



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

**FOURTH QUARTER REPORT
AND 2020 ANNUAL REVIEW**

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 visits to these sites unannounced to guard against abuse and ensure youth receive appropriate treatment and services.

The mission of the JJMU is to promote the transformation of the juvenile justice system into one that meets the needs of Maryland's youth, families, and communities. This mission is accomplished by collaborating with all who are involved with the system.

The Unit has access to DJS incident and case notes databases and to DJS internal investigation and grievance documents. Monitors spend significant time gathering information and observing all aspects of operations. We sit in on activities and classes, interview youth, staff and administrators, and review video footage and original incident report documentation. The JJMU issues public reports covering each calendar quarter. These reports include data and analysis concerning treatment of and services provided to youth in DJS detention and placement 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 within the reports.

The JJMU has been instrumental in driving positive changes in the Maryland 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 system and raise awareness of the needs of justice-involved Maryland youth. 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 Fourth Quarter Report and 2020 Annual 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 fourth quarter 2020 reports and an annual calendar year 2020 review.

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 Fourth Quarter Report and 2020 Annual Review Compendium was produced by Margi Joshi, Nick Moroney, Tim Snyder, and Marvin Stone. Thanks to Taran Henley, Fritz Schantz, and Maria Welker for technical assistance.

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

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

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



NICK MORONEY
Director

STATE OF MARYLAND
JUVENILE JUSTICE MONITORING UNIT

March 2020

The Honorable Lawrence J. Hogan, Jr., Governor
State of Maryland

The Honorable Bill Ferguson, President of the Senate
Maryland General Assembly

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

Members of the General Assembly

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

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

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

The Maryland Department of Juvenile Services (DJS) has made tremendous strides in reducing unnecessary incarceration of youth during the past few years, but there are still far too many (mostly African American/Black and Hispanic/Latinx) young people in Maryland who are stuck in maximum security detention facilities or sent out-of-home to an alien environment in remote areas far from their homes, their families and their communities. Maryland's continued overreliance on incarceration for young people is both expensive and ineffective. Numerous studies have demonstrated that community-based alternatives to confinement cost less, reduce recidivism, and produce better youth outcomes.

Two legislative proposals in the current session of the Maryland General Assembly would equip the juvenile justice system to better serve young people, families, and communities. Senate

Bill 853/House Bill 1187 mandates that DJS study and report on how to move away from remote facility-based warehousing of young people and toward the bolstering and utilization of local community resources (non-residential and residential) to help ensure that constructive specialized and individualized support is available to young people in contact with the Maryland legal system.

The bill would also end the use of state-run youth jails and youth prisons for children and young people who have been accused of committing a misdemeanor offense or who have allegedly committed a technical violation of probation. In place of incarceration, those young people will be able to avail of non-carceral based local programming through DJS.

In addition to community-based supports, research shows that academic achievement is pivotal in reducing recidivism and promoting positive outcomes for young people in contact with justice systems. Currently, the Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for the delivery of education in DJS facilities. There are long-standing, unaddressed critical shortcomings in the education model offered by MSDE JSES (see page 43). Substantive reform of the current education model for incarcerated students in Maryland is needed to effectuate an equitable system which provides youth with the access to services and instruction that enable them to thrive and succeed.

Senate Bill 498/House Bill 71 authorizes the formation of an independent school board to oversee education in DJS-operated placement and detention facilities. An independent school board can provide a level of autonomy, transparency and accountability not currently present within the MSDE JSES framework and can advocate to better ensure students receive the services and supports they are entitled to and that they need to succeed.

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 FOURTH QUARTER REPORT AND 2020 ANNUAL REVIEW

TABLE OF CONTENTS

INCIDENT AND POPULATION TRENDS	1
COVID-19 RESPONSE IN JUVENILE SERVICES' FACILITIES	2
DETENTION CENTERS	6
Baltimore City Juvenile Justice Center	7
Cheltenham Youth Detention Center	11
Charles H. Hickey, Jr., School	13
Thomas J.S. Waxter Children's Center.....	15
Alfred D. Noyes Children's Center	17
Lower Eastern Shore Children's Center	21
Western Maryland Children's Center	23
COMMITTED PLACEMENT CENTERS	25
Victor Cullen Center.....	26
Garrett Children's Center.....	29
Youth Centers X3.....	32
Silver Oak Academy.....	34
J. DeWeese Carter Center.....	36
Mountain View	37
SMALLER FACILITY UPDATES	40
MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES	43
DJS RESPONSE	49
MSDE JSES RESPONSE	67

DJS Hardware Secure Detention

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

Long-term, post-disposition

- Victor Cullen Center (Cullen)
- Garrett Children's Center (GCC)
- Mountain View
- Backbone Mountain, Green Ridge, Meadow Mountain youth centers (three youth centers)
- Silver Oak Academy (SOA) [DJS licensed]

Incident and Population Trends

Calendar year 2020 population and incident trends versus 2019:

- ✓ Average daily populations (ADP) of youth decreased at all DJS-operated detention and placement centers.
- ✓ Youth on youth fights and assaults decreased at all DJS-operated detention centers and at DJS-operated placement centers for boys.
- ✓ Physical restraints decreased in secure detention at BCJJC, Hickey, Waxter, Noyes and WMCC and at all DJS-operated committed placement centers for boys.
- ✓ The use of mechanical restraints decreased in secure detention at BCJJC, Hickey, Waxter, and WMCC and at all DJS-operated placement centers for boys. Mechanical restraints were not used inside LESCC secure detention center.
- ✓ The use of seclusion decreased in secure detention at Hickey, Waxter, and WMCC.
- Physical restraints increased in secure detention at CYDC and LESCC.
- Mechanical restraint usage inside facilities increased in secure detention at CYDC and Noyes.
- Seclusions increased in secure detention at BCJJC, CYDC, and Noyes and in committed placement at Victor Cullen and GCC.
- There were 132 incidents involving suicide ideation, nine suicide attempts, and 24 incidents of self-injurious behavior at DJS-operated facilities in 2020. Incidents of suicide ideation decreased by 49% compared to 2019. However, incidents of self-injurious behavior and suicide attempts more than tripled even as the overall number of incarcerated youth declined.

COVID-19 Response in Juvenile Services' Facilities

COVID-19 Response in Juvenile Services' Facilities

- ✓ *DJS should continue to work with stakeholders to minimize the number of youth exposed to the harms of incarceration.*

CONDITIONS OF CONFINEMENT POSE INHERENT RISKS TO YOUTH MENTAL HEALTH AND PHYSICAL WELL-BEING. INCARCERATION DURING A PANDEMIC INCREASES THOSE RISKS.

- Congregate care settings are ripe environments for the spread of disease. Young people are forced to live in close quarters with their peers and social distancing measures between staff and youth and among youth are difficult to maintain in closed environments. At time of writing (February 23, 2021), a total of 41 youth and 265 staff people working in DJS facilities have tested positive since the initial outbreak of COVID-19.
- Most young people in the deep end of juvenile justice systems have histories of trauma and mental illness, and adherence to COVID-19 precautions can be onerous to maintain. Youth are required to wear masks during waking hours anytime they leave their cells. Youth are also held responsible for disinfecting their personal areas and, in some facilities, helping to maintain cleanliness of common areas. Youth who do not follow precautions are subject to discipline.
- Youth potentially exposed to COVID-19 are quarantined on their residential unit for two weeks and some youth who have tested positive for COVID-19 are forced to stay in cells in maximum security facilities in order to medically isolate until they recover – however, severe restrictions on movement and activities can exacerbate existing mental health conditions and increase levels of anxiety and depression.

- ✓ *The Department should make greater efforts to accommodate youth requests for more family contact.*

INCARCERATION IS ISOLATING AND MONOTONOUS UNDER NORMAL CONDITIONS. THE COVID-19 PANDEMIC HAS FURTHER EXACERBATED THE EXPERIENCE OF BEING CUT OFF FROM LOVED ONES AND INCREASED FEELINGS OF BOREDOM FOR YOUNG PEOPLE IN DJS CUSTODY.

- According to administrators at DJS headquarters, youth are provided a minimum of three phone calls of ten minutes duration in DJS facilities. Two of the three calls are conducted via phones supplied by Global Tel Link (GTL)¹ that are located on living units and one of the calls is provided by case managers when they are on site. Calls made through GTL phones are recorded and information obtained during youth phone calls can be used against them in court. Youth often report that GTL calls are of poor quality and dropped calls are a frequent occurrence. Once the ten minute time limit is up, GTL calls automatically cut off. The abrupt end of phone contact can be a jarring, distressing and frustrating experience for kids, especially if they haven't finished saying everything they want to say to their family or if they were in the middle of an important conversation.
- Youth have consistently requested to increase the number of phone calls and to be allowed at least 20 minutes per call in order to have more meaningful contact with loved ones. The amount of structured activities for youth was already insufficient prior to the arrival of the pandemic. Disease mitigation measures have driven down the amount of organized activities and further increased downtime for youth. Providing youth with extra time to talk to family during downtime should not be logistically difficult for facilities to manage as there is extra time to facilitate calls and there are far fewer youth in detention and placement than there were prior to the arrival of the current pandemic. Executives at DJS headquarters have indicated that facility administrators and case management staff can offer youth extra and longer telephone and video calls during downtime and on weekends. Facility administrators should ensure that youth receive more opportunities for family contact.
- Increasing opportunities for family contact is especially important as visitation at DJS facilities has been suspended. Youth were previously able to receive two 2-hour visits each week per DJS policy. To make up for the lack of family visits, case managers have been authorized to provide two video calls home to youth who express interest and whose families possess the necessary technology. However, youth are still left with less contact with families than before the pandemic. The Department should allow for at least two 30-minute video calls per week (or phone calls in lieu of video calls for families who do not have access to the technology needed to conduct video calls) to make up for lost visitation time with family.²

¹ Global Tel Link is a for-profit company that sells inmate communication services to jail, prison and detention systems. The cost assessed per call/per minute is higher than typical call costs charged by other communications companies operating outside of institutions. Detailed information on the issue of "phone justice" is available at: https://www.prisonpolicy.org/phones/state_of_phone_justice.html

² Virtual calls should continue to be offered to youth after visitation resumes as they have proven to be an essential component for family communication and because, even with the lifting of restrictions, some parents may be hesitant about entering facilities due to health concerns.

✓ *DJS should provide youth with more outlets to constructively occupy their time.*

EXCESSIVE DOWNTIME, WHICH WAS PREVALENT FOR YOUTH BEFORE COVID-19, HAS BECOME EVEN MORE PRONOUNCED DURING THE CURRENT PANDEMIC.

- Outside visitors and vendors who provided enrichment programming for youth have not been allowed into DJS facilities, and holiday events and other gatherings have been cancelled, while many other options used to pass time indoors have been severely curtailed. Contact sports, including basketball (which is highly popular among youth) are prohibited. At some facilities, playing cards, board games, and use of any recreation equipment have all been barred.
- Outdoor activities offer one of the few less risky options for engaging youth during the pandemic, however this potential outlet for youth continues to remain under-utilized at DJS facilities. While the DJS youth center placements in rural western Maryland were ostensibly created to offer outdoor experiential learning opportunities for young people, in practice, the correctional orientation of these facilities results in severe limits to opportunities for use of the natural surroundings for therapeutic or recreational purposes. Recreation staff at the centers rarely schedule outings in nearby nature preserves, even on weekends, when there is almost nothing arranged for youth to do. Similar restrictions apply inside facilities too. Girls at the DJS-operated Mountain View placement (which is on the grounds of one of the youth centers in western Maryland) requested to build snowmen and make snow angels following a snowfall, but administrators cited “safety and security” concerns and prevented the girls from recreating in the snow. Reinforcing this overly restrictive approach is a curfew imposed at sunset (at every DJS facility and throughout the winter months) during which youth are not allowed to go outside of buildings past 5 or 5:30 p.m. in the evening.
- Administrators at some DJS facilities responded positively to youth requests by distributing individual music players (loaded with music approved and provided by management) and tablet computers to help the young people to cope with the conditions of their confinement. These items were confiscated following orders from DJS Headquarters to ban their use. No explanation for the ban was provided to the young people affected by the sudden ban. Adult detention centers in Maryland have made personalized music players, radios, and tablets available to their population while managing security risks; there is no reason that DJS cannot make these coping mechanisms available to youth to help ease the boredom, anxiety and distress that comes with incarceration.

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a hardware secure (maximum-security) detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. The DJS-rated housing capacity is 120 beds. African American/Black youth represented 88% of total entries in 2020 compared to 95% in 2019.

BCJJC – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	94	77	48
1. Youth on Youth Assault/Fight	251	268	188
2. Alleged Youth on Staff Assault	33	36	25
3. Physical Restraint	348	361	237
4. Use of Handcuffs and/or Shackles	86	83	56
5. Seclusion	34	39	45
6. Contraband	28	35	18
7. Suicide Ideation	11	22	5
8. Suicide Attempt	1	1	1
9. Self-Injurious Behavior	0	1	5

The average daily population at BCJJC decreased by 38% in 2020 compared to 2019 while youth on youth incidents of aggression decreased by 30%, use of physical restraints decreased by 34%, use of mechanical restraints (handcuffs and/or leg irons) decreased by 33%, and instances of suicide ideation decreased by 77%. However, use of seclusion increased by 15%, and there was an uptick in self-injurious behavior (from 1 to 5) when comparing the two time periods.

Conditions of Incarceration and Treatment of Youth During COVID-19

The adult jail-like physical plant structure and corrections-oriented approach at BCJJC is conducive to the spread of infection and has negatively affected youth well-being. More staff and youth have tested positive for COVID-19 at BCJJC than at any other DJS facility.

Youth frequently voiced concerns about how they have been treated at BCJJC during the COVID-19 pandemic. Recurring youth concerns include:

- Lack of access to potable drinking water.

- Lack of access to outdoor recreation, especially for youth housed on restricted housing units (Intensive Services Unit/ISU). Recent renovation of outdoor space for youth use should somewhat alleviate this issue.

- Lack of structured activities during non-school waking hours and on weekends and resultant feelings of extreme boredom expressed by youth. The paltry items available to keep kids busy pre-COVID, such as board games and cards, are currently prohibited at DJS detention centers.

- Lack of timely access to new masks when their masks become torn, soiled, or worn out.

- Lack of access to adequate food portions. An outbreak of COVID-19 affected meal services at BCJJC during the last quarter of 2020. Students were given cold sandwiches to eat for dinner for a period of two weeks. Lack of adequate food portions also impacts facility safety as it has contributed to youth threatening to take food from other youth.

- Lack of adequate heat on living units.

Administrators should focus on creating a more humane environment at BCJJC.

Youth Mental Health

Youth report feeling sad and stressed due to fears surrounding the COVID-19 pandemic combined with the conditions of their confinement at BCJJC. Comprehensive mental health coverage and close collaboration between direct-care staff and mental health clinicians can help reduce youth anxiety and acting out behaviors. The low population should enable clinicians to check in with youth at least once, if not several times, a day, yet this is not occurring. In Incident 165716, a youth began picking at and peeling skin from his toe and then called direct-care staff for assistance. Mental health was not aware of the incident and did not follow-up and conduct check-ins with the youth to help manage his anxiety and teach and encourage positive coping skills.

Mental health involvement can also aid administrators in shifting from the current correctional response to a restorative and trauma-informed approach for addressing challenging behavior.³ Instead, youth who do not follow facility rules are often subjected to

³ A majority of young people in the juvenile justice system have experienced trauma. See The National Child Traumatic Stress Network, Justice, available at: [Essential Elements | The National Child Traumatic Stress Network \(nctsn.org\)](https://www.nctsn.org/). "Children may exhibit anxiety and trauma through a range of behaviors, such as anger, defiance, lack of focus, avoidance, negativity, and

punitive measures such as being placed away from their peers on separate units (named Intensive Services Unit or ISU by DJS) where their movement is (even more) severely restricted than happens with the general population. While intended as a short term measure to address incidents involving alleged aggression and non-compliance, some youth at BCJJC have spent months at a time on the unit. At one point during the fourth quarter of 2020, almost a third of the total youth population at BCJJC was on ISU. Rather than reliance on the ISU, administrators at BCJJC should adopt preventative measures to curb problematic behavior such as establishing a positive facility environment through comprehensive training centered on the cultivation of constructive relationships between staff and youth and among young people at the facility.

All mental health staff clinicians, medical staff (private provider employees as well as DJS and MSDE JSES staff), and DJS line and supervisory staff should receive training and refresher training concerning their obligations as mandatory reporters in cases of suspected or alleged child abuse and neglect. In Incident 165967, a youth refused to follow staff directions to go inside his cell. He was restrained by staff, put in handcuffs, and placed on seclusion for over two hours. During a visit by mental health staff while the youth was in seclusion, the youth reported that he had been choked and punched by two staffers at the time of the restraint. The mental health clinician informed a DJS direct-care supervisor of the allegation but neither DJS personnel nor the clinician contacted Child Protective Services (CPS) or the Department's internal investigation unit (DJS Office of Inspector General [OIG]) as required by regulation and DJS policy. Additionally, administrators at BCJJC did not place the involved staffers on no-contact (with youth) status immediately after the allegation was made – another breach of DJS policy. Required notifications only occurred days later and only after the child's attorney contacted administrators at DJS headquarters about the allegation.

Youth are entitled to and should have privacy when discussing sensitive information with mental health therapists and attorneys. In the incident above, the therapist was standing outside the youth's locked cell while checking in with him. Other youth and staff overheard the conversation and heard the youth's allegation of abuse against staff members. The other youth began calling the secluded youth "a snitch" and threatened to assault him. The victimized youth also alleged that a staff supervisor visited him after the incident and called him a "rat" for discussing his allegations with his attorney. The targeted youth was eventually moved to a different living unit for safety reasons.

Family engagement

Family visitation is prohibited at DJS facilities as part of mitigation efforts set up to try and prevent the spread of COVID-19.

Unit case managers at BCJJC have done an exemplary job at ensuring that youth have sustained contact with loved ones above and beyond the minimal Department allotments for phone calls and video chats. However, between December 22, 2020, and January 6, 2021, youth on one of the living units at BCJJC had little or no contact with their family members

tantrums." Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, FINAL REPORT AND COLLABORATIVE ACTION PLAN, December 20, 2018 (p.51), available at: [Maryland Commission on the School-to-Prison Pipeline and Restorative Practices \(umaryland.edu\)](https://www.umaryland.edu/office-of-the-commissioner-of-corrections/reports-and-publications/school-to-prison-pipeline-and-restorative-practices/)

because a case manager was away. No one ensured that phone and virtual calls continued to be organized for those youth. Administrators should ensure gaps in case management coverage are addressed so that youth receive uninterrupted services to stay in touch with loved ones.

Education

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

There were several vacancies in the school at BCJJC during the fourth quarter of 2020, including for a resource teacher and assistant principal.

Students on the new admissions unit at BCJJC were denied virtual instruction and instead given packets to complete on their own. Many students felt frustrated and requested help in completing the work. Handing out packets of worksheets is not an acceptable education plan for incarcerated students. All students should have access to teacher instruction.

For more information on education services in DJS facilities, see the section on MSDE JSES which begins on page 43.

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/Black youth represented 74% of total youth entries in calendar year 2020, compared to 73% in 2019. Hispanic/Latino youth represented 13% of entries in 2020 compared to 12% in 2019.

CYDC – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	54	54	42
1. Youth on Youth Assault/Fight	140	127	120
2. Alleged Youth on Staff Assault	3	7	6
3. Physical Restraint	155	152	178
4. Use of Handcuffs and/or Shackles	4	4	11
5. Seclusion	20	6	13
6. Contraband	5	5	16
7. Suicide Ideation	15	8	5
8. Suicide Attempt	0	0	3
9. Self-Injurious Behavior	3	4	14

Average daily population in 2020 decreased by 22% when compared to 2019 while youth on youth fights and assaults decreased by 6% and incidents of suicide ideation also decreased. However, incidents involving aggression and punitive responses to youth behavior such as seclusion and use of mechanical restraints have not decreased at CYDC despite the significant reduction in population. Comparing 2020 to 2019, physical restraints increased by 17%, use of

mechanical restraints (handcuffs and/or leg irons) and seclusion more than doubled, and instances of self-injurious behavior and incidents of contraband within the facility more than tripled. There were three suicide attempts at CYDC in 2020.

Administrators should focus on bolstering a safe environment at CYDC. An uptick in incidents involving contraband indicates a need for enhanced supervision of youth movement in particular. In Incident 165500, a youth was able to take parts of a pair of scissors from the school and bring them back to a residential unit while avoiding staff detection.

Staffing constraints due to COVID-19 disrupted facility operations during the fourth quarter of 2020. At times there was not enough staff present to escort youth to school and supervise school operations. Youth also had to spend extra time in the morning locked in their cells due to a lack of available day staff to relieve overnight staffers.

Grievances about food quantity issues in general were ongoing at CYDC throughout 2020 and many youth reported that they did not receive extra dinner portions as permitted by a revised DJS dietary policy. During the fourth quarter, a monitor observed and informed facility administration about youth bartering and betting on food. Having plentiful, nutritious and tasty meals and snacks can enhance safety as it prevents youth from threatening or bullying other youth over food.

Youth should be able to have frequent telephone and virtual contact with family members, especially as family visitation has been suspended at all DJS facilities due to precautions instituted by DJS since the escalation of the COVID-19 pandemic during 2020. In Grievance 16754, youth reported feelings of anxiety and fear due to potential exposure to COVID-19 and requested more time to talk to family over the phone. Administrators at CYDC indicated that, while extra calls were originally provided to youth, these were taken away because they exceeded the minimal allotment okayed by people at DJS headquarters. The minimal weekly allowance is for 5 total family contacts: three 10-minute phone calls and two video calls (if the families concerned have the necessary technology). The Department should not just allow but encourage facilities to provide additional contact opportunities to youth and their families to help the young people in DJS facilities cope with the anxiety, stress and loneliness that comes with incarceration.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the school at CYDC. For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 43.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American/Black youth accounted for 76% of entries in calendar year 2020 versus 78% during calendar year 2019.

Hickey – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	57	54	36
1. Youth on Youth Assault/Fight	188	171	106
2. Alleged Youth on Staff Assault	5	7	6
3. Physical Restraint	240	221	110
4. Use of Handcuffs and/or Shackles	25	23	10
5. Seclusion	33	39	13
6. Contraband	15	18	8
7. Suicide Ideation	27	31	11
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	1	1

The average daily population declined by 33% when comparing 2020 with 2019. Youth on youth fights and assaults decreased by 38%, physical restraints of youth by staff decreased by 50%, use of mechanical restraints (handcuffs and/or leg irons) decreased by 57%, use of seclusion decreased by 66%, and instances of suicidal ideation decreased by 65% when comparing the two time periods.

Mental health

Mental health services at Hickey are provided by a private vendor. Hickey should have a full-time mental health director on site to coordinate care on a day-to-day basis and work with DJS administrators to ensure consistency in services for youth.

Mental health staff should be more active in youth care. Being detained during an ongoing public health emergency has heightened the elevated stress and anxiety level that always accompanies incarceration. Youth requested more contact with mental health professionals during the fourth quarter of 2020 to help cope. The low population at Hickey provides an ideal opportunity for comprehensive mental health team involvement in facility operations. Clinicians should meet with youth at least once each day to check-in and process with them.

Education

Students on new admission units at Hickey did not have access to virtual education and instead were provided packets of worksheets to complete on their own during 2020, and that continues to be the case. Handing out packets of worksheets is not an acceptable education plan for incarcerated students. All students should have access to teacher instruction.

The physical plant of the school at Hickey is in poor condition and in need of major repairs and renovation. The school was closed for abatement due to mold issues in 2019 and, notwithstanding efforts to address the issue, students and teachers continue to report difficulty breathing and congestion due to poor air quality. Classroom walls are covered with stains and floors are soiled, and a youth bathroom was out of order at times throughout the year. Weak flooring in one classroom and water spots from a leaky roof in another classroom were observed by the monitor and reported to facility administrators during 2020.

For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 43.

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/Black girls represented 65% of entries during 2020 compared to 71% in 2019. Hispanic/Latina girls represented 11% of youth entries in 2020 versus 9% in 2019.

Waxter – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	25	22	17
1. Youth on Youth Assault/Fight	66	53	27
2. Alleged Youth on Staff Assault	25	32	14
3. Physical Restraint	214	162	72
4. Use of Handcuffs and/or Shackles	14	21	7
5. Seclusion	19	16	15
6. Contraband	1	5	4
7. Suicide Ideation	80	84	49
8. Suicide Attempt	0	1	5
9. Self-Injurious Behavior	7	2	4

The average daily population (ADP) at Waxter in 2020 decreased by 23% compared to 2019 while youth fights and assaults decreased by 49%, use of physical restraints within the facility decreased by 56%, use of mechanical restraints within the facility decreased by 67%, instances of suicidal ideation decreased by 42% and use of seclusion decreased by 1 (from 16 to 15). There were five suicide attempts in 2020 compared to one attempt in 2019.

Physical Plant

The physical plant at Waxter, including school infrastructure, is in a state of disrepair and in need of extensive renovation. Youth and staff continue to be exposed to extreme temperature fluctuations, leaking ceilings, faulty plumbing, and cramped classrooms.

Youth Activities

Administrators at Waxter have developed on-site enrichment and recreational options to keep kids engaged including arts and craft projects, spa days, holiday-themed events, and other fun and creative activities in which girls express interest. Staff at other DJS facilities housing girls should consult with Waxter staff to share in ideas on how to develop gender-responsive programming at their sites.

Education Services

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

There was a vacancy for a guidance counselor and a math teacher during the fourth quarter of 2020.

All the youth at Waxter were on quarantine for several weeks during the fourth quarter due to an outbreak of COVID-19 at the facility. During this time period, students were provided packets of work to complete on their own during the school day. Handing out packets of worksheets is not an acceptable education plan for incarcerated students. All students should have access to teacher instruction.

Before youth were quarantined, MSDE JSES ensured one or more teachers were on-site at Waxter (as well as at the other DJS-run facilities) every school day, although not to offer in-person instruction but just to provide assistance for the students who were all involved in virtual lessons.

The mass quarantine period at Waxter has passed but, instead of having teachers present each school day, administrators at MSDE JSES have scaled back from these minimal services. There continues to be no in-person education instruction for the young people in DJS facilities and, as of the time of writing (February 2021), education staff are now only required to be on-site two days a week to assist with virtual education at Waxter and the other facilities. DJS staff are administering and attempting to troubleshoot virtual education services for students the rest of the time.

Students consistently vocalize a wish for teachers to return to teaching in their classrooms. Incarcerated students deserve and are entitled to an education system that is more responsive to their academic needs.

For more information about education services in DJS facilities, see the MSDE JSES section of this report which begins on page 43.

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 population capacity of 57. African American/Black youth represented 63% of entries during calendar year 2020 compared to 68% in 2019. Hispanic/Latinx youth accounted for 21% of entries in 2020 compared to 25% in 2019.

Noyes – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	34	30	19
1. Youth on Youth Assault/Fight	89	74	41
2. Alleged Youth on Staff Assault	14	7	11
3. Physical Restraint	225	188	126
4. Use of Handcuffs and/or Shackles	28	29	39
5. Seclusion	6	4	7
6. Contraband	12	7	9
7. Suicide Ideation	27	14	22
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	3	1	36

Average daily population decreased by 37% during 2020 in comparison to 2019 while incidents involving youth on youth assaults and fights decreased by 45% and physical restraints of youth by staff decreased by 33%. However, use of mechanical restraints (handcuffs and/or leg irons) increased by 34%, instances of suicidal ideation increased by 57%, and use of seclusion increased by 3 (from 4 to 7). There were 36 incidents of self-injurious behavior at Noyes in 2020 compared to 1 incident reported in 2019.

There was a notable uptick in self-injurious behavior and suicide ideation in 2020 compared to 2019 despite a sizable reduction in ADP. Youth with a high level of mental health needs are disproportionately involved in incidents involving restraints and seclusion in response to behavior stemming from underlying mental health conditions. Detention is an inappropriate setting for youth needing specialized mental health care. Staff are not trained to meet the unique needs of this population and the conditions of incarceration itself are associated with worse mental health outcomes for kids.⁴

There were delays in uploading incidents to the database during the fourth quarter of 2020. In addition, incident reporting protocols were not followed during the same period leading to a delay in processing and investigating an allegation of abuse. In Incident 165922, a youth filed a grievance alleging staff maltreatment immediately after being restrained. An incident report regarding the allegation was not generated within the mandated time and relevant investigatory bodies including Child Protective Services and the Department's internal investigation unit (DJS OIG) were not immediately notified. The staffer involved in the allegation was not put on no-contact (with youth) status until 11 days after the grievance was filed.

Incident reporting procedures and notification requirements for allegations of abuse were also not followed in Incident 166084. A mental health therapist met with a youth immediately following a restraint while he was being held in mechanical restraints. The therapist observed that the youth had a black eye and marks on his face following the incident. The youth reported to the therapist that, "they keep abusing me". The therapist asked the youth what had happened, and the youth replied that staff had used excessive force, had beat him, and that he got banged around. The youth also kept repeating that he didn't feel safe. The therapist recounted that there were three staffers involved during the restraint. Despite the child's allegation, visible injuries, and knowledge of the involved staff, the therapist did not contact Child Protective Services (CPS) per incident reporting protocols and his duty as a mandated reporter. When asked by DJS OIG why he did not contact the appropriate authorities, the therapist indicated that, "I had my doubts about it."

A second therapist met with the child following a subsequent restraint that the child was involved in a week later. The youth recounted that he did not feel safe and told her that he was pushed into a wall during the previous restraint (Incident 166084, see above). Following the allegation, the therapist contacted administration and also made a report to Child Protective Services (CPS) after being provided the name of the involved staffer. However, administrators did not upload the allegation to the incident database until 8 days after it was reported to them (Incident 166192).

Activities have been severely curtailed and family visitation is prohibited across all DJS facilities due to COVID-19-related restrictions. Youth at Noyes no longer have access to playing cards, board games, or recreation equipment due to strict infection mitigation protocols. To help cope with the stressors of incarceration - which are compounded by the current health crisis -

⁴ Justice Policy Institute (July 2020), *Sticker Shock 2020: The Cost of Youth Incarceration* (page 11), available at: [Sticker_Shock_2020.pdf \(justicepolicy.org\)](https://www.justicepolicy.org/wp-content/uploads/2020/07/Sticker-Shock-2020.pdf)

youth requested increases in the allotment of calls home and asked for more minutes per phone call (current calls home are restricted to 10-minute time limits). They also requested but did not receive access to individual music players to help pass downtime on their living units.

Food services at Noyes are provided by an outside vendor, and there have been long-standing issues and complaints concerning both quality and quantity. Breakfast meals in particular are often served cold and are of a limited portion size – this leaves kids hungry throughout much of the daytime. Youth are only provided one snack per day because of strictures related to the DJS contract with the vendor. Young people at other DJS facilities with in-house dietary staff receive two to three snacks each day. The Department should find a food vendor that is able to provide ample, flavorful and nourishing meals and a more reasonable number of snacks for youth.

Education Services

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

There was a vacancy for an English teacher and Career and Technical Education (CTE) teacher during the fourth quarter of 2020.

The current delivery of education services should be overhauled to better meet student needs and ensure that incarcerated students receive the same level of services that they would get in their local school systems.

Unlike local school systems, MSDE JSES does not have the ability to set graduation requirements and award their students high school diplomas. In addition, classes required for graduation from local school systems are not always offered at MSDE JSES schools which can put students at a disadvantage. For example, during the fourth quarter, a 12th grade student at Noyes needed a physical education credit to graduate from high school. Since he was stuck in a MSDE JSES school for over half a year, he did not have access to the course required for his diploma. The student stated, “I have no choice but to get my GED” - even though he would have preferred completing requirements and graduating with a high school diploma.

Only two MSDE JSES schools are able to administer the GED test even though online testing is now available directly to Maryland students living at home.⁵ Coordination between testing sites and other MSDE JSES schools where a children must be transported from is necessary and delays preventing eligible students from being able to take the test are common. Additionally, and most egregiously, DJS secure transportation services are involved in transporting students to take the examination and so students are put in handcuffs and shackles for the journey to and from the testing location.

⁵[Take the GED Test Online | Online Proctored GED Test - GED](#)

During the current pandemic, available test dates are even more limited than before because testing is not conducted when there are any COVID-19 positive cases at the testing site or at the DJS facility where the prospective test taker is being held. Several students at Noyes were eligible to take the GED test during the fourth quarter of 2020. Some of them were informed on the day they were supposed to take the exam that they would not be able to take it after all, and the students were not informed about when the test would again be available to them. Some qualified students at Noyes have been waiting months to take the GED. These delays hamper youth progress and cause unnecessary frustration and heightened levels of stress for students.

MSDE JSES should gain the necessary permits and collaborate with DJS to develop the technological infrastructure to enable every school to facilitate in-house administration of the GED for eligible students.

For further information on issues within the education system in DJS facilities and a discussion of alternative models of education delivery for incarcerated youth, see the MSDE JSES section of this report which begins on page 43.

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/Black youth represented 75% of entries during calendar year 2019 and 2020.

LESCC – Selected Incident Categories	2018	2019	
Average Daily Population (ADP)	19	17	12
1. Youth on Youth Assault/Fight	34	33	7
2. Alleged Youth on Staff Assault	6	1	2
3. Physical Restraint	147	66	79
4. Use of Handcuffs and/or Shackles	1	1	0
5. Seclusion	2	1	1
6. Contraband	4	7	6
7. Suicide Ideation	51	14	7
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	3	2	7

The average daily population at LESCC decreased by 29% in calendar year 2020 when compared to 2019 while youth fights and assaults decreased by 79%. However, despite the reduction in population, physical restraints of youth by staff increased by 20%. There were 7 instances of suicide ideation and 7 incidents of self-injurious behavior during the year. Mechanical restraints (handcuffs and/or leg irons) were not used within the facility and seclusion was used once during 2020.

Activities have been severely curtailed and family visitation continues to be prohibited across all DJS facilities due to COVID-19-related restrictions. Youth at LESCC requested additional recreation time on the weekends, increased minutes per phone call (current calls home are restricted to 10-minute limits per call), and access to individual music players to help cope with the stressors of incarceration which are compounded by the current health crisis.

Students at LESCC struggled with virtual education as instituted during the latter half of 2020 and consistently request in-person instruction to help them progress academically.

For information on education in DJS facilities, see the MSDE JSES section on page 43.

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/Black youth represented 53% of total youth entries in 2020 compared to 52% of total entries in 2019. Hispanic/Latino youth accounted for 13% of total entries during calendar year 2020, an increase of 1% compared to 2019.

WMCC – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	18	19	16
1. Youth on Youth Assault/Fight	43	51	35
2. Alleged Youth on Staff Assault	2	1	1
3. Physical Restraint	99	109	57
4. Use of Handcuffs and/or Shackles	17	24	6
5. Seclusion	3	4	1
6. Contraband	0	5	5
7. Suicide Ideation	18	15	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	0	0

The average daily population decreased by 16% in 2020 compared to 2019 while youth fights and assaults decreased by 31%, physical restraints of youth by staff decreased by 48%, and use of mechanical restraints (handcuffs and/or leg irons) within the facility decreased by 75%. There was one incident in which seclusion was utilized and 4 instances of suicide ideation during 2020.

There has been a long-standing vacancy for a case manager position at WMCC. During the COVID-19 pandemic, case managers have taken on additional responsibilities within

facilities including arranging for virtual and phone visits with courts, attorneys, community case workers, and parents. The vacant case manager position at WMCC should be filled without delay to help ensure youth services are not disrupted or delayed.

There was an outbreak of COVID-19 at WMCC during the fourth quarter of 2020. Several staff and nine youth tested positive. Positive youth were placed in medical isolation and the entire facility was on quarantine with restricted movement for several weeks. Youth were given packets of worksheets to complete as school work during this time period.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for education services in DJS facilities, including WMCC. For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 43.

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/Black youth represented 75% of total entries in 2020 compared to 73% of total entries in 2019. Hispanic/Latino youth accounted for 8% of total entries in 2020 compared to 14% in 2019.

Victor Cullen – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	19	22	13
1. Youth on Youth Assault/Fight	25	62	24
2. Alleged Youth on Staff Assault	17	22	16
3. Physical Restraint	81	129	86
4. Use of Handcuffs and/or Shackles	62	85	49
5. Seclusion	9	14	23
6. Contraband	12	15	12
7. Suicide Ideation	16	8	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	3	1

Population

The average daily population (ADP) at Victor Cullen in 2020 decreased by 41% compared to 2019 while youth fights and assaults decreased by 61%, use of physical restraints decreased by 33%, and use of mechanical restraints (handcuffs and/or leg irons) decreased by 42%.

Despite the reduction in population and decrease in incidents of aggression, use of seclusion at Victor Cullen increased by 64% in 2020 compared to 2019.

Staff Misconduct

Poor decision making and misconduct on the part of staff contributed to incidents of concern at Cullen during the fourth quarter of 2020. In Incident 165867, a case manager engaged in a political debate with a young person with serious mental health issues. The youth became upset about the conversation and attempted to assault the case manager. The youth was later ejected from the program. In Incidents 165966 and 166048, a staffer brought in cigarettes, matches, and suboxone to the facility and provided the items to youth. Two youth subsequently tested positive for suboxone (Incident 166008).

Treatment

Cullen houses kids at the deepest end of the juvenile justice system who often present with significant behavioral, mental health, and trauma-related needs. Unfortunately, high turnover among mental health staff at Cullen has affected continuity of services for youth. Currently there is an opening for a mental health supervisor and a mental health clinician. These positions should be filled without delay by individuals who have experience in meeting the treatment needs of youth of color from urban environments who constitute the majority of the youth population at Cullen.

Treatment professionals should also closely collaborate with administration and be heavily involved in day-to-day operations and staff training initiatives to help positively transform the culture at Cullen. The current compliance-oriented behavior management system should be replaced with an evidenced-based, trauma-informed treatment model that is individualized to each youth's needs and strengths. An effective treatment component to programming and services can reduce the high number of ejections at Cullen and help foster short and long-term positive outcomes for youth.

Education

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

During the fourth quarter of 2020, a student who was enrolled in online college courses was cut off from computer use when school was closed. The principal did not make other arrangements so that the student could complete his final exam. A DJS case manager arranged for the student to use his computer to complete the exam and supervised the student during use. Students frequently report that the school climate at Cullen is poor, and that they do not believe that education staff are invested in their success.

Students on quarantine due to COVID-10 precautions are provided with packets of work to do on their own. Packet work is not an acceptable education plan. All students should have access to teacher instruction.

In addition to high quality and individualized treatment services, access to a robust array of job training resources leading to meaningful employment in the community should be made available at all placement sites, including Cullen.⁶ These opportunities are not available to incarcerated youth in Maryland. High school graduates at DJS facilities have very limited post-secondary options and there are no long-term career and technical education courses or practical, hands-on job readiness programs that lead to sustainable employment in the community. A modest DJS initiative called World of Work was popular among young high school graduates who earned minimum wage to be put toward restitution and post-release living costs for performing odd jobs around the facility. The initiative has been permanently discontinued.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 43.

⁶ See “Why Employment Matters”, (October 2014), Justice Policy Institute, available at: [Why Youth Employment Matters — Justice Policy Institute](#). See also On Track: How Well are States Preparing Youth in the Juvenile Justice System for Employment? (September 2019) The Council of State Governments Justice Center and the National Reentry Resource Center Juvenile Justice Monitoring Unit, Fourth Quarter Report and 2020 Annual Review 28

Garrett Children’s Center (formerly Savage Mountain Youth Center)

The Garrett Children’s Center (GCC), located in rural Garrett 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/Black youth represented 81% of entries in 2020 compared to 90% in 2019.

Savage Mountain	2018 ⁷	2019	2020
Average Daily Population (ADP)		7	4
1. Youth on Youth Assault/Fight		9	6
2. Alleged Youth on Staff Assault		2	8
3. Physical Restraint		62	43
4. Use of Handcuffs and/or Shackles		24	21
5. Seclusion		0	1
6. Contraband		4	8
7. Suicide Ideation		7	2
8. Suicide Attempt		0	0
9. Self-Injurious Behavior		0	0

The average daily population of youth at GCC decreased by 42% in 2020 compared to 2019. Physical restraints, use of mechanical restraints (handcuffs and/or leg irons), youth on youth incidents of aggression, and incidents of suicide ideation decreased when comparing 2020 to 2019. However, alleged youth assaults on staff increased substantially and incidents of contraband doubled.

⁷ Savage Mountain was closed in 2018 while construction to convert the facility from a staff secure to a maximum security facility was underway.

Administration at GCC reported an initial physical restraint of a youth but failed to report a subsequent restraint involving injury to the same youth that occurred shortly after the first instance. The first restraint (Incident 165633) occurred after the youth allegedly assaulted a staffer. The youth was placed in handcuffs and that restraint was reported.

The youth was then escorted to a day room by the superintendent, case manager supervisor, and other staff and directed to sit in chair. When the youth resisted staff efforts to place him in the chair, the case manager supervisor physically restrained him while he was still in handcuffs and brought the youth to the floor. During this second physical restraint, the youth was placed in leg irons and subsequently kept in full mechanical restraints (handcuffs and shackles) for over two hours. This second restraint of the youth (in which he suffered from bruising and swelling to his right eye as a result of the restraint) was not recorded in the incident database by managers at the facility. They also failed to conduct an incident review following the second restraint, as required by DJS policy.

The Department's internal investigation unit (Office of the Inspector General/OIG) learned of the second restraint incident following investigation into another matter at GCC and generated an incident report and notified Child Protective Services (CPS) in accordance with DJS policy. After the OIG inquiry, the case manager involved in the second restraint was taken off coverage pending results of the OIG and CPS investigation (also in accordance with DJS policy), however several days had passed since the restraint had occurred by this point. According to a subsequent interview with the Superintendent by an OIG investigator, the Superintendent stated that "we knew that we would have to investigate based on the type of restraint", however an investigation was not initiated by facility supervisors prior to OIG becoming privy to the incident.

There are no youth placed at GCC at time of writing (February 2021) due to an outbreak of COVID-19 at the Garrett County facility. Youth who had been placed at GCC during the fourth quarter of 2020 were moved to the Victor Cullen Center, the Department's hardware secure placement site in Frederick County.

Over five million dollars was expended for fencing and other security apparatus to convert GCC from a staff secure (not fenced and locked) facility to a maximum security institution for youth. The facility re-opened in December of 2018, however physical plant construction and renovations are ongoing. It costs the state of Maryland \$586 per day to house a youth at GCC.⁸ Instead of continuing to expend public funds in prison-like facilities located far from youth families and communities, the Department should close GCC and invest in community-based initiatives. According to juvenile justice experts, "extensive research reveals that secure youth incarceration increases the likelihood of recidivism and harms educational attainment, lifetime wages, and future health outcomes for youth. Additionally, carceral settings have proven to be a primary

⁸ Maryland Department of Juvenile Services Data Resource Guide (FY 2020), page 214, available at: [2020 Data Resource Guide - Full Book \(maryland.gov\)](#)

vector for the spread of the COVID-19 virus.”⁹ In contrast, community-based programs cost less, engage families and communities more, enhance public safety and produce better youth outcomes.¹⁰

⁹ Justice Policy Institute (July 2020), Sticker Shock 2020: The Cost of Youth Incarceration (page 1), available at: [Sticker Shock 2020.pdf \(justicepolicy.org\)](#)

¹⁰ Ibid.

Youth Centers x3

The youth centers, located in remote western Maryland, consist of three separate staff secure (not fenced and locked) facilities for boys. Each of these centers is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The facilities are: Green Ridge (40-bed capacity); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American/Black youth represented 64% of total youth entries in 2020 compared to 72% of total youth entries in 2019. Hispanic/Latino youth represented 10% of total youth entries in 2020 compared to 11% in 2019.

Combined Youth Centers (x3) – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	90	82	36
1. Youth on Youth Assault/Fight	189	182	59
2. Alleged Youth on Staff Assault	41	47	18
3. Physical Restraint	602	497	176
4. Use of Handcuffs and/or Shackles	144	64	45
5. Seclusion	2	0	0
6. Contraband	35	34	38
7. Suicide Ideation	60	51	19
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	8	10	0

Meadow Mountain Youth Center closed permanently during the second quarter of 2020. Youth at Meadow Mountain were transferred to Green Ridge Youth Center to complete their time in placement.

The average daily youth population at the youth centers decreased by 56% in 2020, compared to 2019. Youth on youth fights and assaults, alleged youth on staff assaults, physical restraints of youth by staff, use of mechanical restraints (handcuffs and/or leg irons) inside facilities and instances of suicide ideation also decreased substantially. Incidents involving contraband increased by 4 (from 34 to 38) in 2020, compared to 2019.

The reduced population at the placement centers has allowed for more individualized staff attention to youth needs. However, COVID-19 related restrictions on recreation and enrichment activities has increased the already excessive amount of downtime and exacerbated the resulting boredom as reported by young people housed at all DJS placement sites. Administrators in some DJS-run institutions allowed individual use of computer tablets and MP3 music players and these helped youth cope with their persistent ennui, again according to young people incarcerated in DJS-operated facilities. However, these items were collected from youth and their usage was subsequently prohibited on orders from administrators at DJS Headquarters.

In the midst of a pandemic, frequent family contact is more important than ever for incarcerated youth. Youth in DJS facilities are eager to talk to their families for more than the current allotment of 10 minutes per phone call, but extra minutes for phone calls have not been approved by the Department and an increased call allowance offered during the winter 2020 holiday period has been discontinued. Youth requests for more family contact should be honored especially as family visitation has been suspended at all DJS facilities due to the need to mitigate against the spread of infection during the COVID-19 pandemic.

High school graduates at DJS facilities have very limited post-secondary options and there are no long-term career and technical education courses or practical, hands-on job readiness programs that lead to sustainable employment in the community. A modest DJS initiative called World of Work was popular among incarcerated young high school graduates who could earn minimum wage to be put towards restitution and post-release living costs for performing odd jobs inside facilities. The initiative has been discontinued permanently, according to a DJS administrator. Some high school graduates at the youth centers have been encouraged to continue performing tasks around facilities in exchange for snacks and extra phone calls home instead of actual wages. This exploitation of youth labor should stop. Instead, DJS and MSDE JSES should collaborate to create a robust array of job training resources leading to meaningful community employment for incarcerated youth.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 43.

Silver Oak Academy

Silver Oak Academy (SOA/Silver Oak), 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/Black youth represented 89% of entries to SOA through DJS during both 2019 and 2020.

SOA – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)	30	29	33¹¹
1. Youth on Youth Assault/Fight	66	41	28
2. Alleged Youth on Staff Assault	15	13	5
3. Physical Restraint	66	64	30
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	31	11	8
7. Suicide Ideation	1	0	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	1

There was outbreak of COVID-19 at Silver Oak Academy in the second quarter of 2020 during which all youth and several staff tested positive. All youth placed through DJS were removed or transferred as a result. No youth were placed at Silver Oak through DJS during the third and fourth quarters of 2020.

While Silver Oak offered youth a robust education and career and technical education curriculum with opportunities for community employment throughout 2020, staff supervision and

¹¹ There were no young people placed at Silver Oak through DJS in the third and fourth quarters of 2020. The average daily population in 2020 and incident numbers were derived from youth placed at Silver Oak through DJS during the first and second quarters of 2020.

related security issues negatively impacted facility climate.¹² The Department should ensure supervision, security and connected training issues have been comprehensively and permanently addressed before placing youth at Silver Oak.

¹² Please see JJMU 2020 First Quarter Report and JJMU 2020 Second Quarter Report (available at: [Default \(marylandattorneygeneral.gov\)](http://marylandattorneygeneral.gov) for information on operations at Silver Oak during the first half of the year.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) was a maximum security committed placement center for girls. Located on the eastern shore, Carter was owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). Carter closed in June 2020 and girls placed there were ultimately moved to Mountain View, a new staff secure facility located on the campus of the DJS-operated Backbone Mountain Youth Center in rural western Maryland.

Mountain View

Mountain View is a staff secure committed placement center for girls that opened in June 2020. The facility is located in remote western Maryland and consists of a single structure housing a living unit (upstairs) and school (downstairs) on the grounds of Backbone Mountain Youth Center for boys. The dormitory style living unit houses up to six girls. Mountain View is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American/Black girls and Hispanic/Latina girls each represented 33% of the total number of youth entries during 2020.

Mountain View – Selected Incident Categories	2018	2019	2020
Average Daily Population (ADP)			4
1. Youth on Youth Assault/Fight			1
2. Alleged Youth on Staff Assault			0
3. Physical Restraint			13
4. Use of Handcuffs and/or Shackles			5
5. Seclusion			0
6. Contraband			0
7. Suicide Ideation			1
8. Suicide Attempt			0
9. Self-Injurious Behavior			1

The average daily population (ADP) at Mountain View during 2020 was four girls. Since opening in June of 2020, there have been 13 physical restraints of youth by staff and five instances where mechanical restraints were used on girls at the facility.

The superintendent assigned to Mountain View has no experience in working with justice-involved girls and young people housed there report a fractured relationship and poor rapport with her.

Programming at Mountain View follows the same compliance-oriented points and level system operational at DJS placement sites for boys. Youth voiced issues with a lack of consistency and structure among staff, and rule changes that negatively disrupt the girls' quality of life are a frequent occurrence at Mountain View. For example, girls have complained of being cold during the winter months and requested to wear their coats in the dining hall. While initially allowed to do so, they were subsequently informed that rules require coats to be removed and that they would receive negative consequences for not following rules.

The dorm-like setting and small physical plant results in a lack of privacy for girls. The initial cohort of girls arrived with Mp3 players they had been allowed to have at other DJS facilities. They were confiscated and not returned upon arrival at Mountain View. The girls have consistently requested individual music players to help create psychological space from each other and to help cope with the cramped surroundings. Electronic tablets were distributed among the girls in December and then taken away a month later without explanation. Leisure time on Sundays initially included options to paint nails and use brand name hygiene products. These items have now been designated as unavailable unless "earned by points".

Staff professionalism is also an issue at Mountain View, and the program lacks female staff members that are sensitive to issues facing girls in the system. Girls report that staff frequently curse and talk about personal matters in front of them but that they are disciplined and points are taken if they ever do the same thing. A girl at Mountain View recounted an experience in which a male staffer told her she was too emotional and moody and that she "must be on [her] period." In incident 166161, which occurred in the beginning of 2021, a male staffer allowed a girl to lay her head on his shoulder and walked arm in arm with her while on the way to the dining hall. All staff at Mountain View should be skilled at establishing clear boundaries (thereby fostering a level of trust and safety) while at the same time building rapport and positive relationships with the girls under their care.

A leader with experience in establishing gender-responsive and individualized treatment programs should be brought in to work with the assistant superintendent (who has developed positive relationships with the girls at Mountain View). The Department should also prioritize the hiring of female line staff and management who have a background in working effectively with girls.

There was an outbreak of COVID-19 at Mountain View in the fourth quarter of 2020 during which three of the six girls there tested positive. (Two other girls who tested negative had earlier been infected with COVID-19 during their stay in detention). All six girls present at the outbreak were trucked from Mountain View to Prince George's County in handcuffs and shackles by DJS transportation workers. They were put in the Cheltenham Youth Detention Center infirmary and remained there until the infected girls recovered from COVID-19. The move to the highly restrictive environment of a maximum security detention facility for boys was perceived as a

punitive measure by the girls, who expressed that, “we are being punished for staff getting us sick”. One girl with significant mental health issues who had become somewhat stabilized at Mountain View was placed on medical isolation at Cheltenham and was required to stay alone in a cell during the course of her illness. Her mental health deteriorated significantly and she suffered from several bouts of self-injurious behavior while being forced to recuperate from her illness in a detention environment (Incidents 166030, 165911, 165974, and 165912).

For an overview of education in DJS facilities, see the MSDE JSES section of this report which begins on page 43.

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 Maryland's eastern shore. The facility is operated by Vision Quest, Inc., and is licensed by DJS to house up to 24 boys. Morning Star utilizes the trauma-informed Sanctuary¹³ model. Onsite treatment services are supplemented by community mental health organizations which currently provide teletherapy services.

Morning Star received an influx of new admissions during the fourth quarter of 2020 and new staff have been hired to accommodate the increase in population. Recent incidents indicate that training on supervision protocols and managing group dynamics should be enhanced to ensure a safe facility environment. In Incident 166049, a youth AWOLed from the facility by walking off campus during recreation. In Incident 166014, two youth were having a conflict and went into a bedroom to fight. Following the fight, staff only realized that something had happened when they observed an eye injury that one of the youth had sustained. In Incident 166099, a youth encouraged another youth to charge at a staffer. Enhanced training on close supervision and appropriate management of group dynamics is needed, especially in the context of youth population growth as Morning Star is adding another onsite program set to begin in mid-2021.

Youth expressed concerns about the paucity of permitted contact with loved ones during the fourth quarter of 2020. The current allotment and duration of phone calls should be increased to allow for more family contact. Youth also voiced a desire to have more input in developing activities for the overall group and for dietary staff to take into account youth preferences when developing meal plans and choosing snacks.

One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. One Love excels at leveraging and providing community-based therapeutic, education, employment and enrichment opportunities for youth. Students are enrolled in local schools and have the option to work at nearby businesses. Life-skills classes and individual therapy are provided by community organizations. One Love staff regularly schedule outdoor activities in the surrounding area throughout the year to keep youth engaged.

Parents and guardians are able to visit and have frequent phone contact with their children while they are staying at One Love. (During the COVID-19 pandemic, visitation has been held outside to help reduce the risk of disease transmission).

¹³ For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>

Follow-up and after-care services are provided for youth completing the program to ensure continued success. Community-centered programs such as One Love offer a viable therapeutic alternative to youth incarceration in remote congregate correctional-type facilities.

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

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

Persistent systemic problems, some of which are highlighted below, have plagued education services since MSDE began taking over school operations at DJS facilities over 15 years ago. Consequently, incarcerated young people - the majority of whom are youth of color - continue to receive an education that is substantially inferior to their peers in local public schools.

System-wide Deficits

Special Education

Complaints filed by attorneys and investigated by MSDE have noted a chronic pattern of violations that has resulted in students with disabilities not receiving services they are entitled to in accordance with education laws. Widespread violations or failures include:

- Failure to obtain education records in a timely manner to ensure continuity of services for students with Individualized Education Programs (IEPs)
- Modifying children's IEPs to reflect resource availability at individual schools rather than student need
- Failure to periodically review and update IEPs as required by law
- Failure to screen newly admitted students to determine eligibility for an IEP

Staffing

There is a persistent shortage of certified teachers in MSDE JSES schools, and high turnover and frequent vacancies for education staff remains an issue. A protracted hiring process, salary rates that are less than neighboring school districts and a 12-month versus 10-month work schedule also hamper efforts to recruit and retain education personnel.

Curriculum

Courses lack the breadth and depth of options available in public schools. Classes consist of the core content areas of English, Math, Science, and Social Studies. Many elective courses offered in community schools, such as art and music, are not offered. Available elective courses differ among facilities and this routinely causes disruption in academic progress when a student leaves one facility and enters another (for example, when a student leaves a detention facility for a placement facility). Some courses required for high school graduation in certain school districts, such as physical education, are not offered through JSES (see the Noyes facility section on page 17 of this report).

Library services are not available at most DJS facilities. While e-readers were provided to students by MSDE JSES at the beginning of the pandemic, they are not regularly updated. During monitoring visits, students frequently requested specific age-appropriate books that they were interested in reading but could not access. MSDE JSES could but has not so far partnered with local library systems to expand the availability of books and other education resources for their students.

Unspecialized Approach

JSES does not provide individual education plans for each student based on factors such as projected student length of stay, detained versus committed status, and student strengths and interests. All students (in detention and committed placement centers) attend 90-minute courses in the same four specific subjects. Students and teachers alike report that class times are too long to keep students engaged and that physical education classes or the availability of electives such as art would help to break up the school day and likely stimulate more students to become invested in learning.

Students at most MSDE JSES schools attend classes grouped by living unit rather than grade level which results in difficulties for students in making academic progress as well as for teachers in attempting to provide instruction tailored to students' individual learning needs.

Appropriate and consistent assessments to measure academic progress are not regularly provided to students to motivate learning and help to accurately guide instruction.

Access to GED instruction and testing

JSES does not award high school diplomas and many students stuck in MSDE JSES schools for long periods of time do not have access to courses required for graduation in their home community school. For these young people, taking and passing the high school equivalency exam (i.e., the General Educational Development Test [GED]) is the only path toward completion of secondary school that is open to them. . Compounding this difficult situation, MSDE JSES does not provide GED eligible or potentially eligible students specialized GED preparation courses to help them pass the GED exam. Additionally, all students in MSDE JSES are required to attend high school classes and get passing marks before MSDE JSES administrators will allow them to take the GED test.

Further exacerbating the already close to untenable situation just described is the fact that testing locations are limited to two schools, the Hickey detention center in Baltimore County and the Green Ridge placement center in remote western Maryland. If students are granted permission by MSDE JSES to take the test, they must travel in a DJS secure van to and from the GED testing site wearing handcuffs and shackles.

The COVID-19 pandemic has even further curtailed the availability of testing as only two students per school are even allowed to take the test at the same time and currently testing is only offered on the two days a week that any educators are on site at the Hickey and Green Ridge facilities. Testing dates have also been cancelled at the last minute (and on several

occasions) due to positive cases at the youth's home facility or at the test site facilities. Delays and cancellations have resulted in some students who have been greenlighted by MSDE JSES and who are eager for GED testing having to wait several extra months in order to sit for the exam (see the Noyes facility section on page 17 of this report). MSDE JSES could but has not made efforts to arrange the expansion of testing sites to more schools in DJS facilities.

Data collection and Transparency

Publicly available and regularly updated data on MSDE JSES education services (including suspension rates) and short and long term outcomes for students is not available. MSDE JSES education policies, including disciplinary procedures, are not available online for students, parents, and other vested stakeholders to view.

Post-secondary and Job Readiness Opportunities

Hands-on short and long term career and technical education (CTE) courses and programs of study leading to sustainable employment in incarcerated young people's home communities have not been developed. Students are eager to learn trades such as auto mechanics, plumbing, HVAC, landscaping, cosmetology, barbering, and electronics. MSDE JSES has not engaged in outside partnerships with local businesses, academic institutions, and non-profits to bring in valuable career training resources and create internship, and employment opportunities for students. Post-secondary options through arrangements between MSDE JSES and some community colleges are limited to a few credit and non-credit bearing online courses which are periodically to a small number of incarcerated youth.

Re-entry

Students are automatically unenrolled from their local school upon entering a DJS detention center even though they are often (sometimes within a few days) released to the community following a court hearing. Parents or guardians then have to appear in person at a county or city school administration office to try and re-enroll their child in his or her local community school. Although MSDE began the takeover of education services within DJS facilities over 15 years ago, the State education department has not advocated for needed changes in disenrollment/reenrollment protocols or in any substantive way attempted to tackle this problem on behalf of their incarcerated students.

MSDE JSES has also failed to proactively collaborate with DJS transition specialists to ensure that students are successfully re-enrolled in community schools without delays and that credits earned while incarcerated have been transferred appropriately and have been counted toward graduation requirements. Students frequently face difficulty transferring credits earned in MSDE JSES schools and, in some cases, have had to repeat a grade upon home school re-entry due to being adjudged as not having completed coursework necessary for academic promotion

Reform

MSDE JSES' failure to promote greater education opportunities for the youth they serve and the organizations' lack of commitment to collaboration with education advocates, parents, and other interested stakeholders has been, most unfortunately, a perennial problem.

MSDE JSES has not been open to self-improvement or reform within their system to enhance the quality of services provided to their students. Noting the outstanding problems with education in JSES schools, the Maryland General Assembly statutorily mandated that MSDE JSES set up a pilot program based at the DJS-operated Noyes detention center in Montgomery County. The pilot legislative language (see HB 1607, 2018 legislative session) mandated the transfer of operational control of the school at Noyes from MSDE JSES to the Montgomery County Public School System (MCPS). Unfortunately, the statute has not been operationalized as the legislature intended because MSDE JSES will not cede operational control to the local school district.

The legislation also required that MSDE JSES convene a pilot program oversight group to examine issues of concern and make recommendations for improvement. This group has (to date) failed to produce a substantive report outlining its findings and recommendations and, indeed, has not met at all (in-person or virtually) since the beginning of the pandemic. Committees led by other state agencies examining issues facing incarcerated youth, such as the Juvenile Justice Reform Council, have upheld their legislative responsibilities and have been able to conduct meetings virtually and issue comprehensive findings and informed recommendations based on their work.

MSDE also convenes an Education Coordination Council¹⁴ which includes some members from organizations other than MSDE and which is supposed to provide oversight of the MSDE JSES work inside DJS facilities. Unfortunately, MSDE JSES controls the entire agenda and content and prohibits public comment at council meetings.

COVID-19 Response

These ongoing deficits within the MSDE JSES system have been exacerbated by the MSDE JSES response to the COVID-19 pandemic.

MSDE JSES students who had already completed facility entry quarantine were provided with a one-sided form of virtual education during the fourth quarter of 2020. Students at various grade levels spent the school day in the same classroom and were issued chromebooks to access online course instruction. Teachers were on site five days a week but did not provide in-person instruction. Rather, their main role was to monitor student internet use and work out any problems with accessing online instructional material. The presence of teachers in the classroom who were not allowed to teach them has been a frustrating experience for students.

¹⁴ The Education Coordinating Council was created to evaluate JSES program effectiveness. In practice, the entity is entirely controlled by MSDE, and council members are not invested in systemic evaluation of education services nor do they critically assess the information provided to them by MSDE about MSDE JSES.

Quarantined students in all DJS detention and placement facilities were issued packets of worksheets to complete on their own.

As of early 2021, MSDE JSES has decided to offer even less direct educational support to students even as positive COVID-19 cases are declining and vaccine eligibility has increased. Teachers currently report to school just two days a week (instead of 5), again not to provide in-person instruction but to oversee virtual education and manage packet distribution to units on quarantine. The other three days of the week when MSDE JSES staff are not available, DJS staff have been tasked with the responsibility to oversee online instruction and distribute packets. To date (March 1, 2021), in-person instruction has not resumed at all (on any day of the week) at any DJS facility as observed directly by JJMU monitors and by DJS personnel, notwithstanding MSDE JSES issued letters and statements that seek to indicate otherwise and which continue to refer to teacher oversight of virtual instruction as “in-person” instruction.

A Path Forward

Young people in the Maryland juvenile justice system deserve and are entitled to a quality education. Longstanding inequities in education services can only be addressed through a new approach which emphasizes the creation of a system focused on providing supports, services, and programs that maximize opportunities for student success.

Proposed legislation in the Maryland legislature offers a path toward positive transformation of juvenile justice education in Maryland. Senate Bill 247 (2021 session) and the related House Bill (HB 71) provide for an independent school board composed in part of education experts and child advocates to oversee the operation of schools within DJS facilities. Embedded within the central tenets of the bill are avenues for the implementation of a flexible, specialized and individualized approach to education services for students that include attention to the needs of special education students and high school graduates. An independent board will provide much needed accountability, transparency, and oversight to help ensure schools within DJS facilities are operating in the best interests of the student population.

MARYLAND DEPARTMENT OF JUVENILE SERVICES – RESPONSE



DJS RESPONSE TO THE COVID-19 PANDEMIC

For a detailed description of the response by the Department of Juvenile Services (DJS) to the COVID-19 pandemic and its efforts to protect the safety and well-being of youth, staff and the community at-large, please see the “DJS COVID19 Response” document found on the DJS website at https://djs.maryland.gov/Documents/COVID-19/DJS-Overview-COVID-19_08.21.2020.pdf.

DJS VACCINE INITIATIVE

In late January 2021, DJS initiated a series of vaccine clinics for DJS facility staff and age-appropriate youth residing in DJS-operated facilities. These groups were prioritized due to their close contact in congregate care settings. As of the date of this writing, ten vaccine clinics have been conducted at several DJS facilities with 438 DJS facility staff and youth having been vaccinated.

CONTINUED COVID-19 TESTING OF STAFF AND YOUTH AT DJS FACILITIES

Since COVID-19 testing began in DJS facilities in May 2020, more than 12,000 tests have been administered to youth and staff in DJS facilities. At the time of this writing, 47 youth in DJS custody have tested positive for COVID-19, with 44 having fully recovered. Two hundred seventy-five DJS staff have tested positive with 265 having currently recovered from the virus. Testing will continue at all DJS facilities on a monthly basis or more frequently, if deemed necessary by the DJS Medical Director or Health Department.

For updated testing information and other COVID-19 response information, please see the COVID-19 Response page on the DJS website, <https://djs.maryland.gov/Pages/COVID-19.aspx> or call the agency’s COVID-19 24-hour hotline at 877-357-4161.

COVID-19 INFECTION CONTROL MEASURES

DJS appreciates JJMU's acknowledgement of DJS's efforts to protect youth and staff during this pandemic. In March 2020, the Department began making significant changes to facility procedures in anticipation of the arrival of the Coronavirus to Maryland. These changes were made in consultation with DJS's Medical Director and DJS Health Team, and based on national best practices. Infection control measures such as social distancing, universal masking, increased hygiene and sanitation, limiting facility entry to staff and approved vendors, creating intake admission units in juvenile detention facilities, and creating medical isolation units for youth who test positive for COVID-19 were implemented in an effort to keep youth and staff safe while maintaining the continued operation of DJS's secure facilities.

Additionally, DJS has implemented a pre-entry screening procedure consisting of a questionnaire and a temperature check. Every staff person or vendor seeking to enter a DJS facility must complete and sign a symptom questionnaire and submit to a temperature scan before entering. Any staff or vendor who indicates possible COVID-19 symptoms on the questionnaire and/or has a temperature over 100 degrees Fahrenheit is denied entry. Additionally, DJS's medical director and other medical staff are available in the event that any questions or concerns arise about admitting staff or vendors to DJS facilities. Through this rigorous process, DJS seeks to ensure that staff who are potentially sick are identified before possible exposure of youth or staff inside the facility.

The use of medical isolation for individuals testing positive for COVID-19 (or any other highly contagious virus) is a medical best practice and similar to what occurs in the community, whether in the home or in a hospital or other setting. Under normal circumstances, DJS policy restricts the use of "time out" periods for a youth to be away from the larger population in his/her room as a means of "cooling off." DJS recognizes that being in a room isolated from others is difficult for anyone. To alleviate the stress for the youth that have tested positive for COVID-19 and required to be medically isolated, DJS has provided handheld games and cell phones for youth to call family while they recover. Additionally, all youth in medical isolation and youth housed on quarantined units are assessed by a licensed medical professional daily and at frequent intervals as ordered by our medical director and team of physician and nurse practitioner staff. Given the highly infectious nature of COVID-19, our healthcare staff agreed that medical isolation is necessary to protect youth and staff in DJS facilities.

As part of its infection control measures, DJS provides Personal Protective Equipment (PPE) to all staff and youth in DJS facilities. DJS continues to procure PPE in sufficient quantities to ensure that all youth and staff in DJS facilities can be properly masked at all times.

FACILITY PROGRAMMING DURING THE PANDEMIC

As a result of the COVID-19 pandemic, DJS has restricted access to its facilities to just staff and approved vendors (i.e., food delivery, repair and service professionals, etc.). Consequently, multiple outside organizations who provided programming to youth were no longer permitted to enter DJS

facilities in order to reduce the potential exposure of DJS youth and staff to COVID-19. At the time of this writing, the DJS Community Services Coordinator has begun notifying volunteers and other programming vendors to inform them of the process to return to DJS facilities and re-initiate programming.

Additionally, in consultation with the medical team and guidance from Maryland Department of Health, DJS leadership has reinstated board games, cards and sports related activities inside and outside for youth in the general population with safety measures in place. Youth who are on admission quarantine units, quarantine units or medical isolation units are permitted to play single player card games and may go outside with medical approval on a case-by-case basis.

DJS leadership and facility administrators are working to increase the amount and variety of internal programming for youth while maintaining adherence to infection control measures. To give youth a voice in the decision-making process, the Deputy Secretary of Operations and his Executive Team have been holding monthly roundtables since August 2020 to hear directly from DJS youth what they want to see improved or implemented in DJS facilities.

As part of the monthly roundtables, the youth have suggested a variety of activities that may be conducted virtually or otherwise safely in-person.

The CHAMPS program has a schedule of activities for making crafts, monthly themed programs, and biweekly intramural challenges.

At various DJS facilities, staff have hosted activities such as woodworking, art projects and horticultural activities in newly installed greenhouses. The Behavior Health Unit has implemented several projects that require youth to be creative in providing artistic and intellectual feedback over holiday breaks such as creating t-shirt designs for participants.

The Community Services Coordinator has secured virtual options that offer yoga sessions and faith-based volunteer programming. At the Baltimore City Juvenile Justice Center, an outdoor recreational space with exercise equipment has been installed and will be an additional option for youth to get outside and be physically active. The space will be completed and open for use by Spring 2021. Additional projects currently being worked on, and suggested by the youth, are statewide trivia/debate teams that will compete virtually, self-care activities and updating selections of recreational equipment for individual exercise.

Tablets and MP3 players were temporarily removed from DJS facilities while the Department worked to develop a system that would govern internet access for youth and ensure that they have access to appropriate content. That system has now been put in place and, beginning in March 2021, MP3 players will be distributed to youth in DJS committed programs. Youth will have access to their electronic devices on a daily basis outside of school, meals, and programming times. Additionally, I-pads provided by Maryland State Department of Education are in the process of having music installed through the DJS Information Technology Unit.

Once these issues were resolved, the MP3 players were handed back out. In addition, MSDE supplied I-pads for youth to use with downloaded games. DJS is working to add music to the devices and this will be another option for the youth upon completion.

DJS will continue to closely follow the State re-opening plan as set forth by Governor Larry Hogan to determine an appropriate time to ease some restrictions to provide safe, socially distanced programming to youth.

FAMILY ENGAGEMENT

Youth in DJS facilities benefit from regular interactions with their families. As of February 2021, a directive was issued for the calls conducted by facility case management to be increased from 10 to 20 minutes. The remaining calls, which include a minimum of five per week- two (2) through the Department’s phone system, each 10 minutes; two (2) virtual video calls, each 15 minutes, will stay in place; in addition to visitation starting March 1, 2021.

DJS has also revised its policies to extend youth access to “significant persons,” who are individuals who play a supportive role in a youth’s life. These individuals can include a mentor, coach, or additional family member. The DJS Operations leadership team also increased the number of pieces of mail a youth may send to family from two to four to increase the amount of communication with families.

NAVIGATING THE NEW NORMAL

DJS recognizes that the “new normal” in its facilities has required an adjustment on the part of staff and youth. From wearing masks to restrictions placed on activities and the use of quarantine and isolation when medically required, DJS acknowledges that these changes could produce anxiety among staff and youth. However, in these challenging times, the agency has witnessed facility staff rising to the occasion and youth demonstrating incredible resiliency and adaptability. DJS remains committed to keep facility staff and youth as safe as possible during this pandemic and to continue to find creative solutions to address programming challenges in the facility.

**DEPARTMENT OF JUVENILE SERVICES
RESPONSE TO JJMU 2020 FOURTH QUARTER REPORT AND ANNUAL REVIEW**

The Department of Juvenile Services (DJS) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2020 Fourth Quarter Report and Annual Review, and provides the following response:

DJS SUPPORTS LEGISLATION THAT WILL SIGNIFICANTLY REFORM THE 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 composed 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 mission of the JJRC was to utilize data to make recommendations to reform the juvenile justice system in Maryland. After a brief delay due to the COVID-19 pandemic, the group met throughout 2020 in virtual meetings with the last meeting being held on December 17, 2020. To view all of the recorded meetings, presentations and research conducted by the JJRC, please follow the link below.

<https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx>

As a result of the JJRC's recommendations, legislation was introduced at the beginning of the 2021 General Assembly legislative session. Senate Bill 853/House Bill 1187 includes language enabling each of the recommendations made by the JJRC. Overall, these recommendations seek to improve service delivery to youth in the juvenile justice system, reduce the use of detention and commitment unless based on a critical public safety need, and divert lower-level offenses and younger youth away from formal system involvement. Clinical research has indicated that, aside from being more cost-effective, community-based programs yield better and more equitable results for most youth involved in the juvenile justice system. Furthermore, part of the recommendations, which is also included in the legislation, seeks to continue the work of the council by forming a Commission on Juvenile Justice Reform and Emerging and Best Practices. This commission will evaluate the recommended reforms and continue to look for additional improvements in the juvenile justice system that will result in positive outcomes for Maryland's youth.

In addition, Senate Bill 498/House Bill 71 would create an independent school board that would oversee the school system in DJS facilities. This juvenile justice school board membership would be comprised of representatives from DJS, MSDE, the Attorney General's Office, and others with expertise in education, law, and policy. This Bill would move the responsibility for education of youth in DJS facilities away from the Maryland State Department of Education, which currently operates DJS schools, and shift it to the independent school board. DJS has supported this legislation, which would create a robust process to measure outcomes and to hold the system accountable.

DJS was honored to partner with the stakeholders of the JJRC to help develop and promote these important juvenile justice reforms.

DJS BEHAVIORAL HEALTH UNIT CONTINUES TO RECRUIT QUALIFIED PROFESSIONALS

The Behavioral Health Unit has continued to actively recruit for all vacancies to include holding virtual interviews during this period. There is a vacancy at BCJJC for a social worker for the assessment team. All other detention centers have their full complement of staff. Behavioral health services at Cheltenham, Hickey and BCJJC are provided via contractual agreement and the contractor is fully staffed. Behavioral health is recruiting for two managerial positions. Other Behavioral health recruitments are for vacancies at the youth centers and two positions at Victor Cullen.

There are three Behavioral health staff currently assigned to each of the three youth centers, including Mountain View. A regional behavioral health coordinator supervises the behavioral health services at the youth centers, who is overseen by a behavioral health manager. Victor Cullen has three behavioral health staff who are supervised by a behavioral health manager. With the current populations in the committed facilities, this allows for a higher behavioral health staff to youth ratio.

Committed Placement Centers

Victor Cullen Center (VCC)

Regarding Incident 165867, administrative review determined that the staff member's behavior was inappropriate and this staff member was held accountable through the DJS Standards of Conduct and Disciplinary Process. The youth involved in this incident remained in the program.

Incidents 165966, 166008 and 166048 involved the same staff member bringing contraband into the facility and giving it to youth. An investigation was opened by OIG and an internal investigation initiated by Victor Cullen Administration. Maryland State Police (MSP) and Child Protective Services (CPS) were notified. At the time of this writing, their respective investigations are still ongoing. The staff member is no longer with the Department.

Victor Cullen has three full-time behavioral health clinicians who have experience working with persons of color from urban environments. Two of the clinicians have been at the facility for over one year. DJS is actively recruiting for a behavioral health supervisor and a clinician.

DJS uses Positive Behavioral Interventions and Supports (PBIS), which is an evidence-based framework that includes a number of therapeutic interventions, including individual counseling, family counseling, and group counseling. Each youth has an individualized treatment plan and

receives individualized treatment building on their strengths and focusing on developing their skills.

All services and programming are provided within a trauma informed care environment as all staff are trained in trauma informed care.

[Garrett Children's Center \(GCC\) - formerly Savage Mountain](#)

Regarding Incident 165633, there were two restraints included in the one incident report that was entered into the database. The second restraint was described in a witness statement that was part of the incident report for the first restraint. The manner in which the second restraint was recorded was inconsistent with DJS policy on incident reporting and the staff involved were held accountable in accordance the DJS Standards of Conduct. With respect to the use of the restraints by DJS staff, the allegations of abuse were screened out by CPS and the investigation by MSP was closed with no charges filed.

[Youth Centers](#)

DJS appreciates the acknowledgement that the reduced population at the placement centers has allowed for more individualized staff attention to youth needs.

For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

For more information about DJS's distribution of MP3 players to youth, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

Youth at the Youth Centers are given an opportunity to engage in improvement projects and tasks in and around the facilities. Participation in these tasks is voluntary and youth who volunteer are recognized for their participation through incentives.

[Mountain View](#)

The superintendent at Mountain View has over 30 years of experience working with youthful offenders and has worked with organized female populations in numerous community settings over the years. She was extensively trained, along with all of the facility staff, in working with girls before opening the program and works closely with the DJS Director of Behavioral Health to ensure that refresher trainings are held regularly on topics of incarcerated female populations.

For safety and security reasons, youth are not permitted to wear coats in facility dining halls. This is a long-standing rule. However, no youth has received a behavior report for violation of this rule.

For more information about DJS's distribution of MP3 players to youth, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

Though activities are restricted due to COVID-19, the facility offers arts and craft projects, self-care days, holiday-themed events, and other fun and creative activities in which girls express interest.

Name brand hygiene items and nail painting can be purchased as incentives set up by PBIS. Gender responsive activities have also been utilized through the virtual programming offered and the décor and atmosphere of the cabin is gender specific.

The Girl's Circle Curriculum, an evidence-based program specifically tailored to young women, has been implemented at the facility. DJS continues to recruit qualified staff in order to increase the number of female staff.

Regarding the staff who made a comment about a youth's mood, that staff was held accountable in accordance with the DJS Standards of Conduct.

Regarding Incident 166161, a management review indicated that the staff member did not act appropriately. The staff member was held accountable through DJS Standards of Conduct. Training sessions for setting appropriate staff and youth boundaries were provided to all Mountain View staff throughout January 2021.

There was an outbreak of COVID-19 at the end of November. All youth were transferred to Cheltenham Youth Detention Center to be housed in the infirmary. This move was to ensure that the youth received appropriate medical care and were able to properly quarantine and isolate due to positive cases in accordance with guidance from the State Medical Director, Department of Health, and CDC Guidelines.

DJS recognizes that temporary placement at Cheltenham to mitigate the spread of the COVID-19 outbreak at Mountain View was a stressor for all the young women. For the one youth with significant mental health issues, she was seen by behavioral health staff daily and sometimes several times per day. An additional DJS behavioral health staff was assigned to the infirmary to exclusively provide support to the youth and coordinate virtual sessions with clinicians at Mountain View.

Regarding the youth's self-injurious behavior documented in Incidents 166030, 165911, 165912, and 165974, the youth was seen by medical and mental health on every occasion and remained on enhanced monitoring, in compliance with DJS policy.

While the young women recovered at Cheltenham, clinicians from Mountain View continued to provide services and support through video conferencing in order to maintain their rapport with the young women.

Detention Centers

Baltimore City Juvenile Justice Center (BCJJC)

All water fountains throughout the facility were turned off as a COVID-19 infection control measure. Water coolers containing ice and bottled water are accessible to each housing unit, and recreation and education area from dietary on a daily basis or as needed per youth request. Coolers are refilled and cleaned throughout the day as needed.

Youth in the general population are provided access to outdoor recreation on a daily basis as the weather permits. That access may be restricted if a youth is placed on medical quarantine as directed by the DJS Medical Director. Once youth are medically cleared after being tested for COVID-19, they may begin participating in large muscle activity. Youth assigned to the Intensive Service Unit (ISU) participates in recreation at 7:00am and 8:00am daily.

Youth at BCJJC continued to participate in safe and socially distanced activities in the facilities. Youth participated in virtually scheduled programs with vendors including: Paint Like a Champ, Youth for Christ, Open Minds Yoga, Church of God, First Baptist Church, and Uncuffed Ministries. Youth also participated in sports-related CHAMPS events during this quarter. Case managers, mental health staff, and other DJS staff continually conducted topical life-skill based groups. Youth received coloring books, crayons, word searches, letter writing, and had access to books. The facility also offered Movie Time incentive-based activities and holiday related special activities all while maintaining COVID precautions. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

The facility is well stocked with adequate PPE supplies and masks for youth and staff. Youth in regular housing have been issued two cotton cloth masks that are washed daily and reissued to the youth prior to them leaving their rooms in the morning. All youth masks are identified with their names on them. The youth in the new admission units receive disposable masks daily. Disposable masks are replaced if soiled, damaged, or upon request as needed.

In November 2020, there were several dietary employees who tested positive for COVID-19. During this time, the dietary services were adjusted to ensure that nutritious meals and snacks were provided consistent with Federal guidelines for child nutrition.

The facility supplies adequate heat for all areas in detention. Per maintenance, the temperature ranged from 73- 77 degrees throughout the facility during the quarter. There have been no reported physical plant issues related to heating concerns.

DJS behavioral health staff have daily contact with all youth, including those in isolation, to address a variety of issues including feelings of stress and sadness.

Regarding Incident 165716, the involved youth initially reported a medical issue and, thus, was seen by medical staff and provided treatment. Later, the youth indicated a behavioral health issue.

Behavioral health staff were then notified and initiated treatment in collaboration with the medical staff.

The Intensive Services Unit (ISU) provides a more intensive level of care to youth requiring a higher level of services. This includes youth with significant behavioral problems and are in need of short-term intensive interventions to assist them in being able to successfully complete the facility program. Admission to the specialized unit may occur as a result of a youth displaying chronic or acute behavioral and/or psychological problems. Every youth's assignment to the ISU is reviewed weekly to determine whether the youth is ready to return to regular programming. The youth noted by the JJMU in its report continued to have incidents while on the ISU for an extended period of time despite multiple attempts by facility administration to encourage improved behavior. Additionally, quarantine orders by the DJS Medical Director for certain units at the facility served to delay the youth's return to the general population from the ISU.

All BCJJC staff receive annual refresher training including Incident Reporting, Child Abuse and Neglect, PREA, and other topics. These trainings place emphasis on mandated reporting and adhering to the reporting responsibilities of all mandated reporters.

Regarding Incident 165967, the alleged staff involved were removed from coverage pending the completion of the OIG investigation and findings. The facility administrator met with the mental health supervisor to review what took place and developed a corrective action plan. The contracted behavioral health staff have been retrained regarding mandated reporting and DJS policies and procedures. The clinician directly involved no longer works at BCJJC.

DJS appreciates the comments about BCJJC administrators doing an exemplary job at ensuring that youth have sustained contact with loved ones. Between December 22, 2020 and January 6, 2021, phone records indicate that all youth received their required phone calls. The Case Manager Supervisor adjusted staffing coverage for case managers who were on leave. For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the COVID-19 Response Section.

[Cheltenham Youth Detention Center \(CYDC\)](#)

In regards to Incident 165500, all facility movement was halted immediately as residential staff thoroughly searched the unit. The scissors were confiscated and no youth or staff were injured or harmed. Management investigation and video review indicated that a teacher brought the scissors into the facility unauthorized. Residential staff assigned to the unit during this incident were held accountable in accordance with the DJS Standards of Conduct for failing to properly supervise youth movement. In addition, the investigation findings were forwarded to Maryland State Department of Education and the employee who introduced the contraband into the facility was held accountable.

With respect to staffing, as new employees are hired, the administration has re-staffed the morning shift to assist with the timely transitioning to programming. The School Hour tracking form suggests that this strategy has been successful, as movement to school by the required time has been met.

During 2020, there were eight food service grievances submitted. A review of Behavior Response forms, unit logbooks, and incidents indicated that there were no reports of youth bartering or trading food. CYDC will continue to educate and reinforce compliance with facility expectations. Youth are orientated upon admissions on the facility rules on the importance of not trading food. However; these rules will be reinforced on an ongoing process with the youth during morning and afternoon groups, and with staff during briefing to ensure compliance.

For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

[Charles H. Hickey Jr. School \(Hickey\)](#)

The Behavioral Health Administrator has over 30 years' experience providing mental health services. The Administrator, who has been working at Hickey for over a year, is the supervisor onsite and works closely with the facility administration.

Behavioral health staff check on the youth daily. All youth are offered sessions and are provided sessions when requested. Behavioral health staff offices are located on the unit and the youth have easy access to the staff when needed.

Currently there is a full-time clinician on each unit and a total of eight behavioral health staff assigned to this facility. Behavioral health staff hold group sessions with the youth in the evenings after school and are actively involved in treatment team meetings, individual sessions, intake and orientation, virtual family meetings, and crisis intervention. In addition, there are multiple part-time staff that provide mental health services to all the youth in the facility and meet with youth upon youth's request. A mental health professional also reports to the facility routinely on the weekends and on-call mental health professional services are available after business hours for crisis intervention.

Hickey has a Facility Preventive Maintenance Plan that includes daily, weekly, and monthly inspections to address all physical plant and cleanliness concerns. The education trailers at Hickey have been upgraded to include new flooring, new HVAC units, and new decking installed around the exterior of the building.

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

Waxter's has a Facility Preventive Maintenance Plan that includes daily, weekly, and monthly inspections to address all physical plant and cleanliness concerns. All identified maintenance concerns are submitted through the DJS work order system for immediate corrections. Waxter has also increased the contractual cleaning services to ensure a clean, safe, and humane environment is provided for the youth and staff.

DJS appreciates the JJMU report noting the on-site enrichment and recreational options developed by Waxter administrators.

Alfred D. Noyes Children's Center (Noyes)

Facility clinicians provide psychoeducational groups and are on call 24/7 to provide support to youth with mental health issues. Youth who engage in self-injurious behavior are offered additional supportive mental health counseling and are often referred off-grounds for emergency psychiatric services. These youth are also seen daily by mental health staff who provide support and education regarding coping strategies.

Due to a vacancy in a management associate position, there was a delay in entering incidents into the database. A new staffing plan has been developed to ensure that those tasks are accomplished in a timely manner going forward.

Regarding Incident 165922, the youth raised the allegation in the form of a grievance, which was retrieved by a DJS Youth Advocate. The staff involved in the allegation was immediately removed from coverage once the Youth Advocate notified the facility administration of the youth's grievance. The Youth Advocate met with the youth and subsequently reported the incident to CPS, OIG, and the Rockville Police. CPS and the Rockville Police declined to pursue charges. Based on OIG and management's investigation findings, the staff member was disciplined in accordance with the DJS Standards of Conduct.

Regarding Incident 166192, the youth told the clinician about feeling unsafe five days after the incident. Once the clinician was told by the youth, notifications were made to OIG, CPS, and MSP. The alleged staff in question was immediately removed from coverage. MSP declined to pursue charges and CPS deemed the incident "unsubstantiated." The OIG investigation could not confirm that the events occurred as alleged by the youth. As noted above, the delays in entering incidents into the database have been addressed through a staffing plan that will ensure those tasks are accomplished in a timely manner going forward.

Regarding Incident 166084, the behavioral health staff was held accountable in accordance with the DJS Standards of Conduct and is receiving additional supervision and training.

Due to infection control measures in place due to COVID-19, DJS is following CDC guidelines by enforcing social distancing and safety protocols. DJS recently reinstated the use of playing cards, board games, and visitation in the first quarter of 2021. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the COVID-19 Response Section.

Food service is provided at Noyes through a contracted vendor. The DJS Food and Nutrition Services Director monitors the vendor's performance to ensure that all meals and snacks meet federal guidelines for child nutrition.

Lower Eastern Shore Children's Center (LESCC)

All youth receive daily large muscle activity and are given midday recreation. They are allowed to go outside for fresh air in the newly upgraded outdoor recreation area as well. During the pandemic, the Recreation Specialist and staff have come up with creative ideas for activities for youth to keep them engaged including: canvas painting, charades, bracelet making, sock and t-shirt design. MP3 players are offered to youth. The facility has recently purchased additional MP3 players and music is in the process of being uploaded on each device. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the COVID-19 Response Section.

For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

Western Maryland Children's Center (WMCC)

While DJS continues to recruit for the vacant case management position, additional residential staff are assisting as needed to ensure that youth needs are being addressed.

Private Programs

Silver Oak Academy (SOA)

Pages 34 and 35

Page 34

1. There was an outbreak of COVID-19 at Silver Oak Academy in the second quarter of 2020 during which all youth and several staff tested positive. All youth placed through DJS were removed or transferred as a result. No youth were placed at Silver Oak through DJS during the third and fourth quarters of 2020.

SOA Response: “Silver Oak was unfortunate to have experienced a COVID outbreak early in the pandemic and although ROP policies were in place, adherence to adapting the policies to the program rigors of the SOA model were not executed well enough to prevent infection and spread. As SOA and ROP continued to benefit from evolving practices and CDC guidelines, our protocols strengthened and we were able to continue to provide services to youth from Pennsylvania and Washington D.C. with a number of young men earning diplomas and successfully transitioning back to their communities. During that time, we implemented our procedures, working in collaboration with Carrol County Health Department and DJS and were able to provide services without any instances of COVID. Silver Oak Academy has worked with the local Health Department and Rite of Passage to ensure that the campus is safe by updating and implementing policies and procedures. ROP’s established pandemic plan is currently being implemented at SOA and includes enhanced measures to disinfect facilities, screen visitors, monitor staff and students with flu-like symptoms, reinforce health and hygiene protocols and reduce non-essential interactions with the community-at-large. SOA has also had the health department come onsite to review the campus and give any feedback to ensure a safer environment”.

DJS Response: The Department of Juvenile Services worked with Silver Oak Academy and Carrol County Health Department to set policies in place to prevent the spread of COVID. Unfortunately, an outbreak occurred at SOA, which forced the Department to remove all youth placed through DJS. The Department continued to work with SOA and Carroll County Health Department to quarantine SOA and adjust SOA policies and procedures. SOA provided adjusted policies and procedures with CDC guidelines, which were approved by Carrol County Health Department and The Department’s Medical Director. The adjusted policies and procedures provided SOA a safer campus with no positive COVID results since the outbreak. The Department resumed placing DJS youth during the First Quarter of 2021. The Department continues to monitor policies and procedures to help ensure SOA does not have another outbreak.

2. While Silver Oak offered youth a robust education, career, and technical education curriculum with opportunities for community employment throughout 2020, staff supervision and related security issues negatively impacted facility climate. The Department should ensure supervision, security and connected training issues have been comprehensively and permanently addressed before placing youth at Silver Oak.

SOA Response: “Silver Oak Academy operated with minimal incidents through the past eight months, with only one significant incident. SOA has been successful in attracting two new shift supervisors and a number of motivated staff members to enhance supervision and program implementation.

Silver Oak Academy has implemented a video surveillance system that recently was updated to add a few more cameras around campus. With having more surveillance around campus, staff are able to be held more accountable for their interactions with the youth.

Silver Oak Academy has been able to start to implement an online training curriculum that focuses more with on-the-job duties. With this approach, we have been able to decrease the amount of time staff are off the floor and are able to increase the number of staff support as well as our ability to more rapidly identify staff that are unable or unwilling to promote positive interactions and enhance program culture. Staff who are unable or unwilling to adapt to the more structured training program will have their employment terminated more rapidly, which will strengthen the culture through higher expectations and accountability.

Along with having an online training system, we have updated how our shift change meetings are ran to include but are not limited to topics related to our Youth Care 101 Manual and DJS policies as well as COMAR standards. Documentation of these trainings will be placed in each staff’s file and available for review”.

DJS Response: The Department has worked with Silver Oak Academy to improve staff supervision along with security related issues through restructured policy and procedures. The Department has reviewed and approved SOA policies and procedures to help ensure these areas have shown improvement. SOA has seen significant decrease in incidents during the last two quarters of 2020 due to updated practices set in place. The Department continues to work with SOA to make adjustments when necessary to continue to improve staff supervision and security at SOA.

VisionQuest Morning Star (VQMS)

Page 41

1. “Morning Star received an influx of new admissions during the fourth quarter of 2020 and new staff have been hired to accommodate the increase in population. Recent incidents indicate that training on supervision protocols and managing group dynamics should be enhanced to ensure a safe facility environment. In Incident 166049, a youth AWOLed from the facility by walking off campus during recreation. In Incident 166014, two youth were having a conflict and went into a bedroom to fight. Following the fight, staff only realized that something had happened when they observed an eye injury that one of the youth had sustained. In Incident 166099, a youth encouraged another youth to charge at a staffer. Enhanced training on close supervision and appropriate management of group dynamics is needed, especially in the context of youth population growth as Morning Star is adding another onsite program set to begin in mid-2021.”

VQMS Responses: The program would initially like to address the specific incidents mentioned. As you are aware, the program is an open and staff secure facility. As it pertains to the AWOL, the situation occurred on Christmas Eve when the program was engaged in various activities to allow our youth and staff to celebrate and have fun. One youth unfortunately took advantage of the situation and was able to walk away. It should be noted that by the time the three staff members obtained the vehicle keys and drove onto the road, they immediately observed the youth and attempted to encourage him to return with them.

In regards to the two youth in conflict, our staff are trained in observing and identifying escalating behaviors of concern. At no point during the pre or post incident were there any identified behaviors of concern. It was through the staff observing the injury that the incident was discovered.

The third and final incident was reviewed both internally and was investigated by Law Enforcement and OIG. There was no finding of fact regarding staff failing to supervise appropriately in any reviews.

The program completed thorough reviews of each situation and determined that these situations were not the result of a supervision issue. The program recognizes the need for regular training refreshers as it relates to staff supervision and group dynamics. The program offers regular training regarding these issues and will continue during the next quarter.

DJS Responses: L&M reviewed all VQMS incident reports for compliance and provided technical assistance to the program regarding incident reporting. L&M continues to monitor

to ensure that VQMS is in compliance with COMAR 14.31.06, DJS Incident Reporting Policy and VQMS' policies as it relates to incident reporting.

2. "Youth expressed concerns about the paucity of permitted contact with loved ones during the fourth quarter of 2020. The current allotment and duration of phone calls should be increased to allow for more family contact."

VQMS Responses: The program provides youth with regular access to their family. Each youth is given at least three phone calls per week for an extended period of time. Whenever possible, virtual calls are conducted.

DJS Responses: L&M is closely monitoring youth access to their family. This is being done through monthly youth interviews and weekly audits of youth telephone logs.

3. "Youth also voiced a desire to have more input in developing activities for the overall group and for dietary staff to take into account youth preferences when developing meal plans and choosing snacks."

VQMS Responses: The program regularly solicits input regarding offered activities. In the month of December and prior to the approval of the annual menu, the program solicited feedback and suggestions for both meals and snacks.

DJS Responses: L&M will continue to monitor to ensure that VQMS is in compliance with COMAR 14.31.06 and VQMS' policies as it relates to providing youth with a range of indoor and outdoor recreation and leisure activities. Youth are interviewed on a monthly basis, during the interviews the youth reported that they are able to offer suggestions to the program regarding meals and snacks and did not voice any concerns regarding activities.

**MARYLAND STATE
DEPARTMENT OF EDUCATION
- RESPONSE**



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

March 12, 2021

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

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit’s (JJMU) 2020 fourth 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

SYSTEM-WIDE DEFICITS IDENTIFIED IN REPORT

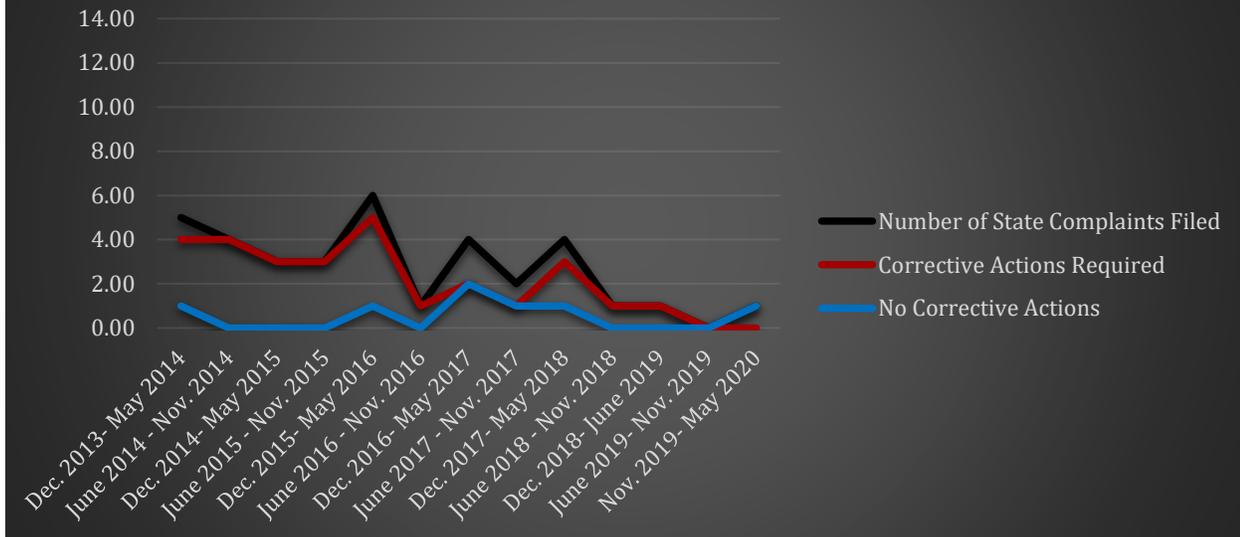
Special Education

The JJMU report contains numerous inaccuracies and misinformation (page 44) including, but not limited to, the following statement attributed as a system-wide deficit.

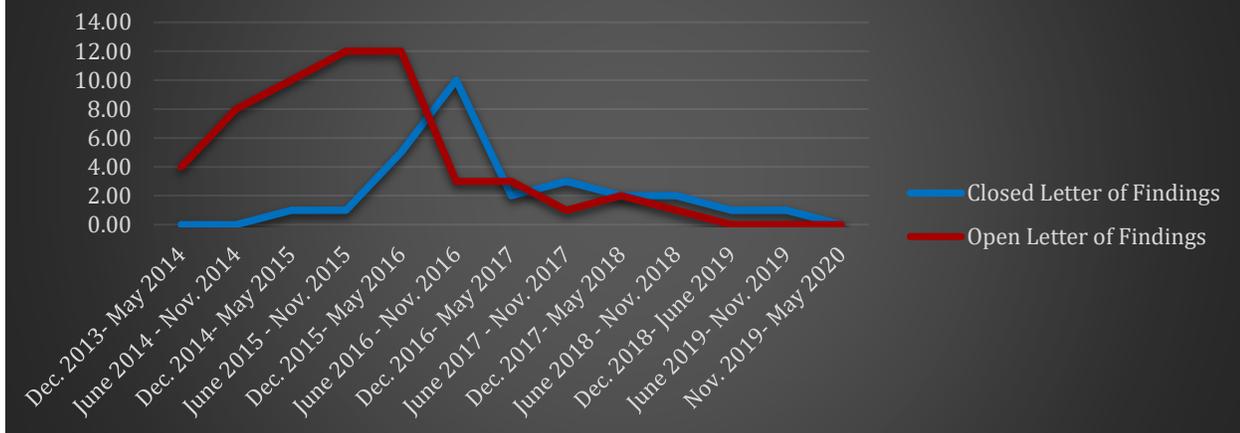
The report stated, “Complaints filed by attorneys and investigated by MSDE have noted a chronic pattern of violations that has resulted in students with disabilities not receiving services they are entitled to in accordance with education laws.

There are no “chronic” patterns of violations, in fact, state complaints and letters of findings have reduced significantly. There have been no letters of findings issued by the Division of Special Education in almost two years. JSES developed an internal system for compliance monitoring and a record review process in 2016 that has sustained an increase in compliance across JSES schools and decline in state complaints. This is demonstrated in the graphs below and clearly disputes JJMU’s claim that there is a system-wide chronic pattern of violations for the provision of special education services and supports.

Number of State Complaints and Actions



Letter of Findings



Staffing (pages 10, 16, 19, and 44)

The JSES continues to receive, process and interview for all vacancies based on state human resources procedures. “A protracted hiring process, salary rates that are less than neighboring school districts and a 12-month versus 10-month work schedule also hamper efforts to recruit and retain education personnel” (page 44) is an accurate statement. However, it is necessary to emphasize that changes to these policies must be made in COMAR, state legislation or state policy. Hiring processes and salary rates are not controlled by MSDE alone. In 2016, the MSDE submitted legislation to address staffing concerns however, the legislation was not passed out of the committee.

Curriculum (page 44)

Online courses for art, music, health, and foreign language is offered in JSES in order for students to obtain elective credits toward high school graduation. The statement that elective courses differ among JSES schools is inaccurate. Elective courses are uniform across all JSES schools therefore, students can continue with their course when transferring from one JSES school to another.

As a Maryland school system, JSES must adhere to policies and regulations of online course offerings, which requires that all online courses meet specific requirements for content and accessibility. The approved student course list is frequently updated. Upon review of the MSDE Approved Student Course Offering List, as of March 5, 2021, the eligible course offerings now include an online physical education course.

Unspecialized Approach (page 45)

All students attend 70-minute courses in five main subject areas but can participate in many other electives through Apex and other approved online course vendors.

In placement facilities, students were grouped by their course prior to COVID-19. DJS required that students be grouped by their living quarters due to the global pandemic. DJS indicated that students will again be grouped by their academics rather than living quarters once it is safe to do so.

With the implementation of 1:1 Chromebooks for students and the current hybrid instructional model, students receive direct instruction from a certified teacher in a specific course. Previously, in detention centers, students travelled to classes based on their housing units and attended classes together with multiple courses being taught in one classroom.

Access to GED instruction and testing (page 45)

On page 20 the report inaccurately claims, *“During the current pandemic, available test dates are even more limited than before because testing is not conducted when there are any COVID-19 positive cases at the testing site or at the DJS facility where the prospective test taker is being held.”*

Students enrolled in JSES are tested at the Green Ridge Youth Center and Charles H. Hickey Jr. School. The current COVID-19 hybrid model is structured to allow testing on Tuesdays and Wednesdays of each week. The current model was designed and based on the request of DJS administration and the necessity to adhere to CDC safety policies/protocols which includes decreasing the number of students in testing groups to follow social distancing guidelines. Designated test dates and facilities are based on which region of the state each student is placed. In an effort to protect students and staff and adhere to the CDC guidelines, JSES students are tested at one facility at a time.

On page 20 the report claims, *“Only two MSDE JSES schools are able to administer the GED test even though online testing is now available directly to Maryland students living at home.”*

The JSES Pearson VUE approved testing centers have been planned, constructed, and operated by Pearson VUE certified testing administrators. All testing labs must gain accreditation based on Pearson VUE operational policies and procedures. In addition, all GED examinations must be monitored and administered by Pearson VUE certified test administrators. The Maryland Department of Labor, which

oversees GED testing in the state of Maryland, does not approve of online testing due to the security restriction within DJS/Correctional state-run facilities. The online proctor is given access to the students' webcam as a means to monitor the validity of the students' scores. Online testing does not insure that the students' personal information remains secure and confidential.

The JSES planned, constructed, and implemented two Pearson VUE approved GED Mobile Labs, allowing the JSES to administer GED within various remote locations. The GED Mobile Lab has the capability to administer all four sections of the GED exam. The GED Mobile Lab enables JSES GED administrators the ability to test beyond the boundaries of the two GED labs located at the Charles H. Hickey Jr. School and Green Ridge Youth Center. The GED Mobile Lab serves as an alternative testing site if any testing site is being updated or is experiencing technical issues.

On page 20 the report claims, *“Several students at Noyes were eligible to take the GED test during the fourth quarter of 2020. Some of them were informed on the day they were supposed to take the exam that they would not be able to take it after all, and the students were not informed about when the test would again be available to them.”*

Since January 2021, JSES testing sites were only closed during critical software updates and inclement weather. GED testing has taken place weekly at both testing labs, with exceptions of critical updates or inclement weather. Testing has been rescheduled on three occasions due to inclement weather. Also, the initial scheduling notification stated that in the event of inclement weather, “all exams will be rescheduled for the next available testing date(s).” This prompted JSES to reschedule testing to a predetermined date which was shared with the DJS administration through email correspondence.

The JSES assures all students whose testing date(s) may have been disrupted are rescheduled to test on the next available day, pending no other disruptions occur. All rescheduled GED appointments are reported to the DJS administration immediately. The JSES does not have prior knowledge or the authority to cancel transportation due to COVID- 19 related issues.

During the current school year, 32 students have taken the GED and 21 of those students have obtained their high school diplomas through the GED testing process. As of March 3, 2021, all students who have qualified to take the GED during the current school have been assessed and/or scheduled to take the GED. At this time, there are four students from the eastern region and one student from the western region who are waiting to complete the remaining sections of the GED exam. Additionally, on March 3, 2021, JSES was informed by DJS that students from the Alfred Noyes facility were under quarantine and will not be permitted to test until the quarantine has been lifted.

Data collection and transparency (page 46)

On page 46, the report states, *“Publicly available and regularly updated data on MSDE JSES education services (including suspension rates) and short and long term outcomes for students is not available. MSDE JSES education policies, including disciplinary procedures, are not available online for students, parents, and other vested stakeholders to view.”*

The JSES reports all requested student and staff data, which is required by state and federal agencies in a fashion conforming to the standards and requirements of those agencies. With all public education

systems, JSES is required to report student suspension rates and short and long-term educational outcomes, as well as other critical information to the federal Civil Rights Data Collection (CRDC). The CRDC publishes the comprehensive online report annually and is accessible to the public. In accordance with § 22-306 of the Education Article of the Annotated Code of Maryland, JSES publishes our Annual Report. The Annual Report highlights student and school achievement, attendance, grades, credits, certificates, high school diplomas, and more to the Governor's office, the Maryland General Assembly, and to the Education Coordinating Council.

The JSES also reports required student and staff data through the Managing for Results (MFR) submission. The MFR is a strategic planning, performance measurement, and budgeting process that emphasizes use of resources to achieve measurable results, accountability, efficiency, and continuous improvement in State government programs. This multi-agency report is annually published to the public.

The JSES is scheduled to join the Maryland Longitudinal Data Systems Center (MLDS) this academic year. The MLDS Center develops and maintain a data system that contains student data from all levels of education in order to provide analyses, produce relevant information, and inform choices to improve student outcomes. This Maryland multi-agency report is also published to the public.

Post-Secondary and Job Readiness Opportunities (pages 27, 33, and 46)

The World of Work Program was a DJS-sponsored program for high school graduates outside the auspices of MSDE. MSDE JSES offers the following post-secondary opportunities for graduated students:

- JSES, in partnership with Frederick, Baltimore City, and Anne Arundel Community Colleges offers both credit-bearing and community workforce development courses to all JSES students.
- JSES contracts with Accuplacer to provide community college entrance exams to all eligible students. All JSES schools have testing units in order to provide Accuplacer testing at individual facilities.
- JSES also offers Career Technical Education (CTE) credentialing for all JSES enrolled students and high school graduates. The credentials align with CTE coursework that provides students the opportunity to have virtual job readiness experiences.

Re-entry

Maryland is a local-controlled school system. Each school system has its own policies and procedures for student enrollment and credit attainment. JSES cannot dictate processes and procedures for other local school systems, but JSES does follow all COMAR regulations for student enrollment and all JSES courses align to all state standards. Maryland students cannot be dually enrolled in multiple local school systems simultaneously.

Reform

JSES has partnered with Florida State University (FSU) to research, review, and implement recommended procedures and protocols in order to improve instruction using research-drive practices. The current contract with Florida State University will ensure that JSES provide high quality services,

based on data and research that will enable young people transitioning back to their local community skills that will prepare them to return to school, work, and home settings as successful and well-educated citizens. The proposed partnership encompasses three distinct phases of research and planning. Phase 1 is focused upon evaluating and assessing Maryland's current system of providing juvenile justice education services to youth in residential facilities. Phase 2 will use the information and findings from Phase 1 to assist Maryland in developing and implementing a research-driven accountability pilot initiative for juvenile justice education services. Phase 3 will assess and validate the effectiveness of the research-driven accountability initiative.

The team of researchers is led by Dr. Thomas Blomberg. Dr. Blomberg is Dean and Sheldon L. Messinger Professor of Criminology at the Florida State University College of Criminology and Criminal Justice and Executive Director of the College's Center for Criminology and Public Policy Research. He has published numerous books, articles, and monographs in the areas of juvenile justice and juvenile justice education. Among his most 12 recent books are *Delinquency and Drift Revisited* (2017) and *Advancing Criminology and Criminal Justice Policy* (2016). From 2008 to 2013, he served as Editor of *Criminology and Public Policy*. His experience includes an extensive record of externally funded studies involving the utilization of research findings to guide evidence-based policies and practices in juvenile facilities. Dr. Blomberg is considered a national leader in juvenile justice education and has been asked to present on the subject to the Office of Juvenile Justice and Delinquency Prevention, the American Correctional Association, the Arizona Correctional Education Association), and the United States Congress. From 1998 to 2010 he was the Principal Investigator (PI) of the Juvenile Justice Educational Enhancement Program and PI of the Juvenile Justice No Child Left Behind Collaboration Project from 2005-2008. Currently, JSES is working with Florida State University on tools to implement the action plan

COVID-19 Response

During the COVID-19 pandemic, teachers are in the buildings and classrooms; however, instruction is provided using synchronous and asynchronous instruction through a 1:1 JSES provided Chromebook. The purpose of continuing instruction in a virtual setting while teachers are in the classrooms is designed to:

- Limit cross-contamination of the coronavirus by reducing the movement of teachers and students between classrooms
- Provide students online access to a certified teacher in the content area due to absences caused by emergencies and sporadic teacher-required quarantines, student required quarantines, and other COVID-19 related absences
- Abide by CDC regulations pertaining to physical distancing while in enclosed spaces
- Limit instructional disruptions due to COVID-19 related issues such as long-term absences, student quarantine on units, and mandatory school closings

Teachers are placed into instructional teams which includes two general education teachers and at least one special education teacher. This instructional model has proven to be highly beneficial

for overall instructional programming. If a teacher is absent, students continue to have access to certified teachers. Teachers provide direct, synchronous instruction aligned to the Maryland State Standards. Courses in English, mathematics, science, social studies, and CTE are held for at least 70- minutes each day. Students participate in synchronous and asynchronous virtual learning through direct instruction and have time allotted to complete work independently. During synchronous online instruction, teachers engage students in learning using Google tools and other instructional technology tools. Synchronous learning, using Cisco WebEx and/or Google Meets, provides students with an opportunity to ask questions, receive feedback, and receive needed support in a timely manner.

Based on student feedback, JSES adjusted scheduling on Wednesdays to include additional supports such as small group instruction, allotted time to make-up missing assignments, one-on-one time with special education case managers, and school counselor engagement.

Teachers who are not physically in the room are responsible for streaming during their scheduled content specific time frame. However, at least one teacher is present in every classroom, even when another teacher is streaming into the classroom. When school-based teachers are not streaming instruction, they provide the following assistance to students in their room:

- Encouragement to complete school work
- Tutoring to struggling students and support as needed for all students
- Physical materials needed, such as writing utensils, paper, manipulatives, etc.
- Classroom management strategies for keeping students on task
- Mentoring students during asynchronous instruction
- Small group direct instruction and assistance

The global pandemic has caused many stresses to school systems nationwide. School systems across the nation have had to be flexible, make needed changes for safety, and continuously adjust based on the needs of students. JSES has provided an effective plan that best serves students while keeping students and educators safe. JSES has been very proactive and in the forefront of planning during COVID-19. Students have continued to have access to teachers in the physical classroom, a full schedule of courses has been offered, and students have received personalized learning through the use of online courses.

A Path Forward

This JSES has implemented a technology infrastructure that provides 1:1 Chromebooks for students. Each JSES classroom has a minimum of 2 updated, stand-alone computers in each classroom. In addition to updated computers in all classrooms, several facilities have stand-alone computer labs. Every facility has iPads and Nooks for student use. Teachers have been provided with professional development around embedding technology into instruction.

Post high school options were established in 2015. Students are able to take courses for college credit at Frederick Community College, Baltimore City Community College and Anne Arundel Community College. Students who do not score well on the Accuplacer exam used for community college entrance are able to take continuing education courses while improving their math and reading skills.

Since assuming responsibility for the state’s juvenile justice educational services, MSDE has made major progress in improving the quality of educational services provided to Maryland’s detained and committed youth. A series of system-wide reforms have been implemented to address numerous deficiencies in the quality of the state’s juvenile justice education system

The MSDE proactively initiated a collaboration with Florida State University (FSU) to evaluate and improve the educational services for detained and committed youth throughout Maryland. The research partnership between MSDE and FSU is currently ongoing. It is particularly unique and noteworthy that MSDE proactively initiated the external comprehensive assessment of its education services, to ensure that services that are provided in JSES continue to be “validated as best practices” and that they do, in fact, result in positive education and community reintegration outcomes. No other state is undergoing such a rigorous assessment of its juvenile justice education system.

Accreditation of schools only assists with ensuring basic requirements are being met, MSDE will continue to elevate educational services through the implementation of evidence-based best practices and a continuous quality improvement model to ensure successful student outcomes.

GENERAL MISREPRESENTATIONS

JSES Students receiving work packets (pages 10, 14, 16, 27, and 47)

The JSES only provides students with work packets in the following situations: when the student is a newly enrolled JSES student and on quarantine and when safety and security purposes require students not have access to a Chromebook or USB drive. The packets include supplemental materials for instruction. MSDE JSES staff members are not allowed on the quarantine units. When Internet is unavailable, students receive work that can be completed offline on the Chromebooks. All work packets are returned to the principal for grading and feedback.

Students not receiving in-person instruction (pages 16, 22, 27, and 47)

As stated in the first sentence of page three, COVID cases were on the rise during the fourth quarter in all of the facilities for students, DJS staff, and MSDE staff. However, the report continuously states that learning should be in-person for students and staff. JSES closely reviewed the CDC recommendations in instructional planning, including more strict guidelines for congregate care settings (<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>). JSES administrators developed a plan that follows the CDC Guidelines for activities. In doing so, JSES is acting in the best interest of safety for students and teachers.

Access to library media services (page 51)

Every student has access to a Nook with a robust collection of 90 to 100 preloaded novels for personal reading use. Additionally, JSES is in the process of providing students with a virtual library card in order for them to access online reading materials from local libraries.

Many school libraries across Maryland remain closed. At JSES, library use was restricted by DJS at the beginning of COVID restrictions. At this time, all JSES schools are allowing students to have access to library materials at least once a week. Students are allowed to check out books to take to their housing units.

JSES library services value student inclusion and equity. The collections within the libraries are diverse and selected for student interest and learning. JSES has obtained the eReader app, Sora by Overdrive. This app was added to every student's Chromebook. Students have access to over 450 e-books on their devices that can be read on or offline. New Overdrive book collections are currently being curated for additional reading. A new Nook e-book collection is also being curated at this time.

JSES SCHOOL SPECIFIC RESPONSES

Student denied access to Chromebook (Cullen, page 27)

Due to COVID quarantine and restricted access to Chromebooks, the school counselor at Victor Cullen notified AACC instructors of a need for an extension for students completing AACC courses. The extension was approved and the two students requiring the extension were notified that once access to technology was available again, they could continue with coursework.

Physical Plant of Schools (Hickey, page 14)

The physical plant of school facilities is the specific responsibility of DJS and not under the control of MSDE JSES.

MARYLAND LOCAL SCHOOL SYSTEMS

JSES teachers were providing face-to-face instruction from June 2020 until August 2020. As cases among educators and students rose, a plan was developed for virtual instruction to meet the CDC guidelines and to provide a safe environment for instruction with social distancing and limit physical interactions. From September 2020 until February 2021, JSES staff were physically in the buildings five days a week providing virtual instruction and support to students, unless the schools or staff were on quarantine. At the same time, the majority of Maryland school students were provided with virtual only instruction with teachers streaming from their homes. In February 2021, JSES approved, in collaboration with DJS, a hybrid model in which teachers would stream from home three days a week and be in the school buildings two days a week.