



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

**FOURTH QUARTER REPORT
AND 2019 ANNUAL REVIEW**

The Maryland Juvenile Justice Monitoring Unit (JJMU)

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

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

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

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

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

JJMU Fourth Quarter Report and 2019 Annual Report Compendium

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

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

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

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

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

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



NICK MORONEY
Director

STATE OF MARYLAND
JUVENILE JUSTICE MONITORING UNIT

May 2020

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

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

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

Members of the General Assembly

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

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

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

To provide for a more effective approach, the Maryland Department of Juvenile Services (DJS) should increase efforts to keep young people that courts have sent out-of-home closer to their families and expand the availability of community-based resources to address the needs of justice-involved youth. A substantial body of research demonstrates that institutionalization of youth in in facilities far from home fails to promote healthy adolescent development and protect public safety. In contrast, community-based programs cost much less than youth incarceration and produce better outcomes.

Investing in the development of such a community-based model of care within Maryland is key to establishing a more just and effective juvenile justice system in terms of youth outcomes, public safety, and fiscal measures (See the section on juvenile justice reform in Maryland for more information.)

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for education services in both DJS-operated detention centers and DJS-operated placement facilities. Many youth in the deep-end of the juvenile justice system do not receive the education services that they need while they are in detention and committed placement centers. Rather than develop a proactive and creative approach to addressing these issues and advocating for more resources when needed, MSDE JSES has continued to maintain an inadequate status quo. (See the section on MSDE in DJS facilities for more information.)

Respectfully submitted,

Nick Moroney

Nick Moroney
Director
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh
Chief Deputy Attorney General Elizabeth Harris
Deputy Attorney General Carolyn Quattrocki
State of Maryland Treasurer's Office
The Office of the Comptroller of Maryland
Deputy Secretary Wallis Norman, Mr. Karl Pothier and Mr. Jay Cleary, DJS
Margi Joshi, Tim Snyder and Marvin Stone, JJMU

JUVENILE JUSTICE MONITORING UNIT FOURTH QUARTER REPORT AND 2019 ANNUAL REVIEW

TABLE OF CONTENTS

INCIDENT AND POPULATION TRENDS	1
JUVENILE JUSTICE REFORM IN MARYLAND	2
GIRLS IN THE MARYLAND JUVENILE JUSTICE SYSTEM	8
JUVENILE JUSTICE REFORM IN MARYLAND: OTHER CONCERNS	11
DETENTION CENTERS	15
Baltimore City Juvenile Justice Center	16
Cheltenham Youth Detention Center	19
Charles H. Hickey, Jr., School	22
Thomas J.S. Waxter Children’s Center.....	24
Alfred D. Noyes Children’s Center	26
Lower Eastern Shore Children’s Center	28
Western Maryland Children’s Center	30
COMMITTED PLACEMENT CENTERS	32
Victor Cullen Center.....	33
Savage Mountain.....	37
Youth Centers x4	40
Silver Oak Academy	43
J. DeWeese Carter Center.....	46
SMALLER FACILITY UPDATES	49
MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES	52
DJS RESPONSE	58
MSDE JSES RESPONSE	88
DHS RESPONSE	96

DJS Hardware Secure Detention

Short-term, pre-disposition/pending placement

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

DJS Committed Placement

Long-term, post-disposition

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

Incident and Population Trends

Calendar year 2019 population and incident trends versus 2018:

- ✓ Average daily populations (ADP) of DJS youth decreased at BCJJC, Hickey, Waxter, Noyes, and LESCC secure detention centers and in committed placement at the three youth centers and the DJS-licensed SOA.
- ✓ Fights and assaults decreased at CYDC, Hickey, Waxter, Hickey, Waxter, Noyes, and LESCC secure detention centers and in committed placement at Carter and Silver Oak.
- ✓ Physical restraints decreased in secure detention at CYDC, Waxter, and WMCC and in committed placement at Carter, SOA, and the three youth centers
- ✓ The use of mechanical restraints decreased in secure detention at BCJJC and Hickey and in committed placement at Carter and the three youth centers. Mechanical restraints were used once inside LESCC secure detention center.
- ✓ The use of seclusion decreased in secure detention at CYDC, Waxter, and Noyes and in committed placement at Carter. Seclusion was used once inside LESCC detention center.
- Average daily population (ADP) increased in secure detention at WMCC and in committed placement at Cullen.
- Fights and assaults increased in secure detention at BCJJC and WMCC and in committed placement at Cullen.
- Physical restraints increased in secure detention at BCJJC and WMCC and in committed placement at Cullen.
- Mechanical restraint usage inside facilities increased in secure detention at Waxter, Noyes and WMCC and in committed placement at Cullen.
- Seclusions increased in secure detention at BCJJC, Hickey, and WMCC and in committed placement at Carter.
- There were 258 incidents involving suicide ideation, two suicide attempts, and 24 incidents of self-injurious behavior at DJS-operated facilities in 2019. Incidents of suicide ideation decreased by 17% compared to 2018.

JUVENILE JUSTICE REFORM IN MARYLAND

Adopting a Community-Based Model of Care for Maryland's Youth and Families

To provide for a more effective approach, the Maryland Department of Juvenile Services (DJS) should increase efforts to keep young people that courts have sent out-of-home closer to their families and expand the availability of community-based resources to address the needs of justice-involved youth. A substantial body of research demonstrates that institutionalization of youth in facilities far from home fails to promote healthy adolescent development and protect public safety. In contrast, community-based programs cost much less than youth incarceration and produce better outcomes.¹

A 2013 report from the National Research Council of the National Academies recommended a developmental approach to reforming juvenile justice and also noted that scientific evidence indicates that:

community-based programs are more likely than institutional confinement to facilitate healthy development and reduce recidivism for most young offenders. Aside from the importance of involving parents and limiting and structuring contact with antisocial peers (and encouraging contact with prosocial peers), these programs can more readily be designed to provide a social context with opportunity structures for healthy development and the tools to deal with negative influences in the setting in which the youth will live in the future. For the small proportion of youth who require confinement in residential facilities, proximity to their community is likely to be less disruptive of developmental progress than commitment to distant facilities. As suggested above, large facilities that are located far from young offenders' homes may be particularly harmful (Bishop and Frazier, 2000). The practice of committing youth to large institutions that fail to provide for their developmental needs is both costly in financial terms and ineffective in furthering the goal of crime prevention. A 2009 governor's task force report in New York delivered a harsh rebuke of that state's juvenile justice system, pointing to the high recidivism rates among the large number of youth incarcerated in secure juvenile institutions far from their homes in New York City (Task Force on Transforming Juvenile Justice, 2009).²

Furthermore, research indicates that most youth outgrow criminal behavior.³ Categorization and decision making based on the nature of a youth's offense without regard to

¹ 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.21). Available at: NCJ 250142

https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf

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

³ Farrington, D.P. (1989). Early predictors of adolescent aggression and adult violence. *Violence and Victims*, 4(2), 79-100.

developmental issues are a poor predictor of outcomes.⁴ Utilizing developmentally appropriate interventions to promote pro-social behavior is more likely to be successful than incarcerating youth who then return home laden down with challenges.⁵

Community-Based Care and Accessibility of Effective Services

Young people in DJS-operated out-of-home placements in Maryland face complex challenges which go unaddressed and they do not have access to the evidence-based and trauma-informed treatment programs they need and which are much more accessible within communities.

The rurally located and DJS owned and operated Victor Cullen Center and Savage Mountain facilities (both institutions for boys) and the Carter Center facility (which holds girls) are maximum security facilities and represent the deepest end of the long term out-of-home spectrum for youth within Maryland, however, evidence-based and trauma-informed programming and treatment services are not available to the young people sent to these facilities (or to those sent to the equally remotely located three staff secure DJS “youth centers” in western Maryland). Added to the built-in location problem (remoteness from youth families and communities; ongoing difficulty hiring and retaining direct care, mental health, teaching and administrative staff, etc.), DJS’ attempts to provide treatment are undermined by the Department’s own policies and a behavior management system that is out-of-kilter with what research indicates about adolescent development.⁶

The Department of Juvenile Services and other stakeholders in the Maryland juvenile justice system should greatly intensify efforts to keep children in their homes by expanding the availability of community-based programs with a proven track record of addressing the needs of high-risk youth.⁷ The Department should expand existing initiatives such as the Crossover Youth Model, the Juvenile Detention Alternatives Initiative, and Living Classrooms Children’s Target Investment Zone so that they are available across the State. Evening reporting centers, such as the one (Lead4Life) in Montgomery County which serves as an alternative to secure detention,

⁴ Loeber, R., and Farrington, D.P. (1998). *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*. Thousand Oaks, CA: Sage.

⁵ Farrington, D.P., and Welsh, B. (2007). *Saving Children from a Life of Crime: Early Risk Factors and Effective Interventions*. New York: Oxford University Press.

⁶ Behavioral adherence to a generic, compliance-oriented points and levels system governs youth progress at DJS placement sites rather than the attainment of individualized treatment goals. Furthermore, all youth are required to complete a minimum six month stay at DJS placement sites regardless of their individual circumstances. Trauma-informed care consists of a single 3-hour psychoeducational course for staff on trauma and its effects and is inadequate to ensure a comprehensive trauma-informed treatment approach within DJS facilities.

⁷ Community-based programs that have a successful track record for high risk youth in Maryland include YAP, Roca and Lead4Life. For more information: Youth Advocate Program (YAP) <http://www.yapinc.org/youth-ji>; Roca <https://rocainc.org/work/young-men-program/> and Lead4Life, Inc. <http://www.lead4lifeinc.org/> .

could be broadened to also serve as an alternative to committed placement in a residential facility.⁸

If children and young people continue to be ordered sent out-of-home by the Courts, they should be held in small and specialized facilities located close to their families and communities and run by experienced treatment professionals rather than in remote and ineffective out-of-home placements.

Community-Based Care and Family Engagement

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

The current model of placing children in isolated facilities far from their home is not compatible with ongoing family involvement. Instead, to appropriately provide for young people sent out-of-home, the state of Maryland should invest in smaller residential and non-residential programs run by treatment experts and located close to a youth's family and community. As noted by juvenile justice experts, "most youth prisons are located far from home, making it much more difficult to maintain family ties or facilitate gradual transitions into community-based programming, both of which are critical to long-term success. The only viable option is to replace large youth prisons with smaller, more home-like facilities close to youth's communities."¹²

Two smaller DJS facilities, Mount Clare (12 beds) and the William Donald Schaefer House (19 beds) in Baltimore City have been closed over the last several years, leaving fewer resources to allow youth to remain close to their families and communities. At the same time, the Department has recently spent \$1.5 million on construction to convert Savage Mountain youth center (located in remote western Maryland) from a staff secure facility to a hardware secure (maximum security) facility.¹³ This step represents a departure from trends across the

⁸ Development Services Group, Inc. 2014. "Alternatives to Detention and Confinement." Literature Review. Washington, DC.: Office of Juvenile Justice and Delinquency Prevention. Page 3.

<http://www.ojjdp.gov/mpg/litreviews/AlternativesToDetentionandConfinement.pdf>

⁹ Vera Institute of Justice, "Family Engagement in the Juvenile Justice System." Available at:

https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy_downloads/family-engagement-juvenile-justice.pdf

¹⁰ Ibid. Vera Institute of Justice. <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-juvenile-justice.pdf>

¹¹ 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>

¹² McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Page 27. Available at: http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

¹³ For more information, see page 9 at: <http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2017fy-budget-docs-capital-V00-Department-of-Juvenile-Services.pdf>

country to close youth prisons and invest in the development of a continuum of community-based treatment options¹⁴, based on the research just described.

In 2016, when DJS closed the William Donald Schaefer House - a short-term, substance abuse treatment center in Baltimore City, the Department indicated that youth who would have been placed at WDSH would be sent to a larger facility in remote western Maryland. Youth who might otherwise have been closer to their families and community-based resources in Baltimore City are now instead sent further away from home and for a longer period, a minimum of six months compared to four at WDSH.

Placement at the youth centers in western Maryland as opposed to WDSH represents the adoption of a more restrictive and less community centered approach. This approach is counter to research which shows that kids do better when they are closer to home. Rather than closing William Donald Schaefer House and sending kids to remote facilities, the Department should be ensuring that all youth have access to treatment services in their communities. Research shows that “lengthy out-of-home placements in secure corrections or other residential facilities fail to produce better outcomes than alternative sanctions” and in “certain instances they can be counterproductive.”¹⁵

Shifting State Priorities to Move Towards a Community-Based Model of Care

The Department of Juvenile Services continues to expend significant effort in pursuing accreditation from the American Correctional Association¹⁶ for its placement facilities where youth are sent out of home. While seeking to demonstrate basic functioning of the DJS facilities that house incarcerated youth is important, State resources would be better utilized by investing in and ensuring the availability of proven treatment programs at small and specialized sites located in the areas where youth live and where appropriate professional services and

¹⁴ See for example: Reform in Virginia: Virginia Department of Juvenile Justice Transformation Plan 2018 Update, available at: <http://www.djj.virginia.gov/pdf/admin/Transformation%20Update%202018%20FINAL.pdf>

¹⁵ Pew Charitable Trusts Issue Brief, April 20, 2015. “Re-Examining Juvenile Incarceration.”

<http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

¹⁶ “The standards are established by the ACA with no oversight by government agencies, and the organization basically sells accreditation by charging fees ranging from \$8,100 to \$19,500, depending on the number of days and auditors involved and the number of facilities being accredited. [See, e.g.: PLN, Aug. 2014, p.24]. The ACA relies heavily on such fees; it reported receiving more than \$4.5 million in accreditation fees in 2011 – almost half its total revenue that year. The organization thus has a financial incentive to provide as many accreditations as possible. Notably, the accreditation process is basically a paper review. The ACA does not provide oversight or ongoing monitoring of correctional facilities, but only verifies whether a facility has policies that comply with the ACA’s self-promulgated standards at the time of accreditation. Following initial accreditation, facilities are reaccredited at three-year intervals. As a result, some prisons have experienced significant problems despite being accredited. For example, the Otter Creek Correctional Center in Kentucky, operated by Corrections Corporation of America (CCA), was accredited by the ACA in 2009 when at least five prison employees were prosecuted for raping or sexually abusing prisoners. [See: PLN, Oct. 2009, p.40]. Kentucky and Hawaii withdrew their female prisoners from Otter Creek following the sex scandal, but the facility did not lose its ACA accreditation. The prison has since closed.” Alex Friedmann, How the Courts View ACA Accreditation, Prison Legal News, October 10, 2014.

Available at: <https://www.prisonlegalnews.org/news/2014/oct/10/howcourts-view-aca-accreditation/>

substantial local resources (including family engagement) can be leveraged to better ensure the long term success of youth in partnership with their families and communities.¹⁷

Investing in the development of such a community-based model of care within Maryland is key to establishing a more just and effective juvenile justice system in terms of youth outcomes, public safety, and fiscal measures.¹⁸ States, including neighboring Virginia, are closing youth prisons and replacing them with regionalized and community-based treatment programs (residential and non-residential) that are more economical and more effective at improving youth outcomes. They can serve as an example of what is possible in Maryland.¹⁹

¹⁷For research on the effectiveness of community-based approaches to juvenile justice (regarding a general overview and prescription for reform): McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. *New Thinking in Community Corrections Bulletin*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

¹⁸ In fiscal year 2018, examples of the costs per youth per day in DJS operated placement facilities were \$1,048 (Victor Cullen); \$1,057 (Carter Center); \$958 (at 3 of the western Maryland Youth Centers); costs in DJS secure detention per youth per day ranged from \$575 in Baltimore City in the detention component at the base of the downtown juvenile justice center to \$1,137 at the Waxter Center, a decaying structure in Laurel used for holding detained girls. For more detailed information, see page 262 at: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf

¹⁹ See for example: Reform in Virginia: Virginia Department of Juvenile Justice Transformation Plan 2018 Update, available at: <http://www.djj.virginia.gov/pdf/admin/Transformation%20Update%202018%20FINAL.pdf>; see also, <http://campaign.r20.constantcontact.com/render?m=1114973702279&ca=50dd1de1-3544-4866-a60b-7899ea8e3f9a> and <https://justicelab.columbia.edu/news/moving-beyond-youth-prisons-lessons-new-york-citys-implementation-close-home>

GIRLS IN THE MARYLAND JUVENILE JUSTICE SYSTEM

GIRLS IN THE MARYLAND JUVENILE JUSTICE SYSTEM

A growing body of research shows that a disproportionate number of girls in the juvenile justice system suffer from mental illness²⁰; have histories of trauma connected to physical or sexual abuse; and are also disproportionately in the deep-end of the system as a result of technical violations of probation and low-level offenses.²¹

Department of Juvenile Services' data shows that, in fiscal year 2015, 83% of girls in committed placement had a misdemeanor as their most serious offense (compared to 68% of all youth).²² During the same period, 60% of girls placed at Carter (the DJS-operated hardware maximum security placement facility for girls) had a misdemeanor as their most serious offense, as had 51% of boys placed at Victor Cullen (the DJS maximum security placement for boys). The Department and courts can begin to alleviate these disparities by ensuring:

- An increase in opportunities for diversion away from the system through programs such as the Front End Diversion Initiative (FEDI).²³ The FEDI diverts certain low-risk youth away from court involvement and into intensive, mental health focused case management. This type of model would help address two of the systemic problems that disproportionately impact girls.
- Curtailment regarding the duration and terms of probation that judges and magistrates can set. Limits on the duration and terms of probation would reduce the number of youth detained or committed for technical violations of probation, and help address one burden that disproportionately impacts girls in the system.
- A prohibition on the use of committed placement and secure detention for technical violations of probation. Because girls are more likely than boys to be pushed deeper in the system for technical violations of probation, keeping youth out of residential settings entirely for technical infractions would address one of the disparities that impact girls in the system.
- An increase in the utilization of evidence-based treatment options in the community. Multi-Dimensional Treatment Foster Care (MDTFC) is an evidence-based service that is proven to be especially effective for girls.²⁴ Community-based programming should be used as alternatives to placement in facilities to prevent the inappropriate placement of low-risk girls in residential settings.

²⁰ DJS Report on Female Offenders, February 2012, p. 11 <http://www.djs.state.md.us/docs/Girls.Feb.2012.Report.pdf>

²¹ Francine Sherman and Annie Balck, "Gender Injustice: System-Level Juvenile Justice Reforms for Girls," 2015. http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf_and Saar, M., Epstein, R., Rosenthal, L., and Vafa, Y. "Sexual Abuse to Prison Pipeline: The Girls' Story." February 2015. http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

²² DJS FY 2015 Data Resource Guide, p. 131, 133. http://djs.state.md.us/drg/2015/2015_Full_DRG.pdf

²³ Erin Espinosa & Kathleen R. Skowrya, National Center for Mental Health and Juvenile Justice. "Diverting Youth at Probation Intake: The Front End Diversion Initiative." April 2015. <http://cfc.ncmhji.com/wp-content/uploads/2015/04/FEDI-508.pdf>

²⁴ National Institute of Justice. "Program Profile: Multidimensional Treatment Foster Care-Adolescents." <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=141>

Disparities in physical living conditions exist for girls in detention. Waxter, the all-girls detention center located in Anne Arundel County, is a severely dilapidated and outdated facility that negatively impacts the wellbeing of youth and staff alike. Education services are provided in shoddily constructed trailers located in the back of the facility. Library services, which are available at other boys' detention centers, are not available at Waxter partly due to space limitations and despite girls' frequent requests for more reading material. Problems with temperature regulation as well as rodent and vermin infestations are prevalent in both the school and the living units. Establishing livable and humane conditions for detained girls should be a priority for the Department and the State of Maryland.

For more information, see Waxter on page 24.

JUVENILE JUSTICE REFORM IN MARYLAND: OTHER CONCERNS

LIMITING PROBATION

The probation system should be examined as part of an effective alternative approach. There are wide disparities in the average length of probation in the juvenile system from jurisdiction to jurisdiction across Maryland. The average length of probation for youths in Maryland ranges from 198 days in Talbot County to 777 days in Garrett County.²⁵

Excessive lengths of stay on probation can increase the likelihood of re-incarceration for technical violations.²⁶ Rather than being given a fair opportunity to succeed in the community, young people can end up inappropriately placed in a residential facility as a result of fallout from overly lengthy probation periods.

Limiting the use of probation and tailoring its terms to focus on an individual youth's underlying needs and strengths can help keep kids out of the deep-end of the system while also providing an effective community-based intervention, including for higher-risk youth.²⁷ Research suggests that systems should incorporate "more reasonable supervision conditions that are understandable, realistically achievable, directly tied to probation goals, and minimize the need for constant oversight," rather than terms that are heavily surveillance oriented²⁸ in order to enhance the effectiveness of probation.

CHILD PROTECTIVE SERVICES AND YOUTH IN DJS FACILITIES

The Maryland Department of Human Services (DHS) has a Child Protective Services Unit (CPS) in each county to receive and investigate allegations of abuse and neglect of children, including those in facilities operated and licensed by Maryland Department of Juvenile Services (DJS).

However, CPS protections do not extend to all youth in DJS facilities. Youth up to age 21 can be held in DJS-operated and licensed facilities, yet CPS only investigates allegations of abuse or neglect of youth under 18. Youth aged 18 and over are vulnerable to potential abuse and should have the same protections that other youth in the facilities receive.

Additionally, CPS will only investigate allegations of abuse if the person reporting to CPS says the child has sustained a physical injury. For cases involving youth in DJS facilities, CPS often relies on obtaining information about a youth's injury status from a DJS worker. This practice does not ensure that CPS has accurate or complete information when decisions about accepting an allegation for investigation are made.

²⁵ Maryland Department of Juvenile Services, "Juvenile Probation Duration, FY 2016." October, 2016.

²⁶ National Juvenile Justice Network. "Snapshot: Probation." August, 2016. http://www.njjn.org/uploads/njjn-publications/Probation-Snapshot_FINAL.pdf

²⁷ National Juvenile Justice Network. "Snapshot: Probation." August, 2016.

²⁸ Id.

Maryland law should be changed to empower CPS to investigate all allegations of abuse or neglect stemming from incidents in DJS facilities, regardless of age or injury. In all reported allegations of abuse or neglect in a DJS facility, CPS should ascertain facts (conduct interviews, request and review any available camera footage and incident documentation, including medical reports) before deciding whether to investigate or “screen out” an allegation at the point of intake.

There should be comprehensive communication between CPS, facility superintendents, and the DJS Office of the Inspector General (DJS OIG – DJS’ internal investigatory unit) and the JJMU. CPS should inform facility superintendents, OIG investigators and the JJMU when CPS has received a report of alleged abuse or neglect from a DJS facility, and inform DJS and the JJMU when a decision about whether the case will be investigated has been made. The status of open investigations and their eventual outcomes should also be communicated by CPS to facility superintendents, OIG investigators and the JJMU.²⁹

Increased communication between CPS, DJS and the JJMU is necessary to help ensure appropriate responses to allegations of abuse or neglect in DJS facilities. Per DJS policy, any staff member suspected of child abuse or neglect must be removed from contact with youth for the duration of any investigation.

The Department of Human Services (DHS) with its CPS units and the Department of Juvenile Services should develop and implement standard procedures to ensure effective communication and collaboration for any case involving alleged child abuse or alleged child neglect in DJS facilities in all Maryland jurisdictions.

LGBTQ³⁰ YOUTH IN DJS FACILITIES

In line with best practices, DJS should adopt a presumption of housing children on units that are consistent with their gender identity³¹ and emphasize creating a physically and emotionally safe environment for LGBTQ youth throughout DJS facilities.

A small group of case managers and supervisory staff were selected to receive in-depth training on addressing the needs of LGBTQ youth provided by experts from a Maryland organization. Specialized training on serving LGBTQ youth should be expanded to include all DJS staff. Training should be accompanied by specific written policies and guidance (in addition to extant PREA-related policies), that establish the rights and protect the needs of LGBTQ youth

²⁹ DHS through its CPS units is obligated to inform the JJMU about DJS facility-based abuse and neglect allegations and outcomes per MD State Govt Code § 6-404 (6)

³⁰ Lesbian, gay, bisexual, transgender, and queer/questioning. For more information please see: Youth Equality** Alliance, "Living in the Margins: A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems" 2014, Baltimore: FreeState Legal Project. Available at: <https://freestate-justice.org/wp-content/uploads/2013/11/YEA-Report-2014.pdf>

³¹ Annie E. Casey Foundation. "Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System." 2015. Page 30. <http://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>

specifically.³² Any existing policies and practices that do not affirm and respect LGBTQ youth should be changed.

YOUTH CONCERNS ABOUT QUALITY OF LIFE IN DJS FACILITIES

According to experts in juvenile justice reform, “[s]afety and security are enhanced by creating a humane culture of care.”³³ Establishing a humane environment is a critical component of developing a therapeutic culture which – unlike a culture of control and compliance – helps to reduce recidivism rates among youth.³⁴ Ensuring youth access to basic needs related to food, clothing, and shelter and helping them to practice self-care are essential parts of creating a humane environment.³⁵ Programs that meet the basic needs of youth mitigate safety concerns such as “bartering, hoarding, misuses of power by youth and staff, and a harmful environment.”³⁶ Furthermore, meeting youths’ expectations regarding necessities such as clothing, food, and hygiene products can help promote a more positive and therapeutic environment in detention and committed placement centers.

During monitoring visits, youth express concerns about having their basic needs met while in DJS facilities. Youth connected these issues to their self-identity, often commenting that inadequate food, clothing, and other resources made them feel as though they were being treated “like criminals.”

In the context of adolescent development, addressing these issues is critical to promoting positive youth outcomes. As juvenile justice experts have explained:

A critical task of adolescence is to refine and deepen the sense of self and self-image (Erikson, 1959). Young people who come into contact with the juvenile justice system typically have experienced failure in a variety of settings and are in need of experiences that help them build a positive and prosocial self-image. Youth prisons communicate to young people constantly and in a variety of ways that they are dangerous, feared, worthless, and have no real future. With this identity firmly in place, with more trauma and more deeply entrenched behaviors, they are sent back to their communities with little follow-up or connection to help get them back on track (Schubert and Mulvey, 2014).³⁷

³² <http://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf> 28; Other child-serving state agencies, such as the Department of Human Services (previously known as the Department of Human Resources), can serve as a model in adopting up to date policies on working with LGBTQ youth.

[http://dhr.maryland.gov/documents/SSA%20Policy%20Directives/Child%20Welfare/SSA%2017-08%20Working%20with%20Lesbian,%20Gay,%20Bisexual,%20Transgender,%20and%20Questioning%20\(LGBTQ\)%20Youth%20and%20Families.pdf](http://dhr.maryland.gov/documents/SSA%20Policy%20Directives/Child%20Welfare/SSA%2017-08%20Working%20with%20Lesbian,%20Gay,%20Bisexual,%20Transgender,%20and%20Questioning%20(LGBTQ)%20Youth%20and%20Families.pdf)

³³ A New Juvenile Justice System: Total Reform for a Broken System, NYU Press, 2015. Page 72.

³⁴ Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 72.

³⁵ Id.

³⁶ Id.

³⁷[Quoted in] 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. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a hardware secure (maximum-security) detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. The DJS-rated housing capacity is 120 beds. African American youth represented 95% of total entries during both 2019 and 2018.

BCJJC – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	100	94	77
1. Youth on Youth Assault/Fight	352	251	268
2. Alleged Youth on Staff Assault	45	33	36
3. Physical Restraint	455	348	361
4. Use of Handcuffs and/or Shackles	115	86	83
5. Seclusion	14	34	39
6. Contraband	29	28	35
7. Suicide Ideation	21	11	22
8. Suicide Attempt	2	1	1
9. Self-Injurious Behavior	7	0	1

Physical restraints of youth by staff increased by 4% and utilization of seclusion increased by 15%. The use of mechanical restraints (handcuffs and/or leg irons) inside the facility decreased by 3%. The number of incidents of suicide ideation doubled (from 11 to 22).

Programming

BCJJC is a large facility with multiple housing units and severely limited outdoor space which can make providing structured activities on a consistent basis for all incarcerated youth difficult to organize and achieve. Community resources should be leveraged to increase

programming options and address downtime and the resulting boredom and restlessness that occurs outside school hours during the week and throughout weekends. The Boys Club, a well-attended program at BCJJC that linked youth to social capital and resources in the Baltimore area, has been discontinued. Consistent mentorship from community members who can provide support to youth upon release would be a valuable addition to the programming at BCJJC. In addition, young people who have children themselves express interest in fatherhood programs and parenting classes as well as regular access to their children through consistently scheduled visits (instead of the current practice of having to make a request to case management and waiting for facility administration to coordinate a special visit anytime a youth would like to see his son or daughter). A parenting curriculum that encompasses youth/parent interactions should be implemented for youth to allow fathers expanded opportunities to interact with their children.

Modules grounded in cognitive behavioral therapy (CBT) have been shown to reduce recidivism in detained youth.³⁸ Administrators at BCJJC should partner with mental health staff and case managers to offer a CBT curriculum to youth.

Trauma-informed Care

Over 56% of children in Baltimore have experienced a potentially traumatic event and nearly one third have experienced more than one potentially traumatic event.³⁹ Nationally, over 90% of justice involved youth report exposure to a traumatic event.⁴⁰ While direct-care staff receive a 3-hour introductory lecture on trauma and its effects, more comprehensive trauma-informed care initiatives should be developed to teach staff how to interact with youth in a trauma-responsive manner. In particular, staff at BCJJC need guidance on how to minimize the use of confrontation and escalation in response to challenging youth behavior (Incident 160108); how to curb excessive use of force (Incident 160071/160072); and how to consistently treat youth with professionalism, dignity, and respect (Grievance 16136).

Mental Health

There is a high turnover rate among mental health staff at BCJJC which presents difficulties in the provision of consistent and stable care to youth and in the ability of youth to develop rapport and trust with individual therapists. In addition, the location of clinician offices in a suite located outside of the detention facility hampers the ability of clinicians to quickly respond to incidents or to have a substantial everyday presence on living units where youth spend most of their time when not in school. Mental health staff should partner with facility administrators to

³⁸ A promising CBT curriculum that is publicly available has been used in Chicago juvenile detention to reduce recidivism. See <https://urbanlabs.uchicago.edu/news/cbt-2-0-a-behavioral-approach-to-reducing-recidivism-among-youth>

³⁹ Data Resource Center for Child and Adolescent Health, Adverse Child Experiences Among Baltimore and Maryland's Children, available at: https://www.childhealthdata.org/docs/default-source/local-area-synthetic-estimates/adverse-childhood-experiences-among-baltimore-maryland-s-children.pdf?sfvrsn=b43903fd_4

⁴⁰ Carly B. Dierkhising, Susan J. Ko, Briana Woods-Jaeger, Ernestine C. Briggs, Robert Lee, Robert S. Pynoos, Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network, *Eur J Psychotraumatol*.2013; 4, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

create a schedule in which clinicians are more integrated into facility operations and visible and accessible to youth on a more consistent basis.

Education

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

For more information on education services in DJS facilities, see the section on MSDE JSES which begins on page 52.

Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (CYDC), located in Prince George's County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 73% of total youth entries in calendar year 2019, compared to 75% in 2018. Hispanic/Latino youth represented 12% of entries during both 2019 and 2018.

CYDC – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	49	54	54
1. Youth on Youth Assault/Fight	164	140	127
2. Alleged Youth on Staff Assault	17	3	7
3. Physical Restraint	243	155	152
4. Use of Handcuffs and/or Shackles	11	4	4
5. Seclusion	40	20	6
6. Contraband	11	5	5
7. Suicide Ideation	16	15	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	6	3	4

Average daily population in 2019 remained constant (at 54) when compared to 2018. Comparing the same two time periods, youth on youth fights and assaults decreased by 9%, physical restraints of youth by staff decreased by 2%, and the utilization of seclusion decreased substantially (by 70%).

Administrators should continue to emphasize training efforts that focus on de-escalation and utilizing a team approach, including assistance from colleagues, mental health staff, and supervisors, in addressing youth behavior rather than reliance on physical restraints and seclusion. The following incidents indicate areas where staffers resorted to inappropriate physical responses or displayed a lack of professional judgement out of frustration or impatience with youth non-compliance.

In Incident 160807, a youth was sitting on the desk in a classroom instead of in a chair. A staffer directed the youth to sit in a chair but the youth did not comply. The staffer pushed the youth off the desk and the youth fell to the floor. The youth then got up from the floor and sat back down on the desk. The staffer pushed the youth again. A supervisor arrived to escort the youth from the classroom. As the youth was leaving the classroom with the supervisor, the staffer pushed the youth again.

In Incident 161183, a youth started doing push-ups in the dayroom. In response, a staffer told him to go to his cell. When the youth didn't not comply, the staffer approached the youth, reached down toward him, and pulled him by his shirt to an upright position. The staffer physically restrained the youth and eventually placed the youth inside his cell.

In Incident 161278, a staffer, frustrated that a youth was refusing to lock in, picked up a chair and threw it toward the mounted TV, striking it. The youth, following the staffer's lead, responded by throwing a bottle of water at the wall where the TV was located. The youth then picked up a different chair to throw. A second staffer prevented the youth from throwing the chair. The two staffers and a supervisor then physically restrained the youth and placed him in his cell.

In Incident 161961, a staffer confronted a youth face to face and began arguing with him. He then physically restrained the youth and pulled him into his cell. Other youth intervened and followed the youth and the staffer into the room. The youth reported to medical staff that he was assaulted by the staffer while in his room and received a bruise from the altercation.

As a result of the youth's allegation, mental health staff contacted Child Protective Services (CPS). However, the shift commander reviewing the incident failed to enter the allegation into the DJS incident database and failed to make a report to the Department's internal investigation unit although both actions are mandatory. The staffer involved in the allegation remained in coverage until upper management audited the incident several days later and removed the staffer from coverage pending findings from subsequently initiated CPS and internal investigations. All supervisors should receive refresher training on identifying incidents that may involve abuse and reporting allegations to the relevant internal and external agencies for investigation.

Maintaining adequate staff to youth supervision ratios and proper positioning of staff can help deter physical altercations and accelerate response time to incidents. In Incident 160625, more than 8 youth and one supervising staff were crammed in a small TV room on a residential unit watching a movie. One youth punched another and multiple youth then involved themselves in the altercation. Additional staffers posted outside the TV room were subsequently able to enter and help separate youth.

Education

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

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 78% of entries in calendar year 2019 versus 77% during calendar year 2018.

Hickey – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	57	57	54
1. Youth on Youth Assault/Fight	170	188	171
2. Alleged Youth on Staff Assault	0	5	7
3. Physical Restraint	215	240	221
4. Use of Handcuffs and/or Shackles	27	25	23
5. Seclusion	41	33	39
6. Contraband	7	15	18
7. Suicide Ideation	8	27	31
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	1	1

The average daily population declined by 5% when comparing 2019 with 2018. Youth on youth fights and assaults decreased by 9% and physical restraints of youth by staff decreased by 8%. However use of seclusion remained high at Hickey and there were 31 instances of suicide ideation in 2019 - an increase of 4 instances compared to the prior year.

Mental health

Mental health staff can and should play an active role in facility operations to aid in promoting a safe physical environment and assist youth experiencing mental and behavioral health-related issues while detained. The current role of mental health staff at Hickey (and at other DJS facilities) is limited to crisis management and debriefing with youth after they have been involved in incidents. Mental health staff should be available during youth waking hours to establish consistent and stable relationships with youth and to provide frequent contact with high needs youth, supportive services to youth experiencing challenges in school and on the living units, and psychoeducational programming.

High levels of turnover in mental health staffing further hampered the establishment of rapport between therapists and youth and impacted the level of services offered to youth during 2019. An increased effort should be made to encourage retention of clinical staff.

Staff Training

Training sessions should be conducted with an emphasis on staff professionalism, maintaining appropriate boundaries with youth, incident reporting requirements, and supervision of youth movement.

In Incident 159503, a staffer entered a classroom and began horse playing with a youth. The staffer pushed the youth's head toward the desk. The youth became upset, stood up and tried to throw a chair. The staffer failed to make a written report of the incident. The youth later complained of neck pain and was seen by medical. He reported the interaction with the staffer to a nurse and an incident report was generated at that point.

In Incident 161393, a staffer was supervising youth in the medical suite as youth were lining up to take medication. One youth was standing at the medication booth while another youth was moving around behind him. The roaming youth then assaulted the youth at the booth window. Appropriate supervision of youth movement during medication distribution requires that youth be seated while medication is handed out and that only one youth at a time approach the dispensary window to receive medication.

Physical Plant

The physical plant at Hickey is aged and in near constant need of repair which affects youth quality of life. In Grievance 15697 and 15966, the heating system was not functioning and youth reported being cold on residential units. Additionally, the school at Hickey - which is made up of several trailers - is outdated. Mold infestation leading to poor air quality caused the school to be closed for several days during 2019 due to the need for remediation. The trailers should be replaced with a new school structure.

For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

Thomas J.S. Waxter Children's Center

The Thomas J.S. Waxter Children's Center (Waxter) in Anne Arundel County is a hardware secure (locked and fenced) detention center for girls. Waxter is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 42 beds. African American girls represented 71% of entries during 2019 compared to 75% in 2018.

Waxter – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	22	25	22
1. Youth on Youth Assault/Fight	62	66	53
2. Alleged Youth on Staff Assault	24	25	32
3. Physical Restraint	219	214	162
4. Use of Handcuffs and/or Shackles	16	14	21
5. Seclusion	9	19	16
6. Contraband	8	1	5
7. Suicide Ideation	125	80	84
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	10	7	2

The average daily population (ADP) at Waxter in 2019 decreased by 12% compared to 2018 while youth fights and assaults decreased by 20%; use of physical restraints within the facility decreased by 24%; and use of seclusion decreased by 16%. However, use of mechanical restraints within the facility increased by 50% and instances of suicidal ideation increased by 4 (from 80 to 84) in 2019 when compared to 2018.

Physical Plant

Waxter is a dilapidated facility in need of extensive renovation for the facility to be habitable for youth and staff. The decrepit physical plant is plagued by a faulty heating and cooling system which leads to freezing or excessively hot temperatures on the units, rodent and insect infestations, excessive condensation on walls and floors, and consistently broken showers and shower doors. The inadequately sized education trailers are consistently in a state of disrepair as well. Education staff and teachers have to contend with leaking windows and roofs, loose floor tiles, a lack of hot water, cracks in the foundation (which can lead to potential safety risks or even structure collapse), and holes in the floors. An ongoing sewage smell permeates the area around the school due to poor drainage. Classroom space is small which contributes to cramped conditions and there is a lack of storage area for education-related supplies. Additionally, and despite frequent requests from students for access to a library in order to have to up-to-date and plentiful reading material to pass the time, space limitations prevent the creation of a designated area for library services.

Education Services

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

There was a vacancy for a special education teacher and resource teacher during the fourth quarter of 2019. Recruitment of qualified personnel remains an issue at Waxter due in part to poor physical working conditions. In addition, teacher salaries are not competitive with surrounding school districts where teachers receive more money and paid time off than teachers within the MSDE JSES system. Funding for MSDE JSES schools should be increased to allow for appropriate salaries for education personnel.

For more information about education services in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

Alfred D. Noyes Children’s Center

The Alfred D. Noyes Children’s Center, located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated population capacity of 57. African American youth represented 68% of entries during calendar year 2019 compared to 64% in 2018. Hispanic/Latinx youth accounted for 25% of entries in both 2019 and 2018.

Noyes – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	31	34	30
1. Youth on Youth Assault/Fight	94	89	74
2. Alleged Youth on Staff Assault	11	14	7
3. Physical Restraint	180	225	188
4. Use of Handcuffs and/or Shackles	25	28	29
5. Seclusion	13	6	4
6. Contraband	6	12	7
7. Suicide Ideation	56	27	14
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	2	3	1

Average daily population decreased by 12% during 2019 in comparison to 2018 while incidents involving youth on youth assaults and fights decreased by 17%; physical restraints of youth by staff decreased by 16%; use of seclusion decreased by 2 (from 6 to 4); and instances of suicidal ideation decreased by 48%.

Education Services

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

Recent legislation required MSDE JSES to establish a pilot program at one of its sites in which a local school district takes over operational control of the school inside a DJS facility. Administrators at MSDE JSES chose to enter into an agreement with Montgomery County Public Schools (MCPS) which resulted in MCPS providing additional resources to the school at Noyes including funding a new school trailer for the school. However, school management is still controlled by MSDE JSES administration and school employees are still considered MSDE JSES employees and do not receive pay and other benefits that are commensurate with Montgomery County School employees. While the addition of tangible resources such as physical plant upgrades are positive, deeper systemic reforms are needed to address long-standing issues such as problems with teacher recruitment and retention and the lack of specialized focus on the education needs of youth held in juvenile justice system-related facilities.

For further information on issues within the education system in DJS facilities and a discussion of alternative models of education delivery for incarcerated youth, see the MSDE JSES section of this report which begins on page 52.

Lower Eastern Shore Children's Center

The Lower Eastern Shore Children's Center (LESCC) is a hardware secure detention center located in Salisbury. LESCC is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 18 boys and six girls. African American youth represented 75% of entries during calendar year 2019, compared to 73% in 2018.

LESCC – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	17	19	17
1. Youth on Youth Assault/Fight	31	34	33
2. Alleged Youth on Staff Assault	5	6	1
3. Physical Restraint	130	147	66
4. Use of Handcuffs and/or Shackles	2	1	1
5. Seclusion	3	2	1
6. Contraband	1	4	7
7. Suicide Ideation	8	51	14
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	1	3	2

The average daily population at LESCC decreased by 2 (from 19 to 17) in calendar year 2019 when compared to 2018 while youth fights and assaults decreased by 1 (from 34 to 33) and physical restraints of youth by staff decreased by 55%. There were 14 instances of suicide ideation during the year. Mechanical restraints (handcuffs and/or leg irons) and seclusion were only used once within the facility during 2019. Administrators and staff at LESCC make a concerted effort to maintain safety and security while minimizing the use of mechanical restraints and seclusion which can be traumatizing for youth.

LESCC has a youth advisory board which meets twice a month to express youth concerns and provide suggestions for program improvement. Administrators are responsive to youth input and have implemented initiatives based on youth ideas. Several youth reported that music is an effective coping mechanism. As a result, individual MP3 players are being re-introduced as a youth incentive for positive behavior. Youth at all DJS detention facilities, including LESCC, lament the early lock-in time for showers and bedtime which results in youth spending up to 12 hours a day locked in their cells overnight. The facility developed late night movie nights and other activities held after shower time as incentives for youth to help ameliorate the effects of prolonged isolation. The recreation director is working on a more diverse schedule of activities due to youth requests for additional activities in addition to organized basketball games during recreation time.

LESCC can serve as a model for other DJS facilities in light of its child-centered approach.

The Department needs to add an assistant superintendent position at LESCC to assist the superintendent with administrative, operational, and programming matters.

For information on education in DJS facilities, see the MSDE JSES section on page 52.

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 52% of total youth entries in 2019 compared to 56% of total entries in 2018. Hispanic/Latino youth accounted for 12% of total entries during calendar year 2019, an increase of 1% compared to 2018.

WMCC – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	21	18	19
1. Youth on Youth Assault/Fight	51	43	51
2. Alleged Youth on Staff Assault	3	2	1
3. Physical Restraint	109	99	109
4. Use of Handcuffs and/or Shackles	19	17	24
5. Seclusion	3	3	4
6. Contraband	2	0	5
7. Suicide Ideation	8	18	15
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	1	0

The average daily population increased by 1 (from 18 to 19) in 2019 compared to 2018 while youth fights and assaults increased by 19%, physical restraints of youth by staff increased by 10%, and use of mechanical restraints (handcuffs and/or leg irons) within the facility increased by 41%. There were four incidents in which seclusion was utilized and 15 instances of suicide ideation during 2019.

A vacancy for a case manager supervisor and a recreation specialist during the fourth quarter of 2019 impacted the depth and breadth of youth programming and services.

The Department needs to add an assistant superintendent position at WMCC to assist the superintendent with administrative, operational, and programming matters.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for education services in DJS facilities, including WMCC. For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

COMMITTED PLACEMENT CENTERS

If DJS and MSDE JSES do not offer a more individualized and specialized approach tailored to youth treatment and education needs, talents and challenges, the culture and level of safety at DJS facilities will continue to be at risk of periodic or sustained deterioration and young people at the deepest end of the system will continue returning to their communities without the tools and supports they need to succeed at home, in school and in the workplace. It is critical that DJS and the Maryland State Department of Education work together to create targeted and comprehensive rehabilitative, educational and recreational programming for all youth incarcerated in placement.

Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a hardware secure (locked and fenced) committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth represented 73% of total entries in 2019 compared to 84% of total entries in 2018. Hispanic/Latino youth accounted for 14% of total entries in 2019.

Victor Cullen – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	28	19	22
1. Youth on Youth Assault/Fight	61	25	62
2. Alleged Youth on Staff Assault	18	17	22
3. Physical Restraint	248	81	129
4. Use of Handcuffs and/or Shackles	198	62	85
5. Seclusion	51	9	14
6. Contraband	4	12	15
7. Suicide Ideation	59	16	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	2	3

Population

The average daily population (ADP) at Victor Cullen in 2019 increased by 11% in 2019 compared to 2018 while fights and assaults, the use of physical and mechanical restraints inside the facility, and the use of seclusion all increased substantially. Reports of suicide ideation decreased by half in 2019 compared to 2018.

The population at Cullen should remain low, staff to youth ratios should be bolstered (to a minimum of one staffer to four youth), and a cadre of experienced, on-the-ground supervisors should be put in place to aid in attempts to establish safety, help ensure that youth receive individualized attention, and foster positive relationships between staff members and youth.

Many staffers experience burnout which consistently and negatively impacts facility safety, stability, and culture in addition to strongly mitigating against staff retention. Chronic issues with staffing shortages should be acknowledged and permanently addressed. Direct-care staffers reporting to duty are frequently forced to work double shifts several times per week due to staff call-outs, vacancies, and multiple and long-term instances of staffers out on sick- or injury-related leave.

Program

Kids in the deepest end of the juvenile justice system with the highest behavioral, mental health and trauma-related needs are placed at Victor Cullen and yet there continues to be no individualized, evidence-based, trauma-informed and trauma-responsive treatment program established at Cullen or at any other DJS-operated placement facility. All DJS placement sites operate under a compliance-oriented points and level system which governs youth progress. Treatment services for youth are further hampered by a shortage of full-time permanent clinicians on-site.

Boredom is a frequent experience among youth incarcerated in DJS facilities as there is a lack of consistently available constructive programming during after-school hours and on weekends. Contact with the surrounding community is severely limited and further contributes to restlessness and anxiety.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for the provision of education-related services at Victor Cullen. The school day at all MSDE JSES sites consists of four 90-minute classes in core content subjects. Many youth struggle to stay focused during the entire class period and typically spend significant amounts of time sleeping or socializing during instruction time. Class periods should be shortened and a variety of elective classes should be added (as is the case in community schools), including physical education, art, and music courses, to bring some balance to the school schedule and to keep students more academically engaged.

There is no career and technical education (CTE) instructor at Cullen and there are no opportunities to participate in long-term CTE courses that allow students to earn any nationally recognized certifications nor are there opportunities for youth to gain employment or internship experience in any high demand industries. Short term courses in basic food handling hygiene, construction site flagger certification, and CPR are offered on an intermittent basis in DJS detention and placement sites, including Victor Cullen. Many of the young people who are placed at Cullen already have these basic certifications which they completed while waiting in detention centers before being sent to placement. The result for many youth at Victor Cullen is a complete lack of substantive CTE programming even when there is an instructor.

For an overview of education in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

Employment and internships in nearby communities are prohibited by DJS for the youth at Victor Cullen (and at all other DJS-operated placements). A modest employment initiative overseen by DJS called World of Work which enabled high school graduates to work for minimum wage in exchange for performing odd jobs around the facility has been discontinued. The initiative was popular among youth as it afforded them the opportunity to earn money to pay toward victim restitution and to help with living expenses upon release. High school graduates have consistently asked for the reinstatement of the World of Work initiative. One youth commented that “me and four other youth are grads and we don’t do anything but sit on the unit all day doing nothing, no gym or game room” (Grievance 16169). The superintendent responded to the youth who filed the just referenced grievance by stating that the young people at the facility cannot work for pay anymore but would be allowed do the same work for additional food instead of pay.

Youth are required to complete a minimum 6-month length of stay at DJS placement sites, including Cullen, regardless of individual treatment progress. The minimum length of stay requirement was instituted in 2019 and was not accompanied by any increase in therapeutic or educational resources. The application of a determinate “sentence” contravenes the goals of a juvenile justice system which was created to be separate from the criminal justice system in that it is intended to prioritize rehabilitation over undifferentiated and punitive sanctions. In addition, “research demonstrates that longer lengths of stay in out-of-home placement do not necessarily produce better public safety outcomes for young people” and that “juveniles placed in state facilities for longer periods had higher rates of re-incarceration than those held for shorter periods.”⁴¹ Requiring youth to spend extended time in facilities which are far from family and community supports and which lack specialized and individualized therapeutic, educational, and enrichment resources is extremely expensive⁴² as well as ineffective. The creation of a minimum time period for youth confinement reinforces the prison-like mentality of “doing time” that is already pervasive at DJS placement sites including Victor Cullen. Minimum lengths of stay requirements at Cullen (and at all other DJS placement sites) should be rescinded.

The failures of Victor Cullen, including the long-standing staffing, safety, and security issues and the persistent lack of appropriate rehabilitative and treatment programming available to youth, begs for a new approach to youth justice. A plethora of research shows that:

community-based programs are more likely than institutional confinement to facilitate healthy development and reduce recidivism for most young offenders. Aside from the importance of involving parents and limiting and structuring contact with antisocial peers (and encouraging contact with prosocial peers), these programs can more readily be designed to provide

⁴¹ See National Council of State Legislators, Principles of Effective Juvenile Justice Policies, January 2018, available at: https://comm.ncsl.org/productfiles/108957002/Juvenile_Justice_Principles_NCSL.pdf

⁴² In FY 2018, it cost \$1048 a day to house a youth at Cullen. See DJS Data Resource Guide (p. 207), available at: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf

a social context with opportunity structures for healthy development and the tools to deal with negative influences in the setting in which the youth will live in the future. For the small proportion of youth who require confinement in residential facilities, proximity to their community is likely to be less disruptive of developmental progress than commitment to distant facilities. As suggested above, large facilities that are located far from young offenders' homes may be particularly harmful (Bishop and Frazier, 2000). The practice of committing youth to large institutions that fail to provide for their developmental needs is both costly in financial terms and ineffective in furthering the goal of crime prevention. A 2009 governor's task force report in New York delivered a harsh rebuke of that state's juvenile justice system, pointing to the high recidivism rates among the large number of youth incarcerated in secure juvenile institutions far from their homes in New York City (Task Force on Transforming Juvenile Justice, 2009).⁴³

Instead of continuing the warehousing of youth in institutions far from youth homes, the Department and the state of Maryland should invest in a continuum of community-based residential and non-residential models of care to help serve youth and families involved in the juvenile justice system.

⁴³ National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

Savage Mountain

The Savage Mountain facility, located in rural Allegheny County, is a Department of Juvenile Services (DJS/the Department) owned and operated hardware secure (locked and fenced) committed placement center for boys with a DJS-rated capacity of 24. African American youth represented 90% of entries throughout 2019.

Savage Mountain	2017 ⁴⁴	2018 ⁴⁵	2019
Average Daily Population (ADP)			7
1. Youth on Youth Assault/Fight			9
2. Alleged Youth on Staff Assault			2
3. Physical Restraint			62
4. Use of Handcuffs and/or Shackles			24
5. Seclusion			0
6. Contraband			4
7. Suicide Ideation			7
8. Suicide Attempt			0
9. Self-Injurious Behavior			0

The average daily population of youth at Savage Mountain in 2019 was 7. There were 9 youth on youth fights; 62 reported instances involving the use of physical restraint of youth by staff; and 24 incidents involving the use of mechanical restraints on young people inside the facility. Seven reports involving suicide ideation were recorded during 2019.

⁴⁴ Savage Mountain operated as a staff secure facility from January 2017 to September 2017 and was closed for renovation from September 2017 to December 2018 to convert the facility to a maximum security facility. Incidents numbers for the original four staff secure youth centers in 2017 are combined and represented in the youth centers report on page 21.

⁴⁵ Savage Mountain was closed in 2018 while construction to convert the facility from a staff secure to a maximum security facility was underway.

Over a million dollars was expended for fencing and other security apparatus to convert Savage Mountain from a staff secure (not fenced and locked) facility to a maximum security institution for youth. Savage was closed for more than a year and then re-opened in December of 2018, however only one of the residential units is currently operational and physical plant construction and remodeling (including amenities for youth) remains incomplete.

While substantial expenditure on restrictive physical plant and security-related items has gone forward, appropriate fiscal resources have not been allocated to ensure adequate therapeutic and activities-related programming for youth at the facility. There is a large unit dayroom but this space continues to be unavailable for use for youth activities due to continuing construction on grounds.

The young people at Savage complain of feeling “cooped up” and consistently describe an atmosphere of persistent boredom. Youth are rarely allowed supervised trips off-site. During winter months they are not even allowed to walk around between facility buildings after dark or when temperatures are below 55 degrees, even though there is a fence around the institution. Many youth comments made during monitoring visits (including those below) reflected the lack of resources made available to them as well as a dearth of organized activities:

"There are not enough activities especially on weekends";

"We sit in the dorm for hours and are bored"; and

"We are tired of TV and cards."

The lack of meaningful activities and very limited contact with people, organizations, and events outside the security fence surround the Savage institution is detrimental to healthy youth development and contributes to the stultifying atmosphere of a prison-like environment. Experts in effective programs for youth in secure care have noted that, “high-quality, rigorous programming throughout the day is essential, not just to keep young people engaged, but also to boost their educational, social, and emotional development.”⁴⁶

Education-related programming is also poorly and inappropriately resourced. The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education programming at the Savage Mountain facility. High school courses consist of four 90-minute classes in core content areas. Many students requested class times be shortened as they are not engaged during the full period. As one youth noted, “School [classes are] way too long. We don’t do nothing. The last class – English - starts at 2 and goes to 3:30. We are done with the worksheets by 2:30.” Electives to break up the school day, such as art, music, and physical education, while options in local public schools, are not offered to students in the MSDE JSES system.

⁴⁶ 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.24). Available at: NCJ 250142, available at: https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf

Career and technical education (CTE) programs improve conditions for incarcerated youth and enhance public safety. Education-related progress and sustainable employment for young people has been correlated with lower youth recidivism.⁴⁷ However, the current paltry and intermittently available offerings consist of short term basic level courses in CPR, ServSafe food handling hygiene and construction site flagger certifications which are sporadically offered in both DJS detention and placement sites. Vocational/CTE programming should be greatly and substantially expanded upon to include long-term, hands-on CTE courses in high-demand fields that lead to nationally recognized certifications and significantly enhance young people's employment prospects after release. Course work should be coupled with opportunities for internships, employment, and other work-based learning opportunities in communities around the facilities as well as on-site. Going forward, at least one dedicated CTE teacher should be assigned to each facility to facilitate CTE programming.

For an overview of education in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

⁴⁷ Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014) (p.30). Available at: <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>

Youth Centers x3

The youth centers, located in remote western Maryland, consist of three separate staff secure (not fenced and locked) facilities for boys. Each of these centers is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The facilities are: Green Ridge (40-bed capacity); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 72% of total youth entries in 2019 compared to 73% of total youth entries in 2018. Hispanic/Latino youth represented 11% of total youth entries in both 2019 and 2018.

Combined Youth Centers (x3) – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	92	90	82
1. Youth on Youth Assault/Fight	161	189	182
2. Alleged Youth on Staff Assault	49	41	47
3. Physical Restraint	650	602	497
4. Use of Handcuffs and/or Shackles	234	144	64
5. Seclusion	1	2	0
6. Contraband	14	35	34
7. Suicide Ideation	95	60	51
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	8	10

The average daily youth population decreased by 9% in 2019 compared to 2018 while youth on youth fights and assaults decreased by 4%, physical restraints of youth by staff decreased by 17%, use of mechanical restraints (handcuffs and/or leg irons) inside the facility decreased by 56% and instances of suicide ideation decreased by 15%.

Program

The current approach at the youth centers does not provide young people with access to an adequate level of specialized services or exposure to opportunities to develop the knowledge, skills and tools to overcome adverse experiences and thrive and grow as individuals. If the state of Maryland continues to choose to operate remotely located congregate care facilities to address the needs of justice-involved youth, it must - at a minimum – provide adequate staffing and implement effective treatment, education, and social and community supports and services to young people housed in these institutions.

The following deficits contribute to the programs ineffectiveness.

Staffing: Research indicates that “[r]elationships matter and are the primary agent of change,”⁴⁸ however, current staff to youth ratios at the youth centers are not conducive to forming consistent and ongoing positive relationships. Staff are placed in the position of constantly attending to crisis situations rather than systematically building trust and rapport with youth. To help foster more meaningful staff/youth interactions, there should be a minimum of one staff member to four youth and a supervisor available on each shift to provide support to youth and direct-care staff.

Treatment: All DJS placement sites should adopt an individualized, evidence-based, trauma-informed and trauma-responsive treatment program that replaces the current generic, compliance-oriented points and level system developed by DJS. Youth progress should be governed through attainment of individualized treatment goals developed through a collaborative process by clinicians, staff, youth and families rather than through adherence to a predetermined set of proscribed behaviors. Abandonment of the current staff-issued points and levels system would alleviate the antagonistic us-versus-them relationships that exist between youth and staff. Adoption of a more individualized and comprehensive treatment approach would also begin to shift the current sentiment that many youth verbalize - that they are “doing time” and “behaving their way through” to get home.

There is a critical shortage of clinical staff at the youth centers. There should be a minimum of four therapists and a clinical supervisor per center and clinical staff should be available during waking hours to assist both youth and staff. Issues involving high turnover and burnout among staff (especially clinical staff) should be acknowledged and addressed, and concerted efforts should be made to improve recruitment and retention.

Family engagement: Family involvement is an essential component to trauma-informed care and is linked with positive youth outcomes.⁴⁹ The remote location of the youth centers makes

⁴⁸ Decker, Tim (on behalf of the Juvenile Justice Leadership Network), A Roadmap to the Ideal Juvenile Justice System (July 2019), p. 11, available at: <https://cjjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>

⁴⁹ 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>

continuous family engagement a challenge. Until the state of Maryland reforms its juvenile justice system to keep youth closer to home while they receive services, families should be provided with comprehensive transportation assistance to help ease the burden and expense of maintaining contact with youth through visitation.

Constructive Activities: Boredom due to excessive downtime is a major issue at the youth centers (and at all DJS-operated facilities). Access to a robust array of constructive activities on-site and in the community should be available to youth to foster healthy adolescent development.

Education: The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the schools at the four youth centers. Incarcerated students should have access to the same quality of educational services as are available to them in local school systems, including a variety of career readiness courses which would help position them to obtain employment in high demand fields upon release. Initiatives to support educational progress and sustainable employment for young people is an essential investment and one which research indicates can lower the chances of youth recidivism.⁵⁰

The current approach to education and curriculum does not succeed in keeping students engaged in learning or in fostering youth academic and career success. The six hour school schedule at all DJS detention and placement facilities consists of 90-minute classes in four core content areas. Lessons are usually completed in half or less of the stipulated class length and students consequently spend significant time socializing or sleeping during class periods.

While students consistently express strong interest in vocational courses such as barbering, HVAC, construction, carpentry, and culinary arts, such offerings are unavailable to them - there are no opportunities for long-term career and technical education courses leading to industry certification at DJS-operated facilities. Employment and internship opportunities are also non-existent.

A modest DJS-controlled work initiative begun a few years ago evoked strong youth participation and enabled them to earn minimum wage to put toward restitution and post-release living costs in return for performing odd jobs around the facility. This initiative has been discontinued.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

⁵⁰ Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014) (p.30). Available at: <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>

Silver Oak Academy

Silver Oak Academy (SOA/Silver Oak), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 89% of entries to SOA through DJS during both 2019 and 2018.

SOA – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	48	30	29
1. Youth on Youth Assault/Fight	60	66	41
2. Alleged Youth on Staff Assault	12	15	13
3. Physical Restraint	51	66	64
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	28	31	11
7. Suicide Ideation	1	1	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population of youth placed at Silver Oak through DJS decreased by 1 (from 30 to 29) in 2019 compared to 2018 while youth fights and assaults decreased by 38% (from 66 to 41), and physical restraints of youth by staff decreased by 2 instances (from 66 to 64).⁵¹

⁵¹ The average daily population (ADP) reflects only youth placed at Silver Oak through the Maryland Department of Juvenile Services (DJS). Youth from other states (and the District of Columbia) are placed at Silver Oak through other agencies, however, these youth are not included in the ADP figures reported by DJS. Incidents involving out-of-state youth were not
Juvenile Justice Monitoring Unit, Fourth Quarter Report and 2019 Annual Review 43

Issues involving inadequate supervision of youth and problematic youth and staff interactions persisted through the fourth quarter of 2019.

In Incident 160770, several youth were driven to a large community high school to sit for the SAT exam. One youth finished the exam after the others, exited the testing room, and waited in the assigned pick-up location for Silver Oak staff to pick him up and transport him back to the facility. After waiting several minutes, the youth located the school office and asked the school staff to call Silver Oak to come and get him. He waited approximately half an hour after completion of the testing time period before Silver Oak staffers were able to retrieve him. When the youth asked how the staff could have forgotten him, he was told that staff “forgot to get their count.” The youth later filed a grievance about the incident, stating that he suffers from social anxiety and was anxious about being left alone in the school.

In Incident 161562, a youth in the transitional/independent living unit at Silver Oak refused to turn in his cell phone to staff for the evening per Silver Oak rules regarding cell phone privileges for youth in transition. Later on in the evening, the youth left his room to get water and began talking to staff. The staff member directed the youth to return to his room and the youth seemingly complied. Half an hour later, staff conducted room checks and discovered that the youth was not in his room. Video footage shows the youth walking across campus and getting picked up by an unidentified vehicle.

In Incident 161562, youth can be seen entering the cafeteria with staff from an off-site youth group that provides programming for youth at the facility. Silver Oak staff are not present. Three youth separate themselves from the rest of the group and sit at the far end of the cafeteria near the exit doors. The three subsequently get up and run out the door. A staff member from the youth group yells for a Silver Oak staffer to come to the area after witnessing the youth abscond. One youth was apprehended by staff in the facility driveway. The other two youth were apprehended in a neighbor’s recreational vehicle after the neighbor noticed their presence and called the facility to inform SOA that the boys were on his property.

In Incident 161539, a staffer confronted a youth in a bathroom and began yelling at him. A tussle between the youth and the staffer ensued and other staffers intervened to separate the staffer from the youth. Once removed from the bathroom by other staff, the agitated staffer attempted to run back into the bathroom and continue fighting the youth but was prevented from doing so by colleagues.

Silver Oak does offer youth opportunities not available at state-run staff secure facilities, including the ability to: graduate high school and obtain a high school diploma; earn several different widely recognized professional certifications; gain valuable work training and experience in areas such as culinary arts, construction, and nursing; participate in local and regional collegiate sports competitions; and work at jobs and internships and attend cultural and recreational events in nearby communities on a regular basis.

These opportunities must be supported by a positive institutional culture, however, and facility culture has been somewhat negatively impacted by inadequate structure and supervision

uploaded to and included on the DJS database until the fourth quarter of 2018 and are therefore only partially represented in the selected incidents table.

and even antagonistic relationships between youth and staff. Efforts are underway (and must continue) to improve the milieu at Silver Oak through additional management oversight of staff and youth and enhanced staff training.

Silver Oak administrators also need to add to the number of clinicians on-site to better ensure the provision of consistent individualized therapeutic services to youth and to bolster support of direct care staff in addressing challenging or problematic youth behavior.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls. Located on the eastern shore, Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American girls represented 63% of total youth entries in both 2019 and 2018.

Carter – Selected Incident Categories	2017	2018	2019
Average Daily Population (ADP)	11	7	7
1. Youth on Youth Assault/Fight	8	8	6
2. Alleged Youth on Staff Assault	3	1	0
3. Physical Restraint	32	45	19
4. Use of Handcuffs and/or Shackles	0	3	2
5. Seclusion	17	18	7
6. Contraband	1	1	0
7. Suicide Ideation	7	6	4
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	8	2	0

The average daily population (ADP) at Carter in 2019 remained the same as in 2018 (seven young people) while fights, physical restraints, the use of mechanical restraints, seclusions and suicide ideation all decreased.

A long-standing vacancy for a substance abuse counselor should be addressed.

Coordination of services when a child is moved from detention into placement should be better managed so as to avoid undue delays in providing services. A youth placed at Carter who

was a victim of sex trafficking had to wait several weeks before specialized trauma-related treatment services were arranged for her.

Programs with a therapeutic culture, rather than ones with an emphasis on control and compliance, have been shown to reduce recidivism.⁵² Girls at Carter rarely leave the facility except for occasional visits to a nearby recreation center. Girls who have been at Carter for several months are eligible for occasional staff supervised trips to a local theater or a nearby clothing store. Chestertown community resources should be leveraged to provide girls with substantial and consistent opportunities to work and volunteer as well as recreate in the area. Access to activities outside the facility can foster the development of socialization skills and self-efficacy and help ease the persistent boredom and anxiety girls experience from being confined together in a very limited space for six months or even longer.

Girls in the deep end of the Maryland juvenile justice system present with moderate to severe mental health and trauma issues and are more likely to have family-related treatment needs than boys.⁵³ Girls placed at Carter deserve an individualized treatment approach that is gender responsive and grounded in evidence-based and trauma-informed care. Instead, the treatment approach at Carter is largely governed by the same compliance-oriented behavior modification system used for both boys and girls at all DJS detention and placement sites.

Family engagement is an essential component of trauma-informed care⁵⁴, however Carter's remote location on Maryland's eastern shore presents barriers to consistent family involvement. Comprehensive transportation services should be provided to parents in need of assistance on an as-needed basis and family engagement events (in addition to regular visit times) should be held monthly (at a minimum) to encourage family participation in treatment.

The program at Carter should be restructured to include the implementation of a trauma-informed and evidence-based treatment program, intensive staff training on trauma-informed response and interventions, and plentiful opportunities for community and family engagement to build skills and competencies and begin to address family-related needs prevalent for many girls in the juvenile justice system.

Quality of life issues contribute to an institutional versus a home-like, therapeutic environment at Carter. The institution lacks on-site dining services and the food brought in by an outside vendor is often not heated properly and lacks flavor. Soap is doled out each day in the form of an insufficient ration of liquid body wash rationed x. Girls were previously offered small bars of soap in a scent of their choosing, however this practice was discontinued during 2019. Administrators can foster a more caring environment by improving basic provisions such as appealing food and appropriate types and amounts of hygiene products.

⁵² Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 72

⁵³ See Maryland Department of Juvenile Services, *Services for DJS-Involved Girls*, January 2019, available at: <https://djs.maryland.gov/Documents/publications/DJS-Services-DJS-Involved-Girls-Jan-2019.pdf>

⁵⁴https://www.nctsn.org/sites/default/files/resources/the_role_of_family_engagement_in_creating_trauma_informed_juvenile_justice_systems.pdf

The ramp leading up to the school trailer is dilapidated and continues to be neglected by DJS (which is responsible for physical plant issues) even as it poses a safety risk for youth and staff. The ramp should be properly repaired or replaced without further delay.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) provides education services at Carter. The small school environment allows for more individualized attention than in the schools at other DJS placement sites. However, all MSDE JSES schools lack long term career and technical education courses that could lead to nationally recognized certifications in high demand areas. Additionally, youth with a high school diploma or GED are denied the opportunity to seek internships or employment or attend college in nearby communities.

For an overview of education in DJS facilities, see the MSDE JSES section of this report which begins on page 52.

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

During 2019, the number of incidents involving aggression remained low at smaller facilities licensed by DJS.

Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center near Cambridge on Maryland's eastern shore. The facility is operated by Vision Quest, Inc., and is licensed by DJS to house up to 24 boys and young men. Morning Star utilizes the trauma-informed Sanctuary⁵⁵ model. Onsite treatment services are supplemented by community mental health organizations which provide group and individual therapy. Efforts to promote adherence to the therapeutic model and improve staff supervision of youth (Incident 159891) through more extensive staff training should continue. Safety and security should be enhanced through camera coverage in the welcome area where visitors are signed in and staff offices are located.

Recreational options for youth were limited during the fourth quarter of 2019 due to unaddressed repair needs in the gym (which rendered the space unusable) and a lack of heating and air conditioning in the weight room. In addition, staffing levels hamper the ability to provide more recreational outlets for youth. Current staffing ratios provide for a single staffer supervising each residential unit. Staff cannot take youth outside for recreation unless all youth on the unit are interested in participating. Increasing staffing levels to provide for a minimum of one staffer per four youth could facilitate a greater variety of activities and help reduce downtime (which is particularly prevalent on weekends). Morning Star should also create a youth advisory board to ascertain the types of additional activities and programming which would interest young people at the facility. Proposed plans to expand job training opportunities through job shadowing in nearby communities and to offer access to HVAC and welding courses should be implemented for the young people at Morning Star.

Family therapy is incorporated into treatment programming at Morning Star. Administrators should arrange for videoconferencing capabilities at the facility to facilitate greater participation in family therapy sessions given that the remote location of the facility makes it difficult for most parents to attend sessions in person. Additionally, the current allotment of phone calls should be increased to enable at least three 10-minute phone calls per week for each youth – this change would mean that Morning Star would provide the same number and duration of phone calls allotted to youth in DJS-operated placement sites.

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

⁵⁵ For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>

referrals from DJS. One Love offers a supportive program in a home-like environment with regular access to community resources to meet the therapeutic, educational, recreational, enrichment, and vocational needs of youth.

Family members are encouraged to play an active role in their child's progress at One Love. Home passes are incorporated as an integral part of the rehabilitative program. At the same time, One Love provides young people with experiences to help foster their independence. Youth are employed in the surrounding area and participate in career readiness workshops offered by community providers. Components of the program such as family meals cooked by residents, assignment of chores, and regular house meetings to discuss and resolve issues also contribute to the development of important self-care, socialization, and conflict resolution skills.

One Love can serve as a model for community-based residential placement for adjudicated youth.

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for providing education services within Department of Juvenile Services (DJS) detention and placement facilities.

The nature of the juvenile justice system requires a specialized approach to schooling that incorporates the education needs of the youth and the realities of the system. There is a wide range of education needs among youth at a variety of levels: in the entire system, within particular facilities, and on individual living units (which, rather than grade level, often determine the composition of the classroom). The configuration and purpose of different facilities – detention versus committed placement, for example – also require further specialization of approach to education based on varying security concerns and lengths of stay. In some cases, education-related laws⁵⁶ can impede rather than facilitate the effective delivery of individualized education services to youth in MSDE JSES schools. The result is that many youth in the deep-end of the juvenile justice system do not receive the education services that they need while they are in detention and committed placement centers.

Rather than develop a proactive and creative approach to addressing these issues and advocating for changes in the law and more resources when needed, MSDE JSES has continued to maintain an inadequate status quo. While important gains like giving some youth access to some online community college courses have had significant ramifications for some students, systemic issues have remained unaddressed. Leadership at MSDE and MSDE JSES must commit to advocating for, devoting resources to, and substantially supporting students, teachers and principals in MSDE JSES schools if the educational needs of the students served are to be met. Ongoing challenges and potential paths forward to providing quality instruction comparable to local school systems are highlighted below.

- ☒ MSDE JSES is not organized to operate as a school system and does not have its own internal procurement or human resources department to ensure that adequate supplies, tools, and staffing is delivered to schools in a timely manner. Compounding inadequacies in the organizational infrastructure, MSDE JSES is insufficiently funded. These structural shortcomings have directly impacted the availability and quality of educational services in DJS facilities.
- Leadership at MSDE should assess and quantify what resources are required to establish the organizational structure needed to operate a functional system of educational programming. While the addition of \$2 million and 20 added positions

⁵⁶ ED ART. 8-501 THROUGH 8-507 prohibits students from being enrolled in two schools at once. This restriction can create barriers to smooth transitions between schools in the community and MSDE JSES sites. COMAR 13A.05.11.03B and COMAR 13A.03.02, prevent MSDE JSES from offering a distinct GED preparation program for youth in MSDE JSES schools.

to the MSDE-JSES budget in fiscal year 2017⁵⁷ was a first step in addressing these issues, it was not a permanent or comprehensive solution.

- ☒ Ongoing problems with teacher shortages – through both vacancies and absences – continue to significantly disrupt education services in MSDE-JSES schools. As a result of staffing issues, students do not receive comprehensive, consistent daily instruction with appropriate educational supports. Teachers in many of the MSDE-JSES schools are paid less than their colleagues in local school systems and work year round.
 - In order to recruit and retain qualified teachers, MSDE JSES should offer salaries and benefits comparable to teachers in local school systems. MSDE JSES schools should not share principals as is current practice at several sites.
- ☒ Greater investment in special education services is needed to provide MSDE JSES students with the education they are legally entitled to receive.⁵⁸
 - All students entering MSDE JSES schools should be screened for special education needs, and an Individual Education Program (IEP) should be created for those students identified as requiring services. Any changes by MSDE JSES staff to a child’s existing IEPs should be approved by the MSDE Division of Special Education and Early Intervention Services to ensure that changes are based on educational need and not on resource availability. Parents or guardians and the child’s attorney should be consulted and in agreement before any changes occur.
- ☒ Coordination with local school system should be improved to avoid disruptions to a child’s educational progress. Students are unenrolled from their community school upon entering a detention center even though they are often (sometimes within a few days) released to the community following a court hearing. Parents then have to appear in person at a county or city school administration office to try and re-enroll their child in his or her local community school. Youth also experience difficulties transferring credits from MSDE JSES schools to local school systems. When youth return home, credits they earned in MSDE JSES schools are not necessarily accepted by their local school system or applied toward a high school diploma.

⁵⁷ Maryland Budget Highlights FY 2017, p. 15

<http://www.dbm.maryland.gov/budget/Documents/operbudget/2017/2017Highlights.pdf>

⁵⁸ The NAACP filed a complaint with the federal government concerning inadequate educational services at MSDE JSES schools. See “NAACP requests federal investigation into juvenile justice education.” The Baltimore Sun. November 11, 2015 <http://www.baltimoresun.com/news/maryland/bs-md-ci-jvenile-education-complaint-20151106-story.html>

- Youth should not be unenrolled from their home school upon entry to a DJS facility. School time lost during the re-enrollment process can disrupt a child's education and hinder successful transition back to the local school. Students in detention should remain enrolled (or dually enrolled) in their community school at least until their adjudication or disposition hearing to help ensure continuity in their educational program. MSDE JSES should coordinate with local school systems so that youth may stay enrolled (or dually enrolled) in their school in the community and progress through its curriculum, while they are in a DJS facility.
- 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 MSDE JSES schools are successfully transferred to local schools and applied toward high school diploma requirements. Individualized and comprehensive transition procedures and practices should be initiated and followed through by designated workers responsible for the successful transition of youth returning to local school systems.
- ☒ Vocational education is limited to a few basic courses (food handling hygiene, construction site flagger, CPR, etc.) in MSDE JSES schools and the delivery of these courses is hampered by staffing shortages. In a modest effort to address lack of vocational training for high school graduates, DJS developed and sponsored a World of Work program at some sites which allowed youth to earn minimum wage for performing odd jobs around facilities. While the program was limited in scope, it afforded the opportunity for incarcerated high school graduates to earn money to be put toward restitution and post-release living expenses. The program was discontinued and at time of writing has not been reinstated. Instead, youth who want to continue to work are provided with extra food rations instead of pay at some placement facilities (See Victor Cullen, page 33).
- Education programming in DJS facilities should include a substantial variety of consistently offered hands-on courses leading to recognized certifications. Currently, many of the youth in (long term) DJS placement facilities have already exhausted the limited and basic career and technology related courses available to them, having completed the short courses during time spent in detention prior to being sent to placement. MSDE-JSES and DJS should collaborate to maintain adequate staffing, space, and equipment at each site to ensure that hands-on vocational education programs leading to recognized certification are available on a daily basis for youth in detention and committed placement. Community-based options for job training – including courses, internships, and employment –

should be but are not available to youth in DJS-operated placements but yet are available to youth sent to the privately run (and DJS-licensed) Silver Oak Academy in Keymar, Maryland.

- Each MSDE JSES school site should have at least one dedicated and fulltime CTE instructor (i.e., a qualified individual who is not to be pulled from CTE to act as a teacher substitute) in order to ensure that youth have consistent daily access to a wide variety of substantive, hands-on vocational education.

While implementing the above suggested improvements could help enhance educational programming, a wholesale and appropriately planned and determined departure from the status-in-quo is warranted given the shortcomings of the current DJS facility education model. One such potential shift toward improving education services and resources (at least for students held in detention facilities) involves a statutorily mandated pilot program that is currently based at the DJS-operated Noyes detention center in Montgomery County. The majority of students at Noyes are from Montgomery County, and the pilot legislative language mandates the transfer of operational control of the school at Noyes from MSDE and to the Montgomery County Public School System (MCPS). Unfortunately, operational control has yet to be ceded by MSDE and so the pilot program has yet to be properly operationalized.

The pilot process for Noyes is in the hands of a workgroup with leadership, membership and staffing largely controlled by MSDE and MSDE JSES administrators. The voting members of the workgroup includes a number of employees of MSDE JSES and also initially included an out-of-state consultant who was negotiating a multi-year contract valued at over a million dollars with MSDE.

Public comment during workgroup meetings is prohibited, including from those who may be knowledgeable about school operations and programming in the context of juvenile justice systems. The workgroup does not include any current or former students (or parents of students) or teachers from Noyes who might be in a position to more accurately represent the views of those who will be directly impacted by any changes to operations and programming. The result is a lack of voice in the piloting process for many of those who work directly with or for the rights of incarcerated youth.

In addition to establishing the pilot program, the work group is also charged with evaluating and making recommendations on how to improve the quality of education services provided to students in DJS facilities. Despite meeting monthly throughout 2019, the workgroup has so far failed to make concrete findings or recommendations to help students within the MSDE JSES system. Decision-making within the work group was hampered by a lack of quorum at several meeting dates in 2019 and the group has not advanced much-needed education reforms for students incarcerated within the Maryland juvenile justice system.

In order to adhere to statutory mandate and clear a path toward an operational pilot as envisaged by the law, the school at the DJS Noyes detention center in Rockville must be taken

over and operated by Montgomery County Public Schools (MCPS) as required by the enabling legislation.⁵⁹ At time of writing, MSDE continues to operate and control the school at Noyes and MSDE administration has verbalized an intent (at pilot workgroup meetings) to maintain operational control of education services and teachers at Noyes for the duration of the pilot program timeline. Such an approach is plainly not in accord with the enabling legislation for the pilot program. Oversight of school operations should rest solely with MCPS, which has significant resources as well as built-in mechanisms to ensure input from employees, parents, advocates, and other vested stakeholders. Education and education support personnel in the school at Noyes should be considered MCPS employees and should be offered commensurate salary and benefits, training and vacation time.

Regardless of the outcome of the pilot project at Noyes, the scope of the system-wide deficits within MSDE JSES around Maryland necessitates an innovative new approach to the provision of education services for justice-involved youth in custody throughout our state.

Another piece of proposed legislation offers one such approach - Senate Bill 798/House Bill 1513 from the 2020 legislative session of the Maryland Assembly.⁶⁰ This legislative initiative involves the creation of an independent school board to oversee education in the Maryland juvenile justice system and to help rectify the long-standing deficiency issues in education services for incarcerated youth in DJS placement and detention facilities. An independent school board can provide a level of autonomy, transparency and accountability not currently present within the MSDE JSES framework and can advocate to better ensure students receive the services and supports they are entitled to and that they need to succeed.

Educational services play a vital role in the juvenile justice system. Research shows that academic achievement is pivotal in reducing recidivism and promoting positive outcomes for young people in contact with justice systems.⁶¹ Substantive reform of the current education model for incarcerated students is needed to effectuate an equitable system which provides youth with the access to services and instruction that enable them to thrive and succeed.

⁵⁹ See Maryland General Assembly 2018 Session, HB 1607, available at:

<http://mgaleg.maryland.gov/2018RS/bills/hb/hb1607E.pdf>

Revised fiscal note bill for HB 1607:

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

⁶⁰ See Maryland General Assembly 2020 Session, SB 2798, available at:

<http://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb1513?ys=2020RS>

⁶¹Seigle, E., Walsh, N., and Weber, J. "Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System." Council of State Governments, 2014, available at: <https://csjjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf> (p. 30)

**MARYLAND DEPARTMENT OF JUVENILE
SERVICES
– RESPONSE**



**STATEMENT FROM THE DEPARTMENT OF JUVENILE SERVICES
REGARDING THE COVID-19 PANDEMIC**

DJS is working closely with health experts and the Maryland Department of Health (MDH) to minimize the impact of COVID-19 on our operations. In addition to working with MDH and local health departments, DJS is implementing practices and protocols that are both consistent with guidance provided by MDH and the Centers for Disease Control (CDC) to keep youth and staff safe during the health crisis.

The best interests of the youth we serve is a top priority for DJS, as is the health, safety, and well-being of DJS staff and the community at large. During this unprecedented health emergency, DJS is continually reviewing the juvenile detention and committed populations to identify youth that may be safely supervised in the community. In evaluating whether to recommend community supervision, DJS considers factors specific to each youth, including their medical history, the availability of family or other support systems in the community, and ultimately public safety. The best interest of the youth weighs heavily when formulating recommendations and when moving to bring a youth's case to the attention of the local courts for review. The courts make the decision on whether to release a youth, and DJS strives to ensure the court has a comprehensive overview of a youth's circumstances, risk level, and DJS's continued ability to supervise youth successfully in the community during this crisis.

Up-to-date information regarding facility-based confirmed cases of COVID-19 and facilities impacted can be accessed on the DJS 24-hour Hotline at 877-357-4161

DJS Facility Health & Safety Information

DJS has implemented numerous measures, in adherence to CDC and MDH guidance, to prevent the spread of COVID-19 and protect the health and safety of youth and staff.

Those measures include the following:

Increased Hygiene

Additional hand sanitizer stations were installed in all facilities and access to sanitizer is made available to youth and staff. Hand sanitizer is placed in the dining areas, housing units, classrooms, programming space and other locations where a sink and soap is not readily accessible. The sanitizer provided to staff and youth is alcohol-based and CDC approved.

Youth and staff have been provided information regarding the importance of handwashing and proper hygiene. Youth have been provided with extra soap and frequent opportunities to access handwashing stations.

Facility staff, including behavioral health staff, have worked with youth to provide updates regarding the impact of COVID-19 on our communities and facility operations, and provide frequent communications regarding ways to contribute to risk reductions, such as practicing good cough etiquette, frequent handwashing, avoiding touching one's eyes, nose, or mouth, safe practices during meal time, and limiting non-essential physical contact.

Increased Sanitation and Cleaning

All facilities increased the frequency of deep-cleaning of all spaces within the facility, including all restrooms, housing units, dining areas and programming space. CDC-approved disinfectants are used by the cleaning and sanitation crews.

Screening All Who Enter DJS Facilities

DJS has directed that all essential staff undergo a touchless temperature screening prior to entering the facility. Additionally, essential staff must respond verbally to a symptom screening questionnaire. If an essential staff member has an elevated temperature or is experiencing symptoms, the staff person is restricted from entering the facility and directed to contact their primary care physician.

Practicing Social Distancing

DJS has educated staff and youth alike on the necessity of social distancing, which includes information about creating appropriate physical space between each other, maintaining small groups, and modifying programming to limit physical contact. DJS has limited groups in the facilities to no more than 10, maintained individual rooms wherever possible, and adjusted schedules to minimize contact between groups of youth.

Suspended Public Visitation

As part of DJS's prevention efforts, on-site family visitation is suspended. If an emergent situation requires an in-person family visit, it will be reviewed by the Secretary on a case-by-case basis. In the meantime, to maintain important family connections and supports, DJS has lifted all restrictions on telephone calls for youth and has provided access to technology to support video calls in all of the facilities.

DJS has also suspended in-person attorney visitation, unless an emergent need is identified. As with family visitation, DJS supports access to counsel through video and telephone calls.

Limited Non-Essential Transfers and Transports

DJS has limited transports of youth to court and outside appointments to only those that are emergent.

DJS provides access to video and telephone calls to permit youth to participate in remote court hearings. DJS has suspended all facility transfers to limit potential exposure of staff and youth in other facilities to COVID-19.

Created Intake Admission Units in Detention Facilities

All youth admitted to detention and committed facilities are screened for symptoms consistent with those known to be indicative of COVID-19. All youth received into detention are monitored for symptom development for a 14-day period. Youth specifically admitted to Baltimore City Juvenile Justice Center (BCJJC), Cheltenham Youth Detention Center (Cheltenham), Charles H. Hickey School (Hickey) and Thomas J.S. Waxter Childtrent's Center (Waxter) are automatically placed in an intake admission unit for a period up to 14 days.

Created Medical Isolation Units/Space in Detention Facilities

DJS has identified housing units and other spaces that are appropriate for the safe isolation of youth who display symptoms or test positive for COVID-19. These spaces are designed to allow appropriate programming to continue, to ensure that the youth's medical needs are met, and to limit facility-wide exposure.

Committed Facility Accommodations: Group Living Strategies

Three of the DJS-operated committed residential programs (Backbone, Greenridge, and Meadow Mountain Youth Centers) accommodate youth in a dorm-style setting. Consistent with CDC and MDH guidance, DJS has put into place measures that will significantly reduce the number of youth in each unit and to ensure dedicated hygiene facilities for each unit, including shower and restroom facilities.

Implemented the Use of Personal Protection Equipment ("PPE") and Masks

All DJS staff and youth have been provided masks, and they are required to wear them at all times. DJS has made available to staff and medical team all additional and necessary PPE, including gowns, gloves, face shields, and sanitizer. DJS is working closely with MDH and the Governor's Administration to restock PPE as needed.

Developed Plans and Protocols to Respond to a Positive COVID-19 Test

DJS has developed protocols to address when either a staff member or youth test positive for COVID-19. Specifically, if there is a suspected or confirmed youth exposure, DJS provides proper medical care and implements steps to mitigate the spread of the virus to others in the facility. Those steps include placing the youth in medical isolation, providing PPE to the youth and staff caring for the youth, ensuring access to hygiene items, providing items helpful to address a youth's symptoms, requiring appropriate signage and medical documentation, and requiring frequent wellness checks and medical interventions. DJS also identified activities and materials that can be provided to youth while recovering from the virus, and it will ensure frequent youth and medical team contact with the appropriate family/community support system.

When there has been a suspected or confirmed facility staff exposure, DJS works with the staff member and the local health department to gather information regarding potential exposure in the facility. Staff who display symptoms are not permitted to enter the facility or are directed to leave the facility if developed while on their shift. Staff that have tested positive are directed not to return to work until their medical professional or health department has discontinued home medical isolation precautions.

Increased Quality Assurance Measures

DJS has a robust quality assurance process in-place, and DJS monitors have visited facilities to audit implementation of the many preventative and safety measures.

Prepared a Supplemental Workforce

DJS recognizes that the health emergency may result in many facility-based staff staying home because they have a suspected or confirmed COVID-19 exposure. To account for this, DJS has trained 100 community-based staff over the past weeks to be ready to fill facility posts if the need arises, and more are being trained. DJS has also worked with staff to identify those who are at higher risk of severe illness with COVID-19, and it has revised such staff's duties to reduce the likelihood of their exposure.

DJS Facility Youth Services Information

DJS has endeavored to maintain youth access to programming, treatment, and education, the continuity of which is also vitally important to the safe and secure operation of DJS facilities.

Actions taken in these important areas thus far are as follows:

Behavioral Health

DJS behavioral health staff are essential facility employees and continue to report to the facilities and provide services and interventions to youth. Additionally, DJS utilizes tele-psychiatry and other telemedicine resources to support youth and promote a continuity of care. If youth are released from a facility, every effort is made to provide community-based services and access to at least a 30-day supply of medication.

Education

DJS and the Maryland State Department of Education, which has the responsibility to educate youth confined in DJS facilities, have worked together to implement a distance learning model. Youth will attend two remote learning classes in the morning and three in the afternoon. The distance learning initiative began on April 6, 2020, and is designed to promote continuity and educational progress for youth in both detention and committed facilities. Youth will attend classes in small groups to adhere to social distancing guidelines.

Programming

DJS has continued to implement facility-based programming to provide a pro-social outlet to youth while they are placed in DJS detention and committed programs. All programming is designed to comply with social distancing practices and to limit non-essential physical contact.

Medical

DJS recognizes that it is essential during this health crisis to ensure youth have access to necessary and supportive health care services. The DJS medical team has identified all youth that have underlying conditions that may place the youth at a higher risk for complications due to COVID-19. Youth with these conditions are carefully monitored for symptoms, and their cases are reviewed frequently to ensure proper care is provided to address the underlying condition.

DJS is able to test youth who are displaying COVID-19 symptoms, and it has been obtaining results within 2-3 days. Should a youth contract the virus, DJS is prepared to treat the youth and implement measures to prevent the spread of the disease to others.

Communication with Families, Staff and Communities

DJS has continued to communicate with parents/guardians regarding the many preventive measures being implemented in our facilities. DJS also provided communication when in-person visitation was suspended. That communication was also posted on the DJS internet and social media outlets and provided information to instruct families/guardians on how to contact a facility and initiate remote visitation. DJS has developed a process to inform parents/guardians if there is a confirmed COVID-19 exposure in their child's facility and has activated a 24-hour hotline where they can obtain access to up to-date information. DJS recently utilized live-stream technology to hold question and answer sessions for DJS families and staff who had questions or concerns about the impact of the COVID-19 pandemic

on DJS operations. Questions were submitted online and addressed by Secretary Abed and other DJS experts.

DJS Community-Based Services Information

DJS provides community based services for youth court-ordered to community detention and youth who are ordered to complete a period of community supervision (probation).

Community Detention Operations

DJS has continued to operate community detention supervision 24 hours a day/7 days a week. The majority of supervision is done through electronic monitoring and through telephone and video contacts with the youth and family. DJS community detention officers (CDOs) are in the community to check on youth and families when telephone contact is not possible, when tampering with the electronic monitoring equipment is indicated, or when necessary to respond to an urgent need. CDOs have access to PPE and are instructed to practice social distancing strategies. CDOs also are able to connect families to crisis intervention resources and other resources, such as care packages and food to support family and youth needs.

Community Supervision (probation) Operations

DJS is continuing to support youth and families that are court-ordered to a period of community-based supervision. The majority of contacts between youth, families and their case managers are accomplished through video and telephones calls. If an emergent need arises or an in-person response is required, case managers are able to rely on CDOs to make required community-based contacts. In each county, DJS has identified at least one staff member to gather community-based resources and supports to connect families to organizations that provide food, health resources, and crisis interventions. Whenever possible, DJS is also assisting in promoting remote programming with community-based service providers. DJS continues to provide updates to the courts regarding a youth's adjustment to community supervision as necessary, including compliance with court ordered conditions and GPS supervision.

DEPARTMENT OF JUVENILE SERVICES

RESPONSE TO JJMU 2019 FOURTH QUARTER REPORT AND 2019 ANNUAL REVIEW

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

THE JJMU SHOULD ADOPT STANDARDIZED AND OBJECTIVE AUDIT TOOLS.

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

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

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

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

DJS's facility population is regularly turning over. For example, the average length of stay for a youth in a DJS detention facility is approximately 20 days and the average length of stay in DJS residential treatment is approximately 125 days.⁶²

It is helpful to be aware of the relatively rapid turnover in DJS facilities when reviewing JJMU's "Selected Incident" charts at the beginning of each facility section. Due to the ever-changing populations at DJS facilities, comparing a facility data point from a previous year to a current DJS facility data point is of

⁶² See Department of Juvenile Services Data Resource Guide Fiscal Year 2019 pp.109 and 145
https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019_.pdf

limited utility. In addition to the turnover in DJS facilities, other factors like changes in Maryland law, DJS policy, police practices and/or court practices can have a noticeable effect on the population of youth in DJS facilities.

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

LENGTH OF STAY IN DJS RESIDENTIAL FACILITIES.

DJS does not “sentence” youth in the juvenile justice system nor does the Department have the legal authority to release youth. That responsibility is held by juvenile courts, who are required to enter dispositions that are treatment-focused and for indeterminate periods of time, in keeping with the principles of the juvenile justice system.⁶³

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

At no point was it the policy of the Department to have youth serve a “determinate sentence,” as the JJMU puts it. To the extent that DJS staff were under the impression that youth were required to stay a certain amount of time in its committed treatment facilities, DJS’s executive team have clarified the objectives and goals of the new reforms. Additionally, DJS is currently in the application process to participate in a Length of Stay Policy Academy hosted by Georgetown University.

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

“Recently, DJS conducted a review of the lengths of stay of youth residing at the Victor Cullen Center. That review revealed a significant issue: youth with the most serious offenses had the shortest lengths of stay and were being released earlier than their peers who committed less serious offenses. Upon further analysis, it was determined that youth with serious offenses had previously spent long periods of

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

time in secure detention and, consequently, had more time to progress through the levels of DJS's behavioral management system. Thus, when those youth were later admitted to VCC to begin their treatment, they entered at a higher behavioral level than their peers with less serious offenses. The higher behavioral level acted as a shortcut that led to an earlier release than would have normally been warranted given the risks and needs.

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

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

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

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

The legislature charged JJRC with:

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

A technical assistance provider will assist the JJRC in conducting a rigorous review of the system, including the treatment modalities used by DJS in its committed programs.

Due to the ongoing COVID-19 pandemic, the JJRC's work is suspended until further notice. However, at the appropriate time in the future, DJS looks forward to engaging with all of the stakeholders on the JJRC to develop an evidence-based treatment model that achieves the goals set forth above.

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

DJS agrees that providing treatment services to youth in or close to their home communities is generally beneficial for both the youth and their families. For that reason, DJS's reforms over the last several years have focused on providing support and services in the community to as many youth as possible and, in turn, limiting the use of detention and incarceration for small number of youth when they pose an unreasonable risk to public safety. In other words, DJS has been implementing “Alternatives to Incarceration” in order to reduce the unnecessary use of secure treatment facilities for youth who can otherwise receive treatment in the community.

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

The ultimate benefit of these reforms is that, to the extent a youth can be supported and served in the community, they are far less likely to wind up in secure treatment facilities, a.k.a. the “deep end” of the juvenile system. There is no need for DJS to build more treatment facilities. Instead, DJS will continue to focus on diverting, treating, and supervising as many youth as safely possible in their home communities while reserving its existing secure treatment facilities for the small number of youth who pose an unreasonable risk to public safety.⁶⁴

⁶⁴ In footnote 18 on page 7 of the JJMU's 2019 Fourth Quarter Report and 2019 Annual Review, the JJMU outlines the costs per youth per day for DJS facilities. DJS encourages the JJMU to review DJS's Annual Fiscal Year 2019 Data Resource Guide for more accurate calculations of daily costs. DJS has changed the way it reports facility daily operations cost. The previous method, used in the FY 2018 and prior Data Resource Guides, reported cost based on a simple

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

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

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

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

Youth and families continue to provide positive feedback about the activities and suggestions for future events.

DJS continues to work to remove barriers to families participating with youth in DJS facilities. Perhaps one of the biggest barriers for families of DJS youth is transportation. To address this challenge, DJS is in the final stages of procuring a private vendor to provide transportation for families who want to visit loved ones in DJS facilities. This service would supplement DJS’s existing supports for family visitation. DJS has published a solicitation and is in the process of selecting a vendor. DJS initially projected to start services in late spring of 2020 but that time frame may be delayed due to the disruptions caused by the COVID-19 pandemic.

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

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

per-diem rate calculation. This was determined to misrepresent the actual daily operations cost. Facility populations fluctuate daily, and it costs the same to staff, and maintain a 12-bed unit, whether it houses 7 youth or 12 youth on a given night. The new method uses the bed capacity to calculate the daily rate: Total annual expenditures (not including education costs budgeted to MSDE) / 365 days / Number of beds.

Prince George's and Wicomico Counties. Families can access this service at any time during their involvement with the department. Any staff can refer a family for peer support. This is different than services at the department. The entire behavioral health team was provided information on how to make a referral while the family is in detention or in placement.

BEHAVIORAL HEALTH SERVICES AND RECRUITMENT AT DJS FACILITIES.

DJS acknowledges that the agency is currently facing a shortage of licensed behavioral health clinicians, particularly at the Youth Centers and the Victor Cullen Center (VCC). Nevertheless, through the use of full and part time staff and contractual employees, DJS is able to provide a sufficient level of behavioral health coverage in its facilities.

Behavioral health staff are integrated into the facility operations and management at all DJS-operated facilities throughout Maryland. Behavioral health staff attend leadership meetings, shift debriefings and engage staff in training/development/support regarding the individual needs of the youth. The Behavioral health staff provide individual counseling and conduct therapeutic and/or psychoeducational groups. They are readily available, and frequently contacted by staff to discuss issues related to facility youth. Behavioral health staff strive to maintain a visible presence in each facility.

Each youth in DJS's committed facilities has an assigned behavioral health staff member who provides individual and family counseling. In addition, behavioral health staff members continue to individualize services by utilizing tools such as specialized plans and contracts when youth are identified as needing such. All youth complete a self-help plan when placed at a committed facility and this plan is designed to assist youth and staff in identifying coping strategies to assist youth in managing the stress of placement.

DJS utilizes an overall clinical supervisor to oversee behavioral health services at Cheltenham Youth Detention Center (CYDC), Charles Hickey School (Hickey), and the Baltimore City Juvenile Justice Center (BCJJC). However, the facilities also have operations supervisors who are on site at each of the three facilities, respectively, who report directly to the overall clinical supervisor. These operations supervisors provide services 5-days a week (including coverage on weekends) at each facility and are supported by other onsite clinical supervisors who provide additional behavioral health coverage.

Hiring and retention of behavioral health staff at Victor Cullen has been a priority of the Department. Currently, there are four full-time behavioral health staff members at Victor Cullen along with a clinician from headquarters who provides services at the facility. Recruitment continues for two additional full-time clinicians.

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

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

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

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

JUVENILE JUSTICE POLICY REFORMS PROPOSED BY THE JJMU.

In its Fourth Quarter Report and 2019 Annual Review, the JJMU advocates for a variety of juvenile justice policy reforms that would require changes to existing statutes and regulations. DJS takes no position on the JJMU's proposed policy reforms except to provide clarification and context on certain topics set forth below.

Girls in the Juvenile Justice System

With respect to girls in the juvenile justice system, the JJMU provides an incomplete picture of the girls in the deep end of the system (i.e., committed placements like the J. DeWeese Carter Center). While the JJMU focuses on offense history and technical probation violations, many youth are determined to be high-risk because of their prior history of unsuccessful placements in less-restrictive settings. A snapshot analysis performed by the Department in its Response to the JJMU's 2016 Third Quarter Report clearly showed that the girls placed at Carter had at least one, if not multiple, AWOL's from prior placements in community-based and less-secure programs. In other words, the girls ultimately placed in the most restrictive setting at Carter had previously either absconded from or failed in at least one or more less restrictive placements. Once options for less restrictive settings are exhausted, more restrictive settings must be considered by the department and the Courts.

Child Protective Services and Youth in DJS Facilities

DJS takes no position on JJMU's request to be involved in Child Protective Service (CPS) investigations but would like to clarify the role of the DJS Office of the Inspector General (OIG) when an allegation of child abuse is made.

DJS notifies CPS and Maryland State Police (MSP) for all cases of alleged abuse regardless of age. Maryland's child abuse statutes make it illegal to physically, emotionally, or sexually abuse minors, persons under the age of 18. Once a DJS youth is 18 years or older, MSP provides protection under the

state's assault laws. DJS cooperates by ensuring that medical and incident reports and video footage are made available to both CPS and MSP.

In addition to CPS and MSP investigations of alleged abuse, the DJS OIG also conducts a thorough investigation of every allegation of abuse in DJS facilities. All medical and incident reports are reviewed. Youth, staff and witnesses are interviewed in-person by OIG investigators. After the investigation is completed a report is forwarded to the Superintendent and DJS Executive Staff. The JJMU also receives the completed investigation reports from the OIG.

Additionally, the JJMU has unfettered access to youth grievances. DJS Youth Advocates, who review all verbal and written grievances from DJS youth, will forward any allegation of abuse to CPS, MSP, OIG and facility administrators. The Youth Advocate completes a hand-written incident report and a Report of Suspected Child Abuse form. These documents are provided to the OIG and facility administrators to initiate respective investigations.

LGBTQ Youth in DJS Facilities

DJS respects the dignity of every youth in its custody and strives to balance their best interests with the safety and security of the youth and staff in all decisions related to placement.

Quality of Life in DJS Facilities

Issues regarding quality of life issues (i.e. food, physical plant, etc.) are addressed specifically in the facility responses below.

Committed Placement Centers

Victor Cullen Center

Population

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and are required to be in compliance with the ACA and PREA. The Department actively recruits to keep all positions filled.

Program

Victor Cullen, like all other DJS-operated committed facilities, has a trauma informed and trauma responsive program. All staff are trained in trauma informed care, and all youth participate in individual therapy to address their mental health, trauma, and trauma-related issues, such as substance use and

aggression. Youth also participate in trauma groups – Trauma, Addictions, Mental Health, and Recovery (TAMAR) – as well as evidence-based anger management and substance abuse groups.

DJS's behavior modification program supports and reinforces positive youth behavior. Treatment is an important component of DJS's behavior modification program, as youth must participate in individual and group therapy weekly, demonstrate an ability to regulate their emotions, and display positive behaviors. DJS's behavior modification program, therefore, complements treatment rather than hampering or undermining it, which is why many juvenile justice agencies and some residential treatment centers (RTCs) combine the two.

DJS recognizes the importance of activities to keep youth busy and reduce the amount of downtime youth experience. Victor Cullen offers on-campus programming for all youth including Yoga, Youth for Christ, Pet Talk, art, game room, movie night, music program, Beyond the Natural Foundation, recreation in the gym, as well as activities and tournaments on the units. While youth can participate in off-grounds activities, such as the Reflections Program, off-grounds activities have been temporarily suspended due to the COVID-19 crisis.

Youth who are high school graduates are offered incentives for tasks or details completed around the campus such as assisting with the green house, cleaning the recreational area, and cleaning up debris campus-wide. These youths can earn incentives for completing tasks including, but not limited to, a special meal of their choice, purchase of additional items from the commissary store, extra time in the game room, or an extra phone call. In January 2020, Victor Cullen implemented the Growing and Emerging into Maturity – Learning to Live Program. The purpose of this group is to teach life skills such as resume writing, interviewing for jobs, and financial responsibility. Classes occur on a daily basis.

DJS provides appropriate rehabilitative and treatment programming for youth. All youth receive individual and group therapy, weekly, where they learn social skills, anger management, and emotional regulation skills. Youth participate in evidence-based substance abuse and anger management groups, as well as trauma groups. This provides youth with opportunities to acquire, develop, and apply skills on a daily basis in various contexts, including academic, social, and athletic contexts.

Savage Mountain

The vast majority of the construction at Savage Mountain Youth Center is completed. The door project is complete on all units and a project will begin in the spring to install sprinklers in each youth room, per State Fire Marshal regulations.

While the large unit day room remains closed for safety reasons until the completion of construction, the incentive room, gym and outside space are available for use by the youth. Savage Mountain implemented the following programs and activities to curtail youth downtime throughout the year 2019: Redemption Youth Development Program, consistent and ongoing family engagement services, Dream Loud Music Program, ongoing CHAMPS participation with on- and off-ground collaborations with other

DJS facilities, pottery class, and chess club with MSDE participation and collaboration. Savage also offers a revamped and enhanced Incentive Room with ping pong tables, arts and craft activities, leisure time activities, physical skills challenge classes with a trainer, a wood shop program, a bi-weekly basketball clinic training program, and regularly scheduled guest lecturers. Outdoor recreation activities occur daily, weather permitting, and include Reflection off-ground participation at other facilities. There is also recreation in the gym when needed. Behavioral health staff also sponsor group activities and events.

Youth Centers

Program

The Youth Centers' primary focus is to address the needs of every young person who comes into the facility, and those needs are met in a variety of ways. A few of the programming options are listed below:

- The Seven Challenges Program is designed for adolescent substance abusing or substance dependent youth - to motivate a decision and commitment to change.
- TAMAR has since been implemented in multiple justice-involved and behavioral health systems across the country. This clinical intervention combines psychoeducation about trauma and its impact with concrete techniques.
- Trauma-Focused Cognitive Behavioral Therapy (TF-CBT) is an evidence-based treatment model designed to assist children, adolescents, and their families in overcoming the negative effects of a traumatic experience.

In addition, the facilities continue to offer a wide array of activities to keep youth engaged and active. DJS firmly believes in the importance of such efforts and strives to provide varied options to interest all youth.

Staffing

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and are required to be in compliance with the ACA and PREA.

Treatment

The Youth Centers are treatment focused facilities that utilize the individualized treatment plans developed for every youth. Each youth has an individualized treatment plan and each youth receives individual and group therapy weekly. Treatment includes trauma groups, substance abuse groups, and anger management groups, in addition to individual therapy.

All staff are trained in Trauma Informed Care, and licensed behavioral health clinicians are trained in Trauma-Focused Cognitive Behavioral Therapy (TF-CBT). TF-CBT is an evidence-based cognitive-behavioral treatment for youth with trauma symptoms. DJS's behavior modification program rewards positive youth behavior, which helps to create a safe environment where youth can receive therapy, education, and other services that promote their development. The behavior modification program therefore complements treatment.

Each facility's interdisciplinary treatment team collaborates with youth to establish treatment goals, and interdisciplinary treatment team meetings occur weekly to assess youth's progress. With certain youth, individualized behavior contracts and/or guarded care plans are developed and implemented to further assist youth with more specialized resources and supports that help them accomplish their goals.

Over the past six months, the Youth Centers have hired four clinicians. DJS has also reclassified some of its behavioral health positions to increase the recruitment of qualified candidates. The agency continues to recruit for therapists and supervisors and has employed a number of recruitment and retention strategies to increase the number of clinicians in each facility.

In order to recruit and retain clinicians, DJS has increased the number of benefits offered to clinicians, which includes licensure reimbursement, tuition reimbursement, and addition training. DJS has also been successful in recruiting clinicians through its internships with local graduate school programs. A few of the Youth Centers' more recent hires had previously served as interns.

As the Youth Centers have hired more clinical staff, the demands on each clinician have decreased, thereby helping to balance corresponding workloads. Supervisors also support clinical staff through weekly clinical supervision and by stepping in when needed to assist with covering services and providing additional support

Family Engagement

Large family day events are held at the Youth Centers as part of family engagement programming and transportation is provided for all families wishing to attend. Monthly family engagement events are held as well. Routine visitation is available on both Saturday and Sunday as well as additional times during the week. Each youth is currently allowed a minimum of four telephone calls per week. In addition to the regularly scheduled family visits, behavioral health clinicians frequently conduct weekly or biweekly family therapy sessions with parents and/or guardians via telephone or video conferencing.

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

Constructive Activities

The majority of a youth's day is spent focusing on educational goals and treatment programming. The Youth Centers provide structured activities both on- and off-grounds such as arts and crafts, campus wide physical education events, educational activities, service learning opportunities, and both individual and group activities focused on therapeutic treatment needs. In addition, the CHAMPS program provides opportunities for youth to compete against other youth facilities in structured activities such as sporting events, arts and crafts, poetry competitions, and oratorical contests.

Carter Center

DJS has converted the substance use counselor position at Carter to a Licensed Clinical Professional Counselor position for which recruitment is ongoing. A DJS Psychologist has been providing clinical services, along with another mental health clinician.

Carter has a therapeutic culture where all staff are trained in trauma informed care and where youth receive individualized treatment to address their mental health and substance abuse issues. Youth participate in a combination of individual and group therapy weekly. Carter's behavioral health staff are trained in Trauma-Focused Cognitive-Behavioral Therapy. Providing trauma related services to survivors of domestic minor human sex trafficking is within their scope of practice. For the youth referenced in the JJMU Report who was a victim of sex trafficking, services were provided upon her arrival at the Carter Center, in addition to Trauma, Addiction, Mental Health, and Recovery (TAMAR) groups.

Carter youth continue to attend activities in the community. This year, in collaboration with Washington College and Sassafras Environment Eastern Shore Land Conservancy Educational Center, the girls had the opportunity to participate in community services projects including planting a garden and picking fresh vegetables for the community. Employment opportunities will continue to be explored. Regarding family engagement, DJS transportation is available to assist families in visiting their children and open visitation is permitted. For a detailed description of DJS's Family Engagement strategies, please see the Introduction Section of this Response.

Quality of Life

Food temperature is checked daily for quality and to ensure that all items meet the National Food Nutritional Program.

All youth receive a 4 oz. bar of dove soap upon admission and can request a replacement bar when needed.

The ramp referenced by the JJMU was replaced in March 2020.

Detention Centers

BCJJC

Programming

Youth at BCJJC can participate in programs including the Empowering Minds King Program, Open Minds Yoga, Dialogue, Paint Like a C.H.A.M.P. Art Program, family engagement activities, life skills program, Lunch with Dad and religious services. These programs engage youth as well as teach them important life skills.

The current behavioral health contractor provides services that include, at a minimum, weekly psychoeducational groups, individual sessions, assessments, crisis debriefing, case consultation with staff and psychiatric services. Some of the evidence based therapeutic modalities that are utilized in individual and group sessions include: CBT, DBT, brief-solution focused therapy, trauma informed care, motivational interviewing, among other modalities.

Trauma Informed Care

DJS is currently in the process of adding a new curriculum to its repertoire focused on trauma informed care. This new training will dove-tail with the existing sessions currently taught during ELT and in-service training and is expected to begin later this year. The training was designed by the National Child Traumatic Stress Network (NCTSN) and is called Think Trauma: A Training for Staff in Juvenile Justice Residential Settings.

Incidents 160108 and 160071 were previously addressed in DJS's Response the JJMU's 2019 Third Quarter Report.

Regarding Incident 160072, the facility Superintendent determined that the incident warranted a formal investigation. Notifications were made to Child Protective Services (CPS), DJS Office of the Inspector General (OIG), and the Maryland State Police (MSP). The staff member involved was removed from coverage pending the findings of the investigations. Ultimately, the staff member was cleared on all alleged violations and was returned to coverage.

Regarding Grievance 16136, the staff member was held accountable through the Department's Standards of Conduct.

Mental Health

With respect to retention of behavioral health staff, 85% of the contracted staff at BCJJC have worked at DJS for a minimum of a year and a half and 76% of the staff have been with the BCJJC behavioral health team for four or more years.

Behavioral health contractors are located within the same building as the youth and have access to case managers' offices to see the youth in a confidential setting.

Regarding provision of behavioral health services, DJS's vendor provides services in detention that include at a minimum weekly psychoeducational groups, individual sessions, assessments, crisis debriefing, case consultation with staff, and psychiatric services. These services are provided, at a minimum, between the hours of 8 am-8 pm Monday to Friday and a minimum of 4 hours at each facility on both Saturday/ Sunday and all Holidays. Behavioral health is on-call after working hours.

Cheltenham

Regarding Incident 160807, administrative review indicated that the youth was horse-playing with staff. There were no injuries reported and all appropriate contacts were made. Upon investigation, it was determined that staff did not follow Departmental procedure. Both staff were held accountable through the Department's Standards of Conduct and referred to additional training.

Regarding Incident 161183, the staff was immediately removed from coverage once the allegation of abuse was made by the youth. CPS, MSP, and OIG were notified. CPS screened out the allegation and MSP declined to pursue charges. At the conclusion of the OIG investigation, the staff was disciplined in accordance with the Department's Standards of Conduct and referred to refresher training in CPM and de-escalation techniques.

Regarding Incident 161278, the staff involved was immediately taken out of coverage pending an investigation. All required notifications were made. Administrative investigation determined the staff actions were inappropriate and the staff was disciplined in accordance with the Department's Standards of Conduct.

Regarding Incident 161961, it was determined through an administrative review that the shift commander failed to make the required notifications in a timely manner. The shift commander was disciplined in accordance with the Department's Standards of Conduct. The allegation was ultimately referred to CPS and MSP for investigation. CPS screened out the allegation and the MSP declined to pursue charges against the staff. Facility administrators have reviewed the policies related to reporting and investigating incidents with all shift commanders.

The JMU report also referenced Incident 160625, however the incident is unrelated Cheltenham.

Hickey

Mental Health

With respect to retention of behavioral health staff, 85% of the contracted staff at Hickey have worked at DJS for a minimum of a year and a half.

Regarding provision of behavioral health services, DJS's vendor provides services in detention that include at a minimum weekly psychoeducational groups, individual sessions, assessments, crisis debriefing, case consultation with staff, and psychiatric services. These services are provided, at a minimum, between the hours of 8 am-8 pm Monday to Friday and a minimum of 4 hours at each facility on both Saturday/ Sunday and all Holidays. Behavioral health is on-call after working hours.

Staff Training

Regarding Incident 159503, notifications were made to CPS, OIG and MSP. CPS did not pursue any action; however, MSP charged the staff with Assault. The staff member was terminated for violation of Departmental Policy.

In regards to Incident 161393, DJS determined the staff was not in a proper tactical position to manage youth in the immediate area which resulted in an opportunity for one youth to assault another. The staff member was held accountable in accordance with the Department's Standards of Conduct.

Physical Plant

In regards to Grievance 15966, the temperature was adjusted following the grievance and the issue was resolved.

Grievance 15697 as cited by the JJMU is unrelated to Hickey.

DJS maintenance staff perform weekly walkthroughs of the school trailers to inspect the fire safety components such as the alarms systems, lighting, fire extinguishers, and air ducts. The mold remediation was completed in December 2019.

Waxter

DJS has a full-time maintenance staff working at the Waxter facility between the hours of 7:00am - 3:30 pm Monday through Friday. Maintenance staff are on-call for emergencies that occur after hours. As issues arise and are reported, appropriate steps are taken to address the issue promptly. Pest control is performed on a regular monthly basis, temperature issues are addressed as needed, and issues reported regarding excessive condensation have been addressed. DJS maintenance staff also perform daily, weekly, and monthly inspections to address all physical plant and cleanliness concerns. Contractual

cleaning services have been increased to ensure a clean and safe environment is provided for the youth and staff.

Regarding the education trailers located on the facility grounds, the issues with the windows were addressed by a contractor. All hot water feeds to the trailers were inspected and checked by maintenance and are working properly. Flooring issues will be addressed once the COVID-19 crisis resolves. Additionally, a storage shed has been identified and cleaned out to be utilized for education-related storage.

Noyes

No response required.

Lower Eastern Shore Children's Center

The Department appreciates the positive comments regarding LESCO administrators and staff efforts to maintain safety and the facility's child-centered approach.

Western Maryland Children's Center

The case management specialist supervisor position has been filled. A candidate has been identified for the Recreation Specialist position and is currently undergoing pre-employment screening.

PRIVATE PROGRAMS

Silver Oak Academy (SOA)

Pages 44 – 45

Page 44

Issues involving inadequate supervision of youth and problematic youth and staff interactions persisted through the fourth quarter of 2019.

1. “In Incident 160770, several youth were driven to a large community high school to sit for the SAT exam. One youth finished the exam after the others, exited the testing room, and waited in the assigned pick-up location for Silver Oak staff to pick him up and transport him back to the facility. After waiting several minutes, the youth located the school office and asked the school staff to call Silver Oak to come and get him. He waited approximately half an hour after completion of the testing time period before Silver Oak staffers were able to retrieve him. When the youth asked how the staff could have forgotten him, he was told that staff “forgot to get their count.” The youth later filed a grievance about the incident, stating that he suffers from social anxiety and was anxious about being left alone in the school.”

SOA Response: Silver Oak Academy updated the offsite transportation policy to include that a count will be conducted before leaving offsite and before returning back on site. All staff will be trained on the updated off-site transportation policy. Before returning onsite, staff will call in the count to control before departing from their location. This count will be logged on the roll call sheet. This will ensure that all students are accounted for. The Shift Supervisors will check the roll call sheet daily to make sure that the counts and calls are being completed accordingly.

DJS Response: The Licensing and Monitoring Unit (L&M) conducts monthly and/ or quarterly visits at Silver Oak Academy (SOA). L&M requested a Corrective Action Plan (CAP) from SOA in regards to conducting proper youth counts. SOA submitted a CAP outlined in the program’s response and L&M found it acceptable. L&M has reviewed SOA updated Offsite Transportation Policy as well as count sheets during the January 14, 2020 monitoring visit. L&M will continue to monitor counts sheets to ensure that the program is complying with the CAP.

2. “In Incident 161562, a youth in the transitional/independent living unit at Silver Oak refused to turn in his cell phone to staff for the evening per Silver Oak rules regarding cell phone privileges for youth in transition. Later on in the evening, the youth left his room to get water and began talking to staff. The staff member directed the youth to return to his room and the youth seemingly complied. Half an hour later, staff conducted

room checks and discovered that the youth was not in his room. Video footage shows the youth walking across campus and getting picked up by an unidentified vehicle.”

SOA Response: Silver Oak Academy has moved students from Khalert Hall to Harvard/Georgetown Hall. By moving the students to one unit, this will ensure that staff are in ratio while on, off and transitioning from the unit. When transitioning from building to building, staff will maintain interactive supervision. Staff will be retrained on the interactive supervision policy to ensure that counts will be done before and after reaching their destination. Staff will call the count in to control after the transition to ensure all students are accounted for. The counts will be documented on the count sheet, which is located online for easy access. During transitions on campus, the staff member in control will support movement by monitoring the cameras. This will bring awareness to campus transitions and movements.

The staff members assigned to the control office will be reminded and trained on the functions and viewing of the cameras. This will increase attention on monitoring the cameras to enhance proactive intervention/incident reduction.

The Shift Supervisor, who was on duty the time of the AWOLs, will be retrained by using the incident review as a training tool. The training will be documented and reviewed after 90 days to ensure that the Shift Supervisor has utilized his training to the floor.

DJS Response: The Licensing and Monitoring Unit (L&M) requested a Corrective Action Plan (CAP) from Silver Oak Academy (SOA) in regards to youth counts not being conducted and inadequate supervision. SOA submitted a CAP as outlined in the program’s response and L&M found it acceptable. L&M reviewed SOA cell phone policy on December 5, 2019 and was also notified that no youth would be allowed to have cell phones after this incident. On December 27, 2019, L&M received and verified documentation that SOA re-trained staff on count and interactive supervision. L&M will continue to monitor the program for adequate staff supervision.

3. “In Incident 161562, youth can be seen entering the cafeteria with staff from an off-site youth group that provides programming for youth at the facility. Silver Oak staff are not present. Three youth separate themselves from the rest of the group and sit at the far end of the cafeteria near the exit doors. The three subsequently get up and run out the door. A staff member from the youth group yells for a Silver Oak staffer to come to the area after witnessing the youth abscond. One youth was apprehended by staff in the facility driveway. The other two youth were apprehended in a neighbor’s recreational vehicle after the neighbor noticed their presence and called the facility to inform SOA that the boys were on his property.”

SOA Response: Silver Oak Academy has moved students from Khalert Hall to Harvard/Georgetown Hall. By moving the students to one unit, this will ensure that staff are in ratio while on, off and transitioning from the unit. When transitioning from building to building, staff will maintain interactive supervision. Staff will be retrained on

the interactive supervision policy to ensure that counts will be done before and after reaching their destination. Staff will call the count in to control after the transition to ensure all students are accounted for. The counts will be documented on the count sheet, which is located online for easy access. During transitions on campus, the staff member in control will support movement by monitoring the cameras. This will bring awareness to campus transitions and movements.

The staff members assigned to the control office will be reminded and trained on the functions and viewing of the cameras. This will increase attention on monitoring the cameras to enhance proactive intervention/incident reduction.

The Shift Supervisor, who was on duty the time of the AWOLs, will be retrained by using the incident review as a training tool. The training will be documented and reviewed after 90 days to ensure that the Shift Supervisor has utilized his training to the floor.

DJS Response: *Note: The Incident # reported by JJMU is incorrect the actual # is 161573 which occurred on December 4, 2019.

The Licensing and Monitoring Unit (L&M) requested a Corrective Action Plan (CAP) from Silver Oak Academy (SOA) in regards to youth counts not being conducted and inadequate youth supervision. In this case, during youth movement, there was only one staff member supervising seventeen students and there was not an adequate staff coverage when the youth arrived at their destination. SOA submitted a CAP which is outlined in their response, and L&M found it acceptable. During the February 20, 2020 monitoring visit, L&M received and verified documentation that SOA re-trained staff on counts, interactive supervision, and camera monitoring.

It must be noted that due to the concerns for inadequate youth supervision at SOA, on December 6, 2019, the Department of Juvenile Services placed a moratorium on all new placements at SOA. The moratorium was lifted on January 6, 2020. L&M conducted monitoring visits on December 23, 2019, January 14, 2020, and February 20, 2020. During these visits, there were no deficiencies found in regards to youth supervision. L&M will continue to monitor the program for adequate staff supervision.

4. "In Incident 161539, a staffer confronted a youth in a bathroom and began yelling at him. A tussle between the youth and the staffer ensued and other staffers intervened to separate the staffer from the youth. Once removed from the bathroom by other staff, the agitated staffer attempted to run back into the bathroom and continue fighting the youth but was prevented from doing so by colleagues."

DJS Response: After the incident, the program removed the staff member from the unit and he was sent home due to his behavior. The program contacted CPS but they did not take the case. The staff member was terminated due to his behavior.

This video of the incident was reviewed by L&M during the December 23, 2019 monitoring visit. The program acted appropriately by removing the staff member from

the unit, sending him home, and eventually terminating his employment. L&M received a copy of the termination letter.

5. "Silver Oak does offer youth opportunities not available at state-run staff secure facilities, including the ability to: graduate high school and obtain a high school diploma; earn several different widely recognized professional certifications; gain valuable work training and experience in areas such as culinary arts, construction, and nursing; participate in local and regional collegiate sports competitions; and work at jobs and internships and attend cultural and recreational events in nearby communities on a regular basis.

These opportunities must be supported by a positive institutional culture, however, and facility culture has been somewhat negatively impacted by inadequate structure and supervision and even antagonistic relationships between youth and staff. Efforts are underway (and must continue) to improve the milieu at Silver Oak through additional management oversight of staff and youth and enhanced staff training."

SOA Response: Silver Oak has added a Director of Student Culture position to focus on increased "hands on" oversight and training. Through this "hands on" approach we have increased staff support as well as our ability to more rapidly identify staff who are unable or unwilling to promote positive interactions and enhance program culture. Staff who are unable or unwilling to adapt to the expectations will have their employment terminated more rapidly, which will strengthen the culture through higher expectations and accountability.

We have upgraded our training with weekly review of security and safety policies, based on our Tech 22 manual and DJS policies as well as COMAR standards, which include but are not limited to: control center, key control, evening program, campus movement, cottage group systems, transportation, perimeter security, suicide prevention, emergency action and incident reporting. Documentation of these trainings will be placed in each staff's file and available for review.

With the development of the Student Culture position, we are working to strengthen our Positive Organizational Groups, which focus on skill building and problem resolution directly related to program fidelity.

Along with these trainings we have emphasized to our staff that they are going to be held at a higher standard to ensure that the safety of our students are our top priority. If a staff member does not follow and it seems as though they are endangering the students, they will be terminated and put under Child Protective Services Investigation.

Page 45

6. "Silver Oak Administrators also need to add to the number of clinicians on-site to better ensure the provision of consistent individualized therapeutic services to youth

and to bolster support of direct care staff in addressing challenging or problematic youth behavior.”

SOA Response: Silver Oak Academy has recently hired a Clinical Supervisor with the LCSW-C credentials. This increases the SOA Clinical Department to three Licensed Social Workers, which can be maintained with appropriate census. With increased Clinical staff, SOA will be able to ensure that students identified for therapy through the Multi- Disciplinary Treatment (MDT) process will be provided sessions as designated through the treatment plan as well as services to support crisis intervention.

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

Page 50

1. “Onsite treatment services are supplemented by community mental health organizations which provide group and individual therapy. Efforts to promote adherence to the therapeutic model and improve staff supervision of youth (Incident 159891) through more extensive staff training should continue. Safety and security should be enhanced through camera coverage in the welcome area where visitors are signed in and staff offices are located.”

VQMS Response: The program has increased their staff training to address far more than the required COMAR regulated trainings. Trainings consist of in person discussions, on line modules and self-guided independent work if the employee is so inclined. MSYA encourages each staff member to attend weekly trainings that address COMAR regulated trainings, current trends and societal issues which are designed to bolster the staff’s knowledge of trauma, co-occurring disorders and the needs of the population and their families. Supplemental and Booster trainings for Safe Crisis Management are required and are conducted throughout the year. Sanctuary trainings are done initially at orientation and again throughout the year as refresher courses. VQMS currently has 21 cameras set up throughout the facility, two of which are strategically placed in the welcome center in order to capture a hallway and immediate entrance area.

DJS Response: Follow-up was conducted in reference to incident report # 159891. During the October 2019 visit to the program, training records were reviewed. No additional follow-up was required at that time.

2. “Recreational options for youth were limited during the fourth quarter of 2019 due to unaddressed repair needs in the gym (which rendered the space unusable) and a lack of heating and air conditioning in the weight room.”

VQMS Response: The program respectfully disagrees with this statement. Prior to the COVID-19 epidemic, each youth attended the YMCA twice weekly, where they had access to the swimming pool, cardio, weight room and gymnasium. The program also utilized the local

softball field. The program acknowledges that the current state of the gymnasium is a potential barrier, but the basketball nets were moved outside and the youth play basketball daily. Youth had access and utilized the weight room as due to the season, air conditioners and heaters were not a deterrent due to the mild weather. The program will purchase air conditioners to cool the room going into the summer months. The youth also are encouraged to work with the horses and take regular horse rides. The program also acquired additional picnic tables so during warmer weather, youth can sit outside and play games or write letters.

DJS Response: VQMS is compliant with developing and instituting a plan to integrate the program into the life of the community, ensuring that children have opportunities to participate in community activities to a degree consistent with their needs and limitations. This finding is based on youth interviews and monthly on-site visits.

3. “In addition, staffing levels hamper the ability to provide more recreational outlets for youth. Current staffing ratios provide for a single staffer supervising each residential unit. Staff cannot take youth outside for recreation unless all youth on the unit are interested in participating. Increasing staffing levels to provide for a minimum of one per four youth could facilitate a greater variety of activities and help reduce downtime (which is particularly prevalent on weekends). Morning Star should also create a youth advisory board to ascertain the types of additional activities and programming which would interest young people at the facility. Proposed plans to expand job training opportunities through job shadowing in nearby communities and to offer access to HVAC and welding courses should be implemented for the young people at Morning Star.”

VQMS Response: Morning Star Youth Academy adheres to staffing ratios as determined by our COMAR regulations. This does not include the one shift supervisor per shift, whose role is not only to monitor the safety and security of the program but also the adherence to the program schedule. Each member of the administrative team is also assigned a “late night” where they adjust their work schedule so that they can not only provide support the staff but facilitate additional programming with youth.

Although the program acknowledges they do not have a current advisory board, they do solicit regular feedback from the youth as it pertains to issues such as the menu, activities, education and general suggestions.

Prior to the COVID-19 epidemic, the program had secured job shadowing possibilities to include but not limited to the local HYATT, local barber, humane society and car detailing company. The program looks forward to developing these opportunities when the opportunity presents itself.

DJS Response: VQMS’ staffing ratios is in compliant with COMAR 14.31.06.

4. “Family therapy is incorporated into treatment programming at Morning Star. Administrators should arrange for videoconferencing capabilities at the facility to facilitate greater participation in family therapy sessions given that the remote location of the facility makes it difficult for most parents to attend sessions in person.”

VQMS Response: Family sessions are offered as stipulated by their treatment plan. The program encourages on site sessions and works hard to facilitate such sessions around family member’s schedules. Therapists encourage the use of videoconferencing if the family has access to the technology.

DJS Response: L&M Unit has not received any complaints from stakeholders regarding difficulties with participating in Family therapy.

5. “Additionally, the current allotment of phone calls should be increased to enable at least three 10-minute phone calls per week for each youth — this change would mean that Morning Star would provide the same number and duration of phone calls allotted to youth in DJS-operated placement sites.”

VQMS Response: The program has increased the number of phone calls to three times per week. On at least one of the calls the program is encouraging where possible for families to use technology such as Zoom, Skype or Face time so that they feel more connected to their family members.

DJS Response: The program is licensed by COMAR 14.31.06, which does not require VQMS to adhere to DJS facility youth phone calls practices. L&M will continue to monitor VQMS youth phone call practice to ensure it mirrors the program’s policy.

**MARYLAND STATE DEPARTMENT OF
EDUCATION
- RESPONSE**



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

May 1, 2020

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

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

Maryland State Department of Education in DJS Facilities

LEGISLATION

The MSDE submitted legislation during the 2018 legislation session on behalf of the Juvenile Services Education Schools (JSES) to provide an opportunity to effectively recruit, retain professional staff, and adapt the calendar to align with the local school systems. The legislation did not move out of committee. However, the JJMU report continues to state that the MSDE does not advocate for the schools or staff. These statements are erroneous, false, misleading, and have continuously proven to be unsubstantiated. The MSDE has followed the processes and procedures outlined by leadership to address concerns and needs of the JSES.

The JJMU mentions their support of Senate Bill 798 (Bill). MSDE provided the legislative committee a letter of information in regards to Senate Bill 798. In the letter, MSDE identified several areas of concern. The proposed legislation mandates that on or before December 1, 2020, the MSDE shall submit to the General Assembly a report detailing plans for the transition of the JSES. The Bill does not provide or establish any guidelines for this process in the absence of the mandated Board, which has authority to begin as of July 1, 2021. In order for a smooth transition to occur, collaboration with the Board must be established and outlined.

The roles and responsibilities of the Board and Superintendent should be clearly stated and defined. Senate Bill 798 allows the Board to develop, recommend, and approve an educational program for each residential facility. Programs are not typically developed by a Board, but rather the Superintendent, and approved by the Board. Senate Bill 798 delegates the authority and responsibilities to the Board for all functions relating to the JSES in the State, as well as overseeing and providing educational services.

The costs for implementing SB 798 cannot be reasonably determined or estimated. The proposed legislation does not clearly define essential responsibilities, such as responsibilities of human resources, budget and finance management, teacher accreditation, technology support, employee relations,

negotiated union agreements, State mandated assessments, curriculum and instruction, equity and compliance, professional development, and 504/Individualized Education Plans compliance and support.

HUMAN RESOURCES (HR)

In collaboration with the new MSDE Human Resource (HR) Director, monthly meetings continue as a concrete process to assist the JSES with hiring and retention. Additionally, for the 2019-2020 school year, the JSES has contracted with two companies to provide substitute teachers. Filling vacancies and hiring quality staff continues to be a major focus and goal. In collaboration with HR, the JSES reviews applications on a weekly schedule for all open positions and forward screened applications to principals for interviews.

The JJMU report continues to address MSDE's lack of concern for teacher's pay and year round work. However, during the 2018 legislative session, MSDE's HR Director introduced Senate Bill 75 through the Senate Finance Committee. Because the JSES values staff and understands the challenges faced, the proposed legislation would have impacted all of the JSES certified teaching staff in the 13 schools. The proposed legislation addressed many of the topics of concern by both the JSES and the JJMU; however, the bill did not move out of committee. The bill can be viewed at:

<https://legiscan.com/MD/text/SB75/2019>.

TRANSFER OF RECORDS AND TRANSITION

Students should not be withdrawn from a school within a local school system (LSS) due to participating in an alternative learning program within the State of Maryland. Local school systems must follow the 2016 Maryland Student Records System Manual and use the appropriate transfer codes found on pages 55-57 of the manual. During the transfer process, schools must verify current address, guardians, and build a schedule. The 2016 Maryland Records System Manual specifically addresses how to assist students attending any school within the JSES.

The MSDE/JSES, DJS and the LSS maintain regular contact in order to assist youth while they are detained in the DJS facility, as well as upon their release. The detailed Memorandum of Understanding (MOU) for transition services outlines required communication and collaboration between the MSDE/JSES and DJS. The DJS education transition unit notifies the MSDE/JSES facility of the youth's LSS and specific school, if known. The MSDE/JSES school counselor is available to answer any additional questions or address concerns, as well as ensure that credits earned at the facility are also accepted by the LSS. Additionally, the MSDE/JSES Coordinator of Guidance and Student Records is contacted by either the DJS Transition Unit facility counselors or the LSS to resolve any issues or concerns. The JSES uses transfer records to appropriately identify the student's current academic placement and ensures that students are placed in the same courses for continuity of education and progress towards credits. When students return back to their home school or public school placement, the JSES provides records that give the school all of the students' academic history, including any credits earned, along with grades while in a facility. Transfer requests for students coming into JSES or out of facilities are normally completed within a 72 hours window to ensure that the continuance of the students' academic progress is not interrupted. The MSDE/JSES records clerks/secretary at each JSES

school, in collaboration with the school counselor, prepares the educational records and forwards them to the DJS transition unit.

SPECIAL EDUCATION

The MSDE JSES adheres to the same requirements as LSSs under IDEA and COMAR. Requirements include the responsibility for the identification and evaluation of students suspected of having a disability and utilization of the Child Find process. This process does not necessitate screening all students.

It should be noted that the percentage of students with disabilities in the MSDE JSES schools is consistent with national research. National research demonstrates that there is a disproportionate number of students with disabilities enrolled in JSES compared to community-based schools. There is also statewide recognition of the over identification of special education students. As a result, schools within Maryland are in the process of addressing and eliminating the over identification of two specific groups, special education and African American students.

The JSES continually consult with the MSDE Division of Special Education and Early Intervention Services for technical assistance. However, it should be noted that the MSDE Division of Special Education and Early Intervention Services does not have legal authority to approve changes to a student's IEP. An IEP team is the only entity that can make changes to a student's IEP. The JSES sends IEP meeting invitations to parents or guardians at least 10 business days prior to any meetings. Any meetings held prior to 10 business days must be agreed upon in writing by the parent or guardian. The JSES recognizes that parent participation is vital in determining appropriate educational planning for students and therefore, makes every effort to elicit parent participation. Parents also have the right to invite other individuals who have knowledge or special expertise regarding the student, such as a student's attorney, to participate in an IEP team meeting.

INSTRUCTION

Career and Technical Education (CTE)

The JSES continues to develop CTE programming for students. The introduction to short-term certifications provides students with the ability to qualify for entry level jobs upon returning to their communities. Most CTE certifications take a longer period of time to complete in order to earn a certification in a particular field. Students in LSS schools participate in CTE pathways in the State of Maryland over a three-year period. Access to CTE certifications without a high school diploma or GED will not lead to high-skill, high-wage, and in-demand careers. The JSES students should be provided the same access and opportunities that their peers in LSS receive. Students in an LSS receive a high school diploma and CTE certifications in order to compete in the 21st Century global job market. During the 2019 school year, the average length of stay for students in detention facilities was thirty-eight days, and the average length of stay for students in placement facilities was eighty-four days. The short-term certification programs offered meet the needs of students based on their length of stay.

Cardiopulmonary resuscitation and automated external defibrillator (CPR)/AED), basic food handling hygiene, and construction site flagger, as mentioned in the report are certification opportunities that help

students enhance their resumes and provide them with an advantage over their peers when competing for similar job opportunities. Additionally, there are three levels of the ServSafe certifications: ServSafe Food Handle, ServSafe Allergens, and ServSafe Manager. All of the certifications are available to all the JSES students.

C-tech is a program specifically designed for students in juvenile facilities. Students are able to earn certifications in Network Cabling, Copper-Based Systems, Fiber Optics, and Telecommunications. Adhering to the DJS safety and security protocols, the JSES is piloting C-Tech in two facilities where space in the facility allows such programming. Staff must be certified in order to provide this instruction to students.

The MSDE JSES has adopted three CTE pathways aligned to the state CTE program in order to make it easier and more consistent for students to earn the long-term credit when they re-enrolled in their community school. The pathways include: Business Administrative Services, Career and Research Development (CRD), and the Construction Trades Professions (currently offered at Green Ridge and Backbone).

This JJMU report, and several of the previous reports, represents the World of Work as a MSDE/JSES program. However, World of Work is a DJS sponsored program. The MSDE does not have the authority or oversight of the World of Work Program. However, the JSES welcomes the opportunity to collaborate on such programs.

When evaluating CTE programming, it is imperative the JSES follows the protocols of safety and security outlined by DJS. Due to the equipment needed, programs such as hands on barbering are not approved by DJS, at this time. Students are not allowed to leave their assigned facility per court regulations for opportunities such as internships. For these reasons, the JSES cannot offer community engagement through work, volunteer, or enrichment experiences. The JSES does not determine students' placement, however, the JSES works diligently to provide students with access to three approved State of Maryland CTE pathways. For students attending a JSES school, each pathway has four required courses that are yearlong courses. Students are enrolled in the introductory course and are provided coursework that is aligned with the Maryland State Standards.

Curriculum Resources

Additional classroom resources, including manipulatives, have been purchased to encourage student engagement so that teachers do not have to rely on worksheets for instruction. Math manipulatives include student graphing boards and spinners for classroom use. These manipulatives offer students hands-on activities for building mathematical knowledge. Gizmos, an online science and math simulation program, provide virtual science labs and simulations for students. During the 2019 school year, the JSES spent over \$300,000 on classroom materials for instructional purposes.

Like any school system, JSES is proving multiple forms of technology to provide students with 21st century learning experiences and to engage digital natives (a person born or brought up during the age of digital technology and therefore, familiar with computers and the Internet from an early age) further in the learning process. For quite a few years, JSES had Nooks within the schools. The MSDE JSES have continued to expand the use of the Nooks as our partnership with the DJS has increased and allowed for

the students at several facilities to take the Nooks back to the living units. This allows students to be engaged in reading outside of the school day.

Two years ago, iPad carts were provided to each facility. All 13 locations have one Apple iPad cart to be shared among teachers on a daily/weekly basis. Starting in the 2019-2020 school year, one classroom at each school will become the Apple classroom. The iPads provides educational resources through approved apps but are limited in their access for documents and web capabilities (This allows the JSES to be in compliance with security protocols at the facilities).

Last year JSES deployed new desktop computers at each facility. Every facility has a computer lab and desktops in the classrooms. This provides teachers with the capabilities to support both students who are taking online college courses, as well as APEX learning (on line and blended learning). Both of these educational resources providers require Adobe Flash, which is not capable on the hand held devices and therefore, requires the use of desktop computers. Adobe Flash is a popular software used to create graphics-based animation programs; graphic illustrations, and simple interactivity that is in a file format that is small enough to stream across a normal connection.

The JSES applied for and was approved for eRate. The Federal Communications Commission's eRate is the Universal Service Schools and Libraries Program that commonly provides discounts of up to 90 percent to help eligible schools and libraries in the US obtain affordable telecommunication and internet access. The JSES received approximately \$300,000.00. The money was used to expand bandwidth at all thirteen facilities.

Additionally, during the 2019 - 2020 school year, Chromebooks were procured. The purchase included enough devices for each classroom (minus the apple classrooms), to have a class set to use for learning. JSES students cannot travel with devices from room to room, therefore, class sets must be provided that can be charged, stored, and secured for each classroom. This will allow students, who are digital natives, to move from all paper and pen to completing assignments on the Chromebooks. The Chromebooks were delivered to schools in April 2020, during the COVID-19 epidemic. A benefit of the Chromebooks is the access to Google classroom and the Google suite of products. Through the curriculum, teachers will have specific target assignments for students to complete at varied times to help with any infrastructure concern as the MSDE/JSES continue to increase both wireless access points (waps) and internet speed over the next twelve months. Google classrooms allow students to work offline and only go online to upload and send their assignment to the teacher. These resources will also enable MSDE to create common assessments that can be pushed out to the students to evaluate teaching and learning and provide data for continuous improvements. Due to the school closures, infrastructure has not been competed to use the devices. The JSES has a project management timeline that provides incremental roll out of the Chromebooks starting with the English classrooms. The gradual release schedule provides teachers the opportunity to ensure professional development has occurred and that the technology, student account configuration, classroom management, security platforms, and the student internet access is operating effectively for students to have an effective learning experience. The JSES is currently streaming lessons into the school and providing instructional materials for student.

Post-Secondary

Opportunities for students to take college courses have been available since 2017. In order to address the inability for many of the youth to leave the facility, the JSES has provided on-line college courses through local community colleges. For students who are unable to pass the Accuplacer and take college level credit courses, the JSES provides the opportunity to take continuing education courses while they improve their math and reading skills for the Accuplacer. The JSES students have participated in on-line college credit bearing courses, as well as continuing education and workforce development courses every semester with community college partners, Frederick and Baltimore City Community Colleges. In September 2018, the JSES expanded the community college partnership to include Anne Arundel Community College. This partnership provides opportunities for students to take business, computer, and student success courses.

Since July 2019, there have been 43 students enrolled in post-secondary opportunities at the community colleges. In the 2019-2020 school year, the JSES and Anne Arundel Community College expanded the partnership to include a new program, Ed2Go, which allows access to additional online course options.

PILOT

In accordance with Chapter 565 of the Acts of 2018 (HB1607), the Noyes pilot program with Montgomery County Public Schools (MCPS) started on July 1, 2019. This pilot has been under the purview of MCPS legal team. The project team has led the implementation of this pilot and ongoing operations. The MCPS determined the implementation of the management model in which it operates the pilot during the 2019-2020 school year. The JSES disagrees with the JJMU report in the role of the workgroup and the ownership of the pilot. The workgroup was created to research a variety of options and make recommendations not provide the county oversight of education in a DJS facility. The contract for oversight and management of the pilot was developed by MCPS and MCPS did not request that the JSES remove themselves completely from the educational process.

The MCPS and the JSES do not agree with the legal interpretation stated in the JJMU report. Montgomery County is proceeding pursuant to the statute's authorization for a local school district to provide a management model for Noyes. Montgomery County Public Schools has taken this approach, recognizing that there were significant operational hurdles to a full transition of administration and operation of the Noyes facility. Montgomery County Public Schools is also exploring other opportunities to support the work at Noyes, including providing and installing a modular classroom at the Noyes facility. The executive director to the Chief Academic Officer is managing the Noyes pilot program.

Since the pilot began, MCPS has hired a transition specialist and provided a list of responsibilities to support students. Montgomery County Public Schools has created an active database to follow the students through transition between the facility and the district. Special education supports have also been provided through a part-time Special Educator Case Manager Instructional Specialist. This position provides case management review, special education assessments, and various continued supports where appropriate. Professional development for administration and teachers has been ongoing and teachers have full access to the MCPS professional development catalog. In addition, Restorative Justice professional development occurred that included both the JSES and the DJS staff. Coaching and consultation from MCPS with Noyes administration and teachers is ongoing.

Montgomery County has provided three community engagement activities for parents and students. Noyes students have access to MCPS online courses for curriculum and instruction. Montgomery County Public Schools has also provided additional out of school academic opportunities in electives since July 2019.

Conclusion

The MSDE JSES staffs are highly qualified educators who are passionate about the students we serve. Students and instruction are our top priorities. The JJMU has not shared the accomplishments the JSES has made over the years, but continues to write about all of the issues and challenges we face. The reality is that every school system across the nation faces challenges in some form or other. Challenges are our reason to continue to strive for excellence for our students and motivates all of us to aim for higher levels of achievement. In regard to all of the challenges that are presented about our schools, the staff at MSDE/JSES provided a list of accomplishments in the third quarter JJMU report. The report may be viewed on the JJMU website.

**MARYLAND DEPARTMENT OF HUMAN
SERVICES
- RESPONSE**

April 22, 2020

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

Dear Mr. Moroney:

Thank you for allowing us the opportunity to review and provide comments on the JJMU Fourth Quarter Report and 2019 Annual Report Compendium. Below are excerpts from the Report and comments from DHS in blue regarding Child Protective Services and Youth in DJS Facilities (p.12-13).

The Maryland Department of Human Services (DHS) has a Child Protective Services Unit (CPS) in each county to receive and investigate allegations of abuse and neglect of children, including those in facilities operated and licensed by Maryland Department of Juvenile Services (DJS).

However, CPS protections do not extend to all youth in DJS facilities. Youth up to age 21 can be held in DJS-operated and licensed facilities, yet CPS only investigates allegations of abuse or neglect of youth under 18. Youth aged 18 and over are vulnerable to potential abuse and should have the same protections that other youth in the facilities receive.

CPS investigations allow for a child maltreatment finding to be made against the employee who abused or neglected the child. For allegations of maltreatment of youth aged 18-21, local law enforcement, DJS and the JJMU are still able to complete an investigation, and based on the outcome, may choose to fire the employee and never rehire the individual to work with DJS youth, and law enforcement may choose to charge and prosecute the employee. It would be helpful to have data on the amount of maltreatment alleged to occur with youth aged 18-21 in a DJS facility. This would allow DHS to gauge the capacity of CPS staff to be able to respond to reports on older youth.

Additionally, CPS will only investigate allegations of abuse if the person reporting to CPS says the child has sustained a physical injury. For cases involving youth in DJS facilities, CPS often relies on obtaining information about a youth's injury status from a DJS worker. This practice does not ensure that CPS has accurate or complete information when decisions about accepting an allegation for investigation are made.

As indicated on page 2 of the report, the JJMU has access to incident reports and case notes and the ability to interview youth at any time. Should the JJMU become aware of allegations of abuse or neglect of a youth, the JJMU is able to report concerns to the local department of social services' CPS unit.

Maryland law should be changed to empower CPS to investigate all allegations of abuse or neglect stemming from incidents in DJS facilities, regardless of age or injury. In all reported allegations of abuse or neglect in a DJS facility, CPS should ascertain facts (conduct interviews, request and review any available camera footage and incident documentation, including medical reports) before deciding whether to investigate or “screen out” an allegation at the point of intake.

The JJMU is able to conduct these same reviews that are being suggested for CPS to conduct. It is not appropriate for CPS/SSA/DHS to provide oversight of DJS facilities unless a report of child maltreatment has been received and accepted by the LDSS.

There should be comprehensive communication between CPS, facility superintendents, and the DJS Office of the Inspector General (DJS OIG – DJS’ internal investigatory unit) and the JJMU. CPS should inform facility superintendents, OIG investigators and the JJMU when CPS has received a report of alleged abuse or neglect from a DJS facility and inform DJS and the JJMU when a decision about whether the case will be investigated has been made. The status of open investigations and their eventual outcomes should also be communicated by CPS to facility superintendents, OIG investigators and the JJMU.

Some jurisdictions may have a MOU with a local facility that houses DJS youth. It sounds reasonable that each local jurisdiction has an active MOU with DJS, JJMU and local law enforcement regarding investigations of child maltreatment in DJS facilities or that a State MOU exist regarding investigations in a DJS facility.

Again, thank you for the opportunity to respond. Please contact me if you have any questions.

Sincerely,



Michelle L. Farr, Executive Director
Social Services Administration
Maryland Department of Human Services