

JUVENILE JUSTICE MONITORING UNIT
OFFICE OF THE ATTORNEY GENERAL

**QUARTERLY REPORT AND INDIVIDUAL
FACILITY UPDATES**

VOLUME II

**SECOND QUARTER
APRIL 1 – JUNE 30, 2008**

SECOND QUARTER, 2008 REPORT
VOLUME II

INDIVIDUAL FACILITY UPDATES
DJS RESPONSE

Because the 2nd Quarter report focused on systemic issues, individual facility updates are very brief. Only issues of imminent concern are reported in the facility updates, along with conditions unabated for more than 30 days as required by the Juvenile Justice Monitoring Unit's (JJMU) enabling legislation. The 3rd Quarter report will include full reports on each of the 30 facilities that JJMU monitors.

No updates are included for some facilities monitored by the Unit. This means that no critical reporting issues were identified for this Quarter.

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FACILITY UPDATE ALLEGANY COUNTY GIRLS GROUP HOME

Issues Reported: Aggressive Incidents
Facility Grounds
Advisory Board

Dates of Visits: May 23 and June 5, 2008

Reported by: Tim Snyder, Juvenile Justice Monitor

AREAS OF CONCERN

1. Aggressive Incidents

ACGGH had seven incidents during this quarter. One involved an AWOL and threat of suicide requiring psychiatric evaluation after police picked up the youth. A second involved a youth with a knife threatening suicide, a youth on staff assault, and a youth on youth assault resulting in police filing assault charges on two youth.

2. Facility Grounds

The grounds continue to have trash strewn about, including cigarette butts. On a site visit during this quarter, the Monitor observed paper cups, a hairbrush, food wrappers, and pieces of plastic and paper trash around the yard.

3. Advisory Board

A Community Advisory Board has been established for the facility.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. The grounds should be kept free of trash.
2. Staff should not be smoking on grounds.

FACILITY UPDATE AUNT CC's HARBOR HOUSE FOR BOYS

Issues Reported: Safety/Security
Dates of Visits: April 3, May 20, June 11, 2008
Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Safety/Security

During this quarter, several youth reported to the JJMU Monitor that a male staff was coming to work drunk. The Monitor discussed this concern with the Director and was informed that the staff member had already been terminated. According to the Facility Director, Aunt CC's does not require drug or alcohol screening as part of the hiring process.

RECOMMENDATIONS

1. Aunt CC's employee interview and hiring process should include drug and alcohol screenings, and random tests should be conducted thereafter.

FACILITY UPDATE

BALTIMORE CITY JUVENILE JUSTICE CENTER

Issues Reported: Population
Level of Violence
Disproportionate Minority Confinement

Dates of Visits: May 6, 16, and 27, June 6 and 23, 2008

Reported by: Claudia Wright, Juvenile Justice Monitor

AREAS OF CONCERN

1. Population

The maximum capacity of the facility is 144. JJMU routinely reports facility population on the last day of each month. On three of the four dates during the 2nd quarter, the population was at or above capacity.

- April 1 – 114
- April 30 – 146
- May 30 – 154
- June 30 – 146

The average daily population between April and June, 2008 was 133. After the end of the reporting quarter, population at BCJJC declined significantly throughout the month of August, frequently totaling approximately 100 youth.

2. Level of Violence

Youth on Youth Assaults continue to increase at BCJJC. Assaults in the 2nd Quarter have risen 46% compared to the same period in 2007.

Youth on Youth Assaults	2 nd Quarter, 2008	191
	1 st Quarter, 2008	167
	2 nd quarter, 2007	131

Arrests and Alleged Youth on Staff Assaults remained stable. Incidents of contraband increased from 19 in the 1st Quarter to 26 in the 2nd Quarter.

Two cases of alleged Child Abuse against staff members were sustained in this reporting period.

3. Disproportionate Minority Confinement

- Total detention events with youth detained – 906
- Total detention events with non-African American youth (Caucasian, Hispanic, American Indian) detained – 32 (3.5%)

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

Levels of violence and disproportionate minority confinement continue unabated since the 1st quarter, 2008 reporting period.

FACILITY UPDATE J. DEWEESE CARTER CENTER

Issues Reported: Programming
Food

Dates of Visits: May 9 and June 19, 2008

Reported by: Claudia Wright, Juvenile Justice Monitor

AREAS OF CONCERN

1. Programming

Lack of adequate programming remains a major issue at Carter. A revised program schedule was submitted to the Carter Advisory Board on July 14. This schedule reveals the paucity of program options available to youth incarcerated at Carter. Departmental standards require that youth be offered a minimum of one hour of large muscle activity and one hour of structured leisure time recreational activity each day.

The only structured leisure time activities at Carter are one hour of Arts and Crafts and four hours of religious activities provided by volunteer clergy from the community. When questioned about activities for youth who do not wish to participate in religious activities, the Superintendent explained that they could participate in "structured programming" – board games, cards and TV. Only 6 hours per week of "structured activities" are provided by paid program professionals. Carter still has no recreation director, nor is a position budgeted, even though this was promised more than a year ago.

Although the Department lists Chess/Checker Club, Reflective Journaling Club, Book Club, and Music Appreciation as structured recreational programming activities available to youth at Carter, facility schedules and unit log books do not reflect that these activities have been held this year.

At the Carter Advisory Board meeting held on July 14, the Board was given final notice that the promised outdoor cover for the basketball court would not be forthcoming. The renovation of the outside shed for weight training has not occurred.

It is difficult to understand the failure of the Department to commit any real resources to activities for Carter youth, when youth at other facilities have such activities as screen printing, carpentry, ceramics, swimming, canteen with pool tables, weight training, drumming, legal rights training, art and horticulture.

Portable buildings have arrived and should be available for school classes to start in the fall. This much needed space should be used to begin a meaningful recreation program for Carter youth.

2. Food

Staff and youth interviewed during this reporting period continued to complain that food is poor in quality. Staff said that items indicated on the menu are often not provided. Youth filed grievances in June complaining of “bugs in the food.” DJS promptly reported the complaints to the contract food service provider. The provider had not been properly covering food for transport from the facility next door where it is prepared and responded with an appropriate plan of correction. All food and service items which are not transported inside carts or containers are now wrapped in plastic to avoid potential infestation..

RECOMMENDATIONS

1. The Department should act immediately to budget funds for an adequate recreational program for the Carter Center.
2. The Department should address continuing staff and youth complaints about the quality of the food provided to Carter youth.

FACILITY UPDATE CHELTENHAM YOUTH FACILITY

Issues Reported: Consequence Beds
Interagency Collaboration

Dates of Visits: April 15, May 15 and 23, June 13 and 27, 2008

Reported by: Moira Lee, Juvenile Justice Monitor

AREAS OF CONCERN

1. Consequence Beds

The term “consequence bed” refers to youth being sent to Cheltenham for punishment (as a “consequence” for poor behavior). Staff report that youth are sent to Cheltenham for the weekend, or longer, as punishment for violating probation. This practice contributes to overcrowding, staff overtime, and additional violence at the facility. When youth are sent to the facility for the weekend, the additional numbers of youth mean that additional staff are needed for coverage. On occasion, youth have not been housed by appropriate classification because they are placed in an available bed or because a judge has ordered Cheltenham to place them in a specific cottage.

2. Collaboration

This Monitor contacted OIA staff at headquarters four times, 3 by email and once by phone, regarding an incident at Cheltenham (DJS Incident Number 64002). After the 4th contact, the OIA staff member initially contacted notified the Monitor that the inquiry had been forwarded to the OIA Director. The Director never responded to the inquiry. This Monitor left four phone messages for the State Trooper working with Cheltenham on the aforementioned incident – the calls were not returned. Lack of cooperation from DJS administrative staff and the law enforcement agencies inhibits the Monitor from completing its legislatively-mandated duties.

3. Population

During this quarter, the average length of stay for youth in detention at Cheltenham was 19 days. Three youth were held in detention for over 90 days (1 youth stayed for 193 days, 1 youth stayed for 121, & 1 youth stayed for 118 days). There were a total of 11 youth detained for over 60 days.

RECOMMENDATIONS

1. DJS should not accept youth sent to Cheltenham as punishment.
2. DJS administrators and law enforcement should promptly respond to inquiries by Juvenile Justice Monitors.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Additional suicide resistant beds are needed in each cottage.
2. Lack of video surveillance cameras in areas where youth gather, most importantly in the school.
3. Youth should never be held longer than 90 days in detention.
4. DJS should proceed to establish a written MOU for interagency response to child abuse at the facility. In jurisdictions which have signed MOU's (Baltimore, Anne Arundel, and Carroll Counties; in process in Baltimore City and Montgomery County), interagency coordination in the investigation of child abuse has been significantly enhanced.
5. Excessive use of overtime must be reduced to keep staff fresh and alert for dealing with youth issues.

FACILITY UPDATE COLBOURNE GROUP HOME FOR BOYS

Issues Reported: Safety/Security

- Fire
- Incident Reports

Dates of Visits: April 6, May 9 and 21, June 2 and 9, 2008

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

SAFETY/SECURITY

a. Fire

The State Fire Marshal conducted a fire inspection on June 11, 2008. The inspection noted the requirement of a second means of egress from the second floor and the need to replace the old, inoperable alarm system in the basement. The smoke detectors were not working. Most findings were corrected during the quarter, including the installation of new heat detectors and sprinkler heads. Repair of the alarm system is not complete. The Fire Marshal refused to approve the new alarm system until an additional heater and sprinkler head are installed.

b. Incident Reports

There were 38 incidents reported this quarter: 13 in April, 15 in May and 10 in June. Not all incidents that occurred in the home were reported or promptly investigated, including a potential improper restraint which sent a youth to the hospital on May 13 (ITFCO805417). The Monitor contacted the DJS Investigator in early June to ask about the status of the investigation of this incident. The involved youth was not interviewed by the Investigator until June 26 – six weeks following the incident. Staff interviews with staff were conducted between June 26 and early July, and the final Investigative Report was sent to the Monitor on July 21. The investigation did not find child abuse or inappropriate behavior by the staff member involved.

During the quarter, several grievances were submitted based on incidents occurring in the home that were not included in the DJS Incident Reporting Database. Several incidents were recorded in the logbook but no incident reports were filed. These included:

- Youth taken to the hospital suffering from arm pain after staff pulled his arm to separate him from a confrontation with another youth (5/6);
- Youth discovered with contraband (cigarettes)(5/6 and 5/7);
- Two youth placed on room restriction for 2 days(5/6);
- Youth placed on room restriction for refusing to complete chores (5/25).

The Juvenile Justice Monitoring Unit does not have access to the Colbourne Group Home in the DJS Incident Database. The Monitor must collect all Incident Reports from the Facility Administrator during site visits.

RECOMMENDATIONS

1. Complete fire alarm installation as soon as possible.
2. Complete a DJS incident report for all incidents that take place in the home.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. The Program has not moved from the inadequate West Baltimore City property.
2. Staff does not document or report all incidents.
3. The Juvenile Justice Monitoring Unit needs to have access to Colbourne in the DJS Incident Reporting Database.
4. A Behavior Management System has not been implemented.

FACILITY UPDATE GUIDE CATONSVILLE SHELTER FOR BOYS

Issues Reported: Education
Safety/Security

Dates of Visits: May 13 and 27, June 9

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Education

The full time teacher resigned at the beginning of the second quarter. From that time, until the end of June, a full-time direct care staff who was not certified to teach filled in as the summer school teacher. On August 25, a new full-time certified teacher began work.

2. Safety/Security

Deadbolt locks were removed from the all bedrooms doors; however, each bedroom door still has a turn-button knob lock. The JJMU Monitor advised the director several times to remove all locks from the bedroom doors so that staff could monitor the youth at all times.

During the quarter, a youth locked himself in the room and AWOLed by jumping out of the window. Staff was unable to locate the keys in time to unlock the door.

RECOMMENDATIONS

1. All teachers in the GUIDE education program must be certified.

UNABATED CONDITIONS

1. Door locks should be removed from youth bedroom doors.

FACILITY UPDATE CHARLES HICKEY SCHOOL FOR BOYS

Issues Reported: Safety/Security
▪ Incidents
▪ Fire

Dates of Visits: April 1 and 22, May 6 and 15, June 1, 5, and 9, 2008

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Safety/Security

a. Incidents

The number of violent incidents increased slightly in the second quarter, but the number of seclusions significantly decreased. According to the Department of Juvenile Services (DJS) Incident Reporting Database, there were 67 Youth on Youth Assaults compared to 62 last quarter, and there were 6 alleged Youth on Staff Assaults compared to 5 last quarter. There were 5 incidents of seclusion compared to 15 last quarter.

b. Fire

In April, the fire alarm system at Hickey failed:

1. A portion of the alarm system was down, affecting communication between the living units and the gatehouse. If staff or youth activated the fire alarms on a living unit, they would sound inside the unit but would not communicate with the gatehouse, delaying the gatehouse staff's ability to contact emergency responders.
2. According to the State Fire Marshal, the smoke detectors in the living units were inoperable.
3. Sprinkler systems in the living units continued to function properly.

The Maryland State Fire Marshal directed Hickey to develop and implement a fire watch protocol and procedures, including conducting and logging perimeter checks. A roving staff was required to cruise the campus in a van and rotate between each living unit every 15 minutes. The roving staff was required to note the status of each living unit and radio the status of the unit into the gatehouse. During this period, regular fire drills were conducted on all units.

Staff members were required to conduct fire watch on each living unit on each shift, every fifteen minutes to a half hour, as long as there were youth on the unit. Perimeter checks of every room in the unit including offices, maintenance closets, bathrooms, and recreation areas were required, and each staff was required to have a radio and note the status of the checks in the logbook.

Throughout the quarter, the Monitor conducted weekly visits to the facility to ensure the safety of the youth. The Monitor conducted two midnight visits during the quarter to confirm whether Hickey staff were complying with fire watchman requirements.

During the 3:30 am visit on June 1, the Monitor visited all three living units and interviewed staff. The staff were unaware of the required watchman procedures for staff inside the units. All six staff (2 on each unit) told the Monitor that the roving van was the "fire watchman." Staff did not have knowledge of additional responsibilities beyond conducting general perimeter checks of the youth every 30 minutes. The Monitor observed and noted that the staff did not conduct additional room checks.

During the Monitor's 12:30 am visit on June 23, the Monitor interviewed staff about their watchman responsibilities. The Monitor noted the staff's inability to enter several offices (Case Managers, barbershop room, and maintenance closets) because they did not have keys to these rooms. One staff did not have a radio. Checks were not logged at all. At the end of the visit, the Monitor debriefed the Shift Commander and provided him with a debriefing form that contained all findings regarding Hickey's non-compliance with the fire watch requirements.

Final repairs to the system were completed on August 14, and the State Fire Marshall approved the repairs in early September.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Additional security equipment should be purchased and installed, including surveillance cameras (living units, master, control, gatehouse, Peabody school hallways).
2. Walkie - talkies should be provided to all direct-care staff and managers.
3. Incident Reports continue to indicate that incidents are not videotaped because "a video camera was unavailable." Incidents must be videotaped consistent with Departmental policy.

4. Exit doors must be numerically labeled so staff and youth can easily identify exit points in the event of evacuation.
5. Living units and sleeping areas should be kept clean; bathrooms should be painted and deodorized. Cracked light bulb covers should be replaced.
6. Community case managers should visit with the youth as required by DJS policy.

FACILITY UPDATE KARMA ACADEMY RANDALLSTOWN

Issues Reported: Aggressive Incidents
Dates of Visits: May 16 and June 9, 2008
Reported by: Philip Merson and Moira Lee, Juvenile Justice Monitors

AREAS OF CONCERN

1. Aggressive Incidents

Karma experienced an increase in Youth on Youth Assaults from 0 in the first quarter to 5 this quarter.

Two assault incidents involved one youth – in one case the youth choked another until he passed out. This Office recommended that the youth be removed from the program out of concern for the safety of other youth; however, he stayed in the program and committed another serious assault against a youth. The youth was later removed from the program when this Office forwarded an e-mail to DJS administration.

When questioned about why staff do not intervene in youth on youth altercations, administration at the facility advised, "We do not restrain youth." Both incidents occurred quickly (the first assault last no more than 30 seconds), and staff did intervene, but not quickly enough to prevent the youth from passing out.

RECOMMENDATIONS

1. Staff should improve crisis intervention techniques to ensure youth are safe from assault. If Karma's policy is to accept violent youth, it must keep those youth under very close supervision to ensure they do not harm other youth.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. DJS should promulgate standards for treatment of sex offenders based on the recommendations of the 2005 and 2007 Sex Offender Task Force Reports.
2. DJS should establish a position for Director of Treatment Services for Sex

Offending Youth or appoint a person on staff to interface with providers and others on these issues.

3. Karma should implement an evidence-based or nationally-recognized treatment model to use with sex offending youth.
4. DJS should promptly notify Karma staff of available training programs and provide space in training programs for Karma staff.

FACILITY UPDATE KARMA ACADEMY FOR BOYS (ROCKVILLE)

Issues Reported: Sex Offender Treatment Programming

Dates of Visits: April 29, May 27, and June 12, 2008

Reported by: Moira Lee, Juvenile Justice Monitor

There are no new issues to report at Karma, but unabated conditions regarding programming continue. Despite a stated willingness to improve the treatment program, Karma staff are not following the sex offender task force recommendations, have limited access to regional sex offender treatment training programs, and have not modified their treatment model.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. DJS should promulgate standards for treatment of sex offenders based on the recommendations of the 2005 and 2007 Sex Offender Task Force Reports.
2. DJS should establish a position for Director of Treatment Services for Sex Offending Youth or appoint a person on staff to interface with providers and others on these issues.
3. Karma should implement an evidence-based or nationally-recognized treatment model to use with sex offending youth.
4. DJS should promptly notify Karma staff of available training programs and provide space in training programs for Karma staff.

FACILITY UPDATE LIBERTY GROUP HOME FOR BOYS

Issues Reported: Population
Grievance System

Dates of Visits: April 17, May 13, June 12, 2008

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Population

Liberty has not accepted DJS youth since January 2008. According to the Director, the youths referred by DJS did not fit the criteria for acceptance. The Monitor requested DJS referrals for review; however, the Director said she had discarded them. She keeps a log of all referrals but told the Monitor that she is not sure what agencies refer youth. The Monitor has provided a Monitoring Visit Debriefing Form to the Director recommending that she keep copies of all referrals.

2. Grievance System

The grievance form box is not secure. A DJS grievance box was recently installed. Due to the large size of the slot, youth are able to retrieve grievances from the box.

RECOMMENDATIONS

1. The Department should review the provider contract's referral and acceptance policy.
2. The program should keep copies of all referrals.
3. The grievance box should be replaced with a box that contains a slot that is secure and tamper resistant.

FACILITY UPDATE NEW DOMINION SCHOOL

Issues Reported: Staffing
Incidents

Dates of Visits: April 29, May 1 and 16, June 3 and 16, 2008

Reported by: Tim Snyder, Juvenile Justice Monitor

AREAS OF CONCERN

1. Staffing

A number of staff recently left New Dominion. The Administrator, Assistant Program Director, two family workers, and the Admissions Director have all resigned. Two cooks, an overnight watchman, and one service person were laid off. Until these positions are filled, three staff from the company's headquarters in Huntsville, Alabama are rotating at New Dominion to provide administrative and programmatic support. Sufficient Direct Care staff are on board to provide coverage to the two groups.

2. Incidents

New Dominion has experienced a significant increase in incidents during this Quarter. "Acting out" behavior has been the primary cause of the increase in incidents. The DJS Database Summary Report shows that in the category "Inappropriate Conduct/Comments by youth, there was an increase from 6 in the 1st Quarter to 21 in the second Quarter. Total incidents increased from 15 in the 1st Quarter to 35 in the second Quarter 2008.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Some youth see their Community Case Managers on a monthly basis, but others do not. DJS Community Case Managers must meet with youth at the facility as required.

FACILITY UPDATE ALFRED D. NOYES CHILDREN'S CENTER

Issues Reported: Population
Safety and Security

Dates of Visits: April 28, May 6, 7, 13, June 10, 26, 2008

Reported and Visited by: Tim Snyder, Juvenile Justice Monitor

AREAS OF CONCERN

1. Population

The population increased from the approximately 30 in the first quarter to 60 by the end of the quarter. Three youth were in Pending Placement status for more than 60 days - for 97, 73, and 64 days. One youth with serious mental illness has been at Noyes since June 4th. Most youth are moved through the facility efficiently. This has been noted in previous JJMU reports. The average length of stay for youth at Noyes during the past year is as follows:

FY 08, 4 th Quarter -- 17
FY 08, 3 rd Quarter -- 17
FY 08, 2 nd Quarter -- 23
FY 08, 1 st Quarter -- 18

2. Safety and Security

a. Equipment and Fencing

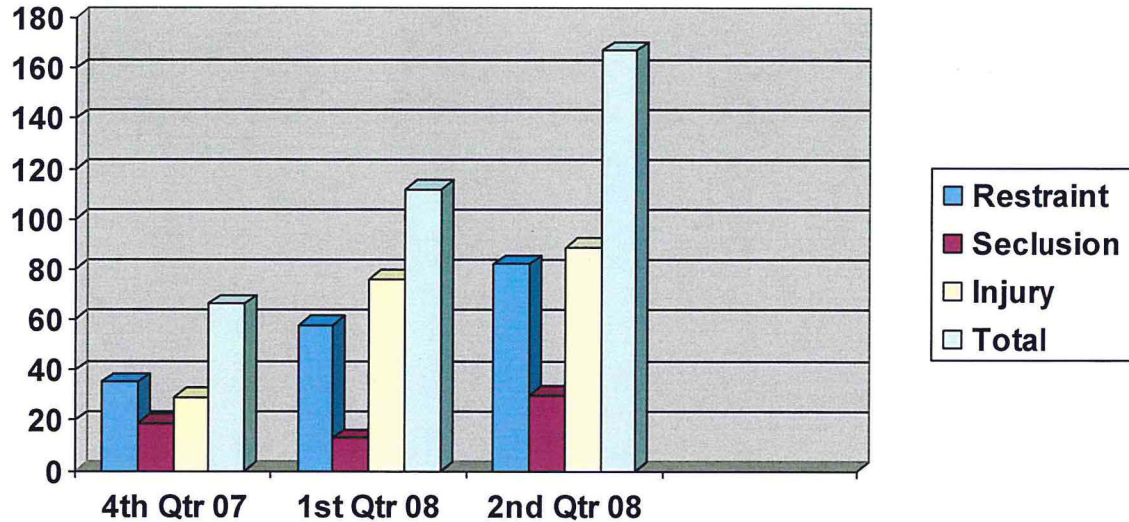
Noyes lacks internal and external camera, monitoring/recording equipment, but during this quarter, DJS surveyed the facility interior and exterior in preparation for adding the needed capability.

DJS has added no climb mesh to the existing fence. Youth sleeping rooms in the front of the building still need security fencing to keep outsiders from approaching the youths' windows.

b. Incidents

Aggressive incidents continued to increase at Noyes during this quarter as did serious youth injuries. During one altercation, a youth sustained a fractured jaw. In another altercation, a youth sustained a concussion. Youth on Youth

Assaults peaked in June – the Superintendent reported that many of those incidents involved the same few youth. After the end of the quarter, in July, incidents returned to their pre-June levels.



Source: Department of Juvenile Services Incident Reporting Database.

Noyes continues to house a number of youth from outside Montgomery County. The mixing of youth from Baltimore, Washington, D.C., Prince Georges and other counties exacerbates group rivalries. Lack of space also makes it difficult to separate youth who are likely to have a conflict.

Staff members report that communication and teamwork among the staff continues to need improvement, and programming is not effective enough at this point to provide incentives for youth to cooperate within the facility.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Additional security and surveillance equipment should be installed, both inside and outside the facility, as reported previously.
2. Noyes still needs a second Social Worker, a full-time Child Advocate, and a Psychologist.
3. Teachers consistently mention the need for more space to break into smaller classes and provide more individualized instruction. The Department has recognized this need by working to add an additional modular building to the Noyes school. This space should be added as soon as possible to ensure that youth can receive education services on

“an individual or small group basis” as required by DJS Standards for Detention Facilities.

4. The medical unit should be expanded. It lacks a bathroom (for gathering specimens), an infirmary room for sick youth, and adequate storage space.
5. Facility maintenance projects already reported should be addressed – registers, floor tiles in sleeping rooms, and generator.

FACILITY UPDATE SYKESVILLE SHELTER FOR GIRLS

Issues Reported: Aggressive Incidents
Facility Maintenance and Repairs

Dates of Visits: May 23 and June 5, 2008

Reported by: Philip Merson, Juvenile Justice Monitor

AREAS OF CONCERN

1. **Aggressive Incidents**

According to the Department of Juvenile Services Incident Report Database, there were no aggressive incidents at the Sykesville Shelter for this past quarter.

2. **Failure to Report Incident**

The Maryland State Police completed a report on the theft of a staff's \$1500.00 bracelet at the facility on April 22, 2008, but no report was completed or entered into the DJS Incident Reporting Database. The State Police report (08-56-011629) said that Police searched the entire facility and grounds and questioned all youth. An Incident Report should have been completed – even if to report “Law Enforcement Officer on Grounds.” DJS was notified of the failure to report on July 24.

3. **Maintenance**

The driveway still has not been repaired as promised by DJS.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. The driveway at the facility has posed a health and safety risk for several years and should be repaired.

RECOMMENDATIONS

1. DJS must ensure facilities are completing Incident Reports as required.

FACILITY UPDATE THOMAS O'FARRELL YOUTH CENTER

Issues Reported: Interagency Agreement for Child Abuse
Aggressive Incidents
Youth Placements

Dates of Visits: April 28, June 2 and 13, 2008

Reported by: Philip Merson, Juvenile Justice Monitor

AREAS OF CONCERN

1. Interagency Agreement for Child Abuse

The Interagency Agreement for Reporting and Responding to Child Abuse between Thomas O'Farrell (TOYC), the Carroll County Department of Social Services, Maryland State Police, Carroll County Sheriff's Department, Department of Juvenile Services, Carroll County States Attorney's Office and this office was signed on April 28 and placed into effect on June 8, 2008.

2. Aggressive Incidents

According to the Department of Juvenile Services Incident Reporting Database, O'Farrell experienced an increase in Youth on Youth Assaults this quarter (from 14 to 18). Alleged Physical Child Abuse incidents remained consistent at 2 last quarter and 2 this quarter while Physical Restraints increased slightly from 5 last quarter to 6 this quarter. Youth on Staff Assaults decreased from 3 last quarter to 1 this quarter.

Maryland State Police completed 10 assault investigations and 2 child abuse investigations at the facility this quarter.

The Nurses' Reports of Injury log for May revealed 8 incidents of Youth on Youth Assaults and Restraints that resulted in injuries. The injuries included a head injury/concussion, a severe leg injury, bloody noses, eye injuries, sore necks, a cut nose, injured mouths, and hand/elbow injuries.

3. Youth Placements

Youth continue to be inappropriately placed at Thomas O'Farrell. In January, 2008, a mental health evaluation for a youth with a history of abuse victimization and extensive runaways recommended placement in a secure residential treatment center after wraparound services and several in-state

placements had failed. Nevertheless, the youth was placed at Mountain Manor, an unsecure treatment center, and after he AWOLED, at O'Farrell.

The youth AWOLED from O'Farrell as well. He was later discharged from O'Farrell for his involvement in an altercation and is currently at the Baltimore City Juvenile Justice Center awaiting out-of-state placement. JJMU can identify the youth in discussion with DJS.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Thomas O'Farrell must reduce the violence and injuries at the facility.
2. DJS must ensure youth who are referred to TOYC are appropriate for the program.
3. TOYC property and buildings belong to the State of Maryland; therefore, DJS must continue to maintain, refurbish and rebuild the physical plant.

Numerous reports of the Juvenile Justice Monitor have discussed the unacceptability of the infirmary space at TOYC. The 2nd Quarter, 2007 pictorial report documented the infirmary's cramped space, lack of privacy, and dual use as an office. See http://www.oag.state.md.us/JJMU/Comp0407_0607/2nd%20Quarter%20Final.pdf (Thomas O'Farrell Medical Office and Examination Room).

An acceptable infirmary/medical suite must be built immediately.

FACILITY UPDATE VICTOR CULLEN YOUTH CENTER

Issues Reported: Aggressive Incidents
Programming
Community Case Manager Visits
Staff Certifications

Dates of Visits: April 8, May 8 and 22, June 17, July 3 and 17, 2008

Reported by: Philip Merson, Juvenile Justice Monitor

AREAS OF CONCERN

1. Aggressive Incidents

This Office issued a Special Report on an Escape/Assault/Robbery that occurred on June 16. The report recommended changes in the staffing pattern, staff and facility alarms, and facility surveillance system, upgrading of the community notification system and better collaboration with surrounding law enforcement entities to prevent and manage future escapes and attempts. (The report is available on www.oag.state.md.us/jjmu.)

According to the DJS Incident Reporting database, aggressive incidents at Victor Cullen declined significantly in this quarter. Alleged Youth on Youth Assaults decreased from 10 during the first quarter to 6 this quarter. Youth on Staff Assaults decreased from 7 last quarter to 4 this quarter. Alleged Physical Child Abuse incidents remained consistent at 1 last quarter and 1 this quarter while Physical Restraints decreased from 23 last quarter to 13 this quarter. There were no group disturbances reported.

A DJS investigative report from the Office of Investigations and Advocacy dated April 2, sustained Unnecessary Use of Force and other violations of policy against staff for an alleged child abuse that occurred in March.

Maryland State Police statistics indicated there were two criminal investigations (1 assault and 1 escape/robbery/assault) at the facility for this past quarter compared to three (assaults) last quarter.

2. Programming

The Victor Cullen rehabilitative program continues to be a work in progress. The new Clinical Director appears to be a dedicated professional and is working on a number of programming initiatives. Nevertheless, Victor Cullen

still lacks a cohesive evidence-based therapeutic and rehabilitative program. (See main body of report.) Some additional Case Managers have been hired, but additional therapists are needed. One staff member reported that there were "very few mental health group sessions" at the facility beyond the Positive Peer Culture (PPC) meetings. Staff continue to be trained in the PPC program model.

The Pre-Apprenticeship Program launched this quarter served 11 youth between May through July. Primarily, youth gave very positive reports on the program. One youth interviewed requested more hands-on training, and one staff member reported that youth were observed sleeping through classes in the program.

Unfortunately, the Department does not plan to repeat the Pre-Apprenticeship Program until late winter or spring, 2009, and it is unclear whether the program will be offered again at Victor Cullen or at the Youth Centers. The Department has not provided reasons for the delay in repeating the program.

The Maryland Department of Natural Resources (DNR) and 10 youth from Victor Cullen collaborated in a 1-day forest reforestation project at Cunningham Falls State Park on April 29. DNR reported that the event was very successful, but there have been no follow-up or additional sessions with Victor Cullen youth.

Several youth who have completed the program said that the cooking and hands-on opportunities to do maintenance (not part of the Pre-Apprenticeship Program) were very helpful to them. However, they complained that the work programming was very unstructured and inconsistent.

Administrators at the facility advised there are plans to implement horticulture and music programs at the facility.

3. Community Case Managers

Several youth complained that their Community Case Managers were either not visiting them at the facility or failing to properly coordinate their release from the facility. The Facility Case Manager verified that the Community Case Manager for a youth from the Eastern Shore had not visited as required. A second youth from Baltimore City did not have a clear release date because his Community Case Manager had not been involved. When JJMU reported the youth's and parent's concern to the Regional Director, the youth received a release date.

4. Staff Certification

On May 8, only 33 of the 52 (63%) mandated direct care staff had received the required training. At present 74% of Victor Cullen staff is

provisionally or fully certified – provisionally certified staff have either not completed training, are not fully certified, and may not work with youth unless fully certified staff are present. A full-time Training Coordinator has been hired at Victor Cullen to ensure that staff meet training requirements. Two special education teachers were hired.

RECOMMENDATIONS

1. DJS must continue to focus on the safety and welfare of youth by preventing security breaches (June 16 escape) and inappropriate staff conduct (April 2 investigative report sustaining Unnecessary Use of Force allegation against staff member.).
2. A coherent and evidence-based rehabilitative program should be implemented.
3. Vocational programming should be consistent and offered to all youth. Departmental follow-up with youth completing programs such as the Pre-Apprenticeship Program is essential and should be offered in youth's home communities.
4. The Department should open a more public dialogue regarding difficulties in rescheduling the popular Pre-Apprenticeship Program.
5. Community Case Managers must visit youth as required and collaborate with Facility Case Managers to develop comprehensive aftercare plans. Youth should be involved in developing these plans and should understand their legal and release status.
6. All staff must complete required training.
7. Additional certified therapists and counselors should be hired.

FACILITY UPDATE

THOMAS J.S. WAXTER CHILDREN'S CENTER

Issues Reported: Escapes
Gender Responsive Training

Dates of Visits: April 4, May 5 and 29, June 6, 19, 23, 26 and 30,
2008

Reported by: Moira Lee, Juvenile Justice Monitor

AREAS OF CONCERN

1. Escapes

Four girls escaped from Waxter this quarter. Investigations of both incidents resulted in sustained violation of procedures by staff.

On April 17, 2008 three youth escaped when staff took the girls to an unsecured location for outside leisure time. Involved staff members were disciplined for their actions. On June 21, 2008 a fourth girl escaped from Waxter – she is 12 years old. The youth hid in the bathroom while staff took the other youth inside. Staff reported that no one noticed the youth was missing until nursing staff came to administer medication. The written reports do not reflect this information.

After the second escape, the facility began securing the fencing. The girls remained on their units for nine days while construction on the fencing took place.

All four youth were eventually located and returned to DJS custody.

2. Gender Responsive Training

Twenty out of 77 employees at Waxter have attended gender responsive training courses offered through the Department of Juvenile Services. Staff response to the program was both positive and negative. The next training has not been scheduled, but the Department said it anticipates offering another course in September. The course is open to all DJS employees working with girls, so the number of staff eligible to attend the training from Waxter will be limited.

RECOMMENDATIONS

1. Ensure appropriate staff supervision of youth.
2. Provide further training to ensure that staff know facility procedures and policies.
3. Increase the frequency of gender responsive training courses. Ensure that all Waxter staff are trained.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Continued inappropriate placement of youth in the program.

FACILITY UPDATE WESTERN MARYLAND CHILDREN'S CENTER

Issues Reported: Aggressive Incidents
Staffing

Dates of Visits: May 8 and 30, June 3 and 16, 2008

Reported by: Philip Merson and Tim Snyder, Juvenile Justice Monitors

AREAS OF CONCERN

1. Aggressive Incidents

According to the Department of Juvenile Services Incident Reporting Database, Western Maryland Children's Center experienced a decrease in aggressive incidents during the second quarter. Alleged Youth on Youth Assaults decreased from 8 during the first quarter to 7 this quarter. Youth on Staff Assaults decreased from 4 last quarter to 3 this quarter. Alleged Physical Child Abuse incidents decreased from 3 last quarter to 2 this quarter and Physical Restraints decreased from 26 during the first quarter to 20 this quarter. WMCC did not use seclusion during the second quarter.

Maryland State Police conducted 7 criminal investigations (6 assault and 1 child abuse) this quarter compared to 13 in the first quarter of the year (11 assaults and 2 child abuses).

2. Staffing

During a visit on May 30, there was an observed shortage of certified staff working at the facility. The Shift Commander noted that 5 staff were "shadowing" other staff because their background checks had not been completed. Uncertified staff should not be counted in staff:youth ratios. There was also a 1.0 position shortage in the medical section. A nurse has since been hired to fill this position.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Noise dampening materials should be installed on the units, the fencing should be completed for safety and security purposes and the vitreous china fixtures should be replaced with stainless steel.

SECOND QUARTER, 2008 REPORT
VOLUME II

INDIVIDUAL FACILITY UPDATES
DJS RESPONSE

Because the 2nd Quarter report focused on systemic issues, individual facility updates are very brief. Only issues of imminent concern are reported in the facility updates, along with conditions unabated for more than 30 days as required by the Juvenile Justice Monitoring Unit's (JJMU) enabling legislation. The 3rd Quarter report will include full reports on each of the 30 facilities that JJMU monitors.

No updates are included for some facilities monitored by the Unit. This means that no critical reporting issues were identified for this Quarter.

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FACILITY UPDATE ALLEGANY COUNTY GIRLS GROUP HOME

Issues Reported: Aggressive Incidents
Facility Grounds
Advisory Board

Dates of Visits: May 23 and June 5, 2008

Reported by: Tim Snyder, Juvenile Justice Monitor

AREAS OF CONCERN

1. Aggressive Incidents

ACGGH had seven incidents during this quarter. One involved an AWOL and threat of suicide requiring psychiatric evaluation after police picked up the youth. A second involved a youth with a knife threatening suicide, a youth on staff assault, and a youth on youth assault resulting in police filing assault charges on two youth.

2. Facility Grounds

The grounds continue to have trash strewn about, including cigarette butts. On a site visit during this quarter, the Monitor observed paper cups, a hairbrush, food wrappers, and pieces of plastic and paper trash around the yard.

3. Advisory Board

A Community Advisory Board has been established for the facility.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

DJS RESPONSE

The group home has established an Advisory Board and will maintain a regular meeting schedule.

1. The grounds should be kept free of trash.

DJS RESPONSE

The Program Director reports that the JJMU Monitor left a debriefing form on the front door of the group home following a recent visit stating that the grounds “were full of trash.” The Director responded in writing to the JJUM Monitor, stating in part, “We have received your ‘debriefing form.’ The form seems to be much exaggerated. The program manager and youth checked your list and went around the house. There was very little trash. In fact, the manager said that she picked up one or two things.... As far as the personal items that were on the porch, the girls use that porch all the time, they listen to music, eat, and socialize. And there are times that they leave personal items on the porch....The trash can that was knocked over was done so by the maintenance man because it was full of water. Also, the tools were out because as I am sure you noticed, we have a garden now. The tools have been put away.”

2. Staff should not be smoking on grounds.

DJS RESPONSE

The group home is a tobacco-free workplace. Cigarette butts on the grounds had been left by youth, who were disciplined for smoking. The Program Director will continue to emphasize and enforce the group home’s smoke-free policy.

FACILITY UPDATE AUNT CC's HARBOR HOUSE FOR BOYS

Issues Reported: Safety/Security

Dates of Visits: April 3, May 20, June 11, 2008

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Safety/Security

During this quarter, several youth reported to the JJMU Monitor that a male staff was coming to work drunk. The Monitor discussed this concern with the Director and was informed that the staff member had already been terminated. According to the Facility Director, Aunt CC's does not require drug or alcohol screening as part of the hiring process.

DJS RESPONSE

When the Monitor spoke with the Aunt CC's Director about this situation, she was informed that Aunt CC's had been immediately aware of the problem and that the employee had already been terminated more than two weeks previously.

RECOMMENDATIONS

1. Aunt CC's employee interview and hiring process should include drug and alcohol screenings, and random tests should be conducted thereafter.

DJS RESPONSE

Aunt CC's consistently ensures appropriate staff supervision and would take appropriate measures if employee-related policies are violated – as was the case with the situation described above. Prior to employment, all Aunt CC's staff receives the program's Employee Handbook which includes the program's Drug and Alcohol Policy, and are required to sign agreement to comply with the policy.

FACILITY UPDATE

BALTIMORE CITY JUVENILE JUSTICE CENTER

Issues Reported: Population
Level of Violence
Disproportionate Minority Confinement

Dates of Visits: May 6, 16, and 27, June 6 and 23, 2008

Reported by: Claudia Wright, Juvenile Justice Monitor

AREAS OF CONCERN

1. Population

The maximum capacity of the facility is 144. JJMU routinely reports facility population on the last day of each month. On three of the four dates during the 2nd quarter, the population was at or above capacity.

- April 1 – 114
- April 30 – 146
- May 30 – 154
- June 30 – 146

The average daily population between April and June, 2008 was 133. After the end of the reporting quarter, population at BCJJC declined significantly throughout the month of August, frequently totaling approximately 100 youth.

2. Level of Violence

Youth on Youth Assaults continue to increase at BCJJC. Assaults in the 2nd Quarter have risen 46% compared to the same period in 2007.

Youth on Youth Assaults	2 nd Quarter, 2008	191
	1 st Quarter, 2008	167
	2 nd quarter, 2007	131

Arrests and Alleged Youth on Staff Assaults remained stable. Incidents of contraband increased from 19 in the 1st Quarter to 26 in the 2nd Quarter.

Two cases of alleged Child Abuse against staff members were sustained in this reporting period.

DJS RESPONSE

The number of youth on youth assaults during April, May and June 2008 as identified above by the JJMU is incorrect. The correct data appears below:

Second Quarter 2008	173
First Quarter 2008	166
Second Quarter 2007	132

3. Disproportionate Minority Confinement

- Total detention events with youth detained – 906
- Total detention events with non-African American youth (Caucasian, Hispanic, American Indian) detained – 32 (3.5%)

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

Levels of violence and disproportionate minority confinement continue unabated since the 1st quarter, 2008 reporting period.

DJS RESPONSE

To provide a clear and complete picture of Disproportionate Minority Contact issues, the JJMU should report the significant initiatives that are underway in collaboration with many external stakeholders in Baltimore City.

The Department's explanation of our very active DMC work was included in our response to the JJMU First Quarter 2008 Report: The Department has been judiciously and conscientious addressing Disproportionate Minority Contact issues in partnership with the Annie E. Casey Foundation, and local and state agencies through approaches that are recognized as effective. For example, the current DJS administration made a concerted effort to hire a national expert as state-level JDAI coordinator. The Department is developing and utilizing objective Risk Assessment Instruments in Baltimore and other jurisdictions to make data-driven decisions about levels of youth supervision and to match youth with appropriate services; preventing the unnecessary detention of youth through the use of Alternatives to Detention and Evidence-Based Services in the community; and supporting local DMC reduction efforts around the state.

Strategies such as increased staffing, strengthening the Behavior Management Program, implementing Aggression Replacement Therapy and other specialized programming, specialized staff training and coaching (Response Ability Pathways and Life Space Crisis Intervention), and structured programming through community providers are underway and focused on violence reduction.

FACILITY UPDATE J. DEWEESE CARTER CENTER

Issues Reported: Programming
Food

Dates of Visits: May 9 and June 19, 2008

Reported by: Claudia Wright, Juvenile Justice Monitor

AREAS OF CONCERN

1. Programming

Lack of adequate programming remains a major issue at Carter. A revised program schedule was submitted to the Carter Advisory Board on July 14. This schedule reveals the paucity of program options available to youth incarcerated at Carter. Departmental standards require that youth be offered a minimum of one hour of large muscle activity and one hour of structured leisure time recreational activity each day.

The only structured leisure time activities at Carter are one hour of Arts and Crafts and four hours of religious activities provided by volunteer clergy from the community. When questioned about activities for youth who do not wish to participate in religious activities, the Superintendent explained that they could participate in "structured programming" – board games, cards and TV. Only 6 hours per week of "structured activities" are provided by paid program professionals. Carter still has no recreation director, nor is a position budgeted, even though this was promised more than a year ago.

Although the Department lists Chess/Checker Club, Reflective Journaling Club, Book Club, and Music Appreciation as structured recreational programming activities available to youth at Carter, facility schedules and unit log books do not reflect that these activities have been held this year.

At the Carter Advisory Board meeting held on July 14, the Board was given final notice that the promised outdoor cover for the basketball court would not be forthcoming. The renovation of the outside shed for weight training has not occurred.

It is difficult to understand the failure of the Department to commit any real resources to activities for Carter youth, when youth at other facilities have such

activities as screen printing, carpentry, ceramics, swimming, canteen with pool tables, weight training, drumming, legal rights training, art and horticulture.

Portable buildings have arrived and should be available for school classes to start in the fall. This much needed space should be used to begin a meaningful recreation program for Carter youth.

2. Food

Staff and youth interviewed during this reporting period continued to complain that food is poor in quality. Staff said that items indicated on the menu are often not provided. Youth filed grievances in June complaining of "bugs in the food." DJS promptly reported the complaints to the contract food service provider. The provider had not been properly covering food for transport from the facility next door where it is prepared and responded with an appropriate plan of correction. All food and service items which are not transported inside carts or containers are now wrapped in plastic to avoid potential infestation..

DJS RESPONSE

In June 2008 two or three youth complained of a fly in salad, and as indicated DJS immediately reported this to the contract food service provider, which responded with an appropriate plan of correction.

A detailed explanation of how dietary services including food quality for youth at Carter are ensured and closely monitored by a DJS registered dietician is provided below in response to Recommendation #2.

RECOMMENDATIONS

1. The Department should act immediately to budget funds for an adequate recreational program for the Carter Center.

DJS RESPONSE

The Department has pursued a coordinated approach, in cooperation with MSDE, to purchase and install portable buildings for additional classroom space at Carter, thereby enabling renovation of space currently used by the school for recreational activities. Final preparations are underway to prepare the new portable buildings as classrooms, with occupancy expected shortly. At that time the Computer Lab will be converted to a game room and library, and the dining hall/classroom will be utilized as an indoor gym to include nautilus, chin and dip, sit up and push up

stations. This renovation will also include a padded gym floor and is expected to be completed about 45 days after relocation of the school.

Structured programming at Carter also includes activities such as Chess/Checker Club, Reflective Journaling Club, Book Club, Music Appreciation and arts and crafts.

In addition to the steps currently underway for provision of additional instructional and recreational space, the Department will request funding in the FY 2010 budget to lease a dome and will seek approval of a Capital Improvement Project to replace the Carter Facility beginning in FY 2012. Design and construction of a new facility would take two – three years and will factor in appropriate indoor and outdoor recreation space.

2. The Department should address continuing staff and youth complaints about the quality of the food provided to Carter youth.

DJS RESPONSE

Through its Health Services Unit, the Department provides a master's level registered dietician with specialized expertise in adolescent dietary requirements to frequently evaluate and monitor food safety and quality at the facility including on-site observation of food preparation, adherence to menus, taste testing, and interviews with staff and youth. This systematic review has not found any recent complaints of food quality.

Dietary Reference intakes for estimated energy for the typical low active to very active 13-18 year old male are 2683-3890 calories per day. Based on recent analysis, the provider's menus include on average 4330 calories daily for Carter youth (including evening snack). The provider's menus also meet all the requirements for the Federal Child Nutrition Program. DJS provides youth at Carter with an afternoon school snack, an additional piece of fruit at meals, and a supplement to the evening snack, in addition to the regular menu and snacks.

FACILITY UPDATE CHELTENHAM YOUTH FACILITY

Issues Reported: Consequence Beds
Interagency Collaboration

Dates of Visits: April 15, May 15 and 23, June 13 and 27, 2008

Reported by: Moira Lee, Juvenile Justice Monitor

AREAS OF CONCERN

1. Consequence Beds

The term “consequence bed” refers to youth being sent to Cheltenham for punishment (as a “consequence” for poor behavior). Staff report that youth are sent to Cheltenham for the weekend, or longer, as punishment for violating probation. This practice contributes to overcrowding, staff overtime, and additional violence at the facility. When youth are sent to the facility for the weekend, the additional numbers of youth mean that additional staff are needed for coverage. On occasion, youth have not been housed by appropriate classification because they are placed in an available bed or because a judge has ordered Cheltenham to place them in a specific cottage.

DJS RESPONSE

The Department has consulted with the OAG about the use of consequence beds and is determining the best way to proceed.

Judges have infrequently ordered youth to be housed in the Cheltenham infirmary, but these orders have been consistent with the decision that would have been reached through the facility’s housing classification process.

2. Collaboration

This Monitor contacted OIA staff at headquarters four times, 3 by email and once by phone, regarding an incident at Cheltenham (DJS Incident Number 64002). After the 4th contact, the OIA staff member initially contacted notified the Monitor that the inquiry had been forwarded to the OIA Director. The Director never responded to the inquiry. This Monitor left 4 phone messages for the State Trooper working with Cheltenham on the aforementioned incident – the calls

were not returned. Lack of cooperation from DJS administrative staff and the law enforcement agencies inhibits the Monitor from completing its legislatively-mandated duties.

DJS RESPONSE

The incident identified above by the JJMU involved a youth on youth assault, about which full information is available to the JJMU in the DJS Incident Database. The DJS internal investigations unit does not investigate youth on youth assault incidents, such as this, about which there are no allegations of violations of policy or practice. DJS staff, including the Office of the Inspector General, which includes our internal investigative staff, receive and respond to dozens of telephone and email inquiries from the JJMU during every reporting period.

3. Population

During this quarter, the average length of stay for youth in detention at Cheltenham was 19 days. Three youth were held in detention for over 90 days (1 youth stayed for 193 days, 1 youth stayed for 121, & 1 youth stayed for 118 days). There were a total of 11 youth detained for over 60 days.

RECOMMENDATIONS

1. DJS should not accept youth sent to Cheltenham as punishment.

DJS RESPONSE

The Department has consulted with the OAG and is determining the best way to proceed.

2. DJS administrators and law enforcement should promptly respond to inquiries by Juvenile Justice Monitors.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Additional suicide resistant beds are needed in each cottage.

DJS RESPONSE

Cheltenham has two suicide resistant beds on each unit and four suicide resistant beds in the infirmary. The nationally recognized experts who served as monitors for Maryland's Settlement Agreement with the United States Department of Justice, from which Cheltenham and Hickey successfully exited in June 2008, found the

facility in substantial compliance with all provisions related to suicide prevention, including housing related requirements.

2. Lack of video surveillance cameras in areas where youth gather, most importantly in the school.

DJS RESPONSE

The Department has completed all cabling for additional internal video surveillance cameras and is awaiting delivery of the equipment. The scope of work includes camera installation in the school computer lab and hallways and is expected to be completed by the end of the calendar year.

3. Youth should never be held longer than 90 days in detention.

DJS RESPONSE

This is a misleading characterization of length of stay in detention.

The average length of stay for youth in detention at Cheltenham during April, May and June 2008 (the JJMU Second Quarter reporting period) was only 19 days.

Of more than 500 discharges of youth from Cheltenham (including pending placement) during April, May and June 2008, only eight youth, which is 1% of the total number of youth, stayed over 90 days.

The Department's initiatives over the last year have resulted in substantial reduction of the average length of stay for detained and pending placement youth at Cheltenham and statewide. The Department focuses intensive efforts to identify appropriate programs for the small number of youth who may be difficult to place and who therefore stay longer in detention facilities.

4. DJS should proceed to establish a written MOU for interagency response to child abuse at the facility. In jurisdictions which have signed MOU's (Baltimore, Anne Arundel, and Carroll Counties; in process in Baltimore City and Montgomery County), interagency coordination in the investigation of child abuse has been significantly enhanced.

DJS RESPONSE

DJS consistently and fully cooperates with other agencies in investigations regarding allegations of child abuse and neglect at Cheltenham, including as applicable the Maryland State Police and the Department of Human Resources Child Protective Services. It is not clear how the JJMU believes that the process needs to be "enhanced." It is also important to underscore that Cheltenham adheres to all child abuse and neglect reporting requirements.

We request that the JJMU identify any situation in which it believes that CYF has not cooperated with other agencies regarding response to allegations of child abuse or neglect, or any other circumstances that are the basis for this recommendation.

5. Excessive use of overtime must be reduced to keep staff fresh and alert for dealing with youth issues.

DJS RESPONSE

DJS utilizes multiple strategies to reduce the use of overtime and tracks and monitors overtime use.

FACILITY UPDATE COLBOURNE GROUP HOME FOR BOYS

Issues Reported: Safety/Security

- Fire
- Incident Reports

Dates of Visits: April 6, May 9 and 21, June 2 and 9, 2008

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

SAFETY/SECURITY

a. Fire

The State Fire Marshal conducted a fire inspection on June 11, 2008. The inspection noted the requirement of a second means of egress from the second floor and the need to replace the old, inoperable alarm system in the basement. The smoke detectors were not working. Most findings were corrected during the quarter, including the installation of new heat detectors and sprinkler heads. Repair of the alarm system is not complete. The Fire Marshal refused to approve the new alarm system until an additional heater and sprinkler head are installed.

b. Incident Reports

There were 38 incidents reported this quarter: 13 in April, 15 in May and 10 in June. Not all incidents that occurred in the home were reported or promptly investigated, including a potential improper restraint which sent a youth to the hospital on May 13 (ITFCO805417). The Monitor contacted the DJS Investigator in early June to ask about the status of the investigation of this incident. The involved youth was not interviewed by the Investigator until June 26 – six weeks following the incident. Staff interviews with staff were conducted between June 26 and early July, and the final Investigative Report was sent to the Monitor on July 21. The investigation did not find child abuse or inappropriate behavior by the staff member involved.

During the quarter, several grievances were submitted based on incidents occurring in the home that were not included in the DJS Incident Reporting Database. Several incidents were recorded in the logbook but no incident reports were filed. These included:

- Youth taken to the hospital suffering from arm pain after staff pulled his arm to separate him from a confrontation with another youth (5/6);
- Youth discovered with contraband (cigarettes)(5/6 and 5/7);
- Two youth placed on room restriction for 2 days(5/6);
- Youth placed on room restriction for refusing to complete chores (5/25).

DJS RESPONSE

The program acknowledges occasional problems with consistency of documentation, and has hired a group home manager who will assist oversight in this area. The substantial majority of incident reports were filed, and employees have been counseled for failing to adhere to reporting requirements.

The DJS investigator was fully aware of the May 13 incident and initiated an investigation. During the course of the investigation, the JJMU Monitor contacted the DJS investigator to ask about the status of the incident. Following conclusion of a thorough investigation DJS determined that the incident did not involve inappropriate staff conduct, and Child Protective Services ruled out child abuse.

The Juvenile Justice Monitoring Unit does not have access to the Colbourne Group Home in the DJS Incident Database. The Monitor must collect all Incident Reports from the Facility Administrator during site visits.

RECOMMENDATIONS

1. Complete fire alarm installation as soon as possible.
2. Complete a DJS incident report for all incidents that take place in the home.

DJS RESPONSE

The program acknowledges occasional problems with consistency of documentation, and has hired a group home manager who will assist oversight in this area. Employees have been counseled for failing to adhere to reporting requirements.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. The Program has not moved from the inadequate West Baltimore City property.

DJS RESPONSE

Mentor Maryland purchased a new property in Baltimore City that has already had its initial fire and health inspections. DJS has worked closely with Mentor Maryland on the re-location of the group home, which is expected to occur in October 2008.

2. Staff does not document or report all incidents.

DJS RESPONSE

The program acknowledges occasional problems with consistency of documentation, and has hired a group home manager who will assist oversight in this area. Employees have been counseled for failing to adhere to reporting requirements.

3. The Juvenile Justice Monitoring Unit needs to have access to Colbourne in the DJS Incident Reporting Database.

DJS RESPONSE

Colbourne is included in the DJS electronic Incident Database and is identified by the name of its parent company; DJS technology staff is establishing a separate identifier for Colbourne in the Database so that the JJMU will have ready access. In the interim, should the JJMU wish to receive paper copies of incidents, please advise.

4. A Behavior Management System has not been implemented.

DJS RESPONSE

Revision of the Behavior Management System is being finalized for implementation following feedback from DJS.

FACILITY UPDATE GUIDE CATONSVILLE SHELTER FOR BOYS

Issues Reported: Education
Safety/Security

Dates of Visits: May 13 and 27, June 9

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Education

The full time teacher resigned at the beginning of the second quarter. From that time, until the end of June, a full-time direct care staff who was not certified to teach filled in as the summer school teacher. On August 25, a new full-time certified teacher began work.

2. Safety/Security

Deadbolt locks were removed from the all bedrooms doors; however, each bedroom door still has a turn-button knob lock. The JJMU Monitor advised the director several times to remove all locks from the bedroom doors so that staff could monitor the youth at all times.

During the quarter, a youth locked himself in the room and AWOLed by jumping out of the window. Staff was unable to locate the keys in time to unlock the door.

RECOMMENDATIONS

1. All teachers in the GUIDE education program must be certified..

DJS RESPONSE

Guide Shelter actively recruited to fill the teacher position and hired a full time, certified teacher who began employment at the program on August 25. The program's teacher assistant served as substitute teacher from late April, when the teaching position was vacated, until the end of the school year in June.

The program does not employ any uncertified teachers. The Maryland State Department of Education approved the teacher assistant's serving as a substitute

teacher for a temporary period of time. The practice of teacher assistants serving as temporary teaching substitutes also occurs in the State's public school systems, and provided continuity for the girls in the shelter during recruitment to hire a teacher.

UNABATED CONDITIONS

1. Door locks should be removed from youth bedroom doors.

DJS RESPONSE

As noted by the JJMU, deadbolts were removed from youth bedroom doors. The remaining turn-button knob locks can be unlocked from the inside by the youth, and from the outside with keys that are required to be carried by staff at all times. In addition all administrative staff (Program Director, Assistant Program Director, and Residential Supervisor) has keys to all youth rooms. Removing the turn-button locks would mean that there would be no mechanism to keep the doors closed and secured. The Guide Shelter, and DJS through its program evaluation functions, will ensure that all staff consistently carry door keys as required by Guide's policy.

FACILITY UPDATE CHARLES HICKEY SCHOOL FOR BOYS

Issues Reported: Safety/Security
▪ Incidents
▪ Fire

Dates of Visits: April 1 and 22, May 6 and 15, June 1, 5, and 9, 2008

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Safety/Security

a. Incidents

The number of violent incidents increased slightly in the second quarter, but the number of seclusions significantly decreased. According to the Department of Juvenile Services (DJS) Incident Reporting Database, there were 67 Youth on Youth Assaults compared to 62 last quarter, and there were 6 alleged Youth on Staff Assaults compared to 5 last quarter. There were 5 incidents of seclusion compared to 15 last quarter.

b. Fire

In April, the fire alarm system at Hickey failed:

1. A portion of the alarm system was down, affecting communication between the living units and the gatehouse. If staff or youth activated the fire alarms on a living unit, they would sound inside the unit but would not communicate with the gatehouse, delaying the gatehouse staff's ability to contact emergency responders..
2. According to the State Fire Marshal, the smoke detectors in the living units were inoperable.
3. Sprinkler systems in the living units continued to function properly.

DJS RESPONSE

The heat detectors and the majority of smoke detectors on the units were operable. As described below, DJS immediately instituted a comprehensive action plan to ensure youths' safety while the system was in repair. The action plan was approved

by the Maryland State Fire Marshall and our federal fire safety expert for Hickey. The fire alarm system was restored to full operations and inspected and approved by the Maryland State Fire Marshall in late August 2008.

The Maryland State Fire Marshal directed Hickey to develop and implement a fire watch protocol and procedures, including conducting and logging perimeter checks. A roving staff was required to cruise the campus in a van and rotate between each living unit every 15 minutes. The roving staff was required to note the status of each living unit and radio the status of the unit into the gatehouse. During this period, regular fire drills were conducted on all units.

Staff members were required to conduct fire watch on each living unit on each shift, every fifteen minutes to a half hour, as long as there were youth on the unit. Perimeter checks of every room in the unit including offices, maintenance closets, bathrooms, and recreation areas were required, and each staff was required to have a radio and note the status of the checks in the logbook.

DJS RESPONSE

The Maryland State Fire Marshall directed that Hickey implement a fire watch but allowed the facility to develop the fire watch protocol and procedures, including conducting and logging perimeter checks. The Hickey Superintendent immediately issued a Facility Operating Procedure, and the fire watch procedures developed by Hickey were approved by the Maryland State Fire Marshall.

Throughout the quarter, the Monitor conducted weekly visits to the facility to ensure the safety of the youth. The Monitor conducted two midnight visits during the quarter to confirm whether Hickey staff were complying with fire watchman requirements.

During the 3:30 am visit on June 1, the Monitor visited all three living units and interviewed staff. The staff were unaware of the required watchman procedures for staff inside the units. All six staff (2 on each unit) told the Monitor that the roving van was the "fire watchman." Staff did not have knowledge of additional responsibilities beyond conducting general perimeter checks of the youth every 30 minutes. The Monitor observed and noted that the staff did not conduct additional room checks.

During the Monitor's 12:30 am visit on June 23, the Monitor interviewed staff about their watchman responsibilities. The Monitor noted the staff's inability to enter several offices (Case Managers, barbershop room, and maintenance closets) because they did not have keys to these rooms. One staff did not have a radio. Checks were not logged at all. At the end of the visit, the Monitor debriefed the Shift Commander and provided him with a debriefing form that

contained all findings regarding Hickey's non-compliance with the fire watch requirements.

DJS RESPONSE

Following the Monitor's visits to Hickey on the dates indicated above, the Superintendent informed the Monitor that an isolated problem resulted in some staff not having keys as required, and that this was quickly corrected. In addition he informed the Monitor that he would again review fire watch procedures with overnight staff, that facility administrators monitored implementation of the fire watch protocol on a daily basis, and that the CRIPA fire safety expert and the Department's Quality Improvement Unit had confirmed that all procedures were being implemented correctly when they had conducted on-site reviews at the facility.

The Department explained in a letter to Marlana R. Valdez, Director of the JJMU, on June 13, 2008 that, "The federal fire safety monitor visited Hickey on April 23rd and 24th. He indicated that though the equipment for the fire alarm system and master panel failed, appropriate action was taken when the failure was discovered. He saw all of the documentation for the fire watch procedure and also reviewed the systems themselves and interviewed staff. Though he indicated these kinds of problems would happen from time to time, especially in older facilities, he remarked that the facility handled it properly."¹ Hickey remained in substantial compliance with all requirements for fire safety incorporated in Maryland's Settlement Agreement with the United States Department of Justice and that reflect contemporary standards for fire safety in juvenile detention facilities.²

Hickey did not experience any problems with smoke or fire when the fire watch procedures were in effect.

Final repairs to the system were completed on August 14, and the State Fire Marshall approved the repairs in early September.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Additional security equipment should be purchased and installed, including surveillance cameras (living units, master, control, gatehouse, Peabody school hallways).

¹ Letter to Marlana R. Valdez from Donald W. DeVore, Secretary of DJS, dated June 13, 2008.

² The State of Maryland successfully exited the Settlement Agreement for Hickey and the Cheltenham Youth Facility on June 30, 2008.

DJS RESPONSE

Video surveillance is being installed in all youth cottages, the gym, the dining hall, the medical unit, Ford Hall and the Thurgood Marshall Administration building.

2. Walkie- talkies should be provided to all direct-care staff and managers.

DJS RESPONSE

The Department is procuring additional two-way radios. Hickey issues two-way radios during every shift briefing as needed to ensure that all staff has radios.

3. Incident Reports continue to indicate that incidents are not videotaped because “a video camera was unavailable.” Incidents must be videotaped consistent with Departmental policy.

DJS RESPONSE

Incidents are videotaped in accordance with Department policy. Please note that Department policy requires incidents to be videotaped unless videotaping “compromises the safety and/or security of the youth and/or employees.”³

4. Exit doors must be numerically labeled so staff and youth can easily identify exit points in the event of evacuation.

DJS RESPONSE

Maintenance will review the labeling of exit doors and take any corrective action needed.

5. Living units and sleeping areas should be kept clean; bathrooms should be painted and deodorized. Cracked light bulb covers should be replaced.

DJS RESPONSE

The living units and sleeping areas are kept clean through regular inspection and maintenance. Because Hickey is an older facility, floor tiles or other areas may appear dingy although they are actually clean. Maintenance and facility staff routinely conducts “walk through” observations of the facility to identify and

³ DJS Policy Number RF-05-07, Videotaping of Incidents, available at www.djs.state.md.us/policies.

address items requiring attention, including replacement of light fixtures that have minor cracks or other problems.

6. Community case managers should visit with the youth as required by DJS policy.

DJS RESPONSE

Facility Case Managers are assigned to every unit, and all youth have access to their case manger on a daily basis. The Department also requires that community case managers visit youth in detention. So that we can appropriately address this issue and respond more specifically, please provide names of youth you allege were not visited by their case manager as required by policy.

FACILITY UPDATE KARMA ACADEMY RANDALLSTOWN

Issues Reported: Aggressive Incidents
Dates of Visits: May 16 and June 9, 2008
Reported by: Philip Merson and Moira Lee, Juvenile Justice Monitors

AREAS OF CONCERN

1. Aggressive Incidents

Karma experienced an increase in Youth on Youth Assaults from 0 in the first quarter to 5 this quarter.

Two assault incidents involved one youth – in one case the youth choked another until he passed out. This Office recommended that the youth be removed from the program out of concern for the safety of other youth; however, he stayed in the program and committed another serious assault against a youth. The youth was later removed from the program when this Office forwarded an e-mail to DJS administration.

When questioned about why staff do not intervene in youth on youth altercations, administration at the facility advised, “We do not restrain youth.” Both incidents occurred quickly (the first assault last no more than 30 seconds), and staff did intervene, but not quickly enough to prevent the youth from passing out.

DJS RESPONSE

For clarification, the youth committing the assault had then been in the program for six months and had had no incidents of assault of any kind. The assault lasted no more than 30 seconds and one of the program’s counselors intervened to end the incident. The second incident also occurred for a few seconds, and the two staff supervising the youth did intervene.

The Director did inform the JJMU Monitor that the program does not use restraint, but at the same time also explained that the program intervenes in the event of an assault, as was done in both of the identified cases.

RECOMMENDATIONS

1. Staff should improve crisis intervention techniques to ensure youth are safe from assault. If Karma's policy is to accept violent youth, it must keep those youth under very close supervision to ensure they do not harm other youth.

DJS RESPONSE

While it is not clear specifically how the JJMU defines "violent youth," Karma Academy is prepared to serve challenging youth, including those with histories of assaultive behavior.

Karma Academy employees receive "TACT-2" crisis prevention and intervention training designed for staff working with youth with challenging behaviors and who have emotional and/or conduct disorders.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. DJS should promulgate standards for treatment of sex offenders based on the recommendations of the 2005 and 2007 Sex Offender Task Force Reports.
2. DJS should establish a position for Director of Treatment Services for Sex Offending Youth or appoint a person on staff to interface with providers and others on these issues.

DJS RESPONSE to Recommendations # 1 and 2

The Sex Offender Task Forces were established by DJS and we continue to actively assist providers, including Karma Academy, in implementation of its recommendations.

3. Karma should implement an evidence-based or nationally-recognized treatment model to use with sex offending youth.
4. DJS should promptly notify Karma staff of available training programs and provide space in training programs for Karma staff.

DJS RESPONSE to Recommendations # 3 and 4

The Karma Academy Program Directors and Clinical Therapists have all registered for "Treating the Forgotten Youth: Children and Adolescents with Sexual Behavior Problems," a nine-month Clinical Certificate and Advanced Training Program offered by the Mental Health Institute for Policy and Training. This training was

recommended to Karma Academy by DJS. The training provides professionals in the field with expertise in state-of-the-art clinical practices for working with youth who sexually offend. Additional information about the clinical certification training program is available on the DJS internet site, at www.djs.state.md.us/upcoming_events.html

The Karma Academy programs are currently aligned with the Pathways Model for treating and educating youth with sexual offenses, and utilize Positive Peer Culture/ EQUIP/ Aggression Replacement Training.

FACILITY UPDATE KARMA ACADEMY FOR BOYS (ROCKVILLE)

Issues Reported: Sex Offender Treatment Programming

Dates of Visits: April 29, May 27, and June 12, 2008

Reported by: Moira Lee, Juvenile Justice Monitor

There are no new issues to report at Karma, but unabated conditions regarding programming continue. Despite a stated willingness to improve the treatment program, Karma staff are not following the sex offender task force recommendations, have limited access to regional sex offender treatment training programs, and have not modified their treatment model.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. DJS should promulgate standards for treatment of sex offenders based on the recommendations of the 2005 and 2007 Sex Offender Task Force Reports.
2. DJS should establish a position for Director of Treatment Services for Sex Offending Youth or appoint a person on staff to interface with providers and others on these issues.

DJS RESPONSE to Recommendations # 1 and 2

The Sex Offender Task Forces were established by DJS and we continue to actively assist providers, including Karma Academy, in the implementation of its recommendations.

3. Karma should implement an evidence-based or nationally-recognized treatment model to use with sex offending youth.
4. DJS should promptly notify Karma staff of available training programs and provide space in training programs for Karma staff.

DJS RESPONSE to Recommendations # 3 and 4

The Karma Academy Program Directors and Clinical Therapists have all registered for "Treating the Forgotten Youth: Children and Adolescents with Sexual Behavior

Problems,” a nine-month Clinical Certificate and Advanced Training Program offered by the Mental Health Institute for Policy and Training. This training was recommended to Karma Academy by DJS. The training provides professionals in the field with expertise in state-of-the-art clinical practices for working with youth who sexually offend. Additional information about the clinical certification training program is available on the DJS internet site, at www.djs.state.md.us/upcoming_events.html

The Karma Academy programs are currently aligned with the Pathways Model for treating and educating youth with sexual offenses, and utilize Positive Peer Culture/ EQUIP/ Aggression Replacement Training.

FACILITY UPDATE LIBERTY GROUP HOME FOR BOYS

Issues Reported: Population
Grievance System

Dates of Visits: April 17, May 13, June 12, 2008

Reported by: Tanya Suggs, Juvenile Justice Monitor

AREAS OF CONCERN

1. Population

Liberty has not accepted DJS youth since January 2008. According to the Director, the youths referred by DJS did not fit the criteria for acceptance. The Monitor requested DJS referrals for review; however, the Director said she had discarded them. She keeps a log of all referrals but told the Monitor that she is not sure what agencies refer youth. The Monitor has provided a Monitoring Visit Debriefing Form to the Director recommending that she keep copies of all referrals.

2. Grievance System

The grievance form box is not secure. A DJS grievance box was recently installed. Due to the large size of the slot, youth are able to retrieve grievances from the box.

RECOMMENDATIONS

1. The Department should review the provider contract's referral and acceptance policy.

DJS RESPONSE

DJS and the provider jointly reach decisions on program acceptance. This collaborative process has worked very well and will continue. Referral and acceptance decisions generally involve consideration of many issues relevant to individual youth, including directives of the court.

2. The program should keep copies of all referrals.

DJS RESPONSE

The program's referral log includes identification of the source of referral, whether DJS or another agency.

3. The grievance box should be replaced with a box that contains a slot that is secure and tamper resistant.

DJS RESPONSE

The forms for filing grievances are contained in a folder directly above the grievance box, where they are easily accessible to youth. Though the grievance box is secure and youth have never tampered with it or attempted to remove grievances, the program will replace the box with one having a smaller opening.

FACILITY UPDATE NEW DOMINION SCHOOL

Issues Reported: Staffing
Incidents

Dates of Visits: April 29, May 1 and 16, June 3 and 16, 2008

Reported by: Tim Snyder, Juvenile Justice Monitor

AREAS OF CONCERN

1. Staffing

A number of staff recently left New Dominion. The Administrator, Assistant Program Director, two family workers, and the Admissions Director have all resigned. Two cooks, an overnight watchman, and one service person were laid off. Until these positions are filled, three staff from the company's headquarters in Huntsville, Alabama are rotating at New Dominion to provide administrative and programmatic support. Sufficient Direct Care staff are on board to provide coverage to the two groups.

2. Incidents

New Dominion has experienced a significant increase in incidents during this Quarter. "Acting out" behavior has been the primary cause of the increase in incidents. The DJS Database Summary Report shows that in the category "Inappropriate Conduct/Comments by youth, there was an increase from 6 in the 1st Quarter to 21 in the second Quarter. Total incidents increased from 15 in the 1st Quarter to 35 in the second Quarter 2008.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Some youth see their Community Case Managers on a monthly basis, but others do not. DJS Community Case Managers must meet with youth at the facility as required.

FACILITY UPDATE ALFRED D. NOYES CHILDREN'S CENTER

Issues Reported: Population
Safety and Security

Dates of Visits: April 28, May 6, 7, 13, June 10, 26, 2008

Reported and Visited by: Tim Snyder, Juvenile Justice Monitor

AREAS OF CONCERN

1. Population

The population increased from the approximately 30 in the first quarter to 60 by the end of the quarter. Three youth were in Pending Placement status for more than 60 days - for 97, 73, and 64 days. One youth with serious mental illness has been at Noyes since June 4th. Most youth are moved through the facility efficiently. This has been noted in previous JJMU reports. The average length of stay for youth at Noyes during the past year is as follows:

FY 08, 4 th Quarter -- 17
FY 08, 3 rd Quarter -- 17
FY 08, 2 nd Quarter -- 23
FY 08, 1 st Quarter -- 18

2. Safety and Security

a. Equipment and Fencing

Noyes lacks internal and external camera, monitoring/recording equipment, but during this quarter, DJS surveyed the facility interior and exterior in preparation for adding the needed capability.

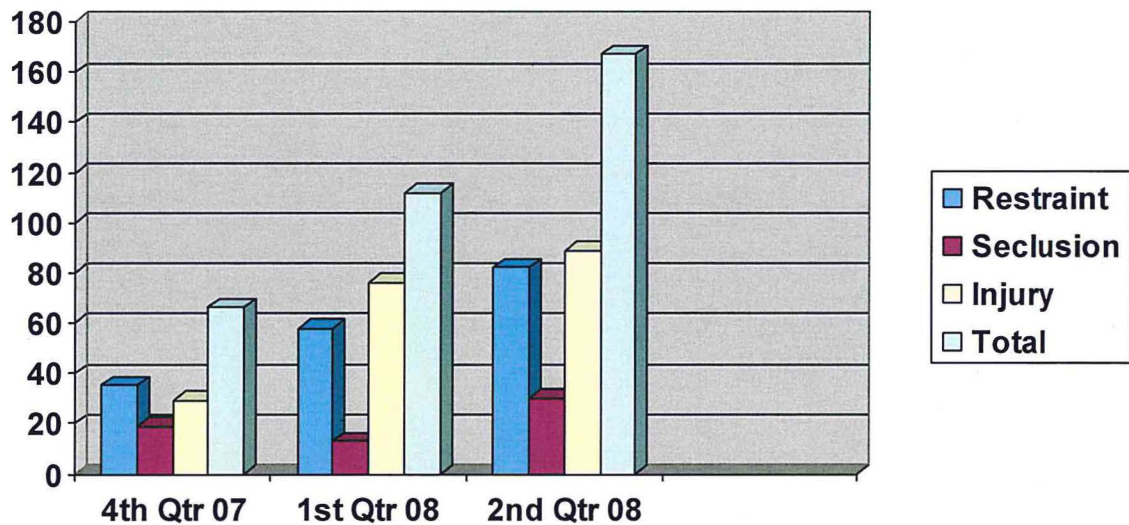
DJS has added no climb mesh to the existing fence. Youth sleeping rooms in the front of the building still need security fencing to keep outsiders from approaching the youths' windows.

DJS RESPONSE

The Department is examining solutions for the youth sleeping rooms in the front of the building.

b. Incidents

Aggressive incidents continued to increase at Noyes during this quarter as did serious youth injuries. During one altercation, a youth sustained a fractured jaw. In another altercation, a youth sustained a concussion. Youth on Youth Assaults peaked in June – the Superintendent reported that many of those incidents involved the same few youth. After the end of the quarter, in July, incidents returned to their pre-June levels.



Source: Department of Juvenile Services Incident Reporting Database.

Noyes continues to house a number of youth from outside Montgomery County. The mixing of youth from Baltimore, Washington, D.C., Prince Georges and other counties exacerbates group rivalries. Lack of space also makes it difficult to separate youth who are likely to have a conflict.

Staff members report that communication and teamwork among the staff continues to need improvement, and programming is not effective enough at this point to provide incentives for youth to cooperate within the facility.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Additional security and surveillance equipment should be installed, both inside and outside the facility, as reported previously.

DJS RESPONSE

Video surveillance equipment is being purchased and a site assessment next month will finalize camera locations. This project is expected to be completed by early 2009.

2. Noyes still needs a second Social Worker, a full-time Child Advocate, and a Psychologist.

DJS RESPONSE

DJS has consistently assigned a Child Advocate to Noyes who spends a considerable amount of time at the facility. DJS hired an additional Child Advocate, who is currently enrolled in Entry Level Training. On completion of training, the Child Advocate's primary assignment will be to Noyes.

The Department has conducted recruitment for an additional psychologist position for several months. Psychologists are difficult to recruit and we continue our efforts to fill the position.

3. Teachers consistently mention the need for more space to break into smaller classes and provide more individualized instruction. The Department has recognized this need by working to add an additional modular building to the Noyes school. This space should be added as soon as possible to ensure that youth can receive education services on "an individual or small group basis" as required by DJS Standards for Detention Facilities.

DJS RESPONSE

DJS is examining options to enhance the space available for educational services at Noyes but the JJMU Report is incorrect that existing space does not support individual and small group instruction as required by our detention standards.

The maximum class size at Noyes is 12 students, with one teacher and at times also an instructional assistant (in addition to residential staff). Special education services may be provided in the classroom setting or outside the classroom, and students may work individually or in groups of two or three with a teacher or clinician. DJS recognizes the very difficult work of teachers in detention facilities and will continue to actively pursue options to expand space for the Noyes school.

4. The medical unit should be expanded. It lacks a bathroom (for gathering specimens), an infirmary room for sick youth, and adequate storage space.

DJS RESPONSE

The DJS Medical Director, who is regularly at Noyes, confirms that the existing medical unit supports the provision of all routine medical care for Noyes youth. If youth need to be housed in an infirmary, they are transferred to a DJS facility that is so equipped. Nurses utilize a bathroom in very close proximity to the medical area. To improve efficiency, an additional examination room will be added to the medical unit by the end of this calendar year.

5. Facility maintenance projects already reported should be addressed – registers, floor tiles in sleeping rooms, and generator.

DJS RESPONSE

The register project will begin in early September and is expected to be completed by November. The Maryland Department of General Services has completed the design requirements for the generator and projects completion in six to nine months.

FACILITY UPDATE SYKESVILLE SHELTER FOR GIRLS

Issues Reported: Aggressive Incidents
Facility Maintenance and Repairs

Dates of Visits: May 23 and June 5, 2008

Reported by: Philip Merson, Juvenile Justice Monitor

AREAS OF CONCERN

1. Aggressive Incidents

According to the Department of Juvenile Services Incident Report Database, there were no aggressive incidents at the Sykesville Shelter for this past quarter.

2. Failure to Report Incident

The Maryland State Police completed a report on the theft of a staff's \$1500.00 bracelet at the facility on April 22, 2008, but no report was completed or entered into the DJS Incident Reporting Database. The State Police report (08-56-011629) said that Police searched the entire facility and grounds and questioned all youth. An Incident Report should have been completed – even if to report “Law Enforcement Officer on Grounds.” DJS was notified of the failure to report on July 24.

DJS RESPONSE

A staff member did report to the Maryland State Police that her bracelet was missing. She could not recall whether she had actually worn the bracelet to work, but when she noticed it was missing she asked staff and youth to help her look for it. The employee never accused any youth or staff of stealing the bracelet. The State Police responded to the staff member's report but never came into the Shelter, and they did not question any youth or staff. The staff reporting the missing bracelet was questioned off grounds. She considered this a private matter, unrelated to her employment at the Sykesville Shelter or to any youth or staff, therefore an incident report was not filed with DJS.

3. Maintenance

The driveway still has not been repaired as promised by DJS.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. The driveway at the facility has posed a health and safety risk for several years and should be repaired.

DJS RESPONSE

DJS awarded a contract for repair of the hole in the driveway but the vendor was non-responsive. The Facility Maintenance and Procurement units are preparing to award the project to the next responsive bidder and the work is expected to be completed within 45 days.

RECOMMENDATIONS

1. DJS must ensure facilities are completing Incident Reports as required.

DJS RESPONSE

The missing bracelet was a private matter and therefore not reported to DJS. If this recommendation relates to other incidents, please provide that information so that we can respond.

FACILITY UPDATE THOMAS O'FARRELL YOUTH CENTER

Issues Reported: Interagency Agreement for Child Abuse
Aggressive Incidents
Youth Placements

Dates of Visits: April 28, June 2 and 13, 2008

Reported by: Philip Merson, Juvenile Justice Monitor

AREAS OF CONCERN

1. Interagency Agreement for Child Abuse

The Interagency Agreement for Reporting and Responding to Child Abuse between Thomas O'Farrell (TOYC), the Carroll County Department of Social Services, Maryland State Police, Carroll County Sheriff's Department, Department of Juvenile Services, Carroll County States Attorney's Office and this office was signed on April 28 and placed into effect on June 8, 2008.

2. Aggressive Incidents

According to the Department of Juvenile Services Incident Reporting Database, O'Farrell experienced an increase in Youth on Youth Assaults this quarter (from 14 to 18). Alleged Physical Child Abuse incidents remained consistent at 2 last quarter and 2 this quarter while Physical Restraints increased slightly from 5 last quarter to 6 this quarter. Youth on Staff Assaults decreased from 3 last quarter to 1 this quarter.

Maryland State Police completed 10 assault investigations and 2 child abuse investigations at the facility this quarter.

The Nurses' Reports of Injury log for May revealed 8 incidents of Youth on Youth Assaults and Restraints that resulted in injuries. The injuries included a head injury/concussion, a severe leg injury, bloody noses, eye injuries, sore necks, a cut nose, injured mouths, and hand/elbow injuries.

3. Youth Placements

Youth continue to be inappropriately placed at Thomas O'Farrell. In January, 2008, a mental health evaluation for a youth with a history of abuse victimization and extensive runaways recommended placement in a secure residential treatment center after wraparound services and several in-state

placements had failed. Nevertheless, the youth was placed at Mountain Manor, an unsecure treatment center, and after he AWOLED, at O'Farrell.

The youth AWOLED from O'Farrell as well. He was later discharged from O'Farrell for his involvement in an altercation and is currently at the Baltimore City Juvenile Justice Center awaiting out-of-state placement. JJMU can identify the youth in discussion with DJS.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Thomas O'Farrell must reduce the violence and injuries at the facility.

DJS RESPONSE

Thomas O'Farrell focuses on reduction of youth aggression and injuries on an ongoing basis. The program has assigned additional direct care staff to ensure appropriate youth supervision.

2. DJS must ensure youth who are referred to TOYC are appropriate for the program.

DJS RESPONSE

DJS and Thomas O'Farrell jointly reach decisions on program acceptance. This collaborative process has worked very well and will continue. Referral and acceptance decisions generally involve consideration of many issues relevant to individual youth, including directives of the court.

In order for DJS to look into and provide information about the specific situation referenced in the JJMU Report, please contact us with additional information.

3. TOYC property and buildings belong to the State of Maryland; therefore, DJS must continue to maintain, refurbish and rebuild the physical plant.

Numerous reports of the Juvenile Justice Monitor have discussed the unacceptability of the infirmary space at TOYC. The 2nd Quarter, 2007 pictorial report documented the infirmary's cramped space, lack of privacy, and dual use as an office. See http://www.oag.state.md.us/JJMU/Comp0407_0607/2nd%20Quarter%20Final.pdf (Thomas O'Farrell Medical Office and Examination Room).

An acceptable infirmary/medical suite must be built immediately.

FACILITY UPDATE VICTOR CULLEN YOUTH CENTER

Issues Reported: Aggressive Incidents
Programming
Community Case Manager Visits
Staff Certifications

Dates of Visits: April 8, May 8 and 22, June 17, July 3 and 17, 2008

Reported by: Philip Merson, Juvenile Justice Monitor

AREAS OF CONCERN

1. Aggressive Incidents

This Office issued a Special Report on an Escape/Assault/Robbery that occurred on June 16. The report recommended changes in the staffing pattern, staff and facility alarms, and facility surveillance system, upgrading of the community notification system and better collaboration with surrounding law enforcement entities to prevent and manage future escapes and attempts. (The report is available on www.oag.state.md.us/jjmu.)

DJS RESPONSE

DJS completed corrective actions following the June 16 escape. Two staff are assigned to each cottage on the overnight shift along with a rover and control room operator. The video surveillance system is now functional with a total of 91 cameras on campus, the fence sensor system is fully operable, and additional no-climb fencing has been added to the existing fence along with razor ribbon. A new siren system was purchased and full operation is expected within the next two weeks. The community alert system has been updated to include all local law enforcement agencies, and the Maryland State Police added all local law enforcement agencies to their CAD system for immediate notification in the event of a facility emergency.

According to the DJS Incident Reporting database, aggressive incidents at Victor Cullen declined significantly in this quarter. Alleged Youth on Youth Assaults decreased from 10 during the first quarter to 6 this quarter. Youth on Staff Assaults decreased from 7 last quarter to 4 this quarter. Alleged Physical Child Abuse incidents remained consistent at 1 last quarter and 1 this quarter while Physical Restraints decreased from 23 last quarter to 13 this quarter. There were no group disturbances reported.

A DJS investigative report from the Office of Investigations and Advocacy dated April 2, sustained Unnecessary Use of Force and other violations of policy against staff for an alleged child abuse that occurred in March.

Maryland State Police statistics indicated there were two criminal investigations (1 assault and 1 escape/robbery/assault) at the facility for this past quarter compared to three (assaults) last quarter.

2. Programming

The Victor Cullen rehabilitative program continues to be a work in progress. The new Clinical Director appears to be a dedicated professional and is working on a number of programming initiatives. Nevertheless, Victor Cullen still lacks a cohesive evidence-based therapeutic and rehabilitative program. (See main body of report.) Some additional Case Managers have been hired, but additional therapists are needed. One staff member reported that there were "very few mental health group sessions" at the facility beyond the Positive Peer Culture (PPC) meetings. Staff continue to be trained in the PPC program model.

The Pre-Apprenticeship Program launched this quarter served 11 youth between May through July. Primarily, youth gave very positive reports on the program. One youth interviewed requested more hands-on training, and one staff member reported that youth were observed sleeping through classes in the program.

Unfortunately, the Department does not plan to repeat the Pre-Apprenticeship Program until late winter or spring, 2009, and it is unclear whether the program will be offered again at Victor Cullen or at the Youth Centers. The Department has not provided reasons for the delay in repeating the program.

The Maryland Department of Natural Resources (DNR) and 10 youth from Victor Cullen collaborated in a 1-day forest reforestation project at Cunningham Falls State Park on April 29. DNR reported that the event was very successful, but there have been no follow-up or additional sessions with Victor Cullen youth.

Several youth who have completed the program said that the cooking and hands-on opportunities to do maintenance (not part of the Pre-Apprenticeship Program) were very helpful to them. However, they complained that the work programming was very unstructured and inconsistent.

Administrators at the facility advised there are plans to implement horticulture and music programs at the facility.

3. Community Case Managers

Several youth complained that their Community Case Managers were either not visiting them at the facility or failing to properly coordinate their release from the facility. The Facility Case Manager verified that the Community Case Manager for a youth from the Eastern Shore had not visited as required. A second youth from Baltimore City did not have a clear release date because his Community Case Manager had not been involved. When JJMU reported the youth's and parent's concern to the Regional Director, the youth received a release date.

DJS RESPONSE

Facility and community case managers had been in contact to establish a release date for the youth identified above, but the court would not establish a release date until the youth's application for financial aid to attend a vocational school was approved. The JJMU may have contacted the community case manager but this communication was not the reason that a release date was established.

4. Staff Certification

On May 8, only 33 of the 52 (63%) mandated direct care staff had received the required training. At present 74% of Victor Cullen staff is provisionally or fully certified – provisionally certified staff have either not completed training, are not fully certified, and may not work with youth unless fully certified staff are present. A full-time Training Coordinator has been hired at Victor Cullen to ensure that staff meet training requirements. Two special education teachers were hired.

DJS RESPONSE

DJS continues to provide entry-level and annual training programs to ensure that all mandated Victor Cullen staff meets MCTC requirements within required timeframes. Entry-level and annual training is offered throughout the year, and the percentage of certified staff increases as training is completed. The JJMU Report suggests that the Victor Cullen Training Coordinator was hired recently, but the facility has employed a full-time training coordinator for 10 months.

RECOMMENDATIONS

1. DJS must continue to focus on the safety and welfare of youth by preventing security breaches (June 16 escape) and inappropriate staff conduct (April 2 investigative report sustaining Unnecessary Use of Force allegation against staff member.).

DJS RESPONSE

DJS focuses intensively and consistently on the safety and welfare of youth. As was the case regarding the two Victor Cullen incidents cited in the JJMU Report , DJS consistently and vigorously enforces our Standards of Conduct through on-site supervision, internal review by our Investigations Unit, and as applicable referral of allegations of misconduct to the appropriate authorities. The Department's investigators work closely with Department of Human Resources Child Protective Services and law enforcement agencies to ensure child abuse and other investigations are completed promptly and effectively.

2. A coherent and evidence-based rehabilitative program should be implemented.

DJS RESPONSE

The Victor Cullen treatment model has been fully implemented. Victor Cullen phased in and strengthened implementation of the EQUIP treatment model in its first months of operation, while continuing to hire and train direct care staff and clinicians and to increase the number of youth served in the facility.

EQUIP assimilates the social skills training, anger management, and moral education components of Aggression Replacement Training (ART) into a modified Positive Peer Culture program. In other words, EQUIP is PPC plus ART. All facilities that have been trained in the EQUIP model are currently using ART. The EQUIP approach includes training in moral judgment, anger management, correction of thinking errors and pro-social skills. Youth involved in the EQUIP training program participate in two types of group sessions - Equipment Meetings (in which the leader teaches specific skills) and Mutual Help Meetings (in which the leader coaches students as they use the skills they've learned to help each other).

One of the components of EQUIP, Aggression Replacement Therapy, is identified as an effective practice by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Washington State Institute for Public Policy. EQUIP is also included in the Handbook of Adolescent Behavioral Problems: Evidence-based Approaches to Prevention and Treatment (2005).

3. Vocational programming should be consistent and offered to all youth. Departmental follow-up with youth completing programs such as the Pre-Apprenticeship Program is essential and should be offered in youth's home communities.

4. The Department should open a more public dialogue regarding difficulties in rescheduling the popular Pre-Apprenticeship Program.

DJS RESPONSE

The JJMU is insinuating difficulties where none exist. Rather than experiencing difficulties, the Department continues to experience complete and enthusiastic cooperation from union officials and Department of Labor, Licensing and Regulations staff. The Department has discussed the Victor Cullen Pre-Apprenticeship Program in a variety of public forums and has responded to many inquiries. As this is, to our knowledge, the first program of its kind in the country, we welcome the very positive attention that the program has generated.

A fall program was not possible for the Union Training Directors and Facilitators that conducted the 80-hour core curriculum, and the program is being offered in March 2009 to accommodate their schedule.

Eleven youth completed the inaugural Pre-Apprenticeship program with participation of 25 instructors from 18 Unions or Union Affiliated organizations who together delivered 84 hours of industry-recognized instruction in Building Trades, and hosted three half-day Trade Center Visits to Baltimore and Washington DC area apprenticeship programs. Additionally, youth received 12 hours of jobs skills training, including resume preparation and interviewing skills and Victor Cullen staff provided an additional 27 hours of math review and related activities in support of the program.

Participating youth received three college credit hours from the National Labor College, and eligibility for direct entry into many Union Apprenticeship Programs, and certificates for completion of CPR /First Aid and OSHA training. Each youth also earned a \$150 stipend.

A celebration was hosted by the National Labor College and attended by Secretary DeVore and Secretary Tom Perez of the Department of Labor, Licensing and Regulation (DLLR), who read the positive testimonials of youth to the assembled youth, families and staff. Follow up with youth includes communication with field case managers, mentoring, and further educational and work opportunities. Plans are underway by DJS, DLLR and the unions to begin a second program session.

A newspaper article, "Eleven Youth Graduate from the Nation's First Pre-Apprenticeship Program," provides additional information and is available on the DJS website.

5. Community Case Managers must visit youth as required and collaborate with Facility Case Managers to develop comprehensive aftercare plans. Youth should be involved in developing these plans and should understand their legal and release status.

DJS RESPONSE

The Victor Cullen Superintendent explained that while there may be isolated cases in which contact with Community Case Managers does not occur according to Departmental policy, Community Case Management involvement has been very good. Most case managers attend monthly progress reviews for each youth and transport parents/guardians to the facility.

6. All staff must complete required training.

DJS RESPONSE

DJS dedicates considerable resources to professional development including an ongoing training program to ensure all Victor Cullen staff complete required training. The number of ELT sessions held in Western Maryland has increased and Victor Cullen staff needing to complete Entry Level Training has been scheduled to attend prior to the end of this calendar year.

7. Additional certified therapists and counselors should be hired.

DJS RESPONSE

Victor Cullen is recruiting for two additional clinicians.

It is important to emphasize that all youth at Victor Cullen receive treatment services in accord with their assessed needs. Therapists provide EQUIP meetings, additional clinical group meetings, and individual therapy.

FACILITY UPDATE THOMAS J.S. WAXTER CHILDREN'S CENTER

Issues Reported: Escapes
Gender Responsive Training

Dates of Visits: April 4, May 5 and 29, June 6, 19, 23, 26 and 30,
2008

Reported by: Moira Lee, Juvenile Justice Monitor

AREAS OF CONCERN

1. Escapes

Four girls escaped from Waxter this quarter. Investigations of both incidents resulted in sustained violation of procedures by staff.

On April 17, 2008 three youth escaped when staff took the girls to an unsecured location for outside leisure time. Involved staff members were disciplined for their actions. On June 21, 2008 a fourth girl escaped from Waxter – she is 12 years old. The youth hid in the bathroom while staff took the other youth inside. Staff reported that no one noticed the youth was missing until nursing staff came to administer medication. The written reports do not reflect this information.

DJS RESPONSE

The June 12 Incident Report completed by Waxter and included in the DJS Incident Database (Incident Report #64847) provides information about when and how staff identified that a youth was missing, and also the immediate actions taken in response.

After the second escape, the facility began securing the fencing. The girls remained on their units for nine days while construction on the fencing took place.

All four youth were eventually located and returned to DJS custody.

DJS RESPONSE

The JJMU Report indicates that the four youth were “eventually” located, leaving the impression that they may have been AWOL for an extended period of time. Of the three youth involved in the AWOL on April 17, two were apprehended within

two hours and one within three days. The youth involved in the June 12 AWOL was apprehended within 12 hours.

2. Gender Responsive Training

Twenty out of 77 employees at Waxter have attended gender responsive training courses offered through the Department of Juvenile Services. Staff response to the program was both positive and negative. The next training has not been scheduled, but the Department said it anticipates offering another course in September. The course is open to all DJS employees working with girls, so the number of staff eligible to attend the training from Waxter will be limited.

DJS RESPONSE

The Department continues to schedule Gender Responsive Certification Training Programs, and the next session will begin in October 2008. At the end of the JJMU's Second Quarter reporting period, 49 of 77 Waxter staff had completed gender responsive training through completion of the Gender Responsive Certification Program and/or "Growing Girls for Greatness" courses.

RECOMMENDATIONS

1. Ensure appropriate staff supervision of youth.

DJS RESPONSE

The Department has in place and enforces policies and procedures to ensure appropriate staff supervision of youth, and would take appropriate action in any instance in which staff fail to exercise their responsibilities.

2. Provide further training to ensure that staff know facility procedures and policies.

DJS RESPONSE

The Department ensures that staff training in facility procedures and policies is provided and reinforced on an ongoing basis as needed.

3. Increase the frequency of gender responsive training courses. Ensure that all Waxter staff are trained.

DJS RESPONSE

The Department has scheduled another Gender Responsive Certification Training Program to begin October 2008 and will continue to support this training, which has proven to be well received by staff. The Department provides other gender responsive training opportunities. For example, DJS is sponsoring registration for staff to attend an upcoming "Girls and Aggression" conference hosted by the Urban Leadership Development Institute.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

1. Continued inappropriate placement of youth in the program.

DJS RESPONSE

So that DJS may appropriately respond, please provide information about the basis for the assertion that youth are inappropriately placed at Waxter. For example, what youth does the JJMU believe have been placed inappropriately, and how was the placement inappropriate for these youth?

FACILITY UPDATE WESTERN MARYLAND CHILDREN'S CENTER

Issues Reported: Aggressive Incidents
Staffing

Dates of Visits: May 8 and 30, June 3 and 16, 2008

Reported by: Philip Merson and Tim Snyder, Juvenile Justice Monitors

AREAS OF CONCERN

1. Aggressive Incidents

According to the Department of Juvenile Services Incident Reporting Database, Western Maryland Children's Center experienced a decrease in aggressive incidents during the second quarter. Alleged Youth on Youth Assaults decreased from 8 during the first quarter to 7 this quarter. Youth on Staff Assaults decreased from 4 last quarter to 3 this quarter. Alleged Physical Child Abuse incidents decreased from 3 last quarter to 2 this quarter and Physical Restraints decreased from 26 during the first quarter to 20 this quarter. WMCC did not use seclusion during the second quarter.

Maryland State Police conducted 7 criminal investigations (6 assault and 1 child abuse) this quarter compared to 13 in the first quarter of the year (11 assaults and 2 child abuses).

2. Staffing

During a visit on May 30, there was an observed shortage of certified staff working at the facility. The Shift Commander noted that 5 staff were "shadowing" other staff because their background checks had not been completed. Uncertified staff should not be counted in staff:youth ratios. There was also a 1.0 position shortage in the medical section. A nurse has since been hired to fill this position.

DJS RESPONSE

The WMCC did not have a shortage of certified direct care staff in the facility on May 30 and in fact the facility exceeded the number of staff required to meet ratios for youth supervision.

As a general practice, new staff who have not yet completed certification requirements would "shadow" experienced staff but would not be counted in coverage for the purpose of meeting staff:youth ratio requirements.

Note that there is no documentation in the supervisor log, control log, or through a debriefing form that a JJMU Monitor visited the facility on May 30, 2008.

During the JJMU reporting period, WMCC had a 1.0 vacancy in a nursing position. Although nurses are difficult to recruit throughout Maryland and nationally, the Department aggressively recruited and has hired a nurse to fill this position.

CONDITIONS UNABATED FOR MORE THAN 30 DAYS

DJS RESPONSE

As noted in the Department's previous responses to JJMU Reports, DJS has made several changes to shorten the time to provisional and full MCTC certification. DJS purchased and uses electronic LiveScan fingerprint technology, reducing the number of rejected prints and shortening the time for receipt of results. In addition, DJS now requires that physical exams and proof of education be submitted prior to hire. DJS has also increased the number of Entry Level Training sessions offered in the Western Maryland Region (and throughout the State).

As of June 30, 2008, the end of the JJMU Second Quarter reporting period, 25 staff at WMCC were fully certified, 12 staff were provisionally certified and one staff was not certified and has since resigned. Several of the provisionally certified staff recently completed ELT, one of the requirements for full certification.

1. Noise dampening materials should be installed on the units, the fencing should be completed for safety and security purposes and the vitreous china fixtures should be replaced with stainless steel.

DJS RESPONSE

The Department is examining a noise dampening solution for the units. The fencing project is in the final stages of procurement (currently on E-Maryland Marketplace)