



OFFICE OF THE ATTORNEY GENERAL
JUVENILE JUSTICE MONITORING UNIT

QUARTERLY REPORT
4th QUARTER, 2007

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REPORT OF THE JUVENILE JUSTICE MONITORING UNIT 4TH QUARTER, 2007

SAFETY AND SECURITY IN DEPARTMENT OF JUVENILE SERVICES DETENTION CENTERS

On December 10, 2007, two youths assaulted a third youth at the Baltimore City Juvenile Justice Center. The victim of the attack was seated in the open recreation area of his housing unit playing cards. Video of the incident indicates the young men who carried out the assault watched the victim, discussed their plan, and then purposefully distracted the staff person responsible for the safety of the ten youths on the unit. The victim was attacked from behind. He was punched in the face, and, after he fell from his chair, he was kicked and stomped on the head as he lay on the floor.

Two Resident Advisers were assigned duty in the unit, but one had stepped outside to talk to another staff person. According to the Department of Juvenile Services (DJS) investigation report, the youths who committed the assault had been involved in several other incidents prior to this assault. After one of the prior incidents, a staff member wrote that the two youths' conduct was "affecting the culture of the Unit." In addition, the DJS investigator commented, "[T]here is no indication that any sanctions via a Behavior Management Program were utilized to address the noted concerns."

The victim was taken to the University of Maryland Shock Trauma Center. He was treated for a fractured skull, a broken jaw and other facial and head injuries. He lost several teeth as a result of the incident. He is now recuperating in custody at the Hickey School, and it is reported that he will need additional surgeries in the future. He has no memory of the assault. The two youths who carried out the attack are now awaiting adjudication in the adult criminal system.

The seriousness of the physical injuries suffered in this unfortunate case may be rare, but the circumstances which led to the event are ever-present. The potential for serious injury to youth existed in many of the 1,460 youth on youth assaults that occurred in Department of Juvenile Services facilities over the past year.

Conditions which lead to aggressive incidents have been described in virtually every report issued by the Juvenile Justice Monitoring Unit (JJMU) since its inception. JJMU has reported with regularity on inadequate numbers of staff, inadequate training of staff, overcrowding, improper classification and separation of vulnerable from violent youth, lack of meaningful activities to occupy youths' time, and ineffective behavior management programs.

The Juvenile Justice Monitoring Unit Report for the Fourth Quarter, 2007, focuses on youth safety in DJS facilities, discusses recent Departmental efforts to reduce violence¹ and enhance youth safety, and reports on the Department's progress toward its strategic goal of "keep(ing) our children...safe."²

This report's focus is safety inside facilities. We should not forget, however, that historically, youth who cycle through the delinquency system remain at greater risk of violence, injury, and death outside facility walls. Of the 29 teenagers killed in Baltimore City during 2007, 23 had earlier contact with the Department of Juvenile Services. Eleven were under DJS supervision when they were killed. Ensuring youth safety in facilities is basic, but Maryland must also continue to work to improve these youth's chances for productive and safe lives in their communities.

The report examines only state-run secure detention facilities and does not address committed placement facilities, shelters, or other types of residential programs because nearly three-quarters of all aggressive incidents system-wide occur in detention facilities. A variety of factors, including the short-term nature of secure detention, may account for higher levels of violence in detention facilities. Data from detention centers should not be extrapolated to assess these issues in other contexts, including in other types of residential placements for youth.

In developing an approach to measuring violent incidents in DJS detention centers, we were guided by the Department's policy on incident reporting (Mgmt. 03-07). This policy defines "incident" and lists all incidents which must be reported in writing to DJS headquarters via the Incident Reporting Database. It also includes a list of incidents designated as "critical" - any event "which requires immediate and/or medical attention, as well as incidents that create an imminent risk to public safety or are likely to attract media attention." Critical incidents must be reported to headquarters within one hour of occurrence. Appendix A (p. 52) includes a full listing of "incidents" and "critical incidents."

The Fourth Quarterly Report is presented in two parts:

- Part 1. A statistical overview and data from the eight Department of Juvenile Services detention centers as well as system-wide;
- Part 2. Individual detention center reports and updates, including efforts by each facility to improve safety and JJMU's recommendations to improve safety in those facilities.

Readers are referred to our website at www.oag.state.md.us/jjmu to review previous reports of the Juvenile Justice Monitoring Unit covering the period from 2002 to the present. In-depth reports for each DJS-operated or

¹ "An act of aggression. Rough or injurious physical force." Random House Unabridged Dictionary, Princeton University WordNet, 2006.

² Department of Juvenile Services FY2008 Strategic Plan, February, 2007. www.djs.state.md.us

licensed facility will be included in JJMU's 1st Quarter, 2008 report. Facilities covered in this report include:

Detention Facility, Location (Gender of Juveniles) and Youth Capacity
Baltimore City Juvenile Justice Center Baltimore City (Boys) 144 Youth Capacity
Lower Easter Shore Children's Center Wicomico County (Boys and Girls) 24 Youth Capacity
Cheltenham Youth Facility Prince George County (Boys) 110 Youth Capacity
J. Deweese Carter Center Kent County (Boys) 20 Youth Capacity
Charles Hickey Baltimore County (Boys) 72 Youth Capacity
Alfred Noyes Montgomery County (Boys and Girls) 57 Youth Capacity
Thomas Waxter Children's Center Anne Arundel County (Girls) 45 Youth Capacity
Western Maryland Children's Center Washington County (Boys) 24 Youth Capacity

STATISTICAL OVERVIEW

This report offers information on the prevalence of violence in Maryland juvenile detention centers, draws some general conclusions about the causes of this violence, and analyzes changes in conditions during the past year.

Data Sources

To develop this report, we relied on a number of different data sources:

1. Incidents reported through the DJS Incident Report database, including alleged youth on youth assaults, group disturbances, alleged youth on staff assaults, alleged staff on youth assaults, restraints and seclusion. We also examined the number of injuries occurring in each of these categories of incidents;
2. Examination of number of injuries due to altercations noted in Nursing Logs kept in each facility;
3. Number of grievances filed by youth against staff for unnecessary use of force or abuse;
4. Number of incidents to which law enforcement responded at each facility;
5. Number of allegations of child abuse reported by each facility to local Department of Social Services Child Protective Services;
6. Data submitted by DJS to the Governor's StateStat program.

Data Reliability

None of these sources offers a definitive number of aggressive incidents in facilities. One challenge in developing this report stemmed from the variety of methods used to measure aggressive incidents, complicating efforts to compare and analyze differences among data sources.

Discrepancies in reporting, while to be expected, also account for some variations. (Additional discussion of data collection inconsistencies and variations in reporting methods can be found in Appendix B, p. 53.)

While it may never be possible to develop a completely precise reporting method, there is an essential need to address inconsistencies in data collection methods and the variety of ways in data is reported. Reliable and consistently measured data is integral to measuring progress toward improving conditions for youth. We recommend that the Department work toward developing a singular

measurement methodology for all (or at least most) data collection and reporting to ensure consistency.

In spite of these challenges, however, the data does allow for some conclusions to be drawn regarding increases and decreases in violence both in individual facilities and system-wide over the course of the past year. The reasons for these increases or decreases are more elusive. Where possible, the report suggests factors that may have affected levels of aggressive incidents and makes recommendations to improve facility environments.

Comparisons between Maryland and Other States

A central question for decision makers is how facilities in Maryland compare to those in other states. Appendix C., p. 55, discusses the relative dearth of national research on juvenile facility conditions and provides a summary of recent research correlating conditions with safety factors.

A second way to derive national comparisons is via data Maryland reports to the Performance Based Standards Program (PbS). Developed by the Council of Juvenile Correctional Administrators, this program is designed to help juvenile facilities improve conditions by routinely collecting and analyzing data relating to operations.³

PbS data is proprietary, is not publicly available, and has not been released to the Monitor's office. However, it does allow DJS to compare its outcomes in key areas with a national field average developed using the rates at all participating facilities.⁴

Public release of both the youth on youth assault rates and incident related injuries for each DJS-operated facility as well as national field averages would at least provide a rough measure of Maryland's progress on key safety indicators. The most recent federal CRIPA Monitor's reports provided the following PbS data and insights on the three facilities covered in the CRIPA agreement (Hickey, Cheltenham, and Baltimore City Juvenile Justice Center):

“[T]he past two reporting periods have revealed significant decreases in the rate of youth on youth assaults (at Hickey). In October, 2006, the rate was 1.892;⁵ ...in October, 2007, the rate was 1.010. This represents a 47% decrease in the rate of youth violence.

³ Twice yearly DJS and other participating facilities submit detailed information to PbS and receive analyses to assist in the development of improvement plans.

⁴ DJS releases limited PbS data publicly, primarily via its annual Managing for Results budgeting report (January, 2008 report available at www.djs.state.md.us). While this report provides a limited set of data on safety measures, it does not compare performance in Maryland facilities with other states.

⁵ Per “100 days of youth placement,” a measure representing one youth spending 100 days in placement. A “person day” represents one youth spending one day in placement.

However, as shown by the trendline in the graph ... the rate of youth on youth assaults at Hickey is over 200% higher than the national field average...

The graph for (Cheltenham) reveals a more variable trend, but a significantly lower rate of youth violence as compared to Hickey. In October, 2006 and April, 2007, the rate of youth on youth assaults...was BELOW the national field average....

However, in October, 2007, the rate of youth on youth assaults increased approximately 139% from its October 2006 low to a rate of 0.686, which now exceeds the field average by approximately 40%.”⁶

The December 31 BCJJC report found: “BCJJC’s rate (of youth on youth assaults) of 1.515 is approximately 300% higher than the national field average.”⁷

PbS graphs comparing levels of youth on youth assaults at Hickey, Cheltenham, and BCJJC to the national field average are included in Appendix D, p. 57.

Effect of Population on Aggressive Incidents

One research-based explanation for variations in rates of aggressive incidents is the population of the facility at a given time. To enable readers to view incident data in light of population data, we provide the following chart of average quarterly populations at each facility covered by the report.

**Average Quarterly Detention Center Population
(Detention and Pending Placement Youth)⁸**

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Average
Noyes	44	45	46	43	44.5
BCJJC	111	128	132	128	124.75
Hickey	71	62	69	64	66.5
Cheltenham	101	100	94	101	99
Carter	26	25	24	16	22.75
LESCC	24	25	24	19	23
Waxter	31	31	29	30	30.25

⁶ Settlement Agreement between the State of Maryland and the United States Department of Justice, Fifth Semi-Annual Monitors’ Report on Cheltenham Youth Facility and Charles H. Hickey, Jr. School. December 31, 2007. www.djs.state.md.us

⁷ Settlement Agreement between the State of Maryland and the United States Department of Justice, First Monitors’ Report on the Baltimore City Juvenile Justice Center, December 31, 2007. www.djs.state.md.us.

⁸ Source: DJS Incident Reporting Database

WMCC	28	31	25	22	26.5
Total	436	447	443	423	437.25

Conclusions:

Population at individual facilities (and system-wide) remained relatively stable in 2007. The exceptions were:

- Baltimore City Juvenile Justice Center (population rose by over 15% between the 1st and 2nd quarters but remained stable the rest of the year);
- Carter (population dropped by 33% between the 3rd and 4th quarters when a population cap was imposed);
- LESCC (population dropped by 20% between the 3rd and 4th quarters).

Summary of Findings

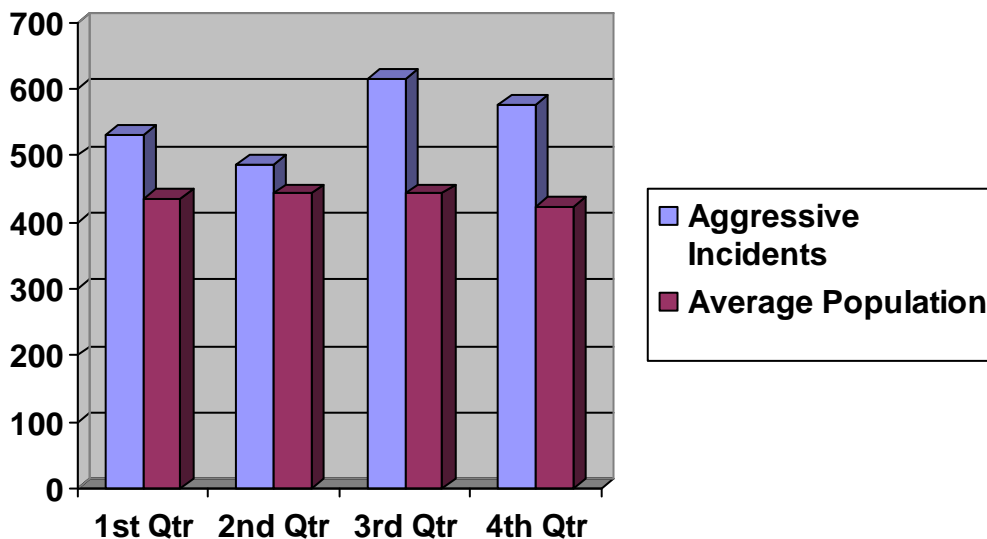
The rate of system-wide aggressive incidents varied somewhat, but by the end of the year, the total number of aggressive incidents in DJS detention facilities was 9% higher than at the beginning of the year.⁹

As the graph below illustrates (see p. 6 for quarterly populations), the aggregate average quarterly population at DJS detention facilities was stable throughout 2007, so population variations do not account for the increase.

1 st Quarter	531 aggressive incidents
2 nd Quarter	487 aggressive incidents
3 rd quarter	616 aggressive incidents
4 th quarter	577 aggressive incidents ¹⁰

The overall report on DJS detention facilities continues to be mixed. Aggressive incidents decreased significantly at some facilities and increased significantly at others. Despite a departmental focus on reducing restraints, the number of restraint incidents increased by 20% and injuries in restraint incidents increased by 7%. Law enforcement responses to calls from some facilities were very high – several times a week – but declined by more than 50% at others.

Number of Aggressive Incidents at All Detention Facilities Compared to Population (2007)



⁹ To produce this comparison of total number of violent or aggressive incidents, we included reported:

- Alleged youth on youth assaults (with and without injury)
- Alleged youth on staff assaults (with and without injury)
- Group disturbances (with property damage/injury and without property damage/injury)
- Physical restraints with injury

¹⁰ Source: DJS Incident Reporting Database.

Assaults

- The number of youth on youth assaults remained stable, and slightly over 1/3 of all assault incidents resulted in an injury.
- The number of alleged youth on staff assaults nearly doubled between the first and fourth quarters, but the total number of staff injured in these incidents remained stable.
- Thirty-seven percent of all youth on youth assaults system-wide occurred at the Baltimore City Juvenile Justice Center.
- Youth on youth assaults declined significantly at Noyes and Cheltenham.

Group Disturbances

- System-wide, the number of group disturbances more than doubled during the year, due primarily to a sharp spike in the number of disturbances at the Baltimore City Juvenile Justice Center.
- Several detention facilities reported no group disturbances during the year. Group disturbances at Hickey dropped significantly in the latter part of the year.

Restraints

- System-wide, the number of physical restraints of youth increased by 20% between the 1st and 4th quarters. An injury occurred in approximately 1/3 of all restraint incidents.

Youth Injuries

- Seventy-nine percent of all injuries to youth in DJS detention facilities occurred during an aggressive incident.
- The total number of incident-related injuries declined by 13% between the 1st and 4th quarters, primarily due to a significant decline in injuries at Hickey.

Law Enforcement Response to Violence in Detention Centers

- Maryland State Police and Montgomery County Police (Noyes) responded to a total of 1,042 aggressive incident calls during the year.
- Police responded to an average of 1.3 calls per day at BCJJC and to approximately 3 calls per week at Hickey and Noyes.

- Police calls from Cheltenham, Lower Eastern Shore Children's Center, and Western Maryland Children's Center decreased significantly (by 50%, 57%, and 59% respectively).

Assaults

Approximately 1,460 alleged youth on youth assaults occurred in detention facilities during 2007, and either youth or staff were injured in approximately 37% of these incidents. In 197 incidents, youth were alleged to have assaulted staff members – either a youth or staff member was injured in approximately 27% of those incidents.

The charts below break down alleged youth on youth assaults, alleged youth on staff assaults, and injuries by detention facility:

All Occurrences of Youth on Youth Assault¹¹

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	28	40	54	25	147
BCJJC	122	131	140	144	537
Hickey	68	56	79	75	278
Cheltenham	67	50	71	47	235
Carter	16	11	20	8	55
LESCC	15	9	11	11	46
Waxter	21	21	28	24	94
WMCC	18	16	16	19	69
Total	355	334	419	353	1461

All Occurrences of Youth on Youth Assault with Injury¹²

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	13	23	21	17	74
BCJJC	21	36	45	33	135
Hickey	31	29	38	30	128
Cheltenham	30	24	47	23	124
Carter	6	4	4	2	16
LESCC	4	5	3	5	17
Waxter	6	3	6	4	19
WMCC	7	7	4	5	23
Total	118	131	168	119	536

¹¹ Source: DJS Incident Reporting Database

¹² Source: DJS Incident Reporting Database

Conclusions:

1. System-wide, 37% of all youth on youth assault incidents involved an injury.
2. System-wide, the total number of incidents of youth on youth assault remained stable in 2007, excepting a spike in the 3rd quarter. At the end of the year, the number of youth on youth assaults was virtually identical to the number at the end of March. Injuries in youth on youth assaults also remained stable excepting a 3rd quarter spike.
3. The number of alleged youth on youth assaults at the Baltimore City Justice Center (BCJJC) rose through the year and accounted for close to 37% of all youth on youth assaults system-wide. Population at BCJJC rose from an average of 111 youth in the 1st quarter to 128 youth in the 2nd quarter and remained high for the remainder of the year
4. At Noyes and Cheltenham, the total number of alleged youth on youth assaults decreased significantly between the 3rd and 4th quarter (by 54% at Noyes and 33% at Cheltenham). Percentages of assaults involving injury remained stable at Cheltenham, but the percentage of alleged youth on youth assaults involving injury grew at Noyes from 46% in the first quarter to 68% in the 4th quarter.
5. Carter's average population dropped by 1/3 in the 4th quarter (from 24 to 16), and its youth on youth assault numbers dropped significantly as well (from 20 in the 3rd quarter to 8 in the 4th quarter). In other words, a 33% population decrease coincided with a 60% decrease in youth on youth assaults at Carter.
6. Alleged youth on youth assaults decreased slightly at Hickey during the 4th Quarter but remained high compared to the first half of the year. At LESCC, alleged youth on youth assaults were high at the start of the year and went down significantly during the second quarter, increasing a bit in the 3rd and 4th Quarter.
7. Both Waxter and Western Maryland Children's Center posted more or less stable alleged youth on youth assault numbers throughout the year.

All Occurrences of Alleged Physical Assault Youth on Staff¹³

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	3	6	13	5	27
BCJJC	9	15	12	22	58

¹³ Source: DJS Incident Reporting Database

Hickey	8	12	4	11	35
Cheltenham	1	4	6	2	13
Carter	2	1	3	3	9
LESCC	5	2	4	7	18
Waxter	6	4	3	11	24
WMCC	2	2	4	5	13
Total	36	46	49	66	197

**All Occurrences of Alleged Physical Assault Youth on Staff
With Injury¹⁴**

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	2	3	3	3	11
BCJJC	3	3	1	1	8
Hickey	5	5	2	3	15
Cheltenham	1	1	2	1	5
Carter	0	0	1	1	2
LESCC	2	1	1	3	7
Waxter	1	0	0	0	1
WMCC	1	0	1	2	4
Total	15	13	11	14	53

Conclusions:

1. In approximately one quarter of all alleged youth on staff assaults staff members or youth sustained injuries (53 of a total of 197).
2. The total number of alleged youth on staff assaults system-wide rose steadily throughout the year, increasing by 83% between the 1st and 4th quarters of 2007 (from 36 to 66).
3. The number of alleged youth on staff assaults system-wide increased by 35% between the 3rd and 4th quarters (49 to 66), primarily due to a 83% increase at BCJJC (from 12 to 22) and a significant increase at Waxter (from 3 to 11).
4. The number of alleged youth on staff assaults at Noyes spiked in the 3rd quarter (13), dropping back to 5 in the 4th quarter.

¹⁴ Source: DJS Incident Reporting Database

Group Disturbances

The Incident Reporting Database captures group disturbances in which bodily harm or property destruction resulted as well as those in which no bodily harm or property damage resulted. In 2007, a total of 83 group disturbances were reported system-wide.

All Occurrences of Group Disturbances (With Bodily Harm and/or Property Destruction)¹⁵

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Noyes	0	1	1	3	5
BCJJC	1	1	5	13	20
Hickey	6	5	0	0	11
Cheltenham	1	1	1	0	3
Carter	0	0	0	2	2
LESCC	0	0	0	0	0
Waxter	1	2	0	1	4
WMCC	0	0	0	0	0
Total	9	10	7	19	45

All Occurrences of Group Disturbances (No Bodily Harm and/or Property Destruction)¹⁶

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	0	1	1	0	2
BCJJC	2	2	6	5	15
Hickey	7	1	2	3	13
Cheltenham	0	0	1	1	2
Carter	0	0	1	2	3
LESCC	0	0	0	0	0
Waxter	3	0	0	0	3
WMCC	0	0	0	0	0
Total	12	4	11	11	38

¹⁵ Source: DJS Incident Reporting Database

¹⁶ Source: DJS Incident Reporting Database

Conclusions:

1. Between the 1st and 4th quarters of the year, the total number of group disturbances grew by approximately 43% (from 21 to 30), almost entirely due to a sharp spike in group disturbances at BCJJC (from 3 in the 1st quarter to 18 in the 4th quarter).
2. Group disturbances at Hickey dropped sharply in the second half of the year (from 13 in the 1st quarter to 3 in the 4th quarter). No group disturbances involving injury or property damage at Hickey occurred in the 3rd or 4th quarters.
3. Western Maryland Children's Center and Lower Eastern Shore Children's Center reportedly had no group disturbances during 2007.

Several factors may have contributed to their success. First, WMCC implemented a comprehensive behavior management plan several years ago and staff is well-trained to work with the plan. While LESCC does not have a formal behavior management plan, staff follows a practice of moving quickly to one-on-one supervision of youth when youth behavior begins to escalate toward a possible altercation.

Second, both facilities feature a modern physical plant design including pods with individual sleeping rooms circling a common living area rather than the "telephone pole" design¹⁷ of older facilities including Cheltenham, Hickey, and Waxter. This design allows for easier visual supervision of youth.

Finally, both facilities are built for small numbers of youth (maximum of 24 youth).

4. Despite moderate to large populations, Noyes and Cheltenham also experienced few group disturbances in 2007 (a total of 7 at Noyes and 5 at Cheltenham).

Restraints

One way to measure overall violence in youth residential facilities is to record the number of times youth are physically or mechanically restrained. (See Appendix C for discussion.) DJS policy defines "physical restraint" as a "non-mechanical behavior management technique involving the use of a physical hold as a means of restricting a youth's freedom of movement."¹⁸

In an escalating or crisis situation, staff must move through three levels of intervention before a restraint is authorized. Levels 1 and 2 involve both non-

¹⁷ Individual sleeping rooms located on each side of a long hallway.

¹⁸ DJS Policy RF-02-07, Use of Crisis Prevention Management (CPM) Techniques Policy, March 27, 2007

verbal and verbal strategies. A Level 3 intervention is a “directive touch,” defined as “escorting, gently leading, or guiding a youth away from the problem.”

The fourth and most intensive level is physical or mechanical restraint of the youth and is only to be used when all other means of intervening or deescalating the situation have failed. An injury occurred in 30% of all physical restraint incidents this year.¹⁹

All Occurrences Physical Restraints²⁰

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	19	50	32	31	132
BCJJC	139	60	147	181	527
Hickey	74	56	61	83	274
Cheltenham	46	33	55	51	185
Carter	28	10	16	16	70
LESCC	28	15	26	27	96
Waxter	33	17	36	61	147
WMCC	32	21	23	32	108
Total	399	262	396	482	1539

All Occurrences Physical Restraints with Injuries²¹

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	12	29	15	13	69
BCJJC	28	15	34	32	109
Hickey	33	22	26	35	116
Cheltenham	21	17	35	21	94
Carter	3	0	3	2	8
LESCC	5	4	6	10	25
Waxter	8	2	7	5	22
WMCC	9	4	4	10	27
Total	119	93	130	128	470

Conclusions:

¹⁹ 470 of 1539 restraints in detention facilities resulted in an injury in 2007.

²⁰ Source: DJS Incident Reporting Database

²¹ Source: DJS Incident Reporting Database

1. In spite of new crisis management policies and system-wide staff training on the appropriate use of restraints, both the number of physical restraints of youth and the number of injuries suffered during those restraints was higher at the end than the start of the year at nearly every facility.

Some of the increase in numbers of restraints could be due to more rigorous reporting practices, but the extent to which this is true is impossible to measure because the database does not distinguish between a “directive touch” and a full “prone restraint.”²²

We recommend that the Department refine its method of reporting restraints to distinguish between these different types of physical interventions with youth.

2. There also appears to be some confusion within the Department regarding which incidents are reportable as “restraints.” Some DJS staff say they are required to report directive touches as restraints. However, the new crisis management policy clearly excludes directive touches from the definition of “restraint.”²³ If, in fact, staff are expected to report in this manner, the policy should be revised.
3. Physical restraints increased by nearly 20% between the 1st and 4th quarters (from a total of 399 to 482). While physical restraints involving injuries increased, they increased at a more modest rate of 7%.
4. All facilities except Noyes reported a steep decline in the number of restraints in the 2nd quarter, followed by significant increases in the latter part of the year. Although it is difficult to be definitive, the drop in use of restraints may be connected to the Department’s new policy on Crisis Prevention and Management, issued near the end of the 1st quarter on March 27.

The new policy was issued after the death of a youth at Bowling Brook, a privately-operated youth facility. Many staff members reported early discomfiture with both the policy and new restraint techniques adopted by the Department. Some staff told Monitors they were reluctant to restrain youth at all. It is possible that this reluctance resulted in fewer restraints system-wide in the second quarter.

5. In the 4th quarter, numbers of restraints at LESCC and WMCC were virtually identical to the numbers in the 1st quarter, and the number dropped at Carter (along with its population).

²² Restraints in which youth are taken to the floor and restrained.

²³ DJS Policy RF-02-07 Use of Crisis Prevention Management (CPM) Techniques (March, 2007) – “*Directive touch* means escorting, gently leading or guiding a youth away from the problem.” “*Physical restraint* means a as a non-mechanical behavior management technique involving the use of a physical hold as a means of restricting a youth’s freedom of movement.”²³ Only *physical restraints* are required to be reported.

6. At every other detention facility, use of restraints increased. BCJJC experienced a 23% increase between the 3rd and 4th quarters (147 to 181).
7. Restraint use at Waxter almost doubled over the course of the year. Again, while the large increase in the number of restraints at Waxter (from 36 to 61 between the 3rd and 4th quarter) may be partially explained by more accurate reporting, Monitors noted that many restraints at that facility involved the same few youth who may be better served in another type of placement. The increase in incidents of restraint and the frequency of involvement of certain individual youths at Waxter should be speedily investigated and addressed by the Department.

Child Abuse Allegations

All Occurrences of Alleged Physical Child Abuse while in DJS Custody/Supervision²⁴

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	1	0	2	2	5
BCJJC	0	0	2	7	9
Hickey	5	2	0	2	9
Cheltenham	3	3	3	2	11
Carter	0	0	0	1	1
LESCC	1	2	1	1	5
Waxter	4	4	4	7	19
WMCC	1	0	0	0	1
Total	15	11	12	22	60

Conclusions:

Allegations of child abuse increased significantly at BCJJC and Waxter during the 4th quarter, consistent with the overall increase in aggressive incidents at these facilities.

Regardless of whether allegations of child abuse were sustained, number of alleged assaults in which staff intervene and allegations of physical abuse correlate positively. In other words, an overall increase in violence leads to a greater likelihood that youth will allege abuse.

²⁴ Source: DJS Incident Reporting Database

Youth Injuries

When discussing youth injuries, it is important to distinguish between injuries occurring in an accident, sports game, and the like, and injuries occurring in an “incident.” The Department defines “incident-related” injuries as those occurring during an assault, restraint, seclusion, attempted or completed escape, or group disturbance. The charts below measure both incident-related and non-incident-related injuries during 2007.

All Occurrences Physical Youth Injuries in DJS Detention Facilities

Incident-Related (occurred during assault, restraint, seclusion, attempted/completed escape, or group disturbance)²⁵

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	23	45	14	21	103
BCJJC	35	47	58	43	183
Hickey	69	52	51	44	216
Cheltenham	43	33	70	38	184
Carter	7	4	6	5	22
LESCC	9	9	7	11	36
Waxter	15	5	10	12	42
WMCC	12	8	6	12	38
Total	213	203	222	186	824

Non-Incident Related (occurred in accident, sports, etc.)

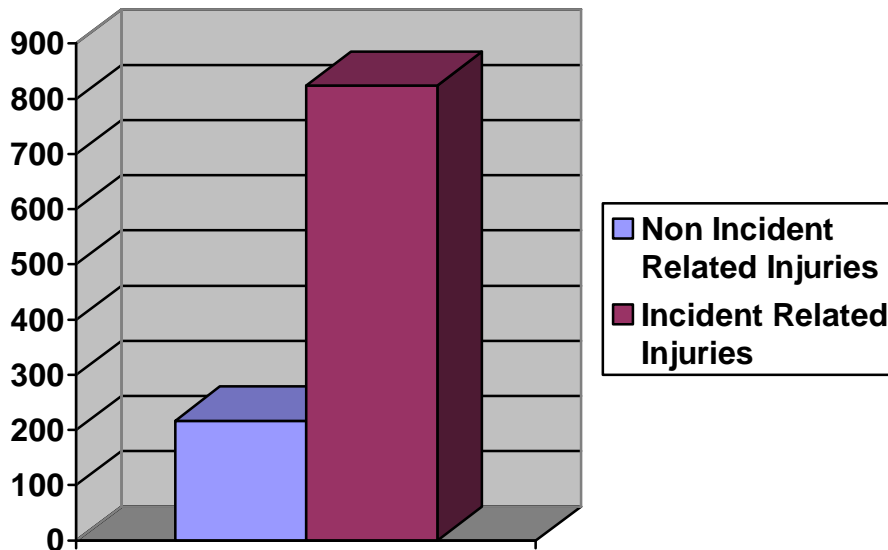
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Noyes	17	9	7	8	41
BCJJC	6	8	7	28	49
Hickey	17	21	40	33	111
Cheltenham	67	64	33	49	213
Carter	0	3	0	1	4
LESCC	1	6	3	4	14
Waxter	12	4	10	31	57
WMCC	2	2	2	3	9
Total	67	67	33	50	217

²⁵ Source: DJS Incident Reporting Database

Conclusions:

1. Seventy-nine percent of all injuries to youth in DJS detention facilities occurred during an incident²⁶ (824 of a total of 1041 injuries).
2. The total number of incident-related injuries declined by 13% between the 1st and 4th quarters (from 213 to 186). This system-wide decrease was primarily due to the significant decline in injuries at Hickey (69 to 44).
3. As with many department-wide indicators, incident-related injuries in most facilities spiked in the 3rd quarter and then declined, most significantly at Cheltenham (nearly 50% reduction, 70 to 38) and at BCJJC (58 to 43).

Comparison of Incident-Related and Non-Incident-Related Youth Injuries In DJS Detention Facilities (2007)



²⁶ Assault, group disturbance, restraint, seclusion, or attempted/completed escape

Law Enforcement Response to Facilities

An additional gauge of the level of violence in detention facilities is the number of times law enforcement officers respond to calls from facilities. The Maryland State Police (MSP) has jurisdiction over all DJS detention facilities except for Noyes in Montgomery County; Montgomery County Police has jurisdiction over Noyes. As the charts below illustrate, the vast majority of police calls related to alleged youth on youth or youth on staff assaults.

Law enforcement provided the following information from 2007 for each detention facility:²⁷

- Numbers and types of calls responded to by State Police and Montgomery County Police;
- Numbers of juveniles charged with offenses while in detention at the facility (MSP);
- Types of charges against juveniles while detained in the facility (MSP);
- Numbers of facility Child Abuse investigations conducted by Maryland State Police;
- Results of Child Abuse investigations (arrest, no arrest, dismissal, conviction, etc.).

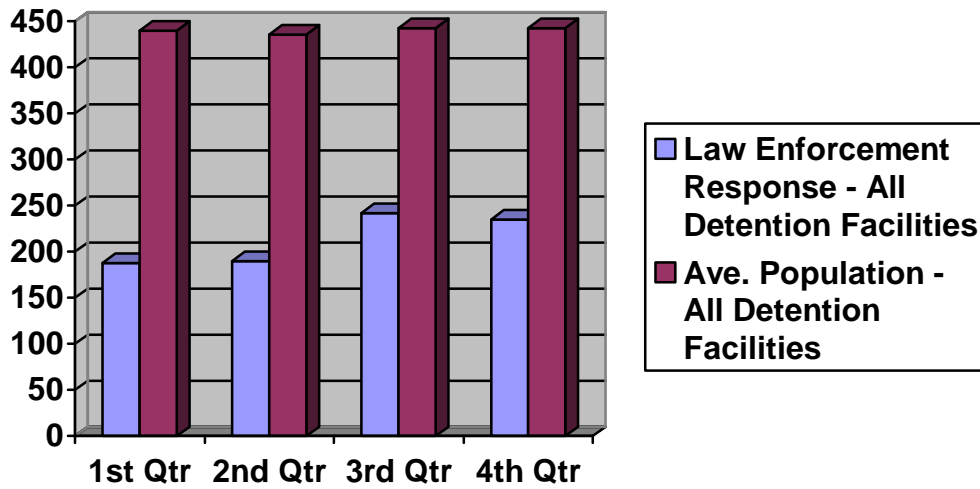
Total Law Enforcement Response to Incidents at DJS Detention Facilities

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
BCJJC	99	89	131	157	476
Carter	8	2	9	8	27
Hickey	21	52	57	34	164
Cheltenham	24	17	16	12	69
Waxter	7	8	10	12	37
WMCC	22	17	13	9	61
LESCC	7	5	6	3	21
Noyes ²⁸	-	-	-	-	187
Total	188	190	242	235	1042

²⁷ All data reported by Maryland State Police except for data pertaining to Noyes.

²⁸ Montgomery County Police reported only a yearly total of calls from Noyes.

Total Maryland State Police Responses to Detention Facilities²⁹ Compared to Population (2007)



Conclusions:

1. Law enforcement response to incidents at detention facilities increased by 25% between the 1st and 4th quarters (188 to 235). Exceptions to this increase were Cheltenham Youth Facility (50% decrease), Lower Eastern Shore Children's Center (57% decrease), and Western Maryland Children's Center (59% decrease).
2. Detention facility population remained relatively stable throughout the year with the exception of Carter.
3. Fully 66% of all law enforcement responses in the 4th quarter were to incidents at the Baltimore City Juvenile Justice Center. Police responded to an average of more than 1 call each day at BCJJC (1.3 calls per day).
4. Police only responded to 21 calls from LESCC in the entire year.³⁰
5. Police were called to Hickey on 164 occasions during the year. After doubling in the 2nd and 3rd quarters (from 21 to 52 and 57, respectively), the number of law enforcement calls at Hickey decreased to 34 in the 4th quarter. This total still remains high at almost 3 calls per week.
6. Noyes contacted the Montgomery County Police regarding incidents an average of 3.5 times per week. Two of these incidents involved an escape or attempted escape; the remainder involved alleged assaults, child abuse (1), disorderly conduct (1), or destruction of property.

²⁹ Does not include Alfred Noyes Center in Rockville.

³⁰ BCJJC's average quarterly population was 125, while LESCC's average quarterly population was 23. Even adjusting for population differences, however, the difference in levels of police response is significant.

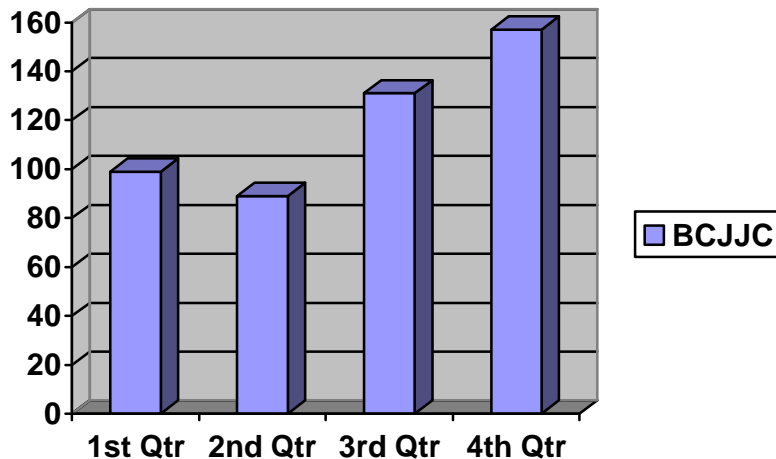
Baltimore City Juvenile Justice Center

Month	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
January	24	4		2			
February	30	5		1			
March	26	4		3			
April	29	6		1			
May	16	1		1			
June	31	4					
July	27	4		1			
August	49	2		3			
September	40	1		4			
October	57	1		3			
November	49	3		3			
December	38	2				1	
Totals	416	37		22		1	

Details:

- 476 law enforcement responses resulted in 372 juvenile arrests.
- Child Abuse investigations resulted in no charges.
- 2nd Degree Assault investigations resulted in 350 cases closed by arrest.³¹
- Destruction of Property investigations resulted in 17 cases closed by arrest.
- Attempted Murder investigation resulted in 1 case closed by arrest.

Maryland State Police Investigations Baltimore City Juvenile Justice Center, 2007



³¹ "Closed by arrest" means that the case was referred for possible prosecution.

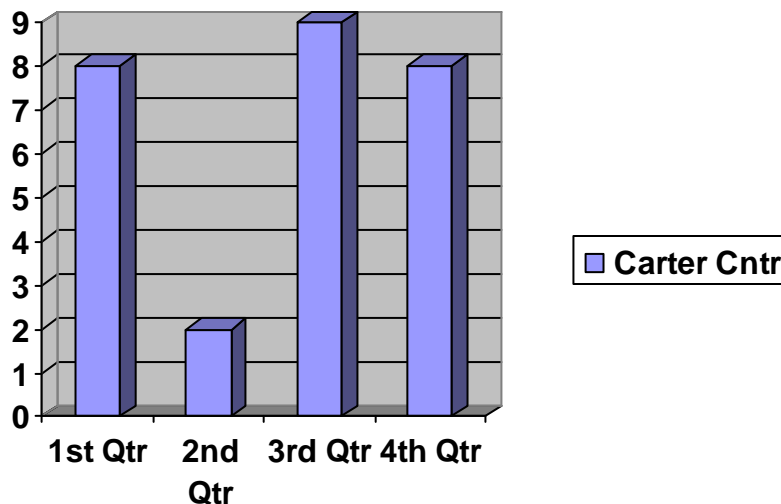
J. Deweese Carter Youth Center

Month	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
January	2						
February	2						
March	4						
April	1						
May	1						
June							
July				1			
August				2			
September	4		1		1		
October	1	1		1			
November	1		1		1		
December	1			1			
Totals	17	1	2	5	2		

Details:

- 27 criminal investigations resulted in 52 juvenile arrests.
- 2nd Degree Assault investigations resulted in 17 cases closed by arrest.
- Child Abuse investigations resulted in 1 case closed by arrest.
- Disorderly Conduct/Resisting Arrest investigations resulted in 4 arrests.
- Destruction of Property investigations resulted in 5 cases closed by arrest.

Maryland State Police Investigations at J. Deweese Carter Youth Center, 2007



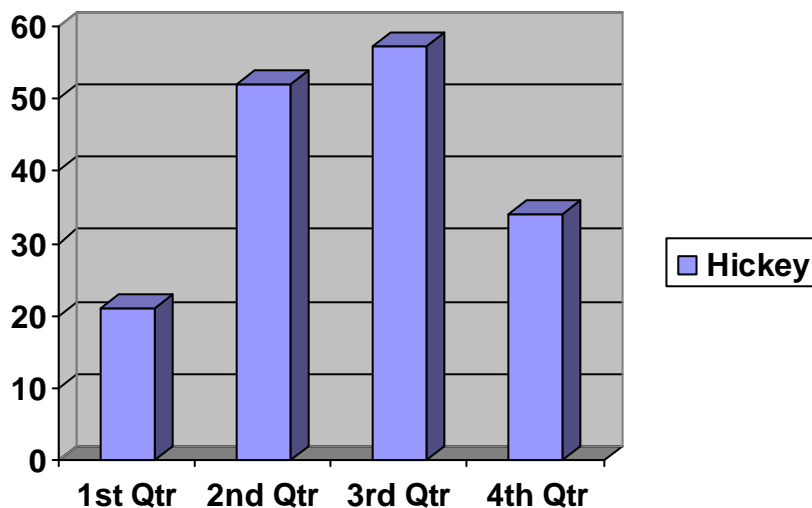
Charles H. Hickey School

Month	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
January	7			1			
February	4						
March	5	1		2			1
April	18	2		2			
May	16	2		1			
June	11						
July	23						
August	20						
September	14						
October	15						
November	17						
December	2						
Totals	147	5		6			1

Details:

- 159 law enforcement responses resulted in 265 juvenile arrests.
- 2nd Degree assault investigations resulted in 125 cases closed by arrest.
- Child Abuse investigations resulted in 1 case closed by arrest.
- Destruction of Property investigations resulted in 6 cases closed by arrest.

Maryland State Police Investigations at Charles H. Hickey, Jr. School, 2007



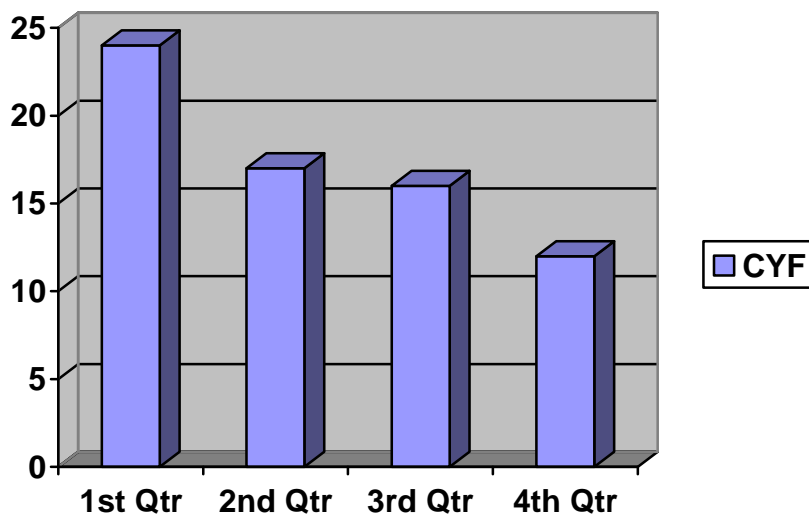
Cheltenham Youth Facility³²

Month	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
January	5	1	1	1			
February	4	3		2			
March	1	2	4				
April	3		1				1
May	5	1		1			
June	2	2	1				
July	1	4		1			
August	6						
September	3			1			
October	2	3	1	1			
November	1			1			
December	3						
Totals	36	16	8	8			1

Details:

- 69 law enforcement responses resulted in 66 juvenile arrests.
- 2nd Degree Assault investigations resulted in 36 cases closed by arrest.
- Child Abuse investigations resulted in 0 cases closed by arrest.
- Destruction of Property investigations resulted in 8 cases closed by arrest.
- Disorderly Conduct investigations resulted in 8 cases closed by arrest.
- Attempted Suicide investigation resulted in 0 cases closed by arrest.

Maryland State Police Investigations at Cheltenham Youth Facility, 2007



³² A single Maryland State Trooper is assigned to respond to all alleged youth on youth assaults and destruction of property calls.

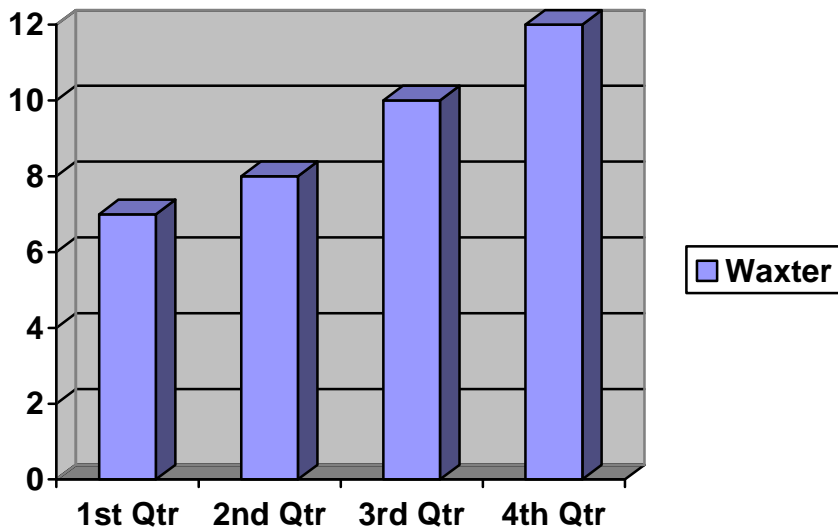
Thomas Waxter Children's Center

Month	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
January	2						
February	1			1			
March	2	1					
April	3						
May	1	1					
June	1	2					
July							
August	6						
September	1	3					
October	3	3					
November	3	1					
December	1	1					
Totals	24	12		1			

Details:

- 37 investigations resulted in 24 juvenile arrests.
- Anne Arundel County State's Attorney's Office did not file charges in the child abuse cases.
- One Destruction of Property investigation resulted in 1 case closed by arrest.

Maryland State Police Investigations at Thomas Waxter Children's Center, 2007



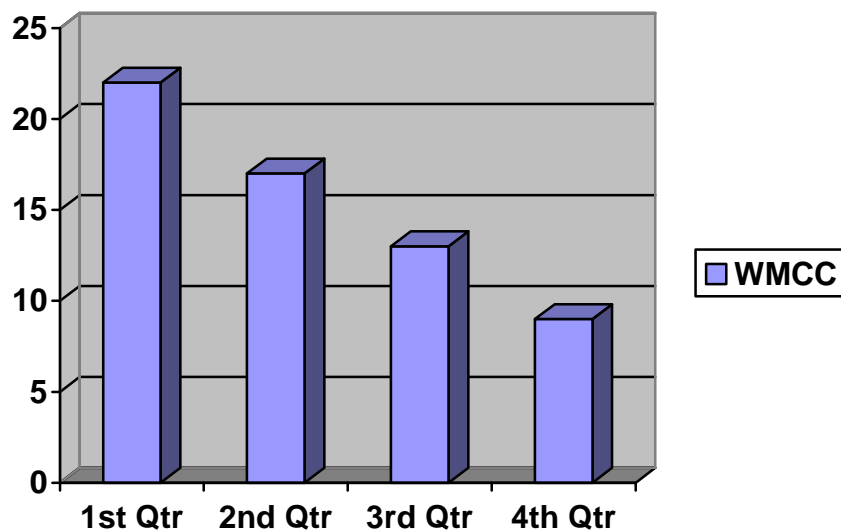
Western Maryland Children's Center

Month	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
January	5						
February	5						
March	10	2					
April	7						
May	5						
June	5						
July	2						
August	3						
September	8						
October	7						
November							
December	2						
Totals	59	2					

Details:

- 61 investigations resulted in 83 juvenile arrests.
- 2nd Degree Assault investigations resulted in 59 cases closed by arrest.
- Child Abuse investigations resulted in unfounded findings.

Maryland State Police Investigations at Western Maryland Children's Center (2007)



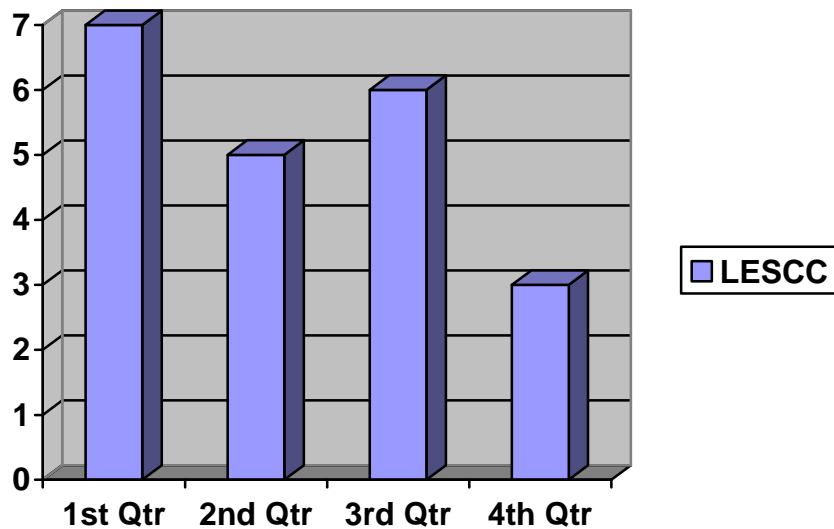
Lower Eastern Shore Children's Center

Month	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
January	1						
February	2	1					
March	3						
April	1						
May	1						
June	3						
July	1						
August	1			1			
September	3						
October							
November				1			
December	2						
Totals	18	1		2			

Details:

- 21 criminal investigations resulted in 21 juvenile arrests.
- 2nd Degree Assault allegations resulted in 18 cases closed by arrest.
- One Child Abuse investigation resulted in an unfounded finding.
- Destruction of Property allegations resulted in 2 cases closed by arrest.

Maryland State Police Investigations at Lower Eastern Shore Children's Center, 2007



Noyes Children's Center

2007	2 nd Degree Assault	Child Abuse	Disorderly Conduct	Destruction of Property	Resisting Arrest	Attempted Murder	Attempted Suicide
Totals	174	1	1	11			

Details:

- Police were called approximately once every two days at Noyes based on an alleged assault incident.
- One child abuse investigation resulted in no criminal charges.

Department of Social Services/Child Protective Services Reports

The following data reflects the number of allegations of child abuse or neglect reported to Departments of Social Services in 2007.³³ The Charles Hickey School (Baltimore County) and Waxter Children’s Center (Anne Arundel County) have signed multi-agency Memoranda of Agreement to improve reporting, investigation, and coordination of abuse cases. The higher number of incidents reported and reviewed by DSS in those counties highlights the importance of those agreements.³⁴

Maryland’s Child Abuse and Neglect statute (Md. Family Code §§ 5-701 to 5-715) provides the following definitions relevant to abuse and neglect investigations:

Indicated Local department found “credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.”

Unsubstantiated Local department found insufficient “evidence to support a finding of indicated or ruled out.”

Ruled Out Local department found that “abuse, neglect, or sexual abuse did not occur.”

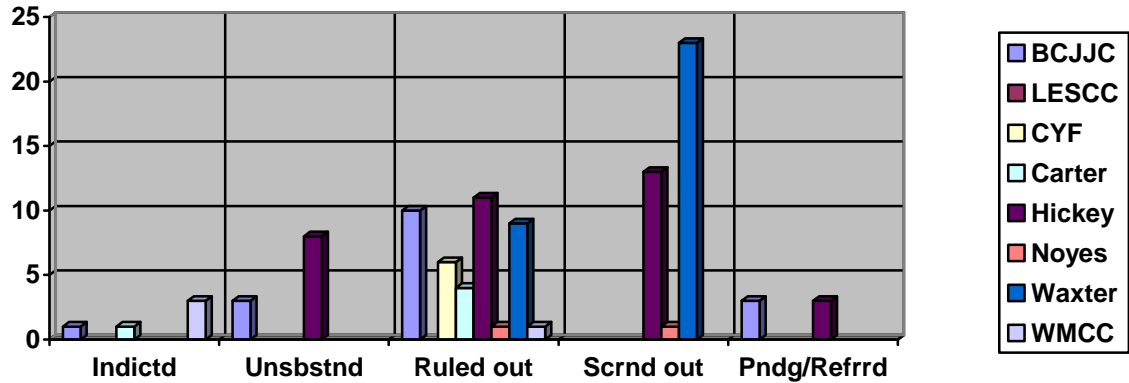
Screened Out The initial report did not meet the criteria for a child abuse/neglect investigation.

Detention Facility	Total Reports to DSS	Indicated	Unsubstantiated	Ruled Out	Screened Out	Pending
BCJJC ³⁵	17	1	3	10	0	2
LESCC	0	0	0		0	0
Cheltenham	6	0	0	6	0	0
Carter	5	1	0	4	0	0
Hickey	35	0	8	11	13	3
Noyes	2	0	0	1	1	0
Waxter	32	0	0	9	23	0
WMCC	4	3	0	1	0	0
TOTALS	101	5	11	42	37	5

³³ Information obtained from local Department of Social Services serving the county where the facility is located.

³⁴ At the time of issuance of this report, Anne Arundel, Baltimore, and Carroll Counties had signed Memoranda of Agreement, and an agreement was being negotiated in Baltimore City.

³⁵ One additional BCJJC case was referred to another agency.



Conclusion:

Few child abuse allegations reported by DJS facilities resulted in an “indicated” or sustained finding. According to the Maryland Department of Human Resources, between 2003 through 2005, 21% of all abuse/neglect cases accepted for investigation in the State were sustained as “indicated.”³⁶ In DJS detention facilities, only 8% of reports investigated are ultimately “indicated.”³⁷

A number of variables may explain this phenomenon – institutional child abuse/neglect cases differ markedly from cases in the community, and child abuse/neglect cases in juvenile residential facilities differ from those in other institutions for children.

Nevertheless, to ensure that child abuse/neglect allegations in DJS detention facilities are appropriately investigated, law enforcement and social services personnel should be fully trained on recognition and investigation of abuse and neglect in institutional settings. Despite urging from this office, no training has been offered to date.

³⁶ DHR data from page 25 of the CPS Data Tables at <http://www.dhr.state.md.us/cps/pdf/cpsstat.pdf>

³⁷ Five of 58 investigations. Neither total includes cases screened out at referral.

Approaches to Reduce Aggressive Incidents

This section of the report discusses some of the efforts undertaken by the Department in the past year to reduce violent incidents in facilities. It also recommends additional methods for improving facility safety such as upgrading video monitoring equipment and improving staff training.

Investigation Techniques/Tools

BCJJC, LESCC and WMCC have stationary video monitoring systems to record incidents within the facility. No other detention facilities possess this capability although the Monitor's office has repeatedly recommended that facilities be equipped with video surveillance cameras.

In facilities without video cameras, incident investigations are often conducted solely by interviewing youth and staff. Conflicts in statements among witnesses, suspects and victims often result in the inability to make an accurate finding. Even when photographs of injuries have been taken, the Polaroid records are often unclear and lack detail and are not useful.

The following tools should be considered:

- Installation of stationary video cameras to assist in investigation of incidents.
- Comprehensive child abuse investigation training for all investigators who handle child abuse investigations. Programs such as Corner House's "Finding Words,"³⁸ John Reid's "Reid Techniques for Investigating Child Abuse,"³⁹ or the Institutional Child Abuse Program of the Residential Child Care Project at Cornell University, are comprehensive and nationally recognized training programs concerning child abuse investigations.
- Using digital camera equipment to take investigative photographs. Digital equipment provides sufficient detail and clarify and should be processed/maintained in a confidential file. Tampering with these photographs could easily be determined through expert analysis.
- Use of polygraphs and voice stress analyzers to determine suspects' veracity.
- Surreptitious video surveillance in areas of facilities where major concerns about violence exist.

³⁸ National District Attorney Association and American Prosecutors Research Institute provide information concerning the "Finding Words" program at <http://www.ndaa.org/apri/index.html#Anchor-APRI-58753>

³⁹ John Reid and Associate's child abuse program can be found at http://www.reid.com/training_programs/r_childabuse.html

- Proper use and maintenance of handheld video cameras as required by DJS policy. Although Headquarters has repeatedly instructed facility staff to maintain cameras in good working order (and to ensure they are charged), incident reports often indicate that incidents were not taped because the camera was not working or was not charged.

Gang Deterrence

DJS has developed an active Gang Investigations Unit within the Office of Investigations and Audits to train staff to recognize gang dynamics and identify youth involved in any alleged gang activity. However, training should move beyond identifying gang members and gang activity to applying successful techniques to deter aggressive activity relating to gangs. OJJDP reports that violence among females and gang membership are on a sharp increase.⁴⁰ However, the only all-girls detention facility, Waxter, does not have a viable intervention program that involves effective gang intervention strategies.

Staffing

The number of staff present at a facility at any given time and youth-to-staff ratios both play a major role in maintaining a stable facility environment. Youth-to-staff ratios improved (less/youth/more staff) at all detention facilities in the latter part of the years excepting at Waxter and WMCC. Staffing ratio increased (from 4.94 per 100 youth to 6.68) and at WMCC (from 5.87 per 100 youth to 6.44).⁴¹ Youth:staff ratios declined significantly at LESCC (from 11.02 to 5.1) and at Carter (from 9.02 to 6.19).⁴²

Taking a cue from Carter and looking to the future, we expect that the following factors will play a significant role in decreasing violence: Staff numbers continue to increase as they did in 2007; staff are carefully and comprehensively trained and retrained, and facilities are able to retrain new staff. If indeed these elements continue to be present and are expanded to all DJS facilities, violence at those facilities would be projected to decline.

⁴⁰ OJJDP "Juvenile Offenders and Victims 2006 National Report" at <http://ojjdp.ncjrs.org/ojstatbb/nr2006/> states: "...(D)uring this period of overall decline in juvenile violence, the female proportion of juvenile violent crime arrests has increased (especially for the crime of assault), marking an important change in the types of youth entering the juvenile justice system and in their programming needs."

"Girls, Gangs, & Crime — Profile of the Young Female Offender" by Lianne Archer, CSW, CASAC, and Andrew M. Grascia, *Social Work Today* Vol. 5 No. 2 Page 38. "Many female gang members are exiled from violence to more violence. The latest research on female gangs and female arrest statistics indicate a rise not only in violent offenses but also in the willingness of law enforcement to view women as violent offenders."

⁴¹ DJS StateStat Report, January 4, 2008

⁴² Carter's population was capped at a maximum of 20 youth in September, significantly improving its staff:youth ratio.

**Youth:Staff Ratios at DJS Detention Facilities
(staff per 100 youth)**

	Aug.	Sept.	Oct.	Nov.
BCJJC	8.32	7.74	7.03	6.95
Cheltenham	9.37	9.1	9.17	7.76
LESCC	11.02	9.14	6.12	5.1
WMCC	5.87	4.34	5.87	6.44
Carter	9.02	5.49	6.28	6.19
Noyes	7.14	5.93	6.8	5.85
Hickey	8.66	8.5	6.8	6.23
Waxter	4.94	5.63	4.93	6.68

Policies

The Department of Juvenile Services has responded to aggressive incidents with policies targeting accurate incident reporting, child abuse and altercation reporting, behavior management and restraint training.

A new restraint/crisis management policy was announced on March 27, a new incident reporting policy went into effect in November, a new health care policy for recording and reporting assaults and abuse went into effect in December, and a new behavior management program model was announced on January 3, 2008. Full implementation of these policies should also improve facility environments.

The new behavior management program is incentive-based and creates different levels for youth, reportedly corresponding to the youth's behavior. Facilities are free to modify the program to meet their own needs, and all are in the process of individualizing and implementing their programs.

Implementation of these policies should continue, particularly continuing to work with staff on appropriate non-aggressive crisis prevention and intervention.

Enhanced Due Process Protections

Youth in DJS facilities are entitled to appropriate due process protections before limitations on their freedom or privileges are imposed. While DJS argues that its youth grievance system provides an appropriate level of due process, our interviews with youth consistently find that few of them are aware of their right to dispute or appeal allegations of misconduct. Few grievances are filed to contest allegations or charges of inappropriate behavior.

The CRIPA Monitors' Report for BCJJC dated December 31, 2007 , elaborated:

“The design of the behavior management program is sound, but it has not yet been properly implemented. Sanctions for minor and major rule violations are not levied consistently. While seclusion is permitted to de-escalate youth who present an imminent risk, its continued use must be justified in writing at 2-hour intervals. Shift commanders do indeed confer with youth at required intervals, but the foundations for their decisions to continue seclusion are not well-articulated...

“(A)lthough a disciplinary hearing process for major infractions was part of the original design of the program, the hearing process had not been implemented by early November, 2007.... New program guidelines that utilize the chain of command in a verbal appeal process (e.g., unit supervisors, pod managers, etc.) were drafted in mid-November, 2007, but, when interviewed, youth were not fully aware of how the process was supposed to work.”⁴³

A comprehensive due process program that youth fully understand will provide an additional level of protection against violence.

Employee Background Checks

Child abuse, criminal and traffic record checks of DJS employees should all be expanded. During the hiring process, the DJS Office of Investigations and Audits clears applicants through local child protective services agencies. Although there is no nationwide child protective services database to check for child abuse records, databases of any states where potential employees have previously lived or worked should be checked. As with child protective services checks, state and federal criminal record checks only occur for new employees. DJS employees are required by policy to report any criminal arrest; however, there are no ongoing criminal/traffic checks for employees who fail to report.

Child Abuse and Crisis Intervention Training

DJS records show that only 71% of detention facility employees completed required child abuse training in 2007, and 75% completed required crisis intervention training.⁴⁴ A new crisis intervention and management policy was issued in March, 2007, and the Department announced at that time that all staff would be trained promptly to implement the new policy.

At the all-female Waxter Children’s Center, only 30% of staff were trained on child abuse issues and 54% in crisis prevention. Only half of Noyes’ staff completed the required training. Lower Eastern Shore had the highest percentage of trained employees with 89% completing child abuse training and 83% completing crisis intervention training.

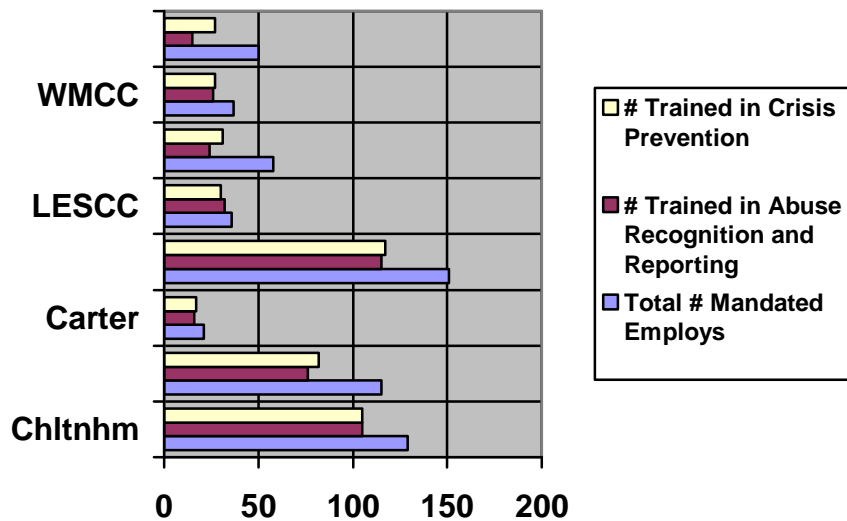
⁴³ Settlement Agreement between the State of Maryland and the United States Department of Justice, First Monitors’ Report on the Baltimore City Juvenile Justice Center, December 31, 2007. www.djs.state.md.us.

⁴⁴ Department of Juvenile Services Training Records, Calendar 2007 Training, received from DJS Deputy Secretary for Operations on January 15, 2008 in response to written JJMU information request .

Number of Staff Completing Required Child Abuse and Crisis Prevention Training⁴⁵

Facility	Number of Staff Positions (Mandated)	Number of Staff Completing Child Abuse Training	Percentage Completing Child Abuse Training	Number of Staff Completing Crisis Prevention Training	Percentage Completing Crisis Prevention Training
Cheltenham	129	105	81%	105	81%
Hickey	115	76	66%	82	71%
Carter	21	16	76%	17	80%
BCJJC	151	115	76%	117	77%
LESCC	36	32	88%	30	83%
Noyes	58	24	41%	31	53%
WMCC	37	26	70%	27	73%
Waxter	50	15	30%	27	54%

DJS Detention Personnel Trained in Abuse Recognition/Reporting and Crisis Prevention - 2007



Staff must be role models for youth. Background checks and training cannot replace the need to maintain a high expectation of integrity for staff working with youth. According to DJS StateStat reports, between August and November, staff were cited for a total of 48 conduct violations, an average of 12

⁴⁵ Department of Juvenile Services Training Records, Calendar 2007 Training, Received from DJS Deputy Secretary for Operations on January 15, 2008 in response to written JJMU information request .

conduct violations per month. (These totals are system-wide – including detention and committed placement facilities).⁴⁶

⁴⁶ Ibid.

Alfred D. Noyes Children's Center

Violent incidents at Noyes decreased significantly from the beginning of the year. In the third quarter there were 54 alleged Youth on Youth Assaults. In the fourth quarter the total number decreased to less than half - 25 incidents. Assaults also decreased throughout the 4th Quarter - in October there were 14 alleged youth on youth assaults, and in December there were 5.

Restraints of youth have remained constant . In the third quarter restraint was used on 32 occasions, as reported by the DJS Incident Reporting Database, and in the fourth quarter restraint was used 31 times.

Seclusion of youth has also declined. In the third quarter seclusion was imposed 46 times. In the fourth quarter there were 22 seclusions noted in the database, but 28 seclusions noted in the Seclusion Log at Noyes. There were no seclusions during November.

The decrease in violence at Noyes is the result of several factors. DJS Administrators have been meeting regularly at Noyes to assist the new Superintendent to develop strategies to reduce violence. The Superintendent has made an effort to maintain a full staff at the facility, which increases the level of security.

Other factors contributing to the decrease in violent incidents at Noyes are: decrease in staff turnover, a new behavior management program which provides incentives for good behavior, youth daily group therapy provided by Case Managers and the Behavioral Health Clinical Social Worker and gender specific trauma informed training for staff working with girls. In addition, Noyes has sought volunteers to help provide activities for the youth.

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center experienced a steady rise in violence throughout 2007. According to the Department of Juvenile Services (DJS) database, the numbers of incidents involving restraints, assaults and seclusions have increased steadily from the fourth quarter of 2006 throughout 2007. In the fourth quarter of 2006 there were 170 incidents involving restraint, assaults, or seclusion while the first quarter of 2007 increased significantly to a minimum of 270 such incidents. The number dropped to 206 incidents⁴⁷ in the second quarter, but rose again to 299 in the third quarter and 347 in the fourth quarter.

According to the DJS database, there was a steady increase in alleged youth on youth assaults throughout the year. There were 122 alleged youth on youth assaults in the first quarter of 2007, 131 the second quarter, 140 in the third quarter and 144 in the fourth quarter.

According to the DJS database, physical restraints decreased from 139 during the first quarter of 2007 to 60 in the second quarter, then more than doubled to 147 in the third quarter and 181 in the fourth quarter.

According to the DJS Incident Reporting Database, seclusions also decreased from 173 during the first quarter to 60 in the second quarter⁴⁸, then rose to 92 during the third quarter and 122 in the fourth quarter. In response to an email request, however, BCJJC administration stated that 326 youth were secluded just during the fourth quarter of 2007. The discrepancy between this number and that reported in the database (122) has not been explained.

The DJS Incident Reporting Database shows a total of 44 alleged youth on youth assaults and 5 group disturbances resulting in bodily harm or property destruction during the month of December, 2007. Examination of the Nurse's Altercations Log revealed 112 youth were examined for possible injuries sustained in altercations during December of 2007.

DJS reported 14 safety related grievances submitted by youth for the fourth quarter of 2007.

Two group disturbances during the quarter are of note:

1. On November 15, an inter-facility basketball game was held between youth at BCJJC and youth from Cheltenham Youth Facility (CYF). There were numerous BCJJC and CYF administrators, supervisors and direct care staff attending and supervising the game.

⁴⁷ There were concerns during this period that incident reports were not being processed and counted properly. See our facility report for the Baltimore City Juvenile Justice Center covering April - June, 2007.

⁴⁸ Ibid.

The game was very intense. One youth was injured when two youth collided while running after a ball. Tensions increased, but there was no effort to stop the game to prevent further injury. An altercation between youth and staff occurred fifteen minutes after the collision injury. The video of the incident revealed numerous fights, restraints, injuries and a situation that was out of control. Three youths were reportedly transported to the hospital for injuries and seven other youths received minor injuries in the melee. Youth from CYF were temporarily separated from the BCJJC youth by placing them in a gym recreation office. These youth reportedly destroyed the office by breaking the computer, radio and other items.

2. On December 31, there was a very large group disturbance involving more than twenty youth from different units. Property was destroyed, youth assaulted each other, and the Baltimore City Police and Fire Departments responded to quell the disturbance. Many youths were restrained, handcuffed, locked down and secluded. Seven youth were examined for injuries. At least one youth complained of being tasered by a Baltimore City Police Officer.

Shortages in staffing and the lack of a viable behavior management program continue to plague BCJJC. The First CRIPA Monitors' Report on BCJJC, issued December 31, 2007 expressed concern for youth safety at the facility:

"With regard to protection from harm, over the six months remaining in the term of the Agreement, the Department must pursue two different, and intersecting, goals:

1. attracting and maintaining qualified staff to alleviate the distress caused by requiring so many staff to work double shifts; and
2. fortifying the behavior management program to reduce the youths' willingness to engage in physical altercations. This latter goal must be supported by efforts to identify the circumstances (environmental, interpersonal, or individual) that create the opportunity for assaults to occur."

The report also states, "Finally, while approximately 40 direct care staff were hired in 2007, another 18 positions remain vacant. While these positions go unfilled, staff on certain shifts are required to work double shifts, which can result in fatigue, compromising the ability to prevent, anticipate and respond to tensions among youth at BCJJC."⁴⁹

Another factor contributing to disturbances at BCJJC is that youth are not housed according to any assessment of their propensity toward violent behavior

⁴⁹ Settlement Agreement between the State of Maryland and the United States Department of Justice, First Monitors' Report on the Baltimore City Juvenile Justice Center, December 31, 2007. www.djs.state.md.us

in the facility. All youth are classified and housed according to their age, charge history, and the severity of offenses.

There continue to be some gaps in reporting of suspected child abuse. The most recent CRIPA Monitors report noted, "In two cases, youth made clear allegations of staff abuse to the nurse, but yet the nurse did not report the statement to the Office of Investigations and Audits (OIA) as required by policy. Injuries and allegations of excessive force pursuant to physical restraints must be taken seriously."⁵⁰

⁵⁰ Ibid.

Charles Hickey School

According to the DJS Incident Report database, the number of assault and restraint incidents at Hickey increased from 144 during the third quarter to 169 during the fourth quarter. The number of alleged youth on youth assaults decreased from 79 to 75 in the fourth quarter.

The Incident Reporting Database details a total of 75 youth on youth assaults during the fourth quarter and these incidents reportedly resulted in 30 injuries. The Nurses' Altercations Log showed 134 injuries resulting from altercations. Again, the difference in these totals could be explained by the Database's focus on "incidents of injury (30) and the Nurses' Log focus on "youth injuries (134) - this interpretation would mean that on average 4 youth were examined for injury following each altercation.

There were 83 incidents involving the use of restraint during the fourth quarter. The use of seclusion declined by nearly half during the fourth quarter. There were 54 incidents of seclusion during the third quarter and 35 during the fourth quarter.

To continue to reduce levels of violence, the facility should continue training staff in de-escalation techniques and continue to increase the number of staff working at the facility.

Administrators continue to work diligently to improve the well-being of the youth by offering therapeutic services. The most aggressive youth participate in Aggression Replacement Therapy (A.R.T), an evidence-based program that has been shown to reduce violence. Maryland State Troopers visit the facility to discuss juvenile delinquency and conflict resolution techniques with youth who have achieved the highest levels in the behavior management program. This program should be made available to all youth who are in need of conflict resolution programs.

Cheltenham Youth Facility

In terms of violence, life improved for youth and staff during the Fourth Quarter at CYF. During this quarter there were 47 fights between youngsters (documented in DJS incident reports as physical assaults - youth on youth) compared with 71 such incidents during the Third Quarter 2007, and 68 during the Fourth Quarter 2006. Although the CRIPA monitors expressed concern that the number of alleged youth on youth assaults increased when comparing October 2006 and October 2007⁵¹ it is encouraging to note that the unusually high October number of 24 was followed by a total of 11 in November and 12 in December.

There were only 13 incidents of seclusion noted in the CYF seclusion log for the quarter. Seven of those happened on one day, in October, following a group disturbance. This is an impressive contrast to the 66 incidents of seclusion during the Third Quarter of 2007. There were 51 reported incidents of restraint during the Fourth Quarter, down from 79 during the third quarter. Thirty-two injuries resulted from altercations and restraints (DJS Incident Report Data Base).

In the Fifth Monitoring Report CRIPA monitors state: "... (A)lthough the facilities have made significant progress in meeting the protection from harm requirements of this Agreement..., significant work remains to reduce the rate of violence in the facilities. Both must focus on the causes of youth violence and devise targeted strategies that impact the conditions which create the opportunities for youth violence to occur."⁵²

There are a number of factors contributing to the amelioration in the level of violence at CYF. Staff numbers have increased, staff-to-youth ratios have improved, and more staff have been trained in a wider variety of skills, including appropriate use of force and documentation of incidents. More improvement is necessary, but there has been significant improvement in this core area.

CYF also has an internal classification and housing policy that works to separate vulnerable youth from the rest of the population. Accurate classification of youth is an important safety feature, and should further improve with the imminent adoption and implementation of a system-wide classification policy. CYF staff are also actively engaged in programs to target violence, including interactive journaling which is done in conjunction with the school program, Aggression Replacement Therapy, and anger management programs. CYF staff also participate in structured groups to discuss issues within the facility.

⁵¹ Settlement Agreement between the State of Maryland and the United States Department of Justice, First Monitors' Report on the Baltimore City Juvenile Justice Center, December 31, 2007, p. 7.
www.djs.state.md.us

⁵² Ibid, p. 9.

The most impressive factor in operation at Cheltenham is the wide range of activities available to youth. These include a new ceramics program, a graphic arts program and a woodshop. There is a wide variety of sports available. All these programs contribute to the progress that has been made at CYF.

J. Deweese Carter Center

The fourth quarter, 2007, was a period of instability and uncertainty at the Carter Center. No significant progress was made during the quarter on the issues raised in both the Third Quarter Report and the Special Report of October 18, 2007. A major contributor to the state of inertia was the Department's delay in assigning a permanent Superintendent to lead the program. A permanent Superintendent was finally assigned on December 18.

As noted in previous reports, Carter suffers from a near complete lack of program activities for youth and from very poor living conditions. Needs of youth and staff have not been addressed. There is a shortage of staff and those who are there are extremely overworked. These factors along with lack of supervision of staff has led to several dangerous incidents detailed below. All these factors contribute to violence in the institution.

The DJS Incident Report Database indicates that there were 24 violent incidents at Carter during the quarter. Eight of these were alleged youth on youth assaults. The accuracy of this number is questionable. From October 30 to November 13, no reports were filed. This two week period followed an incident of child abuse on October 30 that resulted in the arrest and prosecution of one of the Carter staff members.

A review of the Unit Log and the Seclusion Log indicates that incidents of restraint and seclusion were never reported to the data base. The Department's Office of Investigations and Audits filed an investigation report (no number was assigned) on November 13, 2007, detailing their investigation of an alleged child abuse for which an incident report was never filed. That incident was brought to the attention of the DJS Office of Investigations and Audits by the DJS Child Advocate.

Both the unreported alleged child abuse and the sustained child abuse allegation of October 30 involved improper use of restraint. In both instances, youth alleged that staff choked them or held them in a headlock. This dangerous method of restraint was noted in the Second Quarter Report, 2007.

What is most concerning is that it appears that this dangerous practice continues to be tolerated. One of the staff involved in the October 30 incident of child abuse stated that, after being confronted by the State Police investigators with prior inconsistent statements regarding the event, "he didn't mean for his original statement to be a cover up, he was just merely trying to protect X (another staff member)." The original false statements were signed by that staff person and his supervisor. That staff person and the supervisor are still working with children at Carter, and their improper conduct has not been addressed by the Department. Re-training or replacement of staff at this facility must be accomplished as soon as possible.

Lower Eastern Shore Children's Center

Levels of violence at the Lower Eastern Shore Children's Center in Salisbury, Wicomico County, remained steady throughout 2007. There have been several changes to the leadership at the facility. The current acting facility administrator is working diligently to maintain control and safety at the facility; however, the facility needs additional support.

The numbers of injuries noted in the facility nursing log for altercations was 37 in the second quarter, 27 in the third quarter and 28 in the fourth quarter. A survey of the numbers of violence-related incidents in the Department of Juvenile Services incident database reveals only 11 injury incidents in the first quarter, 8 in the second quarter, 7 in the third quarter and 12 in the last quarter. The difference could be explained by variations in reporting methods, but a more consistent reporting procedure would enhance the ability to ensure accuracy of data reported from various sources.

According to the facility's seclusion log, seclusions remained fairly consistent throughout the year. There were 48 in the first quarter, 27 in the second quarter, 62 last quarter and 43 in the 4th quarter. According to the DJS incident report database there were 18 incidents of seclusion in the first quarter, 11 in the second quarter, 14 in the third quarter and 17 in the fourth quarter.

There were 15 alleged youth on youth assaults in the first quarter, 9 in the second quarter, 11 in the third quarter and 11 in this quarter. There were 5 alleged youth on staff assaults in the first quarter, 2 in the second quarter, 4 in the third quarter and 7 during the fourth quarter.

Physical restraints remained fairly steady with 28 in the first quarter, 15 in the second quarter, 26 in the third quarter and 27 in the last quarter, despite a new restraint crisis management policy that went into effect on March 27.

There were 5 safety related grievances filed by youth for the last quarter.

The facility reportedly uses the current statewide assessments for intake into the facility, including the self reporting questionnaire from the MAYSI concerning anger. The facility reportedly uses several programs to deal with anger management but they feel their most effective way to manage an angry youth is by providing intense one-on-one staffing to supervise the youth.

Violent youth are not housed separately from the other youth at the facility but they are watched closely with one-on-one staffing.

The Department of Social Services notification process for suspected child abuse and neglect appeared to be working properly throughout the quarter.

Thomas J.S Waxter Center

The number of alleged youth on staff assaults increased from 3 to 11 between the third and fourth quarters. Youth on youth assaults decreased from 28 to 24. There was 1 group disturbance this quarter.

There were 61 incidents of physical restraint reported during the fourth quarter. The Nurse's log, however, reported a higher number of 75. This discrepancy may indicate that incident reports that were filed applied to more than one youth.

The DJS Incident Report database detailed 9 seclusions during the third quarter, increasing to 33 during the fourth quarter.

Both detention and pending placement numbers increased over the quarter. The increase in population led to a higher number of alleged youth on youth altercations as well as seclusions. In addition, during the latter part of the quarter, the number of available staff decreased due to holiday time off and vacations.

Staff members now attend ongoing gender-response training. Girl Talk, a peer discussion group, is held on a daily basis as a means to address conflict-resolution and gender specific related topics.

Western Maryland Children's Center

Western Maryland Children's Center experienced an increase in violent incidents during the fourth quarter. Alleged Youth on Youth Assaults numbered 19 during the fourth quarter, compared to 16 in the third quarter and only 3 from the fourth quarter of 2006.

Restraints at WMCC remained fairly stable over the year, with 32 restraints in the first quarter and 32 during the fourth quarter. Overall, restraints have increased significantly when compared to the fourth quarter of 2006 when only 6 restraints were reported. WMCC rarely uses seclusion and did not use seclusion during the fourth quarter.

The DJS Incident Reporting Database noted thirteen injuries due to altercations involving youth and two involving staff. The information in the database is inconsistent with the information reviewed in the WMCC Medical Injury Log, which only accounted for 10 injuries. The Monitor's review of the database, nurse's log, and "body sheets" that accompany incident reports revealed that 22 injuries occurred during the fourth quarter. This concern was brought to the attention of WMCC Administration, and a plan has been developed to correct the reporting process.

Overall, the Western Maryland Children's Center has become known as a facility that provides adequate safety and security to youth. Youth interviewed report that they feel safe, and that they respect most staff and feel respected in return. A creative level system is in place that provides incentives for youth to progress by demonstrating positive behavior and involvement in school. WMCC has a master's level Case Manager who holds groups on Tuesday through Saturday. These groups cover such areas as anger management, victim awareness, depression/suicide, and grief and loss. While there is no set protocol for separating violent youth, as a youth becomes known or is known from past experience, placement on one of the three pods is based on the overall dynamics within the facility.

The increase in incidents from the Third Quarter to the Fourth Quarter is attributed primarily to two categories; Suicide Ideation, Gesture, Attempt or Behavior accounted for 3 incidents in the Third Quarter, and 8 incidents in the Fourth Quarter.

Appendix A
Reportable and Critical Incidents
Department of Juvenile Services Policy Mgmt. 03-07

“Incidents” (must be reported via Incident Reporting Database and other protocols):

- (i) Alleged inappropriate conduct/comments by staff,
- (ii) Alleged neglect (DJS custody/supervision)...
- (ix) Attempted escape from a facility designated by law as a place of confinement,
- (x) Attempted escape from a staff secure facility...
- (xii) AWOL of youth(s),
- (xiii) Contraband confiscated that would compromise the safety and security of a facility or program...
- (xvi) Destruction of State property,
- (xvii) Escape from a staff secure facility,
- (xviii) Law enforcement on grounds for incident, inquiry or allegation,
- (xix) Physical assault youth on youth,
- (xx) Physical plant problem which pose an escape risk or a health and/or safety risk to youth and/or employees,
- (xxi) Physical Restraint of a youth
- (xxii) Seclusion lasting longer than eight hours,
- (xxiii) Suicide ideation, gesture, attempt or behavior,
- (xxiv) Youth in a DJS program requiring emergency/hospital care.⁵³

“Critical” Incidents (must be reported within one hour of occurrence):

- (i) Alleged physical child abuse (DJS custody/supervision),
- (ii) Alleged sexual assault youth on youth (DJS custody/supervision),
- (iii) Alleged sexual contact/abuse (DJS custody/supervision),
- (iv) Alleged youth on staff sexual assault,
- (v) Death of a staff member while on duty,
- (vi) Death of a youth (DJS custody),
- (vii) Death of a youth (DJS supervision or private program),
- (viii) Escape from a facility designated by law as a place of confinement,
- (ix) Escape of a detained youth from DJS custody (off grounds),
- (x) Group disturbance resulting in bodily harm/property destruction,
- (xi) Staff charged with criminal behavior, including DUI, and
- (xii) Physical Restraint requiring off-grounds medical treatment.⁵⁴

⁵³ Department of Juvenile Services Policy on Incident Reporting, Mgmt. 03-07

⁵⁴ Department of Juvenile Services Policy on Incident Reporting, Mgmt. 03-07

Appendix B

Data Collection Inconsistencies and Data Measurement Variations

The Department of Juvenile Services Incident Reporting Database reports incident “occurrences.” Although five youth might be restrained in a single group disturbance, the database only reports this occurrence as “one restraint.” Reports to StateStat, however, count each youth restrained, regardless of the number of total incidents. Nurses’ Altercation Logs report each youth examined following a restraint but not total number of restraint incidents. Reports to the Performance Based Standards Program use a “per 100 youth days measurement” as do some measures reported to StateStat. This means that data sets may not fit together neatly or be easily compared.

Inconsistencies in reporting of incidents and injuries also affect data analysis. Incident Reports do not always indicate when a youth was injured, restrained, or secluded so database totals may be slightly understated. The DJS Office of Investigations and Audits continues to work with facility staff to improve the reliability of data entered into the database through ongoing training of data entry personnel and supervisory reviews.

Some inconsistencies were also noted between Nurse’s Altercation Logs and handwritten Incident Reports. Youth identified as injured in Incident Reports were not always listed in the Nurse’s Altercation Logs and vice versa. DJS implemented a new Health Care Procedure in December, 2007 to improve the consistency and accuracy of injury reporting. Again, while these inconsistencies are occasional, they account for some slight differences in data totals.

Each facility keeps a seclusion logbook detailing all seclusions, including name of youth secluded, date, period of seclusion, and the like. Because seclusion logbooks and reports to StateStat both count the number of individual youth restrained, those totals should be consistent. Nevertheless, we noted some inconsistencies in these totals. For example, the seclusion logbook at BCJJC reported a total of 114 youth secluded in November; StateStat reported a total of 41 youth secluded.

Restraint data also varied. Given the variation in methods of reporting restraints, we would expect StateStat totals in this area to be equal to or higher than Incident Reporting Database total. However, in November, Cheltenham reported a total of 25 youth restraints to StateStat while the DJS database reported a total of 37 restraint incidents. In December, the BCJJC Nurses’ Log noted that 32 youth were examined due to restraints while the Incident Reporting Database reported a total of 51 restraints.

Unfortunately, data that would allow accurate comparisons between 2007 and earlier years does not exist, at least not via information contained in the DJS Incident Reporting Database. DJS' incident reporting policies and procedure were revised, and the current process was not implemented until October, 2006.

Appendix C

National Studies on Detention Facility Violence

Few studies have been conducted comparing levels of juvenile facility safety among states. A 2007 research report developed for Performance Based Standards by New Amsterdam Consulting⁵⁵ explained:

“(O)ur knowledge about the factors influencing safety, security, (and) health...within juvenile correctional and detention facilities in the U.S. is not very deep....Studies...tend to be commissioned by state agencies, and thus only consider institutions in individual states. Because of the existing disparity among how states deal with juvenile offenders, both in sentencing and treatment...the dominance of state-level or institution-level case studies is problematic when trying to assess juvenile corrections as a national issue.

Furthermore, most of these local studies attempt to evaluate the outcomes of particular programs by measuring performance of incarcerated juveniles. Rather than asking about the quality of service delivery (e.g., educational, vocational, or social skills training), most studies seek to evaluate behavioral outcomes such as program completion, attainment of GRE, or recidivism among juveniles who receive institutional services...As a result we know a good deal about incarcerated juveniles’ behaviors, but relatively little about the institutional climates to which they are exposed or the services offered to these juveniles.”

The research report did find that levels of overall levels of violence and safety and order problems varied according to:

1. **Overall levels of youth violence**

Facilities with high rates of overall youth violence had higher rates of abuse/neglect, youth injured by staff, suicidal behavior without injury, and injuries from restraint application.

2. **Use of Restraints**

Facilities with high numbers of restraint incidents had high rates of youth injuries, staff injuries, youth injuries by staff, suicidal behaviors with and without injuries, injury through restraint application, and assaults on youth and staff.

⁵⁵ Performance Based Standards, 2007 Research Report, New Amsterdam Consulting, Inc. July, 2007. www.pbstandards.org

3. **Use of Seclusions**

Facilities with high numbers of isolation or seclusion incidents had higher rates of youth injured by other youth, yet lower rates

4. **Population**

Facilities with larger populations had lower rates of staff injuries, youth injuries by staff, injuries by restraint application, and rates of assaults on youth and staff. Yet facilities with larger populations also had higher rates of suicidal behaviors with injury and more overcrowding.

5. **Location**

Urban, suburban, and rural facilities varied in levels of youth on youth assaults, abuse/neglect, and staffing ratios.

6. **Gender**

Female-only facilities had higher rates of youth injuries, suicidal behavior with injuries, higher staffing ratios, and lower rates of assaults on youth. Co-ed facilities had higher rates of youth injuries and more overcrowding than male-only facilities.

Finally, experiences of individual youth affected levels of violence more than facility-level factors. “Whether a youth understands facility rules, perceives the facility staff as helpful, and has ever been locked up contribute much more to the likelihood of being afraid, having something stolen, being abused, or getting in fights than most of the facility-level predictors.”⁵⁶

The report may be found on the PbS website at www.pbstandards.org and includes significantly more discussion of the study and details than can be provided in this brief summary.

⁵⁶ Performance Based Standards, 2007 Research Report, New Amsterdam Consulting, Inc. July, 2007. www.pbstandards.org

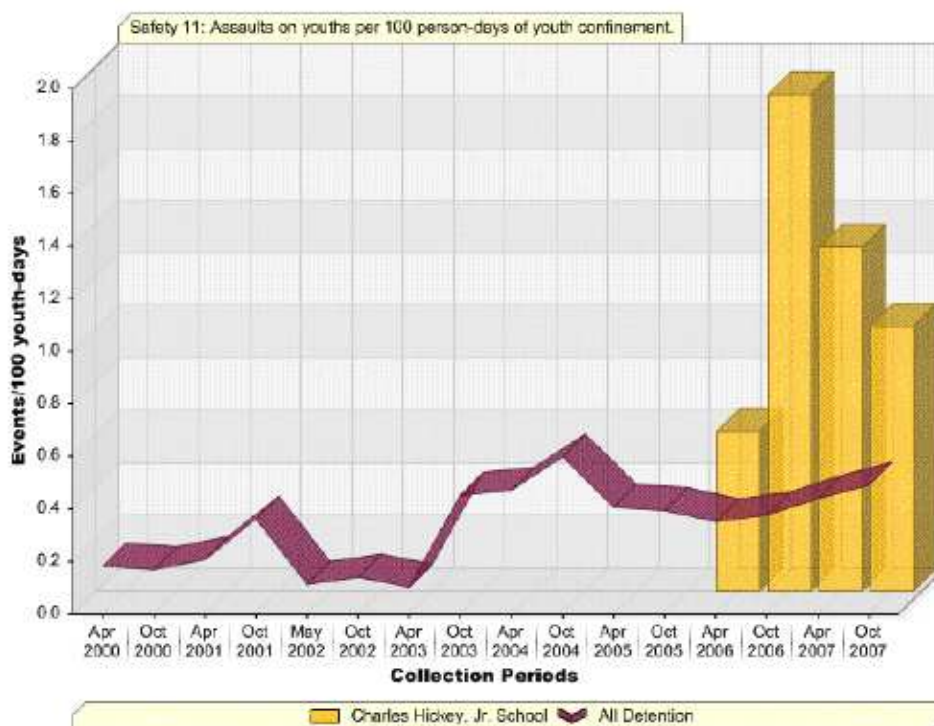
Appendix D

Assaults on Youth per 100 Person-Days of Youth Confinement Charles Hickey School, Cheltenham Youth Facility, and Baltimore City Juvenile Justice Center

Data reported to Performance Based Standards Program (PbS)
by Maryland Department of Juvenile Services⁵⁷

Note: Yellow bars reflect levels of assaults on youth per 100 person-days of youth confinement⁵⁸ at the relevant facilities. Purple lines reflect national field averages for all facilities participating in the Performance Based Standards Program (PbS). Data for Hickey includes April, 2006 to present. Data for Cheltenham and BCJJC includes October, 2004 to present.

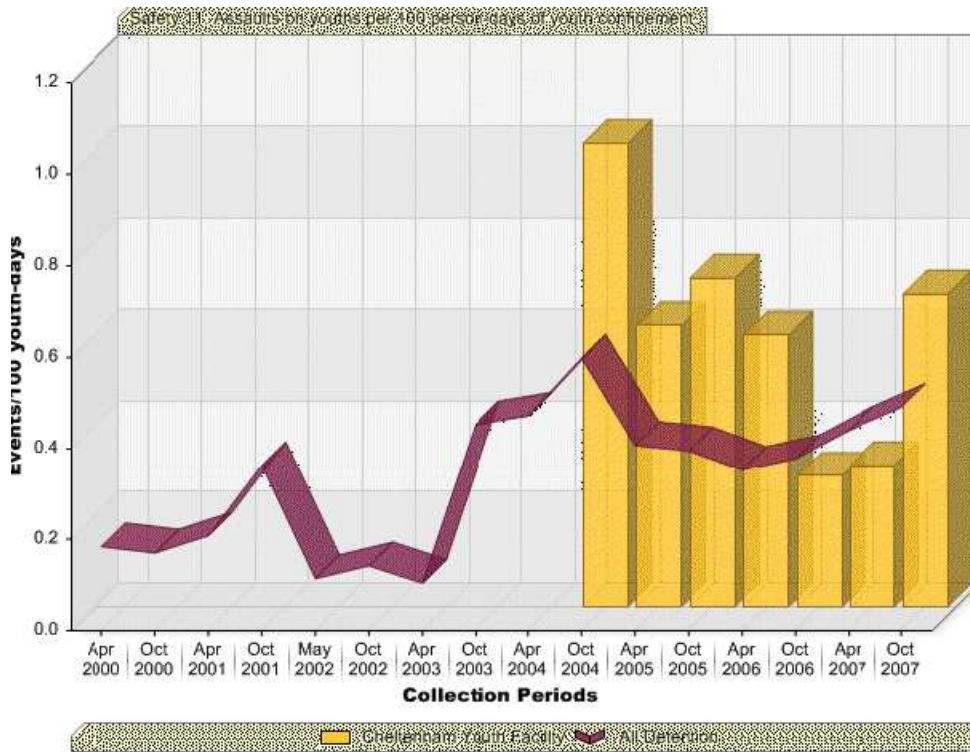
Charles Hickey School



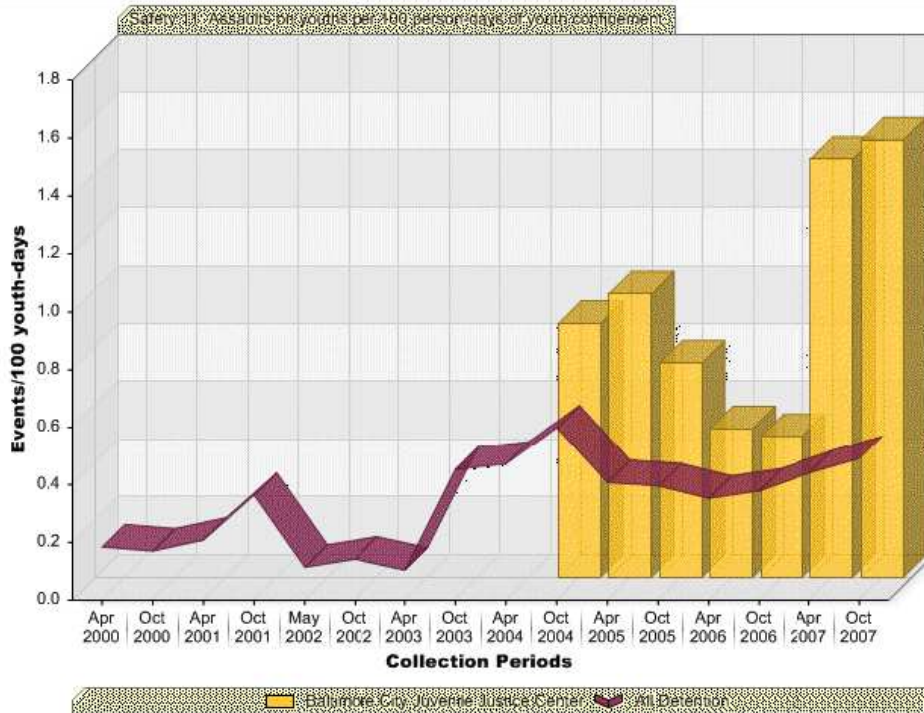
⁵⁷ Excerpted from Settlement Agreement between the State of Maryland and the United States Department of Justice, Fifth Semi-Annual Monitors' Report on Cheltenham Youth Facility and Charles H. Hickey, Jr. School and First Monitors' Report on the Baltimore City Juvenile Justice Center, December 31, 2007. www.djs.state.md.us

⁵⁸ Per "100 person-days of youth confinement" is a measure representing one youth spending 100 days in placement. A "person day" represents one youth spending one day in placement.

Cheltenham Youth Facility



Baltimore City Juvenile Justice Center



DEPARTMENT OF JUVENILE SERVICES
INITIAL RESPONSE OF INACCURACIES TO THE
JJMU 4TH QUARTER REPORT

KEY FINDINGS	DJS INITIAL RESPONSE
<p>ALFRED D. NOYES CHILDREN’S CENTER - Page. 9 & 22 of the JJMU report discussed Law Enforcement response to violence at Noyes. The report indicted the that Montgomery County Police responded to a total of 187 calls related to assaults or aggressive incidents.</p> <p>On Page 3 of the JJMU report it’s indicated that the youth capacity is 58</p> <p>Page 14 of the JJMU report indicated that there were three group disturbances during the 4th quarter</p>	<p>The police only responded to Noyes twice during the year; once in July for an attempted escape and again in September for an escape. For the other 185 incidents the Montgomery County Police were contacted at a non-emergency number for incidents that are not deemed critical; which has been an agreed upon practice by both parties. The Department feels that the statement being made by the JJMU appears to be misleading and should be removed or modified to reflect the actual number of law enforcement personnel dispatched to the facility.</p> <p>The actual youth capacity is 57.</p> <p>There were no group disturbances during the 4th quarter at Noyes and this is reflected in the ICAU database.</p>
<p>BALTIMORE CITY JUVENILE JUSTICE CENTER – Page. 39 of the JJMU’s report indicated that there were two group disturbances in December 2007.</p>	<p>There was actually one group disturbance in November 2007 and one in December 2007; not two group disturbances in December as reported</p>

KEY FINDINGS	DJS INITIAL RESPONSE
<p>Page 40 of the JJMU report references one of the incidents and the JJMU states “that fight led to numerous restraints, injuries and a situation that was out of control.”</p> <p>Page. 40 – “An altercation between youth and staff occurred fifteen minutes after the collision injury.”</p>	<p>by the JJMU.</p> <p>At the time of the inter-facility basketball game there were administrative staff members from both BCJJC and Cheltenham. There was also transportation officers posted in the gym for the game. More than 40 staff members were actually present at the time of the game. The coach from BCJJC did attempt to redirect the youth in the game before the incident and several other staff assisted in attempting to promote a safe game by providing support during the last period of the game. DJS contends that the situation did not get out of control.</p> <p>At no time was there “an altercation between youth and staff.”</p>
<p>Con’t BCJJC – On Page. 40 of the JJMU report it indicated that during a group disturbance in December 2007 “at least one youth complained of being tasered by a Baltimore City Police Officer.”</p> <p>Page 40 of the JJMU reports that “many youths were restrained. . .”</p>	<p>There is no medical report or a police report to support an allegation that a youth was tasered by a Baltimore City Police Officer.</p> <p>The JJMU reports “many” youth were restrained.” Please quantify the number of youth.</p>

KEY FINDINGS	DJS INITIAL RESPONSE
<p>CHARLES H. HICKEY SCHOOL – Page. 42 of the JJMU report indicates a discrepancy with the Incident Reporting Database and the Nurses’ Altercations Log.</p> <p>Hickey continued</p>	<p>The difference between the nursing log for altercations and the ICAU database is attributed to primary and secondary categories being assigned to the various incidents in the database. For example, if a youth is involved in a youth on youth assault, all subsequent events (incidents) that occur as a result of that assault will be listed in the nursing altercations log. In the ICAU database, however, the youth on youth assault will be listed as the primary incident category and any subsequent events (incidents) that resulted from the assault; such as a physical restraint or injury, would be listed as an associated category. All incidents are being reported and the ICAU database can be queried to account for all incidents whether it be the original incident or any incident(s) resulting from the original incident.</p>
<p>CHELTENHAM YOUTH FACILITY – Page. 16 of the JJMU report breaks down the number of restraints with injuries.</p> <p>Page. 21 of the JJMU report examines Law Enforcement Response to the facility.</p>	<p>It should be noted that less than 5% of the injuries to youth are as a result of a restraint by staff. In other words, 95% of the injuries are from the physical altercation and not caused by DJS staff.</p> <p>Cheltenham has a State Trooper assigned to the facility and all youth on youth assaults and destruction of property is reported to that individual. The way that it is communicated in the</p>

KEY FINDINGS	DJS INITIAL RESPONSE
<p>Page. 3 of the JJMU report indicates that the facility has a youth capacity of 125.</p>	<p>report gives the appearance that we are frequently calling the police to handle assaults.</p> <p>The rated capacity of the facility is actually 110.</p>
<p>J. DEWEESE CARTER CHILDREN'S CENTER – Page. 3 of the JJMU report indicates that the facility has a youth capacity of 15.</p>	<p>The rated capacity at Carter is actually 20.</p>
<p>LOWER EASTERN SHORE CHILDREN'S CENTER – Page. 46 of the JJMU report noted a variance in the injuries noted in the nursing log for altercations versus what is being entered into the incident database.</p> <p>The JJMU report indicates that physical restraints at</p>	<p>The difference between the nursing log for altercations and the ICAU database is attributed to primary and secondary categories being assigned to the various incidents in the database. For example, if a youth is involved in a youth on youth assault, all subsequent events (incidents) that occur as a result of that assault will be listed in the nursing altercations log. In the ICAU database, however, the youth on youth assault will be listed as the primary incident category and any subsequent events (incidents) that resulted from the assault; such as a physical restraint or injury, would be listed as an associated category. There are no “variations in reporting methods” as the JJMU indicated in their report. All incidents are reported and the ICAU database can be queried to account for all incidents whether it be the original incident or any incident(s) resulting from the original incident.</p> <p>LESCC continues to verbally de-escalate situations as designed in the new CPM training</p>

KEY FINDINGS	DJS INITIAL RESPONSE
<p>LESCC have remained steady despite a new restraint crisis management policy that went into effect on March 27.</p>	<p>sessions. The majority of the restraints are clearly to separate youth who are engaged in a physical altercation. These restraints are passive in nature and are usually a “directive touch,” which is defined as “escorting, gently leading, or guiding a youth away from the problem.”</p>
<p>THOMAS J.S. WAXTER CHILDREN’S CENTER – Page. 34 of the JJMU report states that “Waxter, does not have a viable intervention program that involves effective gang intervention strategies.”</p>	<p>A member of the Department’s Gang Intervention Unit is assigned to Waxter. She has actively worked with staff to ensure they are aware of the signs and signals which might be gang related. She also meets weekly with the young women who have been identified as being involved in a gang. In addition Waxter staff members have been trained in some gang intervention strategies to provide the appropriate services.</p>
<p>WESTERN MARYLAND CHILDREN’S CENTER – Page. 37 of the JJMU report indicates DJS has 37 mandated staff and only 26 of them completed Child Abuse training and 27 completed CPM.</p>	<p>WMCC actually has 30 mandated employees, of which, only 1 staff member has not completed both trainings due to medical reasons and this individual has subsequently retired on medical disability; 1 Addictions Counselor missing CPM will be attending training the week of March 24-28; and finally, 1 Resident Advisor missing Child Abuse will be receiving that training the week of March 24-28.</p>

KEY FINDINGS	DJS INITIAL RESPONSE
<p>GENERAL OBSERVATIONS – Page. 15 of the JJMU report discusses the use of restraints at residential facilities. The report indicates that a Level 3 intervention is a “directive touch, defined as escorting, gently leading, or guiding a youth away from a problem.”</p> <p>General observations continued</p>	<p>It should be noted that DJS considers “directive touch” to be a restraint. The restraint numbers are skewed because DJS reports all hands-on activity to include “directive touch” in the category of physical restraint. While many states have elected not to report techniques such as “directive touch” (gently guiding or escorting youth away from a problem) as a physical restraint, DJS has made a policy decision to capture that information as well.</p>
<p>Comparisons between Maryland and Other States – Page 5 of JJMU report (PBS data)</p>	<p>DJS is strongly committed to accountability and among other data-based measurement and analysis initiatives, has elected to participate in the Performance-based Standards for Youth Correction and Detention Facilities (PbS) project of the Council of Juvenile Correctional Administrators. Comparison between data that is reported by DJS for its detention facilities and the data reported to PbS by other states must be interpreted with a full understanding of the data currently available to the PbS project.</p> <p>PbS data measures performance over time relative to a set of indicators reported by participating juvenile facilities and in comparison to a national field average. The national field average is derived from the total number of participating facilities.</p> <p>Participation in PbS is voluntary, and not all states or local jurisdictions have joined the project. While participating agencies and jurisdictions can identify one or more of their facilities as PbS sites, DJS elects to report data to PbS for all of our</p>

KEY FINDINGS	DJS INITIAL RESPONSE
<p>PBS data continued</p>	<p>detention facilities.</p> <p>As acknowledged by consultants for the PbS project, the lack of a random sample, reliance on self-report data, and the small number of facilities participating in the most recent reporting period (October 2007), limit the utility of the PbS national field average for interpreting comparisons between individual facilities and across states.¹ This limitation is especially significant for detention facilities.</p> <p>Approximately 769 juvenile detention facilities are operated by local or state public agencies nationally,² but the national field average for detention facilities as reported by PbS in October 2007 was based on data submitted by only 39 facilities, or about 5% of the total number of publicly operated juvenile detention centers in the United States. The 39 detention facilities contributing to the PbS national field average included the eight DJS detention facilities.</p> <p>Further analysis of the PbS national field average reveals even more significant limitations related to sample size. For example, of the 39 detention facilities participating in PbS for the October 2007</p>

¹ New Amsterdam Consulting, Inc. *Performance-based Standards for Youth Correction and Detention Facilities 2007 Research Report*. Retrieved from <http://pbstandards.org>.

² Snyder, H. N., & Sickmund, M., 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

KEY FINDINGS	DJS INITIAL RESPONSE
<p>PBS data continued</p>	<p>reporting period, only 8 facilities are located in urban areas, including BCJJC. As a result, the PbS detention field average most relevant to BCJJC is limited to a comparison of self-report data provided by a very small number of detention facilities, representing about one percent of all detention facilities nationally, and would be further limited by other characteristics of the sample including variations in facility size and differences in youth populations.</p> <p>DJS is not aware how the standards for reporting in the participating detention facilities compare to our data collection standards, but we do know that our reporting standards are very rigorous. Differences in reporting criteria and standards across facilities and jurisdictions would also influence youth violence data.</p> <p>Given these limitations, the PbS national field average for detention facilities does not currently constitute a representative sample for purposes of comparison. However, DJS does utilize rigorous data-based procedures to measure, evaluate and track key indicators of safety and security in our facilities. Based on recent assessments, for example, DJS developed and implemented a Violence Reduction Campaign at the BCJJC consisting of best practice strategies related to staffing, training, structured programming, mentoring, behavior management, and case management. DJS also established a Quality</p>

KEY FINDINGS	DJS INITIAL RESPONSE
	<p>Improvement process to conduct comprehensive reviews of facility conditions related to reduction of youth violence and to identify, inform and track progress on targeted strategies for improvement.</p>
<p>All Occurrences Physical Youth Injuries – Page 19 of JJMU report</p>	<p>The JJMU reports physical youth injuries in there report; however, the report does not indicate the severity of injuries that were sustained. DJS has a severity rating scale of 1-6 which the following categories:</p> <ul style="list-style-type: none"> 1 – no visible injuries or pain 2 – injury or pain requiring basic first aid treatment only 3 – injury or pain requiring in facility/program medical treatment beyond first aid 4 – injury or pain requiring assessment/treatment as an outpatient at an outside medical facility 5- injury or pain requiring assessment/treatment as an inpatient at an outside medical facility 6 – injury resulting in a death of a youth <p>Majority (51%) of the total physical youth injuries identified in the JJMU report were of “an injury or pain requiring basic first aid treatment only.” Another 43% of reported injuries were classified as a youth having no visible injury or pain. Less than 7% of all reported injuries required medical treatment beyond first aid.</p>

KEY FINDINGS	DJS INITIAL RESPONSE																			
<p>Child Abuse and Crisis Intervention Training – Page 36-37 of JJMU report</p> <p>Child Abuse CPM training continued</p>	<p>The JJMU incorrectly reports the percentage of employees in compliance with requirements to complete entry-level and annual training for Recognizing and Reporting Child Abuse and Neglect and for Crisis Prevention and Management (CPM), and in so doing greatly understates compliance with these requirements at many DJS facilities and system-wide.</p> <p>The accurate training compliance data for each DJS detention facility as of December 31, 2007 is provided in the following table:</p> <table border="1" data-bbox="1050 672 1871 1349"> <thead> <tr> <th data-bbox="1050 672 1297 938"></th> <th data-bbox="1297 672 1598 938">PERCENT of MANDATED STAFF MEETING CHILD ABUSE TRAINING REQUIREMENTS as of 12/31/07</th> <th data-bbox="1598 672 1871 938">PERCENT of MANDATED STAFF MEETING CPM TRAINING REQUIREMENTS as of 12/31/07</th> </tr> </thead> <tbody> <tr> <td data-bbox="1050 938 1297 1008">BCJJC</td> <td data-bbox="1297 938 1598 1008">94%</td> <td data-bbox="1598 938 1871 1008">96%</td> </tr> <tr> <td data-bbox="1050 1008 1297 1112">Charles H. Hickey, Jr. School</td> <td data-bbox="1297 1008 1598 1112">85%</td> <td data-bbox="1598 1008 1871 1112">87%</td> </tr> <tr> <td data-bbox="1050 1112 1297 1216">Cheltenham Youth Facility</td> <td data-bbox="1297 1112 1598 1216">92%</td> <td data-bbox="1598 1112 1871 1216">98%</td> </tr> <tr> <td data-bbox="1050 1216 1297 1320">J. DeWeese Carter Center</td> <td data-bbox="1297 1216 1598 1320">94%</td> <td data-bbox="1598 1216 1871 1320">100%</td> </tr> <tr> <td data-bbox="1050 1320 1297 1349">Alfred D. Noyes</td> <td data-bbox="1297 1320 1598 1349">61%</td> <td data-bbox="1598 1320 1871 1349">70%</td> </tr> </tbody> </table>			PERCENT of MANDATED STAFF MEETING CHILD ABUSE TRAINING REQUIREMENTS as of 12/31/07	PERCENT of MANDATED STAFF MEETING CPM TRAINING REQUIREMENTS as of 12/31/07	BCJJC	94%	96%	Charles H. Hickey, Jr. School	85%	87%	Cheltenham Youth Facility	92%	98%	J. DeWeese Carter Center	94%	100%	Alfred D. Noyes	61%	70%
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KEY FINDINGS	DJS INITIAL RESPONSE		
<p>Child Abuse and Crisis Intervention Training continued</p>	Children's Center		
	Lower Eastern Shore Children's Center	100%	96%
	Western Maryland Children's Center	96%	100%
	Thomas J. S. Waxter Center	30%	88%
	<p>In calculating training compliance, JJMU apparently did not consider that mandated employees did not consider that mandated employees meet their initial requirement for Child Abuse/Neglect and CPM training by successfully completing these courses within the Department's Entry-Level Training program. In addition, the JJMU may have included employee classifications (Case Management Specialists, Social Workers, and Addictions Specialists) not required to complete CPM training, as well as mandated staff who were on long-term leave during CY 2007.</p> <p>The most recent CRIPA Monitors Report for BCJJC, CYF and Hickey (Fifth Monitors' Report for CYF and Hickey, and First Monitors' Report for BCJJC, for the period July 1, 2007 through December 31, 2007) rated the three facilities in substantial compliance with the provision of the Settlement Agreement with the U.S. Department of Justice requiring that: "The State shall develop and implement a curriculum for appropriate</p>		

KEY FINDINGS	DJS INITIAL RESPONSE
<p>Child Abuse and Crisis Intervention Training continued</p>	<p>competency-based staff training in behavior management, de-escalation techniques, appropriate communication with youth, and crisis intervention. Such training shall be completed before staff may work independently with youth.”</p> <p>The Fifth CRIPA Monitors’ Report included positive findings related to staff training, noting that:</p> <p><i>The extent to which direct care staff met the 40-hour annual training requirement in CY 2007 was assessed. At Hickey, all staff received training in the areas required by the Department in 2007, except for a very small number of staff who did not update their CPR certifications. At CYF, over 95% of staff received training in suicide prevention, report writing, child abuse reporting, verbal de-escalation, and CPM during 2007... These success rates constitute substantial compliance with this provision [of the Settlement Agreement with the U.S. Department of Justice].</i></p> <p>The DJS regularly conducts comprehensive reviews of staff training requirements through internal facility and Quality Improvement systems, and is currently working intensively with Noyes and Waxter to improve rates of training compliance.</p>

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