



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

**FOURTH QUARTER REPORT
AND 2016 ANNUAL REVIEW
OF FACILITIES**

The Maryland Juvenile Justice Monitoring Unit (JJMU)

The Juvenile Justice Monitoring Unit (JJMU) is an independent state agency housed in the Office of the Maryland Attorney General.

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

The JJMU is responsible for reporting on Maryland Department of Juvenile Services (DJS/the Department) operated and licensed facilities across the state. Monitors from the unit conduct unannounced facility visits to guard against abuse and ensure youth receive appropriate treatment and services.

JJMU Fourth Quarter Report and 2016 Annual Review of Facilities Compendium

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of 2016 fourth quarter reports and annual review of facilities from the Maryland Juvenile Justice Monitoring Unit. This report compendium provides data and analysis concerning treatment of and services provided to youth in DJS directly run and licensed facilities throughout Maryland.

The Department of Juvenile Services' response and a response from the Maryland State Department of Education are included, as indicated on the contents page.

The JJMU Fourth Quarter Report and 2016 Annual Review of Facilities compilation was produced by Margi Joshi, Nick Moroney, Tim Snyder and Eliza Steele of the JJMU. Thanks to Taran Henley, Terri Jarman, Fritz Schantz, and Maria Welker for technical assistance.

We respectfully submit this report to the Governor, the members of the 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 2017

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

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
Maryland General Assembly

The Honorable Michael E. Busch, Speaker of the House of Delegates
Maryland General Assembly

Members of the General Assembly

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

The Honorable Arlene F. Lee, Executive Director
Governor's Office for Children

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

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

During calendar year 2016, the average daily population (ADP) of youth charged as juveniles and held in detention facilities operated by Maryland Department of Juvenile Services (DJS/the Department) declined when compared with the previous year as did the overall ADP of youth sent out-of-home to DJS-operated committed placement facilities. This positive trend resulted from a continued focus on the part of the Department, the courts and other stakeholders to ensure youth who should not be in the deep end of Maryland's juvenile justice system do not end up there.

While significant advances have been made in preventing inappropriate institutionalization, there is still a need to guard against inappropriate placement and much work needs to be done in order to ensure provision of community-based resources, interventions, and supports when needed for youth and their families.

In addition to bolstering connections to community-based resources and ensuring youth are not inappropriately placed out-of-home, the Department is responsible for operating maximum security detention centers and both medium and high security committed placement facilities for juveniles. Youth in DJS detention centers are usually held for short periods before court and case management decisions are made. All DJS detention centers are high security institutions. Those placed out-of-home by the courts may be sent to facilities such as the Victor Cullen Center or Carter Center ('hardware secure' or maximum security facilities) or to one of the four youth centers in western Maryland ('staff secure' facilities – not reliant on fences and locks and involving a controlled level of community integration for youth). Courts decide security level and DJS assigns youth to a particular facility within the designated security level.

This report compendium covers calendar year 2016 (with emphasis on the final quarter), and provides analysis of DJS facilities and privately operated facilities licensed by DJS.

During the fourth quarter of 2016, Cheltenham Youth Facility (CYF) physical plant changed radically with a move from the outdated 'cottages' of what was once called "Boys' Village" to a modern high security building complex built nearby on the grounds of the old facility. The new CYF offers each incarcerated youth their own cell and has many more critical amenities than the dilapidated old quarters. The transition to the new building coincided with changes in facility administration. There has been an increase in the number of incidents involving aggression at Cheltenham during 2016 compared with the prior two years (see page 22). The facility has yet to stabilize as of early 2017. The Department should prioritize an analysis of challenges at CYF and ensure issues at the facility are comprehensively addressed.

Respectfully submitted,

Nick Moroney

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Director
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh
Chief Deputy Attorney General Elizabeth Harris
Deputy Attorney General Carolyn Quattrocki
Ms. Christine Buckley, Treasurer's Office
Deputy Secretary Linda McWilliams, Mr. Karl Pothier and Mr. Jay Cleary, DJS
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JUVENILE JUSTICE MONITORING UNIT FOURTH QUARTER REPORT AND 2016 ANNUAL REVIEW OF FACILITIES

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Secure Detention Centers

Short-term, pre-disposition/pending placement

- Baltimore City Juvenile Justice Center (BCJJC)
- Cheltenham Youth Facility (CYF)
- Charles H. Hickey, Jr., School (Hickey)
- Thomas J.S. Waxter Children's Center (Waxter)
- Alfred D. Noyes Children's Center (Noyes)
- Western Maryland Children's Center (WMCC)
- Lower Eastern Shore Children's Center (LESCC)

Committed Placement Centers

Long-term, post-disposition

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

Incident and Population Trends

Calendar year 2016 population and incident trends versus 2015 include:

- ✓ Average daily populations (ADP) of youth decreased at CYF, Hickey, Waxter, and LESCC secure detention centers and in committed placement at Cullen and SOA.
- ✓ Fights and assaults decreased in secure detention at Waxter and Hickey, and in committed placement at Carter and Victor Cullen.
- ✓ Physical restraints decreased in secure detention at Hickey, and Waxter, and in committed placement at Carter and SOA.
- ✓ The use of mechanical restraints decreased in secure detention at BCJJC, Waxter, Hickey, and WMCC.
- ✓ The use of seclusion decreased in secure detention at BJJC, Hickey, and Waxter, and in committed placement at Carter.
- Average daily population (ADP) increased at BCJJC and WMCC secure detention centers, and in committed placement at the four youth centers.
- Fights and assaults increased in secure detention at CYF, BCJJC, WMCC, and LESCC, and in committed placement at Silver Oak and the four youth centers.
- Physical restraints increased in secure detention at CYF, BCJJC, WMCC, and LESCC and in committed placement at Cullen and the four youth centers.
- Mechanical restraints increased in secure detention at CYF and in committed placement at Cullen and the four youth centers
- Seclusion increased in detention at CYF, and WMCC, and in committed placement at Victor Cullen.
- There were 325 incidents of suicide ideation, 87 incidents of self-injurious behavior, and two suicide attempts at DJS-operated facilities during 2016.

COMMITTED PLACEMENT CENTERS

Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a maximum security committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth comprised 80% of total entries during 2016, compared to 84% during 2015. Hispanic/Latino youth represented 7% of total youth entries during 2016 compared to 8% in 2015.

Victor Cullen – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	43	34	21
1. Youth on Youth Assault/Fight	104	65	55
2. Alleged Youth on Staff Assault	20	19	19
3. Physical Restraint	265	179	210
4. Use of Handcuffs and/or Shackles	178	148	172
5. Seclusion	106	83	101
6. Contraband	6	10	11
7. Suicide Ideation	13	28	20
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	1	1	10

Average daily population (ADP) during 2016 decreased 38% compared to 2015. This reduction in population is a positive trend that should continue as experts have found that community based services “achieve better outcomes than do institutional placements at lower cost.”¹ Research also “confirms that there is no intervention that is more effective when delivered in an institutional setting than when delivered in a community-based one... [and] helping youth in community settings avoids the additional negative experiences of confinement in youth

¹ Patrick McCarthy, Vincent Schiraldi, and Miriam Shark. “The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model.” October, 2016. p.21-22. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf> 21-22

prisons.”² The Department and stakeholders should expand the availability and utilization of effective community-based services to continue reducing the inappropriate placement of youth in out-of-home facilities.

Safety and Security

2016 compared to 2014:

There was an approximately 50% reduction in average daily population (ADP) at Cullen during 2016 compared to two years before (in 2014), and there was a corresponding or proportional decrease of approximately 48% in the number of youth on youth fights or assaults. However, physical restraints decreased only 21% (265 to 210).

Additionally, (comparing 2016 to 2014), incidents involving the use of mechanical restraints decreased by just 3% (from 178 to 172), and seclusions decreased by only 5% (from 106 to 101). Suicide ideation, self-injurious behavior and discovery of contraband increased despite the halving of the average daily population at Cullen.

2016 compared to 2015:

Average daily population (ADP) at Cullen decreased by 38% when comparing 2015 and 2016, while physical restraints increased by 17%; the use of mechanical restraints increased by 16%; and seclusions increased by 22%. Youth on youth fights and assaults decreased by 15%. Administrators and staff at Victor Cullen have begun working to incorporate the use of conflict resolution skills with youth to address interpersonal issues as they arise, as opposed to separating youth via placement on different housing units after a disagreement or incident involving aggression. These efforts show signs of initial success and DJS should support them by systematically training staff in managing group dynamics and on incorporating and implementing conflict resolution skills.

Staffing

Vacancies, callouts, and high turnover created significant staffing challenges during 2016 and the facility had an acting or interim superintendent at time of writing (February 2017). A vacancy for an assistant superintendent for programming should be filled as soon as possible. The Department has been making attempts to ensure that Victor Cullen is fully staffed. A significant number of staffers at Cullen have less than two years' experience, and administrators have been coaching newer staff to help provide some of the support necessary to reduce attrition, while also focusing on consistent staff accountability to improve staff performance.

The Department should upgrade the camera system at Victor Cullen, as it currently does not provide clear images when the zoom feature is used. Fully functioning cameras help

² Ibid. at 22.

safeguard youth and staff and support administrative efforts to increase staff accountability and to perform thorough incident reviews.

Incident 140775

Administrators and staff need to intensify work on the development of a positive overall culture at Victor Cullen as indicated by the details of the incident described below.

According to a DJS Office of the Inspector General (OIG) investigation into incident 140775, there was a youth on staff assault on November 17 in the school area at Victor Cullen.

On November 18, the day following the youth on staff assault, video footage shows a staffer approaching a youth in the hallway of the school.

The staffer allegedly wanted the youth and a peer to assault the youth allegedly involved in the November 17 youth on staff incident. According to the OIG investigation, the staffer “specifically wanted them both to do it and [the staffer] wanted it done by 6:00 p.m. that day.” The staffer allegedly agreed to bring the two youths Chinese food for three weekends in a row for carrying out the anticipated assault.

After the confab, footage shows the staffer and the youth proceeding to walk casually down the school hallway together. The youth then entered a classroom and walked directly over to another youth who stood up and moved to the back of the classroom. Both youth then began assaulting the targeted youth. The allegedly involved staffer and two other direct-care workers then entered the classroom and broke up the melee. The youth who was assaulted had an abrasion on his cheek as a result of the incident.

The next weekend, video footage shows the allegedly involved staffer entering the facility with a brown paper bag and a drink. The staffer carried the items to a living unit, in violation of a facility policy that requires staff to leave personal items—including food—in the facility administration building. The staffer entered a staff office on the living unit with the food and with the youth the staffer had previously approached in the school hallway. Although youth are not routinely allowed inside staff offices, the youth and staffer stayed in the office for about 15 minutes, exiting momentarily on a few occasions. When the youth exited the office for the final time, he “can be seen wiping his mouth as he walks.”

About two hours later, the same staffer approached the other youth who had allegedly been involved in carrying out the assault at the staffer’s request. This youth now picked up his food tray and followed the staffer into the staff office. A few moments later, the youth who had been in the office with the staffer earlier also “pick[ed] up his food tray and walk[ed] to the office door. He beg[an] to pace around as if waiting to go in the office.” The pacing youth eventually entered the office with the staffer and came back out with Chinese food on his tray. A few minutes later, the first youth who entered the office the office also exited and also had Chinese food on

his tray. The two youths shared some of the food from outside the facility with some other youths on the residential unit.

Although the Department does not permit staff to bring in unauthorized food for youth or allow youths to share food (to guard against bullying or intimidation), several staff around the unit and close to the staff office declined to intervene or take any action as the food was being distributed from the staffer to youth and between youth.

Numerous staffers who witnessed the youth eating Chinese food and in the staff office later stated that they knew youth were not allowed in the staff office and that administrative approval was required for youth to receive food as an earned reward. Other staffers said they didn't remember noticing anything unusual with the food or couldn't remember who gave the unauthorized food to youth. One staffer who witnessed the youth eating Chinese food "did not say anything to anyone; [but] was more upset than anything and just left for the day." The upset staffer commented afterward that "certain staff tries to enforce rules [but] then things like this cut the legs out from under those staff." Another staffer who noticed the youth eating outside food "did not question anyone" because the staffer "was going off-duty and wanted to go home." None of the staff who witnessed youth eating unauthorized food and entering or exiting the staff office reported their observations to a supervisor or administrator.

On December 2, one of the youths allegedly involved in the assault told a supervisory staffer about the alleged arrangement and the food which he asserted he received as a reward. According to the resulting OIG investigation, the youth said he decided to report the situation because the allegedly involved staffer was "telling people [that the youth] was snitching about drugs in the facility." The supervisory staffer relayed the youth's allegations to Cullen administrators. Frederick County Child Protective Services (CPS) was contacted but declined to investigate the incident. The staffer allegedly involved with the assault no longer works for the Department.

Structured Programming

More constructive activities are needed at Victor Cullen. Keeping kids engaged in constructive activities is necessary to improve the culture and level of safety at the facility. Existing resources should be maximized and additional resources should be secured to increase youth access to structured programming.

Access to the weight room was limited due to a curfew imposed by DJS administrators. Youth have said that using the weight room can be an important outlet for stress.

Some youth periodically participate in the Reflections ropes course located at one of the four youth centers in western Maryland and speak positively of their experiences with the activity. The Department should develop a ropes course onsite at Victor Cullen.

Plans to develop a youth advisory board should go forward as soon as possible. During the fourth quarter of 2016, youth at Cullen recommended the development of a variety of activities, such as a chess club and organized sports teams to help increase structured programming and reduce downtime on the units. Youth also suggested adding special incentives like ‘student of the week’ and ‘unit of the week’ competitions.

Therapeutic Programming

The Department should take steps to promote youth utilization of positive coping skills and the provision of individualized care. During the fourth quarter of 2016, some youth participated in a therapy dogs program that occurred twice a month. A parenting group for youth was also arranged with the help of a local health department. Other opportunities to increase therapeutic programming should be pursued.

During a monitoring visit, a youth commented that with access to personal music players, “the whole program would calm down.” Administrators had developed individualized plans for some youth to access music players as an incentive or coping mechanism but the initiative was discontinued following instructions from DJS headquarters.

Family Engagement

Family engagement is linked with reduced recidivism rates and positive academic, behavioral and mental health outcomes for youth.³

Currently, however, youth in DJS committed placement facilities such as Victor Cullen (where youth usually stay for six months or longer) have the same allowance of telephone calls and visits as youth in detention centers (short-term holding centers): two 10-minute calls and two specified times for family visitation hours per week. The Department should support family engagement by increasing opportunities for visitation as well as the number and duration of phone calls youth can make to family members and others offering positive support.

The Department should continue to provide transportation assistance to families between the Baltimore City Juvenile Justice Center and Cullen, and expand the availability and locations of these services to support as many family members as possible. The Department should also incorporate home passes of gradually increasing duration into each youth’s treatment plan to help facilitate family engagement, prepare for aftercare, and support the development of a normalized self-image among youth.

³ Vera Institute of Justice. “Family Engagement in the Juvenile Justice System.” Available at: <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-juvenile-justice.pdf>

Intensive Services Unit (ISU)

The Department operates an Intensive Services Unit (ISU) at Victor Cullen that is intended to provide enhanced supports to youth allegedly involved in incidents of aggression. Many youth perceive the ISU as punishment because their ability to progress through the behavior management system – which governs length of stay – is frozen and they are not permitted to participate in therapeutic programming (such as the service dogs activity referred to earlier). A youth on the ISU during the final quarter of 2016 stated, “It is like seclusion. It is jail right here.” The Department should mitigate the punitive aspects of placement on the unit by intensifying the level of structured therapeutic programming on the ISU and permitting youth to progress through the behavior management system.

Education

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

There were three teacher vacancies during the fourth quarter of 2016. A position for a Career Technology Education (CTE) teacher was vacant throughout most of 2016 and MSDE JSES did not supply the school with a long term substitute. There was no vocational education consistently available to youth as a result. The vacancy for CTE and other teacher positions should be filled as soon as possible and MSDE JSES should take steps to address ongoing issues with attrition. Plans to contract with a substitute teacher provider should go forward as soon as possible.

During the fourth quarter of 2016, seven youth who earned their GED were recognized at a graduation ceremony held by MSDE JSES and DJS. These celebrations should continue and plans to support youth who have graduated by providing them with access to online courses at Frederick County Community College should go forward. Youth did not previously have access to post-secondary education and instead of enrolling in college courses, some high school graduates tutored other students for pay through the DJS-arranged World of Work program. World of Work should continue to be available to students who have earned a high school diploma or GED and DJS should expand employment-based programming to include jobs and internships for Cullen youth within the surrounding communities.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

Youth Centers x4

The youth centers in western Maryland consist of four separate staff secure (not fenced and locked) facilities for boys and are owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The facilities are: Green Ridge (40-bed capacity); Savage Mountain (36 beds); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 74% of total youth entries to the centers in both 2016 and 2015. Hispanic youth represented 9% of total entries in 2016 compared to 8% in 2015.

Combined Youth Centers (x4) – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	124	88	99
1. Youth on Youth Assault/Fight	140	92	187
2. Alleged Youth on Staff Assault	30	25	42
3. Physical Restraint	284	304	451
4. Use of Handcuffs and/or Shackles	92	113	121
5. Seclusion	0	1	1
6. Contraband	29	19	28
7. Suicide Ideation	18	28	36
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	5	5	5

Average combined daily population (ADP) for the four youth centers increased by 13% in 2016 compared to the previous year.

Efforts by the Department and other stakeholders to expand the use of community based alternatives to reduce the committed care population should continue to be prioritized. Juvenile justice researchers have “concluded that well-designed community programs are

more likely to reduce recidivism and improve youth well-being than institutionalization.”⁴ In addition, “citing the harm from placement in large, distant institutions, [researchers] found that, for the small number of youth who require confinement, proximity to their communities is less disruptive.”⁵

While there was a 13% increase in population during 2016, the number of aggressive incidents and restraints increased significantly. Fights and assaults increased by 103% and physical restraints increased by 48% compared to 2015. Direct-care staff should be trained in an overarching, evidenced-based therapeutic model to guide them in their interactions with youth, assist them in managing group dynamics, and help them minimize the use of restraints.

Staffing Levels

Staffing levels beyond minimum standard ratios is critical for establishing a safe and therapeutic environment and promoting positive relationships between youth and staff. Current staffing ratios, which provide one staffer for every eight youth, should be adjusted to one staffer for every four youth. Additionally, the Department should ensure that there is always more than one staffer present with two or more youth. Each youth center should also have two mental health therapists on site during waking hours to aid staff in crisis intervention and de-escalation efforts.

Increased staffing levels and staff to youth ratio enhancement is especially important for Savage Mountain youth center where many youth who may need increased support are placed after they are ejected from other centers.

Bolstering staffing levels will also be a necessary component of the Department’s plans to train direct-care workers in principles of trauma informed care, a positive development which will require staff to increase time spent cultivating rapport and processing with youth.

Structured Programming

Youth consistently report the need for more structured activities during after-school hours and on weekends. Excessive downtime can lead to incidents while engaging in meaningful activities on site and in the community can promote positive and pro-social behavior. The availability of recreational, extracurricular and community service programming and events both on site and in the community should be greatly expanded.

During monitoring visits in the fourth quarter of 2016, youth suggested several activities that would help motivate them to stay focused, including chess and book clubs, a music and art program, an obstacle course on site, extra recreation time, and the availability of a variety of sports options including weight lifting. Each youth center should have a youth advisory board that meets on a regular basis to foster communication with administrators and offer ongoing

⁴ McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. (p.13) NCJ 250142. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

⁵ Ibid.

feedback including ideas about incentives and activities that youth would find meaningful and engaging.

Administrators at the four youth centers should communicate and collaborate regularly to share constructive ideas, resources, and connections that can help improve programming and services provided to youth. At Green Ridge, staff and youth have successfully implemented a number of initiatives including a mentoring program for youth, creation of a greenhouse to grow food for nearby charities, and preparation of a community dinner. Initiatives like these should be shared with and replicated at other facilities.

Family Engagement

Current DJS policy limits youth to two 10-minute phone calls per week and visits on two designated days. The remote location of the youth centers makes it hard for families to visit. Youth should be able to receive increased phone contact with loved ones to help maintain family ties. Videoconferencing could be used to augment in-person therapy and visitation sessions with family.

Home passes to ease transition back into home communities are only available to youth shortly before they are scheduled to be released from facilities, and must be obtained through a court order and via a child's caseworker. Home passes of increasing duration throughout a youth's placement should be included as part of therapeutic programming at the youth centers.

Education

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

Staffing shortages and a lack of vocational instruction continue to impact educational programming. Call outs and teacher vacancies, including ongoing openings at Backbone youth center (for a science, career research and development, and vocational education instructor), caused significant interruptions in educational instruction during the fourth quarter of 2016. There was a lack of hands-on vocational programming at both Green Ridge and Savage Mountain youth centers. Youth frequently request access to vocational courses leading to possible employment opportunities in the community. As one youth stated, "we need to go home with a trade and a job to keep out of trouble." A variety of vocational training options should be available and course work should be supplemented with internship and employment opportunities onsite and in nearby communities for youth at the four youth centers.

Currently, only students at Backbone Mountain youth center who have a high school diploma can attend a local community college. During the fourth quarter of 2016, a youth at Green Ridge with a GED expressed interest in attending community college. Post-secondary education, including access to college courses online and at local campuses, should be offered to all qualifying youth at the youth centers.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 82% of total entries during 2016, down from 87% during 2015.

SOA – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	62	59	54
1. Youth on Youth Assault/Fight	39	39	53
2. Alleged Youth on Staff Assault	2	5	0
3. Physical Restraint	59	48	33
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	64	50	40
7. Suicide Ideation	1	0	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) during 2016 decreased by 8% compared to 2015 while fights and assaults increased 36%. Physical restraints decreased 31% over the same period.

On monitoring visits during 2016, staffers were observed supervising groups of ten or more youth.⁶ This staffing practice makes it difficult to comprehensively manage and intervene, when necessary, to influence group dynamics before challenging situations can escalate into

⁶ See JJMU 3rd Quarter 2016 report, p. 22, available at: http://www.marylandattorneygeneral.gov/JJM%20Documents/JJMU%20Q3%202016%20Report_%20final_Dec%202016.pdf

incidents of aggression. Plans to increase the staff-to-youth ratio and efforts to enhance staff training should be prioritized.

During the third quarter of 2016, a youth reported that a staffer made inappropriate physical contact with him and made inappropriate comments to him in the presence of another staffer.⁷ All staff and administrators in DJS operated or licensed facilities are legally required to report suspected child abuse or neglect to the local CPS office.⁸ However, an administrator who learned of the allegation did not contact Carroll County Child Protective Services (CPS), nor did the administrator alert the program director, create an incident report, or contact the DJS internal investigatory unit (Office of the Inspector General [OIG]). Administrators at Silver Oak should ensure that all staff and managers understand and abide by the mandate to report to CPS and that they create incident reports documenting allegations of abuse or other staff misconduct that involve youth.

The child mentioned above also filed a grievance in connection with the alleged abuse. However, the DJS child advocate, who is responsible for visiting SOA on a regular basis and collecting the grievances, did not visit Silver Oak or retrieve the grievance until approximately three months after the youth wrote it. When the child advocate retrieved the grievance, she made the mandatory notifications to Carroll County CPS and OIG regarding the allegation. (Carroll County CPS declined to investigate the allegation because there was no documented injury to the youth). The Department should ensure that child advocates visit all facilities operated or licensed by DJS routinely to collect grievances and meet with youth, as required by DJS policy.⁹

During 2016, Silver Oak continued to increase partnerships in the community by developing a connection with Baltimore City Community College to provide students with access to dual enrollment in community college courses while they continue to earn credits at SOA towards a high school diploma. The dual enrollment program is expected to begin in the spring 2017 semester. Plans to introduce a STEM (Science, Technology, Engineering, and Math) educational program will expand student access to and utilization of technology in the classroom and should go forward.

Students at Silver Oak participate in high school and post-secondary educational programming, jobs and internships in the community and onsite at the facility, and receive certifications in a variety of trades through hands-on vocational education courses. Direct-care workers are trained in the principles of cognitive behavioral therapy and other treatment oriented interventions that incorporate constructive management of individual and group dynamics into staff supervision of youth.

⁷ The incident was eventually documented in DJS incident report 140751.

⁸ Md. State Govt. Code Ann. §5-704.

⁹ Md. Dept. of Juvenile Service Policy and Procedure MGMT-01-07.

Enhancements to staffing levels and training at SOA are necessary and should be undertaken in order to sustain and build on the positive environment that therapeutic, academic and recreational offerings in addition to positive staff interaction with youth have helped create at Silver Oak.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls located on the eastern shore. Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 14 girls. African American youth represented 65% of total entries during 2016, down from 69% during 2015.

Carter – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	11	8	8
1. Youth on Youth Assault/Fight	9	11	7
2. Alleged Youth on Staff Assault	4	9	4
3. Physical Restraint	60	54	36
4. Use of Handcuffs and/or Shackles	1	1	1
5. Seclusion	15	18	15
6. Contraband	2	3	0
7. Suicide Ideation	15	5	6
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	10	11

Average daily population during 2016 did not change compared to 2015 while fights and assaults decreased by 36%, physical restraints decreased by 33%, and seclusions decreased by 17%. Incidents of suicide ideation and self-injurious behavior each increased by one.

A large proportion of girls in the juvenile justice system have extensive histories of trauma.¹⁰ According to DJS data, 40% of girls in out-of-home placement in fiscal year 2016 had a history of either physical or sexual abuse, compared to 13.5% of boys.¹¹

Achieving reductions in incidents of aggression and the use of restraints and seclusions is an important step towards establishing a trauma-informed environment. During 2016, staff at Carter received a training about trauma-informed care. Efforts to establish a trauma-informed program at Carter and other DJS-operated committed placement centers should continue. Plans to introduce trauma treatment modules should go forward without delay. Other programmatic components, like the behavior management system, should comport with the principles of trauma-informed care and reinforce the training that staff have received and the modules that will be delivered to youth.

The Department should ensure that DJS policies support the establishment of a trauma-informed environment at Carter. Although mechanical restraints have not been used more than one time per year in the past three years inside Carter, DJS policy requires that all girls placed there be automatically transported in shackles and handcuffs fastened to a belly chain with a black metal box.¹² For some youth with a history of trauma, the utilization of mechanical restraints can cause further traumatization.¹³ The Department should change its policies and allow individualized determinations to be made regarding whether youth at Carter will be transported in mechanical restraints in order to avoid re-traumatization whenever possible.

Facilitating family engagement is also a critical component of delivering trauma-informed care.¹⁴ However, Carter's location in Chestertown on the eastern shore can make it difficult for some families to access.¹⁵ The Department has made family therapy available over the phone. Contact with family members outside of therapy is limited to two phone calls, two letters, and two visits a week, which is the same allotment available to youth held for short periods in DJS detention centers. At Carter—where youth stay for six months or longer—girls can earn up to two weekend home passes after moving into the final two levels of the behavior management

¹⁰ Sherman, Francine & Balck, Annie. *Gender Injustice: System-Level Juvenile Justice Reforms for Girls*. Portland, OR: The National Crittenton Foundation, 2015. Available at:

<http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>

See also Saar, M., Epstein, R., Rosenthal, L., and Vafa, Y. "Sexual Abuse to Prison Pipeline: The Girls' Story." February 2015.

http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

¹¹ DJS 2016 Replication of *Report on Female Offenders* (February, 2012).

¹² Md. Dept. of Juvenile Services Policy and Procedure RF-01-05.

¹³ Dr. Julian Ford. "What Is a 'Trauma-Informed' Juvenile Justice System? A TARGETed Approach." Juvenile Justice Information Exchange. (June 20, 2016). Available at: <http://jjie.org/2016/06/20/what-is-a-trauma-informed-juvenile-justice-system-a-targeted-approach/>

See also Defending Childhood Initiative, "Report of the Attorney General's National Task Force on Children Exposed to Violence," December 2012. p. 210. The full report can be accessed here: <http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>

¹⁴ Liane Rozzell. "The Role of Family Engagement in Creating Trauma-Informed Juvenile Justice Systems." The National Child Traumatic Stress Network. (September 2013). Available at:

http://www.nctsn.org/sites/default/files/assets/pdfs/ji_trauma_brief_familyengagement_rozzell_final.pdf

¹⁵ In fiscal year 2016, 94% of girls placed at Carter were from regions other than the eastern shore. See the DJS Fiscal Year 2016 Data Resource Guide, p. 161. Available at: http://djs.maryland.gov/Documents/2016_full_book.pdf

system. The Department should enable more family engagement by providing flexibility regarding visiting days and times, boosting the number and duration of weekly phone calls, and incorporating home passes of gradually increasing duration into earlier stages of youths' stays at Carter.

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

During 2016, there was no post-secondary education available for youth at Carter who had earned a high school diploma. In one instance, a student earned her GED one week after being admitted to Carter. She remained at the facility for four months and was required to attend high school classes throughout her length of stay. She did not participate in any employment, internships, or post-secondary education. DJS and MSDE JSES should work together to collaborate with local colleges and universities to enroll girls in on-campus and online courses. During 2016, MSDE JSES formed a connection with Frederick County Community College to provide boys at Victor Cullen with access to online college courses. However, at time of writing (February of 2017), girls at Carter still do not have access to post-secondary education. There are plans to offer girls online community college courses as part of MSDE JSES' collaboration with Frederick County Community College and this initiative should be implemented without delay.

Access to vocational education is also limited for girls at Carter. MSDE JSES should collaborate with DJS to ensure that girls at Carter have daily access to hands-on programs leading to certificates in a variety of trades either onsite or in the community. There is one education staff position allotted to cover both career technology education and special education services. During the fourth quarter, over 50% of youth at Carter were entitled to receive special education services and a lack of available staff further curtailed youth access to the already limited vocational education offerings. Each DJS facility should have a designated career technology education teacher and MSDE JSES should prioritize the provision of instruction in hands-on vocational education courses for youth on a daily basis. Students should also have access to vocational education programs in surrounding communities to supplement what MSDE JSES is able to provide.

The position of school principal at Carter in Chestertown is shared with the school at the Lower Eastern Shore Children's Center, a DJS-operated detention center in Salisbury. Each MSDE JSES school should have its own principal to ensure concentrated and consistent leadership. A designated principal for Carter would also help facilitate an increase in the development of educational initiatives for youth at the facility.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a maximum security detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC, which has a DJS-rated housing capacity of 120 youth. African American youth represented 94% of total entries during 2016, compared to 95% during 2015.

BCJJC – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	90	85	89
1. Youth on Youth Assault/Fight	270	226	245
2. Alleged Youth on Staff Assault	34	38	38
3. Physical Restraint	395	330	354
4. Use of Handcuffs and/or Shackles	171	115	111
5. Seclusion	199	15	10
6. Contraband	25	10	21
7. Suicide Ideation	28	22	25
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	8	9	4

Average daily population (ADP) at BCJJC during 2016 increased by 5% compared to 2015. Certain youth charged as adults are held at BCJJC and comprised approximately half the total ADP at BCJJC throughout 2016. The ADP of youth charged in the juvenile court decreased slightly (from 48 to 47) during the fourth quarter of 2016 compared to the same time in 2015, while the ADP of youth charged as adults and held at BCJJC increased by 9% (from 44 to 48) when comparing the same time periods.

The average length of stay of youth charged as adults at BCJJC was 92 days in fiscal year 2016, compared to 11 days among pre-disposition youth charged in the juvenile court.¹⁶ During 2016, the Baltimore City juvenile court adjusted its practices to expedite transfer hearings for youth charged as adults and help reduce their average length of stay in detention. Further reforms should include a change in Maryland law to end the automatic prosecution of children in adult court, given mounting evidence which shows the negative implications of charging youth as adults.¹⁷

Safety and Security

Average daily population increased by 5% between 2015 and 2016 while fights and assaults increased by 8% and physical restraints increased by 7%. Staff use of mechanical restraints declined slightly and seclusions decreased by 33%.

There were several group fights during the fourth quarter of 2016 (incident numbers 140917, 140934, 141112, and 140338). Administrators identified factors that may have enabled some group fights to occur, including staff posting assignments (141112, and 140338) and practices regarding youth movement (141112), and rectified the shortcomings.

Administrators at BCJJC also identified ongoing negative interpersonal dynamics between youth as underlying some incidents of aggression (140917, 140934, and 140338). Collaboration between DJS and mental health staff aimed at improving group dynamics and helping youth resolve conflicts should continue. This coordination should be expanded to include enhanced training for DJS direct-care staff in constructively managing group dynamics and on how to put conflict resolution techniques into practice.

There were several incidents that began when youth were playing cards or watching television on their residential unit (140199, 140197, 140232, 140246, and 140257). Minimizing downtime can help reduce the number of incidents involving aggression. Collaboration between DJS direct-care workers and mental health clinicians, staff from the Boys' Club¹⁸, and other outside providers like Baltimore Youth Arts¹⁹ offers valuable structured programming for youth at BCJJC. These initiatives should continue and be expanded to reach as many kids as often as possible.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at BCJJC. Throughout 2016, staffing shortages—due to a

¹⁶ DJS Fiscal Year 2016 Data Resource Guide, p. 111, 115. Available at: http://djs.maryland.gov/Documents/2016_full_book.pdf

¹⁷ Bonnie, R. J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. Washington DC: National Research Council. p. 32.

¹⁸ Boys' Club delivered structured programming to 262 youth in detention at BCJJC during the fourth quarter of 2016 (including at least 10 hours to each of the 138 youth who had a length of stay of 30 days or more) and provided ongoing support to 10 youth transitioning out of detention into the community. There were no incidents of aggression during Boys' Club programming during the quarter.

¹⁹ Please see <http://www.bmoreyoutharts.org/home/> for more information.

limited number of instructional staff and high turnover—created a significant barrier to the consistent delivery of comprehensive education services to youth at BCJJC.

Youth housed on the self-contained Intensive Services Units (ISU)—who have been identified by DJS as needing increased supports—were particularly impacted by MSDE JSES staffing problems. For much of 2016, a single instructional assistant struggled to provide education services to two separate ISUs. The instructional assistant was forced to either alternate every other day between the two units or spend one half of the school day with one unit and the other half with the other unit. Even when there are no vacancies for education staff at BCJJC, there is just one teacher available to provide instruction to the youth on both ISUs.

MSDE JSES has not established a system to provide schools with substitute teachers. Instead, a limited number of resource teachers and instructional assistants substitute teach when positions are vacant, staff are on leave, and unexpected absences arise. As state employees, these staffers can also take leave and are therefore not always available as substitute teachers. Plans to contract with an outside vendor to provide substitute teachers should go forward as soon as possible. Comprehensive plans to resolve chronic staffing shortages across MSDE JSES should also be developed and should include a staffing model that uses data to determine the appropriate number of staff positions for each school site (see page 52 of the MSDE JSES section in this report).

MSDE JSES should support school administrators and staff by securing needed additional resources. Despite challenges with staffing and other resource shortages, administrators and teachers have worked to develop the education program at BCJJC with particular attention to supporting students working towards a GED. Between July 2015 and early 2017, ten students at BCJJC earned their GED, compared to one student in total during the two years prior.

For youth who have earned a high school diploma or GED, there is no postsecondary education available. MSDE JSES should establish BCJJC as an SAT testing site and provide youth with postsecondary education options.

Youth at other facilities who have completed their secondary education can participate through DJS in the World of Work program during school hours, however this option is not available at BCJJC. The Department should expand World of Work to all DJS facilities.

The Department and MSDE JSES should collaborate to ensure youth at BCJJC who are facing adult charges are engaged in structured activities tailored to their average lengths of stay. Youth with extended lengths of stay should have access to constructive programming including hands-on courses leading to certification in a variety of careers and trades.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

Cheltenham Youth Facility

Cheltenham Youth Facility (CYF), located in Prince George's County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 75% of total youth entries in 2016, compared to 79% in 2015. Hispanic/Latino youth represented 9% of entries in 2016, compared to 8% in 2015.

CYF – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	79	61	60
1. Youth on Youth Assault/Fight	135	98	158
2. Alleged Youth on Staff Assault	9	11	10
3. Physical Restraint	139	112	178
4. Use of Handcuffs and/or Shackles	24	22	39
5. Seclusion	1	0	4
6. Contraband	12	5	5
7. Suicide Ideation	16	10	20
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	3	3	6

Incidents

Average daily population during 2016 decreased slightly, from 61 to 60, compared to 2015. Over the same period, fights and assaults increased by 61%, physical restraints increased by 59%, utilization of mechanical restraints increased by 77%, and seclusions increased from zero to four.

Facility Operations and Fire Safety

A new administrator took over at Cheltenham in September and the facility was transferred into a new physical plant in November. Increased collaboration and communication among and between DJS, mental health and education staff is necessary to increase structure and promote a safer environment within the facility.

The new facility includes a centralized system that controls movement through all the doors throughout the facility. The signal that alerts master control staff to a buzzer request to open a door closely resembles an alert signaling an emergency. Distinguishing the signals and responding to them can cause delays in movement throughout the facility which is especially problematic when it hampers the ability of staff to swiftly respond to calls for assistance. During a DJS Office of the Inspector General (OIG) investigation (141027) during the fourth quarter of 2016, a staffer commented that master control does not consistently check to see who is requesting to be let through a door before opening it. Panic button and intercom systems were also installed but DJS and education staff have not been comprehensively trained on how or when to use them. The Department should ensure that master control staff are properly trained in the security system and all staff should receive comprehensive training on operational matters in the new facility to increase safety levels.

The Department's policy requires that fire drills be held on each shift at least once a month. Fire drills were held in accordance with DJS policy during the fourth quarter of 2016 but were not practiced in the school. Additionally, evacuation plans to prepare for a prompt and organized exit in the event of an emergency were not posted throughout the facility until February of 2017. Administrators at CYF and DJS headquarters should ensure that safety inspections and fire drills continue to occur routinely as required by Maryland state law and DJS policy, and that all youth and staff (DJS staff, education staff, medical and mental health staff) are included in emergency preparedness exercises.

Safety and Security

On November 27, 2106, (incident 140982), a youth was involved in a fight on the outdoor basketball court. A shift commander responded to a radioed staff call for assistance. He and the unit manager restrained one of the youths involved and brought him into a cell. According to the OIG investigation, the youth reported that one of the staffers pushed him onto the bed in the cell and the youth then tried to leave. The shift commander blocked the youth from leaving and the youth "felt his right hip 'pop'... [and] immediately screamed out in pain, fell to the bed, and stopped resisting." The youth was taken to the facility medical area in a wheelchair. The youth's written statement from the incident report read, "IDK" [I don't know].

A manager who reviewed the video during a routine audit requested that an administrator also review it. All DJS staff are mandated reporters, required by law to report suspected child

abuse or neglect to Child Protective Services.²⁰ The administrator, after talking with the shift commander and youth involved, decided the incident didn't need to be investigated because the youth said "he was hurt during the restraint [but] it wasn't intentional or with malice."

The video and incident report were reviewed on a monitoring visit and an OIG investigation was requested. At the time of the visit, the involved staffers' and the youth's witness statements were not included in the original incident report and they could not be located by the staffer responsible for organizing incident reports and entering them onto the DJS database. It was later determined that the youth's witness statement was in an administrator's office.

According to the OIG investigation, the youth later told staff that his hip was painful but that he did not believe that staffers "targeted his hip while [he was] being restrained in the room." The youth "did not think he was physically abused or 'roughed up,'... [but] he did think [the staff] used 'excessive force' and 'took it a little too far.'"

When the OIG investigation was initiated, Child Protective Services (CPS) was contacted. However, the shift commander was not removed from contact with youth as per DJS protocol when staff are under investigation. Safety-related practices in place to protect youth and staff must be adhered to by all managers and staff at Cheltenham.

Administrators, middle managers, and direct-care staff should work together and adhere to effective operational processes that have been fundamentally important in helping to establish and maintain increased safety and security for youth and staff at CYF in recent years. Thorough, timely, and organized incident reporting, incident reviewing, and incident auditing by managers and administrators are necessary to protect youth and staff as well as to ensure staff are held accountable and are provided with support and training as needed to improve safety and performance.

Group disturbances

There were numerous group disturbances²¹ during the fourth quarter of 2016 (140022, 139815, 140180, 140167, 140132, 140171, 141537, 141025, 141014, 140979, and 141025). The uptick in incidents of this nature suggests a need for increased training for direct-care staff to constructively manage group dynamics and implement conflict resolution techniques. Mental health staff previously developed and implemented a training for DJS direct-care workers about working effectively with groups of youth. The training was re-delivered at the end of 2016 and should be provided on an ongoing basis.

The mental health team at CYF had also previously developed a training for DJS staff assigned to work on the Intensive Services Unit (ISU, a self-contained housing unit for youth

²⁰ Md. State Govt. Code Ann. §5-704.

²¹ DJS defines group disturbance as an incident involving three or more youth that creates disorder in the facility and poses a threat to safety and security. Md. Dept. of Juvenile Services Policy and Procedure MGMT-03-07.

allegedly involved in incidents of aggression who DJS identifies as being in need of increased supports). CYF administrators should collaborate with mental health staff to reinstitute this practice in order to provide more direct-care workers with enhanced training grounded in a therapeutic perspective.

Mental health clinicians should continue to help address dynamics between youth that can lead to incidents involving aggression by coordinating and facilitating group sessions in collaboration with DJS staff.

Incident report 141025

On Monday, December 5, there was disruptive behavior among several of the youth on a living unit. Later that day, according to a subsequent investigation by OIG, the living unit manager allegedly made inappropriate and derogatory comments of a sexual nature to a youth who then told two other staff and a case manager that he wanted to file a PREA-related²² complaint. However, no action was taken.

That same evening, the unit manager allegedly expressed (to staff and administrators) concerns about negative group dynamics developing on the unit. He believed two youth were co-defendants stemming from an incident in another facility where they allegedly assaulted a staffer together and that they should be separated and held on different units within CYF. According to the OIG investigation, an administrator responded, “that type of information would have to come from case management.” The administrator did not follow up with case management because “It was late when [the unit manager] told [him].” The administrator also stated that “case management meetings are on Tuesdays and Case Management would make them aware of such situations.” Both youth remained on the same unit after the Tuesday case management meeting and into Wednesday, December 7.

On December 7, the same group of youth was sent from the school back to the living unit due to negative behavior. According to a staffer, once they arrived back on the unit, the youth were “out of control, jumping on tables, picking up chairs, dumping the trash out [of the] trash can, throwing water on the floor.” Youth allegedly stated that they would escalate when the unit manager arrived. Mental health staff were not contacted and no effort was made to process with the group by either direct-care or supervisory staff.²³

The unit manager arrived on the living unit a couple of hours later. The youth were playing cards at that point. The unit manager used profanity, threatened youth, and argued with another staffer, according to youth and staff.

²² PREA is the Prison Rape Elimination Act, a federal law enacted in 2003. For more information see: <https://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea>

²³ A DJS shift commander noted in her comments that mental health staff should have been called and a group meeting should have been held to address issues of concern.

Two youth stood up and approached the unit manager and another staffer. The staff each followed one of the youth and eventually started physically restraining them. The unit manager was allegedly holding a youth in a chokehold when another youth approached the unit manager to try and get him to release the youth's neck. Other staffers started attempting to separate other youth who stood up and attempted to get involved. When the shift commander on duty responded to a call for assistance and arrived on the unit, one of the staffers said, "I can't do this anymore," and wanted to leave.

Video footage shows the unit manager restraining a youth in a chokehold for 25 seconds, while another youth strikes the unit manager in his lower body. The unit manager continues holding a youth in a chokehold and lifts one of the youth's feet off the ground and pulls him to the floor. The unit manager laid on top of the youth and the shift commander came over and "touched him several times to signal him to get up and release the pressure off of [the youth]." The shift commander continued tapping the unit manager for 40 seconds before he got off the youth. Other youth reported that "it looked like [the youth] was about to be asleep."

The unit manager then walked over to another staff who had a youth under control in a restraint and took over, allegedly placing this youth in a choke hold as well. The youth was on the ground and the unit manager allegedly struck him in the face. According to the OIG investigation, video footage shows the unit manager "cock [his] right arm back and it went forward towards [the youth]." About a minute later, other staff walk over to the unit manager and one of the staffers "pulls [the unit manager] away from [the youth]" who was then escorted to his cell.

At the same time, another youth was restrained and taken to his cell. Video footage shows that one of the staffers involved in that restraint had to be held back by fellow staffers several times as he "yank[ed] away from his peers in an aggressive manner" and moved in the direction of the youth's cell. The shift commander told the staffer "to step away and stop arguing with the kid." The youth was secured in his cell and the staffer was moved away.

The unit manager later maintained he had never been taught in DJS' Crisis Prevention Management (CPM) training "how to protect" himself in a situation where he was "being jumped."

After the disturbance, the youth on the living unit were secured in their cells for three hours, however these seclusions were not documented in the incident report. There was no seclusion paperwork created in accordance with the DJS policy governing seclusion, which requires that staff check on youth every ten minutes and record their observations in the incident report.²⁴

²⁴ Md. Dept. of Juvenile Services Policy and Procedure RF-01-07.

According to the subsequent OIG investigation, one staffer later commented that “this was all [the unit manager’s] fault. [The staffer] then went on to say this would have never happened if [the unit manager hadn’t] come to the unit.”

Witness statements from the OIG investigation indicate that the unit manager had a history of negative behavior that spiraled in the week leading up to the incident. One youth’s written statement included an assertion that the unit manager antagonized him throughout the week before the disturbance. The youth wrote that the unit manager called him ignorant and threatened the youth with being slammed on his face because the youth thought he was “tough.” Another youth wrote: “All [the unit manager] do is come to work and be ready to restrain us. He tell us all the time he want us to get outta line and he gonna put us on our neck. Today he was trying to choke a youth out so we all tried to get him off then he started choking him harder and other staff trying to pull us back then [he] try to come for everybody and we started fighting.” A third youth reported that the unit manger “comes to work not to help us but to bully us because he bigger and got authority.” A staffer said that the unit manager used profanity to threaten the youth during the incident as well as on previous occasions.

The shift commander’s review of the incident acknowledged staff failure to take appropriate preventative actions, such as contacting mental health and attempting to process with youth about mounting tension and issues on the unit. The shift commander’s written comments failed to mention the lack of mandated checks on youth in seclusion and the lack of any seclusion-related documentation. The review also failed to address inappropriate restraints by the unit manager and the behavior of the other staffer who had to be held back by fellow workers as he tried to enter a youth’s cell.

According to the OIG investigation, an administrator permitted the unit manager to review video footage after the incident but before the unit manager was interviewed by an OIG investigator. Staff involved in incidents that are under investigation should not be permitted to review video footage related to the incident until after all connected investigations are complete. Allowing those involved in an incident to see video footage of the events before investigative interviews are conducted can interfere with, skew or even completely undermine the integrity of the investigatory process.

The incident just described was reported to Prince George’s County Child Protective Services (CPS) after youth alleged that they had been choked. The allegation was not initially accepted for investigation by CPS. Subsequently and upon request, CPS reassessed the allegation and launched an investigation.

The CPS worker assigned to the case had substantial difficulty making contact with anyone at CYF in order to carry out the investigation process. While she was able to review video footage, later attempts by the worker to request documents were delayed because no one

at CYF answered or returned phone calls and messages. The Department should ensure that facility administrators cooperate fully with outside agencies conducting investigations.

Intensive Services Unit

There is a self-contained, restrictive housing unit called the Intensive Services Unit at CYF for youth who are allegedly involved in incidents of aggression and who the Department identifies as being in need of increased supports.

At times during the fourth quarter of 2016, interpersonal issues among youth on the ISU prompted staff to separate the unit into groups. This arrangement compromised the delivery of education services to youth on the ISU, as each group would receive at most a half day of instruction in the school while the remaining youth stayed on the unit. Mental health workers and DJS staff should collaborate to address negative group dynamics and improve management of the ISU in order to facilitate comprehensive delivery of education services.

All youth placed on the ISU are mechanically restrained (handcuffed) when they leave the unit for any reason. The Department should end this practice which is out-of-accord with the DJS policy prohibiting the use of mechanical restraints within facilities except as a last resort in situations where youth pose an imminent risk of physical harm to themselves or others, or are attempting to escape.²⁵

Programming

During the fourth quarter of 2016, youth did not consistently receive one hour of large muscle exercise (grievance #13213). A single recreation specialist is responsible for organizing recreation activities for all six units and the worker visits each living area and initiates the recreation process “but relies on unit staff to continue the process out to the full hour.” The Department should alleviate this situation by filling a vacancy for a second recreation specialist without delay.

Also during the fourth quarter of 2016, staff on one of the living units at CYF created an opportunity for youth to use music as a coping skill and de-escalation technique. Administrators at CYF and DJS headquarters should support this initiative and facilitate its expansion throughout CYF and at the other DJS facilities around the state.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at CYF. Throughout 2016, ongoing problems with staffing and retention limited the consistent delivery of education services to youth. MSDE JSES does not have a system in place to provide schools with substitute teachers to help alleviate teacher

²⁵ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

shortages that can arise from a combination of vacancies, extended medical leave, and short-term or unplanned teacher absences. Plans to supply MSDE JSES schools with access to substitute teachers through a private provider should go forward as soon as possible. However, MSDE JSES also needs to permanently streamline the organization's hiring process and analyze and address problem-causing issues that negatively impact staff retention rates.

At any given time, there are a number of non-English speaking students at CYF who, in line with DJS policy, are provided with translators while at the facility. Federal law requires that school districts take affirmative steps to ensure that English language learners can "participate meaningfully and equally" in education programming.²⁶ Individual translation services at CYF should be supplemented with additional programming during the school day including access to English as a Second Language (ESL) classes and ESL computer software - to promote English language learning and proficiency among non-English speaking students.

There is no post-secondary education available for students at CYF. Some youth who have earned a high school diploma are paid for completing tasks around the facility through the DJS-organized World of Work program. The Department and MSDE JSES should collaborate to ensure that youth who have completed their secondary education have access to a variety of constructive programming.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

²⁶ U.S. Department of Education Office for Civil Rights. "Race and National Origin Discrimination."
<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html>

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a maximum security detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 72% of entries in 2016, compared to 69% during 2015.

Hickey – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	40	54	48
1. Youth on Youth Assault/Fight	97	166	131
2. Alleged Youth on Staff Assault	6	16	10
3. Physical Restraint	186	300	259
4. Use of Handcuffs and/or Shackles	22	63	32
5. Seclusion	83	70	25
6. Contraband	10	11	9
7. Suicide Ideation	26	44	18
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	7	11	2

Population and Incidents

Average daily population (ADP) in 2016 decreased by 11% compared to 2015, while youth on youth assaults or fights declined by 21%. Additionally, incidents involving the use of mechanical restraints and seclusion decreased significantly when comparing the same time periods. However, the number of incidents involving physical restraints - although somewhat decreased - remained high in number.

Additionally, incidents of aggression and the use of restraints were high in 2016 compared to two years prior (during 2014). Hickey administrators should continue to work on

establishing a safe, secure and structured environment by ensuring staff consistency and staff accountability. Emphasis should be placed on recognizing sources of frustration and antagonism among youth and utilizing conflict resolution and de-escalation measures to prevent arguments mushrooming into incidents. Administrators and managers should continue to foster close collaboration between DJS line staff and mental health specialists. A proactive approach by administrators is vital to efforts to further reduce the number of incidents involving aggression and in the cultivation of a more therapeutic milieu.

Supervisor Training

In Incident 141220, a lead staffer was supervising a living unit and was posted in the center of the unit dayroom attempting to facilitate a community meeting. A youth got out of his seat and approached another youth who was sitting down and began arguing with him. The lead staff remained in place, and did not approach the youth to attempt to deescalate the situation. The seated youth then got up and confronted the youth who had been standing over him. At this point, the lead staff continued to stand in the center of the room and away from the two arguing youths. The youths began fighting. The brawl turned into a group disturbance as other youth joined in the fracas. Staff assistance was called and, subsequently, other staff intervened to try to stop the fighting.

Lead and supervisory staff serve as role models (positive or negative) to other staff and to youth. They must create and maintain structure on living units and should initiate de-escalation and processing techniques at the first sign of potential conflict between youth.

Group Dynamics

Several times during the quarter, youth on two distinct housing units were separated into groups within their respective housing units due to interpersonal conflicts. While physical separation of youth from each other may be needed as a temporary security measure, it does not address disputes driving disharmony or provide an effective long-term response to issues underlying group conflict.

Incident 141220 occurred after youth were separated into two groups within their housing unit. One group was entering their cells to prepare for shower time while another group was in a dayroom watching TV. An argument broke out between two youths in the dayroom and they began fighting. Another set of youth ran out of the dayroom and into the other section of the housing unit and a group disturbance ensued. During the group disturbance, a number of youth entered another youth's cell - which had been left unlocked - and began assaulting him.

Staff need to receive comprehensive and ongoing training on identifying the sources of interpersonal conflict and utilizing positive rapport with youth as well as conflict resolution techniques to deflate tension and constructively address problematic group dynamics.

Collaboration between Mental Health, Education, and Direct-Care Staff

Continuous sharing of ideas for constructive programming for youth between mental health staff and DJS staff has contributed to an increase in meaningful activities on the Hickey living units. During the fourth quarter, mental health and DJS staff worked together on a living unit to develop music production lessons that provided an incentive for youth engagement. Participation in the lesson was contingent on maintaining positive behavior during the day. Plans to fund the program to allow for facility-wide implementation should go forward, and the creation and availability of other constructive incentives for youth on a daily basis should be encouraged and expanded at Hickey and at all the other DJS facilities.

School Environment

During a monitoring visit in the fourth quarter, DJS staffers in the classroom were observed using the phone for personal calls and discussing personal matters among themselves during teacher instruction. Administrators and supervisors must ensure that direct-care staff avoid behavior that may detract from student learning by training staffers in how to support and help enrich the classroom learning environment.

During the same monitoring visit, a student and a staffer were observed arguing back and forth. The student became frustrated and asked to speak to mental health staff; however, no mental health clinicians were available to talk to the child. Mental health staff should be available to provide counseling services in addition to crisis management to youth who need support in the classroom.

DJS, mental health, and education staffers and their administrators should continue and deepen collaborative efforts to ensure that a constructive and supportive school environment is firmly established and maintained.

Family Engagement

During 2016, Hickey administrators encouraged family engagement through monthly family events and DJS should expand these efforts which enable and foster family involvement and which research indicates will result in better outcomes for detained youth. Increased family contact is correlated with reduced depressive symptoms, fewer incidents of aggression, and better academic performance for youth.²⁷

Although family involvement is generally recognized as a protective factor for incarcerated youth, current DJS policy limits youth to two 10-minute phone calls per week. During the fourth quarter of 2016, a youth with a history of suicide ideation who had been involved in an altercation in the school area at Hickey said, "I want to just hear my mom's voice more. I wouldn't get

²⁷ Ryan Shanahan, and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Page 3.
<http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-for-juvenile-justice-agencies.pdf>

involved in so much stuff if I got to talk to her and my brother and sisters more.” The youth’s mother lives in Cecil County and she could not visit the boy on a weekly basis due to a combination of transportation-related issues and work obligations.

Monthly family-related events at Hickey should be coupled with more opportunities for phone contact with family members and other supportive figures in a youth’s life. Staying in touch is vital for children whose families and other loved ones and mentors are not able to visit or attend special family events at the facility. In addition to allowing more phone and in-person contact, DJS should provide increased transportation assistance through case management staff for family members or other potential visitors in need of help or support.

Programming Availability

Recreational, religious, and mentoring programming is provided at Hickey by staff and outside vendors. However, children involved in incidents are prohibited from attending some of these activities. During the fourth quarter, two youth had requests to attend religious services offered through a local ministry denied because they were involved in a fight some days before the service. Youth involved in aggressive behavior can benefit from additional supports and should be allowed to participate in positive programming such as voluntary religious services and mentoring groups.

In addition to current programming, more physically and intellectually engaging activities should be available to youth during after-school hours and on weekends to encourage constructive outlets for youthful energy and creativity as well as to address excessive downtime on the living units and around the facility.

Education

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

School partnerships with outside organizations have improved educational programming at Hickey. During 2016, volunteer retired teachers supplemented educational instruction by providing tutoring in literacy and math for students in need of individualized educational support. The school also received donated books from a local library and a community librarian arranged for several young adult fiction authors to talk to youth about their literary work. In addition, the school has been delegated as a pilot site for the Unjammed initiative.²⁸ Outreach to bring in resources and boost educational programming should continue.

A hands-on flagger²⁹ certification course was recently made available at Hickey. In addition, high school graduates are eligible to participate in the DJS-organized World of Work program, which allows youth to complete odd jobs around campus for minimum wage. However,

²⁸ The Unjammed initiative is sponsored by the Center for Educational Excellence in Alternative Settings (CEEAS) and is designed to integrate technology into classroom learning. See <http://www.ceeas.org/unjammed/>

²⁹ For information on work zone safety-related flagging, see <https://www.workzonesafety.org/flagger-information/>

access to post-secondary education is limited. During the fourth quarter, a student who had been enrolled in community college was unable to continue college studies while detained and had to attend high school classes during the school day. Post-secondary education options through MSDE JSES in collaboration with DJS should be expanded at Hickey.

Staffing issues continue to be of concern within MSDE JSES schools. Openings for a Social Studies and English teacher, a librarian, and a school secretary at Hickey remain unfilled at time of writing (February of 2017). Because of the lack of a substitute teacher pool, special education teachers have frequently had to fill in for teachers who are on leave and when there are teacher vacancies. This arrangement has interfered with the provision of mandated special education services to students. Staffing issues should be permanently resolved to ensure legally mandated educational services are provided - without interruption - to youth.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure detention center for girls. Waxter is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 42 beds. African American youth represented 71% of total youth entries during 2016, compared to 79% during 2015.

Waxter – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	25	29	22
1. Youth on Youth Assault/Fight	66	137	64
2. Alleged Youth on Staff Assault	10	31	17
3. Physical Restraint	147	303	167
4. Use of Handcuffs and/or Shackles	24	35	20
5. Seclusion	27	41	18
6. Contraband	6	12	3
7. Suicide Ideation	130	154	100
8. Suicide Attempt	0	2	0
9. Self-Injurious Behavior	18	19	11

Safety and Security

Average daily population during 2016 decreased by 24% compared to 2015. Over the same period, fights and assaults decreased by 53%, physical restraints of youth by staff decreased by 45%, incidents involving the use of mechanical restraints decreased by 43%, and seclusions decreased by 56%. Incidents of suicide ideation and self-injurious behavior decreased by 35% and 42%, respectively.

Coordination between DJS direct-care workers and mental health staff improved at Waxter during 2016. Efforts by administrators to reduce incidents of aggression by encouraging staff to prioritize verbal processing and collaborate with mental health staff to de-escalate situations involving the possibility of a fight or the use of a physical restraint should continue. This mental health and direct-care partnership should also be expanded to include ongoing training of DJS workers by mental health professionals and enhanced mental health-oriented programming for youth.

The Department has begun providing trauma-informed training to direct-care workers in DJS-operated committed placement centers but not in detention facilities such as Waxter, where staff and youth would also benefit from a trauma-informed approach. According to a survey commissioned by the Office of Juvenile Justice and Delinquency Prevention (at the United States Department of Justice), 42% of girls in juvenile justice placements reported a history of physical abuse and 35% reported a history of sexual abuse.³⁰ Maryland Department of Juvenile Services' data indicates that 40% of girls in out-of-home placements in fiscal year 2016 reported a history of either physical or sexual abuse.³¹ The Department should provide all direct-care workers in detention and committed placement centers with trauma-informed training to improve staff and youth interaction and outcomes as well as to further enhance facility safety levels.

There was an incident (139812) during the fourth quarter in which a staffer exchanged inappropriate letters and allegedly had inappropriate physical contact with a youth while she was detained at Waxter. Another youth disclosed the inappropriate contact in the presence of a different staffer who notified Waxter administrators. The accused staffer was removed from coverage and the Maryland State Police, Child Protective Services, and DJS' internal investigatory unit (Office of the Inspector General [OIG]), were contacted. The staffer involved, who was subsequently indicated for child sexual abuse by Anne Arundel County Child Protective Services, no longer works for the Department and has been charged by the Maryland State Police.

Staffing

A shortage of direct-care staff created operational challenges during much of 2016. Administrators took steps to adjust hiring practices, including maintaining a pool of people

³⁰ Sedlak, A.J. and McPherson, K.S. 2010. **Youth Needs and Services: Findings from the Survey of Youth in Residential Placement**. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Available at https://syrp.org/images/Youth_Needs_and_Services.pdf. See also, The National Crittenton Foundation. 2012. Summary of Results: Crittenton Adverse Childhood Experiences Pilot. Available at <http://www.nationalcrittenton.org/wp-content/uploads/2015/03/ACEResults.pdf>; Baglivio, M. T., Epps, N., Swartz, K., Sayedul Huq, M., Sheer, A., & Hardt, N. S. (2014). Baglivio, M. T., Epps, N., Swartz, K., Sayedul Huq, M., Sheer, A., & Hardt, N. S. (2014). The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders. **OJJDP Journal of Juvenile Justice**, 3(2), 1–23. Available at <http://www.journalofjuvjustice.org/JOJJ0302/JOJJ0302.pdf>.

³¹ DJS 2016 data update regarding *Report on Female Offenders* (February, 2012).

eligible for hiring so that vacancies can be filled more quickly as they arise. By the beginning of 2017, there was one vacancy for a direct-care worker.

Although currently there are a low number of vacancies, several staff are on extended leave for medical and other reasons. Facility administrators face significant challenges in sufficiently staffing every shift when workers are unavailable on a given day or on an ongoing basis. Difficulty staffing shifts leads to unscheduled and unplanned (and sometimes unwanted) overtime work for staff onsite, regardless of any obligations outside of work they might be struggling to fulfill. Mandated double shift work also means tired staffers who may be less able to fulfill job requirements and hampered by fatigue in situations involving security challenges.

The Department should fully support Waxter administrators' efforts to boost staff morale, enhance facility culture, fill staffing vacancies, streamline hiring practices, and increase staff retention.

Family Engagement

Research shows that "family visitation for youth is associated with better behavior and improved academic performance."³² Throughout 2016, youth consistently reported the positive effects of family contact while they were in detention. The DJS administrators at Waxter have begun collaborating with other departments within the facility to enhance visitation by providing structured and engaging activities for youth and their families. These efforts to facilitate family engagement should continue.

During the fourth quarter, a youth reported some impediments to family engagement because of DJS policies which limit family visitation to parents and siblings over a certain age. The youth said that her father was not able to visit because he could not secure childcare for other children in the family. The Department should amend the visitation policy to allow all siblings to participate in visitation and provide families with access to onsite childcare for family members who are currently excluded from visits.

Structured Programming

The recreation specialist at Waxter works creatively to provide youth with a variety of large muscle activity exercises. Additionally, administrators assigned a supervisory staffer to develop structured programming to help reduce downtime on the living units. Some youth also have an opportunity to participate in small-group Zumba classes twice a month. Administrators at Waxter should continue to thoughtfully develop structured programming.

³² Vera Institute of Justice. "Family Engagement in the Juvenile Justice System." Available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy_downloads/family-engagement-juvenile-justice.pdf

Boys detained at the Baltimore City Juvenile Justice Center participate in programming provided by the Boys' and Girls' Club of Metropolitan Baltimore while girls from Baltimore City and elsewhere detained at Waxter do not have access to similar programming. The Department should ensure that boys and girls receive equal access to constructive activities of the same caliber.

Education

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

There was only one special educator position at Waxter and it was not consistently filled throughout 2016. Additionally, given the high proportion of youth in the juvenile justice system who have special education needs and the demands on special educators to deliver services as well as complete required documentation, MSDE JSES should ensure that there are sufficient special educator positions at Waxter. As of early 2017, MSDE JSES was in the process of adding two special education qualified teachers at the facility.

Shortages of available DJS direct-care workers at Waxter can impact the ability of MSDE JSES to provide mandated special education services. Some youth are entitled to receive special education services outside of the general education setting but delivery of these services requires enough DJS direct-care workers to supervise an additional classroom. Administrators at Waxter assigned an additional staffer to the education area during school hours in 2016. DJS and MSDE JSES should collaborate at each facility to determine and provide the appropriate number of education and DJS direct-care staffers necessary to ensure comprehensive delivery of general and special education services. Cross-agency training on expectations concerning education of youth should be ongoing for all DJS and MSDE JSES staff involved in education services.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

Alfred D. Noyes Children’s Center

The Alfred D. Noyes Children’s Center, located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated capacity of 57. African Americans represented 69% of youth entries during 2016 compared to 70% in 2015. Hispanic youth accounted for 19% of youth entries versus 17% in 2015.

Noyes – Selected Incident Categories	2014	2015*	2016
Average Daily Population (ADP)	29	30	28
1. Youth on Youth Assault/Fight	71	58	97
2. Alleged Youth on Staff Assault	5	6	15
3. Physical Restraint	132	132	168
4. Use of Handcuffs and/or Shackles	26	17	18
5. Seclusion	26	17	22
6. Contraband	7	4	6
7. Suicide Ideation	37	18	56
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	3	4	33

*It is important to note that Noyes was closed for renovations for most of the third and fourth quarters of 2015. The majority of boys who would have been detained at Noyes were held on a designated housing unit at the Charles H. Hickey Jr., School (Hickey), and girls were held at the Thomas J.S. Waxter Children’s Center (Waxter). Incident numbers for 2015 reflect the time period when the facility was open. For this reason, incidents from 2016 are compared to incidents from 2014 (rather than 2015) in the chart and in the paragraphs that follow.

Comparing 2016 to 2014

When comparing 2016 to 2014, average daily population decreased by 1 (from 29 to 28) while youth on youth fights and assaults increased by 37% and physical restraints increased by 27%. The use of mechanical restraints decreased by 30% and the use of seclusion decreased by 15%.

Incidents of suicide ideation increased substantially (from 37 to 56) while incidents involving self-injurious behavior increased to a marked extent, from 3 to 33 during 2016 compared to 2014. Detention is an inappropriate setting for youth with significant mental health needs. According to some juvenile justice experts, “instead of relying on the justice system to address a youth’s mental health needs, it is now recognized that the more appropriate and effective response involves community-based treatment interventions that engage youth and their families.”³³

The Department recently piloted a front-end diversion initiative in Wicomico County and Baltimore City. The program aims to divert children with mental health needs away from the juvenile justice system and into appropriate services in the community in which they live. Front-end diversion should be expanded across the state (including in Montgomery County, where Noyes is located).

Escape

Three youth escaped from the Noyes facility at the beginning of the fourth quarter of 2016. During the incident (139771), youth from one housing unit were escorted back to their unit after breaking through a plexiglass window near a side exit to the facility. Once back on the unit, the youth refused to go to their cells and proceeded to turn over chairs, desks, and other furniture. One youth forcibly opened the door to the unit, exited the unit, began roaming around the facility and other youths followed. While roaming the facility, a youth broke through the door of another male unit and also gained access to the female unit. One youth kicked open an exit door toward the back of the facility. Several youth ran outside and three youth were able to scale the fence and escape.

As the events just described were unfolding, staff gave verbal directives to the youth but did not physically intervene to prevent the youth from roaming the facility or escaping. The shift commander in charge of operations during the escape noted in her review of the incident, “The facility was short staffed. There was nothing more to do but call 911”. Several staff witness statements suggested that staff on duty failed to intervene appropriately and try to prevent youth from escaping because they were afraid of being assaulted by the youth.

³³ Mental Health and Juvenile Justice Collaborative for Change, “Better Solutions for Youth with Mental Health Needs in the Juvenile Justice System”, 2014. (p.2) available at: <http://www.ncmhjj.com/wp-content/uploads/2014/01/Whitepaper-Mental-Health-FINAL.pdf>

In addition to security upgrades to the physical plant after the escape, administrators at Noyes implemented intensive training for staff on responding to problematic youth behavior and crisis situations. The hiring process was expedited and most outstanding vacancies, including supervisory positions, were filled to aid in staffing levels. However, staffing remains a concern due to staff call outs and the significant number of staff on leave.

Group Dynamics

During the fourth quarter, a group fight arose out of an argument between two sets of youth over a video game (incident 141276). A witness statement from an interpreter indicated that tension was high between two factions all morning and that words were being exchanged throughout the day between them. The witness statement also indicated that there may have been a racial component to the conflict.

Staff should receive enhanced training in managing group dynamics and in conflict resolution to recognize and address tension on the unit before fights occur. The Department should ensure available community conferencing methodology is utilized and mental health clinicians are enlisted to aid in resolving conflict among youth.

Incident Reporting Protocols

According to documentation of an incident that occurred during the fourth quarter, (139989) a supervisor and a youth began horse playing on a living unit. The youth then sat down on a couch, and the supervisor walked over and reached for the youth. The youth leaned back on the couch and the supervisor rubbed the child's head. The youth moved his feet up and tried to wrap them around the supervisor. The supervisor smacked the child on the buttock as the child's legs were in the air.

According to another worker on the unit, after being touched on the buttock, the youth approached the worker and requested and was given forms to make a complaint against the supervisor. The worker told the supervisor later that evening that the youth had filled out a grievance form about the supervisor based on the events just described. The supervisor did not fill out an incident report and remained in coverage, and no administrator was notified about the situation.

When there is an allegation of abuse, administrators should be immediately contacted, involved staff should be promptly pulled off coverage, and Child Protective Services (CPS) should be notified without delay. Incident reports should be filled out in a timely manner and staffers should remain off coverage (out-of-contact with youth) until all investigations related to an allegation of abuse (or neglect) are completed.

LGBTQ Youth

During a monitoring visit in the fourth quarter of 2016, a youth alleged that he was experiencing verbal and, to some degree, physical harassment from other youth based on his sexual orientation. Noyes administrators were informed and launched an investigation concerning the youth's allegations. In addition to facility investigations into specific instances of potential harassment, the Department should adopt written policies, beyond PREA³⁴ standards, that specifically address the needs and treatment of justice-involved LGBTQ youth. All staff that interact with youth should be trained on the rights of LGBTQ youth while incarcerated and receive guidance on protecting LGBTQ youth from harm.³⁵

Cultural Sensitivity and Implicit Bias Training

Hispanic/Latino youth filed a grievance during the fourth quarter indicating that they felt discriminated against based on their ethnicity and their limited proficiency in English (grievance 13175). The youth also indicated that they were not recognized for positive behavior. At any given time, there is usually a significant number of Hispanic/Latino youth at Noyes. Staff should receive intensive training in working across cultural and linguistic boundaries and on how to recognize and reduce effects of implicit bias. The hiring of additional Spanish speaking staff would likely assist in the alleviation of challenges and misunderstandings between and among staff and youth.

Muslim youth filed a grievance (grievance 13155) requesting religious services be offered, similar to currently available Christian services, to assist them in practicing their religion. The Department should fully accommodate the religious needs of all youth at DJS facilities, including Muslim youth.

Personal Hygiene

A barber was on premises during a monitoring visit in the fourth quarter of 2016. A youth requested a haircut to prepare for his court date the next day. He was told he could not have his hair cut because he did not have enough points in the Department's behavior management program. Hygiene services should be available for all youth and should not be contingent on progress in the Department's behavior management system.

Education

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Noyes. For more about educational services provided by MSDE JSES in DJS facilities, see page 51.

³⁴ The Prison Rape Elimination Act (PREA) is a federal law that was enacted to protect incarcerated individuals from sexual assault. Juvenile justice facilities must adhere to certain standards to be considered in compliance with PREA. See <https://www.prearesourcecenter.org/sites/default/files/content/preafinalstandardstype-juveniles.pdf>

³⁵ CWLA & Lambda Legal, "Keeping LGBTQ Youth Safe in Juvenile Justice and Delinquency Placements." 2015. Available at: http://www.lambdalegal.org/sites/default/files/keeping_2015_final.pdf

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 6 girls. African American youth represented 75% of entries in 2016, compared to 77% in 2015.

LESCC – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	18	19	18
1. Youth on Youth Assault/Fight	32	38	55
2. Alleged Youth on Staff Assault	15	7	1
3. Physical Restraint	138	86	117
4. Use of Handcuffs and/or Shackles	5	0	1
5. Seclusion	8	2	3
6. Contraband	1	2	8
7. Suicide Ideation	43	24	29
8. Suicide Attempt	0	2	0
9. Self-Injurious Behavior	6	6	3

Average daily population decreased by one (from 19 to 18) in 2016 compared to 2015 while fights and assaults increased by 45% and physical restraints increased by 36%. Mechanical restraints and seclusion both increased by one.

Although there was an increase in aggressive incidents and restraints in 2016, the facility continues to be a safe and well-managed environment for youth and staff.

Children with significant behavioral health needs are often sent to LESCC from other facilities to receive individualized care in a smaller facility environment. Staffing levels should be increased at LESCC to properly support facility operations and ensure children are able to

receive adequate educational and mental health services. Additional staffers are needed to cover a post at the front entry to the facility (which is currently being covered by pinch-hitting facility administrators); to be available for one-on-one supervision of youth on suicide watch; and to escort youth to mental health, medical, and other appointments within the facility.

Opportunities for positive activities for youth need to be increased and expanded throughout the DJS system. The Department should provide for appropriate rather than minimal (adequate to standard) staffing levels at LESCC and all other DJS facilities. Such an approach would help avoid excessive downtime for youth through expanded recreational options and structured programming - including gender responsive programming. Availability of activities should be increased and expanded to cover any periods during weekends and on weekday afternoons when youth have nothing constructive to do.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for educational and vocational instruction at LESCC. Administrators at LESCC and MSDE JSES need to set up a system to ensure staff coverage for youth requiring special education instruction outside the general classroom environment.

For more information on education services in DJS facilities, see the MSDE JSES section on page 51.

Western Maryland Children's Center

Western Maryland Children's Center (WMCC), located in Washington County, is a 24-bed maximum security detention center for boys owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American youth represented 66% of total entries in 2016 compared to 54% in 2015.

WMCC – Selected Incident Categories	2014	2015	2016
Average Daily Population (ADP)	18	18	20
1. Youth on Youth Assault/Fight	40	18	63
2. Alleged Youth on Staff Assault	3	2	1
3. Physical Restraint	96	73	117
4. Use of Handcuffs and/or Shackles	16	26	17
5. Seclusion	12	1	5
6. Contraband	2	3	3
7. Suicide Ideation	9	9	15
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	13	2

The average daily population increased by two (from 18 to 20) during 2016 compared to 2015. Fights and assaults more than tripled, physical restraints increased by 60%, and the use of seclusion increased from one to five during the same time period. The use of mechanical restraints by staff decreased by 39%.

Staff should receive enhanced training in recognizing signs of tension or disagreement between youth and employ de-escalation and conflict resolution techniques. Workers should seek the support of onsite mental health clinicians and fellow direct-care staffers before arguments that have the potential to morph into aggressive incidents escalate.

Staffing

Additional DJS staffing is required to provide coverage for youth receiving special education instruction from MSDE JSES teachers or instructors outside the general education classroom.

A case manager position, which has been vacant since July of 2016, should be filled immediately. Because of this vacancy, the case management supervisor has been providing case management services to all youth, running group meetings on the living units, and coordinating structured programming. The same supervisor also performs administrative duties at the facility.

Programming

Administrative and case management staff helped enhance programming during the year by bringing in local volunteers to provide structured activities for youth. During the fourth quarter, a community youth mentor provided mentorship services for youth on a regular basis. Efforts to establish a variety of structured programming for youth should continue to be supported.

Youth have limited access to outdoor green space for recreational or educational purposes. Outdoor space at WMCC should be expanded to allow for more youth programming.

Education

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for educational and vocational instruction at WMCC. The school at WMCC shares a principal with the Victor Cullen Center, a hardware secure (maximum security) placement facility for youth which is located in Frederick County. During a portion of the fourth quarter, a full-time principal was assigned to WMCC. The temporary designation of a principal allowed for greater collaboration and communication between DJS administrators and school personnel. A full-time principal should be permanently assigned to WMCC.

A non-English speaking student was housed at WMCC for over 10 months during 2016 and was not provided English as a second language (ESL) classes. MSDE JSES should ensure that all youth with limited English proficiency in DJS facilities have access to ESL classes and ESL web based educational programs.

Youth with a high school diploma or GED need access to post-secondary education and vocational programs. The World of Work program, arranged by DJS at other detention centers, allows youth to do odd jobs around the facility for minimum wage. The Department should expand World of Work to all DJS facilities, including WMCC. MSDE JSES has begun to make online community college classes available at the Victor Cullen Center and MSDE JSES should make this option available at WMCC and all other DJS facilities. The availability of vocational

and post-secondary opportunities is especially important for youth charged as adults, who may spend several months or even a year in detention facilities while awaiting court decisions.

For more information on education services in DJS facilities, see the MSDE JSES section on p. 51.

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

Incidents involving aggression at smaller facilities licensed by DJS were low throughout 2016.

Liberty House Shelter

Liberty House is a shelter care facility in Baltimore City operated by Youth Enterprise Services, Inc., and licensed by the Maryland Department of Juvenile Services (DJS/the Department). Liberty House is a less restrictive alternative to secure detention and houses up to 10 boys between the ages of 13 to 18 years old. Youth reside in a home-like environment and attend school, recreational, and enrichment activities in the community.

Telephone and email contact information for the facility should be publicly available to ensure parents and guardians and legal counsel can stay connected to youth at the facility.

Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc. and licensed by DJS to house up to 24 boys. All staff are trained to implement a trauma-informed treatment model and group process is utilized to resolve disagreements among youth and between youth and staff. Administrators foster a normalized environment for youth by facilitating extracurricular, recreational, and volunteer opportunities in the community on a consistent basis. Educational and therapeutic services, including group and individual counseling, are provided by facility staff and outside contractors.

Improvements in staff training, facility maintenance, and family engagement should be made to further enhance the facility treatment program. Administrators should create ongoing opportunities for staff development to ensure that the current treatment-oriented culture is maintained into the future.

Plans to replace the cement gym floor with a rubberized floor should go forward without delay to prevent youth injuries during recreation.

Contact information - including a facility phone number and email address - should be publicly accessible, and someone on site should be available to receive phone calls and enable families to stay connected with youth at Morning Star.

One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives

referrals from DJS. The program focuses on preparing adjudicated youth between the ages of 17 and 20 years old for independent living.

One Love provides youth with a home-like environment. Youth either attend school or work in the community. Off-site recreational, extracurricular, and volunteer activities are offered regularly. Youth receive daily and weekly incentives for positive behavior. Therapeutic services, substance abuse counseling, and life skills classes are offered both on- and off-site. Individualized aftercare planning is provided by the site director before discharge from the home to help youth successfully transition back to their communities.

The Way Home (NOTICE OF CLOSURE)

The Way Home closed during the second quarter of 2015. The Way Home was located in west Baltimore and provided adjudicated girls with an appropriate alternative to long term placement in a more restrictive facility.

William Donald Schaefer House (NOTICE OF CLOSURE)

William Donald Schaefer House (WDSH) was a staff secure (not locked and fenced) substance abuse treatment program located in a converted home in Baltimore City. The program had the capacity to serve up to 19 adjudicated boys between the ages of 13 and 17 years old. The facility closed during the second quarter of 2016. Youth stayed in the program for approximately 120 days. Individual and group substance abuse counseling was provided. Youth participated in various recreational, volunteer, and enrichment activities onsite and in the surrounding local community.

The Department indicated youth who would have been placed at WDSH will be sent to Meadow Mountain, a remotely located facility in western Maryland.

Research shows that “well-designed community programs are more likely to reduce recidivism and improve youth well-being than institutionalization” and that “for the small number of youth who require confinement, proximity to their communities is less disruptive.”³⁶

To better serve youth and promote public safety, the Department and the courts should ensure that youth who would have otherwise been placed at the Schaefer House receive evidence-based substance abuse services while remaining in their communities.

³⁶ McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Page 13. Available at: http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the schools in each of the thirteen Department of Juvenile Services' (DJS) detention and committed placement centers.

In July 2015, MSDE JSES created a strategic plan to enhance the quality of educational services provided to students. An independent strategic plan review team was hired to assess progress with implementation of the strategic plan. A recent report by the review team regarding the current status of the MSDE JSES program has highlighted several systemic issues within the MSDE JSES organization that hinder the provision of quality educational services for youth.

Recruitment and Staffing

Staffing issues remain a continuing problem in MSDE JSES schools. According to the review team report, “[t]he current system of recruiting, hiring, and supporting teachers is totally inadequate.” The report characterizes “the high rate of staff turnover and persistent staff vacancies” as one of the most pervasive challenges hobbling “JSE efforts to achieve the goals in its Strategic Plan and deliver high quality services to youth.”³⁷

There is currently no system in place to realize plans to assign substitute teachers during teacher vacancies or teacher leave. As a result, available teaching staff - including special education teachers and principals - are required to fulfill their regular duties and additionally cover classes or pinch hit to fulfill other education staff responsibilities such as maintaining student records. These practices complicate the provision of general and mandated special education services, undermine thorough recordkeeping, and interfere with efforts to provide comprehensive educational instruction for all students.

Leadership at MSDE JSES have not conducted facility-specific staffing and resource assessments in order to form the basis for the creation of tailored staffing and resource models at each site. The lack of a thoughtful approach results in a lack of needed education resources at certain facilities. For example, the Noyes and Cheltenham facilities usually have a significant number of Spanish speaking youth but are not allocated ESOL classes or teachers. Additionally, three DJS facilities have a separate, self-contained unit (Intensive Services Unit or ISU) for children in need of individualized services. Teachers are required to go to the ISU units to provide educational instruction, but - due to teacher shortages - there have been significant gaps in educational instruction to students on the ISUs. Larger facilities, such as BCJJC (120-bed capacity) and CYF (72-bed capacity), likely require additional staff due to the number of youth being served, yet there is only one guidance counselor to handle all youth intake and transitional services - the same allotment as at the Carter facility, which has a 14-bed capacity.

³⁷ Strategic Plan Review Team, University of Maryland, “Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report”, January 24, 2017 (pp.2 - 5). Available at: <https://www.dropbox.com/s/mx7w96ra53q6hnc/2017%2C%20Jan-JSEStrategicPlanBenchmarkReport%2CFINAL.pdf?dl=0>

The MSDE JSES organization should prioritize the creation of an efficient hiring and retention system to ensure the presence of enough qualified educational personnel within JSES schools. Plans to implement a system to provide substitute teaching services should also go forward without further delay. School-wide assessments need to be conducted to assign appropriate numbers of staff and adequate resources in accordance with facility and student needs.

Environment and Climate

The MSDE JSES strategic plan aims to aid in the creation of an educational environment that supports teachers, staff, and students and promotes student learning. Changes to MSDE JSES operations and greater collaboration with DJS will be necessary to effectuate this goal.

Staff at MSDE JSES report high levels of dissatisfaction with MSDE JSES leadership, a situation which can only further exacerbate high staff attrition rates.³⁸ According to the strategic review report, “the agency continues to operate under a top-down style with insufficient attention to teacher and principals’ needs.”³⁹ The report noted that some staff consider the leadership team “as being in the business of putting out fires rather than proactively addressing systemic problems, supporting staff, and promoting student achievement.”⁴⁰ A commitment on the part of MSDE JSES leadership to improve its relationship with principals and teachers by providing them with ongoing support and advocating for increased resources must occur if the climate at MSDE JSES schools is to improve.

Closer collaboration and communication between MSDE and DJS is necessary to delineate what is required of DJS and MSDE staff regarding classroom expectations and school operations. During school monitoring visits in the fourth quarter of 2016 (and in early 2017), there were several instances in which DJS direct-care staff did not meet school expectations in promoting a positive classroom environment. Communicating requirements regarding the promotion of a comprehensive learning environment at MSDE JSES schools in DJS facilities should be the object of ongoing cross agency meetings for all DJS direct-care and MSDE JSES staff at every DJS facility.

A temporary full time principal position at WMCC enabled close collaboration of DJS administrators and MSDE staff regarding facility operations and direct-care staffing requirements during the school day. However, no plans exist to retain a full-time principal at WMCC in Hagerstown; the position is currently shared with the Victor Cullen facility in Frederick County. A single principal position is also shared between LESCC in Salisbury and Carter in Chestertown. MSDE JSES should have a separate principal at each site and staffing strategies that enhance collaboration between DJS and MSDE should be prioritized.

³⁸ Ibid p. 8

³⁹ Ibid p. 3

⁴⁰ Ibid p. 8

Rigorous Curriculum

Survey results from youth in MSDE JSES schools indicated that students were unchallenged in the classroom.⁴¹ Organizing classes by grade level (rather than by living unit, as is the practice in most JSES schools) can help teachers better cater educational instruction to student needs.⁴²

Student surveys also indicated a desire for more hands-on activities,⁴³ yet, as the strategic review report highlighted, “many [vocational] courses offered by JSE are paper and pencil and involve minimal hands-on activities.”⁴⁴ The report also noted that “staff vacancies compromise the effectiveness of [vocational education]”⁴⁵ by restricting the provision of available courses. Hands-on vocational opportunities should be expanded at all MSDE JSES schools.

With the exception of youth placed at Backbone Mountain, there are limited post-secondary educational opportunities or internship opportunities for students. All high school graduates should have access to post-secondary education. Plans to provide online community college courses at the hardware secure committed placement facility for boys (Victor Cullen) should move forward and be expanded to include the comparable facility for girls (Carter) and ultimately should be made available at all DJS detention and committed placement facilities. Additionally, all schools should offer ACT and SAT prep courses for high school graduates, as recommended by the strategic review team.⁴⁶

Resources

While technological resources, including internet connection, have been bolstered in JSES schools, technical problems and underutilization have been barriers to active use of these available resources. The ability of students to receive online foreign language instruction was hampered by problems with internet connectivity. Furthermore, only half of MSDE JSES schools are currently using a digital credit recovery program with students.⁴⁷ New technology resources in the form of iPads for student use were allocated during the summer of 2016 but were not delivered to all MSDE JSES sites until the end of 2016. Youth had yet to utilize the iPads in classrooms across the system at time of writing (February of 2017).

Leadership at MSDE JSES should be involved in ongoing communication with and support for JSES schools to ensure successful implementation of technological resources in the school environment.

⁴¹ Ibid p. 7-8.

⁴² Ibid.

⁴³ Ibid, p. 8.

⁴⁴ Ibid., p. 7.

⁴⁵ Ibid p. 7.

⁴⁶ Ibid p. 10.

⁴⁷ Ibid p. 11.

Re-entry and Transition Services

A memorandum of understanding between DJS and MSDE JSES was created in 2016 which outlined terms of collaboration between the two agencies to ensure the successful transition of students leaving DJS facilities and entering local school systems. The strategic review team assessed the effect of this memorandum and commented that “there is no evidence of follow up development of interdisciplinary/interagency teams to facilitate the transition between and to community around the enrollment process, outside educational resources, and aftercare.”⁴⁸

According to a report by MSDE JSES to the Maryland legislature, school counselors “ensure the credits at the facility are also accepted by the local school system (LSS).”⁴⁹ During the last quarter of 2016, a student held at BCJJC reported that he was not able to transfer credits earned at BCJJC to his local school system in Baltimore City after being discharged from BCJJC. His concern was relayed to MSDE JSES administrators who confirmed that the youth had earned credits at an MSDE JSES school. However, JSES did not follow up to determine whether the credits had been accepted by the local school for application toward completion of his high school graduation requirements.

Ongoing collaboration between DJS and MSDE JSES and a functioning and engaged transition team is necessary to make sure that credits earned by students in JSES schools are successfully transferred to local schools and applied toward high school diploma requirements. The transition procedures and practices initiated and successfully followed through by a worker responsible for youth returning to the Montgomery County school system could serve as a model approach.

NOTE: For detailed information about MSDE JSES education services offered within a specific facility, please see the individual facility sections of this report.

⁴⁸ Ibid p. 7.

⁴⁹ MSDE Report on the Juvenile Services Education System, November 15, 2016, p. 9, available at: http://dlslibrary.state.md.us/publications/jcr/2016/2016_191-193.pdf

MARYLAND DEPARTMENT OF JUVENILE SERVICES - RESPONSE



The Department of Juvenile Services (DJS) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2016 Fourth Quarter Report and Annual Review of Facilities and is providing the following response.

I. 2016 ACCOMPLISHMENTS FOR THE DEPARTMENT OF JUVENILE SERVICES (DJS)

Department Realizes Reduction in Recidivism Rates

The overall 12-month rate of recidivism of 16.7 percent in FY 2015 marks a sharp decline from 2014's rate of 20.8 percent. FY 2015's rate is a 6.3 percent drop since FY 2010. For females, the rate of recidivism has been dramatically reduced to 7.7 percent in FY 2015.

Fewer Youth Committed to Out-of-Home Placement

Since Fiscal Year 2014, 36 percent fewer juvenile offenders were placed in out-of-home treatment programs. These reductions were accomplished safely and enhanced through the implementation of DJS's Accountability and Incentive Management (AIM) initiative. This initiative created a standardized and graduated system of responses to youth violating the technical terms of their probation. Once AIM was implemented statewide in July 2015, the committed youth population began to decrease; comparatively 898 youth in FY 2014, to 573 in FY 2016. AIM has been effective in promoting a more equitable juvenile justice system.

The department partnered with the Annie E. Casey Foundation to publish a report titled "Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland?" in January 2015.¹ As a result of the data and conclusions from the "Doors to DJS Commitment" study, Secretary Abed directed the department to review commitment recommendations and develop what is now the AIM initiative. Recently, the AIM initiative was recognized by the Center for Children's Law and Policy as a model for other states to emulate.²

¹ <http://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

² <http://www.cclp.org/wp-content/uploads/2016/06/Graduated-ResponsesToolkit.pdf>

Trauma-Informed Care Training for DJS Committed Placement Staff

Beginning in Fall 2016, all department staff in committed placement facilities have been trained in trauma-informed care. The training provided staff important tools to assist youth whose past trauma affects their daily life, including contributing to their contact with the juvenile justice system. It provides an evidence-based framework to assist the department in delivering the highest quality of care and treatment for youth adjudicated by the courts to an out-of-home placement. The National Association of State Mental Health Program Directors (NASMHPD) conducts the training in trauma-informed care. NASMHPD is also training all case managers and behavioral health staff in committed facilities in a specific group intervention - Trauma, Addictions, Mental Health and Recovery (TAMAR). Trauma-informed care and TAMAR are strength-based models that are comprehensive and are used to create and reinforce a trauma-informed care culture. NASMHPD trainers are experts in trauma and have trained staff from juvenile justice-involved and behavioral health agencies across the country. The department is proud to partner with NASMHPD to further expand the delivery of trauma informed care to DJS youth.

Currently, plans are being developed to provide trauma-informed care training to all detention staff and community case managers.

Department Partners with Local Health Agencies on Behavioral Health Diversion Initiative in Baltimore City and Wicomico County

The goal of the Behavioral Health Diversion Initiative is to divert youth in need of mental health services out of the juvenile justice system and align them with the behavioral health support they need through the health system. DJS has partnered with the The Institute for Innovation and Implementation at the University of Maryland, Casey Family Services, and the Texas Institute for Excellence in Mental Health at the University of Texas to help implement this initiative in localities across Maryland. The department currently works with local health agencies in Baltimore City and Wicomico County to quickly assess youth who are identified as low public safety risk but with high mental health needs. While this initiative benefits both boys and girls, the process was designed to address the unique needs of girls who are brought to DJS's intake office in Baltimore City.

II. RECOMMENDATIONS FOR THE JUVENILE JUSTICE MONITORING UNIT

The JJMU Should Adopt Nationally-Recognized Audit Standards to Ensure Objectivity

JJMU employs no discernable audit tool or standardized method to its facility evaluations, often relying on statements from youth and staff. Such an audit tool would incorporate federal and state law as well as DJS policies and procedures into a uniform format to be used by JJMU's monitors when they visit DJS facilities. Furthermore, the JJMU should be certified to audit all state and federal regulatory requirements.³

³ Md Code Ann., State Government §6-404.

In the context of juvenile facilities, the use of a standardized audit tool ensures that monitoring reports consistently measure and rate the same criteria repeatedly to allow both the monitors and DJS staff to clearly understand operating expectations. In fact, one of the major benefits to using a standardized audit tool is that it greatly minimizes bias and subjectivity. Observations of trends within and among facilities are helpful to DJS staff and leadership and can help to guide our work in maintaining safe and secure facilities.

Public Policy Positions by JJMU are Inappropriate in Evaluation Reports of Facility Operations

DJS takes no position on the JJMU's recommended changes to public policy as set forth in its 2016 annual report. These public policy positions, which would have far-reaching impacts across the entire statewide system, are beyond the statutory mandates of both DJS and the JJMU and not appropriate for the purposes of this report.

Family Engagement in DJS Facilities

The department recognizes the important role of family and the need to have families engaged in their loved one's treatment to achieve the best outcome for youth in the department's care. Under the direction of DJS's Director of Family Engagement, the department is reviewing all of its policies to ensure that families are included in all key decision points during their child's involvement with the system. The department has made family engagement a high priority and believes that a customer-friendly approach to keeping families connected during treatment will result in positive outcomes for youth.

In February 2017, the Department launched their family engagement tool kits at all DJS committed and detention facilities. These activities are designed to provide positive interaction between the youth and their family members. Each activity is planned to last at least one hour and is held outside the normal visitation time. For the month of February, 127 youth and families participated in a family time activity. Feedback from youth and families regarding the activities has been positive.

Phone calls for youth in residential placements are fully paid for by the department to keep families connected and avoid placing additional financial burdens on families. Case managers and therapists work to facilitate family counseling and contact with family members in person, by phone, and through video conferencing.

For youth in the youth camps and Victor Cullen, visitation hours have been extended to accommodate the travel times to those facilities and offer more flexibility to families.

COMMITTED FACILITY RESPONSES

Victor Cullen

Victor Cullen is a hardware secure facility for males that provides the highest security level in the state. Youth placed at Victor Cullen are highly impulsive, and pose the highest safety risk to the community. The courts have determined that these youth are inappropriate candidates for community-based treatment.

The department is committed to maintaining the most difficult population of youth in Maryland. The department minimizes ejections due to behavioral incidents at Victor Cullen thereby serving Maryland's youth in Maryland, keeping youth closer to their families and schools. DJS maintains its commitment to manage those challenging youth rather than resorting to ejection and out-of-state commitment when possible.

Safety and Security

The department has committed significant resources to increasing the safety, programming, and operations of Victor Cullen.

The security camera system at Victor Cullen is fully operational.

Staffing

Victor Cullen has no direct care staff vacancies to date.

Incident 140775

The DJS Office of the Inspector General (OIG) investigated Incident 140775. The staff involved in this incident was separated from the department. All staff were counseled about the requirement to report policy violations that they observe.

Structured Programming

During weekdays, there is very little down time as a youth's day is highly structured based on various legal and policy requirements, including six hours of school, one hour of exercise, hygiene, nutrition and counseling. On weekends, there is some unstructured time that allows for more recreational and extracurricular activities. However, "down time" is healthy and necessary for young people. Youth often engage in letter writing, reading, table top games, or watching television during unstructured time.

Victor Cullen has both recreation and extracurricular activity calendars. This additional programming includes the following: intramural academic and recreational games, art, cultural and educational events, and therapeutic programming.

Therapeutic Programming

DJS headquarters has not discontinued any individual programming.

Intensive Services Unit (ISU)

The Intensive Services Unit at Victor Cullen serves the most challenging youth. This unit provides more intensive specialized treatment services to youth who are disruptive in the general population environment. The youth are evaluated for return to regular programming within seven days of admission. Youth on this unit have committed a serious behavior infraction and movement through the behavior management system would not be appropriate.

Youth Centers

Staff Levels

The U.S. Department of Justice requires a staffing ratio of one staff-to-eight youth during daytime hours and one staff-to-sixteen youth during night hours.⁴ The staff to youth ratio was extensively considered by juvenile justice administrators, experts and legislators who ultimately reached the conclusion that those ratios are appropriate and safe for secure juvenile facility environments. DJS complies with the staffing requirements of PREA.

The assertion that Savage Mountain Youth Center needs a lower staff-to-youth ratio fails to recognize the steps taken at the facility to meet the needs of that population. The department decreased the rated capacity for Savage Mountain from 36 youth to 24 youth in 2015 to provide more intensive supervision and therapeutic services to address the needs of the specialized population. Clinical staffing was increased to include two mental health therapists and two substance abuse specialists.

Structured Programming

During weekdays, there is very little down time as a youth's day is highly structured due to various legal and policy requirements, including six hours of school, 1 hour of exercise, hygiene, nutrition and counseling. On weekends, there is more unstructured time that allows for more flexibility for recreational and extracurricular activities. However, "down-time" is healthy and necessary for young people.

The Youth Centers have both active recreation and extracurricular activity calendars. This additional programming includes the following: intramural academic and recreational games, art, cultural and educational events, and therapeutic programming.

J. DeWeese Carter Center

The department recognizes that many girls in the juvenile justice system have histories of trauma. Therefore, the department chose Carter as the first site to receive Trauma Informed Care (TIC) training. Carter has also begun consultation with the NASMHPD for continued implementation of TIC.

DETENTION FACILITY RESPONSES

DJS trains all staff in de-escalation skill building to be used as the first intervention to address youth behaviors. Management teams employ staff training and collaboration with behavior health for the development and implementation of group and individual strategies to teach youth pro-social skills and support their behavioral change. DJS policy and procedure requires management review of all incidents for the protection of youth and to determine compliance with operating procedures.

⁴ National Standards to Prevent, Detect, and respond to Prison Rape Under the Prison Rape Elimination Act (PREA) 28 C.F.R. part 115, 115.313 (c) (2012)

Baltimore City Juvenile Justice Center (BCJJC)

The management team and behavior health staff have successfully collaborated to implement strategies to timely address group conflict. Additionally, staff training continually focuses on de-escalation skill building.

Cheltenham Youth Detention Center (CYDC)

In November, the new CYDC building opened. The new CYDC building was designed to meet national juvenile facility standards. In addition to the improved living environment for youth and staff, the facility has state-of-the-art security features. The building is self-contained and operates with an automated locking system controlled by staff in a centralized location called master control. Movement throughout the building is monitored by cameras and access to areas is controlled by master control. When an individual uses an intercom buzzer to request that a door is opened, an alert goes to master control and a camera automatically pinpoints the location for visual recognition. Prior to occupying the building, extensive training in the automated system was provided to staff assigned to master control. There are sally ports (double doors) throughout the building that provide enhanced security measures for movement. These systems are added security features. JJMU cites an incident in which a staffer stated during an investigation that master control does not consistently ask who it is before they open the door. It should be noted that visual recognition on camera is required for verification, not voice. DJS operates three other facilities with master control and automated locking system technology. As with any new building, the department will continue to monitor the facility and troubleshoot issues as they arise. Security in the school was also enhanced with the installation of panic alarms and intercom systems installed in each classroom. MSDE staff have been fully trained with all necessary training materials. Supervision and intervention in school is provided by two DJS security staff assigned to each classroom.

Incidents

After investigating Incident #140982 the facility administrator concluded that there was no reason to suspect abuse and therefore did not report the incident to CPS. JJMU disagreed with the facility findings and requested an OIG investigation. The facility made a report to CPS and State Police. CPS screened out the case for investigation and State Police indicated that the referral was unfounded. The new administrator has been counseled on adherence to DJS policy and procedures to ensure the removal of staffers from supervision of youth when they are involved in an investigation.

All staff performance issues identified in Incident #141025 have been addressed to include proper monitoring of youth while detained in their rooms and the use of improper restraint holds. The staffer involved in the improper use of restraints was separated from the agency. All staff have been counseled on adherence to DJS policy and procedures.

Security operating procedures on the old Cheltenham campus required that youth in the Intensive Services Unit (youth removed from the general population due to aggression) be placed in handcuffs during movement across campus. This practice is no longer required in the new self-contained building. Restraints are no longer used for routine movement of youth in ISU.

Executive staff from headquarters are providing onsite guidance and supervision with the newly established management team at CYDC to establish more consistent implementation of operating procedures and staff

performance accountability. CYDC management and behavior health staff are working collaboratively to train staff and further implement strategies to address group conflicts among the youth.

At the time of this writing recruitment is in process to fill the vacant recreation specialist and assistant superintendent positions.

Charles H. Hickey, Jr. School

The Hickey management team has expanded programming to include increased and innovative family engagement activities. Visits, letter writing, and two phone calls each week funded by DJS are ongoing means of maintaining family contact. Behavioral health staff and case managers facilitate additional phone contact with family members as deemed appropriate to support the youth's successful behavioral adjustment. Hickey also utilizes the services of Community Conferencing as an intervention in the resolution of group conflicts. Executive staff will continue to assist Hickey's management team for managing the behavior of aggressive youth.

Appropriate staff guidance was provided to enhance decision-making and direct care staff response in similar situations as those cited in Incidents #141220 and #141408.

Religious services are offered three times a week at Hickey. Youth are restricted from participation only when their behavior is determined to be a threat to others.

Thomas J. S. Waxter Children's Center

The department recognizes the work of the Waxter administration and staff to improve facility stability and security and services to girls. Plans are underway to provide trauma informed training to staff at Waxter, all detention centers and community case managers.

Staffing

MSDE and DJS work together to ensure that youth education needs are met when unexpected circumstances impact school staffing. The number of youth requiring educational services in a dedicated space outside of the classroom fluctuates based on the detention population, which directly impacts staffing. Improved recruitment efforts by the department is positively impacting the ability to meet these needs.

Family Engagement

In addition to visitation twice a week, Waxter held 16 family engagement events during the year. While the department is unable to provide daycare services to families as recommended by JJMU, the department makes special accommodations for families who must bring toddlers and young children to visitation.

Alfred D. Noyes Children's Center

All youth placed in detention are screened utilizing the Massachusetts Youth Screening Inventory (MAYSI) to assist in the identification of those who may require immediate mental health services. Youth in need of critical crisis intervention are referred to the local emergency room for assessment and stabilization. The

initial screening is followed up with a comprehensive psychological assessment. These screenings and assessments inform staffing teams as they determine the appropriate placements to meet the needs of individual youth.

Incidents

The management at Noyes has provided additional crisis management, security policy and procedures reviews, and group conflict intervention training for all direct care staff. Additionally, physical plant upgrades have been completed to address needed security enhancements after the escape described in Incident #139771. Appropriate training and disciplinary measures up to and including termination have been taken to address staff performance issues.

Religious Services

The department is actively seeking to secure volunteers to provide regular religious services to youth in our care. Facility staff work to arrange for individual youth to have their community religious leaders provide services when there is a gap.

Transgender Youth in DJS Facilities

The department respects the sexual identity of all youth and recognizes the responsibility of addressing the special needs of LGBTQ youth while balancing the safety and security needs of all youth. At intake, all youth are administered the Vulnerability Assessment to obtain information about the youth's history and behavior to reduce the risk of victimization and/or sexually aggressive behavior towards others, as required by the Prison Rape Elimination Act (PREA), Juvenile Facility Standards. The results of this assessment are used to inform decisions regarding classification and housing placements. Policy and procedures that address protections for all youth and specifically LGBTQ youth are integrated in all relevant departmental policies to include the Admissions and Orientation, Classification, Search of Youth, Visitors and Staff, and Eliminating and Reporting of Sexual Abuse and Harassment Policy and Procedures. Additionally, all 13 facilities have been audited by the U.S. Department of Justice certified auditors and found to be in full compliance with the PREA Juvenile Facility Standards, an accomplishment that we are proud to have achieved.

All staff receive annual training in the agency's sexual abuse and sexual harassment policy and procedures. In addition, the department has directed the utilization of awarded grant funding from the Governor's Office of Crime Control and Prevention (GOCCP) and the Department of Justice (DOJ) to provide LGBTQ specific training for all staff. The department contracted with Free State Justice, a LGBTQ advocacy organization that provided 8-hour training sessions in August 2016 thru September 2016. Staff received training entitled "Building Safe Spaces for LGBTQ Youth," an interactive training program designed for professionals serving youth.

Programming

The department policy is that all youth are provided access to haircuts. Facility staff incorrectly denied a youth's request for a haircut. This issue has been corrected.

Lower Eastern Shore Children’s Center (LESCC)

The department appreciates JJMU’s recognition of the outstanding collaboration and work performed by the management and staff at LESCC.

Western Maryland Children’s Center

The facility management team, behavioral health, and facility staff have increased programming for youth by offering fatherhood groups, mentoring, and physical fitness training.

Staffing

DJS will continue to provide staffing to support the provision of special education services outside of the general classroom.

The case management recruitment has closed and a candidate has been selected to fill the vacancy.

Silver Oak Academy (SOA) – As Submitted by DJS

Upon a review of the concerns cited by the JJMU, it was determined that the DJS youth advocate did visit the program and personally meet with youth but failed to check the grievance box. The staff involved has been counselled. In addition, DJS has increased the number of visits to Silver Oak by youth advocates.

DJS’s Licensing and Monitoring Unit has intervened and ensured that Silver Oak has taken appropriate measures to address the issues involved.

Silver Oak Academy (SOA) – As Submitted by Silver Oak Academy

Pages 12 and 13

1. “Average daily population (ADP) during 2016 decreased by 8% compared to 2015 while fights and assaults increased 36%.”

Response: The variables that helped influence the increase in student fights and assaults were the following:

- The students are coming in with more behavioral issues and other diagnosis.
- The evidenced based training per staff in 2016 decreased from the previous year 2015.
- The dosage of training per staff in the operations procedures was significantly less in 2016 than in 2015.
- On the job training for staff was significantly lower in 2016 (27 hours per staff) in 2015 (90 hours per staff).
- We have increased training in each area significantly this year, as well as, the staff receive incentives for completing the training.

2. "On monitoring visits during 2016, staffers were observed supervising groups of ten or more youth. This staffing practice makes it difficult to comprehensively manage and intervene, when necessary, to influence group dynamics before challenging situations can escalate into incidents of aggression. Plans to increase the staff-to-youth ratio and efforts to enhance staff training should be prioritized."

Response: The staffing pattern this year has been increased to 4 staff per 24 students in a dorm. The training dosage per staff has been increased as well as all staff must be trained and certified in our behavior management system within 90 days of hire.

3. "During the third quarter of 2016, a youth reported that a staffer made inappropriate physical contact with him and made inappropriate comments to him in the presence of another staffer. All staff and administrators in DJS operated or licensed facilities are legally required to report suspected child abuse or neglect to the local CPS office. However, an administrator who learned of the allegation did not contact Carroll County Child Protective Services (CPS), nor did the administrator alert the program director, create an incident report, or contact the DJS internal investigatory unit (Office of the Inspector General [OIG]). Administrators at Silver Oak should ensure that all staff and managers understand and abide by the mandate to report to CPS and that they create incident reports documenting allegations of abuse or other staff misconduct that involve youth."

Response: The administrator handling the situation met with the student and staff and made a judgement call that the situation did not warrant a CPS call. The case was later reviewed by CPS and it was not accepted by CPS. However, all administrators have been trained to report behaviors that have possible allegations of abuse and to report all incidents as required by DJS Incident Reporting Policy.

**MARYLAND STATE
DEPARTMENT OF EDUCATION
- RESPONSE**



March 23, 2017

MSDE Response to the Juvenile Justice Monitoring Unit's 2016 Fourth Quarter and Annual Report

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2016 fourth quarter and annual report in relation to the provision of educational services within the Department of Juvenile Services' residential facilities. The MSDE appreciates the JJMU's thoughtfully written and detailed report, which outline areas of commendation but also includes recommendations for areas the JJMU believes require further support and enhancements.

The main sections of the 2016 Fourth Quarter Report provides an overview of specific concerns centered upon staffing and retention, substitutes, post-secondary education, and data collection. In the area of staffing, the MSDE Juvenile Services Education System (JSES) acknowledges and agrees with the JJMU that hiring and retention of teachers has been problematic and the length of the hiring process continues to impact continuity of instructional services. The MSDE JSES has continued to place concerted effort and focus during 2016 on addressing issues with hiring and retention through the following: expanded recruitment activities including the use of various online teacher recruitment services; obtainment of a dedicated position designated to function as a Human Resources specialist through appropriate funding for JSES staff; initiation of the procurement process to obtain contracted substitute services; and the implementation of hiring and retention incentives for JSES teachers and principals. The JSES is presently completing the hiring process for the few remaining new positions provided in the 2017 fiscal year budget to assist with providing direct instructional support in the areas of special education, resource, guidance and records. The MSDE JSES acknowledges a request for additional teaching positions may be necessary. In order to fully investigate this possibility, the JSES has taken steps to "systematically examine the adequacy of current staff and resource levels" by convening a committee comprised of three Principals and the Field Director for School Operations. The committee's first meeting in early December began the process of evaluating system data (including data for the past three years, special education student enrollment, and school attendance) and included discussions about current trends affecting staffing needs within the JSES schools. The staffing committee is scheduled to continue meeting throughout the upcoming months to assist with determination of staffing requests for upcoming fiscal years, as well as the possible transfer and/or reassignment of currently authorized vacant positions within the JSES. Final decisions will be based on analysis of data and trends within individual facilities. The JSES administration believes that staffing analysis combined with on-going climate surveys, as well as enhancements such as continued use of retention and hiring incentives, along with increases in the Institutional Educator Pay Plan (IEPP) are central to improving overall staff retention within the JSES.

The need for substitute teachers has been recognized and acknowledged by the leadership at the MSDE. The MSDE JSES has completed an Invitation for Bids (IFB) to procure services from a qualified vendor to provide substitute teachers. The implementation of a quality relationship with a vendor to provide substitute teachers will allow the JSES the ability to ensure the continuity of instruction when regular classroom teachers are absent for an extended period or when positions become vacant. Having the ability to provide quality, consistent, and affordable substitute staff in all schools is essential to ensuring that each school provides optimal educational services and the promotion of student achievement. The procurement process is at the pre-bid stage with a targeted closure of bidding at the end of April 2017.

Post-secondary education has been an area targeted for expansion in FY 17. The Memorandum of Understanding (MOU) with Frederick Community College (FCC) has been finalized and FCC has agreed to extend this opportunity to include all eligible students enrolled in all thirteen JSES facilities beginning in January 2017. The JSES is working on creating additional partnerships with other community colleges around the state to afford students at designated facilities the opportunity to attend classes and/or events on college campuses with DJS approval. The challenge with the FCC program, or enrollment in any other community college program, is that a JSES student enrollment must coincide with the beginning of the registration period in order for the student to be enrolled in the community college. The open enrollment and open exit of JSES students does not always conform to this defined enrollment window.

Data collection and analysis is continually utilized by the MSDE as a means to make informed, educationally sound decisions. The MSDE JSES has historically collected and utilized student data on outcome measures and program data to make decisions about resource allocations and budget requests. The MSDE JSES has implemented a pilot with four JSES schools for the expansion and implementation of the student information system (SIS). The pilot is targeted for July 2017 and will serve to ensure the smooth and effective systemic implementation of all aspects of the SIS, including the teacher grade book operation. Once the SIS is fully deployed in FY 2018, JSES data collection ability will be enhanced to allow for deeper analysis as well as a more streamlined collection of system wide data.

Committed Placement Centers Education Response

Victor Cullen

With respect to the JJMU's contention that teacher vacancies call for a system of accessing substitutes, the MSDE JSES agrees and has an IFB in process to secure these services based on designated funding provided for this purpose in the 2017 budget. The MSDE JSES is currently in the pre-bid stage of this process. The MSDE JSES acknowledges that three teacher vacancies (math, history and English) occurred in June, August, and October at Victor Cullen. Only three applicants of the 212 total screened and qualified during the fourth quarter were interested in interviewing based on Cullen's location. The challenge of having qualified candidates to fill vacant positions in the western region has been a continuing area of focus as

the JSES has worked with the MSDE Office of Human Resources (OHR) to expand recruitment pools.

As a clarification to the JJMU comments about the Cullen Career Technology Education (CTE) vacancy, the CTE teacher assigned to Cullen returned from dispatched military leave in November of 2016. The teacher was selected prior to his deployment and received the required National Center for Construction Education and Research (NCCER) training. Unfortunately, because Victor Cullen is a hardware secure facility, the incorporation of outside internships is not possible for Victor Cullen Center students. The MSDE JSES has worked collaboratively with the DJS facility staff in previous years to provide designated CTE students the opportunity to participate in planned work related activities, such as assisting with Habitat for Humanity house completions. However, these activities require security staffing. The MSDE JSES is planning to continue scheduling of planned activities of this nature for CTE students. In the future, events of this nature will afford students firsthand experience and practice which is not available through internships due to the security status of the facility.

Post-secondary education has been an area targeted for expansion by the JSES in FY 17. The MOU with FCC has been finalized and FCC has agreed to extend this opportunity to include all eligible students enrolled in all thirteen JSES facilities. The JSES is working on creating additional partnerships with other community colleges around the state to afford students at designated facilities the opportunity to attend classes and/or events on community college campuses with DJS approval. The challenge with the FCC program, or enrollment in any other community college program, is that a JSES student enrollment must coincide with the beginning of the registration period in order for the student to be enrolled in the community college. The open enrollment and open exit of JSES students does not always conform to this defined enrollment window.

Youth Centers

The MSDE JSES has historically worked collaboratively with DJS facility staff at Youth Centers to provide designated students in CTE the ability to participate in planned work related activities. The MSDE JSES acknowledges the need to continue activities for CTE students in the future. All students will continue to have opportunities to participate in work related service learning activities, which in some instances occur off campus.

Post-secondary education has been an area targeted for expansion by the JSES in FY 17. Expanding initiatives has resulted in a MOU with FCC. The MOU has resulted in an extension of this opportunity to include all eligible students enrolled in all thirteen JSES facilities. The JSES is working on creating additional partnerships with other community colleges around the state using the model that currently exists for Garrett College.

J. DeWeese Carter Center

Students at Carter will be able to participate in post-secondary options provided through the FCC partnership. The MSDE JSES is also continuing to explore options for providing designated online courses through Chesapeake College for qualified Carter students as well. Due to the limited space at Carter, CTE offerings have proven challenging. However, the MSDE JSES offerings for CTE will continue on a rotating schedule. It is important to acknowledge that the special education teacher expressed an interest in providing this support to students. As a result, the role of the teacher was expanded. The development of community based work experiences or internships will need to be discussed and planned through collaboration with the DJS. The JJMU report notes that a lack of available staff at Carter curtailed youth access to the already limited vocational education offerings. The MSDE JSES contends that there have been no long-term illnesses or absences and no vacancies at Carter since the summer of 2016.

In addition, it is important to note, the specific student mentioned in the JJMU report who earned her GED soon after being admitted to Carter was provided with customized classes to assist in increasing her Accuplacer score in order to qualify for community college enrollment. The student was also provided access to Serve Safe training, which culminated in her earning an industry recognized certificate. The MSDE acknowledges that during her stay at Carter, the MOU with FCC was not finalized which would have allowed her enrollment to FCC upon her obtainment of qualifying Accuplacer scores.

The MSDE JSES concur with the JJMU report statement that each MSDE JSES school should have its own principal to ensure concentrated and consistent leadership. Currently, the principal at Carter has dual administrative responsibility for the Lower Eastern Shore Children's Center in Salisbury, Maryland which has been the case since Carter was assumed by the MSDE in 2009.

Detention Sites

Baltimore City Juvenile Justice Center

For clarification purposes, the term "teacher shortage" is not accurate. "Shortage" implies that staffing assigned to a school is insufficient and in most instances this term is instead being used to describe an issue that rests with vacancies and not the fact that an insufficient number of positions have been allocated to the school.

With respect to the Intensive Services Unit (ISU) at the BCJJC, instruction is typically provided to students in the ISU via certified teachers. However, with the expansion of instruction of the ISU from one to two classes in August, instruction has in some instances been provided by a variety of staff, depending on staff availability.

The JJMU noted and the MSDE JSES also celebrates the fact that a total of ten students at the BCJJC have earned their high school diplomas by examination over the last two fiscal years. However, it is also important to recognize that prior to 2015, juveniles charged as adults were not a large portion of the BCJJC population or the population at other JSES sites. Currently, this population has increased significantly. Since they are typically held for much longer periods of time than the typical detention population, these students have significantly more time to complete preparation and to be scheduled to take the General Educational Development (GED) exam.

Post-secondary education has been an area targeted for expansion by the JSES in FY 17. The MOU with FCC has been finalized and FCC has agreed to extend this opportunity to include all eligible students enrolled in all thirteen JSES facilities. The JSES is working on creating additional partnerships with other community colleges around the state to afford students at designated facilities the opportunity to attend classes and/or events on community campuses with DJS approval. The challenge with the FCC program, or enrollment in any other community college program, is that a JSES student enrollment must coincide with the beginning of the registration period in order for the student to be enrolled in the community college. The open enrollment and open exit of JSES students does not always conform to this defined enrollment window.

Cheltenham Youth Facility

During FY 17, the MSDE JSES identified the need to redeploy several current teaching positions to incorporate English Language Learner (ELL) staff at schools with large ELL populations. The MSDE JSES is pleased to report that during quarter four, five applicants were interviewed for the ELL positions. The first hire occurred in March 2017 for the Cheltenham Youth Facility (CYF). The current staffing for the CYF includes 21 positions of which 14 are direct teaching positions. As a result, the CFY has adequate staffing available to meet the needs of the students, including ISU.

The MSDE JSES has completed an IFB to procure services from a qualified vendor to provide substitute teachers. The implementation of a quality relationship with a vendor to provide substitute teachers will allow the JSES to ensure the continuity of instruction when regular classroom teachers are absent for an extended period or when positions become vacant. Having the ability to provide quality, consistent, and affordable substitute staff in all schools is essential to ensuring that each school provides optimal educational services and the promotion of student achievement. The procurement process is at the pre-bid stage with a targeted closure of bidding at the end of April 2017.

The MOU with FCC has been finalized and includes all eligible students enrolled in JSES facilities. The JSES is working on creating additional partnerships with other community colleges around the state.

Charles H. Hickey Jr. School

The MSDE JSES appreciates the recognition, acknowledgement, and support related by the JJMU in regard to partnerships with outside organizations such as the volunteer retired teachers' support of math and literacy for students in need of individualized educational support and the work of staff with the community library. The principal at Hickey continues to work to garner community support that will provide additional resources and experiences for students at the facility.

The MOU with FCC has been finalized and includes all eligible students enrolled in JSES facilities. The JSES is working on creating additional partnerships with other community colleges around the state.

Thomas J. S. Waxter Children's Center

The two special education teacher positions at Waxter were vacated during quarter three. One was vacated in July and the other in September. As a result, beginning in July, the MSDE JSES temporarily reassigned one special education teacher from the BCJJC to Waxter. Additional assistance was provided by a special education teacher from Hickey. The teacher was assigned to work at Waxter two days per week. Both of these measures continued through early January. Permanent replacements have been hired for these vacancies.

Lower Eastern Shore Children's Center

The MSDE JSES has two special education teachers as well as an English teacher who holds special education endorsement. These staff members are available to support students in both inside and outside general education classes.

Western Maryland Children's Center

Eligible WMCC students will be able to participate in post-secondary options provided through the FCC partnership. The JSES has posted employment opportunities for ELL teachers and has begun the interview process. However, to date, qualified candidates have not been identified for the WMCC. The recruitment of ELL staff will continue.

Maryland State Department of Education in DJS Facilities Response

Recruitment and Staffing

In regard to the JJMU's concerns centering on teacher vacancies and the development of a system for accessing substitutes, the MSDE JSES concurs. Initiatives regarding substitutes have been previously addressed in this response. The JSES has initiated the IFB process to procure services from a qualified vendor to provide substitute teachers through funding provided in the FY 17 budget. The implementation of a quality relationship with a vendor to provide substitute teachers will allow the JSES to ensure the continuity of instruction when regular classroom teachers are absent for an extended period or when positions become vacant. Having the ability to provide quality, consistent and affordable substitute staff in all schools is essential for ensuring that each school provides optimal educational services and the promotion of student achievement.

The MSDE JSES agrees that staffing issues remain an area of concern for the MSDE JSES schools. The MSDE JSES continues to devote attention to efforts and diligently work with the OHR to screen, interview, and hire qualified applicants. Since July of 2016, the following statistics are important to note:

- 4,000 total applications (2,905 professional and 1,125 support) have been screened
- 232 candidates (179 professional and 53 support) were interviewed by the MSDE JSES
- 44 staff were hired (37 professional and 7 support)

With the assistance of the OHR, during the fourth quarter alone, the MSDE JSES scheduled and conducted 9 interview panels for 84 candidates. Interviews resulted in the hiring of 13 staff (6 school counselors, 1 academic teacher, 3 special education teachers, and 3 support staff).

Since July 2016, the MSDE JSES and the OHR have hired a total of 10 special education teachers, 14 academic teachers, 10 school guidance counselors, 2 principals, and 1 school psychologist. In review of the data, it is important to note that of the 57 candidates the JSES requested the OHR to hire, 20 candidates (or 35%) failed the vetting process based on the following variables: poor references, poor background checks or withdrawal from contention.

The MSDE JSES has also held four separate interview panels for ELL teachers for Noyes, as well as Cheltenham. Principals have held second interviews for ELL teachers and hired one teacher for Cheltenham in March 2017. The MSDE JSES continuously, actively search for ELL teachers.

Juvenile Services Education and Human Resources Data

Month	Number of Applications Received and Screened	Number of Interviews Conducted	Number of Applicants Hired	Number of employees retired/resigned/Dismissed
July 2016	Professional <u>365</u> Support <u>249</u>	Professional <u>22</u> Support <u>9</u>	Professional <u>5</u> Support <u>2</u>	Professional <u>4</u> Support <u>4</u>
August 2016	Professional <u>491</u> Support <u>0</u>	Professional <u>19</u> Support <u>0</u>	Professional <u>8</u> Support <u>0</u>	Professional <u>5</u> Support <u>1</u>
September 2016	Professional <u>104</u> Support <u>0</u>	Professional <u>16</u> Support <u>0</u>	Professional <u>3</u> Support <u>0</u>	Professional <u>4</u> Support <u>0</u>
October 2016 *	Professional <u>31</u> Support <u>0</u>	Professional <u>29</u> Support <u>0</u>	Professional <u>4</u> Support <u>0</u>	Professional <u>4</u> Support <u>0</u>
November 2016*	Professional <u>32</u> Support <u>0</u>	Professional <u>10</u> Support <u>0</u>	Professional <u>1</u> Support <u>0</u>	Professional <u>1</u> Support <u>0</u>
December 2016*	Professional <u>149</u> Support <u>0</u>	Professional <u>22</u> Support <u>0</u>	Professional <u>4</u> Support <u>0</u>	Professional <u>3</u> Support <u>1</u>
January 2017	Professional <u>1143</u> Support <u>502</u>	Professional <u>18</u> Support <u>28</u>	Professional <u>4</u> Support <u>3</u>	Professional <u>1</u> Support <u>0</u>
February 2017	Professional <u>119</u> Support <u>276</u>	Professional <u>20</u> Support <u>4</u>	Professional <u>3**</u> Support <u>1</u>	Professional <u>1</u> Support <u>2</u>
March 2017**	Professional <u>471</u> Support <u>98</u>	Professional <u>23</u> Support <u>12</u>	Professional <u>5</u> Support <u>1</u>	Professional <u>1</u> Support <u>1</u>
FY 17 Totals***	Professional <u>2905</u> Support <u>1125</u>	Professional <u>179</u> Support <u>53</u>	Professional <u>37</u> Support <u>7</u>	Professional <u>24</u> Support <u>9</u>

*Fourth Quarter (October, November, and December 2016)

**One contracted employee was hired that is not included in this count

***Data provided through March 19, 2017

Professional = Academic teachers, school guidance counselors, principals, English Language Learners, special education teachers, career technology teachers, and school psychologist.
Support = Instructional Assistant II, Office Secretaries II, III, and Office Service Clerk

Environment and Climate

The MSDE JSES is working with Dr. Peter Leone (University of Maryland) on the verification of the implementation of the Strategic Plan that was specifically developed by the JSES to assist in the creation of an education environment to support students, teachers, and staff as well as promote student learning. The leadership MSDE is currently working with Dr. Leone on establishing benchmarks to prioritize focus on the five characteristics of high quality education services for incarcerated youth. Characteristics include climate, resources, personnel, curriculum, and reentry. Monthly meetings are scheduled with Dr. Leone to discuss findings and to document concerns, recommendations, and progress toward the obtainment of the Strategic Plan goals. The MSDE JSES is slated to continue to work with Dr. Leone over the next year to continue the systemic implementation of the strategic plan.

Rigorous Curriculum

The JJMU states that, "All high school graduates should have access to post-secondary education. Plans to provide online community college courses at the hardware secure committed placement facility for boys should move forward and be expanded to include the comparable facility for girls and ultimately should be made available at all DJS detention and committed facilities." . The MOU with FCC has been finalized and FCC has agreed to extend this opportunity to include all eligible students enrolled in all thirteen JSES facilities.

Resources

The JJMU stated, "The ability of students to receive online foreign language instruction was hampered by internet connectivity." This statement is inaccurate. Foreign Language instruction was not hampered by internet connectivity. Florida Virtual School, which provides this instructional opportunity for JSES students, upgraded their technology and changed their technical specifications. The specifications were sent to the MSDE Office of Technology, which allowed the server to be updated and foreign language instruction to continue unhampered.

All students enrolled in JSES schools have access to online credit recovery. Enrollment is based on eligibility for credit recovery options, which are determined by a thorough review of student records, conducted by the school guidance counselor and principal.

Re-entry and Transition Services

The MSDE JSES agrees that establishing connections with court liaisons would be productive and could serve to enhance the transition of students returning to their communities. The MSDE JSES is continuing to diligently work on developing relationships with local school systems (LSS). A variety of measures utilizing the JSES Coordinator for guidance, student records, and regular meetings with designated LSS administrative staff responsible for working with students transitioning from JSES facilities has occurred. This endeavor has been initiated to support the effective and smooth transition of students back to their community schools.