



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

2018 SECOND 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 Second Quarter Report

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of 2018 second 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 Second 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

September 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 second quarter report.

The report includes details of the large group disturbance that occurred at the Victor Cullen Center in April 2018. The incident was the culmination of longstanding problems related to the overwhelmingly negative culture at the facility that has remained unaddressed for several years.

While the Department has taken some steps to alleviate issues like persistent youth boredom at Victor Cullen in the wake of the disturbance, it has continued to resist making the other changes necessary to developing a positive and therapeutic culture at the facility.

Absent these changes – particularly the adoption of a treatment model in place of the current behavior management system as the foundation of the program – the culture and level of safety at Victor Cullen will risk deteriorating again and boys at the deepest end of Maryland’s juvenile justice system will continue returning to the community without the tools and supports they need to succeed at home.

Rather than investing in an approach to juvenile justice that centers on the utilization of facilities like Victor Cullen, many states are closing youth prisons altogether and replacing them with community-based programs (residential and non-residential) that are more economical and more effective at improving youth outcomes.

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
Margi Joshi, Tim Snyder and Eliza Steele, JJMU

JUVENILE JUSTICE MONITORING UNIT 2018 SECOND QUARTER REPORT

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Hardware 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

Second quarter 2018 population and incident trends versus second quarter 2017:

- ✓ Average daily populations (ADP) of DJS youth decreased at BCJJC and WMCC secure detention centers and in committed placement at Cullen, the four youth centers, Carter and SOA.
- ✓ Fights and assaults decreased at BCJJC, CYDC, Waxter and WMCC secure detention centers and in committed placement at Cullen and the four youth centers.
- ✓ Physical restraints decreased in secure detention at BCJJC, CYDC, Waxter, Noyes, LESCC, and WMCC; and in committed placement at Cullen, the four youth centers, SOA, and Carter.
- ✓ Mechanical restraints were not used inside the Carter committed placement center. The use of mechanical restraints decreased in secure detention at CYDC, Waxter, Noyes, and WMCC and in committed placement at Cullen and the four youth centers.
- ✓ The use of seclusion decreased in secure detention at CYDC, and in committed placement at Cullen and Carter. Seclusion was not used at LESCC secure detention center or at the Carter committed placement center.
- Average daily population (ADP) increased in secure detention at CYDC, Hickey, Waxter, Noyes and LESCC.
- Fights and assaults increased in secure detention at Hickey and LESCC.
- Physical restraints increased in secure detention at Hickey.
- Mechanical restraints increased in secure detention at Hickey.
- Seclusions increased in secure detention at BCJJC, Waxter, and Noyes.
- There were 47 incidents of suicide ideation and three incidents of self-injurious behavior at DJS-operated facilities during the quarter. Incidents of suicide ideation have decreased by 59% compared to the second quarter of 2017.

VICTOR CULLEN CENTER

Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a hardware secure (locked and fenced) committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth represented 91% of total entries during the second quarter of 2018, compared to 65% during the same time in 2017.

Victor Cullen – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	24	31	15
1. Youth on Youth Assault/Fight	6	15	3
2. Alleged Youth on Staff Assault	3	3	5
3. Physical Restraint	29	57	25
4. Use of Handcuffs and/or Shackles	28	44	22
5. Seclusion	18	13	5
6. Contraband	0	1	6
7. Suicide Ideation	1	15	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	2	0

Population

The average daily population (ADP) at Victor Cullen during the second quarter of 2018 was 15 youth, down 52% compared to the same period in 2017. The decline in ADP was in large part due to a number of ejections and a subsequent limit on youth admissions that resulted from the group disturbance requiring law enforcement described on page five of this report. If Victor Cullen remains open, the population should be minimized through the utilization of community-based alternative approaches.

Unsafe, negative, and dysfunctional culture

The Department has continued to fail to implement a treatment model at Victor Cullen.¹ The lack of an overarching therapeutic approach – like those based on cognitive behavioral therapy² – has been left unaddressed while DJS has insisted on continuing to operate a points and levels behavior management system called Challenge, which focuses on compliance with a uniform set of rules rather than on promoting the development of positive relationships and social skills, verbal processing techniques, and restorative practices. Although the Department introduced Positive Behavior Interventions and Supports (PBIS)³ in early 2018 (before the disturbance described on page five) as “a framework to support Challenge,” the overarching structure and dominance of the points and levels system – and the negative culture it helps produce – has remained intact. The Department’s approach at Victor Cullen, with its emphasis on control, authority, compliance and punishment,⁴ has produced a negative and dysfunctional culture characterized by “us versus them” dynamics and power struggles between youth and staff.⁵ These antagonistic and compliance-oriented dynamics have in turn undermined safety and reinforced a dysfunctional environment in which the facility culture is unsafe and overwhelmingly negative.⁶ According to one youth, it “is easier to crash here than to succeed.”

The lack of a functional treatment model at Victor Cullen coupled with insufficient education-related and recreational programming inevitably results in the presence of persistent boredom and frustration among youth. The problems with facility culture and safety issues culminated in a serious group disturbance that required local law enforcement to subdue and which occurred shortly after the beginning of the second quarter of 2018.

¹ For more information see previous JJMU reports, including 2017 Fourth Quarter Report and Annual Review (available at: http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf) & the 2018 First Quarter Report (available at: http://www.marylandattorneygeneral.gov/JJM%20Documents/18_Quarter1.pdf)

² For more information, see: <https://urbanlabs.uchicago.edu/news/cbt-2-0-a-behavioral-approach-to-reducing-recidivism-among-youth> and <https://csgjusticecenter.org/youth/posts/critical-elements-of-juvenile-reentry-in-research-and-practice/>

³ For more information, see: <https://www.pbis.org/>

⁴ In the Department’s internal (Office of the Inspector General [DJS OIG]) investigation into the group disturbance described on page five, multiple youth noted staffers’ overreliance on physical restraints and interventions like behavior reports that are geared toward gaining compliance rather than processing an issue and constructively resolving conflict. For example, youth made the following statements: “they are too quick to restrain up here.” “... [F]or [the superintendent,] ‘everything was a major [behavior report] and wanting to restrain.’” “... ‘We are boys, we play around but they go straight to [behavior reports] which holds youth back and they want to go home.’” and “The superintendent and assistant superintendent ‘go straight to restraint...That’s why staff get hurt.’...[S]taff never asks you what the issue is or how to resolve it.”

⁵ Officials in Sacramento County abandoned a points and levels behavior management system after concluding that it caused “a tendency to reinforce opposition relationships between staff and youth, and that staff often defaulted their behavioral management strategy to punishment rather than engagement.” The system was replaced with a trauma-informed approach. For more information, see: 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://cjjr.georgetown.edu/wp-content/uploads/2017/10/Creating-an-Integrated-Continuum-of-Care-inSacramento.pdf>

⁶ A staffer stated in the DJS OIG investigation referred to in footnote 4 that “[S]taff use horseplay to deal with the youth. They play with the youth to keep control.” A youth stated in the same investigation, “They ‘need to shut this bitch down.’...[S]taff plays with people too much up here and...they need to shut it down and start over.” On a monitoring visit near the beginning of the second quarter, youth made the following observations during interviews: “Sometimes this place isn’t safe.” “This place is not safe. They need to close it down!” “This is like detention. There is no treatment here. It is not professional and it needs to be shut down.”

Group Disturbance Requiring Law Enforcement

At the time of the disturbance, there were 29 youth at Victor Cullen. The facility superintendent⁷ held night staffers over to cover the first (or morning) shift on Sunday, April 8, because the morning shift included so many inexperienced staffers. The disturbance occurred on a unit called Raine Cottage (Raine) where there were ten youth and four staffers. Three of the four staffers were trainees.

The incident began⁸ at approximately 10:15 a.m., while the youth on Raine were not engaged in any kind of structured activity. Two kids started horseplaying and wrestling in the TV room when one of the youth put the other in a headlock. Two trainee staff tried to get them to stop but they continued horseplaying and the one youth put the other in a headlock again. Another trainee and a more experienced staffer confronted the youth and threatened to issue a disciplinary report (“behavior report” or “BR”). Other youths who were present alleged in the subsequent internal (Office of the Inspector General [DJS OIG]) investigation that the experienced staffer “got mad and was ‘calling people bitches’” and “calling people ‘faggy’” which “nobody likes.” One youth said the same staffer “‘was trying to write the whole unit [behavior reports] for horseplay’... [and that she] ‘abuses her power.’”

When the staffer told the youth that she planned to issue a behavior report, he became upset and started pacing around the area where the staffer was sitting. He then approached her again, grabbed her pen off her shirt, and pushed her from her seat onto the floor. At that point, staff assistance was called. Other staffers then entered the unit and the superintendent made radio contact with them telling the staffers “to handcuff and shackle [the youth] and take him to Prettyman (ISU)⁹.” The agitated youth was still escalated and fixated on the staffer who had threatened to write the behavior report. He allegedly told other youths, “if they try to restrain us crack them.” A youth who was present later commented that that is a “jail rule, if your man is getting restrained you have to help.”

When one of the staffers attempted to escort the upset youth to ISU by placing a hand on his shoulder, the youth “stood up agitated. As staff stepped toward [him], [two other youth] stepped up in front of staff. [A staffer] said that staff backed off realizing they needed to secure the other youth before dealing with [the youth who was being sent to ISU].” Staff told the group of youth “if they did not want a major [behavior report, they should] go to the back hallway” and some of the youth present moved from the TV room and went to the hallway. Two more youth joined them a few minutes later, leaving five youth sitting down either in the TV room or the adjacent larger common room. The staffers took turns trying to talk with the small group of refusing youth and things began to calm down. A staffer later remarked that “the youth were calm and even laughing with staff.”

⁷ The superintendent referred to throughout this report no longer works for DJS.

⁸ The information and quotations related to the group disturbance are taken from a DJS internal (Office of the Inspector General [DJS OIG]) investigation into the incident.

⁹ The Intensive Services Unit (ISU) is a self-contained and restrictive housing unit for youth that DJS identifies as being in need of enhanced services. However, youth perceive placement on the ISU as a punishment.

For more information, see page 9 of the JJMU 2017 Fourth Quarter Report and Annual Review, available at: http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf

After approximately ten minutes, the superintendent came in to the TV room “with shackles and all that,” and said to the youth who was refusing to move, “you have to go to ISU, if you don’t we will move you.” One more kid left the group and moved to the back hallway while the superintendent addressed the remaining four boys who were “sitting down and seemingly calm” during the conversation. When the superintendent stepped out of the TV room, two staffers came into the TV room and video footage shows the staffers interacting with the four youths and “people smiling and laughing.” One of the staffers later noted that, at this point, he “thought the situation had calmed down.” Another staffer subsequently commented that “the youth were calm, they were even laughing and joking, they just did not want to go their rooms or ISU.”

According to later staff witness accounts which are corroborated by video footage, the four youth remained calmly in the TV room while the superintendent corralled all available staffers and “was telling everyone they were going to have to restrain the four youth and needed to devise a plan. At that point [the superintendent] left the cottage to get more mechanical restraints,” and “made phone attempts to executive leadership to advise them of the situation and obtain any information as needed.” Meanwhile, “staff continued talking to the four youth trying to get them to comply” with the order to move.

The superintendent returned to Raine with more sets of handcuffs and shackles. At this point, approximately 55 minutes had passed since the original horseplay began and 50 minutes had passed since the youth pushed the staffer. According to staff, “the youth were still calm... [and the superintendent] said he was going to give [the youth] one more time to comply... [The superintendent] told [the staff] if the youth did not comply they were to ‘charge in a straight line’ and ‘rush them.’”

Several staffers had concerns about the superintendent’s strategy. One of the trainee staffers “kept telling [other] staff [that restraining the youth] was a bad idea because the youth were calm... ‘They were not being a threat.’” Another one of the trainees later told an investigator that he “was concerned in the sense that he feels restraints should be the last thing on their list... [A supervisor] was getting things under control, the youth were calm and people were laughing... The staff ‘knew restraint was the wrong idea.’” Another staffer who was interviewed for the DJS OIG investigation “stated the youth was out of line, but there was several ways they could have handled the situation without physical restraints.” A different staffer said “the youth were calm, they were not going to their rooms or ISU but they were calm [and added] ‘we should have tried other ways to process with them.’” According to a later statement by one of the four youth who remained in the TV room, “if it was necessary to restrain us they would have done it at the start and not an hour later... We was not doing anything, they abuse the hands-on policy.”

Despite staff reservations about this tactic, the superintendent paired up each of the staffers and instructed them to restrain particular kids. A staffer “asked why because the youth were not doing anything at that point.” According to another staffer, the superintendent “did not want to hear anything different.”

Before restraining the kids in the TV room, the superintendent instructed staffers to take the youths from the back hallway over to a nearby game room (also called the “auxiliary recreation building”) as a reward for having followed directions. Staff later said they thought this

part of the plan was also a “bad idea” because “the auxiliary rec building is not secure, the doors have ‘like a house lock,’ but [the superintendent] would not listen.” Three of the trainee staffers took six youth over to the auxiliary recreation building. When they arrived in the game room, staff noted “there was nothing for the youth to do, there were no games or equipment... [It] had been removed earlier and never brought back.” One of the youth who was brought to the room commented in the subsequent DJS OIG investigation that “he felt it was a setup when the youth were sent over to auxiliary rec without any games.” According to one of the staffers who accompanied the youth, they were “trying to keep the youth calm and get someone to bring them games but the youth were looking out the windows at what was happening back on Raine Cottage.”

While the superintendent was devising and disseminating to the staffers the plan to restrain the four youth in the Raine TV room, the youths were left unsupervised. Two of the kids walked out of the TV room to see what the nearby clustered staff were doing. The youths returned to the TV room and all four became “visibly restless...pacing and picking up different items.” One youth apparently urinated in a cup and sat the cup down on the floor.

At the same time, the youths in the auxiliary recreation building were still “pacing around and...looking out the windows toward Raine Cottage.”

Five minutes later, the superintendent again entered the Raine TV room and tried very briefly to talk to the four youth. One of the youths took off his shirt as he was pacing around and began “flexing and balling his fists.” The superintendent then ordered all eleven available staff into the TV room to physically and mechanically restrain the four youths. A melee ensued as the youth resisted and fought back staff attempts to physically restrain and handcuff them. Staff and youth described the scene as “chaos.” According to one youth, “[t]here was a lot of fighting going on...There was a lot of bleeding.” A staffer “entered the room...looked down and saw [another staffer] lying face down on the floor ‘out cold.’” The same staffer “said everything was a blur...trainees were straining with [one youth] ...She said the youth were ‘whaling’ on [the superintendent] and staff was telling him to get out of there.” Another staffer “did not know who hit him but he got knocked down and there was a lot of blood.” Staffers unsuccessfully attempted to put youth in handcuffs and then one youth (who had handcuffs attached to just one of his wrists) hit staffers with the mechanical restraints.

Meanwhile, the youths staring out the window in the auxiliary recreation building were being supervised by a single trainee staffer and, after one of the youth managed to get the trainee’s keys, four of the six youth present in the game room left the building and entered Raine. They immediately joined in the melee. Staffers then began to flee Raine and take shelter at the medical station in another unit. As the last of the staffers exited Raine, the (now eight) youth were left locked inside the building where the melee occurred and, after about six minutes, they kicked out a window in the TV room and went outside. The youths then ran around the campus, passing a facility case manager. A youth told an investigator that “nobody went after [the case manager] because he never lies to youth.”

Some of the youths then saw the superintendent. The youths caught up to him and began assaulting him. The superintendent later said that during the assault he “grabbed [a youth] ‘by

the nuts and squeezed hard until he screamed' and further used the youth as a shield to block the assaults." The facility case manager mentioned earlier came to the aid of the superintendent, helped him up off the ground and toward a secure living unit. Some of the youth who ran from Raine then climbed onto a roof; others kicked open the door to another building and began "going through drawers and using the phone, taking boots and gathering snack items." The Maryland State Police had been alerted and arrived at Victor Cullen about 10 minutes later. The police secured the youths allegedly involved in the disturbance and brought them to the Victor Cullen administration building.

Several DJS staff were transported to the hospital where they were treated for injuries. At least two staffers present during the disturbance also reported experiencing serious anxiety when they tried to return to work.

There were two other living units at the facility which were populated with youth who did not get involved in the disturbance. Some of these youth alleged being mistreated by the state police when they were searched and taken back to their residential units. One youth who had been with a group in the facility gym sat down and refused to be searched. He was allegedly restrained to the ground, searched, then handcuffed and shackled. Another youth was said to have used negative language toward the police and allegedly tried to hit an officer while they walked to a living unit. When the youth was restrained, another youth allegedly tried to jump in to protect his friend. That youth was also restrained by the police and later told a nurse at the facility, "They slammed me on my face and pushed my face into the concrete. Second time tried [sic] to push me over the rail and choked me and banged my head." The youth had scrapes on the side of his face, his chin, and his arm. The Department's completed investigation documentation on the disturbance did not include mention of review of available video footage or interviews pertaining to the allegations concerning police behavior. However, the allegations were referred to Frederick County Child Protective Services.

Immediately following the group disturbance, the Department ejected several youth and halted new admissions to further reduce the youth population at Victor Cullen in an effort to regain and maintain safety at the facility.

Recommendations

The Department and other stakeholders, including the courts, should intensify efforts to minimize the population at the deep-end of the system and move away from the youth prison model in line with trends across the country based on research about what works for young people.¹⁰ In place of corrections-oriented facilities like Victor Cullen¹¹, the Department should develop a continuum of small, home-like options located in or near youths' communities, for those young people who the court sends out of home.

¹⁰ 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>

¹¹ The average cost per day (during Fiscal Year 2017) to house a youth at the Victor Cullen facility in western Maryland was \$981. See page 201 of the Maryland DJS Data Resource Guide for FY 2017. Available at: http://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2017_full_book.pdf

Reducing the population at the deep-end of the system is also key to facilitating the development of a safer and more structured environment at Victor Cullen, if it continues to remain open. The issues detailed in the following paragraphs must also be addressed.

Implementation of a Therapeutic Model

The Challenge/PBIS hybrid and the staff training that accompanies it have failed to produce a positive and structured environment at Victor Cullen. In the wake of the disturbance, administrators at DJS headquarters have continued to insist on implementing the same system and, as a result, the culture has continued to suffer. For instance, on a monitoring visit during the quarter (after the disturbance), direct-care workers were observed physically horseplaying with youth, recounting disturbing and inappropriate stories, and fraternizing with youth during school. During a substance abuse class (observed on a monitoring visit), youth walked in and out of the session while one youth – who explained that he did not have substance abuse issues – completed the exercises in a workbook by writing “N/A” so that he could “get his points” in the behavior management system.

A supervisor with years of experience was observed on a monitoring visit using abusive and inappropriate language about his colleague in front of youth in a classroom during school. The same supervisor was also observed by monitors forcefully pushing a youth’s head into the grass after the youth was taken to the ground in a physical restraint outside of a living unit (incident 151857).

In addition to maintaining the same overarching structure at Victor Cullen following the group disturbance, the Department decided to bolster its control- and compliance-oriented approach by issuing a directive that all youth have to raise their hands and receive staff permission before standing up and that staffers should respond to youth who fail to do so by approaching the youth and telling him to sit down. If the youth does not comply with the verbal command to sit, the directive instructs staffers to use “directive touch” and then restrain the youth if he reacts physically or at all aggressively. This directive tends to contravene the Department’s own policy¹² – which explicitly prohibits physical restraints to enforce compliance – by essentially encouraging physical interventions over verbal processing with a youth who is not following instructions. Based on observations and interviews with youth and staff during the quarter, this directive did not appear to be enforced or utilized.

While the directive was not enforced, the ongoing emphasis on the use of physical restraints and control-oriented approaches over therapeutic techniques manifested in a number of incidents during the quarter. Youth acting out in ways such as kicking a door (151793), throwing food (151648), clogging a toilet (151842), refusing to go to a cell (151856), refusing to dress in uniform (152232), were met with verbal commands to stop and subsequent physical restraints, rather than attempts at verbal processing. In incident 152484, a youth refused to sit down in the cafeteria. Staff repeatedly told the youth to sit down and eventually one staffer

¹² Md. Dept. of Juvenile Policy and Procedure RF-02-07. The policy states that staff “may not use...restraints...as a means of...program maintenance (enforcing compliance with directions)” and permits their utilization “as a last resort only when a youth displays behavior indicative of imminent injury to self or others, or makes an overt attempt to escape. The goal of a physical restraint should be to ensure safety.”

grabbed the youth's tray from his hands. The youth and staff went back and forth with the tray and the youth became upset, hit the staffer in the face, and was physically restrained.

Rather than rely on a compliance-based system and/or physical interventions like restraints to try and establish structure, the Department should seek to increase safety and security through the adoption of an evidence-based therapeutic model and the training of all staff accordingly. Programs and interventions based on cognitive-behavioral therapy, for instance, have proven to be effective:

[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, 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.*¹³ [emphasis added]

In addition to the adoption of an effective treatment model and ensuring enhanced training for direct-care workers, ongoing close coaching and supervision of staff by competent and experienced administrators and managers is necessary to promote, institute and maintain a consistently therapeutic, positive, professional, and structured environment. The Department should also carefully vet potential new hires and ensure that facility staff with relevant direct care experience participate in interviews and play a significant role in making final hiring decisions. Only competent, caring adults who demonstrate an interest in youth progress and are committed to the development of a positive environment for youth and staff at Cullen should be hired. The Department could pilot a system to attract and appropriately compensate staff for Victor Cullen who have qualifications or certifications beyond a high school diploma and could provide rigorous treatment-oriented training in a therapeutic model for those successfully recruited.

The numbers, qualifications and training of direct-care staff needs to be increased at Cullen to ensure that there are enough available staff to build constructive relationships with the young people in their care, and so that safety can be increased through the development of a more positive facility culture. The Department should enhance the staff-to-youth ratios to ensure that there are sufficient numbers of staff to go beyond efforts to maintain the basic duty of visual supervision of youth. A one-to-four ratio of staff to youth would better enable staff to process and

¹³ David Altschuler, Ph.D. and Shay Bilchik, J.D., "Critical Elements of Juvenile Reentry in Research and Practice." Council of State Governments Justice Center. April 21, 2014. Available at: <https://csqjusticecenter.org/youth/posts/critical-elements-of-juvenile-reentry-in-research-and-practice/>

build rapport with youth and also help the facility to function without relying on frequent mandatory overtime.

Although the primary need at Victor Cullen is the implantation of a treatment model, the Department has required administrators to prepare for accreditation by the American Correctional Association.¹⁴ Rather than bolster a corrections-oriented approach, the Department should help foster the development of a therapeutic culture at Cullen by replacing the current behavior management system with an evidence-based treatment model and training all staff accordingly.

Constructive Programming

Keeping youth engaged in constructive activities, particularly on evenings, weekends and when school is not in session is crucial to developing a safe and positive environment, as excessive downtime can leave youth frustrated and even lead to incidents involving aggression. Programmatic shortcomings have contributed to the negative culture at Cullen and left youth without meaningful opportunities for rehabilitation. On a monitoring visit near the end of the quarter, a youth commented, “This place doesn’t help anybody. I’m just doing my time to go home.”

The Department of Juvenile Services has added some discrete programs, such as music production and yoga programs for some youth that meet two days a week. However, youth still describe substantial amounts of downtime during evenings and weekends when there is no structured activity. These problems are particularly acute for youth on the Intensive Services Unit (ISU)¹⁵ who are also frequently left unengaged during the school day. The ISU at Victor Cullen continues (in the weeks and months after the group disturbance) to function as a punitive intervention instead of a location for youth needing enhanced services. Two youth who were sent to the ISU during the second quarter were left with nothing to do during the day. On a monitoring visit to the ISU during the time when both youth were being housed there, they were in their cells (one sleeping, one doing a worksheet) at two o’clock in the afternoon. One of the youth stated that the ISU “is punishment,” adding that youth have to sit in hard chairs in the same place all day and have their ability to progress toward release from Cullen frozen. Rather than being offered an intensified level of services, the youth also stated that when a teacher comes

¹⁴ “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 reaccredited 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/howcourts-view-aca-accreditation/>

¹⁵ See note nine on page five of this report.

to the unit, they sometimes stay and sometimes leave five to ten minutes after arriving. According to the same youth, “the only thing intensive about ISU is the intensive boredom.”

The Department’s efforts to address pervasive boredom should continue and be expanded so all youth are consistently involved in constructive programming – including at least some physical activities – throughout the day and regardless of living unit or level attained in the behavior system. Frequent community-based options for volunteering and other structured activities off grounds should also be incorporated given their normalizing effect and value as meaningful incentives for youth. The Department should permanently close the ISU at Victor Cullen and, as one youth suggested during the first quarter of 2018, outfit the space with resources and equipment to convert it into a career technology education (CTE) building where youth could participate in trade certification courses.¹⁶ If DJS continues to operate an ISU at Victor Cullen, punitive measures and restrictions must be lifted and, in collaboration with MSDE JSES¹⁷, the Department of Juvenile Services must ensure that a full complement of supportive services and constructive and recreational activities – including six hours of education – is available to youth restricted to the ISU.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Victor Cullen. Chronic deficiencies in the school¹⁸ have contributed to the deterioration of the culture and overall dysfunction of the facility.

During the second quarter, the schedule at Cullen included ninety-minute classes, and two daily homeroom periods – during which youth sit in a classroom without any apparent educational purpose. These aspects of the schedule lead to boredom and wasted time, and undermine youth buy-in to the school program. Youth do not have daily access to hands-on courses leading to certification in trades. The career and technology education (CTE) instructor position has been vacant for the bulk of the past two years, and MSDE JSES only offers two-short term CTE-related classes (flagger certification and basic food hygiene courses) that have, in any case, already been completed by many youth in DJS detention centers before being placed at Cullen. The lack of workforce development options is especially problematic for youth at Victor Cullen who have already earned a high-school diploma or GED, as post-secondary education options are not consistently available to youth who have earned a high school diploma. As a result, kids at Cullen who have completed their secondary education are typically left unengaged during school hours and all students are left without comprehensive access to job training courses.

¹⁶ A building formerly designated for CTE now houses the music production program and there is no longer a designated space with the potential to house classrooms for hands-on courses leading to certification in trades such as construction, HVAC, barbering, and culinary arts.

¹⁷ Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Victor Cullen (and in all of the DJS-operated facilities). More information is provided in the MSDE JSES section of this report beginning on page 57.

¹⁸ See page 11 of the JJMU 2018 First Quarter Report (available here: http://www.marylandattorneygeneral.gov/JJM%20Documents/18_Quarter1.pdf) and page 10 of the JJMU 2017 Fourth Quarter Report and Annual Review (available here: http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf)

The school schedule should be adjusted to eliminate time spent, and often wasted, in elongated class periods and homeroom sessions that could be productively used, for example if youth were afforded the opportunity to partake in courses such as gym and art classes. MSDE JSES also needs to expand the availability of CTE classes beyond the two short-term and basic skill level courses described above. Furthermore, MSDE JSES and DJS need to collaborate to forge ties with community-based partners to bring job training and career-related courses involving local resources and employers to Victor Cullen.

Given the proportion of time that youth are mandated to spend in school every day (six hours) and the importance of education progress in promoting positive outcomes among youth in the juvenile justice system¹⁹, the culture and efficacy of the facility school is integral to the basic functioning of Victor Cullen. Both MSDE JSES and DJS should prioritize improvements to the provision of education services and workforce development opportunities to kids at Victor Cullen (and across the system) to help support positive youth outcomes.

For more information on education in DJS facilities, see the MSDE JSES section of this report on page 57.

¹⁹ “Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems,” Council of State Governments Justice Center. November, 2015. Page 4. Available at: <https://csgjusticecenter.org/wp-content/uploads/2015/11/Transitional-Age-Brief.pdf>

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. One of the youth centers – Savage Mountain – is currently being converted into a prison-like hardware secure (maximum security) facility. Each of these centers is 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 69% of total youth entries in the second quarter of 2018 compared to 71% in the second quarter of 2017. Hispanic youth represented 11% of total youth entries in the second quarter of 2018, an increase of 1% from the same period in 2017.

Combined Youth Centers (x4) – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	123	95	85
1. Youth on Youth Assault/Fight	50	36	48
2. Alleged Youth on Staff Assault	11	20	13
3. Physical Restraint	120	214	148
4. Use of Handcuffs and/or Shackles	38	73	35
5. Seclusion	0	1	0
6. Contraband	8	1	3
7. Suicide Ideation	10	23	13
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	3	1	1

Comparison of Second Quarter 2018 to the Second Quarter of 2017

Average daily population (ADP) at the youth centers decreased by 11% in the second quarter of 2018 compared to the second quarter of 2017. At the same time, youth on youth fights and assaults increased by 33%. However physical restraints, the use of mechanical restraints within the facilities, and instances of suicide ideation decreased by 31%, 52%, and 43%, respectively.

While the reductions in restraints (both physical and mechanical) are positive developments, the elevated number of youth fights and assaults are a concern. Incident numbers overall remained high in comparison to the second quarter of 2016, when the average daily population was significantly larger.

Comparison of Second Quarter 2018 to the Second Quarter of 2016

The ADP at the youth centers declined by 31% compared to the second quarter of 2016 while physical restraints increased by 23%. The numbers of alleged youth on staff assaults, youth on youth fights and assaults, and use of mechanical restraints within the facilities fluctuated only slightly when comparing the second quarter of 2018 with the same period in 2016, even though there was a significant reduction in average population.²⁰

Reform

The decline in the numbers of kids sent to out-of-home placement in DJS facilities is a positive first step toward more substantive reform needed within Maryland's juvenile justice system. Research shows that, "institutionalization disrupts a youth's ties to his or her family and community, while interfering with healthy adolescent development. When compared to youth charged with comparable offenses and with similar histories, youth who have been incarcerated are less likely to graduate, more likely to have trouble obtaining employment, and more likely to end up in the adult criminal justice system."²¹

Having accomplished sustained reductions in the number of committed youth, the Department should move toward more extensive reform by working to establish a continuum of community-based programs and services that are located close to youth's homes and which can meet the rehabilitative needs of youth in the deepest end of the juvenile justice system. As experts on juvenile justice reform have noted,

America's approach to youth incarceration has been built on the premise that a slightly modified version of the adult correctional model of incarceration, control, coercion, and

²⁰ Youth on youth fights and assaults decreased by 2 (from 50 to 48), youth on staff assaults increased by 2 (from 11 to 13) and use of mechanical restraints decreased by 3 (from 38 to 35) in the second quarter of 2018 compared to the second quarter of 2016.

²¹"Doors to Commitment: What Drives Juvenile Confinement in Maryland," The Annie E. Casey Foundation Juvenile Justice Strategy Group (January 2015), page 9. Available at:

<http://www.djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

punishment — with a little bit of programming sprinkled in — would rehabilitate young people. Sometimes the names attempt to camouflage the nature of the facility, but whether they are called “training schools” or “youth centers,” nearly all of these facilities are youth prisons. Whether the benefits and costs of youth prisons are weighed on a scale of public dollars, community safety, or young people’s futures, they are damaging the very people they are supposed to help.... This ill-conceived and outmoded approach is a failure, with high costs and recidivism rates and institutional conditions that are often appalling... Every youth prison in the country should be closed and replaced with a network of community-based programs and small facilities near the youth’s communities.²²

Temporary Closure of Savage Mountain Youth Center

Savage Mountain Youth Center remained closed throughout the first and second quarters of 2018. Costly renovations to convert the center from a staff secure to a maximum security (locked and fenced) facility were nearing completion at the time of writing (early August of 2018).

Expenditure of fiscal resources to convert Savage Mountain to a high security youth prison contravenes best practices in juvenile justice reform, which emphasize moving away from the failed model of incarcerating youth in congregate facilities located far from families.²³ Rather, stakeholders in Maryland’s juvenile justice system should focus on achieving positive outcomes for youth and families, lowering recidivism, and increasing public safety through the use of individualized, comprehensive services and supports located in neighborhoods close to youths’ families and communities.

The numbers of youth sent to the youth centers and the Victor Cullen facility is continuing to drop and, although Savage Mountain has been closed for almost a year, the closure has not resulted in increased population pressure at the other three youth center facilities (or at the Victor Cullen facility).

Given the consistently declining population in DJS committed placement facilities, the Department should close at least one of the youth centers in western Maryland and allocate the money saved from closing facilities to community-based programming and alternatives to incarceration. This strategy is more economical,²⁴ more effective in facilitating positive youth outcomes, and will aid in keeping youth out of the deepest end of the justice system in the first place.

²² 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. 1-2). Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

²³ Id.

²⁴ The average cost per day (during FY 2017) to house a youth in the youth centers in western Maryland ranged from \$449 to \$823 (Victor Cullen average per diem in FY 2017 was \$981). See page 201 of the Maryland DJS Data Resource Guide for Fiscal Year 2017. Available at: http://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2017_full_book.pdf

Treatment Needs

All DJS committed placement sites, including the youth centers, lack an overarching evidenced-based and trauma-informed therapeutic model to provide the framework for the care youth receive and to guide interactions between youth and staff. Instead, staff are trained to enforce a points and levels system called Challenge which governs youth length of stay in DJS facilities. According to Challenge, youth earn points on a daily basis for following directions and complying with facility rules. Youth can redeem points at the end of the week for incentives such as snacks and brand-name hygiene products. Youth progress through levels of the program by earning a certain percentage of points for a designated number of weeks.

The compliance-based orientation of the Challenge system often creates a power struggle between youth and staff and impedes the formation of constructive therapeutic relationships.²⁵ The situations described below are examples of occurrences where strict adherence to one-size-fits-all rules operated in disregard of youth medical and religious needs and concerns about personal appearance.

In grievance 14415, a youth stated that “Apparently I can’t move through the level system without cutting my hair. That is blasphemous. They take 20 points a day which will make it impossible for me to get my percentage [of points per week] to get my level. I don’t plan on cutting my hair. So can we find a solution that doesn’t involve that?” A DJS youth advocate informed the youth that the system does not allow for youth preference for hair styles.

In grievance 14318, a youth had concerns about the lack of staff accommodation toward his religious preferences. The youth reported that staff “keeping wanting me to shave” even though he was Muslim. He also requested a copy of the Quran but was told by his case manager and direct-care staff that the facility did not have a copy. A DJS child advocate met with the Superintendent twice to follow up on the youth’s concerns in order help him obtain the religious material. A month after his request, the facility agreed to purchase two copies and the youth received a copy of the religious text.

In grievance 14414, a youth became upset when he lost points for using the bathroom at 10 p.m. According to facility rules youth cannot use the bathroom between 9:30 p.m. and 11 p.m. The youth explained to the nurse that his evening medication caused him to sleep through the night and that he wanted to use the restroom right before falling asleep to avoid wetting the bed. The nurse relayed the youth’s concern and was told by administration that nothing could be done. The DJS child advocate persisted in her advocacy efforts and convened a meeting between the child’s therapist and administration. Administrators eventually awarded the youth the points that had been taken away from him and have made accommodations regarding the youth’s medical needs.

²⁵ Challenge is focused on compliance with a uniform set of rules rather than promoting the development of positive relationships and social skills, verbal processing techniques, and restorative practices. Although the Department has recently introduced Positive Behavior Interventions and Supports (PBIS - see: <https://www.pbis.org/>) as “a framework to support Challenge,” the overarching structure and dominance of the Challenge points and levels system – and the negative culture it helps produce – has remained intact.

The above examples offer everyday illustrations of the limitations of a system focused on controlling youth behavior rather than fostering positive youth development through supportive and constructive therapeutic relationships. Research has demonstrated the positive outcomes of the latter approach. One study noted that “youth-adult relationships that were attentive to the needs of young people, engaged their voice in decisions affecting them, encouraged negotiation rather than the imposition of pre-selected interventions, and sustained equal participation when reasonable to do so, were all contributing factors to young people experiencing benefits from these relationships.”²⁶ The Department should replace Challenge with a functional treatment model which emphasizes the formation of a therapeutic and collaborative alliance between staff and youth.

Staffing

Adequate staffing ratios (above minimum corrections standards) are a necessary component in maintaining safety and facilitating constructive and productive relationships with youth. Current staffing levels at the youth centers should be adjusted to allow for a ratio of one staff for every four youth to ensure that youth are receiving individualized attention on a regular basis. A supervisor and rover should be assigned for each shift to provide support to direct-care staff. In addition, mental health staff should be available during waking hours (including on weekends) to meet with youth and to aid in processing as well as in de-escalation and crisis intervention efforts.

Insufficient Structured Activities

Excessive downtime and a continuing lack of varied and consistent structured programming both on- and off-campus cause frustration and are major youth (and staff) concerns that remain insufficiently addressed.

The four youth centers were originally intended and were for decades operated as “forestry camps” and included opportunities for youth to explore and learn from surrounding natural resources. In recent years, youth contact with nature and with nearby communities, including volunteering opportunities, has been severely curtailed - ostensibly for security reasons. Rigid facility rules at the centers restricting youth movement mean that youth have few opportunities to access nearby nature preserves for hiking, swimming, canoeing, and camping. Additionally, several years ago, the Department instituted a curfew beginning at sunset during the winter months at all DJS facilities, further restricting opportunities for these types of activities. During the shorter days of the year, all youth at every DJS-operated facility (in both placement and detention and regardless of designated facility security level) are forbidden to move around campus, even if staffers are available to accompany them.

²⁶ Unger, Michael. “The Impact of Youth-Adult Relationships on Resilience,” *International Journal of Child, Youth and Family Studies* (2013) 3: 328–336 (p.332), available at: <https://journals.uvic.ca/index.php/ijcyfs/article/viewFile/12431/3767>

The recreational specialist position at Green Ridge Mountain youth center has been vacant for several months, further negatively impacting youth activity planning and diminishing options for structured team sports and other physical activities at that site.

Small groups of youth are still sometimes taken off site, but only if the youth are among those who have reached the highest levels in the Challenge behavior system (which can take some youth several months²⁷ to achieve), and only if there are enough staff available to transport and accompany youth. The result of this approach is that youth at the centers rarely leave the facilities. Furthermore, due to staffing constraints at the youth centers, only six eligible youth at a time can attend these sporadically offered off-site events even though more than six youth may have earned the privilege. Facility administrators decide who is allowed to leave and who must stay despite being eligible to go - this lack of fairness in denying earned outings can cause tension between administration and those youth who were not chosen.²⁸

As a result of a lack of programming, youth spend the bulk of their time during after-school and weekend hours indoors watching and re-watching movies and playing cards. In grievance 14307, youth requested beds or couches to in place of plastic chairs in the dayroom, commenting that they “have to sit in the day room for hours every day and it’s uncomfortable.”

A youth at one of the centers commented to a monitor that the daily boredom leads to horseplay, including of a sexual nature such as “a lot of playing around in the showers, grabbing each other’s ass”, youth jumping outside of the showers without their boxers on, and some youth ejaculating in the showers and showing it to other youth. (This issue was discussed with facility administration for follow-up concerning staff training on supervision and reporting).

Civic engagement and extracurricular activities can keep youth engaged, help them develop a normalized self-image, and enhance social and interpersonal skills. Opportunities to participate in structured programming throughout the weekday afternoons and evenings (after school) and during the weekends are an integral part of a functional rehabilitative program and should be vastly expanded and properly implemented for all youth at the centers.²⁹

As of time of writing (early August 2018), the Department has also cancelled all home passes for youth in DJS-operated facilities (except if specifically ordered by a court) – see the next section of this report (“Family Engagement”) for details.

²⁷ Previously, youth became eligible to participate off grounds activities after their first 30 days in placement.

²⁸ In line with the developmental approach to juvenile justice, “treating youth fairly and ensuring that they perceive they have been treated fairly and with dignity contribute to several important features of prosocial development, including moral development, belief in the legitimacy of the law, and the legal socialization process generally.” See <https://rfknrcji.org/our-work/adolescent-brain-development/>

²⁹ Butts, Jeffrey A., Gordon Bazemore, & Aundra Saa Meroe (2010). Positive Youth Justice – Framing Justice Interventions Using the Concepts of Positive Youth Development. Washington, D.C.: Coalition for Juvenile Justice (CJJ). Available at: <https://positiveyouthjustice.files.wordpress.com/2013/08/pyj2010.pdf> (See pages 25-27).

Family Engagement

Youth at the centers report that family contact assists them in coping with boredom and frustration and keeps them on track so that they can concentrate on “doing their time” and going home. However, DJS limits phone contact with immediate family members to two 10-minute phone calls per week, which is the same amount of phone time allotted for youth who are held (for shorter periods on average) in DJS detention centers. Phone contact is especially vital to youth who are placed at the centers since most families live several hours away from the facilities and aren’t able to make the trek to see their child on a regular basis. In addition to expanding phone contact, transportation services between youths’ homes and the centers should be provided to help enable and bolster family visitation.

Youth were previously allowed to earn home passes as they progressed through higher levels of the Challenge program. However, this incentive was discontinued during the second quarter. Regular home passes aid in successful re-entry by allowing youth to maintain close ties with family and with the community where they live. Home passes also serve as a meaningful incentive for young people, especially given the lack of opportunity for frequent family contact at the youth centers. Opportunities to earn home passes should be increased, not decreased or eliminated. The current ban on home passes is an unjustifiable detriment to youth progress and should be rescinded immediately.

Education

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the schools at the four youth centers. High school students spend the school day in four 90-minute classes in the core content areas of social studies, English language arts, math, and science. The curriculum does not involve youth in any form of “hands on” learning nor is it sufficiently varied or engaging to keep student attention for the entire duration of a class period. During school monitoring visits, youth were observed watching educational videos, completing worksheets, and then spending the rest of class time socializing or sleeping. Class periods should be shortened to allow for elective courses in areas such as art and music. Physical education should also be available to break up the sedentary portions of the school day.

Students at the youth centers consistently express a strong interest in and motivation for earning certifications in trades where there is a high demand for employees such as barbering, auto mechanics, HVAC, plumbing, and electronics. However, the availability of career and technology education courses (CTE) is limited at the youth centers. MSDE JSES and DJS have not collaborated on any outreach with the aim of forming community partnerships that would allow students to pursue employment and apprenticeship opportunities in neighborhoods near the youth centers. At Backbone Mountain, a dedicated CTE teacher has worked independently to bring in outdoor educational programming in conjunction with the local wildlife and fisheries agency. However, his ability to offer a greater variety of hands-on courses was curtailed when the facility took away the ability of youth to work with construction tools even while under the instructor’s direct supervision.

Officials at MSDE JSES should work with DJS administrators to create meaningful educational opportunities for youth at the centers, including access to an expanded array of CTE-based courses and materials.

For more information on education services in DJS facilities, see the MSDE JSES section beginning on page 57.

Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 87% of entries to SOA through Maryland DJS during the second quarter of 2018, down from 89% during the same period last year.

SOA – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	41	51	35
1. Youth on Youth Assault/Fight	9	12	12
2. Alleged Youth on Staff Assault	0	4	4
3. Physical Restraint	6	17	10
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	9	5	14
7. Suicide Ideation	0	0	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

During the second quarter of 2018, the average daily population of youth placed at Silver Oak through DJS decreased by 31% compared to the same time in 2017. However, the number of incidents involving fights or assaults did not decrease.³⁰

³⁰ The average daily population (ADP) and incident report figures reflect only youth placed at Silver Oak through the Maryland Department of Juvenile Services (DJS). Youth from other states are placed at Silver Oak however these youth are not included in the ADP figures reported by DJS. Incidents involving these youth are not uploaded to the DJS database and therefore are not included in the counts in the selected incidents table.

During the second quarter, the culture and level of safety at Silver Oak continued to be issues in the face of problems with staff misconduct. Three staffers were indicated for physical child abuse by the Carroll County Child Protective Services (CPS) during the quarter. Two of them were involved in an incident³¹ where a youth was returned to his living unit after leaving without authorization.³² According to statements from youth and staff, one of the staffers pushed the youth multiple times into a railing in a stairwell (where there are no cameras) while yelling, “you going to make me lose my fucking job.” The other staffer who was present allegedly stood by and failed to intervene. The youth was not seen by a nurse until the morning following the incident. The nurse documented scrapes and bruises on the youth’s arms, neck, and back. Neither of the staffers involved in this event works at Silver Oak any longer.

In another incident, a different staffer was indicated for physical child abuse after horse playing with a youth in the sleeping area of a living unit. At one point, the staffer picked the youth up over his shoulder and threw him onto the ground. An administrator reviewed video footage of the behavior shortly after it occurred but the incident was not reported to Child Protective Services (CPS) for several weeks and only after another administrator reviewed the same footage. The staffer involved in the horseplay no longer works at SOA.

In yet another incident (151220³³), a staffer allegedly allowed two youth to assault a third youth who had been arguing with the staffer earlier during a group meeting. The staffer involved in that incident also no longer works at SOA.

Physical restraints of youth by staff decreased by 41% when comparing the second quarter of 2018 with the same period in 2017. However, concerns about inappropriate or unnecessary physical restraints also continued during the second quarter. In one incident (on May 1, 2018, and involving an out-of-state youth), a youth was trying to get a condiment while in the serving line at dinner. An administrator confronted the youth and tried to get him away from the line, ostensibly because the youth was not supposed to have the condiment. A staffer who noticed the tension between the administrator and the youth also tried to redirect the youth away from the serving line and subsequently walked the youth away from the line area. The youth then pushed two chairs off a tabletop in another part of the cafeteria. At that point, both the staffer and the administrator walked the youth out into the lobby where the youth sat down in a chair. The administrator told the staffer to return to the cafeteria and then began ordering the youth to walk to the “refocus room” – the space, also referred to as the counseling center, where youth are sent to de-escalate and process incidents or conflicts. The youth did not move but sat in the chair with his arms crossed for nearly two minutes as the staffer continued telling him to move to the refocus room while also intermittently tilting the youth’s chair forward. The youth suddenly stood up, pointing his finger in the administrator’s face and walking away from him. The staffer who had earlier returned to the cafeteria commented in a subsequent

³¹ The incident involved an out-of-state youth and occurred on April 9, 2018. There is no incident report number because incidents involving out-of-state youth are not uploaded to the DJS database.

³² According to the DJS investigation into this allegation of abuse, SOA staff and administrators failed to properly report this incident to DJS. The allegation was reported by SOA to CPS. However, the allegation itself was not documented separately in an incident report, as required by DJS policy. Instead, it was contained within the incident report for another incident that occurred the day before.

³³ The incidents described just prior to this one were not accorded DJS incident numbers as they involved youth at Silver Oak who were placed there by out-of-state agencies.

investigation that he saw the administrator then “quickly escort [the youth] toward a [camera] blind spot in the lobby. [The staffer] believes it was intentional because [the administrator] often reviews video footage therefore [the administrator] knows where blind spots are located throughout the building.” According to the staffer who witnessed it, the “entire incident ‘almost felt like a setup.’”

Although there is no direct camera view, video footage of a window near the area where the administrator brought the youth shows via reflection a sudden drop to the ground. The youth stated the administrator “slammed” him to the ground and “put his knee in the back of [the youth’s] head. Another youth who was present in the lobby said he saw the youth and administrator “tussling.” The observant youth signaled for the staffer involved earlier to come back to the area and help. After the staffer arrived, the youth involved in the restraint said he heard the assisting staffer tell the administrator, “Come on man, you can’t have him on his stomach.” The youth witness said the youth who was being restrained told the administrator he could not breathe and when the other staffer arrived to assist, he noticed that the youth being held looked like “the breathe [sic] had left” him. The administrator and staffer then moved the youth onto his back and into a seated position with his legs out but the youth was still telling staff he couldn’t breathe and stated in the subsequent investigation that the administrator was “sitting” on his back. The head case manager then came to the area where the restraint was occurring and observed the administrator – who “was on his knees and appeared be slipping” – performing what the head case manager termed “an upper torso restraint” on the youth. The youth was in the restraint for approximately two to three minutes before he was released. The head case manager walked him outside afterwards to help him regain his composure and calm down. The youth punched a brick pillar multiple times.

The DJS investigation into the incident just described illustrated ongoing concerns about youths’ perceptions of the culture and level of safety at Silver Oak. One youth who was interviewed said that the administrator involved “often puts youth in restraints off camera at SOA” and added that “if you’re here long enough you know where the [camera] blind spots are.” Another youth stated that there are times the involved administrator “allows his anger to dictate his actions.” A third youth stated that “he believes staff at SOA do not always perform their job duties correctly.” And a fourth youth stated that “he felt the incident could have happened to any of his peers” and that he feels “some staff at SOA act aggressive [sic] towards youth in the program.”

According to DJS policy regarding crisis intervention (which apply to Silver Oak, a DJS licensee), youth are not to be restrained to enforce compliance. Physical restraint can only be used as a last resort in situations where a youth is physically endangering him or herself or is actively trying to escape.³⁴ Efforts to minimize – and ultimately eradicate – the utilization of physical restraints at Silver Oak should continue and must be intensified. Staff and administrators must emphasize the utilization of verbal processing techniques when youth demonstrate challenging behavior as there are typically reasons underlying this behavior³⁵ that

³⁴ Md. Dept. of Juvenile Policy and Procedure RF-02-07.

³⁵ For instance, in incident 151411, a youth who was physically restrained when he was out of area afterwards “discussed an increase in frustration due to family issues which is why he initially became angry and walked out of the area he was supposed to be in.”

can be addressed through non-physical interventions that will promote physical safety and aid in the development of constructive relationships and a positive facility culture.

Plans to build on the existing cognitive-behavioral model in place at Silver Oak by intensifying staff training in behavioral theory concepts should go forward without delay. Administrators at SOA and its parent company Rite of Passage should also prioritize the installation of security cameras in areas currently without them to help protect youth and staff.³⁶

Silver Oak provides youth with valuable education, therapeutic, and extra-curricular resources but taking action to improve the current culture and increase staff training in youth safety will be essential to the continued success of the program at the facility.

³⁶ In addition to the area where the 5/1 restraint occurred, there were other incidents during the second quarter that occurred outside of camera view, including two in the Refocus room/counseling center (150936 and 151011) and two in classrooms (4/3/18 restraint of an out-of-state youth in the workforce building and 151251).

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls. Located on the eastern shore, Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American girls represented 75% of total youth entries during the second quarter of 2018, up from 71% during the same period in 2017.

Carter – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	9	12	6
1. Youth on Youth Assault/Fight	2	1	1
2. Alleged Youth on Staff Assault	1	0	0
3. Physical Restraint	9	14	6
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	5	5	0
6. Contraband	0	1	0
7. Suicide Ideation	1	5	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	4	0

The average daily population (ADP) at Carter during the second quarter of 2018 decreased by 50% when compared with second quarter of 2017. The number of fights and assaults remained low and physical restraints decreased by 57%. There were no incidents involving the utilization of mechanical restraints inside the facility and no seclusions. Incidents of suicide ideation decreased by 80% and there were no suicide attempts or incidents of self-injurious behavior.

The Department's data 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.³⁷ As the figures in the chart on the preceding page reflects, staff and administrators have worked to establish a physically safe environment which is fundamental to establishing a trauma-informed program. However, the Department has still neglected to adopt a trauma-informed treatment model and instead has continued to insist on implementing a points and levels behavior management system called Challenge (which is neither evidence-based nor trauma-informed) along with Positive Behavior Interventions and Supports³⁸ as a “framework to support Challenge.” Furthermore, the Department has required administrators at Carter (and Victor Cullen) to prepare for accreditation by the American Correctional Association.³⁹ Rather than bolster a corrections-oriented approach, the Department should help foster the development of a therapeutic culture at Carter by replacing the current behavior management system with a trauma-informed treatment model and training all staff accordingly.

Girls are also more likely than boys to end up in the deep-end of the system for lower level offenses⁴⁰ and more likely to be facing family- and mental health-related challenges.⁴¹ However, the Department does not make certain evidence-based services – which can help families resolve issues that may otherwise lead to further youth involvement in the juvenile justice system – available across the state.⁴² In an effort to curb the inappropriate placement of girls at the deep-end of the system, the Department and other stakeholders should expand the availability of community-based services such as Family Functional Therapy (FFT) and Multisystemic Therapy (MST) to jurisdictions across Maryland. Another evidence-based service, Multidimensional Treatment Foster Care (MDTFC) – which has been proven effective

³⁷ Maryland Department of Juvenile Services Interim Report: Services for DJS-involved Girls. January 2018. Page 28.

³⁸ For more information, see: <https://www.pbis.org/>

³⁹ “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 reaccredited 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/howcourts-view-aca-accreditation/>

⁴⁰ Francine Sherman and Annie Balck, “Gender Injustice: System-Level Juvenile Justice Reforms for Girls,” 2015. http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf and Saar, M., Epstein, R., Rosenthal, L., and Vafa, Y. “Sexual Abuse to Prison Pipeline: The Girls’ Story.” February 2015. http://rights4girls.org/wpcontent/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

⁴¹ Maryland Department of Juvenile Services Interim Report: Services for DJS-involved Girls. January 2018. Page 28.

⁴² For more information, see: <https://www.wbalv.com/article/funding-prioritizes-detaining-youth-over-providing-therapy/20077902> and page 44 at: http://djs.state.md.us/Documents/DRG/Committed_Programs_FY2017_DRG.pdf

specifically with girls in the juvenile justice system⁴³ – is not available through DJS in any jurisdiction in Maryland.

Girls at Carter consistently express an interest in participating in community-based activities for purposes of recreation, entertainment, and education or employment. Privileges to participate in off-grounds activities can be earned by girls through the behavior management system but limited availability of staff and transportation vans can prevent outings from occurring. The Department should facilitate an increase in community-based outings and activities by providing sufficient numbers of staffers and transportation vans to allow eligible youth to go off-grounds and maintain proper supervision ratios at the facility for any girls who must remain behind. Onerous restrictions about the timing and nature of outings should also be lifted to allow greater flexibility in arranging and carrying through these activities.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the school at Carter. There is no full-time dedicated principal at Carter – the position is shared between Carter and another MSDE JSES school located 85 miles away – which hampers the development of creative education initiatives. Additionally, classes at Carter are organized into 90-minute blocks which typically leaves a substantial amount of time after students complete class assignments, during which they play approved computer games. While the classes are calm and organized, this approach to the schedule is a missed opportunity to fully engage students and maximize their learning during the school day. MSDE JSES should assign a full-time principal to Carter to help teachers develop a creative and engaging approach to the education program at the facility that includes shorter periods and a variety of classes – including art, gym, music, and more career technology education – that are valuable for kids and available in schools in the community.

There is also no career and technology education (CTE) instructor at Carter. The only hands-on vocational education courses available at Carter are basic food hygiene and flagger certification classes offered every few months. Each of these short-term courses are the same options available to youth in DJS detention centers which means that some youth may arrive at Carter having already completed them. Youth spend months at Carter and MSDE JSES should develop a distinct set of longer-term hands-on CTE courses to be available on daily basis at the committed placement centers like Carter to maximize student learning and exposure to a variety of fields that will help them find stable employment when they return home. Partnerships with education or job training institutions in the community should also be cultivated to help connect youth to meaningful education opportunities above and beyond high school courses.

For more information on education in DJS facilities, see the MSDE JSES section of this report on page 57.

⁴³ For more information, see: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=141>

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a hardware secure (maximum-security) detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. The DJS-rated housing capacity is 120 beds. African American youth represented 94% of total entries during the second quarter of 2018, compared to 96% during the same period in 2017.

BCJJC – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	86	107	103
1. Youth on Youth Assault/Fight	64	91	66
2. Alleged Youth on Staff Assault	10	10	10
3. Physical Restraint	90	112	107
4. Use of Handcuffs and/or Shackles	28	23	23
5. Seclusion	4	4	5
6. Contraband	5	9	6
7. Suicide Ideation	6	7	2
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	1	5	0

Average daily population at BCJJC during the second quarter of 2018 decreased by 4% compared to the same period last year. Over the same time, fights and assaults decreased by 27%. Physical restraints decreased by 4%. The number of incidents involving the utilization of mechanical restraints within the facility did not change and reported seclusions increased.

The Department's policy explicitly prohibits the utilization of physical restraints as a response to youth noncompliance and permits their utilization only as a last resort in situations

where youth present an imminent risk of harm to themselves or others.⁴⁴ However, in some incidents during the quarter (151391, 151393, 152325, 151943, and 152459), staffers physically restrained youth who were displaying noncompliant behavior that, while difficult, was not aggressive. In order to reduce the utilization of physical restraints and increase staff adherence to DJS policy, administrators should train direct-care workers in effective verbal processing skills (as opposed to verbal commands) to be privileged over the utilization of physical restraints in situations where youth display challenging or noncompliant behaviors.

Ongoing issues with properly documenting and reporting seclusions at BCJJC⁴⁵ continued during the second quarter, as indicated by incidents 151742, 151759, 151838, 151943, 152282, 152505, and 152644. Video footage for these incidents shows that youth were put in their cells following incidents of aggression or physical restraints, but staff did not follow the DJS seclusion policy⁴⁶ which requires particular documentation and youth safety cell checks by line and medical staff and supervisors. These issues were not documented in audits of the incident reports by facility administrators. Staff and administrators at BCJJC must follow the Department's seclusion policy which includes vital safety measures designed to protect youth.

Suicide ideations decreased substantially. There were no incidents of self-injurious behavior but there was a suicide attempt (152181) in which staff discovered a youth at 7:03 p.m. in his cell with his sweatshirt tied around his neck. The youth had been locked in his cell in preparation for showers about 15 minutes before. The youth was still conscious and breathing when staff intervened and alerted medical and mental health personnel. The youth was placed on the highest level of suicide watch following the incident. He was released from BCJJC two days later.

Behavior Management System

The Department operates a points and levels behavior management system called Challenge at BCJJC. The system is not evidence-based or trauma informed.

Research on adolescent development points to the importance of, among other things, fairness and the immediacy of rewards.⁴⁷ Challenge dictates that youth can earn items such as basic hygiene products and snack foods only at the end of every week, contingent on the behavior that youth display. Staff at BCJJC have further restricted youth access to these items by limiting their distribution to every other week. The Department should ensure that all youth have timely access to items earned through the behavior system. Meaningful incentives such as participation in facility-wide basketball games should be expanded to help promote positive youth behavior and all youth should have access to appropriate quality hygiene products without having to earn them through a behavior system.

⁴⁴ Md. Dept. of Juvenile Policy and Procedure RF-02-07.

⁴⁵ See JJMU 2017 Fourth Quarter and Annual Review, beginning on page 30, available at: http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf

⁴⁶ Md. Dept. of Juvenile Services Policy and Procedure RF-01-07

⁴⁷ National Research Council. 2013. Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press. Available at: <https://www.nap.edu/read/14685/chapter/9#187>

Case Management

Facility case managers are responsible for arranging youth phone calls to their attorneys, updating and approving visitation and phone call lists, and helping youth stay apprised and updated on the status of their court cases, among other duties. The total number of case manager positions assigned to BCJJC is insufficient to assign one case manager to each of the living units, each of which can house up to 12 youth. The Department should ensure that BCJJC is staffed with enough positions for each unit to have its own assigned case manager.

Infirmary

Youth at BCJJC (and every other DJS operated facility) are mandated to attend school for six hours each weekday. This obligation applies to all youth, including those housed in the facility infirmary. However, the room in the facility where youth housed on the infirmary receive education services is often used for other purposes such as administrative meetings and special visits, in which case kids from the infirmary are supposed to receive education services in the cafeteria or in the Ravens' Lounge game room. On a monitoring visit during the second quarter, youth on the infirmary were not in school during the afternoon and instead played video games in the Ravens' Lounge. Staffers were not sure whether or not there was supposed to be afternoon school for youth housed in the infirmary.

Youth in the infirmary are not included in the schedule for constructive activities, including valuable and regularly available programs like Boys Club and Baltimore Youth Arts. While some youth may be experiencing health conditions that preclude their participation, others are able to and interested in engaging in programming. Without access to structured programming, youth housed on the infirmary remain in their rooms, unengaged in anything productive outside of school hours and one hour of physical recreation a day (for those medically cleared and able to participate).

Transgender Youth

During the quarter, transgender girls were detained at BCJJC and held on the infirmary unit just described. On a monitoring visit during the second quarter, staff were observed using pronouns associated with the girls' sex assigned at birth, rather than their gender identities. The Department has provided staff with training about working with LGBTQ (lesbian, gay, bisexual, transgender, and queer/questioning) youth but has not adopted a corresponding policy designed to hold staff accountable to the principles set forth in the training. The Department should adopt a policy specifically designed to protect LGBTQ youth and guide staff accordingly in DJS facilities.

Programming

Administrators at BCJJC work to schedule special programming for youth throughout each week. However, given the size of BCJJC's population and the number of living units, many kids remain unengaged in structured activities outside of school hours during evenings and on weekends. The Department should provide BCJJC with support and resources to help expand access to constructive activities (outside of school hours) to all youth in the facility.

Additional structured programming is especially important for youth at BCJJC who are facing adult charges and are likely to spend several months or even longer in detention. Plans for a robotics course and programming through Roca⁴⁸ are underway and will be geared toward the adult hold population. This step is a promising start and many more similar initiatives are needed at BCJJC and at all DJS facilities.

Youth in DJS facilities are entitled to at least one hour of large muscle activity a day.⁴⁹ However, at BCJJC, there is only one indoor space large enough (the gymnasium) for youth from each of the ten living units and the infirmary to exercise when the small outside concrete recreation pads cannot be used due to unfavorable weather conditions. The Department should install a partition in the gym to increase youth access to the space and, along with education staff⁵⁰, explore the possibility of staggering the school schedule to create additional opportunities during the day when youth can access the area. Offering physical education as a school course through MSDE JSES would help break up the portion of the school day when students have to sit continuously; increase the limited education offerings open to youth; and help resolve the issue of limited access to the indoor gymnasium for large muscle exercise opportunities.

Education

The Maryland State Department of Education, Juvenile Services Education System operates the school at BCJJC. Ongoing issues with staffing were alleviated at the beginning of the second quarter when there were a sufficient number of teachers available to provide instruction on both ISUs⁵¹ and in classrooms at BCJJC. However, on monitoring visits during the quarter, instruction was not available on one of the ISUs because DJS staff had taken the youth to the gymnasium during school hours to make sure all youth had access to an hour of recreation.

A youth with a high school diploma arrived at BCJJC in October of 2017 but was not enrolled in online college courses until June of 2018 and went without consistent access to education services in the meantime because of communication breakdowns between DJS and MSDE JSES staff. Additionally, as described earlier, DJS staff on the infirmary expressed confusion about that unit's school schedule. MSDE JSES and DJS should engage in communication in the morning before classes commence and throughout the school day to ensure that available resources are used to full potential and that all youth have appropriate levels of access to education services.

⁴⁸ For more information, see: <https://rocainc.org/>

⁴⁹ Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.
Md. Standards for Juvenile Detention Facilities 4.5.1.3.

⁵⁰ The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at BCJJC. See the "education" section in the BCJJC report for more information.

⁵¹ 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 group activities with the Boys Club staff.

Plans to bolster education services on the ISUs with internet access and technological resources should go forward without delay as youth on the ISUs currently receive inferior education services compared to their peers on general living units.

During the second quarter a youth expressed interest in reading while confined on the living unit but said he had difficulty accessing books. Plans to provide youth with access to electronic readers should be implemented.

For more information on education services in DJS facilities, see the section on MSDE JSES, beginning on page 57.

Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (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 74% of total youth entries during the second quarter of 2018, compared to 71% in the second quarter of 2017. Hispanic/Latino youth represented 14% of entries during the quarter, an increase of 3% compared to the second quarter of 2017.

CYDC– Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	58	50	58
1. Youth on Youth Assault/Fight	40	45	31
2. Alleged Youth on Staff Assault	4	10	1
3. Physical Restraint	47	82	42
4. Use of Handcuffs and/or Shackles	15	7	1
5. Seclusion	1	13	5
6. Contraband	2	4	2
7. Suicide Ideation	5	5	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	1	1

Average daily population during the second quarter of 2018 increased by 16% compared to second quarter of 2017. Over the same time period, youth fights and assaults decreased by 31%, physical restraints decreased by 49%, and the use of seclusion decreased by 62%. Mechanical restraints were used once within the facility during the second quarter of 2018.

Administrators at CYDC continue to take an active role in improving facility culture through staff accountability, employee training, constructive programming, and family engagement.

Incidents which evidenced lapses in supervision by staff (151912 and 151659) were addressed through individualized training and counseling. An assistant superintendent models appropriate techniques for addressing problematic group dynamics on the units by holding community circles in which youth, direct-care staff, mental health clinicians, and case managers meet together to discuss sources of tension and proactive ways to address conflict.

Close attention to basic safety and security matters have been supplemented by constructive programming provided by mental health staff. In addition to providing support services to youth, clinicians run psychoeducational groups on issues such as decision making, identify formation, distress tolerance, and emotional intelligence. These groups are held on a rotating basis encompassing all residential units. Administrators have also bolstered family engagement by increasing the number of phone calls youth are allotted to three 10-minute phone calls per week (versus the two 10-minute calls per week allotted at all other DJS facilities). Facility administrators attribute the increased stability in CYDC culture and the decline in incidents to these combined efforts. Youth at the other DJS-operated facilities should also have their number of allotted phone calls increased.

The physical plant at CYDC includes a large outdoor space with a football field, track, and stadium lighting that continues to remain underutilized. Youth have only been allowed access to the space during special events. Use of the outdoor area should be incorporated into the recreation schedule so that all youth have exposure to the greenspace on a regular basis.

A gardening program within the outdoor area, which is in its planning stages and is awaiting Department funding for completion, should be made ready without delay.

Education

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at CYDC. During monitoring visits in the second quarter, several youth had concerns about their social studies class. Students were required to watch documentaries on YouTube during the entire class period and some of the films shown included inflammatory or violent content. There was little instruction or class discussion before or after the videos to process the material.

In incident 151591, a youth attending the class became agitated and upset after being shown a film about black men being wrongly accused of raping a white woman and receiving a prison sentence of 100 years. The student tried to engage the teacher in discussing the material by asking him his opinion of the piece. The teacher would not engage in discussion about the film and the youth became frustrated and grabbed the teacher's glasses off the teacher's desk and threw them. The youth was restrained and taken out of the classroom.

The incident just described as well as the concerns raised by students underscore the necessity of ongoing teacher training in cultural sensitivity, implicit bias and trauma-informed classroom practices. Plans by MSDE JSES administrators to initiate a training session on cultural sensitivity and trauma-informed care is a step in the right direction. However, discrete training modules should be supplemented with ongoing guidance and support to teachers about

ways to develop education content and delivery methods that are responsive to the unique needs of incarcerated youth.

The school at CYDC had an experienced and dedicated teacher who worked individually with youth to help them obtain their GED, however the instructor resigned during the quarter after spending many years at Cheltenham. MSDE JSES administrators should support talented and effective staff in addition to ensuring that students who are studying for and planning on taking the GED continue to have tailored programming to help them prepare for the GED test.

Options in post-secondary education or career and technology education (CTE) for high school graduates is limited at all DJS facilities. High school graduates whose length of stay corresponds to the beginning of an academic semester can enroll online for available community college courses. Eligible youth can also participate in the modest World of Work (WoW) program operated by DJS.⁵² However, participants are often left unengaged for significant periods of time because there is not enough work to occupy them consistently or during the entire school day due to lack of availability of staff to provide direction and supervision. Students who cannot enroll in online community college courses because of deadlines passing before they are incarcerated or are not able to join WoW can end up simply languishing. In grievance 14400, a youth with a high school diploma reported that he was stuck sitting in high school classes during the day with nothing to do and had requested college level course work to complete. He was ineligible for the DJS WoW program due to being involved in an incident.

Short term or week-long courses leading to flagger and food handling certifications are available on a rotating basis (but not consistently) throughout the year at DJS facilities. These offerings should be supplemented with consistently available short- and long-term CTE programming centered on a variety of in-demand skills and trades. Longer term opportunities are especially important for adult housing youth who typically spend months in detention awaiting court decisions on their case.⁵³

For more information about education services in DJS facilities, see the MSDE JSES section beginning on page 57.

⁵² The World of Work Program pays youth minimum wage for performing chores around the facility. Youth involved in incidents are barred from participating in the program.

⁵³ In FY 2017, the average length of stay for adult housing youth at CYDC was 70 days.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) 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 73% of entries in the second quarter of 2018, an increase of 1% in comparison to the second quarter of 2017.

Hickey – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	51	47	60
1. Youth on Youth Assault/Fight	35	43	56
2. Alleged Youth on Staff Assault	3	0	0
3. Physical Restraint	80	58	83
4. Use of Handcuffs and/or Shackles	13	4	10
5. Seclusion	15	8	15
6. Contraband	2	4	6
7. Suicide Ideation	6	1	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) in the second quarter of 2018 increased by 28% compared to the second quarter of 2017. Comparing these same time periods, youth on youth fights and assaults increased by 30%, physical restraints increased by 43%, and the use of mechanical restraints within the facility as well as the utilization of seclusion roughly doubled.

Serious incidents during the quarter involving excessive use of force by staff, lapses in direct-care supervision and managerial review of incidents, and inappropriate use of seclusion impacted safety and security. Left unaddressed, these ongoing issues can lead to an unstable

environment and contribute to a negative facility culture. Administrators should take proactive steps to improve the level of staff professionalism and reduce instances of misconduct at Hickey in order to protect youth from harm.

Excessive Use of Force and Inappropriate Staff Conduct

The following incidents highlight excessive use of force against youth and inappropriate conduct by staff as well as a failure on the part of both direct-care and supervisory staff to accurately report such activity.

In incident 151458, a youth reported that he had just received a bad phone call and refused to lock in his cell for evening showers. A male staffer on the unit began to direct other youth on the unit to lock in their cells. The youth went up to the male staffer and slapped his face. In response, the staffer balled up his fists, chased the youth around the room, and started fighting with the youth. Another staffer had to physically restrain the agitated staffer and escort him to another room to get him away from the youth.

Supervisory staff are required to review all incidents shortly after they occur and provide critique and feedback. The shift commander's comments concerning this incident commended staff for their de-escalation efforts and did not include any mention of the male staffer's inappropriate behavior toward the youth. The incident was flagged by upper management in their video review of the incident the following day, and appropriate internal and external agencies (Child Protective Services and the Department's internal investigatory unit) were notified.

In incident 152290, a staffer completed an incident report which was categorized as a restraint. The staffer reported that a youth was refusing to lock in his cell during shower time and was running down the hallway. According to the staffer's account, the staffer ran after him and the youth tripped and fell. Staff support was called after the youth threw a chair down the hallway. Witness statements by other staffers who were there when the incident occurred corroborated this version of events, and the shift commander comments supported the staffer's statement.

The youth involved in the events just described was taken to the facility medical unit for evaluation in the evening on the day the incident occurred. He told medical staff that "an officer was chasing [him] and [he] fell." The youth said his ankle "is swollen." The nursing report included an "observed abrasion to outer aspect of left ankle measuring about half an inch." A box on the medical form beside a question asking if the circumstances indicated that the child had been abused was checked off "no" and Child Protective Services was not contacted by medical personnel.

An assistant superintendent at the facility reviewed the incident on video the following day. The video showed the youth standing in the back hallway of his living unit. The staffer involved turned toward the youth and chased him down the hallway. The assistant superintendent reported that the video footage appeared to show the staffer striking the youth

on the back with an open hand and then the youth and the staffer both fell to the ground. The staffer got up and kicked the youth at least twice while the youth was on the ground. The staffer then walked up the hallway to join other staff members who had been watching what was happening. The youth got up and could be seen limping. He was visibly upset and picked up a plastic chair and threw it in the opposite direction of where the staffers were standing. The shift commander on duty arrived on the scene and the youth was subsequently escorted to a separate area of the living unit.

After reviewing the video footage of the incident, administrators reported the events to Child Protective Services and the Department's internal investigatory unit (DJS Office of the Inspector General [DJS OIG]).

A safe facility culture is predicated on staff adherence to incident reporting protocols and the ability of supervisors to thoroughly review and skillfully critique incidents. Administrator review of all incidents at Hickey should continue given the failure of supervisory staff to appropriately critique incidents and make required notifications in instances of inappropriate staff conduct. Middle management (including shift commanders) should receive refresher training on providing thorough feedback and critique of incidents that occur on their watch. In addition, direct-care staff who fail to report incidents accurately should be held accountable.

Integrity of the Investigative Process

During an investigation of the incident just described (152290) by the Department's internal investigatory unit (DJS OIG), the staffer involved reported to an investigator that she had been allowed to view video footage of the incident together with the shift commander after the incident occurred.

Additionally, during the investigative interview, the staffer asked that the investigator pause the interview to allow her to view the footage again "from a different angle." The interview was briefly postponed to allow the staffer to again view footage of the incident.

When the investigatory interview recommenced, the staffer said the youth "possibly tripped and fell while he was running and that she [the staffer] fell over his [the youth's] foot." The staffer also stated that she was "unsure whether the youth grabbed her ankle or leg as she attempted to stand on her feet." The staffer commented to the investigator that her behavior was "not malicious in nature" and characterized her actions as "inappropriate horseplay."

Staff who are suspected of inappropriate behavior should not be permitted to view video footage of the incident in question before all relevant statements have been collected and documented and investigatory interviews concluded. Access to footage can influence witness accounts and compromise the integrity of investigations.

Supervision

The following incidents indicate lapses in staff supervision which resulted in youth access to contraband.

In incident 151612, a staffer escorted a youth from a living unit to the intake area in order to verbally process with him about his behavior. While in intake, the staffer moved to an office to take a telephone call. The move meant the youth was outside of the staffer's line of sight. The staffer was on the phone for approximately 5 minutes, during which time the youth walked over to a bin which contained confiscated contraband and removed a set of keys and a cell phone. When the staffer returned, both the staffer and the youth walked back to the living unit. A set of keys and cell phone were later found in an unlocked cabinet in the bathroom during a search of the same living unit.

In incident 152256, several youth were in the holding cell of a detention center in their local jurisdiction. They were awaiting transport back to Hickey. Transportation staff let the youth out of the cell and began applying handcuffs and shackles to the youth as mandated by DJS transportation policy. During this process, a youth took the key which was still in the lock of an open cell door at the local center. After the youth has arrived back at Hickey, the local detention center notified Hickey administrators that one of the local center's cell keys had been taken and that video footage showed the Hickey youth taking the key while under the supervision of DJS staff. The van was extensively searched and DJS administrators ordered that staff strip search all of the youth being transported. However, the key was never recovered. One of the youth later reported that he had taken the key but had thrown it out the van window during transportation. The youth was charged with theft and required to pay restitution for replacement locks.

Maintaining continuous visual supervision of youth protects both youth and staff and is an essential component of facility safety. Administrators should monitor operations to help ensure supervision protocols are being properly followed.

Seclusion

The following incident indicates inappropriate use of seclusion.

In incident 152405, a youth was refusing to go to class and was escorted back to his living unit by a shift commander. The youth sat down on a chair in the unit dayroom. After a couple of minutes, the shift commander told the youth he had to return to the classroom. The youth refused and remained seated. Neither mental health personnel nor a direct-care staff who had established rapport with the youth was called in to engage in verbal processing with him. Instead, the incident report indicated that, "after exhausting all options, seclusion was implemented due to the youth not following directions and moving back to the school after being given a break." Staff assistance was called and several staff members arrived and surrounded the youth. The youth was escorted to his cell without incident and placed on seclusion.

The use of seclusion in response to youth noncompliance violates DJS' own policy⁵⁴ and contravenes best practices in trauma-informed care.⁵⁵ According to DJS policy, seclusion cannot be used as punishment and should only be utilized when youth present a flight risk or an imminent threat to themselves or others.

Problematic but non-aggressive youth behavior should be addressed through extensive use of verbal processing which requires time, empathy, and rapport-building and communication skills. Mental health staff should be available to model and teach comprehensive verbal processing skills to staff and should be utilized to assist direct-care staff in trauma-informed interventions, as well as in de-escalation and in processing with youth.

Mental Health Care

According to DJS data, 81% of girls and 61% of boys in DJS custody have moderate-to-high mental health needs.⁵⁶ During a monitoring visit, a youth with a history of bipolar disorder became agitated with two other youth on the unit. The youth requested to see mental health and was told that he would be seen by a clinician following dinner. When the youth returned to the unit after dinner, he repeated his request to talk to mental health. The youth was told that the clinician was no longer available because he had completed his shift and left the facility. Mental health coverage at all DJS facilities should be expanded to include access to at least one on-site clinician during waking hours all seven days of the week to help support youth and act as an additional resource during crisis situations.

Camera Coverage

Video footage facilitates comprehensive incident reviews and enhances safety. Gaps in camera coverage throughout the facility (incidents 152049, 152168) and a malfunctioning camera system (incident 152048) continued to prevent administrators from being able to show complete footage of incidents during monitoring visits. Issues with the camera system at Hickey should be permanently addressed.

Education

For information about educational services provided by MSDE JSES in DJS facilities, see page 57.

⁵⁴ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

⁵⁵ See SAMHSA Alternatives to Seclusion and Restraint, which notes that seclusions and restraints "are viewed as traumatizing practices." Available at: <https://www.samhsa.gov/trauma-violence/seclusion>

⁵⁶ Maryland Department of Juvenile Services Interim Report: Services for DJS-involved Girls. January 2018. Page 28.

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure (locked and fenced) detention center for girls. Waxter is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 42 beds. African American youth represented 77% of entries during the second quarter of 2018 compared to 70% in the second same period last year.

Waxter – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	22	23	25
1. Youth on Youth Assault/Fight	13	27	23
2. Alleged Youth on Staff Assault	5	8	4
3. Physical Restraint	30	74	65
4. Use of Handcuffs and/or Shackles	5	12	4
5. Seclusion	1	3	6
6. Contraband	2	1	0
7. Suicide Ideation	19	33	13
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	6	0

The average daily population (ADP) at Waxter during the second quarter of 2018 decreased by 9% compared to the same period in 2017. However, near the end of the quarter, there was a pronounced uptick in population and on six days the population exceeded 40 girls.

The Department and the courts should work to minimize the population in secure detention, given the harmful impact of incarceration on youth.⁵⁷

Comparing the second quarter with the same time in 2017, fights and assaults decreased by 15%, physical restraints decreased 12%, and use of mechanical restraints inside the facility decreased by two-thirds. Seclusions doubled from three to six. There were thirteen instances of suicide ideation but no incidents involving self-injurious behavior or a suicide attempt.

While physical restraints decreased compared to the same period in 2017, there were twice as many during the second quarter of 2018 as there were during the same period in 2016 although average population increased only slightly when comparing those two periods. Administrators and staff at Waxter should continue with the promising efforts already underway to prioritize verbal processing and utilize mental health staff to help avoid physical restraints – particularly those stemming from issues of noncompliance.⁵⁸ The Department should bolster direct-care and mental health staffing and enhance training in verbal processing techniques to help support these ongoing efforts at the facility.

During the quarter, administrators and staff at Waxter continued to successfully work to keep kids engaged outside of school hours by providing consistent access to special programming. During periods when school was out, arrangements were made for a variety of recreation and constructive programming including some activities provided by outside organizations. These efforts should continue with support from the Department. Efforts to enhance the availability of structured programming are particularly important for youth charged as adults who are held in DJS detention centers (including Waxter), and typically for several months. The Department and MSDE JSES (who are responsible for education services) should collaborate to develop an approach that is tailored to youth who are likely to spend prolonged periods in detention. This initiative should incorporate rehabilitative services including job training programs and psychoeducation groups.

At time of writing (early August 2018), a girl at Waxter had been in detention for more than four months after being ejected from the DJS-operated committed placement center for girls (Carter). A therapist from Carter commuted once a week to Waxter to complete workbooks and continue therapy sessions with the youth, as she would have done had she stayed in committed placement. The youth was pregnant during the time she was placed at Carter and there was a baby shower held for the youth at Waxter. The youth gave birth in June 2018 and has continued sitting in detention ever since. Administrators and staff at Waxter coordinated with her family and the baby's caretaker to arrange weekly visits with the newborn. However, those regular visits have since ceased due to outside circumstances limiting the guardian's ability to

⁵⁷ National Juvenile Defender Center, "The Harms of Juvenile Detention," 2016. Available at: <http://njdc.info/wp-content/uploads/2016/10/The-Harms-of-Juvenile-Detention.pdf>

⁵⁸ In incident 152152 a girl was refusing to move from a hallway to her assigned living unit after being involved in another incident. Multiple staffers were present, including a supervisor who allegedly stated "You can either move to the unit or be restrained and put on seclusion." The youth continued to refuse and allegedly became verbally aggressive. She was ultimately physically restrained and carried by her arms and legs to her cell where she was placed on seclusion. Staffers should be trained in effective verbal processing techniques – as opposed to verbal directives – and mental health clinicians should be available on-site during waking hours for the purpose of supporting youth and staff in situations where youth display behavior that, while difficult, is not aggressive.

travel to Waxter. The court has ordered the youth to complete another placement and the Department has authorized and recommended for the youth to be sent to an out-of-state facility. The youth recently turned 16 years old and has not been adjudicated since 2016 when she was found involved in a misdemeanor property crime. Youth who do not pose a risk to public safety should not be sent to out-of-home placement and efforts should be made in every case to support youth and their families in the community by addressing the circumstances that may have led in part to their involvement with the juvenile justice system.

The Maryland State Department of Education, Juvenile Services Education System operates the school at Waxter. During the second quarter, a youth was suspended from the school at Waxter following incidents in which the youth damaged school property and slapped a teacher's hand away from a pencil. MSDE JSES and DJS should provide for the availability of professional community conferencing services and other restorative practices to help address these types of situations, given the negative impact that school suspensions can have on students.⁵⁹

While retention of education staff at Waxter has not been the chronic issue it is at other DJS facilities, the long-term absence of a resource teacher (who was herself filling in as a science teacher because of another vacancy) has complicated the school schedule at the facility. MSDE JSES should provide schools in DJS facilities with long-term substitutes when prolonged absences and vacancies arise.⁶⁰

For more information about education services in DJS facilities, see the MSDE JSES section beginning on page 57.

⁵⁹ Owen, J., et al. Duke Center for Child and Family Policy and Duke Law School, "Instead of Suspension: Alternative Strategies for Effective School Discipline," Available at:

https://law.duke.edu/childdlaw/schooldiscipline/downloads/instead_of_suspension.pdf

⁶⁰ MSDE JSES has two contracts with substitute teachers but none have been provided to the school at Waxter during these periods of prolonged teacher absences.

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 American youth represented 66% of entries during the second quarter of 2018 compared to 67% in the second quarter of 2017. Hispanic youth accounted for 29% of entries versus 25% in the second quarter of 2017.

Noyes – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	28	31	36
1. Youth on Youth Assault/Fight	20	22	16
2. Alleged Youth on Staff Assault	2	2	1
3. Physical Restraint	36	45	37
4. Use of Handcuffs and/or Shackles	1	4	3
5. Seclusion	4	1	3
6. Contraband	4	2	2
7. Suicide Ideation	21	19	7
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	10	0	0

Average daily population increased by 16% in the second quarter of 2018 in comparison to the second quarter of 2017 while youth on youth fights and assaults decreased by 27%, physical restraints decreased by 18%, and incidents of suicide ideation decreased by 63%. The use of mechanical restraints within the facility decreased by one (from four to three) during the quarter in comparison to the same time period in 2017.

Safety and Security

During the second quarter, a group disturbance (incident 151834) erupted during visitation hours. At the time of the disturbance, eighteen youth and a parent were in the visitation room and supervision was being provided by a direct-care staffer and a supervisor. Although Department policy mandates a ratio (of a minimum) of one staffer per eight youth, the staffer – upon instruction from the supervisor – left the visitation (gymnasium) area to escort parents to the front lobby, leaving the supervisor to oversee the large group.

Two youth stood up and approached another youth and began to fight him. The supervisor began physically restraining youth involved in the disturbance. In one restraint, the supervisor lifted a youth off the ground by his shirt collar and threw him to the ground. In another restraint, the supervisor lifted another youth off the ground by his shirt collar and pushed him against a gym door. At this point, a staffer arrived in response to a call for assistance and physically intervened to guide the supervisor away from contact with the youth. The incident was referred to the Department’s internal investigatory unit (DJS Office of the Inspector General [DJS OIG]) due to alleged excessive use of force by staff.

Administrators should continue to ensure inappropriate staff conduct is handled promptly through appropriate disciplinary and accountability procedures. Refresher training on basic security protocols should be instituted for staff and supervisors at Noyes. Training should include an emphasis on maintaining adequate supervision levels in order to help prevent incidents involving aggression from happening and to provide the ability to appropriately respond to such incidents if and when they occur.

Group Dynamics

Community conflict between different bands of youth can spill over into facility culture. For example, group conflict issues were posited by staff as a driver behind the outbreak of the disturbance described in the preceding paragraphs. The Department should provide targeted interventions and supports to help youth address conflict with other groups of peers in a pro-social and constructive manner. A comprehensive approach which incorporates restorative practices, conflict mediation, the use of community resources and experts, and cognitive behavioral therapy⁶¹ can aid in curbing youth aggression and thereby enhance facility safety for youth and staff.

Youth Recommendations

Youth expressed several constructive ideas during monitoring visits about helpful coping mechanisms and meaningful incentives that could assist them in dealing with some of the stress

⁶¹ Zuo, George Wayne & Zuo, Stephanie, (July 2017), Juvenile Crime and the Heat of the Moment: A proposal to pilot cognitive behavioral therapy interventions to reduce youth crime and recidivism in Baltimore City, available at: https://www.abell.org/sites/default/files/files/Award%202017_071217%20for%20web.pdf

imposed through incarceration. The suggestions listed below should be realized and incorporated into facility programming:

- The Department should increase opportunities for family contact to promote family engagement and reduce the number of aggressive incidents. Youth frequently request more opportunities for family contact, including more phone calls home. Current DJS policy limits youth phone contact to two 10-minute calls per week, and youth indicated that this limited amount of time was not enough to properly maintain crucial supportive bonds with loved ones. Increased family contact is also associated with positive youth outcomes, including improved school performance and behavior.⁶²
- The Department should facilitate youth access to positive coping mechanisms by making music and other creative outlets available. Several youth who spent time in adult detention before being transferred to Noyes reported having access to radios and personal music players while in the adult system. The ability to listen to music after school hours and on weekends helped them manage frustration and boredom constructively. They indicated that similar access to positive coping mechanisms at Noyes would help mitigate tension and reduce the possibility of aggression.
- The Department should continue to address ongoing issues with the quality of and quantity of food given to youth at Noyes. The lack of hot and nourishing meals for breakfast and lunch is especially problematic. Youth have also frequently commented that having access to a greater variety and amount of snack items, including hot items such as ramen noodles, on a daily basis would help prevent irritability from hunger and bolster the likelihood of increased youth compliance with facility rules and staff directives.
- The Department should increase opportunities for later bedtimes. Youth are locked in their cells around 7 p.m. to prepare for showers and bedtime and usually remain locked in after showering until the following morning at 6 a.m. Youth say that being locked in their room for so long (beginning early every evening) causes distress and induces feelings of claustrophobia. Youth also say that later lock-in times, especially on weekends, would be a meaningful incentive prompting enhanced efforts to maintain compliance throughout the day.

⁶² 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-webassets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justiceagencies/legacy_downloads/family-engagement-for-juvenile-justice-agencies.pdf

Mental Health

According to DJS data, 81% of girls and 61% of boys in DJS custody have moderate-to-high mental health needs.⁶³ Mental health coverage is provided onsite at facilities for certain hours each day and is provided on an on-call basis during weekends. Given the prevalence of mental health issues among justice-involved youth, mental health coverage at all DJS facilities should be expanded to include onsite access to at least one clinician during youth waking hours seven days a week.

During the quarter (incident 151229), a youth at Noyes asked to speak to mental health staff on a Friday afternoon. The youth expressed thoughts of suicide, depression, and hopelessness and was placed on the highest level of suicide watch by the attending psychologist. Youth on suicide watch are required to be assessed by mental health (at a minimum) every 24 hours, and mental health staff are required to be accessible during evening and weekend hours to handle situations that arise which require their expertise. However, the mental health clinician on call could not be reached throughout the weekend. The youth was not seen by mental health on the Saturday or the Sunday immediately following assessment and placement on suicide watch. He was seen by mental health staff on Monday.

Gaps in mental health coverage at Noyes should be permanently fixed to ensure that youth receive care consistently and without delay.

Physical Exercise

Youth are entitled to receive a minimum of one hour of large muscle exercise per day.⁶⁴ This requirement can be difficult to fulfill on certain days at Noyes due to space limitations. The gymnasium is utilized for recreation but is also used as a cafeteria, visitation room, and special event auditorium. When the gym is being used for other purposes, youth are forced to have recreation on living units which lack an open area for running around and are not designed as an exercise space. Recreation specialists were able to ameliorate this issue during the quarter by utilizing the outdoor area located in the back of the facility. The use of outdoor space should continue to be prioritized to ensure youth have access to adequate recreation outlets and to fresh air.

For information about education services in DJS facilities, see the MSDE JSES section beginning on page 57.

⁶³ Maryland Department of Juvenile Services Interim Report: Services for DJS-involved Girls. January 2018. Page 28

⁶⁴ Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.

Md. Standards for Juvenile Detention Facilities 4.5.1.3.

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 73% of entries during the second quarter of 2018, compared to 80% in 2017.

LESCC – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	19	18	20
1. Youth on Youth Assault/Fight	16	3	12
2. Alleged Youth on Staff Assault	0	0	0
3. Physical Restraint	42	32	29
4. Use of Handcuffs and/or Shackles	0	1	1
5. Seclusion	1	1	0
6. Contraband	2	0	1
7. Suicide Ideation	6	2	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	1	1

Average daily population increased by two (from 18 to 20) during the second quarter of 2018 compared to the second quarter of 2017 while youth fights and assaults tripled. At the same time, physical restraints decreased by three (from 32 to 29). Mechanical restraints were used once within the facility and seclusion was not used at all at LESCC during the second quarter of 2018.

The administrator at LESCC - in conjunction with an active and engaged community advisory board - was able to bring in a series of programmatic and therapeutic events for

youth during the quarter, including guest speakers, a comedy show, and a continuation of a gardening and cooking class. In response to youth concerns, the weekday schedule has been modified to allow youth extra recreation time outdoors in between morning and afternoon school. In addition, administrators, mental health clinicians, dietary and direct-care staff, and case managers collaborate on a daily basis to keep youth engaged and ensure that they feel cared for and safe.

There is no assistant superintendent position assigned to LESCC. Currently senior management staff assist the superintendent in completing administrative tasks in addition to supervising direct-care workers and attending to the needs of youth. The dual role detracts from the ability of management staff to fully attend to daily operations. An assistant superintendent position should be created at LESCC (and at the WMCC detention facility, where there is also a need for an additional such position).

Unlike other DJS-operated detention centers, the toilets and sinks located in individual cells at LESCC are made of porcelain. The porcelain material can be broken into pieces that can be used for self-harm or as a weapon. For safety reasons, the Department should replace the porcelain components with break resistant materials. In addition, throughout the facility, Americans with Disabilities Act (ADA) compliant grab bars are installed in bathrooms. As currently configured, these bars pose a hanging risk. Some of the ADA bars have been modified to prevent potential suicide attempts. Remaining grab bars should be modified without delay.

The Maryland State Department of Education, Juvenile Services Education System is responsible for education services in DJS facilities. For information about educational services in DJS facilities, see the MSDE JSES section beginning on page 57.

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 second quarter of 2018 compared to 54% in the second quarter of 2017. Hispanic youth accounted for 8% of total entries during the second quarter of 2018 compared to 9% during the second quarter of 2017.

WMCC – Selected Incident Categories	Q2 2016	Q2 2017	Q2 2018
Average Daily Population (ADP)	20	21	20
1. Youth on Youth Assault/Fight	12	14	8
2. Alleged Youth on Staff Assault	0	1	1
3. Physical Restraint	26	27	17
4. Use of Handcuffs and/or Shackles	2	5	4
5. Seclusion	2	1	1
6. Contraband	1	0	0
7. Suicide Ideation	2	5	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population decreased by one (from 21 to 20) during the second quarter of 2018, compared with the same period in 2017. Fights and assaults decreased by 43% and the utilization of physical restraints decreased by 37%. The use of handcuffs and/or shackles within the facility also decreased when comparing the same time periods.

The superintendent and managers at WMCC work diligently and effectively to promote staff professionalism and accountability and their approach contributes to a well-managed facility environment.

The case manager supervisor (CMS) was reassigned to another facility by the Department toward the end of the first quarter of 2018. In addition to his case management duties, the previous CMS served an important role in facility administration since there is no assigned assistant superintendent at WMCC. The position should be filled with an equally qualified and motivated candidate without further delay. The Department should also create an assistant superintendent position at WMCC (and at the LESCC detention facility).

The Maryland State Department of Education, Juvenile Services Education System is responsible for education services in DJS facilities. For information about educational services in DJS facilities, see the MSDE JSES section beginning on page 57.

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

Incidents involving aggression at smaller facilities licensed by DJS remained low during the second 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. Administrators at Morning Star recognize the importance of addressing the trauma-related treatment needs of youth under their care. The facility has adopted the Sanctuary model, a trauma-informed and trauma-responsive system, as its treatment program.⁶⁵ Aspects of the model are embedded into daily operations and direct-care staff are trained in implementing the Sanctuary approach in their interactions with youth. During the quarter, youth and staff learned about the death of a recent graduate of the program. The Sanctuary framework provided for a safe space for both youth and staff to acknowledge and process their grief.

Low referral numbers have affected the ability of management to make enhancements to the physical plant. While the floor of the heavily utilized basketball court was recently replaced for safety reasons, leaks in the tarp covering the court continue to result in slippery conditions when it rains. The issue should be permanently addressed to prevent potential injury. In addition, the on-site pool remained closed during the quarter because of the cost of repairs. Youth were transported to nearby community centers with pools for recreational swimming.

Youth frequently voice concerns about the quantity and quality of the meals they receive at Morning Star. Dietary staff should be more responsive to youth requests for a greater variety of meals that are both tasty and filling. Youth also complain that there is far too much downtime, especially on weekends. Morning Star administrators and staff should ensure that youth remain engaged in a variety of structured activities outside of school hours.

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 individualized care in a home-like environment. In addition to receiving substance abuse and mental health services, youth are linked with community resources that provide career, life-skills, and vocational training. Youth have the opportunity to attend local schools and work in nearby businesses.

One Love could serve as a model of community-based care for high-needs youth.

⁶⁵ Information on the Sanctuary Model can be found at <http://sanctuaryweb.com/TheSanctuaryModel.aspx>

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school inside each of the Department of Juvenile Services' facilities.

Structural problems within MSDE JSES have remained unaddressed⁶⁶ and continued to impact the operation of schools in DJS facilities during the second quarter of 2018.⁶⁷

The lack of high quality and meaningful, consistent education offerings is detrimental to youth outcomes once they return home⁶⁸ and reinforces the negative and prison-like culture of "doing time" that already exists in many DJS facilities. Both MSDE JSES and DJS have an interest in and duty to ameliorate the current situation and improve the quality of education services available to youth in the deep-end of the juvenile justice system.

In an effort to begin addressing some of the ongoing problems with provision of appropriate and individualized education services in DJS facilities, the Maryland state legislature passed a bill that was signed into law just after the close of the second quarter. House Bill 1607 (CH0565) has an effective date of July 1, 2018. The law mandates the establishment of a Juvenile Services Education County Pilot Program within a DJS facility.⁶⁹ Under the law, the Maryland State Department of Education will consult with local school systems and a local school system will assume control of an MSDE JSES school at a DJS-operated facility for the 2019–2020 school year. The bill also establishes a workgroup to analyze and critique the outcomes of the pilot program.

As of the time of writing (early August 2018), MSDE JSES has not made any announcements about the selection of a county or facility to house the pilot program.

At the same time, Montgomery County Public Schools has been partnering with JSES (since the beginning of 2018) to provide more resources at the school in the DJS-operated Noyes detention facility. If Montgomery County were to host the legally mandated pilot program, this partnership could be expanded to meet the conditions set forth in the law.

Additionally, Baltimore City Public Schools (BCPS) already operates a promising approximation of the type of education programming stipulated under the new law at the Eager

⁶⁶ See the MSDE JSES section in recent JJMU reports, available at:

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

Information is also available at:

<http://marylandpublicschools.org/programs/Documents/JSE/JSESStrategicPlanBenchmarkReport012017.pdf>

⁶⁷ For education-related issues at each facility, please see the individual facility sections of this report.

⁶⁸ "Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems," Council of State Governments Justice Center. November, 2015. Page 4. Available at: <https://csgjusticecenter.org/wp-content/uploads/2015/11/Transitional-Age-Brief.pdf>

⁶⁹ For more information, see:

The (revised) fiscal note for the bill:

http://mgaleg.maryland.gov/2018RS/fnotes/bil_0007/hb1607.pdf

The bill as signed into law:

http://mgaleg.maryland.gov/2018RS/chapters_noln/Ch_565_hb1607E.pdf

Street Academy⁷⁰ housed inside the youth detention center operated by the state Department of Public Safety and Correctional Services where kids charged as adults⁷¹ are detained. The Eager Street Academy leadership and staff work to implement a trauma-informed approach which is critical for youth involved in the justice system. Eager Street Academy teachers are employees of BCPS; the curriculum there aligns with that of BCPS; and youth at the facility are by and large students from the city who had been attending BCPS community schools.

The approach at the Eager Street Academy could serve as a model or exemplar for a pilot program to reform education services at the Baltimore City Juvenile Justice Center – the DJS detention facility in Baltimore City.

Whatever location is chosen, implementing appropriate alternative approaches to juvenile justice education in Maryland – as the pilot program seeks to do – is integral to the State’s mandate to provide rehabilitative services to youth in the deep-end of the system.

Addressing the current shortcomings of the education program in MSDE JSES schools will require close collaboration with DJS. MSDE JSES included in its school calendar periods of one week where students do not have class. Neither MSDE JSES nor DJS arrange for an alternative education program (like a short-term, high intensity course) during these spans. Specially arranged recreational activities are sometimes arranged by DJS staff or administrators and may be available to some youth, but, for the most part, kids sit unengaged for the bulk of the days when school is not in session.

There are also longstanding deficiencies in career and technology education (CTE) in MSDE JSES schools that have yet to be comprehensively addressed. There are no hands-on CTE courses available on a daily basis at any MSDE JSES school, including those in committed placement centers where youth spend many months. Every few months (on a rotating basis) in detention and committed placement centers, MSDE JSES offers two hands-on certification courses in flagging and food hygiene that last a few days. As a result, many youth arrive to placement from a detention center having already exhausted the available options for CTE, or participate in each of the courses during the days they are offered and spend the rest of their time in placement without hands-on training in other trades.

These challenges could (at least in part) be overcome through connections with other education institutions that can provide programming to DJS-involved students in the communities surrounding facilities, as well as within the facilities themselves. While arranging appropriate options for students in DJS custody is the responsibility of MSDE JSES, progress and the implementation of improved education-related choices for incarcerated youth will not be feasible without buy-in and support from DJS.

⁷⁰ For more information, see: <http://www.baltimorecityschools.org/Domain/3859>

⁷¹ Code of Md., Sec. 3-817 Maryland Rule 913 and Code of Md., Sec. 3-804.

MARYLAND DEPARTMENT OF JUVENILE SERVICES – RESPONSE



DEPARTMENT OF JUVENILE SERVICES

RESPONSE TO JJMU 2018 SECOND QUARTER REPORT

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

The JJMU Should Adopt Standardized and Objective Audit Tools.

The department continues 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.

The Department of Juvenile Services (DJS) has its own auditing tools and practices to ensure that staff and administrators are adhering to the department's policies. Within the department's Office of the Inspector General, there are several units that oversee and monitor the agency's operations. Specifically, the offices of Quality Assurance, Investigations, Prison Rape Elimination Act (PREA), and Youth Advocacy report to the Inspector General who, in turn, reports to the Secretary. All of the aforementioned offices have standardized procedures and tools to ensure that the results of their efforts are objective and measurable.

The Quality Assurance Unit performs annual audits of DJS committed programs, detention facilities, and Community Field Offices to ensure adherence to departmental standards, statutes, state and federal law, regulations, policies, and administrative directives. The Youth Advocate Unit is responsible for ensuring that grievances filed by youth at DJS facilities and contracted programs are collected, handled and/or reported in accordance with COMAR regulations and DJS policies. Youth Advocates are assigned to DJS facilities and contracted programs to ensure that grievances are resolved in a timely manner. The Investigations Unit conducts inquiries related to: allegations of administrative and/or criminal violations against employees and service providers; misappropriation of Department assets; mismanagement, fraud, waste and abuse of authority with State-operated facilities and those operated by private vendors under contract or licensed by DJS. The PREA Coordinator is responsible for managing, development, and implementation of the Prison Rape Elimination Act (PREA) Standards for DJS. It ensures DJS compliance with all standards as audited on a yearly basis in all thirteen (13) facilities. The PREA Coordinator

participates in the development of agency's policies and procedures and verifies technical training for all DJS staff, contractors, and volunteers.

While the overall population of youth involved in the juvenile justice system in Maryland has declined, the percentage of high-risk youth in the deep-end of the system continues to increase.

Over the last several years, the department has seen a significant and steady decrease in the number of juvenile complaints coming to its intake offices around the State. A juvenile complaint is the initial step in the juvenile justice process in Maryland and, as such, DJS intake offices are often referred to as the “front-door” of the system.

Since 2012, the number of juvenile complaints forwarded to DJS intake offices Statewide have decreased 35% from 32,915 to 21,530 in 2017.⁷² By comparison, the number of youth committed to DJS, which represents the “deep-end” of the juvenile justice system has also decreased 25% from 2012 to 2017 (1,475 to 1,110).⁷³

These are positive trends as they indicate that fewer youth in Maryland are getting involved in the juvenile justice system, being committed to the department’s care and custody and sent to out-of-home placements. However, a closer look at DJS’s youth population indicates that a shift in the population is underway. Youth who pose little to no threat to public safety are being appropriately diverted away from the juvenile system or treated in the community without being pushed deeper into the system. The proportion of youth committed for crimes of violence has increased significantly.⁷⁴ Additionally, the number of youth classified by DJS’s standardized instrument as high-risk for re-offense is increasing.⁷⁵

The implementation of the Accountability and Incentives Management (AIM) Initiative in July 2015 changed the way DJS workers respond to youth in the community who commit technical infractions of their court ordered community supervision. The AIM Initiative, which has been implemented Statewide, created a standardized tool for DJS case workers to provide appropriately respond to technical violations of court-ordered supervision. Of course, if a youth commits a new offense, AIM does not apply. But, for technical violations of probation, AIM ensures that youth are held accountable for their actions but not needlessly punished and pushed deeper into the system.

The data is clear that the AIM Initiative has made a positive impact on DJS’s youth population. In FY 2012, 26.1% of new commitments were the result of a violation of probation (VOP).⁷⁶ This meant that youth were being pushed deeper into the system and into out-of-home programs for technical violations of a court order. By 2015, VOP’s accounted for 30.4% of new commitments Statewide.⁷⁷ After AIM was implemented in July 2015, however, the percentage of new commitments based on VOP’s dropped to 21.0% of new commitments by mid-2018.⁷⁸ That means that fewer youth are being

⁷² DJS Data Resource Guide (DRG) FY12, p. 20; DRG FY17, p. 20.

⁷³ DRG FY12, p. 13; DRG FY17, p.14.

⁷⁴ See Figure 1.

⁷⁵ See Figure 2.

⁷⁶ See Figure 1.

⁷⁷ *Id.*

⁷⁸ *Id.*

committed to DJS for VOP's, which promotes fairness, equity and justice within the system.

Another consequence of the reform effort to reduce the use of commitment for VOP's is that the proportion of the youth committed for violent crimes has increased. As shown in Figure 1 below, in addition to decreased number of VOP's resulting in new commitments as shown by the dotted line, the red line clearly shows a dramatic increase in the proportion of new commitments to DJS for crimes of violence.⁷⁹ While 18.9% of new commitments in 2012 were based on crimes of violence, the percentage increased to 30.8% by mid-2018.⁸⁰ This outcome was by design and DJS is pleased with these trends because it is consistent with the department's philosophy that commitment should be used primarily for youth who pose the biggest risk for public safety.⁸¹

While the reduction of VOP's accounts for some of the shift in the proportion of violent offenders in our system, another factor is the substantial increase in the number of youth initially charged as adults being transferred back to the juvenile system. In 2012, there were 197 youth charged as adult cases that were transferred to the juvenile system.⁸² By 2017, that number had increased by 40% to 327.⁸³ Youth who are initially charged as adults tend to be older than their juvenile counterparts and have more violent offense histories.⁸⁴ The department is clear-eyed about the challenges posed by the increase in the proportion youth committed for violent offenses and youth charged as adults and has been engaged in efforts to adjust the system to account for their needs.

The arrest and court data in Baltimore City⁸⁵ are representative of these trends. In June 2018, the non-profit Abell Foundation published a report titled, "*Fact Check: A Survey of Available Data on Juvenile Crime in Baltimore City.*"⁸⁶ While the overall number of juvenile arrests in Baltimore City declined by 46% between 2012 and 2017, the number of juvenile arrests for violent crimes increased by 19% for the same period.⁸⁷

Consistent with the Statewide data trends stated above, the proportion of juvenile arrests for violent crimes has increased compared to the overall juvenile arrest rate in Baltimore City. In 2012, violent crimes made up 12.5% of all juvenile arrests in Baltimore City. By 2017, however, that percentage significantly increased to just over 30%.⁸⁸

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ See "*Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland*" Annie E. Case Foundation (January 2015). Found at <https://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

⁸² DRG FY 12, p.20.

⁸³ DRG FY 17, p.113.

⁸⁴ DRG FY 17, p.113.

⁸⁵ Baltimore City is the 2nd largest source of juvenile intake complaints in Maryland. See DRG FY 17, p. 28.

⁸⁶ Goldstein & McMullen, "*Fact Check: A Survey of Available Data on Juvenile Crime in Baltimore City*" (June 2018). Found at https://www.abell.org/sites/default/files/files/Juvenile%20Justice%20Report%206_26.pdf

⁸⁷ *Id.* at p. 8.

⁸⁸ *Id.*

Since youth arrested for crimes of violence tend to be charged in the adult system, the Report cites available court data to show the percentage of those cases being transferred from the adult court to the juvenile system. In 2012, almost 30% of all youth charged as adult cases in Baltimore City were transferred to the juvenile system whereas, in 2017, that percentage was 67% percent.⁸⁹ Thus, two-thirds of all youth charged as adults cases in Baltimore City ultimately are taken out of the adult court system and sent to the juvenile court for adjudication and disposition. The statistics cited by the Abell Report are consistent with data trends the department has seen in Baltimore City and Statewide: The number and percentage of cases that initially start in adult court and are transferred to the juvenile court is increasing. Consequently, the higher risk profile of the youth currently in the system is increasing as well.

To measure the level of risk a youth poses to themselves or others, the department uses a standardized instrument to measure risk known as the Maryland Comprehensive Assessment and Service Planning (MCASP). This instrument assesses a youth's risk for re-offense by reviewing prior offenses, prior placements, substance use, social history, prior failures to appear in court, school and family histories. Each of the categories are scored and a final score determines whether a youth is low, moderate or high-risk.

It should be no surprise then that youth with violent offense histories, prior AWOL's, failures to appear in court or multiple placements in treatment programs receive higher MCASP risk scores. Since many youth with prior adult charges fit that profile, DJS has seen an increase in the number of new commitments that are assessed as high-risk by the MCASP instrument.⁹⁰ In 2012, the proportion of youth who were newly committed to DJS that were determined to be high-risk was 34.9%.⁹¹ By mid-2018, that proportion had increased by nearly 20 percentage points to 53.6%.⁹² Thus, by 2018, over half of the youth being committed to DJS for the first time were determined to be "high-risk." Meanwhile, the proportion of "low-risk" youth being committed to the department was cut in half during the same time period.⁹³

These trends highlight that high-risk youth are appropriately being committed to the care and custody of the department while youth with lower risk profiles are avoiding involvement in the "deep-end" of the juvenile system in Maryland.

As described in the department's responses to previous JJMU quarterly reports, the populations at the Victor Cullen Center and the J. DeWeese Carter Center, respectively, reflect the aforementioned trends and dynamics. For example, over the last several years at VCC, the percentages of youth who are between 18-20 years old and who have violent offense histories has risen markedly.⁹⁴ At the Carter Center, which provides secure treatment to young women, virtually all of the youth were placed there because of multiple prior placements in less secure environments which resulted in AWOL's and,

⁸⁹ *Id.* at p. 11.

⁹⁰ See Figure 2.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ See DJS Response to JJMU 2017 Fourth Quarter Report and Annual Review, p. 76. The percentage of youth between the ages of 18-20 at VCC increased from 15.6% in 2011 to 27.8% in 2017. The percentage of youth at VCC with violent offense histories increased from 28.4% in 2011 to 50.0% in 2017.

consequently, unsuccessful outcomes.⁹⁵ As those examples demonstrate, both groups of youth are “high-risk” but for different reasons under the standardized MCASP instrument.

DJS agrees in principle with the JJMU that, for most youth in the juvenile system, treatment in the community or less restrictive environments are preferred options that usually lead to improved outcomes. However, for a small group of high-risk youth at the deep end of the juvenile system, treatment in a secure environment is in the best interests of the youth and public safety.

In other words, the JJMU’s suggestion that VCC and other secure treatment programs could be closed in favor of treatment in the community ignores the fact that virtually all of the youth at VCC, Carter and the Youth Centers violent offense histories, significant behavioral needs and/or previous unsuccessful placements in less secure programs. For these high-risk youth, treatment in the community would likely lead to a failed outcome and possibly put the youth and others at risk of harm.

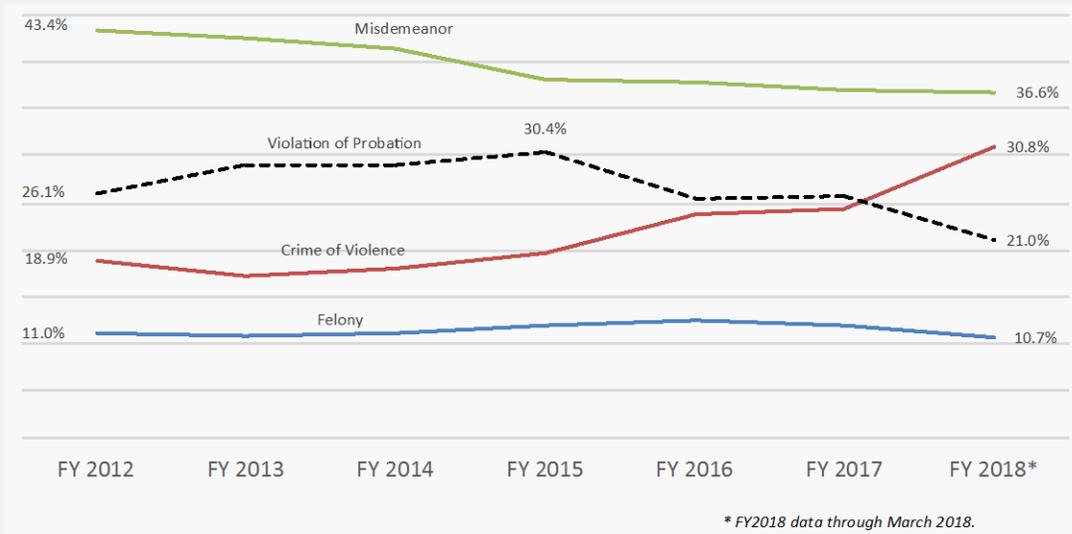
In the interests of the youth and public safety, the system must always have capacity to provide secure out of home treatment for youth that need it. As the data trends clearly show, the youth in DJS’s committed population are becoming increasingly more high-risk. Having secure, out-of-home treatment capacity remains necessary to meet the needs of our youth and community safety.

As always, the department continues to support the development of enhanced treatment programs in the community. But, those treatment options must always be part of a spectrum of services that properly balances the needs of the youth and community safety.

⁹⁵ See DJS Response to JJMU 2016 Third Quarter Report, pp. 62-63. In its Response to JJMU’s 2016 Third Quarter Report, the department provided a de-identified list of young women who had previously been placed at Carter. The list included not just the offense history but also each girl’s prior placements and AWOL histories. Every one of the girls listed had at least one AWOL from a prior placement and most girls had multiple AWOL’s from community programs and less-restrictive environments. Thus, a court-ordered placement in a hardware secure program, like Carter, is often necessary when all prior community-based and less secure options have been unsuccessful.

NEW COMMITMENTS BY OFFENSE TYPE AND VOP, FY2012 – FY2018

- The percent of youth newly committed for a VOP is at 21.0% in FY2018, down from a high of 30.4% in FY2015.

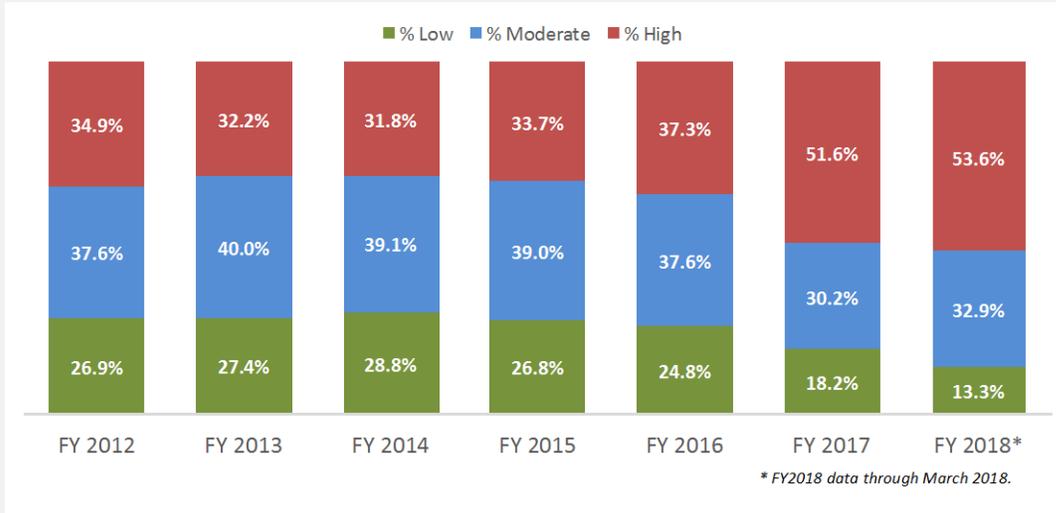


2

Figure 1

NEW COMMITMENTS BY ASSESSED MCASP RISK LEVEL FY2012 – FY2018*

- Since FY2012, the proportion of newly committed youth who were low risk decreased by half, from 26.9% to 13.3%.



3

Figure 2

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

The department is seeking ACA accreditation to achieve nationally recognized best practices and standard compliance for juvenile facility operations at two hardware secure facilities, Victor Cullen Youth Center and J. DeWeese Carter Center.

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.

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. ACA establishes juvenile standards for all areas of facility operation to include mental and somatic health services, physical environment, recreation, education, youth discipline, abuse and neglect, food services, security, maintenance, and administration. 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 and has required the development of new and the revision of all operating policy and procedures⁹⁶. 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. All audits are conducted by qualified, independent auditors that meet strict qualification training.⁹⁷ Once a facility achieves ACA accreditation, it undergoes audits by ACA to ensure continued compliance every 3 years. In addition, the DJS Quality Assurance Unit will conduct annual audits of our facilities utilizing ACA standards.

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.

⁹⁶ 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/how-courts-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.

⁹⁷ The fees and dues paid to the ACA help support the operations and compensate the ACA-qualified auditors who conduct in-person audits of secure facilities throughout the U.S. The JJMU’s suggestion that fees and dues somehow have any influence on the accreditation process is baseless.

PBIS Provides a Comprehensive Approach to Behavior Management at DJS Facilities

The department has implemented the Positive Behavioral Interventions and Supports (PBIS) framework to provide a comprehensive approach to treatment delivery in DJS facilities and to align services with practices used in public schools to support transition back into the community.

In 2017, DJS contracted with Mid-Atlantic PBIS Network at Sheppard Pratt Health System (SPHS)⁹⁸ to serve as consultants to assist the department in the implementation of Facility Wide Positive Behavioral Interventions and Supports. 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. 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.⁹⁹

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, and increased opportunities for positive reinforcers. In alignment with PBIS, youth behavioral outcomes are monitored and decisions for implementation of behavioral 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 the 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.

The STARR Program

Significant modifications have been made to the existing CHALLENGE Program to align it with the evidence-based framework of PBIS. DJS has renamed the CHALLENGE Program in committed facilities to the "STARR Program" to distinguish the revisions and adherence to the PBIS model. As with any new initiative ongoing training, modeling and accountability for staff performance over time is

⁹⁸ The Mid-Atlantic PBIS Network at SPHS is a recognized partner provider for the National PBIS Center. The Mid-Atlantic 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.

⁹⁹ www.pbis.org

required to fully achieve model fidelity and cultural facility change. Our consultants are monitoring implementation of PBIS and report that we are making progress consistent with other sites at less than one year implementation.

The STARR Program teaches and reinforces the following pro-social skills essential for youth successful transition in the community; **Solve** problems in a mature and responsible manner, be **Task** focused, **Act** as a role model, show **Respect** for self, others, facility property and rules, and take **Responsibility** for behavior. Utilizing the PBIS framework and the behavior management program youth are taught skills to support STARR behavior in each setting they encounter on a daily basis to include school, living unit, recreation, group settings, line movement and off- campus trips. Skills training occurs in a structured setting and during staff interventions with youth. Process interventions focus on de-escalation and teaching pro-social skills to achieve better behavioral outcomes. The STARR Program reinforces the building of these skills through the use of behavior specific praise, awarding of points, tangible reinforcers and coupons, and the attainment of program levels and increased opportunities for privileges.

DJS's Therapeutic Treatment Model Was Developed and Implemented by DJS's Behavioral Health Unit, which possesses over 75 years of clinical experience

The JJMU continues to incorrectly claim that DJS committed facilities lack an over-arching treatment model. DJS has repeatedly described its therapeutic treatment model in its responses to these claims. In order to provide additional clarity, the DJS treatment model is set forth in greater detail below.

However, before that task is undertaken, DJS would like to provide a description of the qualifications and expertise of its highly-qualified Behavioral Health Unit, which developed and implemented the treatment model currently in place in DJS committed facilities.

The Director of DJS's Behavioral Health Unit has been a licensed clinical psychologist for over 30 years. Prior to joining DJS in 2011, he provided psychological services to both adolescents and adults in a variety of settings, including hospitals and secure juvenile treatment facilities for over 25 years. In addition to his clinical experience, he has also served as a superintendent of a secure juvenile facility for young men for 6 years. He currently serves on the Governor's Commission for Suicide Prevention.

The Director's leadership team is comprised of 3 licensed psychologists with a combined 45 years of clinical experience working with adults and adolescents. They have worked in a variety of settings including secure juvenile facilities, clinics, hospitals and private practice. One of the psychologists is assigned to and works directly with youth at the Victor Cullen Center. Working together, the Director and his leadership team have carefully developed DJS's therapeutic model currently implemented at the Victor Cullen Center, J. DeWeese Carter Center and the Western Maryland Youth Camps. This

evidence-based model is regularly reviewed by the Behavioral Health Unit and refined to best meet the treatment needs of the youth in DJS's committed facilities.

DJS's Therapeutic Treatment Model

Cognitive Behavioral Therapy (CBT) is a model that has existed for over 30 years. Most behavioral health (BH) staff have received this training as part of their graduate training and use it in their individual therapy sessions. The Trauma-informed care model incorporates CBT (as described in more detail below) in its groups, in addition to other therapeutic interventions. START (the aggression management program) also utilizes CBT principles in the groups, which are led by BH staff and case managers, who also received training in this model in its application with the START program. The Forward Thinking workbooks – which are given to youth for individualized treatment objectives – also utilizes CBT interventions to help youth develop appropriate and better coping, decision-making, and behavioral skills.

The department is also seeking additional training in Trauma-Focused CBT (TF-CBT), which is a modification of CBT incorporating trauma-informed care. All behavioral health staff will receive this training, and principles will also be introduced to all staff as well.

All staff in DJS' 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) trauma groups, and 3) individual counseling.

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 (Trauma Addictions Mental Health and Recovery) is a 10-module psychoeducational group for youth with trauma histories and those experiencing stress. It is designed to help youth understand trauma and its effect on their behavior and lives. In addition to education and discussion, the program features creative expression, which includes writing and drawing activities, as well as mind-body strategies such as deep breathing and mindfulness techniques that help youth develop skills that promote resilience. Modules cover topics such as the stress response, coping and relaxation skills, triggers, trauma and addiction, building trust, processing and healing from betrayal, and maintaining future safety. Youth engagement is maximized through the use of multi-media tools and a workbook encouraging reflection.

Youth admitted to committed facilities complete a self-help plan, which was adapted from the *Think Trauma*¹⁰⁰ approach, that enables staff to identify a youth's history of trauma exposure, trauma

¹⁰⁰ <https://www.nctsn.org/resources/think-trauma-training-staff-juvenile-justice-residential-settings>

triggers, warning signs for escalation, and safety strategies. This assists staff and youth in being better able to address a crisis situation. Behavioral health clinicians use this information and other information to develop an individualized treatment plan for each youth, and behavioral health clinicians use interventions and strategies to help youth develop skills to manage their stress and reactions to trauma triggers.

Trauma Informed Care (TIC) training for all staff involves understanding, recognizing and responding to the effects of trauma. Implementation of STARR, the behavior management program, and TIC are aligned initiatives as TIC emphasizes the importance of environments that are predictable, positive and safe for youth and staff. The STARR Program's aim is to create safe, predictable environments for all youth regardless of need, to help youth develop skills to identify and self-regulate their emotions, and provide more support to youth as needed. Staff interventions with youth emphasize praise and positive behavior statements.

The STARR Program supports trauma informed care in that it also focuses on creating positive interactions between staff and youth. The STARR Program is systemic and organized around Systems of Support. It is about facility-wide change and involves all levels of the facility, and all staff, including administrators, teachers, residential staff and support staff. Systems of Support also refers to providing support for the staff and making sure they have adequate training to positively address behavior. And it also means looking at all levels of need and collaborating with systems outside the facility when needed.

The STARR Program focuses on a proactive-prevention approach of behavior management. It puts the focus on positive behavior, rather than negative behavior. Increasing effort has been made to provide staff with ongoing training at the facility regarding the PBIS framework with a particular emphasis on de-escalation procedures and positive reinforcement. All staff have been provided with skill cards to carry that include information regarding facility expectations, deescalation and coping strategies.

The STARR Program provides a framework for using data to make informed decisions. Teams review data to evaluate both progress youth are making towards an identified goal as well as data to evaluate the effectiveness of the intervention itself. This can be applicable to TIC or any other intervention that uses data to determine success.

Additionally, the STARR Program emphasizes the use of behavior recognition systems of which the point card and incentive coupons are examples. The point card is a method by which youth receive both positive and corrective feedback about their behavior throughout the day. Staff are trained to provide behavior specific praise and to begin corrective conversations with statements of praise or empathy, therefore verbal processing is in fact an emphasis. Furthermore, there is an emphasis on the process of de-escalation which is aimed at assisting a youth in identifying triggers and utilizing emotion regulation skills in response to stressors. The STARR/PBIS system aims to assist youth in developing skills and achieving positive outcomes emotionally, behavioral and academically. Delivery of acknowledgments creates an opportunity for staff and youth to interact in a positive and

instructional way. It's a tool for adults to build relationships with youth that decreases escalation and promotes problem solving.

For youth suffering from substance use issues, Seven Challenges, an evidence-based substance abuse program, is utilized to address the substance abuse needs of youth. All youth are assessed at intake to determine the level of intervention needed. All committed facilities provide a level of substance abuse programming. Meadow Mountain Youth Center is dedicated to serving youth with the highest level of substance abuse needs.

Licensed psychologists and social workers provide individual therapy to help youth address emotional and self-regulation issues. All youth in DJS committed facilities are assigned a behavioral health therapist.

Committed Facilities

Victor Cullen

As reported in the 2018 First Quarter Report, the JJMU described 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.¹⁰¹

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

- 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.
- Ongoing training 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.

¹⁰¹ See JJMU 2017 Fourth Quarter Report and 2017 Annual Review pp. 76, 80-81, http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter4.pdf.

- Developed activity toolkits for direct care staff to engage with youth during leisure time.
- Art programming.
- Monthly pet therapy programming.
- Increased volunteer participation.

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

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.

Implementation of a therapeutic model

The department has implemented a therapeutic model at all of its committed treatment facilities, including VCC. For a detailed description of this therapeutic model and the STARR Behavior Management Program, please see the Introduction Section of this Response.

Intensive Services Unit at VCC

The Intensive Services Unit (ISU) program at the Victor Cullen Center (VCC) provides a more intensive level of care to youth requiring a higher level of services. This includes youth with behavioral health needs that are impacting progress and those who present with significant behavioral problems and are in need of short-term intensive interventions to assist them in being able to successfully complete the VCC program. Admission to the specialized unit may occur as a result of a youth displaying chronic or acute behavioral and/or psychological problems.

Youth assigned to the ISU must achieve specific behavioral goals which will allow them to be discharged from the unit and integrated safely into the general population at the VCC. The first thing that the youth has to do is submit a letter to or interview with the Treatment Team in order to explain why he should be discharged from the ISU. The ISU Treatment Team will assess the youth's behavioral report and engagement in treatment and academic programming. The ISU case manager will then be responsible for presenting the treatment team's recommendation and the information provided by the youth via interview or letter to the Facility Review Committee (FRC), which is comprised of the assistant superintendent for treatment programming, behavioral health supervisor, and the school principal. FRC is a multidisciplinary group of staff assigned responsibility to review and make decisions to approve, deny, or modify treatment team recommendations for services for youth. At the time of the next

scheduled meeting, the FRC renders a decision as to whether discharge from the ISU is appropriate. The FRC meets with each ISU youth in order to discuss its decision regarding potential discharge.

The Treatment Team and FRC discharge meetings include reviews of:

1. The youth's weekly behavioral reports.
2. Notes and/or logbook notes and progress notes on the youth's behavior.
3. Progress in meeting treatment goals to include: reports from Behavioral Health staff, an education report on the youth's progress meeting, and the ISU Unit Manager's summary of the youth's progress.
4. The youth's Treatment Service Plan (TSP) goals and objectives that require continuation when released to the general VCC population: All youth must meet established goals and develop a transition plan for continued prosocial behavior in order to be eligible for discharge from the ISU. A Guarded Care Plan may be part of the youth's TSP.

Upon successful discharge, the youth is recognized by the FRC for his effort and having met the goals set for him. The youth is also reminded by the FRC that he will be carefully monitored for aggressive behavior relapse while on his new cottage. The ISU Case Manager and ISU Therapist will visit with discharged youth within three business days of discharge in order to monitor his progress. Each will meet with the youth once a week for two weeks after discharge to provide the youth with additional support.

The program is housed in a dedicated separate living unit for six youth. Use of a dedicated cottage allows for more individualized and intensive supervision and treatment. The program provides behavioral health, recreation and educational services – all in the dedicated unit, or separate from other youth in the general population. Intensive individual and group psychotherapy is offered. Psychiatric consultation and medication management is provided when appropriate.

VCC Population

For a description of the changes in DJS's committed population, including VCC, please refer to the Introduction Section of this Response.

YOUTH CENTERS

For a detailed description of the Over-Arching Therapeutic Model and the STARR Behavioral Management Program, please see the Introduction Section of this Response.

The department makes every effort to respect the religious preferences of the youth in its care. In the case of the Muslim youth at the youth center, the DJS child advocate went above and beyond the call of duty by consulting with a Muslim religious leader to resolve the youth's concerns. Ultimately, the department reached an agreement that did not require the youth to compromise his religious beliefs. The department reasonably accommodates all medical needs of all youth under its care. In this instance,

the facility bathroom was temporarily closed for mandatory cleaning and was reopened after thirty minutes. In dealing with this situation, staff at the facility acted appropriately by conferring with medical and making an allowance to accommodate this youth. Additionally, the youth was awarded the points back.

Facility Programming

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 trauma groups, START anger management groups, and community problem-solving groups. On the weekend, all camps attend incentive educational trips into the community (community center, movies, dinners, camping and etc).

On-Grounds Activities
<ul style="list-style-type: none"> • No School / Holiday Day: The Recreational Specialist plans activities for youth and staff
<ul style="list-style-type: none"> • Basketball: Foul Shooting Contest, Three Point Contest, 50 Game, Offensive & Defensive Drills, Hot Shot Contest
<ul style="list-style-type: none"> • Bowling: In the gym (rubber ball & plastic pins)
<ul style="list-style-type: none"> • Camping: Reflections on the grounds of Meadow Mountain Youth Center
<ul style="list-style-type: none"> • Tournaments between Youth Centers: Basketball, Chess, Cards, Pickle Ball, Volleyball, Softball
<ul style="list-style-type: none"> • Track & Field Day
<ul style="list-style-type: none"> • Climbing Wall at Meadow Mountain Youth Center & Backbone Mountain Youth Center
<ul style="list-style-type: none"> • Ping Pong
<ul style="list-style-type: none"> • Rope Course: Low & High Ropes Course
<ul style="list-style-type: none"> • Flag Football

Off-Grounds Activities
<ul style="list-style-type: none"> • C.H.A.M.P.S.: Bowling, Volleyball, Summer Basketball League, Softball, Mountain Madness Event, Track & Field Event, Soccer, Fall Basketball, Relay Walk, Spelling Bee, Math Bowl, Oratorical Contest, History Contest, Indoor Soccer

<ul style="list-style-type: none"> • Reflections: Hiking, Biking, Swimming, Canoeing, Fishing, Rock Repelling, Team Building, Basic Life Skills, etc.
<ul style="list-style-type: none"> • Rock Wall Climbing at the YMCA in Cumberland
<ul style="list-style-type: none"> • Movies at Garrett Cinemas and Country Club Cinemas

All youth who are eligible for off-grounds activities are given the opportunity to participate in those activities. For safety and security reasons, the department intentionally keeps the number of youth in off-campus excursions small. Additionally, depending on the off-grounds activity the youth chooses, trips may have to be staggered.

The department is actively recruiting for the vacant recreation staff position for the youth centers.

With respect to youth conduct during shower time, all allegations were reported as PREA incidents and investigated prior to the reporting of these instances by JMU. One incident of a youth making contact through inappropriate horseplay with another youth was substantiated.

Home Passes

Home Passes were temporarily placed on hold while the agency's policy is being revised. During that time some Court jurisdictions continued to order home passes, which the agency honored.

Staffing

The agency staffing ratio is one staff to eight youths during waking hours and one staff to sixteen youth during sleeping hours, and they both are a National Best Practice. This is recognized by the American Correctional Association (ACA) and Prison Rape Elimination Act (PREA).

Mental Health

On weekdays, each Youth Center has a licensed behavioral health clinician onsite during business hours. On evenings and weekends, there is a licensed behavioral health clinician on-call. The on-call clinician must respond by phone within 1 hour of receiving a call from a facility. If a youth is on suicide watch, the on-call clinician is required to meet with the youth face-to-face within 24 hours.

J. DeWeese Carter Center

Activities and Programming

During the second quarter girls at J. DeWeese Carter Center (Carter) attended several educational, recreational and leisure community outings. Community outings included going to the movie theater and bowling at the bowling alley. Youth also attended the Meadow Mountain Reflections Program, a three day overnight camping trip in Western Maryland where the girls participated in low ropes team building exercises and high ropes self-esteem activities, swimming and ended the day with a group camp fire. After completing a safety course, the girls went rock climbing and repelling. In addition, the girls participated in intra-departmental C.H.A.M.P.S events to include Mountain Madness, where they competed against other Department of Juvenile Services Facilities.

Program services offered at Carter include: a ninety minute Girl Scouts class offered every Saturday; weekly one-hour of yoga and mindfulness; arts and crafts during the weekend; cooking; and recreational outings to the local community center. Additionally, there are daily psychoeducational groups that address anger, aggression and trauma and provide skill building. The facility staffing levels and access to transportation are sufficient to support both the facility needs and community outings.

Youth Population at Carter

With respect to girls in the “deep-end” of the system, including girls in court-ordered placements like Carter, the JJMU continues to focus only on the offense history. As stated in the Introduction section of this Response, a youth may be determined to be “high-risk” not just by their offense history but also their prior history of failed placements in less-restrictive settings. A snapshot analysis performed by the department in its Response to the JJMU’s 2016 Third Quarter Report clearly showed that the girls placed at Carter had at least one, if not multiple, AWOL’s from prior placements in community-based and less-secure programs.¹⁰² In other words, after several unsuccessful attempts were made to provide treatment to the girls in the community or less restrictive programs, the courts were left with no options except to place the girls at a hardware secure facility like Carter.

The JJMU’s suggestion that evidence-based programs in the community would be appropriate for youth who have AWOL’ed and failed multiple times in the community simply ignores reality and potentially places the youth and the community at risk for harm. As stated in the Introduction Section of this Response, DJS must maintain a continuum of services for youth, which includes hardware secure treatment for youth with higher-risk profiles.

¹⁰² See DJS Response to JJMU 2016 Third Quarter Report, p.63.

DJS Secure Detention Facilities

Baltimore City Juvenile Justice Center (BCJJC)

Use of Seclusion

DJS has performed an internal investigation through its Office of Inspector General (OIG) regarding the use of seclusion at BCJJC. This investigation revealed that there was an inconsistent application of departmental policy regarding the use of seclusion and appropriate documentation thereof. Corrective action has been implemented.

Going forward, the department will ensure that immediately upon the youth entering the room after an altercation or restraint, the seclusion observation sheets will be placed on the doors and documentation will begin. Medical and Behavioral Health will be notified as soon as possible by the Shift Commander. If seclusion is not warranted after review of the incident, the youth will be removed from his room, and this will be documented on the seclusion observation sheet and in the logbook. This process has been reviewed with the managers, shift commanders, and supervisors.

Use of Restraints

The department has reviewed all incidents of use of restraints and are satisfied that staff acted within agency policy. All restraints in any facility are reviewed within 24 hours by facility and agency administrators.

Behavior Management System

The Department provides basic hygiene items for all youth regardless of what level they are on as needed for their hygiene. Additionally, in response to youth's requests, the department now provides Dove body wash to all youth. The youth's behavior, if positive, will allow a move up in the Behavior Management Program to be able to earn optional items.

Case Management

The Department has a case manager for each housing unit. There are 11 case management positions assigned to BCJJC; 10 case managers for 10 housing units and one case manager supervisor. Currently there is one case manager supervisor vacancy and one case manager vacancy. The Department is actively engaged in the recruitment and hiring process to fill these positions.

Infirmary

Youth are placed in the infirmary based on their individual needs. Youth in the infirmary are provided with educational services every day. Youth in the Infirmary may be precluded from certain events if they

are identified as medical hospital patients. However, they are provided board games and art materials, as well as access to the Ravens Lounge for activities and movies.

Transgender Youth

Information has been discussed regarding transgender language during Supervisor and Muster meetings. All staff have been trained on LGBTQ issues within the youth population.

Charles H. Hickey, Jr. School (CHHS)

Investigative Process

The integrity of the investigative process was not compromised. In reference to the situation that the JJMU pointed out where the staff was permitted to view the video outside of the presence of the investigator, the department has determined that, while not ideal, it did not materially undermine the investigation. At the time video is reviewed by an OIG investigator, staff has already written incident reports. That said, it is important to note that video review can be an important teaching tool.

Supervision

Staff in the incidents mentioned by JJMU have been disciplined and counseled on the department's supervision policy.

Seclusion

The incident described by JJMU involved a youth who was disrupting a class while in school. The youth voluntarily returned to his housing unit with a DJS staff in order to calm down. While he was in the unit, the staff attempted to verbally process with the youth in order for him to calm down and return to the classroom. Despite the staff's attempt to verbally process with the youth, his behavior escalated and he threatened to destroy property on the unit and then harm the staff. At that point the youth was placed in his room in order to help him calm down. He was seen by both medical and behavioral staff while he was in his room. After approximately 90 minutes, he calmed down and voluntarily exited his room to re-join the group. This incident was administratively reviewed and determined to be in accordance with DJS policies.

Mental Health Services

Hope Health Services provides mental health services onsite, 12 hours a day and 7 days a week. In crisis situations, this provider also has on-call services.

Camera Coverage

CHHS continues to run daily checks of all cameras through the Master Control Center. Once a camera is identified as inoperable, the Master Control Operator submits an email to the DJS Helpdesk for servicing. DJS IT Department is able to re-establish connection remotely in most cases, but if they are not able to do so IT staff will report on grounds to resolve the issue.

Cheltenham Youth Detention Center (CYDC)

The Department appreciates the positive comments about Cheltenham's staff and administrators.

Lower Eastern Shore Children's Center (LESCC)

DJS has ordered new ADA-compliant railings for all showers on each unit that are anti-ligature.

Alfred D. Noyes Children Center (Noyes)

Incident Reports

The Facility Superintendent held a meeting with all the supervisors and managers immediately after the incident and discussed security protocols and expectations. The primary expectation is that the facility must maintain proper staffing ratios. Three staff are now required to be in the visitation area at all times, as well as a supervisor. OIG investigated and determined that the allegations against staff were supported. Staff involved were held accountable in accordance with agency policy.

Conflict Resolution

To reduce tension among different groups in the facility, several approaches are utilized. Community conferencing and staff mediation are two formal approaches that are used to address conflicts between individual or groups of youth. Staff at Noyes, including behavior health, case managers and resident advisers, are trained to process with youth and de-escalate conflicts or initiate treatment team meetings to develop plans to assist youth with their difficulties. Youth with acute challenges are placed on a guarded care plan that is developed by behavioral health staff.

Family Engagement

Youth at Noyes have multiple and regularly occurring opportunities to have contact with their families. Family visitation occurs twice a week for two-hours at a time. Twice a month the facility provides extended visitation for three-hours. Noyes also schedules special family visitation events throughout the year. In the last quarter Noyes hosted an event centered around Victim Awareness, a Mother's Day

Brunch, and a Father's Day movie event. Under special circumstances, additional visits are accommodated as appropriate.

Creative Outlets for Youth

The facility provides programming that allows youth to express their creative side on a regular basis. The following is a list of regularly occurring programming:

- Monthly Birthday Acknowledgement
- Paint Like a Champ
- Movie Night
- Drum Program
- Jeopardy
- Life Skills
- Victim Awareness Activities
- Staff vs Youth Activities
- Motivational Guest Speakers
- Dance Competitions
- Food of the Month Program
- Volleyball & Badminton Tournaments

Physical Exercise

The use of outdoor recreation has been used consistently. During inclement weather, youth are required to receive indoor recreation. Recreational and program staff have ensured that the required one-hour of large muscle activity standard is met. There were no complaints or grievances last quarter regarding recreation. Administration conducts weekly audits of recreation periods to ensure all youth receive one hour of large muscle activity.

Thomas J.S. Waxter Children's Center (Waxter)

The department thanks the JJMU for recognizing the hard work of the Waxter staff and administration to implement a programming schedule that keeps the youth engaged.

With respect to youth who give birth while in the department's care and custody, that youth presented with a host of complicated psychological and substance abuse dependency issues which, if not treated, would have resulted in injury to herself and possibly her newborn child. This youth had previously been under the care of the department in a variety of community-based placements, but continuously went AWOL, and in one such situation, was AWOL while pregnant and returned with narcotics in her system. The department made a recommendation to the court overseeing the youth's care to place this youth in an out-of-home placement due to this continued non-compliance with community based programming and her self-harming behaviors. The juvenile court conducted several hearings involving

the State’s Attorney, defense counsel and DJS. During these hearings, evidence was presented showing efforts to place the youth in an in-state program, as well as medical, psychological, psychiatric, and environmental studies. Based on the evidence and the respective positions of the parties, the juvenile court has ordered the youth to be placed in a non-secure foster care program in the community.

At the time of the writing of this Response, the youth has agreed to permit the local Department of Social Services to take temporary custody of her child in order to determine an appropriate custody arrangement. The court and the department will continue to work with this youth and her family to provide appropriate services given her complicated history and with her child’s safety and welfare in mind.

Western Maryland Children Center (WMCC):

Case Manager Supervisor was reassigned

The Case Management Supervisor position at WMCC has been posted and closed on August 6, 2018. The facility is awaiting a list and will schedule interviews accordingly. The current case manager has done an excellent job maintaining the Case Management Department to include functioning as the facility MAST Chair.

Private Programs

Silver Oak Academy (SOA)

Pages 23 through 26

Page 23

1. “During the second quarter of 2018, the average daily population of youth placed at Silver Oak through DJS decreased by 31% compared to the same time in 2017. However, the number of incidents involving fights or assaults did not decrease was no decrease.”

SOA Response: We have reviewed the increase in fights and assaults with our students and have diagnosed the common theme to be 4 areas of deficiency that we are working on

- The staff has to be initiators vs reactors; we will be training staff intently on the proactive levels of intervention, intervening at the lowest level.
- The staff focusing on student behaviors using our problem resolution process with student to resolve all conflicts at the lowest level.
- The last step is ensuring that all student behaviors are being processed in the behavior management group meeting daily.
- The current student population has a higher number of students with mental health diagnosis, they require more over site of the student’s medication administration.

1. “In another incident, a different staffer was indicated for physical child abuse after horse playing with a youth in the sleeping area of a living unit. At one point, the staffer picked the youth up over his shoulder and threw him onto the ground. An administrator reviewed video footage of the behavior shortly after it occurred but the incident was not reported to Child Protective Services (CPS) for several weeks and only after another administrator reviewed the same footage. The staffer involved in the horseplay no longer works at SOA.”

SOA Response: The staff involved in the incident was not found involved in Child Abuse. He did receive criminal charges due to the incident on May 23, 2018.

DJS Response: The DJS Licensing and Monitoring Unit (L&M) requested that Silver Oak Academy submit a Corrective Action Plan (CAP) for failure to report the incident as required. The program did not contact CPS at the time of the incident and did not place the staff on Administrative Leave as required by COMAR. The CAP was received and approved by DJS’s Licensing and Monitoring Unit. The CAP will continue to be monitored for compliance.

2. “In yet another incident (151220), a staffer allegedly allowed two youth to assault a third youth who had been arguing with the staffer earlier during a group meeting. The staffer involved in that incident also no longer works at SOA.”

SOA Response: The staff allowed students access to the bathroom without appropriate supervision. We are continually training staff on running the daily schedule and daily elements per program policy and procedure at all times.

3. “Physical restraints of youth by staff decreased by 41% when comparing the second quarter of 2018 with the same period in 2017. However, concerns about inappropriate or unnecessary physical restraints also continued during the second quarter. In one incident (on May 1, 2018, and involving an out-of-state youth), a youth was trying to get a condiment while in the serving line at dinner. An administrator confronted the youth and tried to get him away from the line, ostensibly because the youth was not supposed to have the condiment. A staffer who noticed the tension between the administrator and the youth also tried to redirect the youth away from the serving line and subsequently walked the youth away from the line area. The youth then pushed two chairs off a tabletop in another part of the cafeteria. At that point, both the staffer and the administrator walked the youth out into the lobby where the youth sat down in a chair. The administrator told the staffer to return to the cafeteria and then began ordering the youth to walk to the “refocus room” – the space, also referred to as the counseling center, where youth are sent to de-escalate and process incidents or conflicts. The youth did not move but sat in the chair with his arms crossed for nearly two minutes as the staffer continued telling him to move to the refocus room while also intermittently tilting the youth’s chair forward. The youth suddenly stood up, pointing his finger in the administrator’s face and walking away from him. The staffer who had earlier returned to the cafeteria commented in a subsequent investigation that he saw the administrator then “quickly escort [the youth] toward a [camera] blind spot in the lobby. [The staffer] believes it was intentional because [the administrator] often reviews video footage therefore [the administrator] knows where blind spots are

located throughout the building.” According to the staffer who witnessed it, the “entire incident almost felt like a setup.”

SOA Response: Steps taken to decrease blind spots of camera footage are as follows: Cameras have been placed outside of the Dining Hall door, Counseling Center Hallway, Kahlert Hall, and Brown Hall. Areas that still need cameras are the gym, stairwells, control area, and the auditorium.

None of our recent physical interventions have come following students being moved from one area to another to be restrained. Each physical intervention will be reviewed weekly to ensure Safe Crisis Management (SCM) techniques are utilized properly (upon review the restraint in question did meet SCM standards).

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1. “According to DJS policy regarding crisis intervention (which apply to Silver Oak, a DJS licensee), youth are not to be restrained to enforce compliance. Physical restraint can only be used as a last resort in situations where a youth is physically endangering him or herself or is actively trying to escape.”

SOA Response: Staff and students are being instructed to use the program processing to help de-escalate student’s behaviors and utilizing physical intervention as a last resort. We have decreased the number of physical altercations/assaults between students. We are training our staff on proactive levels of interventions and using the peer culture to support peers. All restraints are reviewed weekly to ensure proper use.

The following steps have been taken to ensure the above process is occurring:

- Review all physical interventions to ensure staff compliance
 - Training student and staff to use proactive levels of intervention in the deescalation process
 - Create more rewarding incentives for student’s weekly
 - Training students on how to handle confrontation from staff and other peers
2. “Efforts to minimize – and ultimately eradicate – the utilization of physical restraints at Silver Oak should continue and must be intensified. Staff and administrators must emphasize the utilization of verbal processing techniques when youth demonstrate challenging behavior as there are typically reasons underlying this behavior that can be addressed through non-physical interventions that will promote physical safety and aid in the development of constructive relationships and a positive facility culture.”

SOA Response: We have increased the use of group processing daily for all student behaviors. We have trained our staff to identify positive student behaviors, trained students to help with peer issues, and increased case management support on the weekends.

Page 26

1. “Administrators at SOA and its parent company Rite of Passage should also prioritize the installation of security cameras in areas currently without them to help protect youth and staff.”

SOA Response: Plans to install camera’s in the Control Hallway (next to the Library in front of the Counseling Center in the Administration Building) will be completed by September 30, 2018 and in the Gymnasium by October 30, 2018.

Vision Quest Morning Star (VQMS)

Page 56

1. “While the floor of the heavily utilized basketball court was recently replaced for safety reasons, leaks in the tarp covering the court continue to result in slippery conditions when it rains. The issue should be permanently addressed to prevent potential injury.”

VQMS Response: The program does not utilize the gym during inclement weather due to the slippery conditions. The program acknowledges that the tarp needs to be replaced. The program has received two quotes for repair and replacement of the structure. The status of the gym roof remains pending with an anticipated completion date of six months.

2. “Youth frequently voice concerns about the quantity and quality of the meals they receive at Morning Star. Dietary staff should be more responsive to youth requests for a greater variety of meals that are both tasty and filling.”

VQMS Response: The program's six-week menu cycle is nutritionally analyzed and approved by a licensed dietitian. Approximately two months ago, Ms. Diaz met with the program youth for suggestions for the menu. Most of their suggestions were incorporated into the existing menu.

3. “Youth also complain that there is far too much downtime, especially on weekends. Morning Star administrators and staff should ensure that youth remain engaged in a variety of structured activities outside of school hours.”

VQMS Response: The program is very active in its on and off site activities. On site include the use of the weight room and gymnasium and also down time includes watching cable TV, use of the game systems and various card and board games. Examples of off-site activities include but are not limited to weekly visits to the YMCA and local community pool. The program also utilizes the local softball field, bowling alley and basketball court. The youth also attend regular field trips such as the Harriett Tubman Museum, local colleges, Job Corps and Lincoln Tech. New opportunities have arisen through the educational program at Horns Point and Tuckahoe Equestrian Center. The program also continues to expand on their various community service opportunities and have recently began a partnership with Habitat for Humanity.

**MARYLAND STATE
DEPARTMENT OF EDUCATION
- RESPONSE**



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August 31, 2018

MSDE Response to the Juvenile Justice Monitoring Unit's 2018 Second Quarter Report

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2018 second 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 data and JJMU's analysis concerning educational services provided to youth in the Department of Juvenile Services (DJS) facilities.

Committed Placement Centers

Victor Cullen Center

During the second quarter, the schedule at Victor Cullen Center does include ninety-minute classes and transition time for students to report to their assigned classes. Students are brought to school in one large group (as they are housed in their living unit) due to the current low enrollment. This transition time which the JJMU report calls a "homeroom period" is not part of the instructional day since students arrive early for school to allow time to transition to their individual classes.

There are divided opinions on the impact of block scheduling. Research demonstrates that school schedules (traditional or block) have little impact on the differentiation in student scores on state assessments. However, we know that different student populations experience academic success in varying environments. For students who are at risk and under credited, block scheduling allows students who enter school late, who may need a fresh start in the midyear, or reenter school at the beginning of the second semester, the opportunity to earn credits in several key academic courses before the school year is over.

Over the past year, all JSES schools have transitioned to block scheduling. There are several reasons that justify and demonstrate the need for this scheduling arrangement and how its implementation is in the best interest of the students. Block scheduling has a direct impact on student learning in the classroom. Many of our students move between detention centers and subsequently, transfer to placement facilities, which may create a disconnected academic experience. However, block scheduling provides consistency that ensures the ability to learn in the classroom and application time for that learning. Learning that produces credits (the majority of our students come to us with very few credits which are needed for high school graduation) renders an assurance that student academics are our first priority.

Furthermore, a decrease in the number of classes results in less time and security concerns with movement throughout the school. By decreasing the number of times students move to classes, the number of opportunities for disruption are reduced and learning time in the classroom is increased. Increased time in the classroom provides teachers, who are teaching multiple subjects, the opportunity to provide content instruction, a check for understanding, as well as provide students with application of hands-on learning opportunities with individual projects, peer collaboration, and more individualized support.

The JJMU report indicates that the Cullen Career Technology Education (CTE) position has been vacant for two years. This statement is incorrect, as stated in the response to the first quarter report. The position was vacated in November 2017. Three applicants have applied and interviews were conducted; unfortunately, the applicants accepted other positions outside of the JSES. The CTE 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 a possibility of partnering with another agency to provide students with access to a hands-on course that leads to certifications in various trades. The JSES has engaged in conversations regarding a workforce development program during school hours to provide students with access to job training.

Youth Centers

Students who attend the youth centers throughout the JSES have access to programs leading to Flagger Certification, OSHA-10, and ServSafe during the school-year, while being exposed to a hospitality course in the spring. The hospitality course will prepare students for the Travel and Tourism certification via Precision Exams. Backbone will introduce a year-long construction course this fall and students will be provided an opportunity to receive several industry certifications.

The JJMU report acknowledges the efforts of the CTE teacher offering outdoor education programming to students at Backbone Mountain Youth Center. There is a joint effort between the JSES, the DJS and the Department of Natural Resources (DNR) which has installed nets and placed three hundred fish in the pond to be raised. The fish will be harvested and used in fishing rodeos around the state. Students will be feeding the fish and completing math and science activities related to this opportunity.

J. DeWeese Carter Center

The JJMU report consistently addresses the need for a full-time dedicated principal at the J. DeWeese Carter Center. The current school population is seven students. Over the past twelve months the population has been as high as twelve and as low as four students, with an average population of eight. The principal is available by phone, video conferencing, and email when she is not on site. The principal is at the school two or three times a week based on the needs of the students and staff. The data does not support a full-time principal.

Students throughout the JSES have access to programs leading to Flagger Certification, OSHA-10 and ServSafe throughout the school year while being exposed to a hospitality course in the spring. The hospitality course will prepare students for the Travel and Tourism Certification via Precision Exams. This hospitality course will be offered at many schools including Carter.

Detention Centers

Baltimore City Juvenile Justice Center

The JSES provides students with high school diplomas/GEDs with access to post-secondary options. The JSES is constrained by every community colleges' registration schedule. Students cannot access courses outside of the semester calendar set by colleges. As JSES continues to create partnerships with community colleges, JSES must adhere to registration and semester calendars in order for students to earn credits.

The MSDE has a three-year contract with APEX Learning. Apex courses are utilized for credit recovery and will also be used during the interim period between when a student earns a high school diploma or GED and the time the student is able to register for college courses. These online courses will help better prepare students who are interested in taking on the challenge of college coursework.

The principal at Baltimore City Juvenile Justice Center (BCJJC) has partnered with the DJS superintendent to allow electronic readers on the units for student use. The electronic readers are a great way to have young men use secure technology and enjoy the experience of reading. The electronic readers have approved young adult literature downloaded to the device which allows students to make their selections based on personal interest.

It is important to note that students are not required and cannot be forced to take college level courses. The JSES provides students with access to college level courses, however, JSES recognizes that there must be student interest and preparedness. Students are provided counseling around post-secondary options and are encouraged by the counselor, principal, and DJS staff to participate in college level courses once they have received their high school diploma or GED. The JSES provides students with opportunities for traditional college courses as well as continuing education courses for students who do not do well on the Accuplacer. Students who choose not to participate in college level work after finishing high school may also take elective courses through APEX. Students who are interested in taking college level courses, but are waiting for the next registration date, may also take courses via APEX for interest or for improving their skills for college. The JSES recognizes the importance of post-secondary options as well as the need for students to be vested in those opportunities.

Cheltenham Youth Detention Center

The JJMU report states, "there was little instruction or class discussion before or after the videos to process the material" regarding a documentary students were viewing in a social studies class. The video was shown in several chunked segments in which the teacher stopped the film at different times to answer questions and to clarify parts of the documentary that were confusing. The use of chunking strategies to complement instruction in terms of facilitating learning is a proven research based strategy. Students were cast in the role of the jury and they determined guilt or innocence based on facts presented into the video. The class opinion was mixed and brought on thoughtful discussion. The JJMU report was inaccurate in regards to the discussion during the presentation of the video.

In regards to the incident with the student becoming agitated and upset regarding the film, the student has in the past accused the teacher of being a racist. The teacher refused to be baited into this debate with the

student. The staff in the room were aware of the reason the teacher did not engage the student in this situation. The JJMU monitors only witness instruction at specific moments in time without understanding context prior to the visit. The monitors do not discuss with the teachers or principals what is going on instructionally or may not completely understand the basis of instructional and classroom decisions. All of the staff at Cheltenham have gone through the DJS sponsored trauma informed care training which was held at the detention facility.

Just to clarify, the JJMU report states that the teacher who supported students working towards their GED resigned, however, she retired. Cheltenham utilizes the Maryland High School College and Career Ready standards to provide all students' academic preparation for their diploma. The GED is not a program, but rather a diploma that is earned when students are able to demonstrate mastery against the standards in the classroom based on their performance on the GED Ready.

Students throughout the JSES have access to programs leading to Flagger Certification, OSHA-10 and ServSafe throughout the school year while being exposed to a hospitality course in the spring. The hospitality course will prepare students for the Travel and Tourism Certification via Precision Exams.

Thomas J.S. Waxter Children's Center

A youth was suspended from school after repeated destruction of expensive technology equipment, physical aggression towards teaching staff, and substantial disruption to school program. Teachers had to stop instruction daily due to the extreme behavior of this particular student during the quarter. School administration tried many interventions, including, but not limited to Waxter school positive behavior intervention system (SWAG), guidance office referral, mental health department referral, multiple behavior contracts with the student, DJS administrative support/intervention etc. However, the student refused to cooperate with any of these strategies. The school administration is aware of the negative impact of school suspensions and is willing to work with any professionals who can provide meaningful alternatives and disciplinary strategies. Suspension are only used as a last resort, to allow instruction to continue for the other students in the class.

In reference to the teacher vacancy, the science teacher was on leave for many months. However, the classes were covered by certified teachers, the school schedule was not complicated and learning was not affected. Waxter teacher leave hours were reduced 99% from the previous school year, specifically because of the substitute that was provided.

Maryland State Department of Education in DJS Facilities

The House Bill 1607 referenced in the JJMU report actually calls for the "Program" (the Juvenile Services Education County Pilot Program established under this bill) to begin in the 2019 -2020 school year. The MSDE is required to establish a work group on or before January 1, 2019 to analyze the results of the pilot program. The MSDE will adhere to the provisions in this bill and welcomes the recommendations of the work group to continue to improve the quality of educational services available to students.

The MSDE JSES calendar provides for required 220 days of school for students. The 2018 – 2019 school calendar does provide staff development days for teachers that does not impact the required days for students.

The JJMU report states, “Short term or week-long courses leading to flagger and food handling certification are available on a rotating basis (but not consistently) throughout the year at DJS facilities”. However, the JSES has created an approved, consistent schedule for certification courses to ensure that all students have an opportunity to earn additional certifications. The JSES continues to add certification programs for students, within the DJS guidelines for safety and security.