



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

2019 SECOND QUARTER REPORT

The Maryland Juvenile Justice Monitoring Unit (JJMU)

The Juvenile Justice Monitoring Unit (JJMU) is an independent state agency housed in the Office of the Maryland Attorney General. The 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 site visits to guard against abuse and ensure incarcerated 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 incident-related documentation and video footage. 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 Second 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 second 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 Second Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder, and Marvin Stone. Thanks to Samantha Brooks, 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

November 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 second quarter report which offers an update on conditions in Department of Juvenile Services' operated and licensed facilities.

As the Maryland General Assembly and other juvenile justice system stakeholders - through the formation of the legislatively created Juvenile Justice Reform Council - undertake the important task of evaluating the current juvenile justice system in Maryland, the needs and welfare of the youth in the deep end of the juvenile justice system should be prioritized.

Research has demonstrated that public safety is best served by addressing the complex issues facing justice-involved youth through a continuum of specialized evidence-based and trauma-informed services and programs close to youths' families and local communities. The

current practice of sending youth with a high level of behavioral and mental health challenges to remotely located, ill-resourced, high-cost and corrections-oriented congregate facilities should be discontinued.

The state should instead establish a network of community-based residential and non-residential resources located in areas that are easily accessed by youth family members and other supportive individuals and staffed by people that have expertise in the provision of services for children and youth.

Enabling academic achievement, training experiences and formal employment that lead youth on a path toward earning a living wage are essential to the goals of reducing recidivism and promoting positive youth outcomes. The current education system for youth housed in DJS-operated facilities is ill-equipped to help youth achieve academic success and gain valuable job readiness skills. More information on education services in DJS-operated facilities and on alternative models to the delivery of education services to youth in custody can be found on page 59.

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 SECOND 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

Second quarter 2019 population and incident trends versus second quarter of 2018:

- ✓ Average daily population (ADP) of DJS youth decreased at all DJS-operated secure detention centers.
- ✓ 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 committed placement center for girls.
- ✓ Physical restraints decreased in secure detention at BCJJC, CYDC, Hickey, Waxter, and LESCC and in committed placement at the three youth centers.
- ✓ The use of mechanical restraints (handcuffs and/or leg irons) inside facilities decreased in secure detention at BCJJC and Hickey and in committed placement at Cullen and the three youth centers. Mechanical restraints were not used inside LESCC secure detention center or Carter committed placement center for girls during the second quarter.
- ✓ The use of seclusion decreased in secure detention at BCJJC, CYDC, Hickey, Waxter and Noyes. Seclusion was not used at LESCC detention center.
- Average daily population (ADP) increased in committed placement at Cullen, the three youth centers, and Carter.
- Youth on youth fights increased in secure detention at WMCC and in committed placement at Cullen, the three youth centers, and SOA.
- Physical restraints increased in secure detention at Noyes and WMCC and in committed placement at Cullen, SOA, and 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 WMCC and in committed placement at Carter.
- There were 46 incidents involving suicide ideation and three incidents of self-injurious behavior at DJS-operated facilities during the first quarter of 2019. Fourteen of the 46 instances of suicide ideation were at Waxter, the detention center for girls.

JUVENILE JUSTICE REFORM IN MARYLAND

Juvenile Justice Reform in Maryland

The Maryland State Legislature, in conjunction with other juvenile justice stakeholders, have been empowered through the Juvenile Justice Reform Council to use a data-driven approach to “develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders.”¹ By forming the Juvenile Justice Reform Council, Maryland has committed to the vital and long-overdue mission of analyzing the current state of affairs regarding juvenile justice related issues and formulating a new vision that will transform our juvenile justice system into one that is more effective in producing positive outcomes for youth, families, and communities. This undertaking is an important albeit formidable task. However, recommendations drawn from successful strategies in other states as well as established best practices based on decades of research are available and should guide any reform efforts.

Recommendation 1: End the current practice of sending youth in the deep-end of the system to remotely located corrections-oriented institutions. Instead, invest resources in establishing a continuum of community-based residential and non-residential treatment and rehabilitative services to serve youth and families.

Research has shown that community-based services are better for public safety and positive youth development and outcomes when compared to incarceration in congregate care facilities in locations far from youth homes. A 2013 report from the National Research Council of the National Academies highlighted the importance of a developmental approach to reforming juvenile justice and noted that scientific evidence indicates that:

community-based programs are more likely than institutional confinement to facilitate healthy development and reduce recidivism for most young offenders. Aside from the importance of involving parents and limiting and structuring contact with antisocial peers (and encouraging contact with prosocial peers), these programs can more readily be designed to provide a social context with opportunity structures for healthy development and the tools to deal with negative influences in the setting in which the youth will live in the future. For the small proportion of youth who require confinement in residential facilities, proximity to their community is likely to be less disruptive of developmental progress than commitment to distant facilities. As

¹ See Maryland General Assembly Senate Bill 856, available at: http://mgaleg.maryland.gov/2019RS/Chapters_noln/CH_252_sb0856e.pdf

suggested above, large facilities that are located far from young offenders' homes may be particularly harmful (Bishop and Frazier, 2000). The practice of committing youth to large institutions that fail to provide for their developmental needs is both costly in financial terms and ineffective in furthering the goal of crime prevention. A 2009 governor's task force report in New York delivered a harsh rebuke of that state's juvenile justice system, pointing to the high recidivism rates among the large number of youth incarcerated in secure juvenile institutions far from their homes in New York City (Task Force on Transforming Juvenile Justice, 2009).²

Contravening the research indications and best practices, Maryland has chosen to expend financial resources in fortifying security apparatus in remotely located facilities rather than bolstering services close to youth home communities. Two smaller DJS facilities, Mount Clare (12 beds) and the William Donald Schaefer House (19 beds) in Baltimore City have been closed over the last several years, leaving fewer resources to enable a substantial number of youth to remain close to their families and communities. At the same time, the Department has recently spent \$1.5 million on construction to convert Savage Mountain youth center (located in remote western Maryland) from a staff secure facility to a hardware secure facility.³ This step represents a departure from trends across the country to close youth prisons and invest in the development of a continuum of community-based treatment options, based on the research just described. In addition to isolating youth from their families and communities, the remoteness of DJS placement centers leads to ongoing difficulty hiring and retaining direct care, mental health, teaching and administrative staff. On top of these deficiencies, it costs approximately \$1000 a day to house youth in these facilities:

Facility	Per Diem Cost FY 2018⁴
Carter (hardware secure placement for girls)	\$1057
Victor Cullen (hardware secure placement for boys)	\$1048
Backbone Mountain and Meadow Mountain Youth Centers (staff secure placements for boys)	\$958

² National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. P. Washington, DC: The National Academies Press. P. 126

³ For more information, see page 9 at: <http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2017fy-budget-docs-capital-V00-Department-of-Juvenile-Services.pdf>

⁴ See Maryland Department of Juvenile Services Data Resource Guide FY2018, p. 207. (The average per year cost for each girl incarcerated at Carter in FY 2018 was \$385,719; for boys at Victor Cullen, it was \$382,361, and for boys at the Backbone Mountain and Meadow Mountain youth centers, it was \$359,146.) https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf

Instead of working to implement a more effective alternative approach to the use of remotely located institutions, the Department has chosen to extend length of stay in placement for youth in DJS-operated placement facilities by requiring a 6-month minimum period of incarceration⁵ - a decision that is out of accord with the goals of the juvenile justice system.

The arbitrary and artificial application of a determinate “sentence” is not just unfair but counterproductive as “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.”⁶ The juvenile justice system was created as a determinedly separate entity from the criminal justice system and - when operating as intended – this system for children and young people in contact with the law prioritizes rehabilitation and individualization and does not privilege undifferentiated or purely punitive sanctions.

The creation of a minimum time period for youth confinement reinforces the prison-like mentality of “doing time” that is already pervasive at DJS placement sites. Requiring youth to spend extended time in facilities far from family and community support - facilities which are substantively lacking in therapeutic, educational, and enrichment resources - is expensive as well as ineffective.⁷ The State of Maryland’s resources would be better utilized by investing in proven treatment approaches for both residential and non-residential programs at small and specialized sites located in the areas where youth live and where substantial resources and professional services can be leveraged to better ensure the long term success of youth, families, and the community.

Recommendation 2: Develop a rehabilitative model that is guided by evidenced-based and trauma-informed care and aligned with the principles of adolescent development and positive youth development.

The rurally located Victor Cullen Center and Savage Mountain facilities (for boys) and the Carter Center facility (for girls) are maximum security facilities that comprise the deepest end of the Maryland juvenile justice system. The Department of Juvenile Services owns and operates all three of these facilities. Effective, trauma-informed programming and treatment services are not available to the young people sent to these or to any other DJS owned and operated

⁵ The decision was also applied to youth who were near completion of their stay (having exhausted the limited therapeutic, educational, and rehabilitative resources available to them) – these youth were required to remain in custody for longer periods of time as a result of the Department’s institution of the minimum length of stay mandate.

⁶ 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

⁷ In FY 2018, it cost \$1048 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

placement or detention facility. DJS facilities lack an overarching evidence-based and trauma-informed treatment program and instead operate under a compliance-based points and level system which governs determination of progress and impacts length of stay. The trauma-informed care related training provided to front line staff by DJS consists of a three-hour psychoeducational class on trauma and its effects rather than a cohesive, ongoing and in-depth training that teaches staff to employ interventions that assess and improve youth coping, emotional regulation, and decision-making abilities. Ongoing vacancies for clinical staff (at least partially attributable to the remote location of DJS placement facilities) compound the problem of a lack of an individualized, targeted and comprehensive treatment program. These shortcomings are further compounded by ongoing staffing issues. For example, Victor Cullen did not have any dedicated mental health clinicians during the reporting period and clinicians from other facilities were asked to pinch hit to fill gaps in service delivery.

The remote location of DJS placement facilities also undermines potential youth progress by limiting opportunities for family and community support. Healthy adolescent development requires frequent contact with pro-social adults and youth as well as opportunities that allow youth to learn and practice life skills. Frequent exposure to community activities and events as well as volunteer and job experiences can help cultivate social-emotional, cognitive, and job readiness skills which can better equip youth for successful re-entry.⁸ However, structured enrichment and recreational activities, community engagement, and vocational opportunities at DJS facilities are severely limited, especially during fall and winter months when there is a prohibition on movement within all DJS-operated placement and detention facilities after sunset.

Youth employment was previously available through the modest DJS-administered World of Work program which offered youth already in possession of a high school diploma minimum wage to perform odd jobs around the facility. This program has been discontinued indefinitely. Youth previously enrolled in World of Work at some facilities, such as Victor Cullen, are still required to complete tasks around the facility such as trash removal and the cleaning of unit bathrooms and common areas without getting paid. Many other older youth with high school diplomas spend most of the day unengaged in productive activities due to lack of programming.

As long as DJS continues to operate non-regionalized and outdated congregate institutions, the Department must provide (at a minimum) programming which includes a variety of mentally and physically engaging activities to keep incarcerated young people constructively occupied outside of school hours every day and on weekends. Doing so will require that DJS and the Maryland State Department of Education work together to create individualized, targeted and comprehensive rehabilitative, treatment, educational and recreational programming for all youth incarcerated in DJS placement and detention facilities.

⁸ Background information on the benefits of a positive youth development model can be found at the following sites: <https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/issue-areas/positive-youth-development>; <http://www.njjn.org/uploads/policy-platforms/PYD-Policy-Platform-05-18-12-fin.pdf>

Recommendation 3: Revamp the education system for incarcerated youth to better prepare students for academic success and sustainable employment in high demand and well-paying careers upon release.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the schools at DJS detention and placement sites. The current design and structure of the education system for incarcerated youth fails to engage students in learning and prepare them for future success. High school students at all MSDE JSES schools attend four classes (held for an hour and a half each) in core content areas. Electives such as art and physical education are not available during the school day and many classes rely on worksheets or short assignments as a proxy for student instruction. Monitoring observations over time indicate these tasks are completed by most students within a half an hour or so and students are not academically engaged for the remainder of the class period.

Consistency in education instruction and related services has also been hobbled by ongoing teacher vacancies due in part to uncompetitive benefits and salaries and to the remote location of DJS placement facilities.

While there are a few short term courses in food handling, construction site flagger and CPR certifications available on an intermittent basis, there has been no substantive effort on the part of DJS and MSDE to collaborate to provide hands-on, long-term career and technical education certifications, employment opportunities and internships. The current delivery of education services should be replaced with a model that is executed by passionate and seasoned professionals who have expertise in juvenile justice education and that is tailored to provide students with the tools and supports needed to achieve academic and career success.

For more information about education services in DJS facilities, see page 59.

Recommendation 4: Facilitate family involvement and the support of other positive adults in a child’s life through flexible and expansive family engagement policies and practices.

Research shows that family contact during incarceration improves youth behavior and education performance.⁹ Family engagement is linked with reduced recidivism rates and positive academic, behavioral and mental health outcomes for youth.¹⁰ Furthermore, families want to, and should be supported in, remaining actively involved in their child’s life while their child is detained or committed.¹¹

As noted by juvenile justice experts, “most youth prisons are located far from home, making it much more difficult to maintain family ties or facilitate gradual transitions into community-based programming, both of which are critical to long-term success. The only viable option is to replace large youth prisons with smaller, more home-like facilities close to youth’s communities.”¹² The current DJS model of placing children in isolated facilities far from their home severely restricts ongoing family involvement. Instead, as stated above, the state of Maryland should invest in smaller residential and non-residential programs run by treatment experts and located close to a youth’s family and community.

For the small number of youth who require residential care, visitation and family engagement policies should be flexible and allow plentiful opportunity for family contact. The present practice of allotting youth in both DJS detention and placement centers two 10-minute phone calls per week is insufficient for maintaining critical family ties. Phone call duration and frequency allowances should be increased. Visitation schedules should be flexible as to days and hours to accommodate family schedules, and as long as DJS utilizes remote facilities far from youth homes as placement sites, families should be provided with transportation services to and from their homes to facilities in order to ease the burden of the long distance and travel time to DJS placement facilities. Visitation privileges, which are currently limited to immediate family members, should be extended to all supportive adults in a child’s life, including extended family and mentors, coaches, pastors, and other important role models.

⁹ Vera Institute of Justice, “Family Engagement in the Juvenile Justice System.” Available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy_downloads/family-engagement-juvenile-justice.pdf

¹⁰ Ryan Shanahan, and Margaret diZerega. “Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies.” Vera Institute of Justice. February 2016. Page 3. <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-for-juvenile-justice-agencies.pdf>

¹¹ Ibid. Vera Institute of Justice. <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-juvenile-justice.pdf>

¹² 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. Page 27. Available at: http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

Instead of appropriately supporting family contact, DJS has made re-integration to family life more difficult by discontinuing the ability of youth to earn home passes. Youth are now required to get a court order before they can visit home. Youth who have not had access to their assigned judge or who would in the past have otherwise been eligible for home passes have been denied the opportunity to make weekends visits to help ease the transition home as their release date nears.

While progress has been made to reduce the youth population and violence levels in DJS facilities at the deepest-end of the system, there is still substantial work to be done to ensure that we are fulfilling the mandate to rehabilitate—not punish—young people who come in contact with the courts. Implementing the above reforms would represent a significant step toward creating a more effective and humane juvenile justice system in Maryland.

COMMITTED PLACEMENT CENTERS

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 71% of total entries during the second quarter of 2019 compared to 91% in the second quarter of 2018. Hispanic/Latino youth represented 11% of youth entries during the current reporting period compared to 9% during the same time in 2018.

Victor Cullen – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	31	15	22
1. Youth on Youth Assault/Fight	15	3	22
2. Alleged Youth on Staff Assault	3	5	5
3. Physical Restraint	57	25	41
4. Use of Handcuffs and/or Shackles	44	22	18
5. Seclusion	13	5	5
6. Contraband	1	6	2
7. Suicide Ideation	15	1	1
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	2	0	1

Population

There was a reduction in population at Victor Cullen during the second quarter of 2018 due to multiple ejections that occurred following a group disturbance requiring law enforcement intervention. The average daily population (ADP) in the second quarter of 2019 increased by 47% compared to the second quarter of 2018 and the number of incidents involving youth on

youth fights or assaults also increased substantially (from three instances in the second quarter of 2018 to 22 instances during the same time period in 2019). Physical restraints of youth by staff increased by 64%, however, the use of mechanical restraints (handcuffs and/or leg irons) in the facility decreased by 18%. Reported instances of seclusion remained constant (at five).

Victor Cullen has a long history of failure in serving the rehabilitative needs of youth and keeping youth and staff safe from harm. Over the last three years there have been two large group disturbances requiring law enforcement intervention and a serious sexual assault against a youth at the facility. A negative culture remains entrenched at Cullen despite multiple changes in top facility leadership as well as various and inconsistent attempts to institute activities to keep youth constructively occupied.

Institutions like Victor Cullen, which operate as youth prisons, represent an outdated and ineffective approach to helping youth with serious mental and behavioral health challenges. As noted by experts in juvenile justice reform, such facilities:

have been impervious to reform efforts suggests that the harmful effects of incarceration are embedded in the physical facilities themselves and the nature of institutionalization. Changes in leadership, training, or enriched programming ultimately are trumped by correctional physical plants, the great distance most facilities are from families and oversight mechanisms, and the bureaucratization and institutionalization such facilities engender. Large, institutional structures, surrounded by razor wire and filled with noise and harsh lighting, create a toxic environment. The staff and kids are inevitably caught in their roles of guard and prisoner, locking both into a struggle of power and resistance.¹³

Direct Care Staffing

The basic functioning of Victor Cullen is hampered from having less staff available for duty than are needed. The staffing situation at Victor Cullen continues to pose serious safety and security concerns. The high number of vacancies for front line workers combined with a large number of call outs from existing staff leads to a situation where a small cadre of dedicated people are performing double shifts multiple days per week which inevitably leads to burn out and further call outs. At times youth have been forced to stay on the unit all day and school has been cancelled because of lack of front line staff coverage to cover youth movement. While workers from other facilities have been recruited to Cullen to fill gaps in coverage, this arrangement is not a feasible solution in the long-term.

Even if the current shortage of available direct-care staff were somehow to be resolved, DJS would still need to further increase staffing allotments to help ensure safety and security.

¹³ 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. Page 10. Available at: http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

There should be a minimum of three staff per unit to allow for visual supervision of the two dayrooms as well as to accommodate escorted youth movement throughout the units for bathroom and room breaks. Additionally, a ratio of one staffer for every four youth would need to be effectuated and maintained if the Department is going to enable staff to devote individualized attention to youth needs.

Mental Health Professionals

Victor Cullen represents the deepest end of the Maryland juvenile justice system and the boys and young men sent there are likely to suffer from correspondingly high levels of behavioral and mental health challenges. However, with the exception of a recently appointed facility mental health supervisor, there are no full-time on-site mental health clinicians solely dedicated to the Cullen facility. The situation is being temporarily addressed by the drafting of mental health staff from other DJS sites.

The ongoing lack of stable and consistently delivered mental health resources and services (in addition to other substantial programmatic shortcomings) leads to a prison-like setting at Cullen. If the facility is to remain open, the Department needs to permanently address the recruitment and retention issues that have led to a significant shortage of permanently based mental health professionals at Cullen.

Treatment

There is no overarching evidence-based and trauma-informed treatment program at Cullen (or at any of the other DJS-operated placement facilities). Training in trauma informed care for direct-care staff is limited to a three-hour psychoeducational lecture on trauma and its effects. Skills and interventions utilizing the principles of trauma informed care and evidence-based modalities such as cognitive behavioral therapy are not taught or practiced. As a result - and despite the efforts of some well-intentioned staffers - youth treatment needs often go unrecognized and unaddressed.

In Grievance 15500, a youth reported that he became frustrated and asked a staffer to implement the details of his guided care plan (GCP - an individually tailored plan formulated by treatment staff with specific interventions to aid struggling youth) to help him cope and de-escalate. According to the youth, "I was told my GCP was not an excuse, but I was in a situation where I needed it to stay out of trouble. I was not getting the help I needed." The youth was subsequently told that his guided care plan had expired and he had to request a new one.

Daily interactions between youth and staff (as well as youth length of stay) are governed by a generic compliance-oriented points and levels system that routinely engenders an antagonistic relationship and power struggles between youth and staff. In Incident 158162, a youth threatened to spit on a staffer as the youth was entering a bathroom. The staffer ran into the bathroom after the youth and several other staffers had to physically intervene to prevent the agitated staffer from physically confronting the youth. In grievance (15466), a youth reported that staff are antagonistic toward youth and that he was afraid of staff keeping positive behavior points from him to prevent him from going home. His grievance also stated that "staffers do not

inform youth about points loss or behavior response forms [disciplinary reports]" and that - when he attempts to speak to staffers after finding out about any point reduction - they respond by saying, "It don't matter get out of my face." The youth further reported that staff frequently curse at youth but that youth who curse at staff are threatened with point loss. The youth contended that "staffers do not attempt to understand the situation or the youth's attempt to offer information that would resolve issues." The youth concluded his statement to a DJS child advocate by writing, "I need somebody to care."

Skill-building Activities and Community Engagement

Youth at Cullen spend the majority of time after school and on weekends on the residential units. Structured programming that is available is inconsistent and insufficient to keep youth constructively occupied during non-school hours. A program providing an on-site therapy dog is no longer active. Community service and enrichment opportunities as well as any other activities in normalized environments have not been developed. As a result, there are few opportunities for the young people sent to Cullen to interact with pro-social adults and they have little exposure to experiences that can help develop social, problem-solving, reasoning and other important skills essential for healthy adolescent development. In the absence of such activities and opportunities, the young people incarcerated at Victor Cullen spend large swaths of time just sitting around – bored and not doing anything or being involved in anything of note.

Basic Care

"Safety and security are enhanced by creating a humane culture of care."¹⁴ An inability to provide for basic care contributes to the institutional environment at Cullen. A barber was recently unavailable for two months to provide hair care services for youth. Additionally, persistent concerns remain unaddressed about lack of enough food and inadequate rations of hygiene products such as soap. Simple measures such as regular hair care services, providing nourishing filling meals on a daily basis, and appropriate access to soap products can help mitigate the overarching and overwhelming correctional climate inside the fence at Victor Cullen.

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). High school courses consist of four 90-minute classes on core content areas. Worksheets which usually take 20 to 30 minutes to complete are the norm rather than project-based and experiential learning. This approach on the part of MSDE results in students socializing or sleeping for much of the class period. Electives such as art or physical education are not available to break up the school schedule.

There are no long-term career and technical education courses leading to certifications in high demand and well-paying fields. Short-term courses in basic food handling, construction site flagger certification, and CPR are available on a rotating basis. However, these courses are

¹⁴ Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 73

also offered to youth in DJS detention facilities and therefore many youth arrive at a DJS placement facility having already received these introductory level certificates. Youth at Cullen have no opportunities for employment, apprenticeships, or internships.

High school graduates at Cullen were previously eligible to participate in the DJS-administered World of Work program which allows youth to earn minimum wage for performing odd jobs around the facility and aided the incarcerated young people to make money to meet restitution requirements and to help when youth re-enter their communities. The modest program was peremptorily discontinued by DJS headquarters and, during the reporting period, high school graduates ended up having to sit in on high school classes throughout the course of the school day.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

Family Engagement

Family contact is linked to positive youth outcomes and family support often provides youth with motivation to maintain positive behavior.¹⁵ The combination of its distant location, lack of flexible visitation policies, and limited opportunity for phone contact makes maintaining family ties extremely difficult for youth incarcerated at Cullen. The facility is located in a rural setting far from the families and communities of most of the youth who are incarcerated there.

Visitation is limited to two-hour visits on Saturday and Sunday. The Department does not provide transportation for families between their home and the facility. Youth are permitted two 10-minute phone calls per week, the same allotment provided in DJS detention centers where the average length of stay (for young people charged as juveniles) is much shorter than that of youth incarcerated at DJS-operated placement facilities such as Victor Cullen.

Minimum Length of Stay

Administrators at DJS headquarters have implemented a minimum six-month length of stay for youth at Cullen (and all other DJS placement sites) unrelated to any assessment of individualized treatment progress. Furthermore, a number of youth already at Cullen (and other DJS placement facilities) at the time the mandate was instituted had their release date extended by weeks as a result of this mandate despite having completed all the requirements of the program and being informed of imminent release by facility case managers, staff, and therapists. Youth who had spent several months or even a year waiting in detention before arriving at their placement site were particularly aggrieved at the unfairness of this rule change. The minimum

¹⁵ Vera Institute of Justice, "Family Engagement in the Juvenile Justice System." Available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy_downloads/family-engagement-juvenile-justice.pdf

length of stay requirement was not accompanied by an increase in therapeutic or educational resources.

The application of a determinate “sentence” contravenes the goals of a juvenile justice system which was created to be separate from the criminal justice system and is intended to prioritize rehabilitation over undifferentiated and punitive sanctions. In addition, “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.”¹⁶ Requiring youth to spend extended time in facilities which are far from family and community supports and which lack specialized and individualized therapeutic, educational, and enrichment resources is extremely expensive¹⁷ as well as ineffective. The creation of a minimum time period for youth confinement reinforces the prison-like mentality of “doing time” that is already pervasive at DJS placement sites including Victor Cullen.

Cullen should be replaced with a community-based model of care in which effective programs (both residential and non-residential) and services located close to youth families and communities are provided by specialized treatment-orientated workers and organizations. Research shows that facilities “that are located far from young offenders’ homes may be particularly harmful”¹⁸ and that “well-designed community-based programs are more likely than institutional confinement to facilitate healthy development and reduce recidivism for most young offenders.”¹⁹

¹⁶ 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

¹⁷ In FY 2018, it cost \$1048 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

¹⁸ Bonnie, R.J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. (p.126). Washington DC: National Research Council

¹⁹ Id.

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 second quarter of 2019.

Savage Mountain	Q2 ²⁰ 2017	Q2 ²¹ 2018	Q2 2019
Average Daily Population (ADP)			7
1. Youth on Youth Assault/Fight			2
2. Alleged Youth on Staff Assault			2
3. Physical Restraint			21
4. Use of Handcuffs and/or Shackles			8
5. Seclusion			0
6. Contraband			0
7. Suicide Ideation			3
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 secure (maximum security - locked and fenced) placement site. The facility was re-opened in mid-December of 2018 despite outstanding construction issues affecting safety and security. At

²⁰ Savage Mountain operated as a staff secure facility during the second quarter of 2017. Incidents numbers for the original four staff secure youth centers for the second quarter of 2017 are combined and represented in the youth centers report on page 21.

²¹ Savage Mountain closed from September 2017 to December 2018 to convert to a maximum security facility.

time of writing, cell doors have not been installed and fencing around the generator and transformer have not been completed. In addition, excessive downtime is a serious concern partly due to uncompleted construction projects. Youth are not allowed to use the dayroom to play games because locks on the dayroom doors have not been installed. Planned renovation of an outdoor basketball court has also not begun. Restrictive DJS security policies on youth movement prevent youth from utilizing surrounding nature preserves for enrichment and recreational experiences.

In addition to being deprived of normalized activities that promote positive socialization, youth at Savage Mountain are isolated from families due to the remote location of the facility and restrictive DJS family engagement policies which include:

- lack of transportation services to family members despite the fact that the center is located in a rural community that is several hours away from most youth communities
- visitation that is limited to two hours increments two days a week
- phone contact that is limited to two 10-minute calls per week – the same allotment provided to youth in detention who typically have shorter lengths of stay
- visitation that is limited to immediate family members rather than open to all positive adults in the child's life
- discontinuation of home passes following progress which in the past served as a motivator for positive behavior and helped youth transition back to community life

Further reinforcing the punitive culture is the Department's unilateral implementation of a six-month minimum length of incarceration for youth at Savage Mountain (and at all other DJS-operated placement sites) without regard to any determinations made about youth behavior or progress (as assessed by facility case managers, therapists, and staff). This decision has been implemented even though youth in the juvenile system are not supposed to be "sentenced" to be incarcerated for a pre-determined amount of time. Additionally, the Department included youth already in placement when the new practice was implemented. As a result, youth incarcerated at DJS placement sites who had been informed that they were near completion of their stay and were slated to return to their homes had their length of stay extended by weeks or even months. The creation of a minimum time period for youth confinement reinforces the prison-like mentality of "doing time" that is already pervasive at DJS placement sites.

Youth at Savage Mountain do not have access to an appropriate level of educational or employment skills training or experiences to help them succeed upon release. High school courses each weekday consist of four 90-minute classes in core content areas. Students are often left unengaged during the bulk of class time due to the extended length of the class period. Long term hands-on career and technical education programs leading to certification in high-demand and well-paying fields are not available. The ability to gain work experience is also non-existent. A modest DJS-run program called World of Work offered high school graduates a

chance to complete odd jobs inside facilities for minimum wage to be used for restitution and to help youth in transitioning back to their communities. DJS administrators discontinued the WoW initiative. Instead, youth who have a high school diploma are sometimes required to complete tasks in the facility without getting paid.

In form and function, Savage Mountain functions is like a youth prison rather than a therapeutic rehabilitative environment.

The expenditure of significant fiscal resources at Savage Mountain for the conversion of a formerly staff secure placement site to a maximum security juvenile correctional facility located in a remote area far from youth families and communities contravenes best practices. As a prominent group of current and former juvenile justice administrators recently noted,

Our collective experience ‘on the inside’ has shown us that separating youth from their families and communities and emphasizing punishment and retribution harms young people and their communities. We oppose juvenile justice systems which employ these punitive practices and create harmful cultures for youth, families, and staff. 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.²²

In contrast, community-based services aligned with the principles of healthy adolescent development are more likely to reduce recidivism and improve youth wellness.²³ Furthermore, “[r]esearch shows that helping youth grow and develop within the context of their own families and communities is vital to their long-term success”²⁴ and leads to “better long-term outcomes for those who do require care.”²⁵

For those youth assessed as requiring a more secure setting, home-like facilities close to local communities which “are treatment-intensive, developmentally appropriate” and “that emphasize stronger youth-staff relationships, nurture family engagement, and build community

²² Youth Correctional Leaders for Justice, Statement on Ending Youth Prisons, available at: <https://yclj.org/statement>

²³ 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.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf

²⁴ Youth Correctional Leaders for Justice, Overview, available at: <https://yclj.org/overview>

²⁵ 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.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf

connections”²⁶ are better for public safety and positive youth development than the Department’s continued reliance on warehousing youth in remote, corrections-oriented facilities.

In line with research on effective and humane juvenile justice systems and successful reform efforts in other states²⁷, the state of Maryland should replace institutions such as Savage Mountain with more effective community-based alternatives.

For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

²⁶ Id.

²⁷ See Virginia Department of Juvenile Justice Transformation Plan 2018 Update, available at: <http://www.djj.virginia.gov/pdf/admin/Transformation%20Update%202018%20FINAL.pdf>; New York Close to Home Initiative, available at: <https://www.aecf.org/blog/report-new-yorks-close-to-home-initiative-offers-a-new-model-for-juvenile/>; New Jersey reform efforts to close youth prisons, available at: <http://campaign.r20.constantcontact.com/render?m=1114973702279&ca=50dd1de1-3544-4866-a60b-7899ea8e3f9a>

The Youth Centers x3

The three youth centers - located in remote western Maryland – are staff secure (not fenced and locked) facilities for boys²⁸ which are 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 68% of total youth entries in the second quarter of 2019 compared to 69% in 2018. Latino/Hispanic youth represented 17% of total youth entries in the second quarter of 2019, an increase of 6% compared with the same period in 2018.

Combined Youth Centers (x3) – Selected Incident Categories	Q2²⁹ 2017	Q2³⁰ 2018	Q2 2019
Average Daily Population (ADP)	95	85	88
1. Youth on Youth Assault/Fight	36	48	51
2. Alleged Youth on Staff Assault	20	13	3
3. Physical Restraint	214	148	98
4. Use of Handcuffs and/or Shackles	73	35	11
5. Seclusion	1	0	0
6. Contraband	1	3	7
7. Suicide Ideation	23	13	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	1	1

²⁸ Savage Mountain previously operated as a fourth DJS staff secure facility in western Maryland but 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 17 of this report.

²⁹ Savage Mountain is included in the Q1 2017 population and incident categories column because it was a staff secure facility at that time.

³⁰ Data from Q2 2018 and Q2 2019 were derived from the three DJS-operated staff secure youth centers for boys: Green Ridge, Meadow Mountain, and Backbone Mountain.

Average daily population increased by 3 (from 85 to 88) in second quarter of 2019 compared to the second quarter of 2018. Comparing the same two time periods, youth fights and assaults increased by 3 (from 48 to 51) while physical restraints of youth by staff decreased by 34% and staff use of mechanical restraints (handcuffs and/or leg irons) on youth inside the three facilities decreased by 69%.

Reductions in control measures such as physical restraints and mechanical hardware are a positive development given that a majority of youth in the juvenile justice system have been exposed to traumatic events. Mental health advocates have noted that “[p]revious trauma is a strong contra-indication to any use of restraints and should be clearly noted to avoid further harm whenever possible.”³¹

Staffing and Therapeutic Resources

The youth centers lack comprehensive rehabilitative resources to address the complex behavioral, mental health and trauma-related needs of the young people sent to those facilities. There is also a lack of an overarching evidence-based and trauma-informed therapeutic model to guide treatment interventions and daily interactions between staff and youth. Instead, a compliance-oriented points and levels system with a focus on behavioral compliance governs length of stay and shapes staff-youth relationships. Rather than focusing on therapeutic rapport and support, the emphasis on points often creates an antagonistic relationship between youth and staff marked by frequent power struggles. Staff shortages and lack of staffing also hinder the creation of positive relationships and individualized care. Youth frequently remark that the only way to get attention is to “act out” and that staff are so busy reacting to crisis situations or tired from working multiple shifts that they do not have time or energy to process with youth throughout the day.

Mental health staff should be on site during youth waking hours seven days a week and fully integrated into facility life, however, the need for an ongoing presence of professional mental workers is negatively impacted by a difficulty in recruiting and retaining qualified clinicians. The assignment of four full time therapists per youth center would allow clinicians to be available to run groups, assist with crisis intervention, conduct individual and family therapy sessions, and provide intensive and frequent support to high needs youth. A more appropriate level of dedicated onsite mental health staff could also provide counseling and training to staff.

Education Resources

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 education program does little to prepare students for success upon release. The high school day consists of four classes held for 90-minute periods. Unannounced monitoring visits overwhelmingly find that youth are given worksheets to complete for 20-30 minutes and

³¹ Mental Health America policy statement on seclusion and restraints, available at: <https://www.mhanational.org/issues/position-statement-24-seclusion-and-restraints>

spend the rest of the time period socializing or sleeping. Observations and youth feedback indicate that the typical school day leaves youth uninspired, unengaged, and unmotivated.

While youth consistently comment that they want education in skills leading to paid employment, there are no long-term career and technical education courses available to them that lead to certification in high demand and well-paying professions. While a few short-term certifications in areas such as basic food handling hygiene and construction site flagger courses are periodically offered to some youth, many students have already completed these courses in detention. There was a vacancy for a career and technology education (CTE) teacher at the Backbone Mountain Youth Center facility during the reporting period which further limited the already inadequate CTE options at that facility.

There are no opportunities for employment for youth who already have a high school diploma - either inside facilities or off campus. Officials at MSDE JSES and DJS have not attempted to implement opportunities for work experience into the educational program or to productively fill downtime during evenings and weekends for the young people in their care.

Vocational options were further curtailed when the DJS-administered World of Work (WoW) initiative was put on hold indefinitely. Some youth with a high school diploma were able to perform odd jobs around facilities for minimum wage through WoW. While limited in scope, World of Work was well-received by youth afforded an opportunity to earn money toward restitution and establish some savings to help ease transition back to their communities. Youth with a high school diploma who might have taken part in WoW now spend the bulk of their days unengaged or sitting in on high school classes that they do not need to take. Some administrators have offered food or phone calls home in exchange for work previously offered as part of the modest World of Work initiative.

Recreational/Enrichment Resources

An engaged recreation specialist at Backbone Mountain has arranged to take some youth off grounds to nearby parks for hiking and fishing, however, staffing constraints and security policies generally hinder opportunities for youth to access local areas for off-campus activities.

Access to a wide variety of recreational and enrichment activities on a regular basis can help youth learn valuable social and problem solving skills and increase exposure to pro-social youth and adults. DJS, MSDE and the administration at the youth centers, as well as all the other remotely located DJS placement facilities, fail to appropriately and consistently help youth constructively occupy the excessive downtime they experience during after-school hours and on weekends.

Successful programs such as community conferencing and dialogue circles, which bring in trained mediators to discuss salient issues in youth lives, are also not available on a consistent basis or at every center. Arbitrary "security" rules, such as no youth movement on campus after sundown, often exacerbate rather than ameliorate boredom. Youth at the Green Ridge facility

(which has suffered a vacancy for a recreational specialist for over a year) are prohibited from playing cards and have had their access to TV severely limited during the reporting period. Youth at the Backbone Mountain facility were prohibited from watching sports. No increase in structured programming on or off campus was developed and instituted to help constructively occupy time and replace these typical ways of coping with boredom on weekends and during the afternoon and evening hours.

Given their rural location, partnerships with community organizations together with adequate staffing and transportation resources are needed to help provide youth access to opportunities for developmental growth. Daily activities held in the surrounding state park areas could also be planned and realized to help keep youth constructively engaged.

Basic Needs Resources

Providing for basic needs such as food and personal hygiene services and products are essential elements to creating a culture of care. An insufficient amount of food and lack of quality in prepared foods is an ongoing issue at many DJS facilities including the youth centers. Providing nourishing, tasty, and filling meals would significantly improve conditions. Some youth centers have trouble securing regular barbering services due their remote location. Youth at Meadow Mountain went without access to haircuts for several weeks as a result. In addition, hygiene products such as soap are rationed leading several youth to report that they did not have adequate soap to wash up properly (Grievance 15414, 15532). Greater attention to food services and adequate hygiene products and services would help in any attempt to shift the correctional culture at the youth centers to a less punitive milieu.

Family and Community Resources

The remote location of the youth centers inherently creates a barrier to maintaining family and community ties, and DJS lacks resources to provide consistent and regular transportation assistance for families who would like to visit their children. Lack of resources are further exacerbated by restrictive family engagement policies. Family contact is essential to positive youth outcomes and trauma-informed care.³² Juvenile justice experts note that for justice-involved youth, family is best defined broadly to include “biological family members, extended and chosen family (including godparents and foster siblings), and other important people such as mentors, teachers, and coaches” as “youth with strong and diverse support systems have better outcomes.”³³ In addition to securing transportation assistance for families, DJS should change family engagement practices by:

³² Liane Rozzell. “The Role of Family Engagement in Creating Trauma-Informed Juvenile Justice Systems.” The National Child Traumatic Stress Network. (September 2013). Available at: https://www.nctsn.org/sites/default/files/resources/the_role_of_famly_engagement_in_creating_trauma_informed_juvenile_justice_systems.pdf

³³ Ryan Shanahan, and Margaret diZereega. “Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies.” Vera Institute of Justice. February 2016. Page 1. Available at: <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-for-juvenile-justice-agencies.pdf>

- Lifting the moratorium on home passes. Youth were able to earn home passes in a previous iteration of the behavior management system created by DJS. Home passes helped ease re-entry and provided a meaningful incentive for youth. Youth must now attempt to secure a home pass through a court order;
- Increasing the allotment of phone calls to more than just two 10-minute calls per week (the same allotment allowed to youth in the regionally located DJS detention centers);
- Having flexible visitation to accommodate family schedules. Visitation is limited to two hours two days a week. Visitation days should be flexible and hours extended to take into account the long distance families are travelling to visit their child; and
- Expanding the list of visitors to automatically include positive individuals in a youth's life both inside and outside of their immediate family.

Minimum/Determinate Length of Stay

Administrators at DJS headquarters have implemented a minimum 6-month length of stay for youth at DJS placement site unrelated to any assessment of individualized treatment progress. Furthermore, a number of youth already in DJS placement facilities at the time the mandate was instituted had their release date extended by weeks as a result of this mandate despite having completed all the requirements of the program and being informed of imminent release by facility case managers, staff, and therapists. Youth who had spent several months or even a year waiting in detention before arriving at their placement site were particularly aggrieved at the unfairness of this rule change. The application of a determinate “sentence” contravenes the goals of a juvenile justice system which was created to be separate from the criminal justice system and is intended and supposed to be designed to prioritize rehabilitation over undifferentiated punitive sanctions. Additionally, “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.”³⁴ Requiring youth to spend extended time in resource-poor facilities far away from family and community support is expensive³⁵ and ineffective.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

³⁴ 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

³⁵ In FY 2018, it cost between \$458 and \$959 a day to house a youth at one of the youth centers. See DJS Data Resource Guide (p. 207), available at: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf

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 88% of entries during the second quarter of 2019 compared to 87% during the same period in 2018.

SOA – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	51	35	40
1. Youth on Youth Assault/Fight	12	12	15
2. Alleged Youth on Staff Assault	4	4	1
3. Physical Restraint	17	10	31
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	5	14	0
7. Suicide Ideation	0	0	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The total average daily population of youth placed at Silver Oak (by DJS and out-of-state juvenile justice agencies) increased by 14% in the second quarter of 2019 when compared to the second quarter of 2018. Comparing the same time periods, youth fights and assaults increased by 25% and incidents involving staff use of physical restraints on youth tripled.

Silver Oak offers youth a campus-like environment with plentiful opportunities for normalization to build social skills and other strengths. Youth participate in sports competitions

with surrounding schools and are able to work, volunteer, and attend enrichment and cultural events in the nearby community. The high school curriculum is vigorous and includes foreign language and elective courses. Classroom learning is supplemented by long-term career and technical education courses that incorporate hands-on components and that provide youth with the opportunity to earn nationally recognized certifications in high demand fields. Therapeutic services and interventions are evidenced-based and grounded in cognitive behavioral therapy and the principles of positive youth development.

While Silver Oak offers youth opportunities for self-growth that are aligned with the tenets of healthy adolescent development, ongoing issues with staff/youth interactions and safety and security have undermined the potential of the program to promote positive change for youth. For the program to be successful, adequate structure that promotes safety must be maintained and staff supervision issues must be addressed. The following incidents highlight areas which contributed to a negative culture during the quarter:

Excessive use of force by staff: In Incident 158753, a youth took an extra tray of food and sat down and began throwing food in the direction of another youth while in the cafeteria. A staffer confronted the seated youth in a threatening manner and after a verbal back and forth, lifted the youth from his chair, restrained him, and escorted him out of the cafeteria. The youth did not resist the restraint. Once outside the cafeteria, the staffer pushed the youth forcefully against a wall. The youth was brought to the refocus room, a separate area without camera coverage where youth are brought for processing after incidents. Later that afternoon, the youth began writing a grievance on the unit about the restraint. The involved staffer approached the youth, had a verbal exchange with him, and then grabbed the grievance, balled it up, and threw it in the trash can. The youth was able to get another grievance form from a different staffer. The youth alleged that he had been abused in the refocus room following the physical restraint.

In a separate incident (158791) the same staffer physically intervened to separate two youth who were about to fight in the cafeteria. As he led one of the involved youth out of the cafeteria, the staffer pushed the youth forcefully toward the stairwell. The staffer still works at the facility.

In Incident 158384, a staffer and a youth engaged in a verbal altercation while on a residential unit. The youth picked up a carton a milk that belonged to the staffer. The staffer responded by standing up, grabbing the youth by the neck, and shoving the youth twice. Other staff intervened to separate the youth and the staff member who continued to try to go after the youth.

Displays of inappropriate staff aggression undercut efforts to promote pro-social behavior in youth and can contribute to an unsafe and unstable facility culture. Administrators should be proactive about addressing staff misconduct to prevent further deterioration of the milieu.

Supervision issues: Overnight staff at Silver Oak consistently fail to provide adequate supervision and monitoring of youth movement. For instance, in incident 158816, youth were

roaming around the unit during late evening hours. Staff were present but did not direct youth to go to their rooms. One youth entered another youth's room and assaulted him. In incident 158466, a youth was outside his room during overnight hours. He knocked over trash cans and chairs on the unit. He then entered another youth's room and assaulted him. Staffing standards as well as numbers of staff should be increased throughout the facility - and especially during overnight hours - to help establish and maintain more structure.

Restraints to enforce compliance: As a DJS licensee, SOA is subject to Department policy forbidding the use of physical restraint to enforce compliance. There were several incidents during the quarter where physical restraints were utilized to enforce program rules and norms (158587, 158079, 158596, 158179). In incident 157942, a youth was sitting passively on a couch but refusing to move to his assigned location. Several staff surrounded the youth and physically restrained him. The youth became more agitated and struggled against the restraint for several minutes.

Rather than rely on restraints to address nuisance or challenging (but non-threatening) behaviors, efforts should be made to cultivate a positive climate through regular and consistent positive feedback and other supportive and therapeutic means in order to ignite internal motivation for self-improvement and increase youth investment in adhering to program rules and expectations.

Group Disturbance: In Incident 158672, several youth assaulted another youth in the cafeteria. The fight spilled over to the outdoor area and several more youth got involved. The targeted youth was removed from the melee, however other individual youth subsequently began fighting. Staff and several youth intervened to restrain youth and stop the fights. The incident took several minutes to quell.

Staff should receive more intensive training on assessing and addressing group dynamics and behavioral and verbal precursors to aggressive behavior to try to prevent fights and assaults from breaking out. Once aggressive incidents are underway, staff should be trained to respond expeditiously and exercise appropriate security and crowd control measures to minimize the potential for harm to youth and staff.

Silver Oak provides youth with valuable resources for rehabilitation, however these opportunities will not be actualized unless they are delivered in a structured, safe, and therapeutic environment. Improving facility culture and youth buy-in to the program should be a priority for administrators at Silver Oak.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter), located on the eastern shore, is a maximum security committed placement center for girls. Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 14 girls. African American youth represented 58% of total youth entries to Carter during the second quarter of 2019, compared to 75% during the same period in 2018.

Carter – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	12	6	8
1. Youth on Youth Assault/Fight	1	1	0
2. Alleged Youth on Staff Assault	0	0	0
3. Physical Restraint	14	6	10
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	5	0	3
6. Contraband	1	0	0
7. Suicide Ideation	5	1	2
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	0	0

The average daily population of youth at Carter during the second quarter of 2019 increased by two, from six to eight compared to the second quarter of 2018. There were no youth on youth fights or assaults during the second quarter of 2019. However, physical restraints of youth by staff increased by 67% (from six to ten) and use of seclusion increased from zero to

three instances in the second quarter of 2019 compared to the same time period last year. There were two reports of suicide ideation during the current reporting period.

A pregnant 14-year-old girl was moved from her local detention center and housed at Carter for almost three months while awaiting placement at a program catering to pregnant teens. Pregnant girls should not be placed at Carter. Due to its remote location far from youth homes, the facility hinders family support which is especially important during potentially stressful conditions such as pregnancy. Furthermore, Carter, unlike local detention centers, is not located near a hospital which can provide urgent care for pregnancy-related medical needs and complications.³⁶

Girls in the deep end of the Maryland juvenile justice system present with moderate to severe mental health and trauma issues and are more likely to have family-related treatment needs than boys.³⁷ While the small population at Carter offers the potential for individualized and gender-responsive therapeutic care, Carter lacks an evidenced-based, gender-responsive, and trauma-informed treatment program. Interventions and lengths of stay are determined by the same generic compliance-oriented points and level system utilized by DJS placement sites for boys. The lack of an individualized approach led some girls to comment during a monitoring visit that “they don’t care about us as individual people or accommodate our individual needs” at Carter and that “all they care about is that we are quiet and follow directions.”

The lack of a functional trauma-informed treatment program leads to girls having a difficult time accessing coping mechanisms to handle stress because, under the compliance (rather than therapeutic) approach utilized by DJS, such basic coping mechanisms are considered privileges that must be earned. For example, a girl was proactive in letting staff know about her agitation caused by incarceration in a small facility and living in close quarters with other girls for an extended period of time. She requested to listen to music on a personal music player to de-escalate. She was told that only girls at the higher end of the level system can purchase individualized music privileges with their accumulated points. Other girls requested puzzles and knitting supplies which were provided to them during their stay in detention to help with boredom and stress. While these items were freely available during downtime in detention, girls were required to purchase these items while at Carter through their behavior points.

Lack of regular communication between mental health clinicians and direct-care staff, case managers, and administrators is also a barrier to integrated mental health and trauma informed care. One girl was given a routine trauma assessment by mental health staff which involves asking girls to identify coping mechanisms that they have used to deal with traumatic reactions. The girl listed sucking on ice as a coping mechanism and was observed during a

³⁶ In early 2013, three pregnant youth were placed at Carter. One of the girls went into premature labor and needed to be transported by MedEvac helicopter to a hospital 70 miles away in Baltimore, where the closest medical center capable of treating an obstetric emergency is located. Unfortunately, weather conditions at the time precluded the use of the helicopter and the youth was instead transported to the hospital by ambulance. She lost her baby four days later. See JJMU Q1 2013 report available at: http://www.marylandattorneygeneral.gov/JJM%20Documents/13_Quarter1.pdf

³⁷ 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>

monitoring visit requesting some ice from staff to deal with stress she was experiencing. The girl explained to staff and administrators that she had listed ice as a coping mechanism in her assessment (which was verified during a later document review by the monitor) and also said that other staff had provided it for her previously. As observed by a monitor, she was denied the request by administrators who were not aware of the existence of the assessment and had therefore not incorporated the results of the trauma assessment into an individualized plan for the girl which could be utilized by all staff and would allow for accommodations and appropriate interventions to trauma-related reactions. After the continued refusal, the girl became frustrated and commented, “why do they ask us what helps with our trauma if they don’t give us access to the things we say do [help]?”

Family engagement is a critical component of trauma-informed care.³⁸ Girls from around Maryland are incarcerated at Carter. The remote location of the facility makes it difficult for parents to visit regularly and prevents the kind of sustained family contact that is needed to both repair and support familial relationships. Furthermore, DJS limits phone contact to family members to two 10-minute phone calls per week. This allotment is the same afforded to youth in detention who are closer to home and average much shorter lengths of stay. (Girls can spend six months to a year at Carter.) This meager phone allowance is wholly inadequate to encourage and strengthen family bonds. Family engagement events, which are held monthly at detention centers, are only held three to four times a year at Carter. Requests by girls to have more family-related events (with accompanying transportation assistance to families) have gone unheeded.

The residents at Carter are subject to severely limited resources and activities and relegated to the facility until they are freed. Neither DJS nor the Maryland State Department of Education has properly attempted to alleviate or even mitigate this situation. The lack of opportunity for normalization contributes to a feeling of institutionalization among girls at Carter. The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Carter. Three girls at Carter during the reporting period had their high school diplomas and expressed interest in working on-site or in the community, or being allowed to volunteer in the area near the facility. Although Carter has been home to incarcerated young people for many years, neither DJS or MSDE has initiated any ongoing connections with local business; community organizations; the local university (Washington College); or any other entity in the resource rich surrounding community of Chestertown that might host or facilitate such opportunities.

The availability of options for long-term, hands-on career related courses is non-existent even though such experiences could provide valuable skills that would assist in successful re-entry. Similar to all DJS-operated placement sites, community partnerships have not been cultivated to help girls access cultural and enrichment programming both within the facility and in nearby communities.

³⁸Liane Rozzell. “The Role of Family Engagement in Creating Trauma-Informed Juvenile Justice Systems.” The National Child Traumatic Stress Network. (September 2013). Available at: https://www.nctsn.org/sites/default/files/resources/the_role_of_family_engagement_in_creating_trauma_informed_juvenile_justice_systems.pdf

The long-standing and ongoing deficits of the programming for the young people incarcerated at Carter flow from a flawed and costly³⁹ strategy of incarcerating youth who need intensive care in remote institutions located far from the families and communities of the majority of those vulnerable young people. At the Carter facility, girls facing complex challenges receive severely limited access to normalized activities even as research indicates that such exposure can build skills and competencies.⁴⁰ At the same time, young people sent to Carter are subjected to a control and compliance-oriented milieu where little or no attention is paid to their individual mental health and trauma-related needs. Institutions such as Carter should be replaced with a continuum of home- and community-based services consisting of various security levels and offering evidenced-based therapeutic and rehabilitative services through specialized workers and organizations.

The move towards a home- and community-based model of care is in line with current best practices. As juvenile justice experts have noted, “scientific evidence...shows that well-designed community-based programs are more likely than institutional confinement to facilitate healthy development and reduce recidivism for most young offenders. Aside from the importance of involving parents (and encouraging contact with antisocial peers) these programs can more readily be designed to provide a social context with opportunity structures for healthy development and tools to deal with negative influences in the setting in which youth will live in the future.”⁴¹

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

³⁹ In FY 2018 it cost \$1057 per day to house a youth at Carter. See p. 207 at: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf Cost of YC

⁴⁰ See “Crossover Youth Practice Model” at <https://cjr.georgetown.edu/wp-content/uploads/2018/07/CYPM-In-Brief-Prosocial.pdf> p.6

⁴¹ Bonnie, R.J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. P.126. Washington DC: National Research Council

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a maximum security detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC, which has a DJS-rated housing capacity of 120 youth. African American youth represented 95% of total youth entries during the second quarter of 2019, compared to 94% during the same time period in 2018.

BCJJC – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	107	103	68
1. Youth on Youth Assault/Fight	91	66	48
2. Alleged Youth on Staff Assault	10	10	9
3. Physical Restraint	112	107	74
4. Use of Handcuffs and/or Shackles	23	23	17
5. Seclusion	4	5	13
6. Contraband	9	6	7
7. Suicide Ideation	7	2	4
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	5	0	1

Average daily population (ADP) at BCJJC during the second quarter of 2019 decreased by approximately 34% when compared to the same time last year while youth on youth fights and assaults decreased by approximately 27%, instances of physical restraints of youth by staff remained decreased by 31%, and the use of mechanical restraints (handcuffs and/or shackles) on youth inside the detention facility decreased by 26%. However, the number of times seclusion

was used more than doubled (from five reported incidents in the second quarter of 2018 to thirteen reported incidents during the second quarter of 2019).

The reduction in population at BCJJC is a positive development. A large body of research “shows that detention has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment.”⁴² In addition, “there is credible and significant research that suggests that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.”⁴³

MENTAL HEALTH SERVICES

Greater presence and more proactive integration of mental health services into facility culture is needed to help provide adequate supports to youth. A lack of office space for mental health staff in the detention center living areas prevents a consistent presence of mental health clinicians on the units. The location of mental health offices outside of the detention component of the facility compromises any ability on the part of mental health professionals to consistently process with youth who have behavioral health challenges or are suffering from anxiety because they are incarcerated. Mental health personnel spend significant time in an office area on a different floor than the first floor area of the justice center building in Baltimore which houses the detention facility. In addition to barriers created by physical distance and a need to go through a security check on every trip into the detention area, there is a lack of meaningful engagement by mental health workers with youth and DJS staff and this situation also factors into failures by mental health workers in responding to crisis situations in a timely manner. Administrators at BCJJC and mental health staff should collaborate to find solutions and overcome structural barriers to increased mental health staff involvement in providing appropriate levels of services to help youth and DJS line staff.

Mental health staffing hours should also be increased to ensure clinicians are onsite and available during youth waking hours on all seven days of the week. During weekend monitoring visits during the reporting period, mental health staff were not seen to be available in the detention facility where they could aid DJS direct-care staff in processing with youth and contribute professional help in crisis management and de-escalation of situations involving verbal or physical aggression.

Mental health staff should run psychoeducation and skill-based groups in addition to meeting with youth and staff following routine but potentially stressful events such as court dates and visits with family members to help youth cope with anxiety and prevent acting out behaviors (as illustrated by incidents 157419 and 158319).

⁴² Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (2011), p. 2. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

⁴³ *Ibid.*

Mental health professionals should contribute crucial help to youth and staff by conducting frequent check-ins with high needs youth and by providing individualized short-term clinical interventions to help youth struggling with the stressors that come with incarceration. Increased mental health involvement is especially important on the Intensive Services Units (ISU) at BCJJC. Youth are placed on an ISU after allegedly being involved in aggressive incidents and being assessed by facility staff as needing intensive services. Currently, however, the ISU component at BCJJC operates more like a punitive segregation area than a place to receive holistic wraparound services. Youth on the ISU are confined to that indoor area most of the day and are not consistently receiving intensive services or even comprehensive activity programming to help them address issues with impulsivity and aggression or stay constructively occupied.

Preliminary studies indicate that short-term interventions based in evidence-based cognitive behavioral therapy can reduce recidivism in the juvenile detention population.⁴⁴ Implementing a CBT-based structured module for youth at BCJJC would provide constructive therapeutic programming that could potentially lead to positive youth outcomes.

CONSTRUCTIVE ACTIVITIES AND OPPORTUNITIES

Increased structured activities to address the excessive downtime that occurs during after school hours and on weekends can help further reduce the level of incidents at BCJJC. Downtime is especially prevalent for youth housed in the infirmary and for youth on the Intensive Services Unit (mentioned above). BCJJC is a large facility with multiple pods that houses both youth in the juvenile justice system (whose length of stay is typically weeks to a month) and youth charged as adults (whose length of stay often extends from several months to a year or even longer). Providing consistent structured programming to reduce downtime during weekend and after-school hours is a challenge that is not being adequately met. Well-attended programs such as a mentorship program offered through the Boys and Girls Club have been discontinued. Art, yoga, and other enrichment activities are offered on an intermittent and rotating basis, however, youth continue to spend a significant portion of their non-school time playing cards or watching TV. Adult-housing youth who average longer lengths of stay express eagerness to learn job skills and trades and to form linkages with local employers during their incarceration to assist them with employment upon release. Connections and partnerships with businesses and community organizations must be substantially increased to help provide relevant and meaningful programming for youth at BCJJC (and at all other DJS operated facilities).

EDUCATION SERVICES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at BCJJC. Staffing vacancies and retention issues continue

⁴⁴ Zuo, George Wayne & Zuo, Stephanie, (July 2017), Juvenile Crime and the Heat of the Moment: A proposal to pilot cognitive behavioral therapy interventions to reduce youth crime and recidivism in Baltimore City, available at: https://www.abell.org/sites/default/files/files/Award%202017_071217%20for%20web.pdf

to be overarching problems at BCJJC and across all the MSDE JSES schools in DJS facilities. Teacher absences due to illness and vacation also disrupts school schedules.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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 76% of total youth entries in the second quarter of 2019 versus 74% during the same period in 2018. Hispanic/Latino youth represented 11% of entries during the second quarter of 2019, down by 3% when compared with the same period last year.

CYDC– Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	50	58	53
1. Youth on Youth Assault/Fight	45	31	27
2. Alleged Youth on Staff Assault	10	1	4
3. Physical Restraint	82	42	38
4. Use of Handcuffs and/or Shackles	7	1	1
5. Seclusion	13	5	2
6. Contraband	4	2	3
7. Suicide Ideation	5	0	2
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	1	2

Average daily population in the second quarter of 2019 decreased by 9% when compared to the second quarter of 2018 while youth fights and assaults decreased by 13%, physical restraints decreased by 10%, and the number of incidents involving the use of seclusion decreased by 60%. There was one incident involving the use of mechanical restraints (handcuffs and/or leg irons) on youth inside the facility during the second quarter.

Operations

Ongoing efforts to train staff to proactively identify and manage problematic youth behavior and defuse situations that can lead to aggressive incidents should continue. Particular emphasis should be placed on the following:

Utilizing a team approach, including assessments conducted by mental health professionals, case managers, and supervisors, at the first signs of youth distress. In Incident 158217, a youth was not following staff directions throughout the course of the day, however the staffer concerned never consulted with mental health, the case manager, or supervisors to help identify and address the underlying cause of the youth's behavior. The staffer and the youth engaged in a verbal dispute at the end of the day because the youth was not following line movement protocol. The youth attempted to hit the staffer and was restrained by staff. The youth was scheduled to be sent to a facility placement the following day and it is possible his acting out was due to anxiety. Engagement of team members such as mental health and supervisory staff earlier in the day at the first sign of youth frustration could potentially have helped the youth cope with his emotions and manage his behavior in a pro-social manner and thereby avoided the physical restraint that eventually occurred.

Recognizing verbal and non-verbal cues that signify signs of imminent physical aggression. Intensive staff training on recognizing and mitigating youth conflict before it escalates into displays of aggression can help enhance youth and staff physical safety. Such training can help staff protect against occurrences such as the following: In Incident 158239, youth were engaged in a heated argument before engaging in a physical fight. In Incident 157790, a youth reported to mental health staff that he was being bullied on his residential unit. The youth was subsequently assaulted by several peers while on the unit. In Incident 157964, a youth was making sexualized comments about another youth's mother and drawing pictures of a sexualized nature in front of the youth. A fight broke out between the two youth.

Understanding unit dynamics to prevent group fights. There were multiple group disturbances during the quarter (158589, 152839, 157790, 157391), and staff response to group fights led to several staff injuries. Assessing and responding to unit dynamics - which can rapidly shift amongst young people in detention facilities due to the constant influx and departure of youth - can help quell the build-up of tension that sometimes leads to group incidents involving aggression. Understanding unit dynamics, part of which entails getting to know the demeanor and motivations of individual youth and the relationships youth have to each other on the unit, is a complex skill that requires proficiency in rapport and relationship building as well as the ability to exercise constant vigilance and supervision. Administrators should invest training and mentorship resources to direct-care staffers to cultivate staffers' ability to keep their finger on the pulse of unit environments and the ability to proactively and adeptly address issues of concern as they arise.

Documenting incidents involving the excessive use of staff force and reporting such incidents to appropriate agencies for external investigation. In Incident 158553, a youth pushed a staffer and the staffer responded by pushing the youth back forcefully, causing the youth to fall backwards and onto the ground. The youth became more agitated and attempted to swing at the staffer. The staffer restrained the youth and held him on the ground until another staffer intervened to take over the restraint. An audit of the incident was performed by supervisory staff per DJS protocol, however the review failed to note that the staffer pushed the youth. Neither Child Protective Services (CPS) nor the Department's internal investigation unit (OIG) was notified. Administrators later reviewed the incident and conducted a facility-level inquiry.

Supervisors are responsible for conducting thorough reviews of incidents and documenting incidents potentially involving the inappropriate use of staff force. Such incidents should be reported to CPS and OIG for further investigation.

Maintaining proper crowd control and preventing youth from restraining other youth during the course of an incident. Several times during the quarter youth took on the role of staff to help manage incidents. In Incident 157825, a youth restrained a peer to prevent him from fighting. The intervening youth reported that he needed to "keep the peace" on the unit. The incident description did not mention the youth's involvement in the restraint. In Incident 157878, a youth who was assaulted tried to retaliate. Several youth aided staff in restraining the youth and placing him in his room. In Incident 157878, a youth aided staffers in restraining and placing a youth in his room after he was being disruptive in the infirmary. The restrained youth later alleged that he was hit by a staffer and the other youth while in his room.

Youth should not be allowed to engage in restraints of other youth. This practice puts themselves and other youth at risk and creates an unhealthy dynamic between youth.

Family Engagement

Family engagement policies at CYDC (and all other DJS facilities) should be reformed to allow for more opportunities for contact with loved ones and supportive adults. Current visitation and phone contact policies restrict access to immediate family members and exclude all other positive adults in a child's life. Visitation should be broadened to include extended family members and other supportive adults. In grievance 15483, a youth commented: "I'm just in disagreement with the fact that I can't see my loved ones such as my uncle and cousin I have grew up with both of them since I was young, everybody has a right to see the people they love especially people on level 2 and have good grades and have good behavior. I agree that friends and stuff that fit that category are not allowed but come on man we should have the right to see our family."

The number of phone calls a youth is allotted while incarcerated should also be increased to facilitate family contact. Current DJS policy provides youth with just two 10-minute phone calls per week which are made through phones located in the middle of the living units (and the

conversations are recorded). Youth frequently report that increases in the number and duration of phone calls are needed to help maintain relationships with loved ones.

In the recent past, administrators at CYDC arranged for youth to receive an additional phone call through their unit case managers. This practice was discontinued by order of administrators at DJS headquarters. The allotment of an additional phone call did not interfere with facility operations and should be reinstated.

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 page 59.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a maximum security detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 79% of entries in the second quarter of 2019, compared to 73% during the second quarter of 2018.

Hickey – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	47	60	52
1. Youth on Youth Assault/Fight	43	56	28
2. Alleged Youth on Staff Assault	0	0	0
3. Physical Restraint	58	83	35
4. Use of Handcuffs and/or Shackles	4	10	4
5. Seclusion	8	15	3
6. Contraband	4	6	3
7. Suicide Ideation	1	4	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) in the second quarter of 2019 decreased by approximately 13% compared to the second quarter of 2018. Comparing the same two time periods, youth on youth fights and assaults decreased by 50% and physical restraints decreased by 58%. The number of instances involving seclusion of youth and of staff use of mechanical restraints (handcuffs and leg irons) on youth within the facility also decreased substantially.

Hickey housed several youth with severe challenges involving aggression and mental health needs who were involved in incidents during the second quarter (158159, 157474, 157386). Hickey (and all other DJS detention centers) would benefit from a team approach to support young people with intensive needs and help protect youth and staff from harm. Case managers, recreation specialists, mental health clinicians, direct-care staff, and administrators, through close collaboration, can all play a role in developing guided care plans that are individualized to each youth's interests and strengths, as well as vulnerabilities and challenges. Comprehensive and intensive treatment plans can aid in stabilizing youth and also mitigate the current DJS practice of transferring high needs youth from one detention facility to another in an effort to cope with youth evidencing complex behavioral and mental health issues.

Ongoing technical issues with the camera system at Hickey hinder thorough incident reviews and supervisory audits due to poor quality footage (regarding Incident 157256, for example). Properly functioning cameras are essential for monitoring safety and security and for promoting youth and staff accountability. Issues with the camera system should be permanently addressed.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at Hickey. Staff recruitment and retention remains an issue at Hickey as at all MSDE JSES schools. During the quarter, there was a vacancy for a librarian at the school at Hickey. To help alleviate consistent school staffing problems, MSDE must advocate to ensure that salary and vacation packages for MSDE JSES education personnel are competitive with all local school districts where DJS detention and committed placement facilities are located so that the system can attract and retain enough appropriately qualified candidates.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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 65% of entries during the second quarter of 2019 compared to 77% in the second quarter of 2018. Hispanic/Latina youth represented 15% of youth entries during the second quarter of 2019 compared to 4% during the second quarter of 2018.

Waxter – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	23	25	22
1. Youth on Youth Assault/Fight	27	23	12
2. Alleged Youth on Staff Assault	8	4	4
3. Physical Restraint	74	65	45
4. Use of Handcuffs and/or Shackles	12	4	4
5. Seclusion	3	6	4
6. Contraband	1	0	2
7. Suicide Ideation	33	13	14
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	6	0	0

The average daily population (ADP) at Waxter decreased by 12% in the second quarter of 2019 compared to the second quarter of 2018 while youth fights and assaults decreased by 48% and physical restraint of youth by staff decreased by 31%. Use of seclusion decreased from 6 instances in the second quarter of 2018 to 4 instances in the second quarter of 2019 while instances of suicide ideation increased slightly when comparing the same time periods.

Administrators and staff at Waxter have instituted a variety of structured programming and activities at the facility. The addition of an on-site therapy puppy, a walking path in the outdoor area of the facility, and the recent hiring of an active and engaged recreational specialist has helped to keep girls at Waxter positively occupied during the day and on the weekends. These efforts contribute to a safer facility environment. According to experienced juvenile justice administrators, “by keeping youth productively engaged and structuring the involvement of staff members, opportunities for unproductive or harmful interactions are decreased.”⁴⁵

Mental Health

Justice-involved girls have unique and often times more serious mental health problems than boys. A substantial proportion of girls in the juvenile justice system in Maryland have experienced sexual or physical abuse and have moderate to severe mental health issues.⁴⁶

In Incident 158463 during the reporting period, a youth with significant cognitive and mental health impairment who was experiencing traumatic bereavement requested to keep her cell door open instead of being locked in while evening medication was being distributed. The youth’s request was denied for “safety and security” reasons. The youth became upset and urinated on herself. Mental health staff was not on site to provide an individualized assessment of the youth and process with her. The next day, the youth requested that her cell door be kept open at night until she fell asleep. When she was denied the request, she told staff she was suicidal and wanted to hang herself “since that is the only way to keep my door open” (Incident 158485).

While direct-care staff receive an introductory and rudimentary overview in adolescent mental health and trauma-informed care, they are primarily trained in implementing security protocols and achieving youth compliance through the use of directives and physical and mechanical restraints. This approach leaves them ill-equipped to assess youth distress and respond to the complex needs of traumatized youth.

The Department should increase the availability of mental health clinicians at Waxter such that professional assistance and guidance are available during all youth waking hours and all seven days of the week to help address the mental health challenges facing many girls in detention in Waxter and at other DJS facilities.

Comprehensive mental health coverage contributes to safety and security by helping youth feel safe and aids in addressing emotional and behavioral issues that otherwise may lead to incidents of aggression against oneself or others. Clinicians should be fully integrated into facility operations and have a visible and substantive presence in the daily lives of youth. Enhanced mental health services would foster a positive facility climate by allowing clinicians to lend their expertise in service to:

⁴⁵ Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 74.

⁴⁶ 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>

- developing rapport with youth and their families by spending time on the units and attending visitation and family engagement events
- running structured psychoeducational groups on the unit to help youth manage stress and anxiety and introduce them to life skills in areas such as boundary setting, interpersonal relationships, decision-making, and conflict resolution
- meeting with high needs youth on a regular basis to reduce agitation and enhance positive coping
- supporting direct-care staff by providing in-person crisis intervention services on residential units and in school at the first signs of youth distress

Quality of Life Issues

“Safety and security are enhanced by creating a humane culture of care.”⁴⁷ Addressing quality of life issues by meeting youth’s basic needs for shelter, food, and health care is essential to creating a humane environment, as noted by juvenile justice reformers:

Many young people in the youth-in-custody system have not consistently had their basic needs met for food, clothing, and shelter due to abuse, neglect, poverty, and other factors. If programs do not assist young people in meeting basic needs in healthy ways, it can lead to bartering, hoarding, misuse of power by youth and staff, and a harmful environment. Teaching young people self-care and providing an opportunity for them to belong to a group in a positive way builds self-image and relationship skills, enhancing their ability to navigate potentially detrimental situations.⁴⁸

Improvements in the delivery of medical care; the physical surroundings, and the quality and preparation of food at Waxter can help create a more humane, therapeutic (and safer) milieu.

Medical Care

Quality mental and health care services play a pivotal role in rehabilitation and reducing recidivism among girls. According to health experts, “girls are the fastest growing segment of the juvenile justice population, and are also among the sickest and most medically underserved adolescent populations in the nation. Girls enter the juvenile justice system at younger ages than boys, for less serious violations—like running away or violating probation—and are less likely to have their health needs identified or met in a system largely designed for boys.”⁴⁹ Research further shows that “addressing the physical and mental health care needs of young girls in

⁴⁷ Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 73

⁴⁸ *Id.* at p.74

⁴⁹ Girls Health and Justice Institute, available at: <http://www.girlshealthandjustice.org/research/>

detention can reduce recidivism and the likelihood of committing future violent offenses by 72 percent while improving their health.”⁵⁰

The Department should dedicate an additional transportation van to Waxter to accommodate the need for medical and other off-site visits. Unlike at the larger boys’ detention centers, there is no infirmary at Waxter and due to limitations of the physical plant (see the next section) the medical suite is cramped and crowded. Girls with more than minor medical needs are transported to boys’ detention centers for dental and medical care and to outside providers for specialized care. Reproductive health care, including care for pregnant girls, is provided by contracted midwives once every two weeks.

Shelter/Physical Plant

Waxter is an outdated facility that is in need of extensive renovation or replacement. There is not enough space to adequately meet the needs of youth and staff. For example, a single area (known as the “cafenasium”) serves as the indoor recreation space, the visitation area, the special event room, and the facility cafeteria. Case managers and mental health staff do not have offices on or near the living units and staff need to be available to escort youth to the hallway where case and mental health staff offices are located in order for youth to be seen by mental health professionals or case managers. For such essential services to be properly utilized, there needs to be adequate space on the unit for these professionals to meet regularly with the young people detained at Waxter. The facility consists of three units - A, B, and C - however unit A is the only stand-alone unit. Units B and C are attached, and youth exiting unit C must pass through unit B when en route to other parts of the facility. This inefficient movement pattern creates safety and security risks.

In addition to space limitations, the infrastructure of the facility is in a state of constant disrepair. Temperature fluctuations due to an aging heating and cooling system lead to simultaneous extreme temperature variations of heat and cold in different sections throughout the facility. Pest control is an ongoing and constant battle and staff and youth reported seeing rodents on the living units during the quarter.

Food

Youth concerns about the quality of food services at Waxter are a continuing issue. Youth regularly note the following:

- foods supposed to be served hot are often served cold
- there is a lack of variety in meals and snacks
- youth have no voice in meal planning
- the quality of the food is often poor
- appropriate food-related hygiene protocols are not consistently followed by kitchen staff

⁵⁰ Id.

-portions are severely rationed and frequently leave youth hungry

Issues with food variety and quality may be due in part to the limited size of the kitchen at Waxter and a lack of essential culinary equipment (such as fryers) typically found in other food storage and preparation facilities. Notwithstanding these physical plant limitations, providing tasty, nourishing meals under appropriately sanitized conditions must be a priority.

Hair Care Services

Hair care for girls plays an important role in self-image and self-esteem and can be a positive demonstration of self-care. Hair care services are limited to seven youth per week at Waxter and youth with disciplinary reports (citations for not following facility rules) can be penalized by not being placed on the hair care list at the discretion of facility staff. In Grievance 15440, a youth with an upcoming court appointment requested hair care services but was not placed on the list while others who did not have court were allowed to have their hair done by the visiting stylist. Administrators noted that the girl may have not been selected due to her receiving a disciplinary report.

The availability of hair care services should be expanded so that all girls who would like access to services are able to receive it, regardless of disciplinary status.

Education

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. Worn-down and poorly constructed trailers are used to house the school classrooms and school offices at Waxter. Many classrooms are too small to accommodate students, teachers and staff. There is no space for student-teacher conferences or education staff meetings.

The absence of a resource teacher has hampered efforts to provide educational programming during periods of teacher vacations and vacancies. There is also a vacancy for a full time special education teacher.

A student at Waxter who received her high school diploma was enrolled in the DJS instituted World of Work⁵¹ program and earned money toward restitution and savings by completing chores around the facility. The program was discontinued by DJS and, as a result, the student remains unengaged for much of the school day. The Department should reinstate World of Work at Waxter and it should be available at all DJS facilities.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

⁵¹ World of Work is a modest employment program organized by DJS that pays youth minimum wage to perform odd jobs around the facility. Many youth utilized the program to meet court-ordered restitution requirements.

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 73% of entries in the second quarter of 2019 compared to 66% during the same period in 2018. Hispanic/Latinx youth accounted for 22% of entries during the second quarter of 2019 versus 29% during the same period in 2018.

Noyes – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	31	36	31
1. Youth on Youth Assault/Fight	22	16	16
2. Alleged Youth on Staff Assault	2	1	3
3. Physical Restraint	45	37	55
4. Use of Handcuffs and/or Shackles	4	3	10
5. Seclusion	1	3	1
6. Contraband	2	2	3
7. Suicide Ideation	19	7	3
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	1

Average daily population decreased by 14% during the second quarter of 2019 compared to the same time last year. Comparing the same two periods, the number of incidents involving youth on youth fights and assaults remained constant (at 16). However, physical restraints of youth by staff increased by 49% and the use of mechanical restraints (handcuffs and leg irons) within the facility more than tripled. There was one instance when seclusion was used during the current reporting period.

Operations

During a monitoring visit in the second quarter, one staffer had been assigned to supervise a residential unit of eight boys. Youth were observed horse playing and shadowboxing on the unit and running to the door separating the girls' unit from the boys' unit in order to have conversations with the girls. Staffing ratios should be increased at Noyes to allow for a one to six youth to staff ratio and a minimum of two staffers present on residential units whenever youth are present and including situations where there may only be five or less youth on the unit. Appropriately increasing staff presence can help ensure individualized care and better equip staffers to supervise youth and monitor movement.

Utilizing a trauma-informed approach with particular attention to youth triggers can reduce reliance on physical and mechanical restraints. An integrated services approach to trauma-informed response includes support from and the active presence of mental health staff. In Incident 158782, a female youth with a history of sexual and physical trauma was visibly upset and crying at intake into detention at Noyes after being ejected from a placement site. The youth was sent to a living unit while still agitated and knocked over a table on the unit. A male supervisor of large stature arrived on the unit and confronted the youth face to face and exchanged words with the youth. He then physically restrained the youth and placed her in seclusion in a cell. Mental health staff were not present and did not help process with the youth when she arrived at the facility or before she was brought back to the living unit.

In Incident 158331, a supervisor entered a living unit and a youth became agitated. The youth and the staffer engaged in a verbal back and forth and the youth lunged at the supervisor but was stopped by another staffer. The supervisor remained on the unit and the youth lunged at the supervisor again. Staff assistance was called and several staff members arrived and physically and mechanically restrained the youth who was very distraught. The supervisor remained on the unit throughout and involved himself with the physical restraint. The presence of certain staff can be a trigger for particular youth. In such circumstances, staff should be able to draw on training that emphasizes alternative strategies to confrontation which can escalate both youth and staff. Such strategies may include removing themselves from the situation or minimizing contact with youth to whom they are a trigger, enlisting the help of other staff or supervisors, and utilizing on-site mental health resources for professional crisis intervention.

Education Services

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

The school at Noyes has suffered longstanding difficulty in hiring and retaining education personnel due in part to higher salaries and better benefits in surrounding school districts. In an effort to ameliorate this and other problems with MSDE JSES management, the Maryland General Assembly passed a law that required MSDE JSES to initiate a pilot program beginning

in July 2019 whereby a local school district takes over operational control of a MSDE JSES school. In collaboration with the Montgomery County Public Schools (MCPS) Board of Education, the school at Noyes was chosen to be the pilot site.⁵²

At time of writing (September 2019), the intent and mandate of the law is not being followed. While MCPS continues to provide valuable resources and supports to the school at Noyes pursuant to a previous arrangement with MSDE JSES, operational control and management decisions still rest with MSDE JSES administrators. Furthermore, teachers and education staff continue to remain MSDE JSES employees rather than employees of MCPS. To be in compliance with the law, MSDE JSES should transfer full authority to run the school at Noyes to MCPS.

Educational services at The Regional Institute for Children and Adolescents (RICA), a residential treatment center located on the same street in Rockville as Noyes, are provided by MCPS.⁵³ All teachers at RICA are MCPS employees and are dually certified in special education and core content areas. The operational structure at RICA can serve a model for the pilot program at Noyes.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

⁵² 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>

⁵³ 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 72% of entries during the second quarter of 2019 compared to 73% in the second quarter of 2018.

LESCC – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	18	20	18
1. Youth on Youth Assault/Fight	3	12	6
2. Alleged Youth on Staff Assault	0	0	0
3. Physical Restraint	32	29	14
4. Use of Handcuffs and/or Shackles	1	1	1
5. Seclusion	1	0	0
6. Contraband	0	1	0
7. Suicide Ideation	2	1	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	1	2

The average daily population at LESCC decreased by 10% in the second quarter of 2019 when compared to the second quarter of 2018 while youth on youth assaults and fights decreased by half and physical restraints of youth by staff decreased by 52%. Mechanical restraints (handcuffs and/or leg irons) were used once within the facility during the quarter. Seclusion was not used at LESCC during the second quarter of 2019.

Administrators and staff are able to work together to provide a safe, structured and therapeutic environment to youth, many of whom have a high level of mental health needs. The Department should ensure that there are enough staffing positions at LESCC for one-on-one youth supervision as needed as well as to escort youth to appointments within the facility. In addition, a minimum of two staffers should be allocated at master control to provide adequate monitoring of facility operations. An assistant superintendent position should also be created at LESCC to help with operational and programming duties. 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.

Physical plant modifications have begun to be implemented to reduce suicide risk. In addition to replacing porcelain fixtures with stainless steel, renovations should include replacing all faucets and other bathroom fixtures which pose a hanging risk.

The outdoor space at LESCC is underutilized and youth frequently make requests to spend more time outside to help cope with the stressors of incarceration. Daily schedules should incorporate regular access to outdoor areas.

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

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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 56% of total entries during the second quarter of 2019 compared to 61% in the second quarter of 2018. Latino/Hispanic youth accounted for 9% of total entries during the current reporting period, an increase of 1% compared to the second quarter of 2018.

WMCC – Selected Incident Categories	Q2 2017	Q2 2018	Q2 2019
Average Daily Population (ADP)	21	20	18
1. Youth on Youth Assault/Fight	14	8	16
2. Alleged Youth on Staff Assault	1	1	1
3. Physical Restraint	27	17	31
4. Use of Handcuffs and/or Shackles	5	4	8
5. Seclusion	1	1	2
6. Contraband	0	0	3
7. Suicide Ideation	5	5	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population decreased by 10% in the second quarter of 2019 compared to the same time last year while the number of incidents involving youth fights and assaults and the use of mechanical restraints (handcuffs and/or leg irons) within the facility doubled. Physical restraints by staff of youth increased by 82%. There were two documented instances of seclusion during the quarter.

A team approach involving close collaboration between direct-care staff, mental health clinicians, medical staff, and case management can help proactively gauge youth dynamics and address underlying conflict and tension to prevent fights and assaults. In addition, supportive services provided at times when children are most vulnerable, such as upon return from court, following family visits or phone calls, or after assessment meetings can further reduce the likelihood of a child acting out from frustration or agitation (Incident 157585). The recent addition of a therapy dog at the facility should enhance efforts to relieve the tension issuing from incarceration and constructively occupy youth.

Increased staffing at WMCC can help facilitate a more stable environment. Two staffers are needed at master control to adequately monitor facility operations. In addition, staff positions should be increased to allow for coverage for special education classes and to escort youth to medical, mental health, and case management appointments.

In addition to assigning and hiring more direct-care staffers for the facility, an assistant superintendent position should be created at WMCC to help with operations management and programming. In the past, a case manager supervisor provided additional support to the superintendent, however, the supervisor was transferred and the position remained vacant throughout the second quarter. There is also a vacancy for a recreation specialist. Both positions should be filled without delay.

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.

The modest World of Work program, created by DJS, allowed youth who have graduated high school to perform chores around the facility for minimum wage. The program is not available at WMCC and has been suspended at other facilities. The initiative should be reinstated by DJS and all qualifying youth at every DJS-operated detention and placement facility, including WMCC, should have the opportunity to participate.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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. While the treatment program at Morning Star is based on the trauma-informed Sanctuary⁵⁴ paradigm, there is a lack of monitoring by facility administrators to ensure fidelity to the tenets of the treatment philosophy. As a result, the program is inconsistently implemented. Additional resources should be devoted to staff training and coaching to help promote successful adherence and utilization of the program within the facility milieu.

In addition to emphasis on increasing staff support and training services, greater efforts should be made in integrating direct-care staff into treatment decisions for individual youth. Staffers on the ground have the most interaction with youth on a daily basis, yet they currently have little input in treatment planning or progress. Incorporating staff feedback into youth case management could also serve to help bridge the communication gaps between administrators and direct-care staff and youth that currently exists at the facility.

In-house therapeutic services at Morning Star are supplemented by other private contractors who provide individual and group therapy and also provide educational instruction.

Significant downtime, especially during weekend and after-school hours, is a persistent youth concern. Programming options both on- and off-campus should be increased to aid in keeping youth positively engaged. Physical plant upgrades, such as replacement of the outdated and unusable gymnasium and renovations to the on-site swimming pool (which is currently also unusable) can help provide the necessary on-campus venues for structured recreational activities.

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 and accepts youth between the ages of 17 and 20. Administrators have established linkages with neighboring resources to provide youth with therapeutic, educational, vocational, and recreational services in normalized community settings where interaction between pro-social adults and youth takes place – this enables the young people at One Love to thrive.

⁵⁴ For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>

One Love is a nurturing, home-like environment. Recent upgrades to the home, including a newly painted and brightened interior, have enhanced the quality of the living arrangements. Staff at One Love provide individualized care and foster positive relationships with youth to help them succeed. Family-style meals in which youth and staff plan and cook meals together and house meetings during which youth and staff freely share thoughts and concerns are a regular part of programming. At the same time, the use of frequent home passes for youth and ongoing and sustained contact with family members is encouraged.

One Love can serve as a community-based model of care for justice-involved youth with high level needs.

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education in DJS Facilities

Under current law, the Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) has the responsibility of operating the school inside each of the Department of Juvenile Services' (DJS) facilities. MSDE as a statewide agency is responsible for monitoring, oversight, and policy-making for Maryland's public elementary, middle and high schools; the agency lacks experience, resources and expertise in actually operationalizing a school system. Furthermore, schools in DJS facilities tend to be comprised disproportionately of youth of color from impoverished families and incarcerated youth face severe education-related challenges and many require special education services. MSDE has not targeted its approach toward serving the needs of this population. As a result, substantial problems with the delivery of education services to youth in DJS facilities across Maryland have not been resolved and MSDE continues to be unsuccessful in its mission to serve the young people in DJS facilities.

Specialized population

The nature of the juvenile justice system requires a specialized approach to schooling that incorporates the education needs of the youth and the realities of the system. There is a wide range of education needs among youth at a variety of levels: in the entire system, within particular facilities, and on individual living units (which, rather than grade level, often determine the composition of the classroom). The configuration and purpose of different facilities – detention versus committed placement, for example – also require a further specialization of approach to education based on varying security concerns and lengths of stay. In some cases, education-related laws⁵⁵ can impede rather than facilitate the effective delivery of individualized education services to youth in MSDE JSES schools. In terms of student population, youth in the juvenile justice system are “identified as eligible for special education services at three to seven times the rate at which other children are identified for special education services.”⁵⁶ The complexities involved in educating incarcerated youth requires a nuanced approach that is streamlined, flexible, student-focused, and well-resourced to meet the needs of the student population.

Such an approach has not been taken in DJS facilities but has been implemented (to a larger degree) within the Maya Angelou charter school which is housed within New Beginnings in Laurel and which delivers education services to youth incarcerated through the District of Columbia's juvenile justice system. A more functional approach to educating incarcerated youth

⁵⁵ ED ART. 8-501 THROUGH 8-507 prohibits students from being enrolled in two schools at once. This restriction can create barriers to smooth transitions between schools in the community and MSDE JSES sites. COMAR 13A.05.11.03B and COMAR 13A.03.02, prevent MSDE JSES from offering a distinct GED preparation program for youth in MDSE JSES schools. COMAR 13 A 05.1104 regulates the MSDE JSES school calendar to 220 school days during a 12 month time period (versus a traditional education calendar of 180 days per school year) and also requires a six hour school day for students

⁵⁶Leone, Peter & Weinburg, Lois, Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems (May 2010), p. 12, available at: <https://www.montgomeryschoolsmd.org/uploadedFiles/Addressing%20the%20Unmet%20Educational%20Needs%20of%20Children%20and%20Youth%20in%20the%20Juvenile%20Justice%20and%20Child%20Welfare%20Systems.pdf>

can also be found within the Eager Street Academy in Baltimore City – this school is part of the Baltimore City public schools system and has been more appropriately resourced and supported than the schools in DJS facilities. Another example of delivery of more effective education service delivery to incarcerated youth in our state is the school component at the Silver Oak Academy (SOA), a DJS-licensed but private provider run facility in Keymar, Maryland, where young people can experience a variety of high school options, and can earn nationally recognized certifications in several disciplines including culinary arts and construction. Youth at Silver Oak also intern in local businesses and volunteer in nearby communities and can attend a local college. The young people incarcerated in DJS-run facilities enjoy none of these options and MSDE and DJS have failed to make any substantial effort to effectuate such opportunities for youth in their care.

Ongoing Deficiencies

Several structural and programmatic deficiencies within MSDE JSES continue to interfere with the delivery of appropriate and targeted education services and prevent students from receiving schooling of the same quality and variety as those available to their peers in the community. A drawn-out procurement process that requires approval from multiple parties, a protracted hiring process, and an inadequate number of personnel to oversee curriculum development and service delivery⁵⁷ are some of the issues that hamper the MSDE JSES organization and that need to be comprehensively addressed. Other ongoing concerns remain unresolved, including the lack of student access to up-to-date technological resources; issues with the delivery of special education services; a dearth of vocational and post-secondary educational opportunities; issues with credit transfer; and an inability of students to earn their high school diploma while in detention or placement in an MSDE JSES school.

Long-standing problems with teacher shortages – as a result of vacancies and absences – continue to significantly disrupt education services in MSDE JSES schools. As a result of staffing issues, students do not receive comprehensive, consistent daily instruction with appropriate educational supports. Teachers in many of the MSDE JSES schools are paid less than their colleagues in local school systems and work year round. For example, educators with masters’ degrees can make up to \$30,000 more working for the local school district than at the MSDE JSES school within the DJS-operated Alfred D. Noyes detention center which is located in Montgomery County.⁵⁸ In order to recruit and retain qualified teachers, MSDE JSES should offer salaries and benefits comparable to teachers in local school systems. Additionally, MSDE JSES schools should not share principals as is current practice at several sites.

⁵⁷ Local school districts have teams of people in leadership positions to support curriculum development and instruction. MSDE JSES has one curriculum coordinator located at HQ and content leads that are also educators in the classroom. HB 1607 Work Group Handout, June 24, 2019.

⁵⁸ HB 1607 Work Group Handout, June 24, 2019.

The high school curriculum at MSDE JSES schools leaves students unengaged for most of the school day. Classes consist of four classes held for an hour and half each in core content areas. Elective courses such as art and physical education are unavailable to help break up the school schedule. The day to day reality on the ground as observed during unannounced monitoring visits is that for a majority of classes, youth are given limited instruction and short worksheets to complete, leaving most of the class period for socializing, sleeping, or playing games on the computer.

Career and technical education (CTE) is limited to a few basic courses (food handling hygiene; construction site flagger, CPR, etc.) in MSDE JSES schools and the delivery of these courses is hampered by ongoing staffing shortages. Education programming should include a variety of hands-on courses leading to recognized certifications. MSDE JSES and DJS should ensure that there is adequate staffing, space, and equipment at each facility to ensure that hands-on CTE programs are available on a daily basis for youth in detention and youth in committed placement.

Furthermore, many of the youth in long term DJS facilities have already exhausted the limited and basic career and technology related courses available to them, having completed the short courses during time spent in detention prior to being sent to placement. Each MSDE JSES school should have at least one dedicated CTE instructor who is not also responsible for providing other education services to ensure that youth have consistent daily access to a wide variety of hands-on vocational education. Community-based options for job training – including courses, internships, and employment – should be but are not available to youth in DJS-operated placements. (Such options are available to youth sent to Silver Oak Academy by DJS and the courts - SOA could serve as a model for CTE delivery at other facilities).

Rather than develop a proactive and creative approach to addressing these structural issues and advocating for changes in the law and more resources when needed, MSDE and MSDE JSES have continued to maintain an inadequate status-in-quo, with some limited exceptions. While important gains like giving some youth access to some online community college courses have had significant ramifications for some students, critical systemic issues have remained unaddressed.

Education Reform

Given the entrenched and longstanding problems with MSDE and MSDE JSES management of schools located inside DJS facilities, stakeholders should evaluate the feasibility of MSDE JSES continuing to maintain responsibility for education services within DJS facilities. Maryland should consider the possibility of alternative operational models which vest the responsibility for education delivery in other entities better equipped to operate schools and provide the full spectrum of education-related services that youth in the juvenile justice system urgently need, are entitled to and deserve. Other alternatives that have been successful in different jurisdictions in Maryland and elsewhere in the country should be considered and developed as appropriate. These alternatives could include shifting responsibility for education

services in Maryland juvenile justice-related placement and detention facilities to local school systems or charter schools.⁵⁹

One such shift toward improving conditions on the ground – at least for the students held in detention facilities - involves the legislatively mandated pilot program at the DJS-operated Noyes detention center in Montgomery County. The majority of students at Noyes are from Montgomery County, and the legislative language controlling the pilot program mandates transfer of operational control of the school at Noyes from MSDE and MSDE JSES to the Montgomery County Public School System (MCPS). Oversight of school operations should rest solely with MCPS, which has significant resources as well as built-in mechanisms to ensure input from employees, parents, advocates, and other vested stakeholders. In addition, education and education support personnel in the school at Noyes should be considered MCPS employees with commensurate salary and benefits, training and vacation time to address persistent problems with education staff turnover and vacancies. These changes would begin to address some of the structural and bureaucratic problems described earlier.

Unfortunately, issues concerning the good faith implementation of the pilot program are undermining the mandated takeover. MSDE JSES has continued to maintain operational control at time of writing, notwithstanding the legal mandate that, effective from July 1st, 2019, MSDE JSES was to give up operational control to the local school system for the duration of the pilot program. The refusal to give up operational control means that the primary goal of the legislation setting up the pilot program – to compare school operations under MSDE JSES management and control with management and control under the local school system- cannot be met because operational management has not actually changed at all.

The transition process for Noyes is in the hands of a workgroup with leadership, membership and staffing largely controlled by MSDE and MSDE JSES administrators. The voting members of the workgroup include employees of MSDE JSES and also initially included an out-of-state consultant who was negotiating a multi-year contract valued at over a million dollars with MSDE. As is the case with the MSDE JSES Education Coordinating Council which oversees MSDE JSES operations, public comment during workgroup meetings for the pilot program is prohibited, including from those who may be knowledgeable about school operations and programming in the context of juvenile justice systems. The workgroup also does not include any current or former students (or parents of students) or teachers from Noyes who might be in a position to more accurately represent the views of those who will be directly impacted by any changes to operations and programming. The result is a lack of voice in the process for many of those who work directly with or for the rights of incarcerated youth.

MSDE/MSDE JSES leadership has made clear at the pilot workgroup meetings that MSDE would continue to operate and control the school at Noyes for the duration of the time

⁵⁹ Elly Yu, "Models for Juvenile Justice Schools," April 28, 2014, Juvenile Justice Information Exchange. Available at: <http://jjiie.org/2014/04/28/models-for-juvenile-justice-schools/>

period allocated to the pilot program. Such an approach is directly contrary to the enabling legislation for the pilot program and leaves no scope to institute and assess the systemic changes needed to improve the quality of education services at Noyes.

Another initiative to begin reforming the provision of education services for youth in DJS custody was proposed at the Maryland General Assembly through the introduction of Senate Bill 221 during the 2019 legislative session.⁶⁰ The proposed legislation involved the creation of an independent and objective working group to examine and make recommendations on juvenile justice education reform and to assess whether the establishment of an independent school board governing MSDE JSES schools would help rectify the long-standing deficiencies in education services for incarcerated youth in DJS facilities. An independent school board could potentially provide a level of autonomy, transparency and accountability not currently present within the MSDE JSES framework and could advocate to better ensure students receive the services and supports they are entitled to and that they need to succeed.

Regardless of which reforms are undertaken, a planned and determined departure from the ineffective status-in-quo regarding the provision of school services in DJS facilities is warranted and necessary. Research shows that academic achievement is pivotal in reducing recidivism and promoting positive outcomes in youth.⁶¹ Significant changes in the delivery of school services are imperative to ensure that this vulnerable and high needs population of incarcerated young people receives the education to which they are entitled. Positive changes in quality and variety of school services for justice system-involved youth will have a far-reaching and beneficial impact for Maryland youth, families, and communities.

⁶⁰ See Maryland General Assembly 2018 Session, SB 221, available at:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=sb0221&stab=01&pid=billpage&tab=subject3&ys=2019RS>

⁶¹Seigle, E., Walsh, N., and Weber, J. "Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System." Council of State Governments, 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> (p. 30)

APPENDIX: 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 10th 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 SECOND QUARTER REPORT

The Department of Juvenile Services (DJS) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2019 Second Quarter Report, and provides the following response:

THE JJMU SHOULD ADOPT STANDARDIZED AND OBJECTIVE AUDIT TOOLS.

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

Objective standards would also reduce the JJMU's need to rely on unverified youth statements as the sole basis for some of the findings. While youth statements may provide some insight, they must also be viewed in context. Surrounding circumstances and viewpoints from other youth, staff and administrators are necessary to paint a complete picture.

The Department 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.⁶²

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.

LENGTH OF STAY IN DJS RESIDENTIAL FACILITIES.

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.⁶³

In its Second Quarter Report, the JJMU repeatedly claims that DJS implemented a "minimum six-month length of stay" at its secure treatment facilities. This claim is incorrect and likely based on a misunderstanding. As explained below, DJS now requires all youth entering its secure committed facilities to start at the beginning of the STARR behavioral management program in order to allow sufficient time for clinicians to engage youth in treatment. This change in policy and practice was one part of a larger reform to ensure that DJS's release recommendations are based on a youth's progress in treatment, rather than progress in the STARR program. The STARR program is designed as a 24-week program, which may be shortened or lengthened depending on a youth's behavior. However, even if a youth attained the highest behavioral level in STARR, DJS's release recommendation will now be primarily based on the youth's treatment progress.

At no point was it the policy of the Department to have youth serve a "determinate sentence", as the JJMU puts it. To the extent that DJS staff were under the impression that youth were required to stay a

⁶² 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.

⁶³ Md. Code Ann., Cts. & Jud. Proc. § 3-8A-24(a).

certain amount of time in its committed treatment facilities, DJS's executive team have clarified the objectives and goals of the new reforms. Additionally, DJS is currently in the application process to participate in a Length of Stay Policy Academy hosted by Georgetown University.

For additional information about the basis of DJS's policy reforms with respect to release recommendations, please see the DJS Response to the JJMU's 2019 First Quarter Report as quoted below:

"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."

A REVIEW OF DJS' TREATMENT MODALITIES WILL BE PART OF THE NEWLY FORMED JUVENILE JUSTICE REFORM COUNCIL'S STRATEGIC MISSION TO RECOMMEND REFORMS TO MARYLAND'S JUVENILE JUSTICE SYSTEM.

During the 2019 session of the Maryland General Assembly the legislature passed and Governor Hogan signed Senate Bill 856 / House Bill 606 into law, which established the Juvenile Justice Reform Council (JJRC). The JJRC is comprised of a diverse group of juvenile justice stakeholders and experts. Members include legislators, experts on juvenile law and policy, and representatives of law enforcement, the judiciary, advocacy organizations, child serving agencies, and formerly system-involved youth.

The legislature charged JJRC with:

- using a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders;
- researching best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems; and
- identifying and making recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems.

A technical assistance provider will assist the JJRC in conducting a rigorous review of the system, including the treatment modalities used by DJS in its committed programs. DJS looks forward to engaging with all of the stakeholders on the JJRC to develop an evidence-based treatment model that achieves those goals.

DJS WILL REVISE ITS POLICIES TO INCREASE THE NUMBER OF WEEKLY PHONE CALLS FOR YOUTH AND FOOD PORTIONS IN SECURE FACILITIES.

DJS strives to find ways to improve the quality of life for youth in its secure facilities while maintaining adherence to safety and security standards. Upon consideration of the JJMU's recommendations and in consultation with the DJS operations staff, DJS will increase the number of minimum phone calls for youth in secure detention and residential treatment from 2 calls per week to 3 calls per week. Additionally, DJS will continue to offer phone time for youth through the STARR program and family counseling sessions conducted by behavioral health staff and case managers. Three phone calls per week strikes the appropriate balance of maintaining positive connections between youth and their families while ensuring that phone calls continue to be an incentive for youth to engage in treatment, education, and behavioral programming.

Additionally, DJS acknowledges the issues surrounding the portion-size of the breakfast and lunch meals served in DJS secure facilities. DJS is required to adhere to the United States Department of Agriculture (USDA) regulations regarding the size and type of meals served to young people in institutional settings. DJS's meal plans are scrutinized by federal monitors and any deviation from USDA standards may result in penalties including loss of federal funding. DJS notes that USDA requirements apply to the breakfast and lunch meals. To balance DJS's federal obligations and concerns raised by youth and the JJMU, DJS will be increasing the portion sizes of healthy foods at the dinner time meal at its residential facilities.

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.

DJS continues to review work options for those youth who have completed a high school diploma or been awarded a GED, with the goal of providing a meaningful work and vocational experience for these youth while also complying with applicable labor laws and requirements.

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

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.

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.

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 750 youth and families participated in family engagement activities at DJS-operated facilities during the second 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 final 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 publish a solicitation by the end of 2019 with a contract award expected in spring of 2020.

Additionally, the Office of Family Engagement is reviewing DJS’s family visitation policy for opportunities to safely expand the types of individuals who may be permitted to visit youth in secure facilities.

The Department recognizes the importance of youth in residential facilities having in-person access to positive role models through the visitation process. However, due to the nature of family visitation in juvenile facilities, DJS has an added responsibility to maintain the safety and security of youth, their families and DJS staff. Traditionally, a correctional model of visitation occurs under “no contact” conditions. This means that there is a physical barrier like a clear plexi-glass wall between the inmate and his/her visitors. DJS, however, has “full contact” visitation, which means that youth and their families sit together in a room under visual supervision but with no barriers. In keeping with the goals of the juvenile justice system, this type of visitation is more rehabilitative and allows youth and their

family members to show appropriate gestures of affection like hugging. “Full contact” visitation, however, carries increased risks. Without physical barriers between DJS youth and their visitors, a youth’s safety could be in jeopardy from an individual who seeks to do harm to them. For this reason, DJS staff are required to verify the identities of all family members listed by the youth for visitation. An expansion of the types of individuals beyond immediate family may be considered to the extent that such visitation is in the youth’s best interests and the Department can properly confirm the identity and relationship of those individuals to the youth.

With respect to family visitation at DJS operated facilities, the Department’s practice is to accommodate families at any time that they request visitation, even if that time is outside the normally scheduled visitation periods on weekends. DJS leadership is working to revise facility visitation policies to better align with this “open” approach to family visitation.

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. Any staff can refer to a family for peer support. This is different than services at the department. The entire behavioral health team was provided information on how to make a referral while the family is in detention or in placement. Since the start of the program in August 2018, about 275 referrals have been made for family peer support services in the five pilot counties.

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.

As stated above, the JJRC will undertake a review and make recommendations for reforms of Maryland’s juvenile justice system, including DJS’s committed treatment modalities. DJS looks forward to engaging with all of the stakeholders on the JJRC to develop an evidence-based treatment model that achieves those goals.

For a detailed description of DJS’s current treatment modalities based on cognitive behavioral therapy and trauma informed care in its facilities, please see the Introduction Section of DJS’s Response to the JJMU’s 2019 First Quarter Report.

DJS’S HOME PASS POLICY.

DJS’s home pass 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 acknowledges that there have been issues with the implementation of the recently revised home pass policy in its facilities. DJS’s executive team are working directly with the respective administrators at DJS facilities to ensure that the policy is implemented immediately.

PER DIEM COSTS FOR DJS FACILITIES.

DJS operates 13 secure juvenile facilities in Maryland. Of those, DJS’s 6 secure juvenile treatment facilities have a rated capacity of 48 beds or less. By national standards, a 48-bed facility is small. For any facility, whether it has 48 beds or over 200, there are overhead costs in the form of employee salaries, utilities, food and other expenses to run the facility. The difference is that a 200-plus bed facility, despite having higher overhead costs, can manage those costs more efficiently than a smaller 48-bed facility. The natural economic result is that a small facility is going to have higher costs per youth.

The JJMU points out the higher per diem costs for DJS’s small treatment facilities and asserts that the way to save costs is by closing them.⁶⁴ This suggestion is misguided because it is looking at the wrong end of the juvenile system. DJS’s secure facilities are the “deep-end” of system. Youth who are placed in those facilities have been determined by the courts to be risks to themselves and/or the public for a variety of reasons. In other words, the less restrictive options such as non-secure placements, supervision in the community, and diversion were determined at earlier stages of the system to not be in the interest of the youth’s and/or public safety. The JJMU’s recommendation to close DJS’s secure facilities and open even smaller community-based programs in local communities misses the point that, for a small but challenging group of youth, those types of programs lack the security and structure necessary to meet their needs.

The better approach is to focus on “front-end” strategies when youth first enter the juvenile justice system. DJS has employed strategies like diversion, pre-court supervision, the Juvenile Detention

⁶⁴ DJS has changed the way it reports facility daily operations cost. The previous method, used in the FY 2018 and prior Data Resource Guides, reported cost based on a simple per-diem rate calculation. This was determined to misrepresent the actual daily operations cost. Facility populations fluctuate daily, and it costs the same to staff, and maintain a 12-bed unit, whether it houses 7 youth or 12 youth on a given night. The new method uses the bed capacity to calculate the daily rate: Total annual expenditures (not including education costs budgeted to MSDE) / 365 days / Number of beds.

Alternative Initiative and the Cross-Over Youth Practice Model to meet the needs of lower risk youth without pushing them deeper into the system. The ultimate goal of those and other DJS reforms is to reduce the use of incarceration by focusing on community-based solutions rather than attempting to cut costs and services to youth in residential programs. Moreover, DJS looks forward to participating on the JJRC to explore and develop additional reforms that will support youth and families and keep communities safe.

COMMITTED PLACEMENT CENTERS

Victor Cullen Center (VCC)

Direct Care Staffing

The Department is actively recruiting and interviewing to fill all vacancies at the facility. Recruitment events held on August 16, 2019 and September 27, 2019 resulted in the selection of several applicants that are now proceeding through the selection process.

Behavioral Health Professionals

As of July 31, 2019 one full-time behavioral health clinician joined the team at Victor Cullen and efforts will continue to recruit additional the behavioral health staff.

Treatment

For a detailed description of the Over-Arching Therapeutic Model and the STARR Behavioral Management Program, please see the Introduction Section of DJS's Response to the JJMU's First Quarter Report.

Regarding Grievance 15500, it was determined that facility staff adhered to all safety and security standards in addressing the issue.

In response to Incident 158162, it was determined that the staff member did not respond appropriately. The staff has been held accountable to the Standards of Conduct and retrained in de-escalation. In addition, the youth and staff member also participated in a mediation session.

With regard to Grievance 15466, all facility staff members were instructed on the importance of holding youth accountable appropriately through the behavior program and proper methods of communication with the youth. Additionally, the facility has been conducting activities for youth and staff that are intended to build better relationships. In September, a cook-out was held that involved several staff members working along with Dietary staff members preparing special dishes requested by the youth.

VCC also held youth versus staff sporting events after which the youth expressed a desire to have more in the future.

Skill-building Activities and Community Engagement

DJS recognizes the importance of activities to keep youth busy and reduce the amount of downtime youth experience. VCC incorporates spiritual programming and yoga classes during the week as well as the music program, art program, and a book club that comes every weekend. The second Saturday of every month VCC has therapy dogs come as well. Additional activities include card tournaments, chess tournaments, video game tournaments, basketball tournaments, 3-point shoot outs, game room nights on Wednesday and movie and popcorn night every Friday.

Basic Care

A new barbering contract was approved in June 2019. Prior to that contract, a temporary barbering service filled in until the new vendor was selected.

For a description of DJS's improvement to food services, please see the Introduction Section of this Report.

DJS has not received any youth grievances regarding soap and hygiene products from youth at VCC.

Education

For a detailed response regarding the World of Work (WoW) program, please refer to the Introduction Section of this Response.

Family Engagement

For a detailed description of DJS' Family Engagement strategies, please see the Introduction Section of this Response.

Victor Cullen has visitation four times a week for two hours. The visitation schedule is Saturday and Sundays from 8:45 am -10:45 am and 1:00 pm -3:00 pm. 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 Departments policy allows youth in the Departments care to have special visits with their child and the child's co- parent.

Minimum LOS

For a detailed explanation of DJS' response regarding a minimum LOS, please see the Introduction Section of this Response.

Savage Mountain

DJS has conducted a safety assessment and determined that fencing is not necessary around the electrical equipment.

The project to install the youth room doors is expected to be completed in December 2019. The project to install locks on the dayroom doors is underway. The facility dayroom is still an active construction area with doors being installed, wiring for lights and sprinklers, and a water fountain system being installed.

DJS is working to procure a vendor for the renovation of the outdoor basketball court.

Savage Mountain has implemented the following programs and activities to address youth downtime: Youth Development Redemption Program, Dream Loud Music Program, CHAMPS participation, Pottery Class, Chess Club, an IT Coding program, a re-vamped and enhanced incentive room, structured arts and craft activities, and guest lecturers. Outdoor recreation activities happen daily as weather permits and there is also recreation in the gym when needed.

Savage Mountain has visitation four times a week for two hours. The visitation schedule is Saturday and Sundays from 10:00am – 12:00pm and 1:00 pm -3:00 pm. A youth may have 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 Departments policy allows youth in the Departments care to have special visits with their child and the child's co- parent.

For a detailed description of DJS' Family Engagement strategies, please see the Introduction Section of this Response.

For a detailed response regarding the World of Work (WoW) program, please refer to the Introduction Section of this Response.

For a detailed response regarding DJS's efforts to prioritize "Alternatives to Incarceration", please refer to the Introduction Section of this Response.

YOUTH CENTERS

Staffing and Therapeutic Resources

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.

At Green Ridge and Backbone clinicians are available Monday thru Friday between the hours of 7:30am-4:30pm. At Meadow Mountain, clinicians are available 8:00am-5:00pm and until 7:00pm two days a week. The Youth Centers have 24/7 on-call services provided for behavioral health if it is determined that a youth needs interventions after hours. Likewise, for youth who are in need of immediate counseling services, staff are trained to recognize the signs of an escalation in a youth's behavior and appropriate de-escalation techniques, which would include notifying on-call behavioral health services.

DJS continues to recruit for behavioral health positions at the Youth Centers. As of October 2019, two behavioral health clinicians were hired.

For a detailed description of the Over-Arching Therapeutic Model and the STARR Behavioral Management Program, please see the Introduction Section of the DJS Response to the JJMU's First Quarter 2019 Report.

Educational Resources

For a detailed response regarding the World of Work (WoW) program, please refer to the Introduction Section of this Response.

Recreation/Enrichment Resources

Youth at the Youth Centers engage in a variety of activities, both on-campus and off-campus. For a list of these activities, please see the following:

- Backbone - Frostburg Armory for C.H.A.M.P.S. Volleyball and Basketball Leagues, local restaurants for incentive lunches/dinners, Hagerstown Sun's Municipal Stadium for Education Day, Broadford Lake to fish, wreath making at Youth Center Headquarters for donation to Rocky Gap Veteran's Cemetery, YMCA Fitness Trip, Hope Station Volunteer, an after school photography club at local state parks, C.H.A.M.P.S. Stem Challenge at Baltimore City Juvenile Justice Center, Garrett 8 Cinemas, Bike Trip at Greater Allegheny Passage Trail, Swimming trips at Frostburg Pool, C.H.A.M.P.S Pickle Ball at YMCA, and Glendening Recreation Complex for Softball Tournament and Social.
- Green Ridge – volunteer work at the Allegany Co. Animal Shelter and Flintstone Elementary School, trip to the movies, restaurant meals, trips to participate in activities at Swallow Falls,

Reflections, and Crystal Grottoes, hiking in Green Ridge State Forest, art shows, cultural events at Frostburg State, CHAMPS sports competitions, and grocery shopping for life skills.

- Meadow Mountain – local restaurants for incentive lunches/dinners, Hagerstown Sun’s Municipal Stadium for Education Day, Garrett College swimming, Hope Station Volunteer, After School Culinary Club at Allegany College, C.H.A.M.P.S. Stem Challenge at Baltimore City Juvenile Justice Center, trips to Garrett 8 Cinemas, Rocky Gap Veterans Day event, Salvation Army charity event, Swimming trips at Frostburg Pool, Glendening Recreation Complex for Softball Tournament and Social, Garrett Co. Discovery Center Hike, CHAMPS League Basketball, Softball, and Volleyball.

Green Ridge

The Green Ridge Recreation Specialist position is currently under recruitment.

The facility provided the youth with more board games and activities after the school day and on weekends. The facility staff will continue to engage youth in a variety of activities during leisure time.

At the Youth Centers, youth have access to television at specific times or for specific events.

Basic Needs Resources

For a detailed description of DJS’s improvements to food services, please see the Introduction Section of this Report.

During the 2nd Quarter, the barbering service provider at Meadow Mountain abruptly discontinued services which created the need for implementing an emergency procurement. The Department worked diligently and was able to procure these services with a minimal lapse in service availability.

To address the issues in Grievances 15414 and 15532, Dove body wash is portioned out for youth for each shower.

Family and Community Resources

For a detailed description of DJS’ Family Engagement strategies, please see the Introduction Section of this Response.

The visitation schedule is Saturday and Sundays from 10:00- 12:00 pm and 1:00 pm -3:00 pm. A youth may have to have up to four visitors at one time. Families are allowed to participate in both visitations on the same day. 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 Departments policy allows youth in the Departments care to have special visits with their child and the child's co- parent.

Minimum/Determinate Length of Stay

For a detailed response to the concerns regarding minimum/determinate length of stay, please see the Introduction Section of this Response.

J. DeWeese Carter Center (Carter)

The Carter Center is a facility that exclusively serves female youth and is fully capable to address the needs of a pregnant youth. In the situation referenced by the JJMU, the 14-year old pregnant youth was Court ordered for placement at an "in state non community residential hardware secure program." It was also noted that the youth's mother did not want her daughter placed out of state. Based on all of the circumstances of the youth's case, she was placed at Carter Center. Once eligible, she was later transitioned to a less restrictive program that could accommodate her and her child. Caring for pregnant youth at Carter is not ideal, however the facility is capable of addressing the needs of pregnant youth.

A focal point in any rehabilitation effort, needs to be centered on all individual needs not just gender. At Carter, each youth works together closely with the facility case manager and their behavioral health clinician to develop individualized treatment plans based on their own needs. The behavioral health clinicians are licensed, Masters level clinicians with over 20 years of clinical experience including advanced training in evidence based trauma-treatment (TF-CBT). Therefore, the treatment team is designed to have a holistic but individualized approach to each youth's care.

With respect to the youth who requested a music device, facility staff responded appropriately by explaining to the youth that music devices are earned strictly through the STARR behavioral management system as positive reinforcers. DJS behavioral health clinicians work to find a variety of coping skills to help youth when they are confronted with stressors.

DJS agrees with the JJMU regarding the importance of communication among all staff as a key component of any successful effort. As such, behavioral health staff are always available to address any staff questions or concerns or to provide clarification.

Each Carter youth meets individually with the treatment team to develop and review their individualized treatment plan and to discuss progress along the way, with treatment goals being adjusted accordingly. Consideration is given to each youth's past experiences, including trauma and treatment history, and current treatment needs in order to foster the best chance for success upon return to the community.

Youth with trauma symptoms can receive evidence-based treatment in the form of cognitive-behavioral therapy, more specifically Trauma-Focused Cognitive Behavioral Therapy (TF-CBT). Youth who have substance use issues also receive evidence-based substance abuse programming in the form of Seven Challenges groups.

Regarding the youth who requested ice, the treatment team worked with the youth to identify alternative methods to cope with her stress, including stress-balls, hand fidgets, or other sensory items. Additionally, this youth was behaviorally and emotionally well-regulated while in the Carter program and at no time evidenced need for a Guarded Care Plan (GCP) or other additional measures in order to foster her success in the program.

For a detailed description of DJS' Family Engagement strategies, please see the Introduction Section of this Response.

Contrary to the notion that the youth at Carter are offered limited activities and resources, the facility actually offers the multitude of gender-specific activities to meet the needs of the female population. Youth have a weekly Spa Day, a weekly empowerment group, and they go shopping at the local department store where they can purchase an outfit (shirt, pants and shoes) of their choice. The youth also enjoy weekly faith-based services offered by Work-In-Progress, Girl Scouts class is offered for 90-minutes weekly, and classes are offered in arts and crafts and cooking. During the quarter, the girls at Carter attended several educational, recreational, and leisure outings in the community as well. The girls enjoyed weekly off-grounds recreational opportunities at the local community center offering access to the pool, indoor gym, and exercise room. They attended a female volleyball game at Washington College and a three-day overnight Reflection Camping trip.

Some of the items youth are able to purchase as a reinforcer include Bath and Body work lotions and gels, colorful hair accessories, special hair care products at their request (e.g. edge control and eco gel), as well as their choice of personal hygiene products.

Carter Center has established a Community Advisory Board, which consists of members from faith base organizations, Whitsitt Center (drug & alcohol program), Washington College, For All Seasons (Rape Crisis Center), and Destine to Rise (female program for adolescents). Carter is continuing to add community stakeholders to the Board.

DETENTION FACILITIES

Baltimore City Juvenile Justice Center (BCJJC)

Mental Health Services

Hope Health Systems provides mental health services including a minimum of weekly psychoeducational groups on all units, individual sessions, assessments, guarded care plan development, crisis debriefing, case consultation with staff, and psychiatric services. These services are provided, at a minimum, between the hours of 8am-8pm Monday to Friday and a minimum of 4-8 hours on Saturday/ Sunday and all holidays. Mental health clinicians are in each of the units on a daily basis to provide support to youth and staff. Hope Health responds to all crisis calls immediately when on site. This includes support after problematic court hearings or family interactions. Mental Health is also available 24-hours a day after on site working hours to handle crisis needs of the youth and the facility through the on-call services. The clinician is onsite daily in the ISU unit for the services listed above and extra groups are conducted on the weekend in the ISU unit.

Staff are offered training in a variety of topics throughout the year. Residential staff are provided support daily by mental health clinicians.

Regarding Incidents 157419 and 158319, it was determined that in both instances, youth returned from court and were upset. They did not meet with mental health prior to returning to their units which resulted in the incidents. To address situations like this, the facility implemented a practice where intake staff will notify mental health immediately upon a youth returning from court and will document in the intake logbook any youth who verbalize or show signs of frustration or distress. This practice is intended to prevent future incidents of this nature.

Constructive Activities and Opportunities

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. DJS was disappointed that the Boys and Girls Club chose to discontinue their partnership with the agency. The Department has a list of other activities that are available for youth and will continue to look for other opportunities to partner with similar providers.

BCJJC offers a variety of activities for the youth to include yoga/meditation, intramural sports, bible studies, job readiness, art classes and conflict resolution. These programs are offered through vendors and volunteers throughout the week and on weekends.

Infirmity youth are still offered all programming opportunities as long as they are not physical activities. Likewise, ISU youth are still offered religious, psycho-educational programming and dialogue circles.

Cheltenham Youth Detention Center (CYDC)

Operations

For Incident 158217, it was determined that staff failed to reach out to supervision and behavioral health to assist with this challenging youth. Both staff assigned to the unit were retrained on the importance of being proactive in seeking the assistance of support staff.

Regarding Incident 158239, as indicated the youth were engaged in an argument regarding neighborhoods. Staff intervened and separated the youth to prevent an incident from occurring. Once back on the unit, staff contacted the shift commander to come assist with mediation. However, before the shift commander could respond to the unit, a youth not initially involved in the dispute assaulted one of his peers. It was determined that staff responded appropriately by separating the youth and contacting supervision for assistance.

Regarding Incident 157790, the youth told CYDC administration that he was not being bullied but reported it because he did not get along with youth on the unit and wanted to be transferred to another unit. A mediation group was held with the youth and his peers on the unit where they agreed to get along. In this case, the CYDC administration and staff were appropriately involved and responsive to the youth's concerns and they exhausted all efforts to resolve issues the youth had with his peers. Due to the youth's challenges getting along with his peers at CYDC, he was transferred to another facility.

Regarding Incident 157964, staff were unaware of any sexual comments occurring between the youth prior to the incident. Case management and behavioral health conducted a community group with the unit where PREA rules and expectations were reiterated to all youth on the unit. All staff were directed during shift briefings to be attentive to youth interactions and to deter teasing and/or horseplay. In reference to Incident 158589, administrative review indicated that there was no indication of potential issues among the youth prior to the incident. Staff were retrained on the importance of inquiring with newly admitted youth to see if there are any potential peer issues.

Incident 152839 is not a CYDC incident and Incident 157790 is explained above.

Regarding Incident 157391, administrative review indicated that there were no significant injuries to youth or staff and there was no interruption to facility operations. CYDC administration and staff met with the group involved in the incident to make it clear that assaultive behavior is not tolerated, and to reiterate that staff is here to mediate any problems that arise. The youth accepted their facility restrictions and appeared to be receptive to counseling. Additionally, staff were retrained in the importance of monitoring group dynamics, particularly when new youth are placed on the unit. Staff were also directed to be particularly vigilant during all youth movement as this is times where youth take the opportunity to assault one another.

In reference to Incident 158553, administrative review indicated that the staff used more force than necessary to redirect the youth and he was subsequently disciplined according to the Standards of Conduct. In addition, the shift commander who failed to report that the staff member used more force than necessary was also disciplined in accordance to the Standards of Conduct. DJS acknowledges that

Child Protective Services (CPS) and DJS's OIG were not immediately notified. Those notifications have since been made and CPS has ruled out any finding of abuse.

DJS agrees in both practice and policy with the JJMU that youth should not be allowed to engage in restraints of other youth.

In regards to Incident 157825, the youth, who acted with good intentions, was counseled in regards to involving himself in incidents and the importance of letting staff resolve youth issues. The staff involved and the shift commander were disciplined in accordance to the Standards of Conduct for failing to report that the additional youth was involved in the incident

Regarding Incident 157878, as indicated in the JJMU Report a youth did get involved in the incident. Based on the youth's allegations, CPS, MSP, and OIG were notified and all investigations came back to be unfounded in regards to the youth being assaulted by the alleged staff or the involved youth. An internal management investigation indicated that staff should have removed the additional youth from the area and called for assistance prior to physically engaging the disruptive youth. Staff were disciplined in accordance with Standards of Conduct and although the youth that attempted to assist staff in the restraint did so with good intentions, it was explained to him that it is not safe for him to get involved in incidents.

Family Engagement

For a detailed description of DJS' Family Engagement strategies, please see the Introduction Section of this Response.

In regards to Grievance 15483, the youth's request to receive a visit from his uncle and cousin was denied. The youth's community case manager and his facility case manager were unable to verify the requested persons were family members or legal guardians. Neither individual was on the approved authorized visiting list. Allowing the visit would have been a violation of DJS policy and possibly threaten the safety and security of youth and the facility. There are special circumstances where youth are granted a special visit with non-family members; however, these specific visitors did not meet those requirements.

Charles H. Hickey Jr. School (Hickey)

DJS agrees with and already operates under the general structure that the JJMU's suggests of utilizing a team approach to better serve youth. Staff from all disciplines work together on a daily basis to ensure that youth are provided with the best environment to promote successful outcomes. Behavioral Health is part of the weekly leadership team and treatment team meetings held at each facility and they solicit input from case managers, education, and direct care staff in development of guarded care plans.

DJS acknowledges that the camera system experiences issues. Any time a camera or related technical issue arises, facility staff are required to inform DJS Information Technology staff as soon as possible. DJS IT staff have in-depth experience in maintaining and fixing camera security systems in DJS facilities throughout the State.

The JJMU report specifically cited Incident 157256 as an example of technical issues with the cameras. Administrative review of this incident indicated that the issue was actually the distance from the camera that prevented clear viewing not technical issues with the camera itself.

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

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

Mental Health

Regarding Incident 158463, the youth's request for an open door was denied by staff after consultation with behavioral health because the youth previously displayed aggressive behavior. The denial was appropriate to ensure overall safety of all youth.

In regards to Incident 158485, administrative review indicated that staff acted appropriately by placing the youth on 1:1 observation following the youth's statement of self-harm. Youth was assessed by Behavior Health and removed the next day.

In conjunction with safety and security training, all direct care staff receive initial training in trauma informed care and are required to maintain certification in Youth Mental Health First Aid. Youth Mental Health First Aid is designed to teach staff how to help an adolescent who is experiencing a mental health or addictions challenge or is in crisis. Youth Mental Health First Aid is primarily designed for adults who regularly interact with young people. The course introduces common mental health challenges for youth, reviews typical adolescent development, and teaches a 5-step action plan for how to help young people in both crisis and non-crisis situations. Topics covered include anxiety, depression, substance use, disorders in which psychosis may occur, disruptive behavior disorders (including AD/HD), and eating disorders.

Behavioral health staff are available seven days a week for any situations that arise. Behavioral health staff have a regular presence at the facility and provide daily contact with youth. At times this includes individual sessions that focus on specific skill building with youth.

Fifty-two youth participated in psycho-educational groups led by behavioral health staff that are held each week on Thursday. The YWCA continues to provide a weekly psycho-educational group on Mondays. Behavioral Health sponsored a family engagement event in May with the theme of "Mental

Health Awareness". Nine youth and 25 family members participated and were able to take part in family focused activities related to the theme. In addition, the Therapy Puppy Program has begun at Waxter and has had a positive impact on supporting youth during crisis.

Quality of Life

Medical

All youth receive the community standard of health care for dental, pediatric, and OB/GYN services. The youth can also request medical attention via sick calls to address any immediate concerns. The medical unit is currently fully staffed and is available 24 hours 7 days a week to address the youth needs or concerns.

Youth transportation needs are organized in advance to ensure all services are accommodated. Additional assistance is also provided by our statewide DJS Transportation Department as needed if a conflict in scheduling occurs.

Food

For a description of DJS's improvement to food services, please see the Introduction Section of this Report.

Hair Care

Waxter's youth receive weekly professional hair care services from a contracted vendor. Youth with upcoming court dates are typically given first priority. Additional hair care services provided by the vendor are available to youth as a behavioral incentive. Due to the chemicals used in some hair care products or the vendor utilizing potentially dangerous tools, youth behavior impacts their eligibility for services. This is intended to protect the safety of youth, staff, and the vendor. Additionally, due to the length of time required for certain hair care services (i.e. braiding and straightening), the vendor is limited in how many youth can be served.

In addition to professional services, haircare products and materials are supplied daily to youth for maintaining and styling their own hair. Staff routinely educate, teach, and promote positive personal haircare, hygiene, self-esteem, and appearance to every youth.

In regards to Grievance 15440, this youth was denied hair care services prior to her court date because she assaulted a staff member earlier in the week.

Education

For a detailed response regarding the World of Work (WoW) program, please refer to the Introduction Section of this Response.

Alfred D. Noyes Children's Center (Noyes)

Operations

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.

In regards to Incident 158782, administrative review determined that the staff responded appropriately and in accordance with policy. Mental health staff processed with the youth after the incident.

Regarding Incident 158331, administrative review determined that staff responded appropriately and in accordance with policy. The youth was subsequently moved to another facility because his behavior continued to be threatening in nature.

Lower Eastern Shore Children's Center (LESCC)

The Department appreciates the positive comments about LESCC Administrators and staff working together to provide a safe and positive environment to youth, many of whom have a high level of mental health needs.

DJS is continuing the process of replacing bathroom fixtures to address all safety concerns. New toilets and sinks have been ordered and will be installed once received.

In regards to the outdoor space at LESCC, this is utilized when requested by youth as an attempt to de-escalate or relieve extra energy. Additionally, the space has been used for large muscle activities during the reporting period when weather conditions were favorable. This area is enclosed within the facility and becomes hot and humid quickly on warmer days, which causes the youth to not want to stay in the area for extended periods of time.

Western Maryland Children's Center (WMCC)

The Department appreciates the positive comments about additional programming options that were added and help relieve tension while providing constructive opportunities.

Regarding Incident 157585, staff attempted to process the results of the MAST meeting with the youth, but the youth reacted aggressively. Administrative review indicated that staff responded appropriately and were able to protect the youth's safety as well as others in the immediate area.

DJS agrees that supportive services can be critical during times when youth return from court, following family visits, or other meetings that can increase the likelihood of youth acting out. Behavioral health clinicians are at the facility on a daily basis to provide support to youth and staff. All youth are seen at least weekly by a behavioral health clinician. The clinicians respond to all crisis calls immediately when on site. This includes support after upsetting court hearings, MAST meetings, or family interactions. 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.

Vacancies

DJS actively recruits to keep all vacancies filled within reasonable time frames.

For more information on the World of Work (WoW) program, please refer to the Introductory Section of this Response.

Private Programs

Silver Oak Academy (SOA)

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1. “The total average daily population of youth placed at Silver Oak (by DJS and out-of-state juvenile justice agencies) increased by 14% in the second quarter of 2019 when compared to the second quarter of 2018. Comparing the same time periods, youth fights and assaults increased by 25% and incidents involving staff use of physical restraints on youth tripled”.

SOA Response: Silver Oak Academy had a total of 16 fights/assaults in the second quarter of 2019. Of these 16, 7 were started by a specific student who at that time was refusing treatment services from his therapist. He was also refusing to attend off site psychiatric care and refusing to begin using medication as prescribed. The student was also not a good fit for a staff secure placement and is no longer with Silver Oak Academy.

After reviewing and analyzing Silver Oak Academy’s restraints in the second quarter of 2019, a common pattern of students who were either adjusting to new medication or refusing to take their medication. Several of the new students at that time were also dealing with family or home concerns and were struggling to stay focused in the program. These students were not allowed home passes at that time since they were either too new in the program or the judge was not allowing them to attend a home pass at that time.

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2. “While Silver Oak offers youth opportunities for self-growth that are aligned with the tenets of healthy adolescent development, ongoing issues with staff/youth interactions and safety and security have undermined the potential of the program to promote positive change for youth. For the program to be successful, adequate structure that promotes safety must be maintained and staff supervision issues must be addressed”.

SOA Response: Security, Safety and Supervision Training: Silver Oak Academy has completed re-training of managers and staff on interactive supervision and AWOL procedures. We have initiated retraining of staff on security and safety policies, based on our Tech 22 manual and DJS policies as well as COMAR standards, which include but are not limited to: control center, key control, evening program, campus movement, cottage group systems, transportation, perimeter security, suicide prevention, emergency action and incident reporting. Documentation of this training will be placed in each staff’s file and available for review.

Upgrading Cameras and Monitoring Practices: The Silver Oak Academy reception area has been updated to serve as a central control desk and staffing has been increased. The existing camera system has been updated to include additional coverage areas including the auditorium, lobby facing the library/reception entrance door, counseling center rooms and education stairwell. Silver Oak Academy has also operationalized the system in Kahlert and Harvard Halls to enable camera control from either of those locations in the event that the reception area cannot be staffed.

The ROP QA team arrived at SOA to review systems, policies and protocols and to make recommendations. From 09/09/19 through 09/13/19, an ROP Technical Assistance Team provided training and recommendations focusing on interactive supervision.

DJS Response: The DJS Licensing and Monitoring Unit (L&M) conducts monthly and or quarterly visits at Silver Oak Academy. The re-training of managers and staff on interactive supervision and AWOL procedures was verified during monitoring visits or through email correspondence. L&M periodically reviews personnel files to ensure that documentation of training is in each employee's file.

SOA has installed monitors in the control room (Administration Building), Kahlert, and Harvard halls to ensure proper video monitoring of the facility. The program had been working on optimizing their video surveillance monitoring system for the past several months. L&M conducted visits on September 11, 2019, September 25, 2019, and October 9, 2019 to review the program's video monitoring system. As of October 23, 2019, the program reports that the monitoring system is fully operational.

Excessive use of force by staff

3. The JJMU report refers to the following incident reports related to excessive use of force by staff (IR#158753, 158791, and 158384).

SOA Response: IR#158753 – (IR# 158753 does not belong to SOA) IR#158735- In this incident the student was continuously provoking staff members and throwing food at other students. After a review of the incident, it was determined that the student should have been removed from the dining hall sooner and that a standing escort was not needed. There was a suspension and a staff member who was retrained in SCM as a result of this incident. CPS was also notified and the case was ruled out.

IR#158791 – In this incident, the student was pushed out of the dining hall instead of placed in a guided movement. A staff member was placed on administrative leave and CPS was notified. The case was ruled out by CPS and a staff member also received a suspension.

IR#158384 – The staff member who attempted to physically respond to the student's aggression is no longer employed with Silver Oak Academy. CPS was notified after review of the incident on camera and the case was ruled out. The student did not allege any injuries or make any complaints of abuse or staff misconduct.

DJS Response: During monthly and or quarterly monitoring visits, the L&M Unit reviews incidents reports including video footage when available. These incidents were reviewed on video and L&M found that the program took appropriate action by notifying CPS, placing the employee on administrative leave, suspending staff when appropriate, and providing training.

4. “Displays of inappropriate staff aggression undercut efforts to promote pro-social behavior in youth and can contribute to an unsafe and unstable facility culture. Administrators should be proactive about addressing staff misconduct to prevent further deterioration of the milieu”.

SOA Response: After a review of the student’s grievances and allegations against staff during the second quarter of 2019, it was determined that 3 students were consistently making false claims and undermining the student culture. These three students have been removed from Silver Oak Academy and there has been a significant decrease in fights/assaults and restraints from July to October of 2019. There have been a total of 8 physical interventions since July 1st, 2019. None of these interventions were a result of staff misconduct.

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Supervision issues

5. “Overnight staff at Silver Oak consistently fail to provide adequate supervision and monitoring of youth movement”

The JJMU report refers to the following incident reports related to overnight supervision issues IR#158816 and #158466:

SOA Response: IR#158816 – In this incident the staffing ratio was correct however the staff were not holding the students accountable as they were visiting each other’s rooms. Silver Oak Academy has added an overnight supervisor position and have increased the overnight staffing ratio. The Awake Night Supervision policy has been updated to include more specific job duties (log book usage and clearer student program expectations) and all overnight staff have been retrained on the updated policy.

IR#158466 – In this incident the staffing ratio was correct however the staff were not holding the students accountable as they were visiting each other’s rooms. A new Shift Supervisor has been promoted to oversee the evening program on the units. All staff have received more in depth interactive supervision training to include teaching the staff about the potential consequences of failing to follow the policy and supervise the students appropriately.

In the event that there is a call out on Harvard Hall, the Kahlert Hall students will be moved to Harvard Hall for the night along with their staff to ensure proper coverage. If there are not enough empty beds

on Harvard Hall to merge the units, the Shift Supervisor will notify the Program Director and begin calling additional staff to come in and support. The shift supervisor will not be authorized to leave the unit until the ratio is met.

Silver Oak Academy will continue to require a day staff member to sleep in the back bedroom of the unit for support if needed.

DJS Response: During a night monitoring visit on August 4, 2019, L&M observed a staff shortage on Harvard Hall and a poor documentation in the log book. As a result of the deficiencies, L&M requested a Corrective Action Plan. The program submitted a CAP Response on August 27, 2019 that was accepted by L&M.

The program's response included training of overnight staff on the awake night policy including log book documentation and moving students from Kahlert to Harvard hall to ensure proper staff coverage. L&M periodically reviews personnel files to ensure that documentation of training is in each employee's file. Documentation of the Awake Night staff training was provided to L&M.

During the last L&M monitoring visit on October 10, 2019, the program reported that they have not experienced a shortage of staff requiring students to be moved from Kahlert to Harvard hall. During the same visit, L&M reviewed the program's log book and provided technical assistance.

L&M will continue to monitor for compliance.

Restraints to enforce compliance

6. "There were several incidents during the quarter where physical restraints were utilized to enforce program rules and norms (IR#158587, 158079, 158596, 158179, and 157942)"

SOA Response: Restraints are only utilized when there is potential harm to self or others. If restraints are found to be used without cause, staff is disciplined accordingly.

In addition, all SOA staff members are trained specific to mandated reporter responsibilities during pre-service and annually. Silver Oak Academy provides refresher training annually. All annual trainings are tracked on a training spreadsheet.

Staff who do not follow the CPS requirements will be subject to disciplinary action.

IR#158587 – In this incident, the student was asked to leave the classroom multiple times because he was causing a disruption to the other students who were completing a project. While being asked to leave, the student began to curse and shove the staff member who was asking him to leave. His physical aggression towards the staff member resulted in a physical intervention.

IR# 158079 – In this incident, the student was asked several times to stop running around the dining hall and stealing food from the serving line. The student threw his food at a staff member and was then guided out of the dining hall. Once in the hallway, several staff members attempted to verbally de-escalate the student for about 4 minutes and the student was then asked to walk to the counseling

center. During the walk, the student continued to become escalated and was pushing the staff members who were attempting to verbally deescalate him resulting in a physical intervention. On the MIR, the student admitted to not knowing why he became upset but that he did become upset and threw food at the staff member.

IR# 158596 – In this incident, the student was walking off of the Education floor and was given an option to return back to class or to go down to the counseling center. The student refused both directives and continued to walk away from the Education floor and staff. When confronted at the bottom of the steps so that staff could walk him to the counseling center, he shoved the staff member and began to swing at him which led to a physical intervention.

IR# 158179 – In this incident, a student ran out from the back emergency door of the unit. Staff assumed that he was attempting an AWOL and they ran after him. Once the staff caught up to him and tried to escort him back to the unit, he shoved the staff away from him and ran again. Once the staff caught up to him for a second time, he was placed in a seated intervention to keep him from continuing to run and shove any more staff or students.

IR# - 157942 – In this incident, a student was prompted to follow expectation to put his feet down off the sofa. The student failed to listen to the staff members and became belligerent threatening to harm staff. The student was prompted by staff to initiate a self- guide but the student refused. With the student threatening staff, staff decided to physically guide the student from the area where he was attempting to incite others with his behavior.

Group Disturbance

7. The JMU report refers to the following incident report related to group disturbance:

IR#158672

SOA Response: After reviewing the incident related to the group disturbance, Silver Oak Academy will be more closely monitoring student's abilities to blend into the population. If they are struggling or having issues the students will be placed on a behavior contract or moved to a different unit to ensure their safety. In this incident the student that was targeted in the fight had been struggling for weeks to follow the program and function within the community of students. The frustration of the other students led to the incident. The awake night staff have been trained on the proper behavior management during meal program. Students should not be involved with handing out food.

DJS Response: L&M conducted a follow up on this incident and confirmed that the student in reference was moved to a different unit for his safety. Documentation of staff training was provided to L&M.

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

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1. “The treatment program at Morning Star is based on the trauma-informed sanctuary paradigm, there is a lack of monitoring by facility administrators to ensure fidelity to the tenets of the treatment philosophy. As a result, the program is inconsistently implemented. Additional resources should be devoted to staff training and coaching to help promote successful adherence and utilization of the program within the facility milieu.”

VQMS Response: The Morning Star program is based on several treatment models, Sanctuary being one of them. The Sanctuary model is embedded throughout the youth’s treatment stay. The process begins at admission through the introduction of the youth’s safety plan and is on-going through treatment planning, community meetings, youth commitments, guide book review and group and individual programming. The Program Director monitors the daily schedule to ensure that groups occur both timely and as identified by the schedule. Any deviations from the schedule are reviewed at the bi-weekly Continuous Quality Improvement (CQI) meeting. In addition, the program plans to provide additional training and support specific to Sanctuary to strengthen this process.

2. “In addition to emphasis on increasing staff support and training services, greater efforts should be made in integrating direct-care staff into treatment decisions for individual youth. Staffers on the ground have the most interaction with youth on a daily basis, yet they currently have little input in treatment planning or progress. Incorporating staff feedback into youth case management could also serve to help bridge the communication gaps between administrators and direct-care staff and youth that currently exists at the facility.”

VQMS Response: Daily progress notes are submitted by the Child Care Workers into the electronic medical records CARE4. Counselors access and utilize the feedback and include such in monthly treatment planning updates. Weekly training is conducted to include Child Care Workers’ participation in direction boards and check ins.

3. “Significant downtime, especially during weekend and after-school hours, is a persistent youth concern. Programming options both on- and off-campus should be increased to aid in keeping youth positively engaged.”

VQMS Response: The program has increased on and off property activities, to include volunteer projects and off-site recreation both during the week and weekends. The program has worked hard to offer after school tutoring, job shadowing opportunities, increased YMCA and field trips that are both educational and leisure orientated. The program prides itself on the impact the youth have on the local community.

4. “Physical plant upgrades, such as replacement of the outdated and unusable gymnasium and renovations to the on-site swimming pool (which is currently unusable) can help provide the necessary on-campus venues for structured recreational activities.

VQMS Response: The pool is currently closed for the winter but the program does plan to reopen the pool and make the necessary corrections in order to utilize the pool next year. In regard to the gymnasium, the program has obtained several bids and is looking into different options in an attempt to ensure that the gymnasium issues are corrected. The program has increased on and off property activities, to include volunteer projects and off-site recreation both during the week and weekends. The program has worked hard to offer after school tutoring, job shadowing opportunities, increased YMCA and field trips that are both educational and leisure orientated. The program prides itself on the impact the youth have on the local community.

[One Love Group Home](#)

The Department appreciates the positive comments about the services provided at One Love Group Home.

**MARYLAND STATE
DEPARTMENT OF EDUCATION
- RESPONSE**



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

November 1, 2019

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

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

Maryland State Department of Education in DJS Facilities

INSTRUCTION

Career and Technical Education (CTE)

The MSDE continues to develop CTE programming for students. The introduction to short-term certifications provides students with the ability to qualify for entry level jobs upon returning to their communities. Most CTE certifications require an extended period of time to complete in order to earn certification in a specific field. Students in local school systems (LSS) schools, in the State of Maryland, generally participate in CTE pathways over a three year period. Limited access to CTE certifications prior to receiving a high school diploma or GED will not lead to high-skill, high-wage, in-demand careers.

The MSDE is in total agreement that students in Juvenile Services Education System (JSES) should be provided with the opportunity to receive a high school diploma and CTE certifications in order to complete in the highly competitive 21st Century global job market. However, during the 2019 school year, the average length of stay for students in detention facilities was thirty-eight days and the average length of stay for students in placement facilities was eighty-four days. Based upon these facts, instructional opportunities and short-term certification programs offered, met the needs of students based on their average length of stay at JSES facilities.

The JSES CTE program is currently designed and scheduled to emulate the standard MSDE CTE program in three pathways, thus enabling JSES students to return to their LSS and continue CTE course work without gaps in the students' instructional program or knowledge. The pathways are Construction, Work-Based Learning, and Business Administration Services. The MSDE also works diligently to provide students with access to three approved State of Maryland CTE pathways. The JSES offers Business Administration Services (all schools), Work-Based Learning (all schools), and Construction and Development Pathways (Backbone and Green Ridge).

Business Administrative Services provides a foundational understanding of the role of business in a global society, American business as a dynamic process, forms of business ownership, management concepts, marketing, production and distribution, and accounting and finance. Work Based Learning provides students with experience in career awareness, evaluation of career and academic choices, and aligns their academic work with their career preparation. The Construction Trades course is aligned to the National Center for Construction Education and Research (NCCER) curriculum. During FY 2018, students at Backbone Mountain Youth Center were able to progress through the modules of the core curriculum. Upon completion of all modules in this pathway, students earn industry certification.

For students attending a JSES school, each pathway has four required courses that are yearlong courses. Students are enrolled in the introductory course and are provided coursework that is aligned with the Maryland State Standards. Each of these pathways mandate coursework, which will ensure that JSES students are provided with the knowledge and skills needed to complete the statewide pathway programs and assessments when they return to their LSS.

Other certification programs such as cardiopulmonary resuscitation (CPR)/AED, basic food handling hygiene, and construction site flagger, as mentioned in the report, also provide opportunities for students to enhance their resumes and provide them with an advantage over their peers lacking hands-on training when competing for similar job opportunities. There are three levels of the ServSafe certifications: ServSafe Food Handle, ServSafe Allergens, and ServSafe Manager. Each of these certifications are available to all JSES students.

When assessing CTE programming within DJS facilities, it is imperative that MSDE and the JSES follow the protocols, procedures, and guidelines of safety and security outlined and established by DJS. Some CTE areas of certification cannot be incorporated into DJS facilities due to the equipment needed. Such programming includes, but is not limited to, hands on barbering and culinary arts. Neither of these extremely popular programs are approved by DJS at this time.

However, the design of some certification areas do comply with the DJS safety and security protocols. C-tech is a program specifically designed for students in JSES facilities. Currently, MSDE is piloting C-Tech in two facilities where space in the facility allows such programming. Staff must be certified in order to provide this instruction to students. Students can earn certification in Network Cabling, Copper-Based Systems, Fiber Optics, and Telecommunications.

Many union, trade jobs, and training programs such as a journeyman electrician require a high school diploma as a minimum qualification. Students attending JSES need a high school diploma/GED in order to have access to careers in the various CTE pathways. As previously stated students need to earn their high school diploma/GED along with CTE certifications in order to be highly marketable in today's workforce. A major priority of MSDE is to ensure that students have access to career training that is aligned to their certification area.



It must be noted that students in JSES are not allowed to leave their assigned facility per court orders. The MSDE does not determine students' placement. Student placement is court controlled and mandated.

In this report and several prior JJMU reports, World of Work is constantly represented as a MSDE/JSES program. The World of Work is a DJS sponsored program. That fact has been repeatedly stated and documented. The MSDE does not have authority, oversight, or jurisdiction over the World of Work program. However, MSDE welcomes the opportunity for JSES students to participate in such worthwhile opportunities.

Curriculum Resources

Technology, manipulatives, and professional staff development will continue to provide the foundation for the enhancement of professional practice for teachers while providing students with a wide variety of hands-on activities that are designed to build science skills, mathematical knowledge, English comprehension, and enhance individual student growth and development. The MSDE purchased technology and resources for classrooms that ensure the ability of teachers to tier instruction based upon individual student needs and eliminate the reliance of teachers on worksheets for instruction. Math manipulatives were purchased that included student graphing boards and spinners for classroom use. Gizmos was also purchased for JSES. Gizmos is an online science and math simulation program. Gizmos provides virtual science labs and simulations for students. In fact, during the 2019 school year, the JSES spent over \$300,000 on classroom materials for instructional purposes.

MSDE now has a contract with APEX learning. Selected educators at each location were chosen and trained on APEX learning courses, which can be offered in a fully online or blended learning model. In the blended learning model, educators in short term facilities can focus on skill building in the Apex platform and having students apply those skills to content work in a face-to-face setting.

Apex courses will be used during the interim period of when a student completes high school or earns a GED and the registration time for college courses. These online courses will help better prepare students for college coursework. The use of Apex learning courses and resources allows a multitude of possibilities for students to take courses not currently offered in JSES schools, such as Spanish, art, and music.

In addition, the JSES has implemented the use of online course providers in order to offer credit recovery and original credit opportunities for students. Online credit recovery provides students with the option to re-take courses in order to earn necessary credits for graduation. Students may also complete online courses for original credit, if the course is unavailable during face-to face instructional time. For instance, through our online provider partnerships, students may earn credits in a foreign Language (Spanish, French, and Chinese) or in health education. These options allow students additional opportunities to acquire credits needed for high school graduation.

Funding for MSDE JSES is provided through a variety of sources, which includes Maryland State general funds, federal funds, and reimbursable funds. Over the past three years, the MSDE applied for and received E-Rate funds to support infrastructure and access for internet and technology at JSES facilities. The MSDE also receives additional funds through the Neglected and Delinquent Federal Grant, pass-through grant funding for special education, and Perkins funding. However, regardless of how funding is received, all state programs must adhere to and follow the state of Maryland policies and procedures for the procurement process.

Post-Secondary

The JSES continue to expand community college partnerships. JSES has provided opportunities for students to enroll in college courses since 2017. The first set of JSES students began taking online college courses in the Spring 2017. Since that time, JSES students have participated in on-line college credit courses, as well as, continuing education and workforce development courses every semester with community college partners that include Frederick County and Baltimore City Community colleges. In September 2018, JSES expanded the community college partnership with the addition of Anne Arundel Community College. This partnership provides opportunities for students to take business, computer, and study skill courses. There is also a draft agreement with Montgomery College currently in review. In addition, Back Bone Mountain Youth Center continues to partner with Garrett College which allows students to attend classes on campus which helps to initiate their college careers. During the FY 2019 school year, 18 students participated in the college program.

In fact, the available number of classes for students enrolling in classes at Arundel Community College has expanded. In July 2019, there were seven students who took online business courses at Anne Arundel Community College. In the 2019-2020 school year, MDSE and Anne Arundel Community College has expanded our partnership to include a new program, Ed2Go. Ed2Go will provide access to additional online course options. Future options with students include possible certifications in cosmetology and barbering.

Scheduling

There are divided opinions on the impact of block scheduling. Research demonstrates that school schedules (traditional or block) have little impact on the differentiation in student scores on state assessments. However, MSDE JSES staff realizes that different student populations experience academic success in educational environments that are conducive to learning which meet their individual educational needs. For students who are at risk and under credited, block scheduling allows students who enter school late, may need a fresh start in the midyear, or reenter school at the beginning of the second semester, the opportunity to earn credits in several key academic courses before the end of the school year.

The following research articles provide information supporting block scheduling and how it can be beneficial to student growth with advantages including more time to understand and comprehend content. One advantage that is noted involves more time to delve deep into specific subject areas. Some students come to JSES with gaps in their education including explicit instruction in vocabulary, math skills, literacy skills, background knowledge, and foundations of learning. Each area is extremely important to meet the individual needs of these students.

Lewis, C.W., Dugan, J.J., Winokur, M.A., & Cobb, R.B. (2005). The Effects of Block Scheduling on High School Academic Achievement. *NASSP Bulletin*, 89(645), 72-87.
<https://doi.org/10.1177/019263650508964506>

Hanover Research. (2014). Optimal Scheduling for Secondary Schools. Arlington, VA.
https://www.mansfieldisd.org/uploaded/main/departments/CIA/assets/MasterScheduleStudy/Research-OptimalScheduling_Secondary.pdf

Retting, M.D. (no date). The Effects of Block Scheduling. Retrieved from the American Association of School Administrators site. <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=14852>

Salinger, Terry (August 2010). *Meeting the Literacy Needs of Students in Juvenile Justice Facilities*. Washington, DC: National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At Risk (NDTAC). https://neglected-delinquent.ed.gov/sites/default/files/docs/adolescent_literacy_guide_201008.pdf

A ninety-minute semester block schedule has been instituted for JSES since the 2018-2019 school year. This change provides consistency with student transfers between JSES schools (from detention to committed schools). This semester schedule allows students to earn up to eight credits a year toward graduation versus the six credits earned using a yearlong scheduling model. Students have twice as many opportunities to complete the required courses if they fail a subject. The number of class changes is reduced, therefore, limiting the possibilities for discipline problems since most disruptions occur during transition time between classes.

In addition, 90-minute classes in core content areas allow students to earn required credits for high school graduation in the state of Maryland. Maryland requires four credits in English, four-years of

mathematics, three years of social studies, and three years of science. Each of these four core courses also require state testing, which must be successfully passed in order for students to receive a high school diploma. The 90-minute schedule allows students who take courses every day, pass, and earn four credits at the end of two quarters (one semester). This instructional programming model increases the possibility of students earning credits versus 45 minute class scheduling. Since many students enroll into JSES over-age and under-credited representing multiple school systems, it is imperative that JSES offer state required credits needed for a high school diploma.

Research demonstrates that poor school performance is one of the strongest predictors of delinquency and the school to prison pipeline crisis. Strong educational programs in juvenile centers can make a difference to youth and deter their involvement in criminal behavior. The required attendance in school during detainment allows teachers to address student educational challenges and to re-engage them in education in order to prevent delinquency and related problem behaviors (Benner, Zeng, Armstrong, Anderson & Carpenter, 2017).

Principals, with the support of the MSDE content specialists learning walks teams, continue to refine content specific instructional expertise of JSES teachers. Professional development activities enhance skills and strategies needed to closely monitored instruction during an entire class period and include recommendations for improvement of high quality classroom practices. Valuable feedback is provided to the staff after each learning walk session. Feedback on student classroom interaction is a component of each post observation session. Students are held accountable for being on task during the entire instructional period, which is reinforced through Positive Behavior Interventions and Supports (PBIS).

In order to evaluate student progress, the JSES requires student portfolios to have at least one project-based learning assignment for each unit of instruction. These project-based learning assignments are designed to be long-term projects that align to the Maryland State curriculum standards being taught during each unit.

Special Education

Exception is taken with the statement pertaining to the analysis of issues with “special education delivery”, without the benefit of further explanation of this statement. The Division of Early Intervention and Special Education Services recently completed a year-long audit of the special education services at JSES. Prior to 2019, JSES was on the targeted tier which includes semi-annual, differentiated monitoring, and customized data analysis with real-time local and State compliance and results data. However, after the current audit findings, JSES has moved to the “Universal” tier of general supervision which includes an annual desk audit and cross-divisional data analysis.

Additionally, JSES received some of the following commendations:

- Continuous monitoring of compliance with IDEA and COMAR from students’ entry to exit using multiple procedures and protocols ensures compliance across all schools.
- Development and use of Common Core State Standards based curriculum and course of study manual that provides students with access to general education curriculum with accommodations and instructional supports.

- Content area lead teachers work with Central Office staff to develop high-quality professional development to shared evidence-based, best practices for instruction.
- Observation and evaluation schedule for principals, general education teachers, special education teachers, and counselors to ensure implementation of specially designed instruction, accommodations and instructional supports with fidelity.

These commendations are evidence of the efforts of JSES special education staff to provide a free and appropriate education for students. Special Education Services audits ensures that students are receiving proper delivery of instruction and that JSES is consistently striving to meet the specific and individual needs of all students, including students with disabilities.

National research validates that a disproportionate number of students with disabilities are placed in juvenile justice schools across the country compared to the enrollment in LSSs. Regardless, when students transfer into JSES facilities from LSSs already identified as special education students, they enter with IEPs already in place that are immediately implemented. If a student requires the child find process, MSDE JSES adheres to IDEA and COMAR requirements.

In accordance with federal regulations regarding the child find process, JSES assumes responsibility for the identification and evaluation of all children from their age at enrollment through age 21 who require special education and/or related services. This includes homeless children, children who are wards of the State, and children who attend private school within the State who are suspected of being a child with a disability under IDEA.

JSES schools have a child identification process that includes the location, identification, and evaluation of a child suspected of having a disability. The special education staff in each school coordinates the child find process. School staff use a variety of resources, information, and intervention efforts to identify children requiring special services.

In reference to the JJMU statement regarding the laws, ED ART. 8-501 through 8-507 does not prohibit MSDE JSES from delivering individualized education services. All students with disabilities receive the same or comparable services and supports that students receive in their LSS. Therefore, MSDE JSES students receive related services as outlined in their IEPs. MSDE JSES has related service providers within each school and has established contracts for the provision of related services.

HUMAN RESOURCES (HR)

In collaboration with the new MSDE HR Director, monthly meetings continue as a concrete processes to assist JSES with 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 continues to be a major focus and goal.

The JJMU report continues to address MSDE's lack of concern for teacher's pay and the year round working situation for staff. However, during the 2019 legislative session, the MSDE Human Resource Director introduced Senate Bill 75 (Bill) through the Senate Finance Committee. Submission of the Bill was based upon the fact that MSDE and JSES leadership values certificated staff and understands the

challenges of maintaining highly qualified teachers. Even though the Bill did not pass, the proposed legislation would have impacted all JSES certified teaching staff in all of the 13 schools. The proposed legislation addressed many of the topics of concern expressed by both JSES and JJMU. Unfortunately, the Bill did not make it out of committee. The Bill can be viewed at the following link: <https://legiscan.com/MD/text/SB75/2019>

PILOT

In accordance with Chapter 565 of the Acts of 2018 (HB1607), the Noyes pilot program (Pilot) with Montgomery County Public Schools (MCPS) started on July 1, 2019. The statement, “the transition process for Noyes is in the hands of the workgroup with leadership, membership and staffing largely controlled by MSDE and MSDE JSES administrators” is absolutely incorrect. This pilot has been under the purview of a MCPS legal team and an Attorney General representing MSDE. The project team has led the implementation of the Pilot and ongoing operations. The Pilot is being further guided, directed, and established under the leadership of the MCPS Executive Director. The MCPS determined the implementation of the management model through which it operates the Pilot during the 2019-2020 school year. The MSDE disagrees with the JJMU insinuations regarding the role of the workgroup and the establishment of the Pilot. The workgroup was created to research a variety of options and make recommendations. The contract for oversight and management of the Pilot was developed in conjunction with both MSDE and MCPS. After legal research, numerous committee discussions, and advice from both legal teams, MCPS did not request or believe it was plausible that MSDE remove the agency completely from pilot or the educational process.

In regards to the sitting members of the Chapter 565 workgroup, the JJMU report is not accurate. The legislation dictated membership of the workgroup to include the following MSDE employees:

- The State Superintendent of Schools, or the State Superintendent’s designee;
- A teacher who works in a juvenile services education program in the State of Maryland, and;
- An administrator who works in a juvenile services education program in the state.

These three members make up only one fourth of the workgroup membership. They are the only MSDE employees who are voting members of the workgroup.

The statement made by JJMU that, “Public comment during workgroup meetings for the Pilot program is prohibited, including from those who may be knowledgeable about school operations and programming in the context of Juvenile Justice Systems” is not based on law. The law gives the authority of whether to allow members of the public to speak to the presiding officer. Open Meetings Act Manual (9th Ed. 2016) citing 9 OMCB Opinions 232, 233 (2015) (stating that the Act does not regulate the presiding officers’ decisions on whether to allow a member of the public to speak).

CLOSING STATEMENT

The staff at MSDE is comprised of highly qualified, dedicated, and professional educators who are passionate about students’ success. Students and instruction are our main priority, foremost concern, and primary focus. We embrace the fact that, “opportunity belongs to everyone.” 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 and do not have the same limitations, many of which are court ordered. The JSES schools are unique because each school has an ever changing population of students who remain for varying lengths of time, based on decisions of the courts. The workgroup for Chapter 565 of the Act of 2018 (HB 1607) has been tasked with determining challenges related to JSES. Workgroup members have been diligent in efforts to ensure that the charge and responsibilities of the legislation are adhered to and followed. Recommendations from the workgroup will be presented in July of 2020 in compliance with expectations of the legislation.