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**JUVENILE JUSTICE MONITORING UNIT  
STATE OF MARYLAND**

**2019 FIRST QUARTER REPORT**

## **The Maryland Juvenile Justice Monitoring Unit (JJMU)**

The Juvenile Justice Monitoring Unit (JJMU) is an independent state agency housed in the Office of the Maryland Attorney General. The JJMU is responsible for reporting on Maryland Department of Juvenile Services (DJS) operated and licensed facilities across the state. Monitors from the unit conduct unannounced visits to the sites to guard against abuse and ensure youth receive appropriate treatment and services.

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 Unit has access to DJS incident and case notes databases and to DJS internal investigation and grievance documents. Monitors spend significant time visiting facilities unannounced, gathering information and observing all aspects of operations. We sit in on activities and classes, interview youth, staff and administrators, and review security- and safety-related video footage and incident report documentation. The JJMU issues public reports covering each calendar quarter. These reports include data and analysis concerning treatment of and services provided to youth in DJS directly run and licensed facilities throughout our state. Formal responses from DJS and the Maryland State Department of Education (which is responsible for education services in DJS facilities) are included with the reports.

The JJMU has been instrumental in driving positive changes in the juvenile justice system since its formation in the wake of widespread systemic abuse issues. The activities of the independent monitoring agency increase the transparency and accountability of the juvenile justice system and raise awareness of the needs of justice-involved Maryland youth.

The system has improved significantly since the unit began monitoring and reporting and we will continue to push for the adoption of best practices as we evaluate current and emerging research and promising practices that serve to both enhance public safety and produce positive outcomes for young people in contact with the juvenile justice system.

## **JJMU First Quarter Report Compendium**

The Maryland Juvenile Justice Monitoring Unit (JJMU) issues public reports covering each calendar quarter that include data and analysis concerning treatment of and services provided to youth in Maryland Department of Juvenile Services (DJS) directly run and licensed facilities throughout Maryland. Enclosed please find the unit's compilation of 2019 first quarter reports.

The Maryland 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 2019 First Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder, and Marvin Stone. Thanks to Taran Henley, Fritz Schantz, and Maria Welker for technical assistance.

We respectfully submit this report to the Governor, the members of the Maryland General Assembly, the Secretary of the Department of Juvenile Services, and the 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

July 2019

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 Adrienne A. Jones, Speaker of the House of Delegates  
Maryland General Assembly

The Members of the Maryland General Assembly

The Honorable Sam J. Abed, Secretary  
Department of Juvenile Services

The Members of the State Advisory Board for Juvenile Services  
c/o The Maryland Department of Juvenile Services

Dear Governor Hogan, Senate President Miller, Speaker of the House Jones, Members of the General Assembly, Secretary Abed and State Advisory Board Members:

Enclosed is the Juvenile Justice Monitoring Unit's 2019 first quarter report which offers an update on conditions in Department of Juvenile Services' operated and licensed facilities.

Serious concerns about the quality of services and level of safety at the Victor Cullen Center are discussed on page 8 of this report.

All DJS placement sites are plagued by a lack evidence-based treatment services, a substandard high school and career and technical education program, insufficient opportunities for family engagement, and virtually non-existent access to a normalized community environment to foster pro-social skill development and other competencies. As a result, young people leave

DJS placement sites without the skills, tools, resources and supports to facilitate successful re-entry.

As the Maryland legislature undertakes an examination of the juvenile justice system in Maryland, particular emphasis should be placed on reforming our outdated and ineffective practice of shipping young people (most of whom are youth of color) with the greatest level of developmental and behavioral health needs far away from their families and into under-resourced institutions that are ill-equipped to address their issues. A substantial body of research has demonstrated that treating young people through a continuum of services in their local communities is more efficacious (both in terms of positive youth outcomes and enhanced public safety) than sending kids to remote corrections-oriented institutions. Maryland should follow the example of other states, such as New York, Virginia, and New Jersey, which have chosen to close down congregate care facilities in favor of smaller, home-like residential centers close to home that can offer individualized services to youth and their families.

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  
State of Maryland Treasurer's Office  
The Office of the Comptroller of Maryland  
Deputy Secretary Wallis Norman, Mr. Karl Pothier and Mr. Jay Cleary, DJS  
Margi Joshi, Tim Snyder and Marvin Stone, JJMU

# JUVENILE JUSTICE MONITORING UNIT 2019 FIRST QUARTER REPORT

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## DJS 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)

## DJS Committed Placement Centers

Long-term, post-disposition

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

## Incident and Population Trends

First quarter 2019 population and incident trends versus first quarter of 2018:

- ✓ Average daily population (ADP) of DJS youth decreased at BCJJC, Hickey, Noyes, LESCC, and WMCC secure detention centers and in committed placement at Cullen.
- ✓ Youth on youth fights and assaults decreased at all DJS-operated detention centers and in committed placement at the three youth centers and SOA. There were no youth on youth fights and assaults at Carter during the quarter.
- ✓ Physical restraints decreased in secure detention at BCJJC, CYDC and Noyes and in committed placement at Cullen and the three youth centers.
- ✓ The use of mechanical restraints (handcuffs and/or leg irons) inside facilities decreased in secure detention at BCJJC and Noyes and in committed placement at Cullen and the three youth centers. Mechanical restraints were not used inside LESCC secure detention center during the current reporting period.
- ✓ The use of seclusion decreased in secure detention at CYDC and Noyes. Seclusion was not used at LESCC detention center.
- Average daily population (ADP) increased in secure detention at CYDC and Waxter and in committed placement at Carter.
- Youth on youth fights increased in committed placement at Cullen.
- Physical restraints increased in secure detention at Hickey, Waxter, and WMCC and in committed placement at Carter.
- Mechanical restraints usage inside facilities increased in secure detention at Hickey, Waxter, and WMCC and in committed placement at Carter.
- Seclusions increased in secure detention at BCJJC and Waxter and in committed placement at Cullen and Carter.
- There were 59 incidents involving suicide ideation and three incidents of self-injurious behavior at DJS-operated facilities during the first quarter of 2019. Twenty-one of the 59 suicide ideations were at Waxter, the detention center for girls.

# COMMITTED PLACEMENT OVERVIEW

## Committed Placement Overview

- The Department has, to an extent, regionalized DJS-operated detention centers - where young people charged as juveniles are usually held from a few days to a few weeks – however, all six long-term placements are located in rural parts of western Maryland (Victor Cullen, Backbone Mountain, Meadow Mountain, Savage Mountain and Green Ridge) and the Eastern Shore (the Carter Center in Kent County). Sending youth far from family and community support and into institutions with little scope for individualized help or normalization is an outdated, expensive, and ineffective approach to juvenile justice. A substantial body of research has shown that residential and non-residential community-based services providing individualized, specialized, and evidence-based care by highly qualified and trained treatment staff produces better outcomes for youth, families, and public safety.<sup>1</sup> In addition, “research shows that helping youth grow and develop within the context of their own families and communities is vital to their long-term success.”<sup>2</sup>
- The majority of girls and boys in Maryland’s juvenile justice system who are being sent into institutional settings - located in remote areas of the state and far from their families and communities - are youth of color.<sup>3</sup> It should be noted that juvenile justice administrators from various states have found that,

for youth of color, this approach perpetuates the country’s enduring history of racial inequality and oppression, often magnifying the cumulative disadvantages experienced by youth in communities of color, where poverty, crime, and violence affect far too many people. In many instances, youth justice systems – and especially correctional facilities – have become the default for addressing youth whose needs would be more effectively served in other systems, including education, child welfare, and behavioral health.<sup>4</sup>

- Maryland should move toward establishing a continuum of community-based care for youth in need of intensive services within the health care, child welfare, and juvenile justice systems, including regionalization and specialization of placement sites. Running remotely located congregate care facilities is a costly endeavor.<sup>5</sup> Budget dollars saved

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<sup>1</sup> McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016 (p.13). Available at: NCJ 250142 <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

<sup>2</sup> Youth Correctional Leaders for Justice Statement on Ending on Ending Youth Prisons, available at: <https://yclj.org/statement>

<sup>3</sup> See DJS FY 2018 Data Resource Guide (p.144), available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)  
See also, page 58 of this report.

<sup>4</sup> Youth Correctional Leaders for Justice Statement on Ending on Ending Youth Prisons, available at: <https://yclj.org/statement>

<sup>5</sup> The Victor Cullen (in western Maryland) and Carter (on the eastern shore) DJS-operated hardware secure placement facilities cost over a thousand dollars per day per youth and the average daily cost per young person per day at three of the

from closing some or all of these sites should be re-invested in a spectrum of community-based resources (non-residential and short term residential) for youth and families. Other states such as New York and Virginia have adopted such measures and have seen promising results.<sup>6</sup>

- In the interim period before a community-based model of care can be established for youth in the deep end of the juvenile justice system, efforts should be made to improve the conditions and services currently provided to incarcerated youth. A particular focus should be placed on bolstering factors that have been shown to reduce recidivism and promote long-term positive youth outcomes such as family engagement, evidence-based treatment, and robust academic and career and technical education options.<sup>7</sup> These factors are discussed in detail below.

**Family engagement:** Support from immediate and extended family members and positive pro-social individuals (such as mentors, teachers, and clergy) in a child's life is linked to academic success and positive behavior.<sup>8</sup> The remote location of the DJS committed placement centers<sup>9</sup> makes it difficult for parents to visit their child. In addition, restrictive DJS policies on visitation make it difficult for people who exercise positive influence but who are not members of a child's immediate family to visit. To mitigate the barriers to family engagement caused by physical distance and transportation issues, DJS policies should be changed to provide for the following:

- ❖ Flexible visitation days and times to allow families to visit whenever their schedule permits (versus the current two hour visitation window offered two days a week).
- ❖ Comprehensive and consistent transportation assistance to families in need.
- ❖ Increased phone contact beyond the two 10-minute calls currently permitted per week. At a minimum, calls should be increased to three 20-minute calls per week. Youth report that such an increase would allow them to better keep in touch with family.
- ❖ Expansion of the list of eligible visitors to include supportive relatives and positive role models in a youth's life, including immediate and extended family members, mentors, teachers, ministers, and community members.

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remotely located DJS youth centers was \$958 in FY 2018. See DJS FY 2018 Data Resource Guide (p. 207), available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

<sup>6</sup> See, for example, Virginia Department of Juvenile Justice Transformation Plan 2018 Update, available at: <http://www.djj.virginia.gov/pdf/admin/Transformation%20Update%202018%20FINAL.pdf>

<sup>7</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014), available at: <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>

<sup>8</sup>Ryan Shanahan and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Available at: [https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy\\_downloads/family-engagement-juvenile-justice.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy_downloads/family-engagement-juvenile-justice.pdf)

<sup>9</sup> The hardware secure committed placement center for girls, Carter, is located on the eastern shore and the two hardware secure committed placement centers for boys are located in rural communities in Frederick County and Alleghany County. The three staff secure placement centers for boys are located in rural communities in Alleghany County and Garrett County.

- ❖ Reinstatement of home passes for all youth in placement.<sup>10</sup>

**Need for increased resources, individualized supports and evidence-based treatment:** All DJS placement sites utilize the same compliance-based behavior management program regardless of the individual needs of the incarcerated young people. Youth in DJS-operated placement facilities also lack regular opportunities to develop and practice skills and gain competencies through social, recreational and enrichment activities both on- and off-campus. Studies show that “the most effective interventions for reducing recidivism entail helping the youth learn new skills by participating in cognitive behavioral/therapeutic interventions, structured and specific skill-training, and opportunities to practice and demonstrate these new skills.”<sup>11</sup>

Rehabilitative and developmental needs can be met through the following:

- ❖ Adoption of an evidence-based treatment program that can be individualized to address the specific needs of each youth at a DJS placement site and comprehensive and ongoing training of direct-care staff on model implementation.
- ❖ Ensuring fidelity to a treatment model through regular monitoring and ongoing training to aid in program adherence.
- ❖ Incorporating trauma-informed care into the treatment model (beyond the 3-hour psychoeducational course which is currently offered to staff) with particular emphasis on operationalizing the principles of trauma-informed care to guide staff/youth interactions.
- ❖ Coupling treatment interventions with plentiful opportunities for normalization including regularly scheduled community outings, volunteering opportunities and career-related employment and education.
- ❖ Recognizing that the creation of a warm and nurturing environment is an essential component of a therapeutic milieu. Meeting the basic needs of youth is an integral component of a culture of safety, which is essential to the principles of trauma-informed care. Youth at DJS placement sites frequently have concerns about low quality food choices and hygiene products, small portions during meal times which leave them hungry during the day, and the lack of availability of barbering services on a consistent basis. Providing nourishing and filling meals and regular access to quality hygiene products and services can contribute to increased self-esteem and a sense of belonging and shift the culture of placement from being corrections-oriented to treatment- and service-oriented.

**Education:** “Lack of access to good schools and to jobs and employment most likely... contribute significantly to youth involvement in the criminal justice system.”<sup>12</sup> Furthermore, “the

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<sup>10</sup> In the past, home passes were integrated into the DJS committed program. However, starting in early 2018, administrators at DJS Headquarters placed an indefinite moratorium on home passes absent a court order.

<sup>11</sup> See Pennsylvania Juvenile Court Judges Division, Competency Development, available at: <https://www.jcjc.pa.gov/Balanced-Restorative-Mission/Pages/CompetencyDevelopment.aspx>

<sup>12</sup> See CLASP (June 2016), Realizing Youth Justice: Advancing Education and Employment through Public Policy and Investment, available at: <https://files.eric.ed.gov/fulltext/ED568163.pdf>

benefits of youth employment are well documented, especially for poor and low-income youth. Youth employment contributes to improved school attendance and education outcomes, especially for those students at risk of dropping out. Promising studies suggest that connecting youth to work can reduce involvement in the juvenile and criminal justice system.”<sup>13</sup> However, the current approach to education at DJS placement sites<sup>14</sup> prevents active student engagement and hampers academic and career success.

High school consists of four 90 minutes classes in core content areas. Elective course work is limited and students are not able to earn a high school diploma from a local school district while incarcerated at DJS-operated placement and detention facilities<sup>15</sup>. Opportunities for participation in career and technical education (CTE) courses are severely limited – there are a small number of periodically available short term courses such as CPR training, basic food handling hygiene, and construction site flagger. Internship and employment opportunities are unavailable. A DJS-operated initiative that employs some of the youth who have graduated high school to perform odd jobs a few hours a week around facilities for minimum wage has been suspended or discontinued.

DJS and MSDE JSES should collaborate to:

- ❖ Advocate for increased state funding and resources for education programs in the juvenile justice education system.<sup>16</sup>
- ❖ Provide appropriate academic variety during the school day by shortening the 90-minute class periods so that courses in, for example, art, music, foreign languages and P.E. (all of which are offered in community high schools) can be added to the current limited offerings. Advocate for reforms to existing laws to allow youth to earn a high school diploma from local jurisdictions while incarcerated. Allow youth to earn high school and community college credits simultaneously - such an option is offered to students in community high schools around Maryland.<sup>17</sup>
- ❖ Provide access to a robust CTE program in areas aligned with student interests, which include barbering, HVAC repair, automotive repair, culinary arts, nursing, construction, carpentry and computer-based skills.
- ❖ Foster employee readiness by allowing youth to engage in employment, internship, and professional volunteer opportunities in nearby communities. Due to the remote and rural location of the placement sites, transportation services for youth will have to be provided to access businesses and volunteer organizations in the nearest metropolitan area. Practical experience in job and career-related fields is

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<sup>13</sup> See CLASP (June 2016), *Realizing Youth Justice: Advancing Education and Employment through Public Policy and Investment*, available at: <https://files.eric.ed.gov/fulltext/ED568163.pdf>

<sup>14</sup> The provision of education services at DJS-operated facilities is the responsibility of the Maryland State Department of Education.

<sup>15</sup> Students at the DJS-licensed Silver Oak Academy can earn a high school diploma through the Carroll County school system.

<sup>16</sup> See JJMU letter to the Kirwan Commission, page 68 of this report

<sup>17</sup> For more information, see Maryland Community College, *College in High School* program, available at: <https://mdacc.org/programs-training/college-in-high-school/>

especially important for youth of color, who comprise the majority of the young people in DJS placement sites. One study specifically about outcomes for youth of color found that, “youth who are most prepared for employment have had work experiences where they had meaningful discussions with adults and peers and where they were exposed to the norms of real workplaces. Furthermore, they develop ease with talking to adults, which makes their nonverbal communication more open and accommodating, and indicates maturity.”<sup>18</sup>

- Finally, it is important to note that Silver Oak Academy (SOA) - a privately-run staff secure placement site licensed by DJS - offers a program model that incorporates evidence-based treatment (grounded in cognitive behavioral therapy) and high quality educational services (including a series of industry-recognized certifications) in a normalized, school campus-like environment. Silver Oak could serve as a model for DJS-operated placement sites.

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<sup>18</sup> See CLASP (June 2016), *Realizing Youth Justice: Advancing Education and Employment through Public Policy and Investment*, available at: <https://filesic.ed.gov/fulltext/ED568163.pdf>

## 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 72% of total entries during the first quarter of 2019 compared to 87% in the first quarter of 2018. Hispanic/Latino youth represented 11% of youth entries during the current reporting period compared to 8% during the same time last year.

<b>Victor Cullen – Selected Incident Categories</b>	<b>Q1 2017</b>	<b>Q1 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>28</b>	<b>31</b>	<b>22</b>
1. Youth on Youth Assault/Fight	10	14	15
2. Alleged Youth on Staff Assault	3	10	8
3. Physical Restraint	37	34	33
4. Use of Handcuffs and/or Shackles	29	35	27
5. Seclusion	9	1	4
6. Contraband	2	4	1
7. Suicide Ideation	3	8	2
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	2	0

## Population

The average daily population (ADP) at Victor Cullen in the first quarter of 2019 declined by 29% compared to the first quarter of 2018, while the number of incidents involving youth fights

and assaults and physical restraints remained at approximately the same level.<sup>19</sup> The use of mechanical restraints (handcuffs and/or leg irons) decreased by 23%. Reported instances of seclusion increased from one during the first quarter of 2018 to four during the first quarter of 2019.

### **Use of Seclusion**

Seclusion policy and procedures were not consistently adhered to by Victor Cullen administrators and staff during the first quarter of 2019. During unit rounds, a child advocate noticed four youth locked in their rooms during morning hours. Upon inquiry, the advocate discerned that the youth were locked in their rooms due to a physical altercation that occurred the evening prior. The superintendent stated during a subsequent interview by the Department's investigation unit (DJS Office of the Inspector General [OIG]) that he told staff that the involved youth should remain in their rooms, however he did not specify that youth doors should be locked. He acknowledged that "he should have given more clarity" and that the youth did not present an imminent threat to themselves or others at the time of their seclusion as required by DJS policy for an authorization of seclusion to occur.<sup>20</sup> Additionally, and also in violation of DJS policy, seclusion observation forms documenting that regular checks were being made on the youth by staff were not present while youth were on seclusion, and medical and mental health staff were not notified and did not assess the youth during their time in seclusion. Furthermore, a staffer on the unit was observed by the advocate backloging seclusion paperwork. When questioned by OIG, the staffer reported that an administrator had instructed the staffer to fill out the observation forms starting from earlier that morning.<sup>21</sup>

Staff should receive refresher training on seclusion policies and procedures to ensure that - if seclusion is used – the practice is conducted in accordance with policy and that proper safeguards are in place any time that a youth is placed in seclusion. Staff and administrators must never falsify documentation at any time.

### **Treatment**

The prison-like culture entrenched at Cullen is marked by persistent boredom, toxic youth/staff relationships, and the absence of an overarching evidence-based treatment and rehabilitation model. The facility continues to lack leadership and programmatic structure to establish and sustain stability. The superintendent at the facility recently resigned after less than a year on the job and, at time of writing, it appears that the position has been filled by an assistant superintendent.

The program at Cullen should be revamped with emphasis placed on establishing an overarching evidence-based, trauma-informed treatment model that is grounded in the tenets of positive youth development. The generic compliance-oriented points and level system that is

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<sup>19</sup> Youth fights and assaults increased by 1 (from 14 to 15) and physical restraints of youth by staff decreased by 1 (from 34 to 33).

<sup>20</sup> DJS seclusion related policies RF-01-07 and RF-02-07.

<sup>21</sup> The administrator denied telling the staffer when to start filling out observation forms.

currently in place creates tension and power struggles between youth and staff and fails to address the trauma and mental health needs often underlying problematic youth behavior.

Therapeutic elements should be combined with a rigorous academic curriculum that includes a robust career and technical education program which affords youth the opportunity to earn industry recognized certifications in high demand fields that are aligned with student interests. Opportunities for normalization, including the ability to volunteer, work, and attend college in nearby communities should also be incorporated into the program to build a foundation for youth success in the long term.

## **Staffing**

Staff training and qualifications play an integral part in the success of any rehabilitative effort.<sup>22</sup> The staffing situation – both in terms of training and quantity – at Cullen needs to be improved to help foster a more positive and stable climate. Currently, a substantial number of direct-care staff are on medical leave and, consequently, staffers showing up onsite are frequently drafted to work double shifts several days per week to ensure basic supervision ratio mandates are met. Forced overtime can cause staff burnout while sleep deprived and overextended staffers contribute to lapses in supervision and structure which can lead to an unsafe environment for youth and staff.

In addition to staffing issues with direct-care workers, there has been frequent turnover of mental health clinicians which impedes efforts to build rapport and trust with youth. All mental health positions at Cullen are currently vacant. Clinicians from other facilities have been asked to fill in gaps in mental health coverage. To comprehensively address staffing issues at Cullen (and at all DJS facilities), the Department should conduct an extensive staff assessment and employee morale survey to identify problem areas and develop strategies to increase staffing capacity and improve staff satisfaction and retention rates.

A long-standing disconnect in communication between DJS administrators and line staff has led to confusion, consternation and frustration among youth because of varying staff interpretations concerning program structure and inconsistent or contradictory imposition of rules and discipline on youth. The young residents at Cullen are attuned to the resulting lack of clarity and consistency - during the quarter, a youth remarked during a monitoring visit that “the rules change every day here.”

In Grievance 15445, a youth said he should not have lost daily behavior points which had been taken for sharing food, an infraction under the Department’s points and level system (which ultimately determines length of stay for a young person at a DJS placement facility). The youth’s point sheet documented the direct-care staffers reasoning, indicating: “You failed to earn points for allowing your peer to take food from your tray.”

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<sup>22</sup> McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016 (pgs. 24-27). Available at: NCJ 250142 <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

However, the youth contended that a peer actually took the food away from his tray without his assent. The youth later queried the staffer about the staffer's reasoning and the lost points and the staffer responded, "you should have got it back." The youth did not receive the points back and filed a formal grievance and subsequently met and explained to a DJS child advocate that he was concerned that attempting to get his food back would have led to a physical altercation and so jeopardized his progress in the program. The advocate investigated and reached different conclusions than the facility-based investigation. The Cullen superintendent restored the lost points to the youth after the advocate found in favor of the youth's assertions.

To foster a fairer and more cohesive staff approach, DJS administrators should model and ensure ongoing and structured training for staff in consistency and implementation of programming and should host regular staff meetings between administrators and front-line workers. With thoughtful leadership and modeling, staff and administrators can increase the emphasis on fostering a positive and healthy culture, rather than simply pushing to gain youth compliance with a set of facility rules.

DJS administrators and supervisors need to play an active role in teaching basic professionalism and cultural competence to staff to substantially enhance the level of constructive interactions with the young residents they are responsible for - as the situations described in the following paragraphs indicate.

In Grievance 15185, a youth reported that a dietary staffer used profanity toward the youth. After facility administrators conducted an internal investigation, they made a determination that dietary staff did not use profanity and that the youth had used profanity toward the dietary staffer. The youth reported that the finding against him by the administration was groundless and later told a DJS child advocate of the incident. The advocate subsequently conducted a separate investigation. The youth had asked the advocate to meet with a direct-care staffer who had witnessed the interaction. When interviewed by the advocate, the direct-care staffer reported that the dietary staffer said to the youth, "You're a real motherfucker," and that the youth responded by saying, "whoa, don't talk to me like that." According to the witnessing direct-care staffer, the dietary staffer also told the youth, "you disrespected me in front of everyone, so I talk to you how the fuck I want." The dietary staffer also addressed the direct-care staffer, saying, "You know, [direct-care staffer name], I forgot you were one of them" [i.e., empathetic with the young people at Cullen]. The direct-care staffer reported that he wrote out a witness statement about the whole incident and gave it to his shift commander. Cullen administrators subsequently denied ever seeing or receiving said witness statement.

Staff and youth interactions should be monitored by supervisors who seek to ensure that youth are being treated with professionalism, dignity, and respect. Unprofessional and overly authoritative relationships between youth and line staff can lead to anger, frustration, and can also stymie or overwhelm any effort by mental health staff to help youth overcome individual challenges and learn adaptive ways of thinking and behaving.

In Grievance 15211, a youth reported that he was given a Behavior Report (BR – a disciplinary sanction leading to loss of privileges and potentially to a lengthier stay) because he refused to hand over to a caseworker the book he was reading, “The Hate U Give.”<sup>23</sup> The caseworker told the boy that the book was not on the approved reading list and was therefore to be confiscated and given to the superintendent. Upon having his book confiscated, the youth stated in his grievance that the caseworker: “harassed me for reading a book [and] she wrote me a BR for not giving it to her because she said it wasn’t DJS approved ... I wasn’t bothering nobody so what’s wrong with me reading[?] I wasn’t bother[ing] nobody at all. I should be praised for trying to learn more stuff. It was about my history.”

Uninformed censorship or confiscation of reading materials represents an outdated approach based on power and control that is unlikely to assist in positively transforming youth attitudes about authority. Punishing a young person for possessing material he should be allowed (and even encouraged) to have illustrates a punitive and control-oriented approach over one that takes into account the supports and resources that young people need. In this situation, the punitive approach not only deprived a young person of an enriching and positive outlet, but it did so in a culturally insensitive way by denying access to material that was relevant to him and his experience. Most kids at Cullen – and in the juvenile justice system – are nonwhite youth from impoverished communities – DJS must ensure that staff who wish to work with youth at Cullen understand and practice the cultural humility necessary to the formation of constructive relationships. Cullen line staff, teachers and supervisors should be cognizant of culturally relevant topics and activities that are both constructive and popular with youth and can serve as educational catalysts. Staff should be trained and encouraged to utilize these interests to engage youth and spur conversation that lead to the development of analytical skills and personal growth for the young people in their care.

### **Minimum Length of Stay**

The Department of Juvenile Services recently began requiring youth to serve a minimum 6-month term of incarceration at Cullen before youth can be eligible for release. Youth who had completed all elements of the compliance-based program at Cullen and were slated to go home were informed that their length of stay had been arbitrarily extended. As a youth who had been nearing his release date remarked, “I don’t understand, I did everything they told me to do, why am I being punished liked this?”

Determinate sentencing is legally questionable within a juvenile justice system and is in direct contravention of the principles behind the existence of a juvenile justice system separate from the criminal justice system – namely the notion that young people involved with the juvenile court system deserve the opportunity for rehabilitative intervention rather than an approach that is exclusively punitive.

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<sup>23</sup> The Hate U Give is about a 16-year-old black girl “who is drawn to activism after she witnesses a police officer shooting her childhood friend.” The book received numerous awards including best debut book of the year for teens from the American Library Association, as well as the Coretta Scott King Award for best novel by an African American author for children.

Perception of fairness is critical to developing effective systems of accountability that youth respect and view as legitimate. The increase in lengths of confinement unrelated to any treatment goals and inclusive of youth already in placement contributes to a feeling among the incarcerated young people of being unfairly treated. National experts have noted that “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.”<sup>24</sup> Furthermore, “research demonstrates that longer lengths of stay in out-of-home placement do not necessarily produce better public safety outcomes for young people” and that “juveniles placed in state facilities for longer periods had higher rates of re-incarceration than those held for shorter periods.”<sup>25</sup> Moreover, extended lengths of stay come at an exorbitant cost to taxpayers without tangible public safety benefits.<sup>26</sup>

### **Quality of life issues**

Several quality of life issues were noted by youth incarcerated at Cullen during the quarter, including frequently finding hair in their food (Grievance 15240); the doling out of meager meal portions that leave youth feeling hungry during the day (Grievances 15286 and 15384); a lack of appropriate clothing and of proper hygiene supplies (Grievances 15415 and 15428); and a lack of available hot water during showering times.

Improving the availability and quality of basic necessities such as adequate nourishment, hot water for bathing, and replacement clothing as needed can help ameliorate the institutional surroundings at Cullen.

### **Family engagement**

Cullen is located far from where the families of most of the young people sent to the institution live. This distance makes efforts to initiate and sustain family engagement extremely difficult and many youth sent to Cullen never receive a single in-person family visit during the time they are incarcerated there. To mitigate the deleterious effects of placing youth far from home, family engagement policies should be substantially changed to facilitate opportunities for increased family contact.

During the quarter, a youth at Cullen filed a grievance after following the DJS request process to try and have his aunt be allowed to visit as she is a close family member and had been able to visit him while he was being held in secure detention prior to being sent to Cullen. The boy stated in his grievance, “we got the same last name and that’s my father’s sister.” The

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<sup>24</sup> Robert F. Kennedy National Resource Center for Juvenile Justice, Developmental Approach to Juvenile Justice Reform, available at: <https://rfknrcjj.org/our-work/adolescent-brain-development/>

<sup>25</sup> See National Council of State Legislators, Principles of Effective Juvenile Justice Policies, January 2018, available at: [https://comm.ncsl.org/productfiles/108957002/Juvenile\\_Justice\\_Principles\\_NCSL.pdf](https://comm.ncsl.org/productfiles/108957002/Juvenile_Justice_Principles_NCSL.pdf)

<sup>26</sup> It costs more than \$1000 a day to house a youth at Cullen. See DJS Data Resource Guide p. 207 available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

youth's request was denied and, in formal response to his grievance, his case manager noted: "He has never given a reason for special approval. He is unwilling to accept NO for an answer." (Grievance 15412).

Claims that the Department is invested in promoting family engagement do not hold water. Youth incarcerated far from home should not have to jump through time consuming bureaucratic hoops and beg indulgence with justifications as to why supportive individuals should be allowed to visit.

Changes in DJS practice (and policy, if required) to allow for adequate family contact for youth in placement should include:

- Increasing the duration and number of phone calls beyond the current allotment of just two 10-minute phone calls per week
- Expanding the list of eligible visitors to include supportive relatives and positive role models in a youth's life, including immediate and extended family members, mentors, teachers, ministers, and community members.
- Increasing the number of visitation days and hours beyond two hours on two specified days of the week, and offering flexible visitation schedules for visitors
- Providing direct and consistent transportation services to visitors

## **Education**

Education and employment readiness are essential tools in reducing recidivism. "Life-course criminological research has found that youth must cross several critical developmental 'bridges' on the path to maturing out of delinquent behavior, with....career path employment" being one of the most important.<sup>27</sup> Unfortunately, Cullen offers the young people incarcerated there few pathways to academic success and even fewer to career success.

The high school curriculum involves four 90-minute courses in core content areas with few opportunities for social-emotional or project-based learning. Block scheduling is not used efficiently and the reality observed during monitoring visits over the course of several years is that students usually complete lessons and worksheets for the first half hour to 45 minutes of class and spend the rest of the classroom time unengaged in education-related activities. Advanced placement and elective courses are unavailable.

Several youth at Cullen have passed the GED and they were enrolled in a DJS-operated initiative called World of Work that involved youth performing odd jobs around the facility for minimum wage. The initiative has been suspended or discontinued by administrators at DJS headquarters. As a result, youth who have graduated high school now sit around with nothing constructive to do during school days.

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<sup>27</sup> See 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>

A small number of introductory level, substantively limited and short-term career and technical education courses in areas such as CPR, construction site flagger, and ServSafe (basic food handling) are intermittently available to youth in Cullen and at the other DJS placements. Because these are the same short courses offered intermittently to youth in DJS secure detention facilities, many of the students at Cullen have already gained these basic certifications prior to being placed there. Additionally, students who have earned the certifications do not have any opportunity to apply their skill and knowledge through employment or internships outside or even inside the institution, nor do they have the option to enroll in more advanced level courses that build on the basic offerings.

Long-term, hands-on career and technical education courses leading to industry recognized certifications (in areas such as construction, culinary arts, computer science, telecommunications and media, barbering, automotive technology and HVAC servicing and repair) are unavailable to young people at state-operated placement and detention institutions where the Maryland State Department of Education (MSDE) is responsible for schooling services. Partnerships with local community and business organizations and education- and training-related entities should be initiated and cultivated by DJS and MSDE so that the young people incarcerated at Cullen have opportunities to gain knowledge and experience in various fields of endeavor.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

## Savage Mountain

The Savage Mountain facility, located in Allegheny County, is a Department of Juvenile Services (DJS/the Department) owned and operated hardware secure (locked and fenced) committed placement center for boys with a DJS-rated capacity of 24. African American youth represented 100% of entries during the first quarter of 2019.

Savage Mountain	Q1 <sup>28</sup> 2017	Q1 <sup>29</sup> 2018	Q1 2019
<b>Average Daily Population (ADP)</b>			<b>7</b>
1. Youth on Youth Assault/Fight			1
2. Alleged Youth on Staff Assault			0
3. Physical Restraint			12
4. Use of Handcuffs and/or Shackles			4
5. Seclusion			0
6. Contraband			1
7. Suicide Ideation			1
8. Suicide Attempt			0
9. Self-Injurious Behavior			0

Savage Mountain was under renovation from September 2017 to December 2018 to convert the physical plant from a staff secure (not locked and fenced) youth center to a hardware

<sup>28</sup> Savage Mountain operated as a staff secure facility during the first quarter of 2017. Incidents numbers for the original four staff secure youth centers for the first quarter of 2017 are combined and represented in the youth centers report on page 19.

<sup>29</sup> Savage Mountain was closed for renovation to convert the physical plant to a maximum security facility until December of 2018.

secure (maximum security - locked and fenced) placement site. The facility was re-opened in mid-December 2018 despite significant security issues, including the following:

- Lack of fencing around the generator and transformer
- Lack of fencing around the gatehouse where controls for the magnetic locks to doors throughout the facility are located. While this fencing is being completed, youth have not been allowed outside except during line movement from one building to another
- Lack of a sprinkler system in the dorms
- Lack of ligature resistant<sup>30</sup> bathroom fixtures
- Lack of doors on cells (pictured below)



Savage Mountain was assigned a new superintendent upon re-opening. Particular attention should be put on fostering a positive culture and a collaborative working relationship between leadership and supervisory and direct-care staff.

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<sup>30</sup> Ligature resistant is defined as “without points where a cord, rope, bedsheet, or other fabric/material can be looped or tied to create a sustainable point of attachment that may result in self-harm or loss of life.” See Suicide Prevention in Health Care Settings, (2017) available at: <https://www.jointcommission.org/issues/article.aspx?Article=GtNpk0ErgGF%2B7J9WOTTkXANZSEPXa1%2BKH0%2F4kGHCiio%3D>

The program at Savage Mountain consists of the same generic and compliance-oriented points and level system in use at all DJS-operated placement and detention sites for incarcerated boys and girls. There is a dearth of physical and enrichment activities to keep youth occupied at Savage Mountain. Youth do not have access to outdoor recreation due to DJS-imposed restrictions on their movement related to the incomplete construction projects described earlier. There are plans to create a fenced-in outdoor basketball court, however, construction has yet to commence. Opportunities for normalization through community outings and access to wilderness-based activities in the surrounding area are nonexistent.

Family engagement is also severely limited as phone calls are restricted to two 10-minute calls per week and two-hour visitation blocks twice a week. This limitation is further compounded by the fact that the center is located in a rural area many hours from where the majority of the youth in the facility come from, making visitation extremely difficult for most family members. The Department does not provide transportation services to families who need help to access the facility and many youth spend months in placement without seeing their loved ones. Previously, kids in DJS committed placement facilities could earn home passes based on staff and administrators' assessment of their behavior. However, administrators at DJS headquarters unilaterally discontinued the practice in early 2018. The Department will make exceptions but only to comply with a court order directing that a youth in a DJS-operated placement be allowed to go on home visits.

The expenditure of fiscal resources to fortify the security apparatus of a corrections-oriented congregate facility located far from youth communities has not enhanced Maryland's approach to rehabilitating young people and, in fact, represents an ineffective and outdated practice in juvenile justice. The state should invest resources and expertise in phasing out facilities such as Savage Mountain in favor of a regionalized continuum of home- and community-based (residential and non-residential) programs and services at various security levels, including the development of smaller therapeutic, home-like residential centers located close to youth homes and families for high-risk youth needing out-of-home placement.

Partnerships with juvenile justice experts who are cognizant of the "fiscal, logistical and political challenges inherent in transforming public systems and improving outcomes for youth people"<sup>31</sup> can help assist in the creation of a more effective and humane juvenile justice system in Maryland.

For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

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<sup>31</sup> See Youth Correctional Leaders Launch Campaign to Close Youth Prisons, available at: <https://www.aecf.org/blog/youth-correctional-leaders-launch-campaign-to-close-juvenile-prisons/>

### Youth Centers x3

The youth centers, located in remote western Maryland, consist of three separate staff secure (not fenced and locked) facilities for boys.<sup>32</sup> 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); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 71% of total youth entries in the first quarter of 2019 compared to 70% in 2018. Latino/Hispanic youth represented 13% of total youth entries in the first quarter of 2019, an increase of 3% compared with the same period in 2018.

<b>Combined Youth Centers (x3) – Selected Incident Categories</b>	<b>Q1 2017<sup>33</sup></b>	<b>Q1<sup>34</sup> 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>113</b>	<b>83</b>	<b>83</b>
1. Youth on Youth Assault/Fight	27	48	24
2. Alleged Youth on Staff Assault	3	10	5
3. Physical Restraint	122	176	54
4. Use of Handcuffs and/or Shackles	41	36	11
5. Seclusion	0	1	0
6. Contraband	6	9	3
7. Suicide Ideation	11	21	7
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	1	1

<sup>32</sup> Savage Mountain was previously a staff secure facility that has been converted to a hardware secure (maximum security) facility. Savage Mountain was closed for renovation from September 2017 to mid-December 2018. For information on Savage Mountain, please see page 16 of this report.

<sup>33</sup> Savage Mountain is included in the Q1 2017 population and incident categories column because it was a staff secure facility at that time.

<sup>34</sup> Data from Q1 2018 and Q1 2019 were derived from the three staff secure youth centers: Green Ridge, Meadow Mountain, and Backbone Mountain.

Average daily population was the same (83) over the first quarter of 2019 and the first quarter of 2018. Comparing the same two time periods, youth fights and assaults decreased by half; physical restraints of youth by staff decreased by 69%; and staff use of mechanical restraints (handcuffs and/or leg irons) on youth inside the three facilities also decreased by 69%.

### **Physical Plant at Backbone Mountain**

The entrance to Backbone Mountain Youth Center crosses a heavily trafficked road frequently utilized by logging trucks. The entrance to the road is not visible during inclement weather. Vehicles turning into or exiting out of Backbone and onto the roadway are at risk of being hit by oncoming traffic. In addition to lights and reflective material on the marquee, the Department should ensure that a separate flashing light or a signal is installed at the entrance of Backbone Mountain to help prevent accidents and potential injury to youth or staff.

### **Meadow Mountain Youth Center**

During the quarter, a youth alleged in court that black youth are treated differently than white youth at Meadow Mountain Youth Center. The court ordered DJS to investigate the allegation of disparate treatment. In response, DJS child advocates interviewed several youth about their experience at Meadow Mountain. The young people's comments and observations, highlighted below, illuminated several areas in need of improvement in the programming available to youth, both at Meadow Mountain and at the other youth centers. The Department should proactively conduct a similar investigation at the other youth centers (and at Savage, Cullen, and Carter) in an effort to promote a culturally sensitive, respectful, and safe facility environment for all kids and staff.

#### **Lack of consistency and structure**

Several youth at Meadow Mountain noted a lack of consistency in maintaining structure, holding youth accountable, and treating youth equitably:

- “the facility is loose, youth are allowed to enter [my] group's section and engage in horseplay and staff are inconsistent with enforcing the rules”
- “some youth can get away with things that others can't”
- “all youth are not treated the same [by staff]”
- “[staff are] inconsistent with enforcing rules”
- “some staff are racist and it's hard to tell sometimes where the staff are coming from”
- “[staff] show favoritism”
- “kids who constantly do wrong are rewarded [by staff] more than kids who constantly do good...kids who act out get treated better than kids who are doing good most of the time”

Some youth attributed the lack of consistency in staff decision-making to racial bias, while others believed youth who “acted out” received preferential treatment from staff in comparison to youth who followed the rules most of the time.

Administrators at Meadow Mountain should work to establish a more structured environment and ensure that youth are treated fairly by staff given that youth perception of reasonable and dignified treatment is associated with “several important features of prosocial development, including moral development, belief in the legitimacy of the law, and the legal socialization process generally.”<sup>35</sup>

### Problematic Youth/Staff Interactions

Youth consistently reported use of profanity by staff and commented that staff are frequently unhelpful and at times display demeaning attitudes toward the young people in their care:

- “[staff are] just doing their job and not really helping youth”
- “staff sometimes bring their personal issues into the facility and won’t get the youth things they need simply because they don’t feel like it”
- “some staff are there to help while others have poor attitudes”
- “some staff use profanity”
- “sometime staff don’t really listen”
- “some staff treat youth in a disrespecting or insulting way. They use profanity toward youth and threaten youth”
- “a kid in my group gets called retarded [by staff] because of his drug history”
- “[the staff] make fun of you. [The staff] curse at you”

A generic compliance-based points and level system comprises the bulk of the program at the youth centers (and at all DJS-operated committed placement institutions) and this one-size-fits-all approach is supposed to guide staff and youth interaction and ultimately determines length of stay for incarcerated youth.

Rather than prepare staff for constructive and therapeutic interactions with young people, this deeply flawed behavior management system foments power struggles and fosters antagonism between them:

- “[staff] threaten youth with point loss or a BR [a disciplinary report leading to loss of privileges and potentially longer stay] even when youth try to talk to staff about it”
- “staff take points for dumb things”
- “[staff do] nothing to reward positive behavior”
- “the other day [youth name] asked another youth if he could see his cards. The teacher told him to put them down and he did but he still lost points”
- “staff try to get [youth] in trouble for little things”
- “sometimes youth are caught doing good [by staff] but [are] not rewarded”

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<sup>35</sup> Robert F. Kennedy National Resource Center for Juvenile Justice, Developmental Approach to Juvenile Justice Reform, available at: <https://rfknrcjj.org/our-work/adolescent-brain-development/>

- “[I] can’t go off grounds [because I have] long hair “

The vagaries of the behavior management system are exacerbated by inconsistent application from day-to-day and from staff-to-staff. Youth frequently lose points for non-compliant but innocuous behaviors. Point loss (and the threat of extended length of stay that can be the result) is used as a method of exerting control and power by some staffers. Positive behavior is not proactively or consistently recognized and the behavior management system does not include therapeutically-grounded concepts or principles designed to support youth rehabilitation and healing.

Similar sentiments concerning relationships between youth and staff have been voiced by youth at other DJS placement sites, which all utilize the same compliance-oriented approach rather than a treatment-based model. For example, during the reporting period, a youth at another youth center noted that his points were taken for not being in “parade rest”<sup>36</sup> during line movement (Grievance 15258).

The current system should be replaced with a trauma-informed and evidence-based treatment model grounded in the principles of positive youth development so that therapeutic goals define youth progress through the program. Staff training should be extensive, ongoing, and designed to prepare all direct-care workers to interact constructively and therapeutically with the young people in their care. Fidelity to the chosen evidence-based program model must be consistently monitored to ensure it is being applied accurately and fairly. Studies show that treatment approaches based on cognitive behavioral therapy – particularly those employed in normalized environments – are particularly effective.

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.<sup>37</sup> [emphasis added]

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<sup>36</sup> For the meaning of the military term “parade rest,” see, for example, <https://www.military.com/join-armed-forces/understanding-stationary-drill.html>

<sup>37</sup> 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://csgjusticecenter.org/youth/posts/critical-elements-ofjuvenile-reentry-in-research-and-practice/>

The quality of staff interactions with youth would also benefit from increased direct-care staffing and a greater presence of mental health professionals to support DJS direct-care staffers. Staffing challenges – including hiring and retaining direct-care workers and mental health clinicians – are fueled, in part, by the remote location of the facilities which can make it difficult to attract and secure well-qualified applicants.

A significant proportion of direct-care staffers call out sick or are out on leave on any given day. Staff on grounds are required to make up for the absentees so that facilities meet minimum ratio requirements. The result is that the facilities frequently function with a skeleton crew and workers consistently onsite end up feeling overextended and burned out from working numerous forced double shifts [16 hours at a time] every week. Additionally, many youth at the centers have a history of intensive trauma and face significant behavioral and mental health challenges. Current staffing ratios do not allow direct-care workers time to provide individualized attention to the young people in their care or time to work creatively and constructively with youth. It should also be noted that mental health staff shortages limit the availability of qualified clinicians to provide onsite support to youth and direct-care workers outside of normal business hours.

To begin to substantially address long-standing issues with staffing, ratios should be increased to a minimum of one staffer for every four youth and a supervisor and rover should be assigned to each shift to facilitate operations. Mental health staffing at each center should be increased to ensure at least one clinician is on-site and available during waking hours seven days of the week. Each center should also have a mental health supervisor to provide support and supervision for clinicians.

#### Lack of activities

A recreation specialist position that has been vacant for over a year at Green Ridge youth center should be filled without further delay.

The youth surveyed at Meadow Mountain youth center reported a lack of constructive and engaging activities that could help build pro-social skills and develop other competencies to reduce downtime, boredom, anxiety and aggression levels. Youth grievances filed from Green Ridge and Backbone youth centers noted a lack of activities during non-school hours (Grievances 15383, 15314, and 15383). Research has shown that adolescents who “participate in organized activities are less likely to engage in criminal and delinquent acts, less likely to be violent and aggressive, less likely to misuse alcohol and marijuana, and less likely to drop out of school.”<sup>38</sup> Fostering positive adolescent development through recreational, volunteer, and enrichment opportunities in the nearest community and on campus should be prioritized at the youth centers and every other DJS placement.

Activity planning should take into account youth interests. For example, youth at each of the youth centers have requested weight equipment and personal music players to help them

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<sup>38</sup> Witt, Peter & Caldwell, Linda (2010), The Rationale for Recreation Services for Youth: An Evidenced Based Approach, available at: <https://www.nrpa.org/globalassets/research/witt-caldwell-full-research-paper.pdf>

deal with the frequent boredom during their incarceration, however these suggestions have not been implemented by facility administrators.

### Lack of Family Engagement

The youth center facilities (and the other DJS-operated committed placement centers) are located in rural locations several hours or more from the homes and communities of most of the youth. Nevertheless, visitation is limited to two-hour increments on the weekends and transportation assistance for families in need is unavailable. Many youth at the youth centers (and the other DJS operated committed placement centers) spend several months without seeing loved ones due to physical and bureaucratic barriers to family involvement and engagement. For those young people, phone time (two 10-minute calls a week) with relatives are their only link to their home communities.

Earned home passes were a scheduled part of DJS committed programming in the past. However, in early 2018, administrators at DJS headquarters - unilaterally and without adequate explanation - discontinued the practice, except in situations where a court orders that a youth to participate in a home pass.

In surveys and written grievances (for example, Grievance 15371), youth note a need to increase the amount and duration of phone calls to family members and to reinstate home passes so that they can maintain at least a minimal level of contact with their family and community. Home passes also help effectuate a smooth transition back to home communities for youth incarcerated in DJS placement facilities.

### Education

Education services in DJS facilities are the responsibility of the Maryland State Department of Education, through its Juvenile Services Education System division (MSDE JSES). The majority of the students in these schools are young people of color and many of them have been exposed to significant trauma. Teachers and administrative staff should receive extensive training on creating trauma-informed classrooms and employing culturally responsive teaching strategies to help their students learn. One teacher interviewed during the survey conducted at the Meadow Mountain youth center opined that she had problems with following the curriculum because the content included descriptions or discussion of topics related to race and culture. The instructor commented that, "many of the novels chosen for the curriculum deal with race, such as *To Kill a Mockingbird*, and those books 'get the kids stirred up' and upset." According to the educator, "these books cause too many issues in the classroom." Leadership at MSDE should ensure that JSES teachers receive training and support to appropriately and thoughtfully implement high school curricula in their classrooms in a way that appreciates, respects and responds to the abilities, interests and needs of students and their experiences and cultural background.

High school classes consist of four content area courses with each class running 1.5 hours. In theory, this type of block scheduling can provide time for in-depth instruction. The reality in MSDE JSES classes - as reported by staff, teachers, and students and as observed over time by monitors - is that youth typically complete lessons and worksheets within approximately 30 to 45 minutes and spend the remainder of class time watching videos, socializing, or sleeping.

The organization of classes by living unit rather than grade level also makes it difficult to lead course activities that engage students as a whole and accurately address their academic levels.

The development of robust CTE programs should be a priority for DJS and MSDE JSES. As one youth stated during a monitoring visit, "give me something useful that can help me when I get home." If classes were appropriately shortened, a greater variety of CTE courses could be incorporated into the school schedule.

Youth incarcerated in DJS facilities appear enthusiastic about and highly motivated to gain work- and career-related tools and expertise and want a chance to attain marketable skills, trades and certifications that will help them secure employment. However, in addition to protracted class times and a lack of variety in course work, there is a dearth of substantive career and technical education courses leading to industry recognized certifications. Certificates in short-term courses such as CPR, ServSafe, and Construction Site Flagging, are offered to youth in placements on a sporadic basis. These courses are also offered in detention, and many youth arrive at the youth centers (and other DJS placements) having already completed them. Opportunities to apply any skills gleaned from these courses through employment, internship or volunteer opportunities are nonexistent for youth in DJS-operated facilities but should be a central component of the time young people spend in committed placement.

World of Work, a modest initiative previously offered by DJS enabled some high school graduates to earn minimum age for completion of odd jobs inside some facilities if there were direct-care staff available to supervise them. Opportunities to participate were spotty and inconsistent because of staffing constraints and a lack of available chores. During the first quarter, one youth at Meadow Mountain Youth Center was enrolled in the program while several others wanted to participate, however, the staffer responsible for conducting interviews for the initiative was not available for three months (Grievance 15370).

At time of writing, the World of Work program has been indefinitely suspended or discontinued by administrators at DJS headquarters. Youth placed at DJS institutions should be able to work and volunteer in communities near the youth center facilities and, at a minimum, the World of Work should be reinstated and be made more widely and consistently available.

For more information on education services in DJS facilities, see the MSDE JSES section which begins on page 63.

## Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth committed to SOA through DJS represented 84% of entries during the first quarter of 2019 compared to 96% during the same period in 2018.

SOA – Selected Incident Categories	Q1 2017	Q1 2018	Q1 2019
<b>Average Daily Population (ADP)</b>	<b>58</b>	<b>33</b>	<b>42<sup>39</sup></b>
1. Youth on Youth Assault/Fight	11	23	15
2. Alleged Youth on Staff Assault	0	1	7
3. Physical Restraint	8	17	17
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	7	7	7
7. Suicide Ideation	0	1	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population of youth placed at Silver Oak increased by 27% in the first quarter of 2019 when compared to the first quarter of 2018. Comparing the same time periods, youth fights and assaults decreased by 35%. The number of incidents which included staff use

<sup>39</sup> During the third quarter of 2018, SOA began accepting youth from jurisdictions outside of Maryland. The ADP listed for the first quarter of 2019 was provided by SOA and includes youth at the facility that were committed through both DJS and out-of-state agencies.

of physical restraints on youth did not change. Alleged youth on staff assaults increased substantially (from one to seven).

Youth and staff interactions and staff supervision of youth should continue to be closely monitored and evaluated by administrators to aid in ensuring safety. In Incident 156253, a supervisor confronted a youth after staffers prevented the youth from fighting another resident. The supervisor then physically restrained the youth, placed him in a seated position with his legs out in front of him, and applied forceful pressure to the youth's back. The youth turned red in the face and other staffers reported that the youth indicated several times that he couldn't breathe. Nearby staffers intervened and worked to de-escalate the youth. Carroll County Child Protective Services investigated the supervisor's actions and he was indicated for abuse. The supervisor no longer works at the facility.

In Incident 156801, youth were allowed to enter and exit each other's sleeping quarters and a youth entered another youth's room to assault him. While staffers were posted on the unit, they were not paying attention to what was occurring inside the rooms. Greater attention to youth location and movement by staff can help prevent incidents involving aggression.

### **Treatment Program**

The treatment program at Silver Oak is grounded in cognitive behavioral therapy and positive youth development. Normalization opportunities are abundant and integrated into campus life. Youth participate in sports competitions with surrounding schools and have regular access to volunteer, work and enrichment activities in nearby communities. They are offered a rigorous high school curriculum and a variety of career and technical education (CTE) programs leading to industry certifications, including barbering, nursing, culinary arts, and construction. Extracurricular activities such as ROTC and courses such as podcast creation are available during after-school hours.

Family involvement can play a pivotal role in youth success<sup>40</sup> and families are invited and expected to be involved in counselling sessions with youth at Silver Oak. However, family engagement through regular visitation is limited. While families can visit youth during athletic games and tournaments and for special events, regular visitation is limited to one weekend day per month. Silver Oak Academy should incorporate more opportunities for family engagement to complement its robust rehabilitative program. Youth visitation at DJS-operated placement sites is also overly restrictive but families are permitted two hours visitation twice per week. The visitation schedule at Silver Oak should - at a minimum - allow for similar visitation privileges.

Phone calls are also limited to two 10-minute phone calls per week that must be placed during the weekend (Saturdays and Sundays). Several youth reported that having flexibility to call their parents during the week could assist them in staying on track with the program and

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<sup>40</sup> Vera Institute of Justice, "Family Engagement in the Juvenile Justice System." Available at: <https://www.vera.org/publications/family-engagement-in-the-juvenile-justice-system>

help sustain their motivation. Some youth also indicated that calls placed during the week were preferable due to their parents' work schedules. In addition to individualizing the timing of phone calls in response to differing family circumstances, the number and duration of phone calls should be increased to allow for more family contact.

Several youth with young children reported difficulty with maintaining bonds with their children while at Silver Oak and requested parenting resources to help them become more involved and responsible fathers. Treatment resources should be expanded to include parenting classes, family therapy, and regular opportunities for fathers to connect with their children.

### J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter), located on the eastern shore, is a maximum security committed placement center for girls. Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 14 girls. African American youth represented 58% of total youth entries to Carter during the first quarter of 2019, compared to 45% during the same period in 2018.

<b>Carter – Selected Incident Categories</b>	<b>Q1 2017</b>	<b>Q1 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>10</b>	<b>6</b>	<b>7</b>
1. Youth on Youth Assault/Fight	5	0	0
2. Alleged Youth on Staff Assault	1	0	3
3. Physical Restraint	9	5	7
4. Use of Handcuffs and/or Shackles	0	1	2
5. Seclusion	8	1	2
6. Contraband	0	0	0
7. Suicide Ideation	1	1	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	2	0

The average daily population of youth at Carter during the first quarter of 2019 increased by one, from six to seven compared to the first quarter of 2018. There were no youth on youth fights or assaults at Carter during the first quarter of both 2018 and 2019, however alleged youth on staff assaults increased (three occurrences in the first quarter of 2019). There were seven instances where staff physically restrained youth; two incidents of seclusion and two uses of

mechanical restraints (handcuffs and/or leg irons) within the facility; and there was one report of suicide ideation during the current reporting period.

The program at Carter lacks a gender responsive model of rehabilitation to help girls effectively overcome their challenges. Extracts from a recent DJS report on girls in the juvenile justice system offer the following observations:

Guiding principles of gender-responsive services identified in the literature include: (a) a focus on safety (physical and emotional) given the common history of trauma and abuse; (b) the recognition of the importance of relationships and the relational nature of female development; (c) attention to cultural values and cultural competence; (d) the use of a strengths-based approach to develop competencies and confidence; (e) the adoption of an holistic approach rather than symptom or problem-based; (f) a focus on physical and mental health well as substance use; and (g) the recognition of the importance of family relations and the resolution of family conflict.<sup>41</sup>

### Physical and Emotional Safety

In Incident 156196 during the first quarter, a male staffer failed to realize that he was triggering a stress response in a youth and continually antagonized her. The staffer engaged in verbal confrontation with the youth as he exited a school classroom and the youth subsequently became agitated. The youth reacted by throwing a plastic trash can outside the classroom door toward where the staffer was located. She also grabbed a folding chair and walked toward the classroom door. When another (female) staffer entered the room and re-directed and verbally processed with the youth in a calm manner, the youth placed the chair down.

The male staffer remained standing outside the door and the youth become agitated as she saw him. She picked up the chair again and threw it in the direction of the male staffer. The male staffer then entered the classroom and the youth's agitation escalated. She threw the chair at the staffer again. The staffer responded by picking up the chair and lifting it over his head in a threatening manner. Other staff deterred the staffer from throwing the chair.

Throughout the incident, colleagues informed the male staffer that he was a trigger for the youth and should leave the area. The male staffer left the classroom but then forced his way back after the youth threw a piece of paper at him. The youth began trying to throw other objects in the classroom at the male staffer as the female staffer attempted to continue to verbally de-escalate and re-direct the youth. A teacher then physically guided the male staffer out of the classroom, and the youth became calm and sat down in a chair.

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<sup>41</sup> See Maryland Department of Juvenile Services, Services for DJS-Involved Girls, January 2019, pgs. 2-3, available at: <https://djs.maryland.gov/Documents/publications/DJS-Services-DJS-Involved-Girls-Jan-2019.pdf>

The male staffer returned shortly afterwards carrying mechanical restraints and again approached the youth. The youth and the staffer began tussling and during the course of the scuffle, the staffer placed the youth in a chokehold while other staffers attempted to physically pull the staffer off the youth. The male staffer brought the youth to the ground. As the male staffer kept the youth on the ground, the youth stated she couldn't breathe.

Other staffers intervened to take over the restraint while the supervisor, who had arrived at the scene, handed the male staffer mechanical restraints (rather than handing the restraints to the female staffer who was present), which further agitated the youth. The youth started flailing and the female staffer intervened to place the mechanical restraints on the youth. The youth was then guided outside the classroom.

A significant number of girls in the deep end of the Maryland juvenile justice system have experienced sexual and physical trauma. According to DJS data, approximately 41% of girls have been physically and/or sexually abused.<sup>42</sup> Despite the high prevalence of exposure to trauma, direct-care staff do not receive an appropriate level of training in implementing a trauma-informed approach in their interactions with youth.

Direct-care staff and supervisors should receive extensive training in identifying youth triggers and accommodating and implementing individualized trauma-informed interventions and coping strategies (rather than relying on or resorting to physical and mechanical restraints) to help youth manage symptoms of anxiety.

### Positive Relationships, Mental Health and Substance Abuse Needs, and Family Relations

A majority of girls in the deep end of Maryland's juvenile justice system also have moderate to high mental health needs and family-related needs.<sup>43</sup> The treatment program at Carter is not individually tailored to meet the needs of girls in the system but rather consists primarily of the same compliance-oriented behavior modification program used in DJS committed facilities for boys. Youth receive points when they follow directions and redeem the points once a week for incentives which consist primarily of name brand hygiene products and snacks. Youth deemed to be in violation of certain rules are issued behavior reports (disciplinary reports) which can extend their length of stay. The young people at Carter say that there is not a treatment program there which fosters individual healing and growth – instead they perceive the focus of the program as compliance oriented and focused on adherence to a series of minor and major behavior rules. Youth are also concerned that many staff use behavior reports to pressure youth to follow all directives or risk a longer stay at the facility. Several girls mentioned that they would prefer to go back and “serve time” in a detention center nearer their community because “the staff care more;” “it is closer to my family;” and “there are more activities.”

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<sup>42</sup> See Maryland Department of Juvenile Services, Services for DJS-Involved Girls, January 2019, pg. 56, available at: <https://djs.maryland.gov/Documents/publications/DJS-Services-DJS-Involved-Girls-Jan-2019.pdf>

<sup>43</sup> Ibid.

The compliance-centered and generic approach at Carter makes it difficult to individualize treatment based on the individual strengths and needs of youth. For example, a youth with a history of severe substance abuse was housed at Carter during the quarter due to a lack of available residential substance abuse services in the state. Rather than receive intensive substance abuse treatment through the utilization of outside experts and resources, the girl languished first at the Waxter detention center and then was sent to Carter where she turned eighteen. Her parents were then able to find appropriate treatment for her by enrolling her in a residential drug treatment facility for adults.

Carter is located on the eastern shore which makes it difficult for families to be involved in their child's treatment since it is far from many youth homes and communities. As a result, clinical issues surrounding family-related dynamics are not properly addressed. DJS visitation and family contact policies further hamper family engagement. Phone calls are limited to two 10-minute calls per week (the same as in DJS-operated detention centers) and visitation is limited to two-hour increments twice per week. Home passes were previously incorporated as a part of the program plan and served as an important transition tool and incentive for the young residents. However, all home passes at all DJS-operated facilities were revoked indefinitely (absent a court order) as of early 2018 by administrators at DJS headquarters.

Changes in DJS practice (and policy, if required) to allow for adequate family contact for youth in placement at Carter should include:

- Providing regular transportation for families to allow them to be actively engaged in their child's treatment and to foster family engagement;
- Increasing the duration and number of phone calls beyond the current and grossly insufficient allotment of two 10-minute phone calls per week;
- Expanding the number of visitation days and hours and offering flexible visitation schedules for working parents;
- Expanding the list of eligible visitors to include supportive relatives and positive role models in a youth's life, including immediate and extended family members, mentors, teachers, religious leaders, and community members; and
- Reinstating the use of home passes to facilitate youth re-entry and normalization.

### Developing competencies

Girls at Carter have few opportunities for normalization through community recreation, volunteer, employment and enrichment activities. Meaningful engagement in community-based activities such as volunteering can help build social and career skills and enhance self-esteem and self-competency. Resources from neighboring communities should be utilized to help facilitate programming both inside and outside the facility. The facility is in the resource rich college town of Chestertown and yet the young people held at Carter are afforded little or no opportunity to interact with the surrounding community.

Education services at Carter are the responsibility of the Maryland State Department of Education, through its Juvenile Services Education System arm (MSDE JSES). The school at Carter consists of four classes held for an hour and a half each in core content areas. The variety of course work available in local schools through elective courses such as art and physical education is not available. Substantive career and technical education courses leading to industry recognized certifications are also lacking. Certificates in short-term courses such as CPR and ServSafe (a basic food handling hygiene course) are offered to youth in placements such as Carter on a sporadic basis. These courses are also sporadically offered in detention, thus many youth arrive to Carter having already received these basic trainings. Opportunities to apply any skills gleaned from these courses through employment, internship or volunteer opportunities are nonexistent for youth in DJS-operated facilities, including Carter.

Creative suggestions offered by youth should be welcomed and acted upon by administrators. For example, a youth with a ServSafe certification suggested cooking family style meals using the small kitchen that is utilized for ServSafe courses at Carter in exchange for compensation. This suggestion is particularly relevant given ongoing complaints and issues concerning the quality and portion size of the meals which are currently prepared offsite and delivered by an outside vendor.

Administrators at Carter should be delegated the necessary authority and given flexibility to craft the program to more closely match the needs of girls incarcerated at the facility. DJS and MSDE JSES should ensure that the program significantly improves with the following goals in mind:

- Specialized and intensive staff training on a gender-responsive, evidence-based and trauma-informed model of care that places emphasis on building therapeutic rapport with youth;
- Individualized treatment interventions tailored to each girl's unique life circumstances, strengths, and areas in need of healing and growth;
- A robust array of opportunities for education and career advancement; and
- Frequent opportunities for community and family engagement.

For more information on education services in DJS facilities, see the MSDE JSES section which begins on page 63.

# **DETENTION CENTERS OVERVIEW**

## Overview of Maryland Department of Juvenile Services Operated Detention Facilities

- Declining juvenile crime rates as well as concerted efforts by some juvenile justice stakeholders to divert youth away from incarceration have contributed to significant declines in the number of youth in juvenile detention in Maryland.<sup>44</sup> Pre-dispositional admissions to secure detention declined by 26% across the state and by 30% in Baltimore City when comparing FY 2016 to FY 2018.<sup>45</sup> The reduction in juvenile incarceration is an encouraging trend for public safety and positive youth development as studies have shown that “youth who are not arrested or are diverted from court are less likely to be rearrested and more likely to succeed in and complete school than peers who are formally adjudicated in the juvenile justice system.”<sup>46</sup>
- Despite this notable reduction, racial disparities continue to be prevalent in every area of decision making in the juvenile justice system. For example, in Baltimore city, African American youth represent 64% of the population but comprise 90% of all youth arrests.<sup>47</sup> Furthermore, the vast majority of youth in DJS detention centers (and DJS placement centers) across the state are youth of color.<sup>48</sup>
- A recent report examining juvenile diversion in Baltimore city highlighted a series of recommendations to address racial disparities in the juvenile justice system and offered proposals to renew commitment to and expansion of diversion initiatives.<sup>49</sup> In addition to implementing reforms in Baltimore City, the suggestions outlined in the report should provide a blueprint for bolstering diversion efforts across the state. Targeted juvenile diversion initiatives represent one approach to increasing racial equity within the justice system.
- Racial disparities and inequities are also prevalent in the decision to charge and prosecute youth as adults rather than treating them within the juvenile justice system. In Maryland, youth of certain ages who are charged with certain crimes are automatically prosecuted as adults. This practice can have a disproportionately

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<sup>44</sup> The average daily hardware secure [maximum security] detention population in calendar year 2010 was 452 young people; in 2018, the ADP was 301 – a reduction of approximately one-third compared with eight years before.

<sup>45</sup> Center for Children’s Law and Policy, Baltimore Youth Diversion Assessment (April 2019), available at: <https://www.powerdms.com/public/BALTIMOREMD/documents/533794>

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> See DJS FY 2018 Data Resource Guide, pages 108 and 144, available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf); see also page 58 and 59 of this report.

<sup>49</sup> Center for Children’s Law and Policy, Baltimore Youth Diversion Assessment (April 2019), available at: <https://www.powerdms.com/public/BALTIMOREMD/documents/533794>

negative impact on youth of color. Nationally, “black youth are approximately 14% of the total youth population, but 47.3% of the youth who are transferred to adult court by juvenile court judges who believe the youth cannot benefit from the services of their court. Black youth are 53.1% of youth transferred for person offenses<sup>50</sup> despite the fact that black and white youth make up an equal percentage of youth charged with person offenses, 40.1% and 40.5% respectively, in 2015.”<sup>51</sup>

- Exposure to the adult criminal justice system is harmful for youth and undermines public safety. There is evidence that youth “who end up in the adult criminal justice system are more likely not only to be black or brown children, but also [more likely] to commit suicide while in adult jail, [more likely] to have psychiatric symptoms than youth housed in juvenile facilities, and [more likely] to reoffend once they are back in their communities.”<sup>52</sup>
- Research into adolescent development underscores the importance of treating youth within the juvenile justice system rather than in the adult criminal justice system. Compared to adults, youth are more likely to be influenced by peers, are more likely to engage in impulsive behavior, and are less likely to consider the long-term consequences for their behavior. All these factors decrease their level of culpability. At the same time, adolescent brains are still developing, making youth more amenable to rehabilitation. In addition, most youth outgrow criminal behavior as they mature and reach adulthood.<sup>53</sup> Each of these indicators point to the need for a venue – like an appropriately functioning juvenile justice system – that takes into account the unique developmental considerations of young people in determining how to best respond to unlawful behavior.
- To increase racial equity and adopt a more developmentally appropriate response to youth justice, the state of Maryland should end the practice of automatically charging youth as adults. All youth, regardless of their charge, should start out in the juvenile justice system.
- To mitigate the harms of exposure to the adult criminal justice system, the Maryland General Assembly has helped protect a substantial number of youth facing adult charges by amending state law to allow some of them to be held in

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<sup>50</sup> Person offenses are crimes against individuals and include assault, robbery, and more serious offenses such as rape and homicide.

<sup>51</sup> Thomas, Jeree Michele & Wilson, Mel (2017), National Association of Social Workers: The Color of Juvenile Transfer: Policy and Practice Recommendations, available at: <https://www.socialworkers.org/LinkClick.aspx?fileticket=30n7g-nwam8%3D&portalid=0>

<sup>52</sup> Ibid.

<sup>53</sup> Models For Change (2014), Because Kids are Different: Five Opportunities for Reforming the Juvenile Justice System, available at: <http://modelsforchange.net/publications/718>

hardware secure (maximum security) juvenile detention facilities under certain circumstances. This decision has not negatively impacted facility safety within the state's juvenile detention centers. Until such time as Maryland laws change to end the automatic charging of youth as adults, such protection should be extended to all youth with adult charges.

- Youth in contact with the deep end of the juvenile justice system often present with pervasive mental and behavioral health issues. Studies estimate that between “one-half and two-thirds of [detained] juveniles have one or more psychiatric disorders...[and] many youth involved in the juvenile or adult systems have also experienced exposure to complex trauma described as multiple, invasive, and persistent exposure to violence, abuse, or neglect.”<sup>54</sup>
- In Maryland, youth with adult charges may spend several months or even a year or more stuck in a detention center awaiting decisions about their case.<sup>55</sup>
- Current mental health and programmatic resources need to be bolstered to address the short- and long-term needs of children housed in detention. Mental health staff should be comprehensively incorporated into unit life across all detention centers to meet consistently with youth in need; help run psychoeducation and skills groups<sup>56</sup>; and to train and assist staff in processing with youth. Mental health leadership and staff should work cooperatively to de-escalate tense situations and to create a more therapeutic milieu which can militate against incidents involving aggression. These changes will require an increase in mental health staffing and leadership. Two larger juvenile detention centers (CYDC and Hickey) lack a full-time on-site mental health director.
- Activities pertaining to job training and experience, positive contacts with community members and mentors, and enrichment activities to diffuse the stress of prolonged incarceration are particularly important to youth. Partnerships with local organizations should be established to provide programming to youth with longer lengths of stay in detention.

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<sup>54</sup> Thomas, Jeree Michele & Wilson, Mel (2017), National Association of Social Workers: The Color of Juvenile Transfer: Policy and Practice Recommendations, available at: <https://www.socialworkers.org/LinkClick.aspx?fileticket=30n7g-nwam8%3D&portalid=0>

<sup>55</sup> See DJS Data Resource Guide, FY 2018, p. 117, available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

<sup>56</sup> A cognitive-behavioral therapy group showed promising results in reducing recidivism at a Chicago youth detention center and could be adapted for use at DJS detention centers. See [https://www.abell.org/sites/default/files/files/Award%202017\\_072517%20print.pdf](https://www.abell.org/sites/default/files/files/Award%202017_072517%20print.pdf)

## Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a maximum security detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC, which has a DJS-rated housing capacity of 120 youth. African American youth represented 96% of total youth entries during the first quarter of 2019, compared to 95% during the same time period in 2018.

<b>BCJJC – Selected Incident Categories</b>	<b>Q1 2017</b>	<b>Q1 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>101</b>	<b>98</b>	<b>88</b>
1. Youth on Youth Assault/Fight	97	91	57
2. Alleged Youth on Staff Assault	15	11	9
3. Physical Restraint	114	100	100
4. Use of Handcuffs and/or Shackles	33	24	22
5. Seclusion	1	4	12
6. Contraband	9	6	9
7. Suicide Ideation	9	4	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	0	0

Average daily population (ADP) at BCJJC during the first quarter of 2019 decreased by approximately 10% when compared to the same time last year. To further compare the same two periods, youth on youth fights and assaults decreased by approximately 37%, instances of physical restraints of youth by staff remained at the same level (100), and the use of mechanical restraints (handcuffs and/or shackles) on youth inside the detention facility decreased slightly (from 24 instances to 22). The number of times seclusion was used tripled (from four reported incidents in the first quarter of 2018 to twelve reported incidents during the first quarter of 2019).

Fights and assaults involving multiple youth remain a concern at BCJJC. In the first quarter of 2019, there were 15 group disturbances compared to 4 group disturbances in the first quarter of 2018. Staff should receive intensive training on assessing group dynamics and potential signs of escalating tension in order to help prevent fights and assaults (Incidents 156324, 156401). In addition, greater attention to proper staff posting (positioning) protocols, youth movement, the prompt re-directing of youth involved in verbal disputes, and to engaging in a swift response to youth physical altercations can aid in further reducing incidents of aggression (Incidents 157002, 157058, 156921, 156924). Thorough reviews of these incidents by supervisors and administrators at BCJJC should continue in order to help identify their root causes and coach direct-care workers about how to prevent or mitigate against similar situations from occurring again.

Integration of mental health staff into daily operations, including unit life, can also help reduce the number of aggressive incidents. In addition to debriefing and processing with youth after an incident occurs, clinicians should be available to run skills-based groups on the unit and meet with youth individually on a frequent basis to help lessen the anxiety that can occur during incarceration and to teach and model positive coping and de-escalation skills to both youth and staff. Mental health presence during afternoon and evening hours and on weekends is especially important as those are times when youth are often unengaged, which can lead to boredom, tension, and potential acting out behaviors. During a weekend monitoring visit, mental health staff were not on-site though direct-care staff indicated that they were available for on-call consultation. During a weekday visit, a youth with behavioral health issues was distressed after getting off the phone. There was no mental health on the unit to process with him nor was mental health called for assistance. After the upsetting call, the youth requested time in his room as a break and indicated that the time out was authorized per his individualized treatment plan that was developed by mental health therapists. However staff refused his request.

Clinician hours should be extended to provide for an on-site clinician to be available to youth during waking hours on weekdays and weekends and mental health visibility on the units should be increased so that youth have regular access to this resource. There should also be greater collaboration between mental health staff and direct-care staffers to ensure that treatment plans and interventions are being adhered to and implemented correctly.

Mental health staff can also assist in helping direct-care staff respond to traumatized youth. During the quarter, a youth with a history of nightly encopresis and enuresis<sup>57</sup> attempted to talk to direct-care staff about feelings of distress concerning a recent incident in which his mother and brother were shot. Staff asked the youth to change the subject, and the youth subsequently assaulted another youth on the same residential unit (Incident 157084). Utilizing mental health support and expertise to respond to this child's attempt to process his trauma may have prevented this aggressive incident from occurring.

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<sup>57</sup> Encopresis and enuresis can be behavioral symptoms of trauma and maltreatment. See [http://www.pacwrc.pitt.edu/Curriculum/CTC/Mod8/Hndts/HO06\\_ImpctOfTrmaOnChldAdlDev.pdf](http://www.pacwrc.pitt.edu/Curriculum/CTC/Mod8/Hndts/HO06_ImpctOfTrmaOnChldAdlDev.pdf)

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at BCJJC. Staffing vacancies and retention issues continue to be problems across all the JSES schools in DJS facilities. During the first quarter, there was a vacancy for a math teacher, a science teacher and a guidance counselor. Teacher absences due to illness and vacation also disrupt school schedules. During the quarter, youth on the Intensive Services Unit (ISU)<sup>58</sup> requested help in completing worksheets, however the teacher normally assigned to the ISU was out on leave and no other instructor was available to provide assistance. MSDE JSES has attempted to assure the availability of substitute teachers but there continues to be gaps in instruction due to vacancies and callouts. A permanent solution to this issue should be identified and implemented without delay.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

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<sup>58</sup> The ISU is a self-contained unit within the facility that houses youth identified as being in need of intensive services due to their alleged involvement in aggressive incidents. Movement for youth on the ISU is severely curtailed. Instead of travelling to school with their peers, youth on the ISU are supposed to receive instruction on the unit.

## 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 69% of total youth entries in the first quarter of 2019 versus 70% during the same period in 2018. Hispanic/Latino youth represented 9% of entries during the first quarter of 2019, down significantly when compared with the same period last year when Hispanic/Latino youth comprised 17% of total entries.

<b>CYDC– Selected Incident Categories</b>	<b>Q1 2017</b>	<b>Q1 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>62</b>	<b>50</b>	<b>55</b>
1. Youth on Youth Assault/Fight	26	49	36
2. Alleged Youth on Staff Assault	8	2	0
3. Physical Restraint	50	57	34
4. Use of Handcuffs and/or Shackles	0	2	2
5. Seclusion	4	9	5
6. Contraband	2	0	1
7. Suicide Ideation	3	5	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	2	2

Average daily population in the first quarter of 2019 increased by 10% when compared to the first quarter of 2018 while youth fights and assaults decreased by 27%, physical restraints decreased by 40%, and the number of incidents involving the use of seclusion decreased by

44%. There were two incidents involving the use of mechanical restraints (handcuffs and/or leg irons) on youth inside the facility during the first quarter.

Supervisors at CYDC continue to do a thorough job of auditing incidents and using incident-related video reviews as a training tool for staff. Issues concerning the need for closer supervision of youth movement and for swifter staff intervention in response to youth on youth aggression (Incidents 156265, 156690) were noted during incident reviews and follow-up coaching was provided for involved staff members. Active and constructive involvement by the superintendent in facility operations and in bolstering efforts to create a positive facility environment has likely contributed to the reduction in the number of incidents involving aggression.

Vacancies for assistant superintendents and senior level management went unfilled during the first quarter of 2019.

There is a large fenced-in outdoor area located in the back of the facility which is used for special events and activities. The space – which includes a basketball court, track, and football field – should be utilized for youth activities every day that weather permits. Access to outdoor fields can be a meaningful incentive to maintain positive behavior throughout the day and can help reduce the boredom and the resulting tension that can arise from excessive down time. During a monitoring visit after school time in the first quarter, youth were observed sitting inside a residential unit playing cards and reading although several youth had requested to go outside to play basketball. Unit staff indicated that a supervisor determined it was too cold to go outside. The weather was sunny at the time with temperatures near 70 degrees Fahrenheit.

While CYDC is a recently constructed facility, the configuration of the sewage lines at the facility (which flow up rather than down) results in clogged pipes and chronic sewage-related issues. Facility operations and quality of life at CYDC have been negatively affected by the blockages in the pipes. A residential unit had to be closed in the past due to backed up sewage and, during a monitoring visit in the first quarter, the front lobby was permeated by a sewage smell and the visitor bathroom in the front lobby was unusable due to a lack of flowing water. The Department should ensure that the issue is permanently addressed by the building contractor and departmental maintenance staff.

Increased family contact is associated with positive youth behavior.<sup>59</sup> However, DJS policy allocates youth just two 10-minute phone calls per week. Calls are made through phones located in the middle of the unit, and phone service is provided by a correctional telecommunications company that records conversations. Calls automatically end after the allotted time and dropped calls (calls that cut off before the ten minutes have transpired) occur regularly. Both these occurrences can cause frustration in youth trying to maintain contact with their families. In Incident 156347, a youth with serious behavioral health issues became agitated

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<sup>59</sup> Vera Institute of Justice, "Family Engagement in the Juvenile Justice System." Available at: <https://www.vera.org/publications/family-engagement-in-the-juvenile-justice-system>

when his phone call was abruptly cut off in the middle of a conversation with his grandmother – she had just had surgery and is his primary caretaker. The youth requested to be allowed to call her back and became increasingly irate when he was told that he could not place the call at that time. His behavior escalated and he became aggressive and was physically restrained by DJS staff and placed in his room. This situation provides an illustration of how arbitrary rules designed to control and restrict youth can be triggering and counterproductive to their rehabilitation.

In an effort to increase family engagement and help minimize incidents, previous CYDC administrators arranged for youth to be provided an additional 10-minute phone call each week that was facilitated and supervised by case management staff who utilized office phones. This practice did not impact facility operations and several youth reported that the extra time talking to loved ones helped strengthen family bonds. However, the additional phone calls were prohibited by administrators at DJS headquarters and the practice had to be discontinued. Youth at CYDC (and all other DJS facilities) should be provided more time to talk to their family members on the phone.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at CYDC. For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

### Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a maximum security detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 81% of entries in the first quarter of 2019, compared to 79% during the first quarter of 2018.

Hickey – Selected Incident Categories	Q1 2017	Q1 2018	Q1 2019
<b>Average Daily Population (ADP)</b>	<b>52</b>	<b>59</b>	<b>49</b>
1. Youth on Youth Assault/Fight	39	39	38
2. Alleged Youth on Staff Assault	0	1	3
3. Physical Restraint	63	44	55
4. Use of Handcuffs and/or Shackles	13	3	7
5. Seclusion	7	5	13
6. Contraband	0	5	8
7. Suicide Ideation	4	5	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) in the first quarter of 2019 decreased by approximately 17% compared to the first quarter of 2018. During the same time period, physical restraints increased by 25% (from 44 to 55) while the number of instances involving seclusion of youth and of staff use of mechanical restraints on youth within the facility both more than doubled. There were eight instances of suicidal ideation during the first quarter of 2019.

Hickey administrators should continue efforts to work collaboratively to facilitate a safer facility culture. Intensive ongoing staff training should be geared toward improvement in the following areas:

- monitoring youth movement, including during line movement
- recognizing youth behavioral signs which signify the potential for impending aggressive incidents
- understanding and responding to interpersonal dynamics on the living units - including potential tension between groups of youth along racial lines - in order to proactively and thoroughly diffuse conflicts in a culturally competent manner
- positioning and posting staff properly, which can reduce the occurrence of fights and assaults
- responding promptly to separate youth engaged in altercations and getting uninvolved youth out of the way to prevent incidents from continuing or even growing in scope
- seeking assistance from supervisory and mental health staff to de-escalate tense situations and reduce reliance on physical restraints (Incidents 155987, 156557, 156558, 156552, 156965, 156852, 156993).

Mental health staff can assist youth and staff to by helping to process through fraught situations, however, the limited level of availability and utilization of mental health professionals at Hickey, and at other DJS-operated detention centers, prevents clinicians from doing so. Clinicians are not available onsite during waking hours seven days a week and are thus often not readily available to respond to youth or staff requests for assistance that occur during these times (for example, Incident 155917).

Even when present at the facility, mental health staff do not consistently visit the residential units to check in and interact with youth outside of school hours. Clinicians should be present on the living units in order to proactively help youth and staff manage anxieties and address the challenges that inevitably result from incarceration and prolonged time in close living quarters. Mental health staff should also deliver psychoeducational groups and ongoing training for DJS staff and administrators. The integration of mental health staff into daily operations and more frequent constructive interaction with youth and staff could aid efforts to maintain a stable facility milieu.

Research strongly indicates that secure detention facilities are inappropriate places for youth with significant mental health needs. In fact, “far from receiving effective treatment, young people with behavioral health problems simply get worse in detention, not better.”<sup>60</sup> At least part of the negative impact that detention has on young people with mental health diagnoses is attributable to the fact that line staff and supervisors do not receive specialized training to

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<sup>60</sup> Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (2011), p. 8., available at: [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf)

manage youth with significant behavioral and mental health challenges (and, as noted, mental health coverage is not sufficiently comprehensive to assist in addressing and managing problematic behavior stemming from mental illness). Nonetheless, youth with high level mental health needs continue to be detained at Hickey - as well as at other detention centers - through the Department and the courts.

Young people with complex needs and histories of aggression are transferred repeatedly from one detention center to another after a determination that their behavior is difficult to manage. During the quarter, a youth with a significant behavioral and mental health history was placed on a unit by himself at Hickey, ostensibly due to his involvement in a number of disruptive incidents. His condition further deteriorated while he was housed away from other youth and he was subsequently transferred to another detention center after alleged involvement in destruction of property (Incident 156101). The youth remarked about this new destination, "at least staff are not scared of me there."

In Incident 155815, a youth became upset during game night (an activity earned for good behavior) and ran out of a room and onto facility grounds. The youth began chewing at his clothing, barking at staff, spitting and swinging his arms. He ran toward a facility generator and then began pulling at wiring within the generator area. While the behavior was noted as unusual for the youth, a psychiatric evaluation was not recommended and he was subsequently transferred to another high security detention center.

The courts and DJS should make concerted efforts to divert children with severe behavioral and mental health needs to community-based mental health and substance abuse assessment and treatment centers. Children in need of a high level of support who are stuck in detention should receive individualized treatment plans and have frequent mental health contacts while incarcerated to help protect themselves and others from harm. There should also be close collaboration between direct-care staff and clinicians to address the needs of children with complex behavioral health conditions.

There continues to be problems with the camera system at Hickey and these ongoing issues frequently prevent administrators and supervisors from viewing incidents for auditing purposes (Incidents 155960, 155815, 156940). Comprehensive and functioning camera systems help maintain safety and security and are valuable tools for staff training and accountability. Technical issues with the system – which have persisted for several years - should be permanently addressed.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the schools at Hickey. Staff recruitment and retention remains an issue at all MSDE JSES schools. During the quarter, there were vacancies for a math teacher, English teacher, and a librarian at the school at Hickey. Salary and vacation packages for MSDE JSES education personnel should be competitive with those of local school districts in order to attract and retain qualified candidates. For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

### 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 girls represented 66% of entries in first quarter of 2019 compared to 77% in the first quarter of 2018. Hispanic youth represented 10% of youth during the first quarter of 2019 compared to 4% during the first quarter of 2018.

<b>Waxter – Selected Incident Categories</b>	<b>Q1 2017</b>	<b>Q1 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>25</b>	<b>21</b>	<b>24</b>
1. Youth on Youth Assault/Fight	18	14	13
2. Alleged Youth on Staff Assault	5	2	12
3. Physical Restraint	56	35	37
4. Use of Handcuffs and/or Shackles	0	0	5
5. Seclusion	3	1	5
6. Contraband	1	1	2
7. Suicide Ideation	29	33	21
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	4	0

The average daily population (ADP) at Waxter increased by 14% in the first quarter of 2019 compared to the first quarter of 2018 while youth fights and assaults decreased by 1 (from 14 to 13) and physical restraint of youth by staff increased by 2 (from 35 to 37). Alleged youth

assaults on staff, use of seclusion, and use of handcuffs and/or leg irons inside the facility increased significantly.

An 11-year-old girl was placed at Waxter for several weeks during the first quarter. Due to her age and her propensity for self-injurious behavior<sup>61</sup>, she was assigned a one-on-one staffer to help ensure her safety. However, detention is a wholly inappropriate setting for any child as young as 11 years old and is particularly egregious in a case involving significant mental health needs given that “young people with behavioral health problems simply get worse in detention, not better.”<sup>62</sup>

A significant proportion of girls in the juvenile justice system in Maryland have experienced sexual or physical abuse and have moderate to severe mental health issues.<sup>63</sup>

Plans by Waxter administrators to comprehensively utilize mental health services at the facility to help reduce incidents and foster a positive climate should be implemented. Mental health services provision should include psychoeducation groups held on a regular basis and crisis prevention and intervention services provided by mental health staff on the residential units, in the school and throughout the rest of the facility.

Services should also include the creation of individualized guided care plans with regular mental health check-ins and follow-ups for youth with behavior issues. Individual meetings and support in processing through the challenges young people face can greatly aid in reducing the anxiety and tension they experience while incarcerated. Comprehensive mental health support of youth and staff can also help reduce the level of knee jerk or punitive responses to problematic behavior such as the precipitous usage of physical restraints, handcuffs and leg irons and seclusion. In order to ensure the provision of a more appropriate level of services, mental health staffing at Waxter should be increased to ensure clinicians are on-site during youth waking hours and 7 days a week.

The conditions of detention for the girls incarcerated at Waxter are unacceptable. Waxter is in need of extensive renovation due to the inappropriate design and advanced age of the facility physical plant and youth and staff are daily subjected to the resulting dilapidated environment. The heating and cooling system in the main building and in the school frequently malfunctions which leads to extremely warm or frigid temperatures in certain areas of the facility (and sometimes delivers extreme heat and extreme cold in different parts of the building at the same time).

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<sup>61</sup> In Incident 157365, the youth wrapped a sweater around her neck in a suicidal gesture. The youth evidenced erratic and combative behavior on an ongoing basis and also had a propensity to place objects such as plastic sporks in her mouth. She was physically restrained on several occasions (Incidents 156961, 157227, 157244, 157245).

<sup>62</sup> Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (2011), p. 8. [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_ji.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf)

<sup>63</sup> See Maryland Department of Juvenile Services, *Services for DJS-Involved Girls*, January 2019, available at: <https://djs.maryland.gov/Documents/publications/DJS-Services-DJS-Involved-Girls-Jan-2019.pdf>

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) provides educational services at the school at Waxter. However, the Department of Juvenile Services is responsible for the school physical plant.

The school offices and classrooms are housed in inappropriately small, decrepit and poorly constructed trailers that contain black mold. (See picture of a ceiling in the school administration trailer below.) At the same time, there is ample space available in the back of the facility and this resource could be utilized to allow for construction of a new school building. Alternatively, the trailers could be replaced by a new modular building with ample space for properly sized classrooms and offices.



Students at Waxter have not had access to a resource teacher for over a year. In addition, there is a vacancy for a full-time special education teacher.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

**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 youths. African American youth represented 70% of entries in the first quarter of 2019 compared to 64% during the same period in 2018. Hispanic youth accounted for 22% of entries in 2019 versus 23% in 2018.

<b>Noyes – Selected Incident Categories</b>	<b>Q1 2017</b>	<b>Q1 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>32</b>	<b>33</b>	<b>31</b>
1. Youth on Youth Assault/Fight	21	29	9
2. Alleged Youth on Staff Assault	1	5	2
3. Physical Restraint	24	55	27
4. Use of Handcuffs and/or Shackles	1	8	2
5. Seclusion	2	3	2
6. Contraband	1	3	0
7. Suicide Ideation	12	9	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population decreased slightly (by 6%) during the first quarter of 2018 compared to the same time period last year. At the same time, youth on youth fights and assaults as well as the use of physical and mechanical restraints (handcuffs and leg irons) within the facility all decreased substantially. There were two instances when seclusion was used during the quarter.

Administrators at Noyes have fostered the development of a strong and dedicated cadre of unit managers to help manage group dynamics and develop constructive programming on the residential units. In addition to promoting staff cohesion within the units, managers have implemented structured programming for youth that focuses on topics such as reducing stress, forming healthy relationships, and establishing and meeting personal goals.

There were vacancies in upper management and in support services and recruiting efforts were ongoing during the first quarter. Openings during the first quarter included group life manager positions (who are next in the chain-of-command following facility assistant superintendents), mental health supervisor, social worker, and substance abuse counselor. Some mental health clinicians hired to work at Noyes are being required to split their time between Noyes and the Victor Cullen Center (a maximum security placement site in Frederick County) in an effort to address long-standing vacancies in mental health staff at Cullen. DJS should expedite the hiring process for upper level management and mental health staff to ensure sufficient services are available and to help support mid-level and direct-care staff in facility operations and programming at all facilities.

Staffing issues across all DJS facilities are also exacerbated by the large number of staff who call out sick, fail to show up to work, or are out on extended leave. As a result, direct-care staffers who are on-site are often drafted to do overtime, which can lead to burnout. Several direct-care staffers at Noyes were working 16-hour shifts several days of the week during the first quarter. To comprehensively address staffing issues throughout DJS facilities, the Department should do an extensive staff assessment and employee morale survey to identify problem areas and develop strategies to increase staffing capacity and improve staff satisfaction and retention rates.

### **Education Services**

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

Long-term substitutes were being utilized at Noyes to make up for teacher vacancies, however, the contract with the vendor providing substitutes expired during the first quarter. As a consequence, the substitute teachers were required to stop working at the school, leading to gaps in teacher coverage for classes. One substitute teacher expressed interest in applying for a permanent position, however, contract stipulations prohibited substitutes from transitioning and becoming MSDE JSES employees.

In order to begin to address the longstanding issues with the hiring and retention of education personnel at Noyes (and all other DJS-operated facilities), teachers and support staff must receive similar salaries and benefits - including school holiday schedules - as those offered by public school districts in the surrounding areas.

Pursuant to recent legislation, MSDE JSES is required to hand over operational control of the school at Noyes to the Montgomery County Public Schools (MCPS) Board of Education.<sup>64</sup>

Educational services at The Regional Institute for Children and Adolescents (RICA), a residential treatment center located on the same street as Noyes, are provided by MCPS.<sup>65</sup> All teachers at RICA are MCPS employees and are dually certified in special education and core content areas. The school at Noyes should have the same level of qualified staff and be properly resourced through MCPS and MSDE.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

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<sup>64</sup> For more details, see the General Assembly of Maryland website at:

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

<sup>65</sup> For more information see <https://www.montgomeryschoolsmd.org/schools/rica/about/>

### 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 78% of entries during the first quarter of 2019, an increase compared with the first quarter of 2018, when African American youth entries comprised 70% of total entries to LESCC.

LESCC – Selected Incident Categories	Q1 2017	Q1 2018	Q1 2019
<b>Average Daily Population (ADP)</b>	<b>17</b>	<b>18</b>	<b>16</b>
1. Youth on Youth Assault/Fight	11	4	4
2. Alleged Youth on Staff Assault	1	3	0
3. Physical Restraint	28	35	14
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	0	0	1
7. Suicide Ideation	3	7	5
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	0	2	0

The average daily population at LESCC decreased by 11% in the first quarter of 2019 when compared to the first quarter of 2018 while youth on youth assaults and fights remained low and physical restraints of youth by staff decreased by 60%. Mechanical restraints (handcuffs and/or leg irons) and seclusion were not used at LESCC during the quarter.

Administrators, direct-care staff, case managers, mental health clinicians, and educators adopt a team approach to provide individualized attention and support to youth at LESCC. Vacancies for supervisory direct-care staff and a facility social worker should be filled without delay to ensure that the facility can maintain the high level of care that youth receive.

Staff positions assigned at LESCC should be increased to allow for a minimum of two staffers at master control to provide adequate monitoring of facility operations. Additionally, an assistant superintendent position should also be created at LESCC to help with administrative duties and prepare for internal and external audits. These tasks are currently divided among supervisory staff at the facility in addition to their duties to provide support to direct-care staff and help oversee operations.

Changes to the physical plant to reduce suicide risk are ongoing and should continue. Renovations should include replacing all faucets and other bathroom fixtures which pose a hanging risk. In addition, youth toilets and sinks are made of porcelain which can be broken into pieces that can be used to cause self-harm or as weapons. All the porcelain should be replaced with a break resistant material.

There is a youth advisory board at LESCC that meets once a month to offer feedback and suggestions about programming. Several youth recommended access to music for coping purposes and more varied activities during recreation and on weekends and after-school. Administrators at LESCC and DJS headquarters should make efforts to accommodate youth requests.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education services in DJS facilities.

For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

## 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 57% of total entries during the first quarter of 2019 compared to 61% in the first quarter of 2018. Latino/Hispanic youth accounted for 9% of total entries during the same time period, an increase of 1% compared to the first quarter of 2018.

<b>WMCC – Selected Incident Categories</b>	<b>Q1 2017</b>	<b>Q1 2018</b>	<b>Q1 2019</b>
<b>Average Daily Population (ADP)</b>	<b>22</b>	<b>21</b>	<b>17</b>
1. Youth on Youth Assault/Fight	12	14	13
2. Alleged Youth on Staff Assault	1	0	0
3. Physical Restraint	28	32	33
4. Use of Handcuffs and/or Shackles	5	4	9
5. Seclusion	1	1	2
6. Contraband	2	0	2
7. Suicide Ideation	1	6	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population decreased by 19% in the first quarter of 2019 compared to the same time last year while the number of incidents involving youth fights and assaults decreased by one (from 14 to 13). Incidents involving the use of physical restraints on youth increased by one (from 32 to 33). The use of mechanical restraints (handcuffs and/or leg irons) on youth within the facility more than doubled (increasing from four to nine instances).

There were two incidents in which the use of seclusion was recorded and documented as such during the first quarter of 2019. Additionally, however, youth at WMCC who are physically and mechanically restrained are sometimes placed in an observation room (called the “quiet room”) where they are monitored by staff who are located outside the room (Incident 156782). At times the door to the room is closed while windows surrounding the room allow for continuous staff observation (Incidents 157410 and 157182). Such usage of the quiet room does not represent a time out but de facto seclusion and DJS seclusion procedures and protocols should be followed and documented.

Administrators at DJS headquarters and the facility superintendent have collaborated to bring in much-needed enrichment programming to youth housed at WMCC. Engaging youth in constructive activities can help them develop pro-social skills and also cuts downtime during incarceration which can mitigate anxiety and potentially lower incident rates. Plans for art and music programming as well as use of a therapy dog on premises should be implemented. A fatherhood program within the facility should also be instituted as youth with young children requested parenting resources during the quarter.

Staff positions assigned at WMCC should be increased to allow for a minimum of two staffers at master control to provide adequate monitoring of facility operations. Increased staffing levels are also needed to provide for staff coverage of special education classes held outside of general education classrooms (OGE) and to escort youth to medical, mental health, and case management appointments.

An assistant superintendent position should be created at WMCC to help with administrative duties and prepare for internal and external audits. These tasks are currently divided among management and support staff at the facility.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education services in DJS facilities, including WMCC.

Options for post-secondary education and employment for youth with a high school diploma is limited at WMCC. A youth with a high school diploma remained unengaged during the school day as he sat in on high school classes while he expressed the desire to take classes on leading to a paralegal qualification and an opportunity to earn money. Individualized education-related and vocational programming should be available for youth who have graduated high school or obtained a GED.

The World of Work<sup>66</sup> program, which was instituted by DJS for youth who have graduated high school, is not available at WMCC and has been suspended at other facilities. The initiative

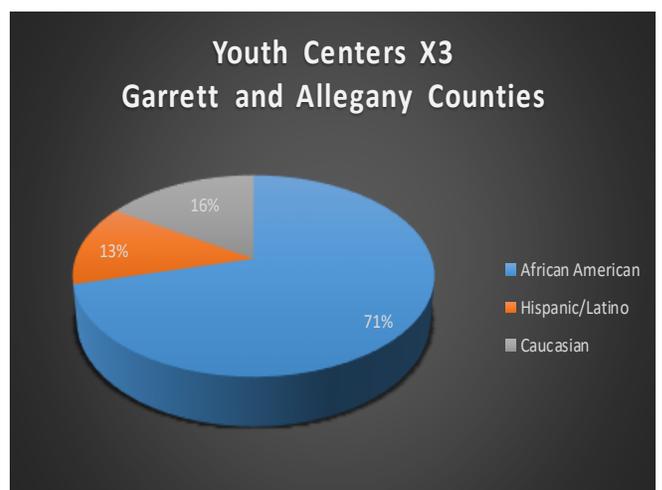
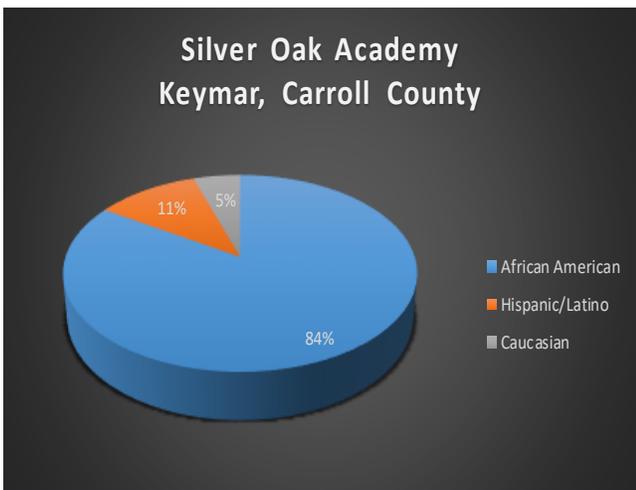
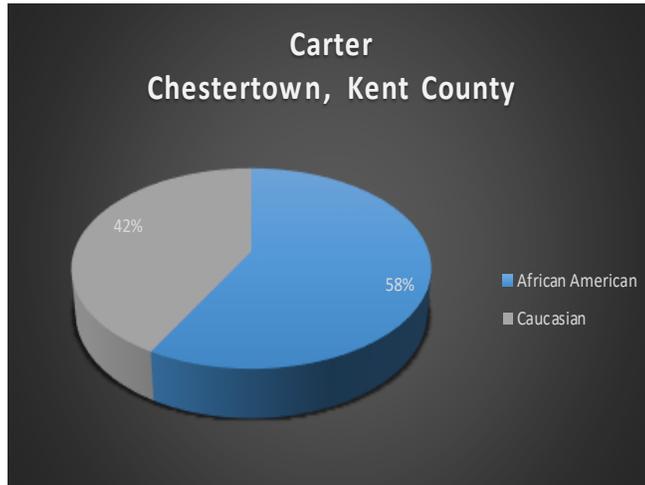
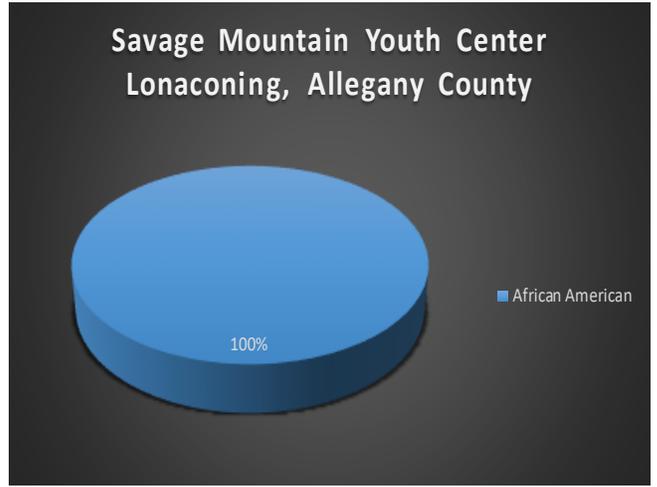
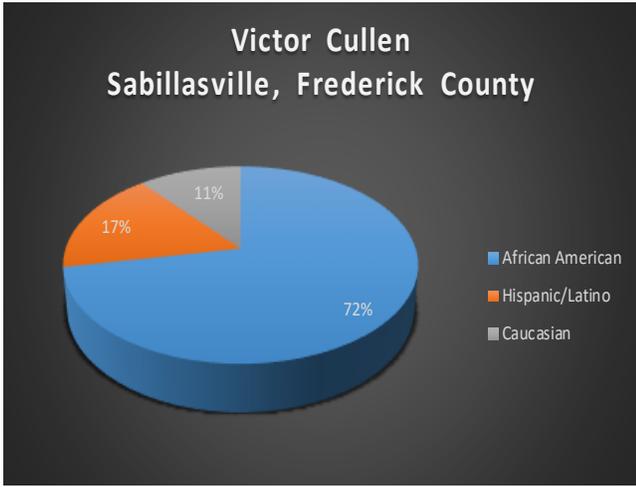
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<sup>66</sup> World of Work is a DJS-administered program that allows youth the opportunity to earn minimum wage for performing chores around the facility.

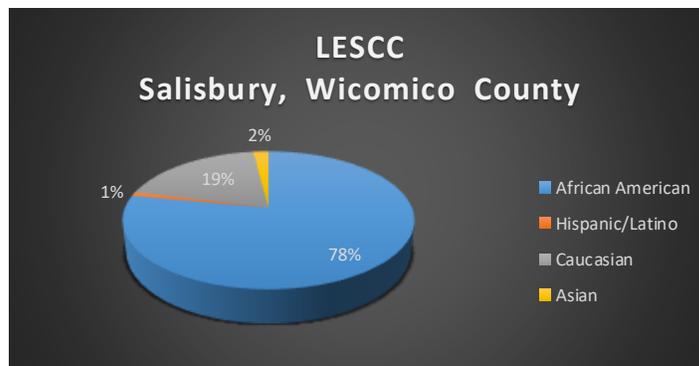
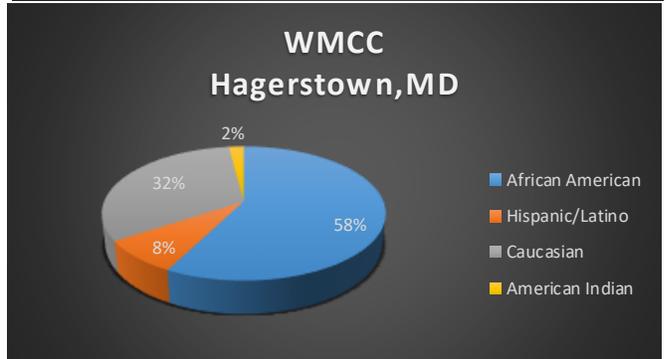
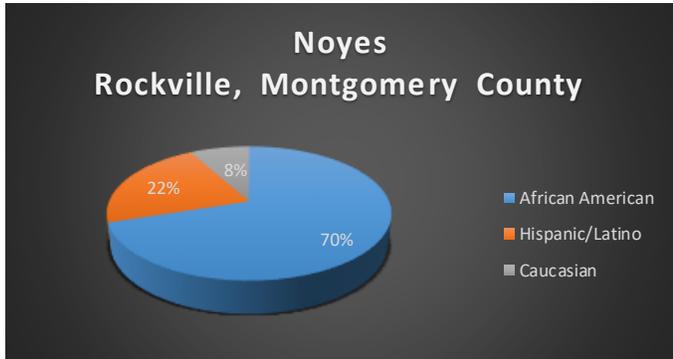
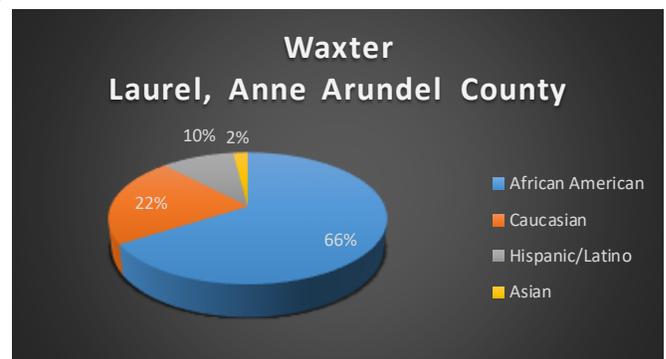
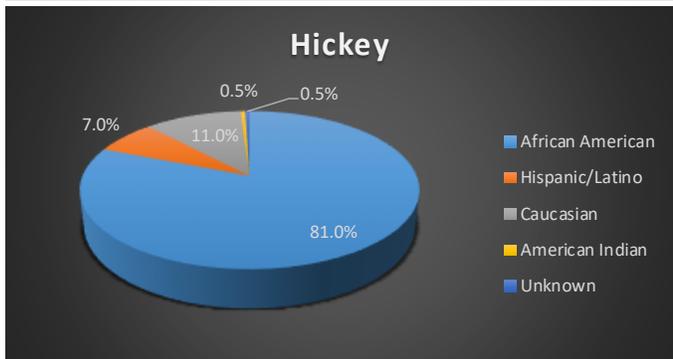
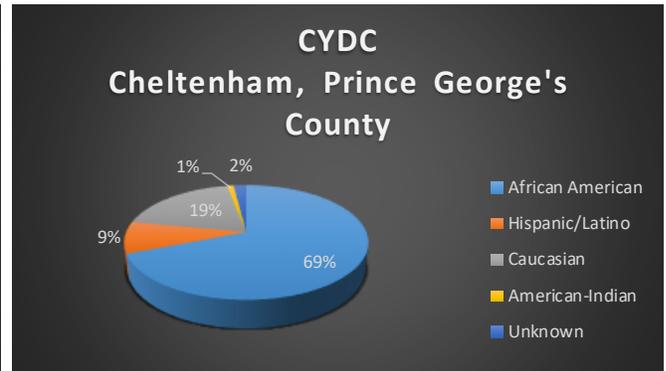
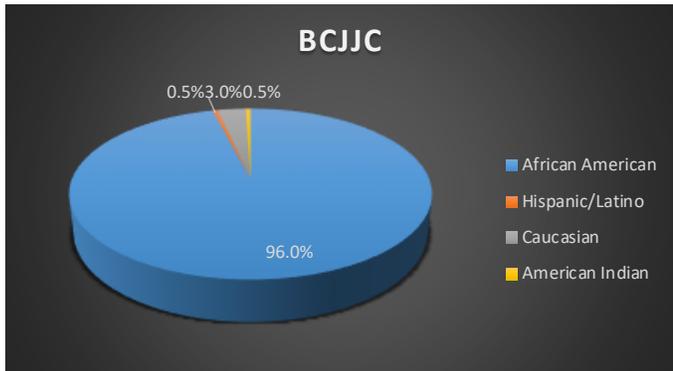
should be made available by DJS to all qualifying youth at every DJS-operated detention and placement facility, including WMCC.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 63.

**Racial/Ethnic Make-up of Youth Entries in DJS-Operated and Licensed Committed Care Centers, First Quarter 2019**



## Racial/Ethnic Make-up of Youth Entries in DJS-Operated Detention Centers First Quarter 2019



## **SMALLER FACILITY UPDATES**

## SMALLER FACILITY UPDATES

### 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 the Maryland Department of Juvenile Services to house up to 24 boys. The governing treatment program at Morning Star is the trauma-informed Sanctuary<sup>67</sup> model. Program services are supplemented by other private contractors who provide individual and group therapy and educational instruction.

Increased attention should be placed on maintaining structure within the program and ensuring all youth receive prompt and appropriate medical care to increase safety and security for youth and staff. In incident 156973, a group of youth were able to exit one unit and enter another unit through an unlocked door to attack and injure a youth inside. Subsequently, the targeted youth grabbed a wooden bed slat and a shower rod, exited the unit and attacked another youth, hitting him on the head. The youth with the head injury was sent off site for emergency medical services. Staff eventually gained control of the situation, and the youth who was initially targeted was seen by a facility nurse for a swollen nose and cheek. He was kept overnight at the facility and transported the next day to a detention center. Upon arrival, medical staff at the detention center directed that the youth be transported to a nearby hospital where it was determined that the targeted youth had a broken nose and required surgery.

Medical staff at Morning Star should be trained in identifying emergency medical conditions that require urgent hospital intervention. Direct-care staff and supervisors should receive refresher training on following safety and security protocols and utilizing the program treatment model to assess and address conflictual group dynamics.

Significant downtime, especially during weekend and after-school ours, can be a contributory factor behind incidents of aggression. Programming options both on and off campus should be increased to aid in keeping youth constructively engaged to help reduce tension and boredom.

### 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 the Maryland Department of Juvenile Services. One Love provides youth between the ages of 17 and 20 with independent living skills in a nurturing, home-like environment.

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<sup>67</sup> For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>

By providing individualized care and harnessing community resources, youth with complex medical, behavioral, and educational needs are able to thrive at One Love. Youth attend local schools and hold jobs in the area. Community-based programs are also utilized to provide youth recreation and enrichment opportunities. Home passes are offered on a regular basis and families are encouraged to participate in their child's treatment progress. One Love represents an exception to the prevailing practice of placing youth in remotely located congregate facilities and can serve as a model for community-based alternatives to incarceration.

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

## THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education (MSDE) provides oversight, assessment and support to local school systems around Maryland. Direct operational control of school systems falls outside their purview except in the context of the Maryland juvenile justice system - the schools inside DJS facilities are the only ones directly operated by MSDE.

This arrangement began approximately fifteen years ago when a newly created division of MSDE (now called the Juvenile Services Education System [MSDE JSES]) progressively assumed responsibility for providing education services to students in the DJS-operated detention and committed placement centers. MSDE JSES lacks the technical expertise, structural framework, organizational culture, and budgetary resources to operate a functional school system. Throughout its history, state funding for MSDE JSES has been (and continues to be) grossly inadequate to meet the education-related challenges facing incarcerated youth in the deep end of the Maryland juvenile justice system.

JSES lacks a functioning independent procurement and human resources office to expedite the availability of classroom resources and hiring of personnel. A human resources liaison position within the organization to mitigate delays in hiring remains vacant. Education staff employed by MSDE JSES are year-round state employees and are not given salaries or holiday time allowances that are competitive with – or even comparable to - local school districts surrounding DJS facilities. This discrepancy is one of the issues that has led to difficulties in staff recruitment and even greater challenges in retention. High turnover and vacancies in key leadership positions further hamper the ability of MSDE JSES to fulfill its mission.<sup>68</sup> Effective operation of MSDE JSES will require transformative leadership dedicated to improving the lives of marginalized young people through the development of a targeted system of education and workforce development inside juvenile justice facilities. Administrators at MSDE and MSDE JSES should focus their external advocacy efforts and internal organizational work on recognizing and addressing long-standing issues within the juvenile justice education system, some of which are outlined below.

- The need to increase funding and resources for the juvenile justice education system.
  - A significant portion of the young people in the juvenile justice system have special education needs and many have trauma-related issues that can affect school performance and learning. Enhanced resources would enable systematic assessments of students and allow for the delivery of comprehensive wraparound academic supports to meet identified needs.

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<sup>68</sup> Current vacancies in JSES leadership include Director of the JSES program, JSES fiscal officer, JSES HR liaison, JSES special education coordinator, and JSES library coordinator. See <http://marylandpublicschools.org/programs/Documents/JSE/JSESOrgChart.pdf>

- A new approach to education in MSDE JSES schools that is relevant to the experiences of young people in the system and responsive to both their academic, social, and cultural needs is desperately needed. Education staff need specialized professional development, including opportunities to develop cultural competency and trauma-informed intervention skills, to help them in their work with confined students.
  - An examination of education funding for Maryland schools by the Commission on Innovation and Excellence in Education (“the Kirwan Commission”) highlighted the need for greater financial resources for school systems with higher concentrations of low-income students. The report also outlined the need for increased resources for at-risk students, rigorous standards for college and career readiness, hiring and retention of highly qualified education personnel, and enhanced accountability measures. These recommendations should extend to students in juvenile justice facilities, most of whom are youth of color and many of whom come from impoverished backgrounds.<sup>69</sup> Claims by MSDE JSES that current funding levels meet student needs represent an unwillingness to acknowledge the historical inequities and disparities in educational resources for incarcerated youth and a failure to advocate on behalf of their student population.
- The need to change education laws to facilitate flexible learning options that take into account the unique needs of the incarcerated student population.
    - Youth are automatically un-enrolled from their local school districts after spending a few days in detention and parents have to go through bureaucratic hurdles to re-enroll their child in his or her local school following detention or placement. This requirement is particularly nonsensical for youth charged in the juvenile court who are typically detained relatively briefly (the length of stay may be two weeks or shorter). Youth should be allowed to remain enrolled in their local school system (or dually enrolled in a local and JSES school) while detained and state or local policies that prevent them from doing so should be amended.
    - Unlike local school districts, MSDE JSES cannot award high school diplomas to students who complete the high school graduation requirements set forth in state law. Students in MSDE JSES schools who complete graduation requirements should be awarded a high school diploma. Silver Oak Academy, a privately operated staff secure placement site, has worked out a partnership with the local school district (Carroll County) to ensure high school diplomas are available to qualifying Silver Oak graduates. Similar arrangements should be developed for DJS-operated placement sites.

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<sup>69</sup> See JJMU letter to the Kirwan Commission on page 68 of this report.

- Curriculum requirements should be reflective of the situation of students. Currently JSES offers incarcerated students only four classes that last 1.5 hours each and are core content courses only. Classes are grouped by housing unit rather than grade level with students from 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grade; those studying for the GED and others who have already finished high school; and even middle school students are lumped into the same classrooms. This set up makes it difficult for teachers to tailor instruction to the academic level of individual students. There are no physical education or elective courses to break up the school day. Students and teachers report that the duration of class periods is too long to sustain student motivation and attention with the result that students are left unengaged for much of class time. Course requirements and school structures and schedules should be organized and operationalized in a way that engages students. At Silver Oak Academy (a DJS-licensed placement facility), students are grouped by grade level, attend classes in one-hour blocks, and have access to foreign language and elective courses as well as hands-on CTE courses and robust athletic programming during the day.
  - A recent pilot program established by the Maryland legislature authorized a local public school system to take operational control over a JSES school. Alfred D. Noyes detention center was chosen as the pilot site for the program and negotiations are underway to work out logistical details of the transfer of operations to Montgomery County Public Schools. MSDE JSES, in collaboration with other juvenile justice education stakeholders, should be given authority to implement other alternatives approaches to the provision of education services in order to improve the quality of schooling inside DJS facilities. In addition to establishing local control over school operations, other models that have worked elsewhere in the country include contracting out services to a non-profit organization that is experienced in providing education services to incarcerated youth<sup>70</sup> and/or establishing a private or charter school system, which would enable schools to organize their own structure and methods of delivering mandated curricula.<sup>71</sup>
- Establish partnerships with outside entities to fill gaps in services and enrich the curriculum.
  - In contrast to MSDE JSES schools, community school partnerships with local organizations have brought STEM related course work to high school students<sup>72</sup> and the opportunity for students to pursue and earn high school and associate degrees

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<sup>70</sup> See Center for Educational Excellence in Alternative Settings, available at: <https://www.ceeas.org/>

<sup>71</sup> Silver Oak Academy, for example, functions as a non-public school, however the school follows the requirements for Carroll County Public Schools and students are able to receive a high school diploma after meeting graduation requirements.

<sup>72</sup> See ptech programs in Maryland schools, available at: <http://www.marylandpublicschools.org/programs/Pages/ptech/index.aspx>

simultaneously.<sup>73</sup> Additionally, a Maryland college has brought college level courses to incarcerated adults.<sup>74</sup> Leadership within MSDE and MSDE JSES should cultivate similar relationships with outside entities to help bolster the academic program.

- Hands-on career and technical education (CTE) courses in high demand fields leading to future employment are virtually non-existent in MSDE JSES schools. There are a few short term certification courses for construction site flagger, ServSafe (basic food handling hygiene), and CPR available intermittently or on a rotating basis throughout JSES schools. However, their limited duration and scope undermine the value and utility of these offerings to many students, particularly those who are sent to committed placement centers from detention only to have the same limited set of CTE courses available during their longer-term stay. Furthermore, there are no opportunities for students to apply what they have learned in the classroom to actual real-world experiences in surrounding communities or even inside the facility. Partnerships with local businesses and trade organizations can help mitigate against the dearth of substantial CTE options at MSDE JSES schools and provide students with valuable internship, apprenticeship, work and life skills that they can use upon their release. Silver Oak Academy, a DJS-licensed facility, can serve as a model in this regard.

Given sufficient resources and a proactive approach, the juvenile justice education system in Maryland has the potential to deliver high quality services and provide students with robust career readiness skills that will prepare them for successful re-entry and promote increased public safety. Juvenile justice education stakeholders - including legislators, agency administrators, and advocates - should collaborate to institute the reforms necessary to ensure students receive the level of services they are entitled to and deserve.

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<sup>73</sup> See Maryland Community College, College in High School program, available at: <https://mdacc.org/programs-training/college-in-high-school/>

<sup>74</sup> See Goucher Prison Education Program, available at: <https://www.goucher.edu/learn/goucher-prison-education-partnership/>  
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# **APPENDIX A: LETTER FROM JJMU TO THE KIRWAN COMMISSION**



STATE OF MARYLAND  
JUVENILE JUSTICE MONITORING  
UNIT

Nick Moroney  
Juvenile Justice Monitoring Unit  
200 St. Paul Place  
Baltimore, Maryland 21202

December 5, 2018

Dr. William "Britt" Kirwan, Chairperson  
Maryland Commission on Innovation and Excellence in  
Education c/o Office of Policy Analysis  
Department of Legislative  
Services 90 State Circle  
Annapolis, MD 21401

Dear Dr. Kirwan and Members of the Commission,

Thank you for the vital work you are doing to help ensure appropriate education services and resources for the youth of our State. I am writing on behalf of the office of the independent juvenile justice monitor to request that the needs of youth in the deep end of the Maryland juvenile justice system be addressed in the Commission's recommendations.

Among the reasons for including juvenile justice system-involved youth in the Commission findings:

- Young people in juvenile justice-related detention and placement facilities are amongst the most academically challenged in our State;
- There is not currently a formula for adequate, sustained funding to properly meet the education needs of these youth;
- Students at the deep-end of the system are disproportionately kids with special needs and kids living in poverty;
- The youth in the deep end of the juvenile justice system and their families tend to be highly mobile and system involvement tends to further disrupt young people's educations and the education resources provided while they are incarcerated may be pivotal in determining their chances of academic success; and
- Students in juvenile justice facilities have historically been grossly underserved.

These issues require the attention of the Commission to ensure that kids in schools inside juvenile justice facilities are integrated into mainstream discussions about education policy and reform. Attempts to ameliorate the deficiencies in juvenile justice education through legislation in Annapolis have been unsuccessful given that they fail to confront this separateness and due to the lack of information around the issue and consensus about how best to solve it. Equity and comprehensive reform require that we incorporate juvenile justice education into the same sphere of conversation around Maryland public schools that the Commission is organizing.

There are four sections (out of a total of five) in the Commission draft report that should include mention of and attention to education for youth in the juvenile justice system:

- Highly qualified and diverse teachers/leaders:

- ✓ State explicitly that all of the recommendations apply to teachers in facilities operated by the Maryland Department of Juvenile Services (DJS).
  - ✓ Recommend the development of prestigious, rigorous, and selective programs or tracks within Education departments at Maryland colleges and universities to prepare teachers to educate students in juvenile justice-related settings. One of the existing recommendations is to ensure that teachers master the content they will teach and how to teach it. In the context of juvenile justice, this recommendation would include training teachers in, for example, adolescent development, trauma, cultural sensitivity, etc. A recommendation on page 51 of the draft report is closely linked to these suggestions.
  - ✓ Add specific incentives and rewards for educators in juvenile justice settings to attract and retain highly qualified, well prepared teachers that have been specially trained to teach in juvenile justice-related schools.
- College and career readiness pathways:
- ✓ State explicitly that these recommendations apply to curriculums/programs in facilities operated by DJS.
  - ✓ Implement an evidence-based, promising, or best practice approach in juvenile justice education within DJS facilities (an approach which should align with the training teachers receive in a college track geared toward education of young people who are in the juvenile justice system). This approach should take into account projected lengths of stay for youth and include an emphasis on identifying the particular educational needs of each student and tailoring individualized education programming based on those needs. Language in the preliminary report about the response to students who are identified as not on track by 10<sup>th</sup> grade should apply to young people in the juvenile justice system. In essence, the high expectations and rigor that are already described in the “College and Career Readiness” section should be explicitly applied to education within DJS facilities.
- More resources for at-risk students:
- ✓ There should be a new weight for high proportions of young people in a given LEA who are involved in the juvenile justice system and the Thornton formula should be applied in order to fund specific programs and resources designed to support justice-involved students in their LEAs. This additional funding would allow for recruiting an appropriate number of specially trained court liaisons to help with education-related transitions across the state LEAs, for example.
  - ✓ Any entity operating schools in DJS facilities (currently the Maryland State Department of Education Juvenile Services Education System [MSDE JSES]) – now or in the future – must be considered an LEA for these purposes so that schools in DJS placement and detention facilities can be eligible to receive additional funding based on the level of concentration of students from impoverished communities. This additional funding will be used to bolster the availability of appropriate resources/personnel in schools in DJS facilities.
- Governance and accountability:
- ✓ State explicitly that schools in juvenile placement and detention facilities are to be included in whatever system of accountability is developed and implemented; and
  - ✓ Create an additional independent mechanism for external oversight of education in juvenile justice-related facilities given the particularly high needs and vulnerability of the students involved.

On the subject of funding for youth education in juvenile detention and placement facilities, the home county or city school system should be responsible for basic funding for each young person and the additional cost per youth (depending on the level of needed education-related resources as well as projected length of stay) should be met through the State budget.

Thank you for your consideration of these suggestions on behalf of some of our State's most vulnerable youth.

Respectfully submitted,

*Nick Moroney*

Nick Moroney,  
Director, Maryland Juvenile Justice Monitoring Unit

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



## DEPARTMENT OF JUVENILE SERVICES

### RESPONSE TO JJMU 2019 FIRST QUARTER REPORT

The Department of Juvenile Services has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2019 First 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.

In its First Quarter Report, the JJMU relies heavily on quotes from youth to support their assertions. While DJS values the youth voice, the youth's statement and perception should be measured against the circumstances and viewpoints from other youth, staff and administrators. Unverified statements from youth should not be the sole basis for JJMU's findings. This practice further highlights the need for uniform, objective auditing standards and tools.

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.

## **COMPARING CURRENT FACILITY INCIDENT DATA TO PREVIOUS YEARS IS OF LIMITED UTILITY.**

DJS's facility population is regularly turning over. For example, the average length of stay for a youth in a DJS detention facility is approximately 20 days and the average length of stay in DJS residential treatment is approximately 117 days.<sup>75</sup>

It is helpful to be aware of the relatively rapid turnover in DJS facilities when reviewing JJMU's "Selected Incident" charts at the beginning of each facility section. Due to the ever-changing populations at DJS facilities, comparing a facility data point from a previous year to a current DJS facility data point is of limited utility. In addition to the turnover in DJS facilities, other factors like changes in Maryland law, DJS policy, police practices and/or court practices can have a noticeable effect on the population of youth in DJS facilities.

For those reasons, DJS continues to encourage the JJMU to compare data to previous quarters within the same year rather than their current approach referencing data from 1 to 3 years prior. Examining a previous quarter or an average of 2 or 3 immediate previous quarters would allow for a more accurate comparison and be far more useful in determining facility trends.

## **ADDRESSING RACIAL DISPARITIES IS A TOP PRIORITY FOR THE DEPARTMENT.**

As the data makes clear, youth of color are over-represented in the juvenile justice system in Maryland at every decision point in the system, with the exception of decisions to divert cases from formal system involvement, in which case youth of color are under-represented. In acknowledgement of the continued racial disparities problems across Maryland regions, DJS expanded the work of its System Reform Unit in 2017 and renamed the unit to the "Office of Equity and Reform." This unit continues to lead multi-agency replication and monitoring of the Annie E. Casey Foundation's best practices model, the Juvenile Detention Alternative Initiative (JDAI), to reduce the unnecessary use of secure detention while balancing the need for public safety. While JDAI is exclusively replicated in Baltimore City, the benefit of front- and deep-end reforms adopted from the model has had statewide impact, such as use of graduated system of responses for probation and after-care youth, objective detention risk screening, and race equity strategies.

While DJS does not control many of the major decision points that pull youth into the juvenile justice system, the agency can influence and impact some of those major decision points. As highlighted by the JJMU, youth of color are over-represented in its secure detention facilities. The decision to place a youth in secure detention is significant because once any youth is placed in a secure detention facility, he or she is far more likely to be detained again and placed in a secure treatment facility for a future arrest or offense. DJS' leadership of the JDAI collaborative in Baltimore City, for example, helps close the path of

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<sup>75</sup> See Department of Juvenile Services Data Resource Guide Fiscal Year 2018 pp.109 and 145  
[www.djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](http://www.djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf).

progressive or deepening involvement of youth at the post-disposition stage. JDAI also helps ensure that DJS makes fair and consistent recommendations to courts regarding appropriate uses of secure detention based on an objective assessment of a youth’s risk level and coordinated use of continuums of community-based diversion and alternative to detention resources.

The DJS Office of Equity and Reform’s expanded focus to racial and ethnic disparities combines intentional strategies to mitigate adverse outcomes for youth of color involved in the system, and identification of specific strategies that improve outcomes of system involvement in communities of color. Its work has involved the design and implementation of extensive, three-tier training on the language, lens and leadership for racial equity across DJS units. This work is important to heighten sensitivity and understanding of racial equity barriers from an institutional framework, and thereby prepare staff at all levels to engage in needed reforms to mitigate the adverse impact of disparate decision making on youth and families of color. Additionally, the Office developed and guides use of a *Racial Impact Assessment Lens* to guide agency leaders in the process of policy and practice review that intentionally focuses on the real or anticipated impact of agency decision making on youth and families of color. To measure the agency’s progress and direct further reform efforts, DJS continues to collect and publish statewide data regarding the level of involvement of youth of color at various decision points, with the first report of data published for FY 2017.

DJS is one of a handful of juvenile justice agencies in the United States with an executive-level office solely focused on addressing racial disparities within the system. However, as mentioned above, DJS is just one part of a much larger system in Maryland. Other stakeholders such as law enforcement, courts, schools, state’s attorneys and public defenders have critical roles to ensure fair and equitable decision-making and results in the juvenile justice system. DJS remains committed to work with all stakeholders to work towards a fairer and equitable system.

**DJS WILL CONTINUE TO PRIORITIZE “ALTERNATIVES TO INCARCERATION” OVER COSTLY EFFORTS TO CONSTRUCT AND OPERATE NEW FACILITIES.**

The Annie E. Casey Foundation (Casey) is a proponent of smaller, regionalized treatment settings for youth in the juvenile system.<sup>76</sup> DJS agrees that providing treatment services to youth in or close to their home communities is generally beneficial for both the youth and their families. For that reason, DJS’s reforms over the last several years have focused on providing support and services in the community to as many youth as possible and, in turn, limiting the use of detention and incarceration for small number of youth when they pose an unreasonable risk to public safety. In other words, DJS has been implementing “Alternatives to Incarceration” in order to reduce the unnecessary use of secure treatment facilities for youth who can otherwise receive treatment in the community.

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<sup>76</sup> Mendel, Richard A. “The Missouri Model: Reinventing the Practice of Rehabilitation Youthful Offenders” Annie E. Casey Foundation pp. 15-20 (2010) [www.aecf.org/m/resourcedoc/aecf-MissouriModelFullreport-2010.pdf](http://www.aecf.org/m/resourcedoc/aecf-MissouriModelFullreport-2010.pdf).

DJS has strengthened the alternatives to incarceration primarily at intake, which is usually where youth have their first contact with the juvenile justice system. DJS has worked with a variety of experts and stakeholders to implement initiatives like Behavioral Health Diversion and the Cross-Over Youth Practice Model. These initiatives help youth whose primary needs are mental health and youth who are also involved in the child welfare system, respectively, avoid deeper involvement in the juvenile justice system. Other programs like the Choice Program based out of the University of Maryland, Baltimore County, Living Classrooms and Community Conferencing provide youth with support and services in the community like peer-mentoring, employment, academic support and neighborhood dispute resolution. More recently, DJS has created the Office of Equity and Reform to ensure that all of DJS's policies and practices are viewed from an equity lens in an effort to address the disproportionate number of youth of color involved in the juvenile justice system. All of these programs and many more are part of DJS's continuum of services designed to provide treatment to youth in their community, rather than a secure treatment facility.

The ultimate benefit of these reforms is that, to the extent a youth can be supported and served in the community, they are far less likely to wind up in secure treatment facilities, a.k.a. the "deep end" of the juvenile system. There is no need for DJS to build more treatment facilities. Instead, DJS will continue to focus on diverting, treating and supervising as many youth as safely possible in their home communities while reserving its existing secure treatment facilities for the small number of youth who pose an unreasonable risk to public safety.

DJS will continue to focus its efforts on strengthening its "Alternatives to Incarceration" on the front end of the system, while also bolstering the programming and therapeutic elements of its existing treatment facilities. Additionally, as stated in the "Family Engagement" section below, DJS is committed to removing as many barriers as possible for families who want to be involved with their sons and daughters who reside in DJS secure treatment facilities.

DJS is committed to providing the best treatment and continuing to move forward in its ongoing efforts to improve our programming, therapy and family engagement practices.

## **REVIEW OF THERAPEUTIC MODEL UTILIZED IN DJS-OPERATED TREATMENT FACILITIES.**

DJS has implemented a treatment model in its committed treatment facilities that is based on both cognitive behavioral therapy and trauma informed practices. A full description of the DJS treatment model is set forth later in this Introduction section.

While there is an overarching treatment model in DJS facilities, the department agrees with the JJMU's assertion that progress in the behavior management system tends to be the main indicator of a youth's success in a facility, rather than the youth's progress towards clearly defined treatment goals. Thus, DJS has commenced a review of its treatment and behavior models, respectively.

Ultimately, the department seeks to make progress in treatment the primary measure of youth success in the facility with compliance in the behavior management system an ancillary measure. DJS has formed an internal committee to study an approach that would seek to have progress in treatment primarily drive release recommendations. The committee will also examine other factors that impact the overall release recommendation, which may include: youth behavior, risk level, committed offense and potentially other elements.

### **DJS HAS REVISED ITS PROCEDURES TO ENSURE YOUTH RECEIVE EFFECTIVE TREATMENT.**

Contrary to the JJMU's assertion, DJS does not "sentence" youth in the juvenile justice system nor does the department have the legal authority to release youth. That responsibility is held by juvenile courts, who are required to enter dispositions that are treatment-focused and for indeterminate periods of time, in keeping with the principles of the juvenile justice system.<sup>77</sup>

Recently, DJS conducted a review of the lengths of stay of youth residing at the Victor Cullen Center. That review revealed a significant issue: youth with the most serious offenses had the shortest lengths of stay and were being released earlier than their peers who committed less serious offenses. Upon further analysis, it was determined that youth with serious offenses had previously spent long periods of time in secure detention and, consequently, had more time to progress through the levels of DJS's behavioral management system. Thus, when those youth were later admitted to VCC to begin their treatment, they entered at a higher behavioral level than their peers with less serious offenses. The higher behavioral level acted as a shortcut that led to an earlier release than would have normally been warranted given the risks and needs.

Obviously, those results were unfair and undermined the efforts of VCC's treatment team. DJS's executive team acted immediately to rectify the situation. First, DJS's executive leadership disallowed the transfer of behavior points and levels from secure detention to committed treatment programs moving forward. Thus, all youth admitted to VCC will start in the behavioral management program at the beginning and work their way through the levels. VCC's behavioral health staff will now be better able to implement individualized treatment plans and youth will be incentivized to continue to attain the levels through the STARR program. Second, executive oversight and approval is required for all youth with serious offenses prior to any release recommendation by VCC staff.

As a long term solution, DJS is conducting a review of the treatment and behavioral management programs in its committed facilities with the goal of incentivizing youth to engage in their treatment program. Specifically, progress in treatment would be prioritized over behavior as the measure of success for youth in committed treatment programs.

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<sup>77</sup> Md. Code Ann., Cts. & Jud. Proc. § 3-8A-24(a).

## **DJS CONTINUES TO PROVIDE INCREASED OPPORTUNITIES FOR FAMILIES TO ENGAGE WITH YOUTH IN THE SYSTEM.**

In 2016, DJS created an executive-level position to focus on increasing engagement and involvement of families in the lives of youth in DJS care. To assist facilities in their efforts to develop meaningful events for families visiting youth, family engagement “toolkits” were developed and distributed to all DJS facilities. These “toolkits” provide practical information on how to set up engaging and educational events for families and youth during scheduled family visitation sessions. Of course, facility staff may develop their own events to engage families.

Over 800 youth and families participated in family engagement activities at DJS-operated facilities during the first quarter of 2019. Youth and families continue to provide positive feedback about the activities and suggestions for future events.

DJS continues to work to remove barriers to families participating with youth in DJS facilities. Perhaps one of the biggest barriers for families of DJS youth is transportation. To address this challenge, DJS is in the initial stages of procuring a private vendor to provide transportation for families who want to visit loved ones in DJS facilities. This service would supplement DJS’s existing supports for family visitation. DJS is moving forward through the procurement process to secure a vendor and the department aims to have full implementation in late 2019.

In addition to in-person visits and family engagement activities, youth are granted at least two 10-minute phone calls to their family per week. However, youth may have additional phone calls with their family as part of their therapeutic treatment program or as needed when significant life events occur such as birthdays or family emergencies. Youth may also earn more phone time through the STARR program as a reward for good behavior.

The Office of Family Engagement continues to identify ways to improve the system for families. In October of 2018, the Department launched a pilot program to provide peer support to families while their child is involved in the juvenile justice system. The Maryland Coalition for Families provides peer support services with the goal of helping families address the barriers they face to help families and youth be successful. The pilot sites for this initiative are: Anne Arundel, Baltimore City, Baltimore County, Prince George’s and Wicomico Counties. Families can access this service at any time during their involvement with the department.

## **DJS CONTINUES TO RECRUIT TO FILL BEHAVIORAL HEALTH STAFF VACANCIES.**

DJS acknowledges that the agency is currently facing a shortage of licensed behavioral health clinicians, particularly at the Youth Centers and the Victor Cullen Center. The department has specifically designated behavioral health positions for ongoing and continuous recruitment.

DJS is continuing to recruit multiple positions to include social workers and other mental health professionals. DJS recognizes the vital roles that behavioral health staff plays in DJS facilities and will continue to take an intentional approach to fill those positions.

**COGNITIVE BEHAVIORAL THERAPY IS THE FOUNDATION OF DJS'S THERAPEUTIC TREATMENT MODEL AND SUPPORTS DJS'S BEHAVIORAL MANAGEMENT PROGRAM.**

In previous responses, DJS has detailed its use of cognitive behavioral therapy and trauma informed care in its facilities. The section below is an updated version of that original description.

Cognitive Behavioral Therapy (CBT) is a model that has existed for over 30 years. Most behavioral health (BH) staff has 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 utilize CBT interventions to help youth develop appropriate and better coping, decision-making, and behavioral skills.

All masters and doctoral level clinicians in our committed facilities, and few in our detention facilities, attended an initial 2-day training in Trauma-Focused Cognitive Behavioral Therapy (TF-CBT), which is an evidence-based cognitive behavioral intervention for youth with trauma symptoms. These individuals will continue their training in TF-CBT by participating in bi-weekly and monthly consultations with an expert trainer in TF-CBT for the next 9 months.

All staff in DJS' committed facilities received and continues 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 program, that enables staff to identify a youth's history of trauma exposure, trauma 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, and it is a key component of PBIS. The PBIS framework 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 and STARR program, 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, de-escalation and coping strategies.

PBIS is a framework for organizing interventions and programs, and 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 program and PBIS framework help youth develop skills and achieve 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 is 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 and Savage Mountain Youth Center are dedicated to serving youth with the highest level of substance abuse needs.

Licensed psychologists, social workers, professional counselors, and addictions counselors provide individual, group, and family counseling to youth to help them address emotional and self-regulation issues. All youth in DJS committed facilities are assigned a behavioral health clinician.”

### **THE WORLD OF WORK IS TEMPORARILY SUSPENDED PENDING REVISIONS TO THE POLICY AND PROCEDURES.**

DJS implemented the “World of Work” (WOW) program as a means of providing work experience for youth residing in its facilities. Youth in the program were paid for performing various tasks around the facility. All of the WOW tasks occurred on the grounds of the facilities, which provided a controlled environment for the youth to gain work experience under staff supervision.

Recently, DJS administrators reviewed the WOW program and determined that the program needed more structure and was temporarily suspended while the policies and procedures governing the program were revised. This revision process is ongoing.

### **DJS’S NEW HOME PASS POLICY IS IN EFFECT.**

DJS is pleased to report that its new home pass policy and procedure is now in effect. The new policy reflects the work and input of operations and community staff and is based both on Maryland law and standards set forth by the American Correctional Association.

DJS’s current home pass policy addresses the concerns with the previous practice by adding more structure and clear expectations for the youth while he/she is in the community. For instance, the new

home pass policy now requires that the youth and parents/care givers sign a “Home Pass Contract,” which sets expectations for both the youth and his/her family while the youth is in the community, appropriate transition activities and an evaluation of the youth’s behavior during the home pass. The department anticipates that the new home pass policy will ensure that the home pass process will become an extension of a youth’s treatment plan while the youth visits his/her family in the community.

## COMMITTED PLACEMENT CENTERS

### Victor Cullen Center (VCC)

#### Use of Seclusion

DJS only authorizes seclusion when a youth is determined to be an imminent threat to themselves or others. The incident that was reported in the JJMU report was formally investigated by the OIG who determined there was a violation of policy and a lack of clear communication to direct care staff. VCC administrators and direct care staff have been retrained on the seclusion and de-escalation policy and process. Appropriate disciplinary action has been taken with the staff identified in violation of policy.

#### Treatment

The JJMU report discussed a lack of leadership at VCC and mentioned that the superintendent position had just recently been filled at the time of the report publication. The position has been filled by a long-time DJS employee who has served in numerous positions during his career including being a Resident Advisor, Assistant Superintendent of Operations, and the Assistant Superintendent of Programming at Victor Cullen Center.

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

#### Staffing

The nature of positions within the realm of juvenile justice is that there is frequent turn-over. Likewise, in any workplace, when multiple staff members are on leave or out sick, there is a heavier burden placed upon other members of the team. DJS is in no way unique to these issues. DJS, however, does have to provide staff for the required ratio of coverage and has always maintained fidelity to these standards. The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and are required to be in compliance with the ACA and PREA.

A new Director of Behavioral Health has been retained at VCC. At the time of this writing, two positions are in the final stages of hiring and the remaining positions are in an active state of recruitment.

VCC continues to work at improving morale, coaching, and training all staff to properly implement the STARR program. Reviews of policies and procedures are conducted daily during the shift briefing, in addition to unit meetings which are held monthly by assigned unit managers.

With respect to Grievance 15445, the Advocate met with the Superintendent about the youth's concern. The Superintendent adjusted the youth's point sheet and met with the RA to provide corrective feedback.

In regard to Grievance 15185, the youth's complaint was founded and the staff was disciplined in accordance with DJS policy and procedures.

In response to Grievance 15211, it was determined that the CMS acted appropriately by submitting the book to administration for approval. The Superintendent resolved that the book entitled, "The Hate You Give," was reviewed for appropriateness and ultimately approved.

### Quality of Life

With regard to Grievances 15240, in any instances where youth find hair in their food, they can receive a replacement item once it is brought to the attention of dietary staff.

Regarding Grievances 15286 and 15384, the department complies with the Federal Child Nutrition Program nutrient standards for breakfast and lunch. Double portions are provided for the dinner meal. The total calories for the day, on the average, are greater than 3,500 calories. Dietary also serves an evening snack that provides 250-300 calories.

In response to Grievance 15415, the Advocate met with the RAS and Assistant Superintendent to ensure that the youth received properly sized boots. Similarly, in regards to Grievance 15428, the RAS completed inventory request forms for all youth to ensure that they had all necessary items.

### Family Engagement

The department agrees that family engagement plays a critical role in the youth's success both in treatment and as they return to the community.

DJS policy grants facility superintendents with the discretion to make additions to the visitation list provided that a community case manager has verified the individual's family relationship to the youth. Regarding Grievance 15412, the youth's aunt was approved for visitation and added to the list in accordance with DJS policy.

Victor Cullen has visitation four times a week for two hours. The visitation schedule is Saturdays and Sundays from 8:45am-10:45am and 1:00pm-3:00pm. The department changed its policy to allow a

youth to have up to four visitors at one time. Families are allowed to participate in both visitations on the same day. The department's policy allows a special visitation to be arranged if the family is unable to make the department's scheduled visitations. The department's policy allows youth in the department's care to have special visits with their child and the child's co-parent. The department is working to provide monthly transportation to families to help alleviate the travel burden some families have.

For more information about DJS' Family Engagement strategies, please see the Introduction Section of this Response.

## **Savage Mountain**

### Safety and Security

Safety and security are the top priorities for all DJS facilities. As part of the JJMU report, it was mentioned that the facility was reopened despite significant security issues. In response to the lack of fencing around the generator and the gatehouse, assessments were completed and it was determined that these are not necessary. The report also indicated that youth were not allowed outside except during line movement. This is not accurate as youth have been allowed to have daily recreation outside and are only limited by inclement weather.

The project to install sprinkler systems in the dorms is currently being procured, as is the project to improve the outdoor recreation area. The project to install detention grade doors is underway and the doors will include window light kits that will allow staff to view youth in their rooms. Each door will have an electromechanical lock that will be controlled in the shift commander office and gatehouse. Ligature resistant bathroom fixtures are being procured.

Savage Mountain has implemented numerous programs and activities including: the Dream Loud Music Program, a new greenhouse, CHAMPS participation, Pottery Class, Chess Club, and an upcoming IT Coding program that will allow youth to earn certification. Outdoor recreation activities occur daily, weather permitting, and recreation is available in the gym as well.

### Family Engagement

Savage Mountain has visitation four times a week for two hours. The visitation schedule is Saturdays and Sundays from 10:00am–12:00pm and 1:00pm–3:00pm. The department changed its policy to allow a youth to have up to four visitors at one time. Families are allowed to participate in both visitations on the same day. The department's policy allows a special visitation to be arranged if the family is unable to make the departments scheduled visitations. The department's policy allows youth in the department's care to have special visits with their child and the child's co- parent. The department is working to provide monthly transportation to families to help alleviate the travel burden some families have.

For more information about DJS's Family Engagement strategies, please see the Introduction Section of this Response.

## **YOUTH CENTERS**

### Physical Plant at Backbone Mountain

The department acknowledges the JJMU's concerns regarding the potential for vehicular accidents due to visibility at the entrance of the road. As mentioned in the JJMU report, DJS did add lights and reflective material on the marquee to assist with these issues. A request was made to the Maryland State Highway Administration to place an additional sign at the main entrance of the facility that will read "Backbone Mtn. Dept. of Juvenile Services." During communications with the Maryland State Highway Administration, DJS was informed that it is not possible to place a flashing light at the main entrance of the facility because that would give the appearance to truckers that they need to stop.

### **Meadow Mountain**

An internal investigation was conducted by the Department's OIG and Child Advocacy Units regarding an allegation made by a youth about possible unfair treatment at the facility. At the conclusion of the department's investigation there was no evidence found to substantiate the claims made by the youth.

For a detailed description of DJS's over-arching therapeutic model in DJS's committed facilities, please see the Introduction Section of this Response.

In regards to Grievance 15258, the incident was investigated and Administration determined staff actions were appropriate as the youth did receive several warnings prior to the points being deducted.

### Staff Ratios

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and required to be in compliance with the ACA and PREA. In regards to mental health professionals, the ratio of behavioral health staff to youth is consistent with, if not higher than, most psychiatric residential treatment facilities (RTC's) for adolescents. Mental Health clinicians are available at Meadow Mountain Youth Center during waking hours until 7pm all days except Monday (clinician present until 5pm) and on both weekend days.

### Youth Center Activities

#### *Green Ridge Youth Center*

The recreation specialist position at Green Ridge Youth Center was filled as of June 19, 2019.

In regards to the JJMU's assertion that the youth are not engaged in activities and are reporting periods of boredom and downtime, an understanding of a typical schedule is needed. The majority of a youth's day is spent focusing on educational goals and treatment programming. Add to that meal times, hygiene time, and sleep time and the day is already quite full. However, DJS recognizes the importance of activities to keep youth busy and reduce the amount of downtime youth experience. DJS agrees with the JJMU about the critical nature of engaging youth and continually strives to offer activities and programming that is interesting to the youth.

Green Ridge provides treatment until 5:00pm and structured recreation after dinner for all youth. During this Quarter alone, the following programming opportunities were available for the youth: Dream Loud Music Production, Dialogue Circle, Book Club, Bucket List Club, and Arts and Photography Programming.

### *Backbone Mountain Youth Center*

At Backbone, youth are afforded weekly structured activities coordinated by the recreation specialist including: NFL Fantasy, Reflections, board games, CHAMPS Bowling, Incentive Room and games, trips, movie nights with popcorn, and art class with Deep Creek Pottery.

### *Meadow Mountain Youth Center*

Meadow Mountain Youth Center holds bi-weekly youth advisory board meetings to allow youth the opportunity to make suggestions regarding activities they would like to have available. Meadow Mountain Youth Center provides structured activities including arts and crafts, campus-wide physical education events, educational activities, and service learning opportunities. In addition, the CHAMPS program provides opportunities for youth to compete against other youth facilities in structured activities such as sporting events, arts and crafts, poetry competitions, and oratorical contests.

### Family Engagement

Each of the staff-secure youth centers have visitation four times a week for two hours. The visitation schedule is Saturdays and Sundays from 10:00am-12:00pm and 1:00pm-3:00pm. The department changed its policy to allow a youth to have up to four visitors at one time. Families are allowed to participate in both visitations on the same day. The department's policy allows a special visitation to be arranged if the family is unable to make the departments scheduled visitations. The department's policy allows youth in the department's care to have special visits with their child and the child's co- parent. The department is working to provide monthly transportation to families to help alleviate the travel burden some families have.

For more information about DJS's Family Engagement strategies, please see the Introduction Section of this Response.

### **J. DeWeese Carter Center (Carter)**

#### Safety and Security

In regard to Incident 156196, the staff involved in this incident was disciplined in accordance with DJS policy and procedures and is separated from DJS employment. CPS and the State Police were notified. CPS screened out the complaint and MSP did not bring charges.

#### Successful Therapeutic Intervention

The JJMU report noted a youth with severe substance use issues was treated at Carter. While this particular youth was at Carter, she received much needed mental health and trauma treatment. She obtained necessary psychiatric stabilization while at Carter, which laid the groundwork for her successful transition to an addictions treatment program.

For a detailed discussion of DJS' policies on phone calls, home passes, and family engagement efforts please refer to the Introduction Section of this Response.

## **DETENTION FACILITIES**

### **Baltimore City Juvenile Justice Center (BCJJC)**

For Incident 156324, it was determined that staff were not aware of previous tensions between the youth involved. During shift briefings, supervisors and shift commanders continue to review the importance of documenting tension that may exist among the youth on the unit where there is conflict. Staff are consistently reminded to review the logbooks prior to their shifts in an effort to be more proactive.

Regarding Incident 157058, an administrative review determined that there was a delay in response by staff and the staff was disciplined in accordance to DJS policy and procedures. During shift briefings, supervisors and shift commanders continue to review the importance of proper postings.

Regarding Incident 156924, administrative review determined that staff intervened immediately, there were no injuries reported and no interruption to facility operations. Staff were retrained on proper posting.

For Incidents 156401, 157002, and 156921 it was determined that staff intervened immediately, none of these incidents interrupted facility operations, and none required any outside assistance.

Regarding mental health, DJS' contracted behavioral health vendor provides services that include, at a minimum weekly: psychoeducational groups, individual sessions, assessments, crisis debriefing, case consultation with staff and psychiatric services. Staff are offered training in a variety of topics during all staff meetings and unit/pod meetings. Residential staff are provided daily support by behavioral health clinicians. Behavioral health staff are available between the hours of 8am-8pm Monday to Friday and 8 hours on Saturday and Sunday. Behavioral health is available 24-hours a day after on-site working hours to handle any crisis needs of the youth and the facility through the on-call services.

At BCJJC, behavioral health staff responds to and notifies staff verbally of any issues or concerns that they recognize prior to an incident occurring. If present at the time of an incident, behavioral health staff will offer verbal support and attempt to aid in de-escalation.

All direct care staff have been trained on trauma informed care. During staff meetings, direct care staff receives additional training from behavioral health staff on topics such as triggers, coping skills, effective communication, and de-escalation. During Incident 157084, the youth initiated a fight with a peer despite all efforts to redirect youth's misplaced feelings. Staff immediately intervened and de-escalated the situation, and administrative review determined that staff were posted properly. Mental health clinicians were notified and debriefed with the youth after the incident.

### **Cheltenham Youth Detention Center (CYDC)**

The department appreciates the positive comments about CYDC's efforts in auditing incidents and using incident-related video as a training tool; as well as the remarks concerning the superintendent's efforts to create a positive facility environment.

The new assistant superintendent and the senior management positions have been filled.

CYDC has been using its outdoor space more frequently for youth recreation now that the weather has improved. This large area is often utilized for events and most recently for field day and a family engagement event. The area is also used for unit of the month activities and horticultural programming. Youth have consistent access to the outdoor courtyards in between the living units and these spaces will continue to be used when the weather permits.

All CYDC plant/facility issues are immediately reported to the facility's maintenance crew, who strive to resolve all work order requests in a timely fashion.

For a detailed discussion of DJS' policies on phone calls and family engagement efforts please refer to the Introduction Section of this Response.

DJS understands the importance of maintaining family contacts and recognizes that one of the primary means of communication is through phone calls. The JJMU asserts that phone call issues occur regularly and that they cause frustration among the youth. However, anytime a youth reports that a call was dropped, which is not common, case management checks the system to determine if the call was dropped. In cases where it is determined that a call was dropped prematurely, the youth's call is replaced in the system by the case manager supervisor.

In reference to Incident 156347, the youth reported to staff that his phone call was cut off early and the staff assigned to the unit called the shift commander to determine a resolution. The youth began displaying aggressive behavior and damaged the telephone equipment. After the youth had de-escalated he was allowed to re-initiate the phone call.

### **Charles H. Hickey Jr. School (Hickey)**

The JJMU report included seven incidents cited as examples of the need to seek assistance from supervisory and mental health staff to de-escalate tense situations and reduce reliance on physical restraints (155987, 156557, 156558, 156552, 156965, 156852, and 156993). Five of the seven incidents above were youth on youth assaults, one was a youth on staff assault, and one was a verbal altercation between two youth. For all of the assault incidents, the youth were seen by medical and processed by both the shift commander and mental health staff. During each of the incidents, de-escalation efforts were attempted by staff but when deemed unsuccessful, restraints were used. As per DJS policy, all restraint incidents were reviewed by facility administrators and determined to be appropriate.

At Hickey, the DJS contracted vendor provides mental health services that include, at a minimum, weekly: psychoeducational groups, individual sessions, assessments, crisis debriefing, case consultation with staff, and psychiatric services. Staff are offered training in a variety of topics during all staff meetings and unit/pod meetings. Residential staff are provided support daily by mental health clinicians. Behavioral health staff are on site between the hours of 8am-8pm Monday to Friday, 8 hours on both Saturday and Sunday. Behavioral health is also available 24-hours a day after on site working hours to handle any crisis needs of the youth and the facility through the on-call services.

At Hickey, the behavioral health staff offices are located on the units and clinicians hold sessions in their offices. Behavioral health staff also consult with direct care staff while on the unit.

All staff receive training in Youth Mental Health First Aid at ELT and every three years as is required by the Youth Mental Health First Aid protocol. Mental Health First Aid is an 8-hour course that gives people the skills to help someone who is developing a mental health problem or experiencing a mental health crisis. The evidence behind the program demonstrates that it does build mental health literacy, helping the public identify, understand, and respond to signs of mental illness.

Regarding Incident 155815, the mental health clinician was contacted as the incident was unfolding. The clinician responded to the youth and eventually calmed the youth down. Since Hickey School is an open campus, a decision was made to move the youth to a facility that is in one building. The decision to not seek a psychiatric evaluation was made by the mental health team who worked with this youth on a daily basis.

For Incidents 155960, 155815, and 156940, work orders and repairs were completed on the cameras. Furthermore, the IT Division did a comprehensive assessment of the cameras at the Hickey School and made the decision to upgrade many cameras that were continuing to show wear.

Regarding Incident 155917, this incident did not occur during this Quarter, but rather occurred during the 4<sup>th</sup> Quarter of 2018. The shift commander contacted the on-call clinician to address the issue as the on-site clinician had already departed the facility.

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

The JJMU report included information pertaining to an 11-year old female placed at Waxter with a history of self-injurious behavior. DJS agrees with the JJMU's assertion that detention is not universally appropriate for all youth. DJS is obligated to care for all youth placed into detention by the court. DJS strives to create the best environment for all youth under its supervision and focuses on safety and security as its number one goal.

The behavioral health staff develop guarded care plans, as needed, providing regular mental health check-ins/follow-ups with youth. This is conducted on an individual basis so that youth are supported and to decrease the anxiety and tension experienced while detained. Of particular note, during the First Quarter:

- Mental Health Check-Ins were completed by licensed clinicians.
- Mental Health Screenings were completed.
- Psycho-Social evaluations for MAST or Certificate of Needs (CON) were completed to help youth move from detention to residential treatment centers (RTC) or other more appropriate placements.

Behavioral health staff helped to facilitate the start of a weekly group provided by YWCA of Annapolis & Anne Arundel County. This psychoeducational group is focused on healthy relationships and dating violence. At this time Waxter has filled a full-time psychologist position and a full-time social worker position. Waxter continues to have two part-time contractual social workers who come to the facility on Saturdays and Sundays.

DJS has a full-time maintenance staff that work between the hours of 7:00am-3:30pm Monday - Friday. Maintenance staff are on call for emergency after hours calls.

An emergency procurement was requested to address the issues with HVAC. Replacement of some of the HVAC units has begun.

The JMU report included a photo of a ceiling tile in the school administration trailer. This was a result of a roof leak that has been repaired and the ceiling has been repaired and painted.

### **Alfred D. Noyes Children’s Center (Noyes)**

The Department appreciates the positive comments about Noyes’ staff and administration in their continued efforts to provide positive programming opportunities and supervision of youth.

As with any vacancies, DJS has ongoing recruitment efforts in order to fill open positions as quickly as possible.

### **Lower Eastern Shore Children’s Center (LESCC)**

The Department appreciates the positive comments about LESCC administrators, direct-care staff, case managers, mental health clinicians, and educators adopting a team approach to provide individualized attention and support to youth at LESCC.

Interviews are being conducted to fill direct care and behavioral health staff vacancies.

DJS is in the process of procuring replacement bathroom fixtures to address all safety concerns.

The Youth Advisory Board is a way to gain youth voice and provide administrators feedback on what types of programming the youth would like to have. DJS administrators have been reviewing feedback in order to implement new programs.

### **Western Maryland Children’s Center (WMCC)**

With respect to the use of the “quiet room” at the facility, DJS administrators will adhere to the requirements of seclusion procedures.

The Department appreciates the positive comments about the collaborated effort to bring in additional enrichment programming for youth at WMCC.

## **Private Programs**

### **Silver Oak Academy (SOA)**

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1. "The average daily population of youth placed at Silver Oak increased by 27% in the first quarter of 2019 when compared to the first quarter of 2018. Comparing the same time periods, youth fights and assaults decreased by 35%. The number of incidents which included staff use of physical restraints on youth did not change; Alleged youth on staff assaults increased substantially (from one to seven)"

**SOA Response:** Silver Oak Academy has implemented a new training module that required supervisors to train their staff in February 2019. We noticed more break downs in the use of program behavior management system during the time period of our new training program (February until July). We believe that the new staff lack of use of the behavior management system and confrontation system lead to more students taking staff confrontations personal. We have since the beginning of July, gone back to our in classroom training academy. We chose to return to a classroom setting versus an on the floor training model to allow for staff's undivided attention during the training. When new staff are learning how to manage behaviors, they should understand cognitive distortions, and our proactive levels of intervention prior to jumping into the mix with our students.

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2. "Youth and staff interactions and staff supervision of youth should continue to be closely monitored and evaluated by administrators to aid in ensuring safety"

**SOA Response:** We are reviewing all behavior intervention reports weekly in our group living management meeting to enforce fidelity of the staff utilization of the behavior management process.

3. "In incident 156801, youth were allowed to enter and exit each other's sleeping quarters and a youth entered another youth's room to assault him. While staffers were posted on the unit, they were not paying attention to what was occurring inside the rooms. Greater attention to youth location and movement by staff can help prevent incidents involving aggression.

**SOA Response:**

- We have increased expectations and responsibilities on the Awake Night shift. Previously, they were supervising students while standing next to a group. Now staff interaction with

students is encouraged to be from within the group. In addition, Silver Oak Academy requires staff to provide 5 positive reinforcements to 1 negative reinforcement for each student. Example: Positive -1. Great Dress Code 2. Appreciate your time management today 3. Thanks for running a positive line movement 4. Great job with your math homework 5. Appreciate not talking while in line for lunch. Negative -1. You were out of area and refusing to go to class. Reports are required from the Awake Night Staff to encourage students buy in to the morning program. This also helps the students to start their day off on the right foot which leads to less incidents.

- We have reviewed the infraction for students being out of area
  - We are monitoring the ability of the Awake Night Staff to perform their new expectations closely. Staff are required to provide 1 positive report for a student each day as well as documenting more positive feedback on their force fields. Silver Oak began the monitoring on July 1, 2019. In addition, using Methodics training (A hands on training form that is used to score each staff member on their job performance by observing them closely and providing feedback on the spot), we will be able to measure staff performance over the next 90 days.
4. “Family engagement through regular visitation is limited. While families can visit youth during athletic games and tournaments and for special events, regular visitation is limited to one weekend day per month. Silver Oak Academy should incorporate more opportunities for family engagement to complement its robust rehabilitative program. Youth visitation at DJS-operated placement sites is also overly restrictive but families are permitted two hours visitation twice per week. The visitation schedule at Silver Oak should - at a minimum - allow for similar visitation privileges”.

**SOA Response:** Silver Oak Academy has always provided one visitation per month for each student. Every visitation is 2.5 hours long. If the parent is unable to make a weekend visitation, special visitations have been and will continue to be arranged.

Holiday visitation is allowed. Families are allowed to visit athletic, site events.

Students engage in phone conferences and onsite family therapy with licensed therapist. The frequency of the conferences and therapy sessions vary based on the student’s treatment needs as well as the family’s requests.

We have monthly IVALIDATE (Multi-Disciplinary Team Meetings) that parents are invited by phone and in person every thirty days.

Starting on September 8, 2019, Silver Oak will begin visits on the 2<sup>nd</sup> and 4<sup>th</sup> Sunday of the month. This timing is to allow family members to adjust their schedules as well as our Clinical

Director to ensure that the parents have the opportunity to ask questions in person for how their child is doing at SOA.

5. "Phone calls are also limited to two 10-minute phone calls per week that must be placed during the weekend (Saturdays and Sundays). Several youth reported that having flexibility to call their parents during the week could assist them in staying on track with the program and help sustain their motivation. Some youth also indicated that calls placed during the week were preferable due to their parents' work schedules. In addition to individualizing the timing of phone calls in response to differing family circumstances, the number and duration of phone calls should be increased to allow for more family contact".

**SOA Response:** In addition to 2 phone calls on weekends, students are also able to make a phone call on a weekly scheduled one on one session with the case manager and therapist. If a student requests a quick phone call to a parent, they can do so during this time. Case managers leave at 5:00 PM

On the weekends, the case managers can pull the students from the recreational program to have their phone calls. During the week, the case managers would have to pull the students from either Education or Treatment group which disrupts the two most important pieces of our student's program.

6. "Several youth with young children reported difficulty with maintaining bonds with their children while at Silver Oak and requested parenting resources to help them become more involved and responsible fathers. Treatment resources should be expanded to include parenting classes, family therapy, and regular opportunities for fathers to connect with their children".  
**SOA Response:** Silver Oak Academy provides a fatherhood group to those students who have children. These groups are ran once a week by a licensed therapist as well as our Shift Supervisors. We also allow the children to attend visitation and special events and family therapy sessions.

### [VisionQuest Morning Star \(VQMS\)](#)

**DJS Response:** With respect to the issues raised by the JJMU Report, the Department of Juvenile Services (DJS) conducted an onsite monitoring visit at VisionQuest Morning Star on March 29, 2019, and reviewed the incident #156973. The review resulted into a deficiency finding and Corrective Action Plan (CAP). The program's CAP received on April 25, 2019 was accepted and a CAP review on April 30, 2019 determined that the program was in compliance. DJS continues to monitor the program for compliance.

### Page 61

1. "Increased attention should be placed on maintaining structure within the program and ensuring all youth receive prompt and appropriate medical care to increase safety and security

for youth and staff. In incident #156973, a group of youth were able to exit one unit and enter another unit through an unlocked door to attack and injure a youth inside. Subsequently, the targeted youth grabbed a wooden bed slate and a shower rod, exited the unit and attacked another youth, hitting him on the head. The youth with the head injury was sent off site for emergency medical services. Staff eventually gained control of the situation, and the youth who was initially targeted was seen by a facility nurse for a swollen nose and cheek. He was kept overnight at the facility and transported the next day to a detention center. Upon arrival, medical staff at the detention center directed that the youth be transported to a nearby hospital where it was determined that the targeted youth had a broken nose and required surgery. “

**VQMS response:** Following incident #156973, all youth were medically assessed by Program Nurse Lisa Robbins including Youth Hitch. At that time, Youth Hitch was only displaying minor bruising and swelling and did not complain of any significant discomfort or pain. He displayed no breathing problems and was conscious and alert. Program Nurse Lisa Robbins planned to follow-up with Youth Hitch the following day to determine the need for further medical attention but he had already been transported to LESCO by the time she arrived on camp.

On the night of the incident, to ensure safety of Youth Hitch, all other youth and safety of the staff, he slept in a separate building following the incident. Youth Hitch was unwilling to commit to safety and was placed on Center of Attention (One to One Staff) for the night.

In regards to maintaining structure in the program, all staff underwent additional training and refreshers in reference to policies and procedures pertaining to supervision, communication and Safe Crisis Management (SCM) Theory. Additionally, a note to file was placed in the staff personnel files. On a monthly basis the program will choose a SCM topic to review during one of the weekly trainings. This will include but not be limited to emergency physical safety interventions, de-escalation and verbal and non-verbal interventions. This process will be reviewed during the weekly Continuous Quality Improvement (CQI) meeting.

2. “Medical staff at Morning Star should be trained in identifying emergency medical conditions that require urgent hospital intervention.”

**VQMS response:** Following incident #156973, all youth involved were medically assessed by Program Nurse Lisa Robbins including Youth Hitch. At that time, Youth Hitch was only displaying minor bruising and swelling and did not complain of any significant discomfort or pain. He

displayed no breathing problems and was conscious and alert. Program Nurse Lisa Robbins planned to follow-up with Youth Hitch the following day to determine, again, the need for further medical attention but he had already been transported to LESCO by the time she arrived on camp. Our Program Nurse, Lisa Robbins, RN has been trained in identifying emergency medical conditions over the past 24 years. She is re-licensed by the State of Maryland every two years. The Program is confident that Ms. Robbins is competent in her ability to identify the need for further medical attention. This is evident by her service to this program over the past 3 years.

3. "Direct-care staff and supervisors should receive refresher training on following safety and security protocols and utilizing the program treatment model to assess and address conflictual group dynamics."

**VQMS response:** After the programs review of the incident the following steps were taken; all staff underwent additional training and refreshers in reference to policies and procedures pertaining to supervision, communication and Safe Crisis Management (SCM) Theory. Additionally, a note to file was placed in the staff personnel files. On a monthly basis the program will choose a SCM topic to review during one of the weekly trainings. This will include but not be limited to emergency physical safety interventions, de-escalation and verbal and non-verbal interventions. This process will be reviewed during the weekly Continuous Quality Improvement (CQI) meeting.

4. "Programming options both on and off campus should be increased to aid in keeping youth constructively engaged to help reduce tension and boredom."

**VQMS response:** Youth are provided many options of activities both on and off campus. They are provided with use of the gym, weight room, on-camp community service, equine opportunities, off-camp community service, use of the community pool, running team and biking team opportunities, participation in dualathlons and triathlons, and bowling. The program schedule is posted in each living unit and placed strategically throughout the camp.

**MARYLAND STATE  
DEPARTMENT OF EDUCATION  
- RESPONSE**



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

July 15, 2019

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

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2019 first quarter report in relation to the provision of educational services within the Department of Juvenile Services' (DJS) residential facilities.

#### **Curriculum Issues**

During the 2018-2019 school year, all schools were on a block schedule and prior to 2018, several of the treatment schools utilized block scheduling. Research conducted on block scheduling details benefits to student academic growth and advantages, which includes more time for in-depth instruction into the content. The following research articles demonstrate that block scheduling can be beneficial to student growth with advantages that align with more time to increase student understanding of the content. Since some students come to the Juvenile Services Education System (JSES) with gaps in their education, explicit instruction in vocabulary, math skills, literacy skills, background knowledge, and foundational knowledge is extremely important to meet their needs. The following information is provided for your reference.

Small, Ruth V. (2000). *Block scheduling*. School Library Media Research. Retrieved from: [http://www.ala.org/aasl/sites/ala.org/aasl/files/content/aaslpubsandjournals/slr/vol3/SLMR\\_BlockScheduling\\_V3.pdf](http://www.ala.org/aasl/sites/ala.org/aasl/files/content/aaslpubsandjournals/slr/vol3/SLMR_BlockScheduling_V3.pdf)

Walker, Tim. (March 2016). *Are block schedules the stress-buster students need?* NeaToday.org. Retrieved from: <http://neatoday.org/2016/03/04/block-schedules-stress-buster/>

Bradshaw, Carol & Reames, Ellen. (2009). *Block scheduling effectiveness: A 10-year longitudinal study of one Georgia's school system's test score indicators*. Georgia Educational Researcher. Retrieved from: [https://www.researchgate.net/publication/239932347\\_Block\\_Scheduling\\_Effectiveness\\_A\\_10Year\\_Longitudinal\\_Study\\_of\\_One\\_Georgia\\_School\\_System's\\_Test\\_Score\\_Indicators](https://www.researchgate.net/publication/239932347_Block_Scheduling_Effectiveness_A_10Year_Longitudinal_Study_of_One_Georgia_School_System's_Test_Score_Indicators)

Professional learning opportunities have been presented and provided to educators to increase expertise in differentiation for 90-minute class periods. Research and resources are also available to teachers through the curriculum Google drive, which includes a folder on differentiation strategies, articles on how to structure a 90-minute class period, and how to engage students during a 90-minute block.

Therefore, the JSES system uses a continuous improvement cycle to review and evaluate the structure of the educational program.

The JSES Career and Technology Education (CTE) program is currently scheduled to mirror the MSDE CTE program in three pathways, thus enabling the JSES students to return to their local school system (LSS) and continue their CTE course work without gaps in the students' instructional knowledge. The current pathways are Construction, Work-Based Learning, and Business Administration Services. Each of these pathways have mandated courses to ensure that JSES students are positioned to complete the statewide pathway programs once they return to their local school system.

Cardiopulmonary resuscitation (CPR), basic food handling hygiene, and construction site flagger, as mentioned in the report, are certification opportunities that help students enhance their resumes and provide them with an advantage over their peers when competing for similar job opportunities. Additionally, there are three levels of the ServSafe certifications: ServSafe Food Handle, ServSafe Allergens, and ServSafe Manager. All of the certifications are available to the JSES students.

## **Committed Placement Centers**

### **Victor Cullen Center (VCC)**

Educational research clearly shows that block scheduling can be beneficial to student growth and overall academic development. Block scheduling can be used to provide highly organized lessons that extend through the entire learning block. Tim Walker's article (2016), quotes Denise Pope, senior lecturer at the Stanford Graduate School of Education. Ms. Pope's research cited block scheduling as a "saner school day" by slowing down the pace, and freeing up more time for hands-on learning and collaboration". Research by Bradshaw and Reams (2009), further noted that block scheduling "provides a way to combat dropout prevention, encourages teachers to use a variety of pedagogical strategies, decreases student discipline issues, raises student test scores, and improves academic achievement."

An additional benefit of block scheduling is that it allows time for the completion of the portfolio requirements in each content area. Educators were given additional professional development pertaining to projects and portfolio requirements at the first JSES 2-day summer conference. The summer conference provided an additional learning opportunity for teachers and staff.

Victor Cullen Center's 90-minute class schedule does not significantly affect the general behavior of the majority of the students. Positive Behavior Interventions and Supports (PBIS) is used at Cullen to assist with on-task behaviors. Research results suggest that "PBIS is an effective framework for high-need schools in improving school climate, reducing discipline, and improving academics through increased time spent in instruction" (<https://files.eric.ed.gov/fulltext/EJ1175692.pdf>).

The JSES staff is dedicated to teaching the whole child. Staff understands that all students have varying academic, emotional, social, and behavioral needs. A social-emotional curriculum has been developed based on standards-driven resources in English and social studies. For example in English, students read theme-based texts on identity, justice, and courage. Texts include *All American Boys* by Jason Reynolds

and Brendan Kiely, *Purple Hibiscus* by Chimamanda Ngozi Adichie, and *If* by Rudyard Kipling. In addition, teachers at VCC have made a concerted effort to incorporate writing across all content areas. Writing instruction prepares students for State testing requirements and completion of service learning requirements.

The VCC offers a variety of "pathways to academic success", including APEX coursework. In addition, VCC provides opportunities for students to complete and earn credits toward graduation. During the second semester, 15 students were enrolled and earned 47 credits. The report states, "monitoring visits over the course of several years is that students usually complete lessons and worksheets for the first half hour...". The observations do not note current practice or improvements in instruction. Research and resources are also available to teachers through the curriculum Google drive, which includes a folder on differentiation strategies, articles on how to structure a 90-minute class period, and how to engage students.

Students who have earned their GED have the opportunity to attend online coursework through Fredrick Community College (FCC) or Anne Arundel Community College (AACC). Most recently, a student earned three credits from AACC by successfully completing Sociology 101. Currently, three students are enrolled in the summer session. The JJMU report states, "Students who have earned the certifications do not have any opportunity to apply their skill and knowledge through employment of internships outside or even inside the institution". It should be noted that youth are court-ordered to this hardware secure facility. Allowing students to participate in opportunities in the community is a DJS-specific matter.

### **Youth Centers x 3**

During the 2018-2019 school year, JSES educators were provided with professional development sessions. The JSES completed the request for quotes (RFQ) process and selected a vendor to provide Capturing Kids Hearts programming for professional learning during the 2019-2020 school year. In June 2019, JSES staff held its first two-day professional development conference. All staff participated in professional growth opportunities and team building with their peers from across the state. A few of the topics presented included the following:

- Only the Strong Survive: Advice, Admonitions, and Affirmations to Spark the Power Within
- Dismantling the School-to-Prison Pipeline: Removing Practices that Favor Incarcerations over Education
- Doing Time with our Boys: Family Engagement Strategies for Reaching Adjudicated Boys and Their Families
- Deliberate Discussions II: Adapting Deliberation Model for JSES Schools
- Drop the Hammer: Strategies to De-Escalate Student Behavior
- Coming into View: Supporting Students at the Root of Their Misbehavior
- Differentiation and How to Keep Students Engaged
- Cultural Relevant Instruction: Connecting Content, Culture, and Creating Impactful Educational Experiences
- Beyond Poverty and Trauma

- Impact of Opioids on Learners and Using Health Skills in the Classroom
- Deliberate Discussions I: How to Facilitate Tough Discussions in the Classroom

The Meadow Mountain Youth Center (Meadow) education staff has ongoing professional development and training. Topics include trauma-informed care, cultural awareness, English as a Second Language (ESL), special education, human trafficking, suicide prevention, the Prison Rape Education Act (PREA), content specific curriculum, and PBIS. Additional professional development and trainings are developed in cooperation with Meadow staff and MSDE specialist to meet the professional needs of staff and educational needs students.

Opportunities for hands-on CTE programs are restricted due to the complexity of the program requirements and the rules of safety and security. However, courses are being designed and implemented to accommodate the varying needs of JSES students. During the fourth quarter, two new CTE teachers were hired to increase course offerings.

Block scheduling has been implemented at Meadow and all JSES facilities. All of the youth centers organize classes according to academics, not living unit. Meadow was the second school in the JSES system to change from living unit to academic specific classes. This occurred in February 2017. In the 2019 school year students earned 175.5 credits. Fifteen students at the school earned their high school diploma through GED testing.

*To Kill A Mockingbird* was not used as an anchor text as stated in the JJMU report at Meadow. The example shared did not take place at the school. The staff member interviewed was referencing her experience at another facility where she was the English teacher. She does not teach English at Meadow.

In May 2019, the Principal observed an English classroom. Students were actively engaged in the play, *Twelve Angry Men*, as part of the Justice Unit. Students freely expressed their opinions and used textual evidence to support their thoughts. Students related the activity to the modern world, including their own home setting. At no time were the students “stirred up”. The principal also stated that accommodations and modifications were implemented for special education students.

### **J. Dewese Carter Center (Carter)**

The Carter Center continues to allow graduates an opportunity to take up to two college courses per semester. Students also have access to APEX courses to meet their individual needs. Students have access to ServSafe, CPR, automated external defibrillator (AED), First Aid, and Flagger certification. These certifications are offered on a rotating basis throughout the year to ensure all students have access.

### **Detentions Centers**

#### **Baltimore City Juvenile Justice Center (BCJJC)**

The MSDE JSES continues to focus on the hiring and retention of staff for the schools. The MSDE JSES staff, in collaboration with MSDE Human Resource (HR) staff, have developed flexible strategic goals to enhance the hiring process, as well as, retention initiatives. Since April, BCJJC has filled two positions with certified teachers. The MSDE is currently in the process of hiring six applicants and only one vacancy remains.

#### **Charles H. Hickey, Jr., School (Hickey)**

The MSDE JSES continues to focus on the hiring and retention of staff for the schools. The MSDE JSES staff, in collaboration with MSDE HR staff, have developed flexible strategic goals to enhance the hiring process, as well as, retention initiatives. Since April, Hickey has filled three positions with certified teachers. The MSDE is currently in the process of hiring two applicants and only two vacancies remain.

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

The position referenced in the first quarter report is a resource teacher who provides classroom support. Academic opportunities for students have not been impacted due to the teacher's absence. The team at Waxter has ensured that all students participate in core, elective, and certificate opportunities. JSES staff at MSDE are currently reviewing candidates for the Special Education position. There has not been any related services or IEP issues that have required corrective action during this vacancy.

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

The report states, "One substitute teacher expressed interest in applying for a permanent position; however, contract stipulations prohibited substitutes from transitioning and becoming MSDE JSES employees." The initial contract had this stipulation. However, this provision does not apply to the current contracts. The JSES has two full time teachers at other facilities who were prior substitutes in the previous school year. Currently, any substitute who applies and qualifies for an opening will be considered for an interview along with all other candidates.

Currently, Noyes has one vacant position. The candidate is scheduled to start on July 17, 2019. Vacancies at Noyes have been a challenge. Noyes is located in Montgomery County, which is one of the highest paying counties in the State. Competing with local teacher salaries has presented a challenge. Regardless, the MSDE JSES is committed to providing students with certificated teachers who have a passion and desire to work with our unique learners.

#### **Western Maryland Children's Center (WMCC)**

Colleges offer coursework that begins/ends on their individual school's calendar dates. When enrollment is an option due to a student expressing interest and enrollment is open, students are provided an opportunity to choose classes and the enrollment is completed. Currently, WMCC has two students enrolled for coursework through AACC for summer session. Students also have access to APEX courses to meet their individual needs.

## **Maryland State Department of Education in DJS Facilities**

### **Budgetary Issues**

Funding for MSDE JSES is provided through a variety of sources: Maryland State general funds, federal funds, and reimbursable funds. Per pupil allocations are distributed through reimbursable funds. Over the past two years, the JSES has applied and been granted E-Rate funds to support infrastructure and access for internet and technology. The JSES receives additional funds through the Neglected and Delinquent Federal Grant. The JSES also receives pass-through grant funding for special education, as well as, Perkins funding. Manipulatives for mathematics, new novels for English, and additional resources aligned to the curriculum have recently been purchased.

### **Staffing Issues**

The MSDE JSES continues to focus on the hiring and retention of staff for the schools. The MSDE JSES staff, in collaboration with MSDE HR staff, have developed flexible, strategic goals to enhance the hiring process, as well as, retention initiatives. Since 2016, the MSDE JSES offers a hiring and retention bonus and recently added tuition reimbursement for certificated staff.

These efforts should simultaneously develop and maintain retention initiatives and motivate staff. Hopefully, these strategies will result in the consistent closure of the vacancy gap to a single digit, with the ultimate goal of total elimination. The MSDE JSES staff will remain proactive in ensuring that the strategies remain flexible, effective, and realistic.

JSES has been able to fill the HR liaison position. The position will specifically focus on recruiting, hiring, and filling JSES vacancies. The Special Education Coordinator position was filled as of February, 2019. Prior to this appointment, in the absence of a special education coordinator, the compliance specialist for special education, the curriculum coordinator, and the Field Director for Instruction and School Support ensured that teachers received professional development. Appropriate monitoring was conducted, placement and services of special education students was properly followed, and progress was monitored.

In collaboration with the new MSDE HR Director, a meeting has been held to establish concrete processes for JSES hiring and retention. Additionally, for the 2019-2020 school year, JSES has contracted with two companies to provide substitute teachers. Filling vacancies and hiring quality staff will continue to be a major focus and goal.

### **Social-Emotional Needs**

During the 2018-2019 school year, JSES educators were provided with professional development sessions. The JSES completed the RFQ process and selected a vendor to provide Capturing Kids Hearts programming for professional learning during the 2019-2020 school year. In June 2019, JSES staff held its first two-day professional development conference. All staff participated in professional growth

opportunities and team building with their peers from across the state. A few of the topics presented included the following:

- Only the Strong Survive: Advice, Admonitions, and Affirmations to Spark the Power Within
- Dismantling the School-to-Prison Pipeline: Removing Practices that Favor Incarcerations over Education
- Doing Time with our Boys: Family Engagement Strategies for Reaching Adjudicated Boys and Their Families
- Deliberate Discussions II: Adapting Deliberation Model for JSES Schools
- Drop the Hammer: Strategies to De-Escalate Student Behavior
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- Cultural Relevant Instruction: Connecting Content, Culture, and Creating Impactful Educational Experiences
- Beyond Poverty and Trauma
- Impact of Opioids on Learners and Using Health Skills in the Classroom
- Deliberate Discussions I: How to Facilitate Tough Discussions in the Classroom

### **Flexible Options**

According to the Annotated Code of Maryland Education Article, 2-205(o), 7-404, every LSS is responsible for maintaining student enrollment and records. JSES provides support in both receiving school records for accurate continuation of academics and sending school records upon the release of student back to the LSS. Similar to other alternative programs located in LSS, JSES does not have the authority to issue diplomas. However, all the facilities work in collaboration with LSS and high schools to ensure that students are able to complete courses towards graduation and earn their diploma.

### **Curriculum Requirements**

During the 2018-2019 school year, all schools were on a block schedule. Prior to 2018, several of the treatment schools utilized block scheduling. This change allowed for consistency with student transfers between the JSES schools (detention/treatment). This 4x4 schedule allows students to earn up to eight (8) credits a year toward graduation versus the six (6) credits earned during a yearlong scheduling model. Students have twice as many opportunities to complete the courses if they fail a subject. The number of class changes is also reduced; therefore, limiting the movement of student of students within facilities eliminating the possibilities for disruptions and increasing instructional time in the classroom.

The use of a 90-minute semester block schedule allows more instructional time. JSES students are not permitted to take instructional material back to their residential units. The additional classroom instructional period allows students more time for in depth learning and to conduct extended activities such as seminars and projects.

JSES schools offer both core and elective courses. Courses included Career Research and Development, Consumer Economics and Personal Finance, and Office Systems Management. Additional Career Technology Education courses have been added to the JSES CTE pathway offerings for the 2019-2020 school year. Additionally, the JSES provides opportunities for students to take other elective courses in a virtual or blended learning model. Available online course include World Languages, Health, Music, and Art Appreciation. Students can also access Advanced Placement Courses.

Research conducted on block scheduling details benefits to student growth with advantages including more time for in depth instruction into the content. The following research articles demonstrate that block scheduling can be beneficial to student growth with advantages that includes more time to increase student understanding of the content. Since some students come to JSES with gaps in their education, explicit instruction in vocabulary, math skills, literacy skills, background knowledge, and foundational knowledge is extremely important to meet the needs of these students. The following information is provided for your reference.

Small, Ruth V. (2000). *Block scheduling*. School Library Media Research. Retrieved from: [http://www.ala.org/aasl/sites/ala.org.aasl/files/content/aaslpubsandjournals/slr/vol3/SLMR\\_BlockScheduling\\_V3.pdf](http://www.ala.org/aasl/sites/ala.org.aasl/files/content/aaslpubsandjournals/slr/vol3/SLMR_BlockScheduling_V3.pdf)

Walker, Tim. (March 2016). *Are block schedules the stress-buster students need?* NeaToday.org. Retrieved from: <http://neatoday.org/2016/03/04/block-schedules-stress-buster/>

Bradshaw, Carol & Reames, Ellen. (2009). *Block scheduling effectiveness: A 10 year longitudinal study of one Georgia's school system's test score indicators*. Georgia Educational Researcher. Retrieved from: [https://www.researchgate.net/publication/239932347\\_Block\\_Scheduling\\_Effectiveness\\_A\\_10Year\\_Longitudinal\\_Study\\_of\\_One\\_Georgia\\_School\\_System's\\_Test\\_Score\\_Indicators](https://www.researchgate.net/publication/239932347_Block_Scheduling_Effectiveness_A_10Year_Longitudinal_Study_of_One_Georgia_School_System's_Test_Score_Indicators)

Professional learning opportunities have been presented to educators to inform instruction through differentiation for 90-minute class periods. Research and resources are also available to teachers through the curriculum Google drive, which includes a folder on differentiation strategies, articles on how to structure a 90-minute class period, and how to engage students. The JSES system uses the continuous improvement cycle to review and evaluate the structure of the educational program.

Not all students change classes at the same time like traditional schools. Students are dismissed individually class by class, which decreases the amount of instructional time for students. A traditional forty-five minute class would only allow for twenty to twenty-five minutes of actual instructional time because teachers in DJS facilities are required to complete inventory control at the beginning and end of each class. The 90-minute block provides the necessary time needed for effective instruction to take place. Block scheduling also allows students to earn additional credits.

## **Pilot**

The Noyes pilot program with Montgomery County Public Schools (MCPS) started on July 1, 2019. A project team that consists of the Noyes school Principal, the Noyes DJS Superintendent, representatives from MCPS offices and departments, DJS and MSDE staff, guides the pilot. The project team will lead the implementation of this pilot and ongoing operations. The pilot will provide enhanced support to Noyes students and align the curriculum to the MCPS curriculum. MCPS will provide technical support to ensure that students have access to their district hybrid and online courses.

Most students at Noyes attend MCPS schools and will re-enroll into the school system. The guiding principal of this pilot program is to align the learning experience of Noyes students. In addition, a focus area will be on transitioning services for students. At the writing of this report, a memorandum of agreement is being finalized between MCPS, MSDE, and DJS.

It should be noted that the pilot at Noyes began before the passage of Chapter 565 of the Acts of 2018 (House Bill 1607) through cooperation between Dr. Karen Salmon and Dr. Jack Smith. The MCPS and MSDE were involved in collaborative, organizational meetings that resulted in positive educational improvements and enhancement at Noyes.

## **Partnerships**

The JSES has provided opportunities for students to take college courses since 2017. The community college partnerships continue to expand in providing colleges courses. In September 2018, an agreement was established between the JSES and Anne Arundel Community College. JSES students can take courses in business management and earn a certificate at the completion of designated courses. JSES continues to maintain partnerships with Frederick and Baltimore City Community Colleges. There is also a draft agreement with Montgomery College currently under review.

As previously indicated, the first set of the JSES students began taking online college courses in the spring of 2017. Since that time, JSES students have participated in on-line college credit bearing courses, as well as, continuing education and workforce development courses every semester.

## **CTE Options**

The JSES Career and Technology Education program is scheduled to mirror the MSDE CTE program in three pathways, thus enabling the JSES students to return to their LSS and continue their CTE course work without creating gaps in students' instructional knowledge. The current pathways are Construction, Work-based Learning, and Business Administration Services. Each of these pathways have mandated courses to ensure that JSES students are positioned to complete the statewide pathway programs.

## **Closing Statement**

Students and instruction are our top priorities. The JJMU monitoring report does not take into consideration the non-traditional nature of JSES facilities. Facilities such as the Silver Oak Academy and the Regional Institute for Children and Adolescents (R.I.C.A.) differ from MSDE JSES schools.

The JSES schools are unique because each school has an every changing population of students who remain various lengths of time. The workgroup for Chapter 565 of the Act of 2017 (HB 1607) has been tasked with determining challenges related to JSES. Recommendations from the workgroup will be used as a basis to address many of the concerns stated in the first quarter JJMU report.