ensures that students test before important dates or events such as doctor's appointments, court dates, home passes, and/or student placement.

The student referenced in the JJMU report was rescheduled to test as soon as the facility issue was resolved. The student has since taken and successfully passed all four sections of the GED and received his Maryland High School diploma.

### **Thomas J.S. Waxter Children's Center**

Students at Thomas J. S. Waxter Children's Center (Waxter) have received science education from a teacher with a science certification. There are interviews being held to identify and fill the one vacancy at the school.

The JJMU reports "There are no preparatory courses for the SAT or any other college entrance exams available at Waxter or at any other DJS facility". Accuplacer is available to all eligible students in all of the JSES schools. At Waxter, SAT, ACT, and Accuplacer materials are available for students to practice.

### **Alfred D. Noyes Center**

The courses offered through Montgomery County Public Schools (MCPS) are not online courses as stated in the JJMU report. They are blended courses, which required face-to-face interaction with a teacher for at least 20% of the course. The MCPS blended courses currently being offered at Alfred D. Noyes Center (Noyes) are Algebra I, Algebra II, and Geometry. Since the courses are blended, the math teacher at Noyes includes supplemental materials, reinforces face-to-face learning, and provides assessments for students.

The new computers at Noyes were not donated by MCPS as stated in the JJMU report. All of the MSDE JSES schools throughout the state will receive new computers from MSDE JSES funding sources. The replacement of the computers is part of the replacement cycle of technology equipment for all of the schools and deployment will be completed before the end of the summer. Nine of the thirteen schools new computer installations have already been completed.

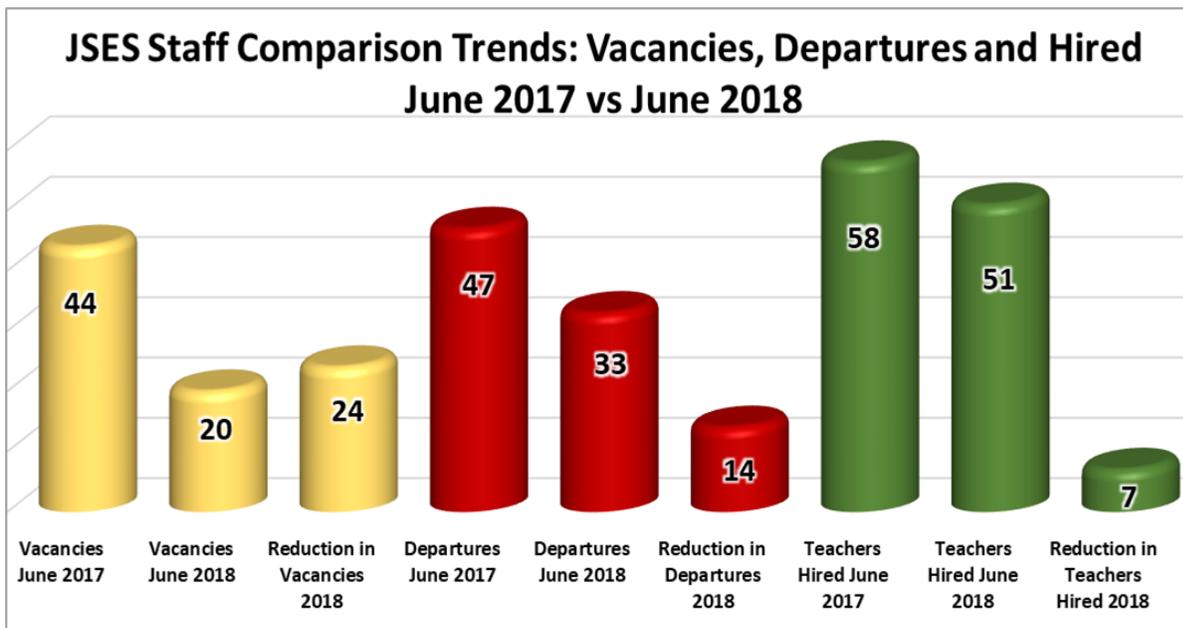
## Maryland State Department of Education in DJS Facilities

### Staffing

The MSDE JSES continues to focus on the hiring and retention of staff for the schools. The MSDE JSES staff in collaboration with MSDE Human Resource (HR) staff have crafted flexible strategic goals to ignite the hiring process as well as retention initiatives. Some of which include:

- Eliminated the two-step selection process (first and second interviews) to a one-step practice where applications are sent directly to principals and they conduct interviews and select possible candidates for hire. The aim is to fast track the hiring process.
- Developed and implemented various internal committees to boost quality services, staff morale, and productivity.
- Instituted an ongoing sign-on and retention bonus system to attract and retain certified educational staff.
- Forged partnership with institutions that offer substitute-teaching services to fill vacancies temporarily until vacated positions are permanently filled. The aim is to ensure that students' educational needs are met.
- Increased presence at job fairs and printed media in-state and out-of-state newspapers and publication to attract and recruit best teachers.

Feedback from the staff strategic initiatives implemented has shown some positive trends according to statistical data retrieved from the MSDE HR database. The bar chart below, exhibits a comparison of JSES staff vacancies, departures, and new hires for June 2017 and June 2018. There has been a downward trend in all three areas.



***The bar chart revealed the following:*** *Vacancies* - In June 2017, JSES accounted for forty-seven (47) vacant positions while in June 2018 the vacant position stood at twenty (20). Vacancies were reduced to twenty-four (24), more than half the number reported in June 2017.

*Departures* - Staff departures (retirees/resignations/employee personnel actions) from JSES in June 2017 was at a high of forty-seven (47). In 2018, the number dropped to thirty-three (33) which was fourteen (14) less departures than in 2018.

*New Hires* – Fifty-eight (58) new teachers were hired in June 2017, while fifty-one (51) new teachers were hired in June 2018. Seven (7) fewer teachers were hired over the same period in 2017.

From a global perspective, it is evident that the current HR strategies have yielded optimistic impacts as it relates to hiring and retaining staff. The MSDE JSES staff will remain proactive in ensuring that the strategies remain flexible, relevant, and realistic to drive consistency in an effort to close the vacancy gap to a single digit, with the goal of total elimination, while simultaneously developing and maintaining retention initiatives to motivate staff.

The MSDE JSES staff will continue to develop and align strategies to impact MSDE JSES educational mandates to ensure that the best resources (knowledge, skills and abilities) are in place to deliver consistent, high quality instructional services to youth in the juvenile justice system.

#### Access to special education services

The MSDE JSES schools have processes to ensure students receive free and appropriate public education. Schools monitor compliance with special education services and documents these services on an ongoing basis. Additionally, supports are provided for schools that have identified difficulties. These supports include, but are not limited to: the provision of certified special education substitute teachers and technical assistance from JSES central office staff.

#### Access to education for students in restrictive housing

Each JSES location has access to a class set of iPads, which can connect to the Internet and house multiple learning applications. These portable devices allow for use in remote locations for students such as ISU and medical units.

#### Parental Engagement

The MSDE JSES agrees with the statement, “Family engagement is linked to better educational outcomes for youth.” The JSES schools provide parental engagement during parent visitations, monthly family days, progress reports, and report cards. At several of our schools teachers participate in family sessions using technology – ploycom conferencing.

The MSDE JSES schools encourage parental involvement in the Individualize Education Plan (IEP) process. Upon receipt of the special education records, case managers reach out to parents to discuss the initiation of special education services. When deemed appropriate, case managers contact parents via phone and mail to schedule IEP meetings at a mutually agreed upon date and time. When unable to

make initial contact, case managers make multiple diligent attempts to reach parents. Additionally, parents are contacted when there is a concern regarding student progress and an IEP meeting is scheduled. Communication with parents of students with a 504 plan are also contacted regularly.

Re-entry

The DJS and the MSDE developed transition guidelines to ensure youth in detention and committed programs have a seamless transition to the next school setting after release from the assigned DJS facility. These procedures, established in January, 2016, were a collaborative effort between JSES and DJS. The procedures provide guidelines for both detention and committed facilities.

Post-Secondary

In September, 2016 an MOU was established between JSES and FCC. The first group of students began taking classes in the spring of 2017. The MSDE JSES students have participated in on-line college credit bearing courses as well as continuing education and workforce development courses every semester. JSES has expanded community college partnerships to include Baltimore City Community College and Anne Arundel Community College. A partnership with the Community College of Baltimore County is pending.

Specific on line course registration data is presented below:

**Spring, 2017**

JSES Facility	Course Name	CR/CEWD
Victor Cullen Center	CON101/Intro to Construction Mgmt	CR
Victor Cullen Center	MA201/Applied Calculus	CR
Victor Cullen Center	MA206/Elementary Statistics	CR
Victor Cullen Center	CIS101/Info Systems & Technology	CR

**Fall, 2017**

JSES Facility	Course Name	CR/CEWD
Alfred D. Noyes Children's Center	BU 109/Entrepreneurship	CR
Alfred D. Noyes Children's Center	MA 206/Elementary Stat	CR
J.DeWeese Carter Center	MA 103/Foundtns of Mat	CR
J.DeWeese Carter Center	EN 101/English Composition	CR
J.DeWeese Carter Center	MDA 108/Basic Medical Terminology	CR
J.DeWeese Carter Center	EN 101/English Composition	CR
J.DeWeese Carter Center	CIS 101/Information Systems and Technology	CR

Victor Cullen Center	SO 102/Social Problems	CR
Victor Cullen Center	SO 201/Criminology	CR
Victor Cullen Center	Intro to Quickbooks	CEWD
Victor Cullen Center	Acctng. Fundamentals	CEWD
Victor Cullen Center	Medical Terminology	CEWD
Victor Cullen Center	Intro to Basic Anat & Phys	CEWD

### Spring, 2018

JSES Facility	Course Name	SECTION	CR/CEWD	Registered
Thomas JS Waxter Children's Center	EN 101/English Composition	3579-ONL3	CR	2/1/2018
Victor Cullen Center	CIS 101/Information Systems and Technology	3142-ONL1	CR	2/1/2018
Baltimore City Juvenile Justice Center	CIS 101/Information Systems and Technology	3142-ONL1	CR	11/10/2017
J. DeWeese Carter Center	CMM 101/Intro to Electronic Media	4443-ONL1	CR	2/1/2018
J. DeWeese Carter Center	PS 101/General Psychology	3870-ONL3	CR	2/1/2018
Alfred D. Noyes Children's Center	PS 101/General Psychology	3870-ONL3	CR	2/28/2018
Alfred D. Noyes Children's Center	MDA 109/Medical Terminology	3961-ONL2	CR	2/28/2018
Alfred D. Noyes Children's Center	PH101/Introduction to Philosophy	3811-ONL1	CR	3/19/2018
Alfred D. Noyes Children's Center	PS 101/General Psychology	3870-ONL3	CR	3/19/2018
Western Maryland Children's Center	ONL 525/Project Management Fundamentals	7739	CEWD	3/9/2018
Western Maryland Children's Center	ONL 325/Fundamentals of Supervision and Mgmt	7677	CEWD	3/9/2018
Cheltenham Youth Center	ONL 525/Project Management Fundamentals	7739	CEWD	3/13/2018

## Summer, 2018

JSES Facility	Course Name	SECTION	CR/CEWD	Registered
Thomas JS Waxter Children's Center	CH101/General Chemistry	194-ONL1	CR	5/30/2018
Thomas JS Waxter Children's Center	ED/PS208/Human Growth & Development	304-ONL2	CR	5/30/2018
Thomas JS Waxter Children's Center	MA103/Foundations of Mathematics	260-ONL1	CR	6/11/2018
J. DeWeese Carter Center	MA103/Foundations of Mathematics	260-ONL1	CR	6/6/2018
Baltimore City Juvenile Justice Center	MA103/Foundations of Mathematics	260-ONL1	CR	6/14/2018

In regards to SAT testing, MSDE and DJS collaborate to have students tested when requested. For example, a student from Green Ridge was tested at Allegany High school on June 2, 2018.

### Vocational Instruction

The JJMU report references “vocational instruction”. The term vocational instruction is outdated and no longer used in the educational community. The current terminology for MSDE JSES schools is Career and Technology Education (CTE). The CTE program prepares students for a wide range of careers. These careers require varying levels of education from high school and postsecondary certificates, to apprenticeships, or two and four-year college degrees. Students add value to their overall education by completing CTE programs of study that provide opportunities to earn industry-recognized credentials and college credit while still in high school.

The opportunities for hands-on CTE programs are severely restricted due to the complexity of the program requirements and the rules of safety and security; however, courses are being designed and implemented to accommodate the varying needs of JSES students. These courses will provide students with the necessary knowledge and credentials to enter into several career fields.

CTE courses within JSES are designed to provide students with two critical aspects to improve their immediate life. Students will receive a foundation in select CTE courses, thus allowing them to return to their public school and enroll in a desired CTE program. Secondly, completion of CTE courses within JSES will prepare students for immediate employment either by providing certification(s), opportunity to develop soft-skills, or creating an effective resume.

Although certified CTE teachers are in high demand throughout the state and country, JSES is placing tremendous efforts to secure teachers at all locations.

### Training for Juvenile Justice Educators

A professional learning plan is in place for the 2018-2019 school year to include sessions on trauma-informed care and cultural sensitivity. These practices will be embedded into the curriculum across all of the content areas.

### Engaging Curriculum

The 2018-2019 curriculum in English includes texts such as *Things Fall Apart*, *House on Mango Street*, selections from *The Joy Luck Club*, and poems by Langston Hughes and Nikki Giovanni. The multi-cultural text selections will provide access for students to study relevant, engaging topics. The math curriculum will include real-world, global problems that students can apply to everyday situations. The social studies curriculum embeds up to 10 hours of service learning for students.

### Taking Action

The MSDE initiated pilot with MCPS was the action formulated by the Maryland State Superintendent of Schools and the Superintendent of MCPS. This initiative began at the beginning of 2018 a meeting led by Dr. Salmon, Maryland State Superintendent of schools, Dr. Smith, Superintendent of Montgomery County Public Schools, and several agency representatives. The goal was to identify, design, and implement a model of collaboration between MCPS and MSDE aligned with identified needs at the Alfred D. Noyes Children's Center. We are collaborating to identify and implement agreed upon strategies to support Noyes students in the following areas: instruction, staffing, and professional learning." To date we are doing just that. We are creatively figuring out how to best share ideas, resources, and create opportunities for students with assistance and collaboration from many individuals in both organizations. Instruction was our first priority because the school has an every-changing population of students who stay for various lengths of time. We decided to start with mathematics using MCPS already developed hybrid/online high school course. This pilot and collaboration will also allowed MSDE to offer an art course at Noyes this summer for students. The MSDE and MCPS are also working together to support staffing due to the challenges of recruiting and retaining teachers at Noyes which is in Montgomery County. Collaboration in the areas of professional learning and additional course for students are currently being discussed. These actions have resulted in a Memorandum of Agreement between MCPS and MSDE. The MSDE is extremely proud of the proactive steps that the Department engaged in regarding the Montgomery County pilot. We will continue to seek partnerships that will assist in our ultimate goal of meeting the educational and post-graduation goals of all students.