



**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

2017 SECOND QUARTER REPORT

The Maryland Juvenile Justice Monitoring Unit (JJMU)

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

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

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

JJMU 2017 Second Quarter Report Compendium

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of 2017 second quarter reports from the Maryland Juvenile Justice Monitoring Unit. This report compendium provides data and analysis concerning treatment of and services provided to youth in DJS directly run and licensed facilities throughout Maryland.

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

The JJMU 2017 Second Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder and Eliza Steele. Thanks to Taran Henley, Terri Jarman, Fritz Schantz, and Maria Welker for technical assistance.

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

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

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



NICK MORONEY
Director

STATE OF MARYLAND
JUVENILE JUSTICE MONITORING UNIT

September 2017

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

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

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

Members of the General Assembly

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

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

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

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

The Maryland Department of Juvenile Services (DJS/the Department) is committing to increasing the use of diversion programs and resources closer to youth home communities in its work to continue reducing the number of securely detained and securely committed youth. These efforts are crucial to improving and reforming the juvenile justice system in Maryland and should continue to receive support from stakeholders across the State.

For those youth who are out-of-home in the deep end of the Maryland juvenile justice system, access to therapeutic programs that support holistic rehabilitation is key. The Department

needs to move with more alacrity in realizing a stated intent to provide comprehensive evidence-based and trauma-informed programming in DJS facilities. Additionally, the Department's Challenge behavior modification system has yet to be replaced although it is not evidence-based or trauma-informed. Challenge actually creates barriers rather than helping provide impetus for progress for many youth.

The Department is also interested in furthering family engagement for youth in the deep end of Maryland's juvenile justice system and such engagement is another critical component in developing a more therapeutic approach in DJS facilities. Youth in secure detention and secure committed placement consistently voice their feelings about the important role that family contact plays in helping them cope during a stressful and challenging time in their lives. The Department has started work on broadening family access for incarcerated youth but needs to take two basic steps to support youth who are out-of-home: increase the allowance and duration of phone calls and expand visitation privileges.

Finally, the Maryland State Department of Education (MSDE), which is responsible for education services in DJS facilities, needs to ensure that it has the resources to fulfill its obligations to students in the juvenile justice system. Students should not be subject to truncated school days, shortcomings in core curriculum delivery and a lack of vocational and technology-related opportunities because of MSDE staff retention issues, resource limitations and budget woes.

In conclusion, much remains to be done before we can claim to be doing right by some of our State's most vulnerable youth.

Respectfully submitted,

Nick Moroney

Nick Moroney
Director
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh
Chief Deputy Attorney General Elizabeth Harris
Deputy Attorney General Carolyn Quattrocki
Ms. Christine Buckley, Treasurer's Office
Deputy Secretary Linda McWilliams, Mr. Karl Pothier and Mr. Jay Cleary, DJS
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Secure Detention Centers

Short-term, pre-disposition/pending placement

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

Committed Placement Centers

Long-term, post-disposition

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

Incident and Population Trends

Second quarter 2017 population and incident trends versus the same time last year:

- ✓ Average daily populations (ADP) of youth decreased at CYDC, Hickey, and LESCC secure detention centers and in committed placement at the four youth centers.
- ✓ Fights and assaults decreased at LESCC secure detention center and at Carter committed placement center.
- ✓ Physical restraints decreased in secure detention at Hickey and LESCC.
- ✓ Mechanical restraints were not used inside the Carter committed placement center. The use of mechanical restraints decreased in secure detention at BCJJC, CYDC, and Hickey.
- ✓ The use of seclusion decreased in secure detention at Hickey, Noyes and WMCC and at Victor Cullen committed placement center.
- Average daily population (ADP) increased in secure detention at BCJJC, Waxter, Noyes, and WMCC. ADP also increased in committed placement at Victor Cullen, Carter, and SOA.
- Fights and assaults increased in secure detention at BCJJC, CYDC, Hickey, Noyes, Waxter, and WMCC and in committed placement at Victor Cullen and SOA.
- Physical restraints increased in secure detention at BCJJC, CYDC, Waxter, Noyes, and WMCC and in committed placement at Victor Cullen, Carter, SOA and the four youth centers.
- Mechanical restraints increased in secure detention at Waxter, Noyes, WMCC, and LESCC and in committed placement at Victor Cullen and the four youth centers.
- Seclusion increased in detention at CYDC and Waxter.
- There were 115 incidents of suicide ideation and 20 incidents of self-injurious behavior at DJS-operated facilities during the quarter. Incidents of suicide ideation have risen by 50% compared to the second quarter of 2016.

COMMITTED PLACEMENT CENTERS

Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a maximum security committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth represented 65% of total entries during the second quarter of 2017, compared to 77% during the same time last year. Hispanic/Latino youth represented 6% of youth entries, compared to 7% last year.

Victor Cullen – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	34	24	31
1. Youth on Youth Assault/Fight	16	6	15
2. Alleged Youth on Staff Assault	4	3	3
3. Physical Restraint	30	29	57
4. Use of Handcuffs and/or Shackles	27	28	44
5. Seclusion	11	18	13
6. Contraband	0	0	1
7. Suicide Ideation	6	1	15
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	0	2

Average daily population during the second quarter of 2017 increased by 29% compared to the same time frame in 2016. Comparing the same two periods, fights and assaults increased by 150%, physical restraints increased by 95% and the use of mechanical restraints increased by 57%. Seclusions decreased by 28%. There were fifteen incidents of suicide ideation and two instances of self-injurious behavior during the second quarter – both categories increased compared to the same time last year.

Treatment Programming: “Staff come up and tell me they will take a point and it doesn’t make me want to stop what I am doing.”¹

Victor Cullen continues to lack a cohesive treatment program and a therapeutic culture. Aside from increased mental health services and some off-grounds activities, including home passes, the framework at Victor Cullen closely mirrors DJS-operated detention centers. Staff at Cullen implement the same points and levels behavior management system – Challenge -- which controls youth-staff interactions and determines youths’ lengths of stay. Many youth placed at Victor Cullen have already completed placement at or been ejected from the youth centers where Challenge is also the primary programmatic component.

Challenge is not evidence-based and, although 75% of youth in the juvenile justice system have experienced traumatic victimization,² Challenge is not trauma-informed. Staff at Victor Cullen received a supplemental training about trauma, but they were not instructed in concrete skills to be employed in their interactions with youth. Consequently, Challenge continues to be the primary force that guides staff-youth interactions.

Under the Challenge system, youth earn points and levels based on their compliance with a common set of behaviors, rather than their progress towards achieving an individualized goal. Challenge requires staff to employ a uniform response to a variety of behaviors that may be rooted in different underlying issues depending on the youth, which further limits the opportunity to provide individualized care. Additionally, the uniform response that Challenge prescribes is not therapeutic. Rather than process with youth to address factors that underlay difficult behavior, Challenge instructs staff to issue verbal prompts, warnings, and then direct youth to stand in a certain location for ten minutes. If the youth does not respond to any of these commands, staff can issue a behavior report that typically includes revocation of certain privileges but can also result in demotion of youth to earlier stages of the program, triggering a longer stay away from home. As a result, youth can feel discouraged or defeated by consequences that seem disproportionate to the behavior they displayed, or overly harsh compared to what they are offered as incentives. This dynamic can impede the development of a positive treatment culture because the staff response is often perceived as punitive, rather than supportive and constructive.

In the absence of comprehensive and ongoing training in the operation of a cohesive treatment program, staff are not necessarily prepared to model and promote certain behaviors that are critical to positive development among youth, such as self-regulation.³ According to experts in trauma and juvenile justice, staff modeling is among the most important and effective methods for helping youth in residential juvenile justice facilities to cultivate self-regulation and other important skills.⁴

¹ A number of sections begin with youth comments from Victor Cullen during the reporting period.

² David Finkelhor et al., Office of Juvenile Justice & Delinquency Prevention Programs, Poly-victimization: Children’s Exposure to Multiple Types of Violence, Crime, & Abuse (2011).

³Ford, J. and Blaustien, M. “Systemic Self-Regulation: A Framework for Trauma-Informed Services in Residential Juvenile Justice Programs.” Journal of Family Violence. October, 2013. Available at: http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf

⁴Ibid.

However, Challenge does not incorporate these concepts and some staff who are confronted with difficult youth behaviors may rely on physical interventions like restraints, rather than modeling self-regulation through verbal processing or other de-escalation techniques. In incident 143448, a youth was upset about not receiving a phone call the night before. The next morning, the youth was still upset and he pulled the fire alarm. A supervisor instructed staff to take the youth to the Intensive Services Unit (ISU - described on page 7). However, the youth was refusing to leave the area and was trying to get into the dining hall. A staffer was blocking the youth from entering the room but the youth continued trying to get past the staffer. The youth pushed the staffer and the staffer then wrapped his arms around the youth's upper body from the front, turned to the side and took the youth down to the floor onto his back. The staffer landed on top of the youth who began punching the staffer. Other staff responded and the youth was restrained. The staffer who was originally involved moved away, "visibly upset and appear[ed] to punch the door as [he walked] out" while other staff put the youth on his stomach and applied handcuffs.

The Department should replace Challenge with a therapeutic, trauma-informed program that complements treatment services and promotes individualized care. Staff should receive training and support to implement the program and model important skills, including self-regulation, that are integral to trauma-informed care.

Treatment Elements: "It is not rehabilitative here. We don't do groups and I am mad every day."

In addition to overhauling the controlling program, DJS should enhance the following discrete treatment components:

ANGER MANAGEMENT - As mentioned above, there were increases in incidents involving aggression during the quarter. Youth at Victor Cullen participate in an anger management group that is not evidence-based.⁵ The group, START, instructs youth to seek coping mechanisms such as watching television, listening to music, or taking a walk. However, these skills are not actually available to youth because they are not allowed to have personal music players, can only watch television at certain times, and do not have access to enough staffers to accompany them on a walk. When asked about the group, a youth stated, "We need real help with anger." The Department should introduce evidence-based anger management groups at Victor Cullen.

RESTORATIVE JUSTICE - The introduction of regular community conferencing services at Victor Cullen is a positive addition that should continue and be expanded. With the help of experts in conflict resolution, Victor Cullen staff are holding weekly mediation sessions for youth involved in disputes or fights. A community dialogue circle component is being developed with mental health counselors who meet with each living unit biweekly. These programmatic elements should continue and be incorporated into the framework of the overall program so that youth and staff can benefit from restorative justice practices on a consistent basis.

⁵ More information is available at: <https://www.behavioralinstitute.org/training--start.html>

NORMALIZATION - Regular community interaction fosters a normalized environment for youth and can build decision-making, problem-solving, and leadership skills.⁶ During the quarter youth expressed interest in off-grounds activities such as community service programs, swimming, and camping. One youth stated, "We need more activities...off-grounds things like bowling and museums, normal stuff." Youth have been increasingly participating in home passes and DJS should ensure Victor Cullen has enough GPS units (which youth are required to wear during weekend home passes) to accommodate the increased number of youth going home on the weekends. Administrators at Cullen and DJS headquarters should facilitate youth engagement in community-based activities to promote a normalized environment and self-image for youth at Cullen.

FAMILY ENGAGEMENT - Family contact is associated with decreased recidivism rates, enhanced academic performance, and improved mental health for youth in juvenile justice facilities.⁷ However, Victor Cullen is located in Frederick County and its distance from most youths' homes⁸ makes visitation difficult for many families, particularly those with limited or no personal transportation or inflexible work schedules. While DJS offers videoconferencing and some transportation assistance to Cullen, some families do not have transportation to DJS satellite offices where they are required to be in order to take advantage of either service. The Department should provide increased transportation assistance to families to ensure that youth can have as many in-person or videoconference visits as possible. Youth also consistently express a need for additional phone calls. DJS policy limits youth to two 10-minute phone calls per week, the same amount allotted to youth in short-term detention centers. One youth at Cullen stated during the quarter, "We need at least 3 [calls] and at least 15 minutes [for each call]. That is how some fights start because you about to say something and the phone hangs up." The Department should increase youth phone calls to support family engagement during placement.

Mental Health Services

There were fifteen incidents of suicide ideation and two instances of self-injurious behavior at Cullen during the second quarter. Victor Cullen is a particularly inappropriate environment for youth facing severe mental health challenges. Staff are trained to implement the Challenge system that is oriented towards safety and security, rather than a therapeutic program that is responsive to treatment needs, such as mental health challenges, that can cause behavioral issues. For instance, in incident 142882 a youth was upset about being placed on suicide watch. The youth was already distraught when staffers emptied all of the youth's belongings from his room. The youth became more upset and was physically restrained in his cell by staffers who also put handcuffs and shackles on him. The handcuffs became jammed and had to be cut off the youth's wrists by a maintenance worker. The youth was hospitalized after the incident for an emergency psychiatric evaluation, then placed at a mental health facility

⁶ Texas State Texas School Safety Center. "The Positive Effects of Youth Community Engagement."

<https://txssc.txstate.edu/topics/youth-leadership/articles/positive-effects-of-youth-engagement>

⁷ Agudelo, S. "The Impact of Family Visitation on Incarcerated Youth's Behavior and School Performance: Findings from the Families as Partners Project." Vera Institute for Justice. April 2013.

<http://archive.vera.org/sites/default/files/resources/downloads/family-visitation-and-youth-behavior-brief.pdf>

⁸ Only one out of 49 youth admitted to Cullen during the quarter was from Frederick County, where the facility is located. 45% of youth at Cullen during the quarter (22) were from Baltimore City or Baltimore County. 33% (16) were from Prince George's or Montgomery Counties. 8% (4) were from Wicomico County on the eastern shore.

(Residential Treatment Center [RTC]). He was subsequently ejected from the mental health facility and sent back to secure detention where he spent fifteen weeks awaiting placement out of state.

Two mental health staff left Victor Cullen during the quarter, including one who was the only clinician trained in trauma-informed care. These vacancies should be filled as soon as possible and all mental health staff should receive training and certifications in delivering trauma-informed care.

Staffing

During the quarter, a large proportion of middle management and supervisory positions were either vacant or staffers were absent due to injuries or other medical reasons. At the same time, a substantial proportion of entry level direct-care workers at Cullen have only two years of experience or less and are in need of consistent coaching by supervisory staff. The Department should bolster staffing at the middle management and supervisory levels to help ensure that new staff and direct-care workers have comprehensive supervision and leadership. Effective and consistent coaching is particularly vital in the context of developing and cultivating a treatment culture.

Structured Programming: "We sit on the unit even on nice days. We need outdoor activities."

Youth during the quarter expressed interest in additional athletic programming, outside activities like camping, and creative programming like drawing, poetry, and music classes.

Administrators and staff at Victor Cullen made substantial efforts to increase the amount of structured programming during the second quarter, including both recreational and therapeutically oriented activities. However, some activities are only available on a sporadic or monthly basis. Participation in some activities may also be limited to certain youth. Teacher vacancies and absences can also lead to unexpected gaps in the daily schedule and contribute to downtime. As a result, youth continue to experience substantial amounts of unstructured time on the living units which can contribute to boredom and incidents involving aggression.

A vacancy for a recreation specialist should be filled as soon as possible and the Department should support efforts by staff and administrators at Cullen to develop a full schedule of on-campus and off-campus activities.

Intensive Services Unit

At Victor Cullen and certain detention centers, the Department operates a self-contained and restrictive housing unit, called an Intensive Services Unit (ISU), for youth allegedly involved in aggressive incidents. The ISU is intended to provide youth with enhanced staff-to-youth ratios, increased structure, and additional support services.

However, many youth perceive the ISU as punishment because they are prevented from progressing through the levels of the behavior management system while they are on the unit, which extends their length of stay at Cullen. Youth on ISU do not consistently receive education services due to chronic shortages of school staff or concerns about dynamics on the unit. For example, on a monitoring visit during the second quarter, a teacher left the ISU because youth were not participating in the lesson and the youth were left unengaged on the unit as a result. Also during the quarter, youth were prohibited from leaving the unit for recreation for several days and a recreation specialist initiated physical exercises with the youth on the unit instead. These factors contribute to a sense among youth that the ISU is a punitive intervention.

The Department should enhance programming and training for staff on the ISU to ensure that structure is emphasized and the delivery of intensive services is prioritized. The ISU should not be used as a punitive intervention and youth should be allowed to continue to progress through the behavior management system.

Education Services: "I want to learn to be an electrician and maybe plumbing."

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Victor Cullen. Efforts by DJS to develop a cohesive therapeutic culture should include training in a trauma-informed treatment program that incorporates education personnel.

During the quarter, youth attended classes based on grade level rather than by living unit. This arrangement helps to facilitate more effective teacher instruction and should continue. However, youth continue to attend 90-minute periods which can create challenges in maintaining youth engagement throughout the entirety of each class. MSDE JSES should adjust the school schedule to shorten class periods and help support comprehensive youth participation.

Youth at Cullen do not have access to hands-on vocational education courses. The Career Technology Education (CTE) teacher is not available on a consistent basis due to military obligations. MSDE JSES also relies on an instructional assistant who travels across the state to deliver instruction in basic food hygiene and workplace safety courses to youth at various facilities, including Victor Cullen. However, the instructional assistant has been substituting for a long-term teacher absence at Savage Mountain youth center and has not recently provided instruction to youth at Victor Cullen (or at the other MSDE JSES sites). MSDE JSES should increase staffing at Victor Cullen to ensure that youth have consistent access to hands-on vocational education courses that lead to certification in a variety of trades. The Department and MSDE JSES should collaborate with community-based organizations that can also provide access to vocational education programs.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

Youth Centers x4

The youth centers, located in remote western Maryland, consist of four separate staff secure (not fenced and locked) facilities for boys that are owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The facilities are: Green Ridge (40-bed capacity); Savage Mountain (24 beds); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 71% of total youth entries to the youth centers during the second quarter of 2017, compared to 74% last year. Hispanic/Latino youth represented 10% of total youth entries during the second quarter in both 2017 and 2016.

Combined Youth Centers (x4) – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	88	123	95
1. Youth on Youth Assault/Fight	21	50	36
2. Alleged Youth on Staff Assault	5	11	20
3. Physical Restraint	60	120	214
4. Use of Handcuffs and/or Shackles	22	38	73
5. Seclusion	0	0	1
6. Contraband	2	8	1
7. Suicide Ideation	3	10	23
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	3	1

Average daily population (ADP) at the youth centers decreased by 23% during the second quarter of 2017 compared to the same period last year.

The decrease in population at the youth centers is a positive development as a growing body of evidence shows that youth are best served through programs in their local communities. Experts in juvenile justice have noted that “research comparing placement in youth facilities with community-based treatment finds that community-based treatment is associated with better

overall outcomes in terms of schooling and other markers of successful adjustment for individual young people” and that for the limited number of youth that require out-of-home placement, “the best place for these facilities is close to youth’s home communities to facilitate maintaining family ties and gradual transitions into community-based programming.”⁹

Placement in distant and remotely located facilities can be disruptive for families and youth. In incident 144380, a youth who ran away from Savage Mountain youth center later commented that he preferred his local secure detention facility to the youth center.

In incident 144389, another youth at Savage Mountain youth center met with supervisors in the staff office to let them know that he felt that staff did not care about him and that he did not want to be at the facility. A supervisor gave the youth a piece of paper and pencil, asked him to write down his concerns, and told him the two would meet later in the week to discuss any issues he had. Minutes later, the youth walked outside the office, ran across a field and into the woods. Staff did not notice that he was missing until a half an hour later when a private citizen contacted a facility case manager to let him know that he spotted a youth walking down a nearby road. The youth was located by staff and brought back to the facility.

When asked his reasons for leaving the facility, the youth reported that he felt staff “really do not care about me.” He stated that he “likes detention centers better” and “wanted to go back to detention” because he “likes it better in the city and does not like mountains or mountain people.” The child’s father was contacted about the youth’s attempted escape. The father reported that his child was “lost in the system” and that he felt as though he had lost all control over what was happening to his son.

Safety and Security

In addition to a population decrease of 23%, youth on youth fights and assaults decreased by 28% compared to the second quarter of 2016. However, youth on staff assaults increased substantially, physical restraints increased by 78%, and the use of mechanical restraints within the facilities increased by 92% during the same time period. In addition, incidents of suicide ideation more than doubled during the quarter, compared with the same time period last year.

The Department should prioritize comprehensive adoption of an evidenced-based and trauma-informed treatment model to help guide staff interactions with youth. An evidenced-based approach that focuses on ongoing training for staff on effective therapeutic interventions can improve staff and youth safety while providing opportunities for youth mental health and other rehabilitative needs to be met. Enhanced staffing at each of the centers along with increased numbers and availability of mental health clinicians to support staff and youth will also be essential components in efforts to foster and maintain a safer and more therapeutic environment.

⁹ Patrick McCarthy, Vincent Schiraldi, and Miriam Shark. “The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model.” October, 2016. p.21-24. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

Replace Challenge

Challenge is a points and levels behavior management system at all DJS-operated detention and committed placement centers. Challenge governs interactions between youth and staff, and progress through the Challenge program dictates a youth's length of stay in placement.

In Challenge, youth earn points for complying with a uniform set of behaviors every day. Youth progress through levels by receiving a certain percentage of points accumulated on a weekly basis for a specified number of weeks. For youth who are not displaying prescribed behaviors, staff are instructed to give youth prompts, warnings, and a "personal restriction."¹⁰ If youth continue to not adhere to the rules, staff can issue behavioral reports (BRs), which restrict the youth from receiving certain rewards (such as participation in field trips, enrichment groups) and can also lengthen a youth's stay in the program (through level demotions).

The compliance oriented framework of the Challenge program often creates power struggles between youth and staff. During a recent inquiry by the Department's internal investigation unit (DJS Office of the Inspector General [OIG]), a youth who was interviewed commented that "staff abuse the use of BRs when the youth do little things." Another youth said during a monitoring visit that "Challenge has some rotten rules which trip us up." Prompts and warnings issued by staff are sometimes perceived as threats by youth and serve to escalate rather than modify problematic behavior. As one youth remarked, "There is too much emphasis on points. We fake it to make it. If you make one mistake, usually for something minor like language or dress, they take points and it turns into a BR. Nine out of ten times youth lose points over dumb stuff."

A youth stated to a monitor that "Challenge is too much of what is wrong and it has a lot of negativity. It should be based on positives. We hear about what we are doing wrong but not on what we are doing right." In addition, the emphasis on behavioral conformity fails to address the underlying thoughts, feelings, and beliefs that may be fueling a child's behavior.

Challenge should be replaced with a functional treatment program grounded in evidenced-based practices. Particular emphasis should be placed on building positive relationships between staff and youth, identifying specific treatment objectives for each child, and supporting children in reaching their individualized goals.

Staffing

An increasing number of kids with serious mental health issues are being referred to the youth centers, as demonstrated by the large increase in suicidal ideation during the quarter. Mental health coverage should be expanded to ensure youth are receiving adequate services and to aid staff in providing support for kids with intense mental health needs. Each center should be provided with a mental health clinician for each unit or group, and mental health coverage should be available during waking hours seven days a week (and available on call during sleeping hours).

¹⁰ According to the Department's behavior management system, staffers direct youth to take a personal restriction where the youth stands in a specified area for ten minutes.

To ensure adequate supervision for youth, many of whom have a high level of needs, a minimum of two direct-care staff should be assigned to each group of youth, along with a rover and a supervisor during each shift to assist with and oversee operations. Enhanced staffing levels are especially vital at Savage Mountain youth center, where many youth are placed after ejection from other youth centers. These youth are likely to be in need of increased attention and services. One youth at Savage Mountain commented to the monitor, “We need staff. We are supposed to have a staff mentor but they never have time.” Increased staffing is also particularly important at Meadow Mountain youth camp, where shortages have contributed to a lack of structure during the quarter. Facility-based administrators should have a major role in interviewing and selecting employees from the candidate pool to fill staff vacancies since they are in the best position to know the particular staffing needs at their facility.

Facility Culture

Youth reported several issues about the culture at one of the youth camps to the DJS child advocate during the quarter. An internal investigation by the Department’s Office of the Inspector General (OIG), which included youth interviews and a youth survey, was conducted in response. Some of the concerns raised by youth are highlighted below.

- **Derogatory language and use of profanity by staff:** Youth are expected to refrain from using profanity and derogatory terms with each other and may lose points in the Challenge program for using such language. At the same time, over a third of youth surveyed reported that staff have used profanity while on the job and six youth reported staff use of racially charged terms in their presence. Youth reported staff saying “dirty amigo” in reference to Hispanic youth and another youth commented that he heard staff telling Hispanic kids to “go across the border.” A youth also reported being called a “bitch, dumbass, retarded”, and youth accounts indicated that staff ordered kids around through phrases such as “shut the fuck up” and “shut your fucking mouth and hurry and go to the bathroom.” According to one youth surveyed, “staff say disrespectful things but if youth respond they lose points”.
- **Minority Discrimination:** In interviews, several youth noted that African American youth and Hispanic youth were treated unfairly and were more likely to be targeted for losing points or getting in trouble. As an example, youth mentioned a meeting where they were discussing youth concerns. According to some youth interviewed, several African-American youth were kicked out of the group by a supervisor for being disrespectful while Caucasian youth who were also disruptive were allowed to stay in the group.
- **Attention to Youth Needs and Concerns:** A majority of survey respondents reported that they did not feel their concerns were met by staff members. Some youth brought up how emphasis on the point system within the Challenge program prevented them from getting their concerns addressed. One youth commented that “I don’t ask for things because you get punished for needing things. My underwear gets [lost] in the laundry and they said

point loss.” During interviews, a youth reported inconsistent expectations by staff, stating that “one staff may say it is ok to do one thing then another staff comes along and tells a youth what they are doing is wrong which could result in losing points or a BR.” As an example, the youth reported that one staff said he could go get some water when he asked for a drink. When he got up to do so, another staff told him no.

- Retaliation for Making Complaints: Youth stated that they often feel discouraged from making PREA complaints or talking to the youth advocate about concerns due to fears of retaliation by staff.¹¹ One youth stated to the OIG investigator that when youth talk to the child advocate, some staff treat the youth differently for saying things against them, and that it is like “tick for tack” [tit-for-tat]. Other youth indicated that if they make a PREA allegation and it is determined to be false, they are warned that they could lose points, be demoted, or be kicked out of the program, which makes them less likely to report potential PREA incidents. One youth made a PREA allegation because he believed that staff were watching him use the bathroom. His allegation was determined to be false by administrators and he lost points and had his level demoted in the Challenge behavior system. During the interview, he reported that some staff laughed at him after the investigation was complete.
- Sports restrictions as punishment: Youth reported that some youth who had received BRs were prohibited from playing basketball (the primary large muscle exercise activity available to youth) during recreation¹² and the singled out youth were told by staff that they could do sit ups or push-ups or walk around the gym during exercise time. Basketball restriction also occurred when there was no recreation specialist on-site.

Administrators should address all youth concerns, including those raised above, to help residents feel they are being treated fairly and with respect. Experts in adolescent development have noted that “treating youth fairly and ensuring that they perceive they have been treated fairly and with dignity contribute to several important features of prosocial development, including moral development, belief in the legitimacy of the law, and the legal socialization process generally.”¹³ In addition, researchers have noted that “when adolescents feel that the system has treated them fairly, they are more likely to accept responsibility for their actions and embrace prosocial activities.”¹⁴

The Department’s Office of the Inspector General should continue and expand interviews and surveys of youth perceptions of their time in detention and placement facilities. Information collected in a regular and systematic manner can inform facility administrators and DJS

¹¹ The Prison Rape Elimination Act (PREA) is a federal law that was enacted to protect incarcerated individuals from sexual assault. Juvenile justice facilities must adhere to certain standards to be considered in compliance with PREA. See <https://www.prearesourcecenter.org/sites/default/files/content/preafinalstandardstype-juveniles.pdf>

¹² Youth are entitled to at least one hour of large muscle activity each day per DJS Policy (RF 722).

¹³ <http://rfknrcij.org/our-work/adolescent-brain-development/>

¹⁴ Bonnie, R. J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (2013) Reforming juvenile justice: A developmental approach. Washington DC: National Research Council. p. 193

headquarters staff about youth concerns and help them make programmatic changes that better address youth needs.

Strip Searches

Youth at the centers continue to be strip searched after any travel off grounds, including trips earned for good behavior. In Incident 143395, a youth was returning from an earned dinner in the community. The youth had been supervised by two DJS staffers for the duration of the outing. Staffers attempted to strip search him upon his return. He asked staffers, “Do I have to take my boxers off, cause I ain’t with it.” Staff responded that he had to “drop, squat, and cough” per policy. The youth stated again, “I ain’t with that.” He became agitated, an altercation with staff ensued, and he was restrained.

Legal scholars have noted that “children are likely to experience strip searches as degrading, disrespectful, and victimizing. Such searches undermine, rather than enhance, the relationship between youth and facility staff, and work against the child’s rehabilitation.”¹⁵ The Department should end the practice of strip searching children absent a reasonable suspicion that the child is hiding something dangerous to himself or others.

Transgender Youth

Placement at the youth centers is not an appropriate setting for transgender youth, as mental health and direct care staff do not receive specialized training in attending to the treatment and safety issues specific to this population.

A youth who identifies as female was placed at the youth camps during the second quarter. The youth was sent to two different youth camps and reported persistent teasing and harassment and a general feeling of being unsafe during the youth’s stay. A case manager wrote that the youth was “very dramatic and flamboyant which creates issues with peers.” The youth was eventually sent back to detention for re-evaluation after being incarcerated for over half a year. His mother wrote case management staff stating, “I want him to get help but want to have some access to him. He has been away from family for a long time and there’s no forward progress. I believe he may be becoming more aggressive in the environment he is in.”

Family Engagement

Family support and contact is associated with better mental health, academic, and behavioral outcomes for incarcerated youth.¹⁶ However, youth only receive two ten-minute phone calls per week to family members, the same access to phones as is given to youth in short-term detention. One youth remarked to a monitor, “Ten minutes, we are just getting started and then it ends. It gets us mad.” These sentiments were echoed by a number of youth during

¹⁵ Jessica Feierman & Riya Shah, “Protecting Personhood: Legal Strategies to Combat the Use of Strip Searches on Youth in Detention,” 60 Rutgers L.R. 67 (2007) p. 102 http://www.rutgerslawreview.com/wp-content/uploads/archive/vol60/Issue1/Feierman-Shah_v60n1.pdf

¹⁶ Ryan Shanahan and Margaret diZereega. “Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies.” Vera Institute of Justice. February 2016. Available at: <https://www.vera.org/publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies>

a recent OIG investigation on youth concerns at one of the youth centers. Youth comments included: “We don’t get enough phone calls,” and “If we had at least 3 or 4 calls per week, I’d be less depressed.”

Increased opportunity for phone contact with family is especially important at the youth centers since many family members are not able to make the trip to see their child in person due to the remote location and extensive travel time involved. The number and duration of allotted phone calls should be increased to facilitate more productive family engagement.

Visitation is also limited to specified times two days a week. More efforts should be made to provide direct transportation services between a youth’s home and the facilities holding kids to help families stay intimately involved in their child’s life. As one youth stated, “It is the nurture from our families that helps us get through.”

Structured Activities

Excessive downtime is an ongoing issue at the youth centers and the resulting boredom and inactivity can lead to incidents. One youth stated, “There are no activities here. That’s why we get in trouble, we just sit in the dorm room all day every day. Just sit.” Another youth stated, “This is basically like detention with no doors and you get to go off grounds sometimes.” There should be a wide variety of recreational, volunteer, and enrichment activities provided as part of the regular schedule and not just occasionally during after-school and evening hours – these events should encompass both on and off campus activities to help kids progress in normalization and keep them engaged in positive programming. Green Ridge has initiated several ongoing community activities and can serve as a model for other centers.

Education

Staffing issues and vacancies continue to disrupt the delivery of mandated educational instruction at the youth centers. Classes were frequently cancelled during the second quarter because of teacher absences and a lack of a substitute teaching pool. At Backbone youth center, classes were cancelled for at least eight days in the month of April due to teacher absences and during a visit to Savage Mountain youth center, a monitor noted afternoon classes were cancelled for the same reason.

There is an instructional assistant (IA) based at the youth centers who traveled around the state delivering basic career technology education (CTE) classes at each MSDE JSES site. MSDE JSES has stationed the IA at Savage Mountain and required him to teach English while the regularly assigned English teacher is out on extended sick leave. The IA is being supervised by another teacher at the facility who is not certified in English. Vocational instruction across the state has been curtailed as a result of his current teaching responsibilities at Savage Mountain.

MSDE JSES should prioritize the hiring of a fully qualified English teacher at Savage Mountain. MSDE JSES also needs to provide for a full time vocational instructor at each site across the system.

Schools at the youth centers are not adequately resourced by MSDE-JSE leadership. While iPads were issued through a grant months ago for student use, they are not being used as schools are still waiting for IT assistance to set up security features and install appropriate educational applications for student use.

Students should have the ability to earn service learning hours required for graduation at all four centers. There continues to be a dearth of vocational programming leading to certification and employment at the youth camps. There should be at least one full-time career technology education (CTE) instructor assigned to each youth camp, and a variety of hands-on vocational courses should be offered. Youth say they are interested in and may be able to secure employment with qualifications in auto mechanics, HVAC, health care related fields, and carpentry, but lack access to skills training in these areas. Partnerships with community schools and businesses should be established and expanded to help widen the scope of educational and professional opportunities for youth. All youth with a GED or high school diploma should be afforded the option of attending local colleges. MSDE JSES should work with administrators at local colleges to ensure that courses are available to youth regardless of whether a youth's time at the facility coincides with the beginning of the college semester.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 89% of total entries to SOA during the second quarter of 2016, up from 78% during the same period last year.

SOA – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	57	41	51
1. Youth on Youth Assault/Fight	9	9	12
2. Alleged Youth on Staff Assault	2	0	4
3. Physical Restraint	11	6	17
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	12	9	5
7. Suicide Ideation	0	0	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) of DJS youth during the quarter increased by 24%¹⁷ compared to the same time last year. Over the same period, fights and assaults increased 33% and physical restraints increased by 183%. Plans to increase structure by emphasizing consistent staff adherence to the behavior management system, which is based on cognitive behavioral therapy, should go forward without delay in order to help address the increase of

¹⁷ The average daily population (ADP) and incident report figures reflect only youth placed at Silver Oak through the Maryland Department of Juvenile Services (DJS). Youth from other states are placed at Silver Oak [at time of writing (August 9, 2017), there were 16 youth from out-of-state placed at SOA], however these youth are not included in the ADP figures reported by DJS. Incidents involving these youth are not uploaded to the DJS database and therefore are not included in the count included in the table above.

incidents involving aggression and concerns youth have recently expressed about a decreased level of consistency and fairness.

Although the Maryland Department of Juvenile Services licenses and remains the largest source of youth referrals at Silver Oak, the facility has begun to accept an increasing number of youth placed through juvenile justice agencies from other states. At time of writing (August 9, 2017), there were 16 youth at SOA who were placed by an entity other than DJS. Incidents involving these youth are not reported to DJS or uploaded to the DJS database and are therefore not accessible by the JJMU. The JJMU requested that these incident reports be automatically forwarded, however no incident reports have been received, including those documenting physical restraints, one of which resulted in an allegation of abuse. All reportable incidents under DJS policies that occur at Silver Oak should be documented and uploaded to the DJS database—no matter whether the youth was placed at SOA through DJS or via another state’s juvenile justice agency.

Additionally, youth at Silver Oak who come from outside of Maryland have stated that concerns they relayed to the DJS child advocate assigned to SOA could not be processed and addressed because the youth from out-of-state were not placed through DJS. The Department, as the agency licensing Silver Oak Academy, should ensure the extension of protections including the DJS grievance system to all youth placed at SOA. According to DJS and SOA administrators, grievances submitted by out-of-state youth are processed by DJS child advocates but are not documented in the same fashion. The Department should ensure that all youth grievances are documented and processed identically and that the JJMU receives copies of all youth grievances – including those submitted by out-of-state youth – given the JJMU’s statutory mandate to review the DJS grievance process and comprehensively monitor Silver Oak.

During the quarter, a youth alleged that staffers had performed an inappropriate physical restraint in incident 145081 when they pushed his head towards his knees while he was in a seated position. The allegation was referred to Carroll County Child Protective Services but was not accepted for investigation because the youth was over 18 years old at the time of the incident. According to administrators at SOA, the video footage of the restraint was inconclusive because most of the incident was not captured on camera and the recording was not stored. The outcome of an internal review of 145081 by SOA administrators was a determination that the restraint was appropriate and those involved in the restraint continue to work at Silver Oak in a managerial capacity. All available video footage of incidents should be saved and kept on file indefinitely together with the report documentation so that external investigatory agencies can access materials related to youth safety and to facilitate thorough and objective investigations.

A DJS quality assurance report received during the quarter indicates that there were serious lapses in human resources oversight practices in the hiring process and that required documentation for new hires was not always provided. These practices may have led to the earlier hiring of staff members whose background checks should have prevented them from being offered employment at SOA. The issue has been addressed and staffers whose

background checks were unsatisfactory no longer work at SOA. A new human resources specialist has been hired at Silver Oak.

Youth at Silver Oak attend school onsite where they can earn credits and graduate with a Carroll County high school diploma or prepare for and take the GED examination. During the quarter, 15 students graduated from SOA with a high school diploma. There are also a variety of hands-on vocational education programs available to students including culinary arts, construction, barbering, welding, and automotive mechanics. A partnership negotiated with Baltimore City Community College will enable students at SOA to be dually enrolled in high school and community college courses and will also facilitate youth participation in a Certified Nursing Assistant (CNA) course. Youth can also enroll in community college campus-based classes and participate in employment and internships both on-site and in the surrounding communities. Plans to develop STEM (science, technology, engineering, and math) and robotics programming should go forward.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls. Located on the eastern shore, Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American girls represented 71% of total youth entries during the second quarter of 2017, up from 63% during the same period last year.

Carter – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	8	9	12
1. Youth on Youth Assault/Fight	1	2	1
2. Alleged Youth on Staff Assault	1	1	0
3. Physical Restraint	5	9	14
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	5	5
6. Contraband	0	0	1
7. Suicide Ideation	0	1	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	4

Average daily population during the second quarter of 2017 increased by 33% compared to the same time last year. Over the same period, fights and assaults decreased from two to one. There was a 56% increase in physical restraints and no change in the usage of seclusion. Mechanical restraints were not used during any incident inside the facility during the quarter. Incidents of suicide ideation and self-injurious behavior both increased by four.

Some physical restraints and other issues that arose during the quarter had their origin in unaddressed negative relationship dynamics between girls at Carter (incidents 144454, 145184, 145064; 143537; and grievances 13434 and 13435). Staff are not properly trained to ameliorate these problematic dynamics. Instead they are trained to implement a behavior management

system of points and levels called Challenge that emphasizes compliance with a prescribed set of behaviors. The Department should replace Challenge and train direct-care staff in an evidence-based and trauma-informed treatment model that facilitates therapeutic responses to youth behavior, interpersonal dynamics, and crisis situations. Training for direct-care workers should build on initial staff exposure to trauma-informed care (TIC) by providing ongoing coaching in how to apply a trauma-informed approach to both minor disagreements and crisis situations involving youth. The incident below occurred during the quarter at Carter and provides an example of how the Challenge system is not responsive to the treatment needs of many youth in DJS facilities.

In incident 145184, a youth was upset with another girl in the facility. The youth was “sitting on the unit becoming noticeably irritated. [The youth] began crying [and] shaking...then began to curse. [A staffer] started the CHALLENGE Program with [the upset] youth [by] prompting, warning and offering a personal restriction.”¹⁸ The youth began yelling at the other youth. The staffers continued “asking [her] to take a PR” (a personal restriction) but the youth continued to escalate. She then lunged toward the other youth. Staffers physically restrained the youth and took her to a room to calm down.

Multiple youth stated during the quarter that fluctuating relationships and interpersonal dynamics among girls can consume the atmosphere at Carter and are difficult to escape given the limited physical space and lack of opportunities to leave the facility. Youth consistently state that community outings and home passes can provide an important source of relief from the stress of being confined in a small area with the same group of youth for several months. Furthermore, regular interaction with the surrounding local community would help foster a normalized environment for youth and can build decision-making, problem-solving, and leadership skills.¹⁹ Girls are permitted to participate in weekend home passes near the end of their length of stay and, previously, youth who demonstrated good behavior could earn trips to local restaurants, movie theaters, and the community center. However, the Department has curtailed the practice of entertainment based outings and limits approval for these trips to educational outings, which can be difficult to arrange due to restrictions barring travel outside of Maryland and to cities, including Baltimore, where the families of some youth placed at the facility reside. Given the therapeutic and normalizing value of community engagement, administrators at DJS should facilitate off-grounds activities that are recreational and educational, including volunteering, employment, and entertainment oriented outings.

Treatment Programming

Research shows that girls in the juvenile justice system are more likely than boys to end up in the deep-end of the system for lower level offenses.²⁰ A significant proportion also have

¹⁸ According to the Challenge program youth take a personal restriction, where they stand by the door to their cell for 10 minutes, when they do not respond to a prompt or to a warning to change their behavior.

¹⁹ Texas State Texas School Safety Center. “The Positive Effects of Youth Community Engagement.” <https://txssc.txstate.edu/topics/youth-leadership/articles/positive-effects-of-youth-engagement>

²⁰ Sherman, F. and Balck, A. “Gender Injustice: System-Level Juvenile Justice Reforms for Girls.” The National Crittenton Foundation, 2015. Page 11. Available at: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>

mental health issues²¹ and a history in the child welfare system.²² They are also more likely to have family-related needs and a history of physical or sexual abuse,²³ and while histories of trauma are prevalent among all youth in the juvenile justice system, there is evidence that traumatic experiences impact boys and girls in different ways.²⁴ Given these findings, the program at Carter should comprehensively incorporate gender-responsive initiatives.

Administrators at Carter have made efforts to develop a more gender-responsive program and have worked to establish a safe and calm environment which is a crucial step in creating a system of trauma-informed care. Plans to introduce programming focused on healthy relationships through a partnership with a local organization should go forward. Even with these developments, the framework of the program at Carter does not take into account the particular experience of girls in the juvenile justice system. Girls at Carter, like boys at the comparable facility (Victor Cullen), follow the same behavior modification system of points and levels described earlier, which determines length of stay and drives youth-staff interactions. While direct-care staff at Carter received a training in trauma-informed care, it did not include particular concrete skills for staff to employ as part of a cohesive trauma-focused program. Also, none of the treatment groups at Carter are specifically designed for girls, nor do they focus on trauma. Although DJS plans to implement a trauma-focused group, Trauma Addictions Mental Health and Recovery (TAMAR), it is not evidence-based and will not be facilitated by licensed mental health clinicians. Only one mental health clinician is certified in a trauma-focused therapy and her position also includes responsibilities at another DJS facility which limits her availability at Carter.

Because Carter is designated as a hardware secure facility, the Department requires that all girls placed there be transported in mechanical restraints – which include shackles and handcuffs fastened to a belly chain with a black metal box – despite the fact that mechanical restraints were not utilized at all on girls while inside the walls of the facility during the first and second quarters of 2017 (and were only used once during all of 2016). The Department should end practices - including indiscriminate shackling - for girls at Carter that are counter to trauma-informed care, particularly in light of the rarity of incidents involving aggression and an increase in mental-health related incidents.

Policies, programs, and practices that do not comport with a trauma-informed and gender-responsive approach should be ended. The Department should implement a comprehensive trauma-informed program²⁵ at Carter that is founded on the distinct experiences of girls in the system. According to a recent report published by the Georgetown Center on Poverty and Inequality, somatic interventions that incorporate yoga and mindfulness may be particularly effective for girls in the juvenile justice system because they take into account their distinct experiences of trauma and promote self-regulation, self-esteem, emotional development,

²¹ DJS 2017 update to *Report on Female Offenders* (February, 2012).

²² “Gender Injustice: System-Level Juvenile Justice Reforms for Girls.” Page 15. Available at: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>

²³ DJS 2017 update to *Report on Female Offenders* (February, 2012).

²⁴ Epstein, R. and Gonzáles, T. “Gender and Trauma. Somatic Interventions for Girls in Juvenile Justice: Implications for Policy and Practice.” Georgetown Center for Poverty and Inequality. (April, 2017). Available at: http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/17_COPI_report-FPO.pdf

²⁵ National Child Traumatic Stress Network Empirically Supported Treatments and Promising Practices. Available at: <http://nctsn.org/training-guidelines>

physical and neurological health, and relationships.²⁶ These interventions should be considered as the Department seeks to implement trauma-informed and gender-responsive programming at Carter and elsewhere.

Education Programming

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Carter. There is no vocational education instructor at Carter and MSDE JSES relies on a single instructional assistant to travel around the state to various sites delivering introductory level certification courses in food hygiene and workplace safety on a rotating basis. Additionally, the same instructional assistant is frequently required to fill in for teacher vacancies at the youth centers in western Maryland. As a result, girls at Carter do not have access to vocational education. MSDE JSES should work with the Maryland Department of Budget and Management to boost staffing to an appropriate level without further delay and adjust staffing patterns to ensure that each site has a full-time, dedicated career technology instructor and that all youth have consistent access to hands-on vocational education courses leading to certification in a variety of trades. DJS and MSDE should work cooperatively to ensure youth at Carter have access to community-based opportunities for vocational education and employment based programming such as internships and part-time jobs.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

²⁶ "Gender and Trauma. Somatic Interventions for Girls in Juvenile Justice: Implications for Policy and Practice." Georgetown Center for Poverty and Inequality. (April, 2017). Available at: http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/17_COPI_report-FPO.pdf

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a maximum-security detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC with a DJS-rated housing capacity of 120 beds. African American youth represented 96% of total entries during the second quarter of 2017, compared to 95% in 2016.

BCJJC – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	82	86	107
1. Youth on Youth Assault/Fight	49	64	91
2. Alleged Youth on Staff Assault	9	10	10
3. Physical Restraint	75	90	112
4. Use of Handcuffs and/or Shackles	28	28	23
5. Seclusion	0	4	4
6. Contraband	2	5	9
7. Suicide Ideation	6	6	7
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	1	5

Average daily population during the second quarter increased by 22% compared to the same time last year. The increase in population was primarily driven by the number of youth charged as adults and housed at BCJJC which increased by 54% (from 41 to 63) during the second quarter of 2017 compared to the same time last year. The increase in ADP of youth charged as adults is at least in part due to an increase in the average length of stay among them. The Department and other stakeholders should work together to identify and address factors that can result in increased lengths of stay for adult housing youth at BCJJC.

Over the same period fights and assaults increased by 42% and physical restraints increased by 24%. The use of mechanical restraints within the facility decreased by 18% and there was no change in the number of seclusions.

Safety and Security

According to incident report documentation, several assaults occurred without any immediate warning, which may indicate that they had been planned in advance (143717, 143412, 143826, 143880, 144036, 144360, 144709, 144717, 144745, 144709, 144919, 144046, 143995, 143996, 143999, 144046, 144157, 144248, 144260, 145033). In incidents 144360 and 144709, a youth charged with sexual offenses was suddenly assaulted by other youth on his living unit. In incident 145033, a youth who had been assaulted by two other youth explained that the incident was “from when [the aggressor] was here before. He was in on a plot to bank me.” Administrators at BCJJC should ensure incident review practices that help direct-care and supervisory staff identify underlying issues and dynamics that can lead to assaults in an effort to prevent them from occurring in the future. Thorough incident review can also help staff learn to identify youth behaviors, such as body language or positioning, that can prompt staff to intervene to deescalate tension and possibly prevent an assault from occurring.

Ongoing negative dynamics among youth, such as bullying and gang activity, can lead to incidents involving aggression. In incident 143171 a youth who was being seen by medical after experiencing suicidal ideations reported that he was being bullied by other youth on the unit. On monitoring visits during the quarter, youth were overheard discussing the practice of demanding snacks and meals from other youth, which can lead to incidents of aggression if other youth do not comply (see incident 144248). Alleged gang activity (incidents 144897, 144894, and 144844) may have contributed to negative dynamics among youth and led to incidents involving aggression. Direct-care staff, case managers, and mental health clinicians should be trained to constructively intervene in group dynamics and address problematic youth interactions. Administrators should ensure the utilization of conflict resolution and restorative justice techniques in order to mitigate any negative dynamics before they escalate to incidents involving aggression.

Staffing

Although there were few vacancies for direct-care positions during the quarter, at times as many as 20 staff were unavailable to work due to injuries or other reasons. Staffing shortages can lead to situations where youth are not allowed to come out of their cells because of a lack of sufficient staff present to meet required staff-to-youth ratios. Male staff are required to fill certain posts in order to comply with federal mandates (PREA)²⁷ and certain incidents may suggest that the presence of additional male staff could help deter some youth from starting or participating in incidents involving aggression (incidents 144500 and 144709). Vacancies for case managers,²⁸ supervisors, and a middle management position during the quarter created additional challenges in comprehensively addressing group dynamics and ensuring availability of coaching for direct-care workers in effectively managing challenging youth behaviors. The rise in population required the presence of additional staffers to meet basic youth-to-staff ratios and also created a need for additional DJS staff posts to supervise a second outside general

²⁷ Prison Rape Elimination Act § 115.315 Limits to cross-gender viewing and searches. Available on page 12 at: <https://www.prearesourcecenter.org/sites/default/files/content/preafinalstandardstype-juveniles.pdf>

²⁸ Vacancies for case management staff can also create complications for youth attempting to contact their lawyers as phone calls to legal counsel are made during meetings with case management staff.

education (OGE) classroom, a second Intensive Services Unit (described below), as well as an increase in medical appointments and visits with lawyers and community case managers. Existing vacancies should be filled without delay and DJS should address ongoing staffing issues that can contribute to operational challenges in collaboration with the Maryland Department of Budget and Management.

Intensive Services Unit

The Department operates a self-contained and restrictive housing unit called the Intensive Services Unit (ISU) for youth allegedly involved in incidents of aggression. The unit is intended to provide youth with increased services and support and operates with an enhanced staff-to-youth ratio. Youth do not leave the unit except for recreation. For the past several months, there have been two ISUs in operation at BCJJC. Administrators at DJS and MSDE JSES (which operates the school at BCJJC) should address the following issues to ensure that ISUs function as intended:

- **Youth on the ISUs do not consistently receive education services.**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at BCJJC. Even when fully staffed, MSDE JSES planning limits instruction for ISU-based youth as there is only one teacher designated to provide instruction to both ISUs. The teacher, when available, alternates daily or semi-daily between each unit. Additionally, due to chronic education staffing shortages, there is frequently no teacher for the ISUs – leaving an instructional assistant, if available, to alternate their time between the ISUs. When no teacher or instructional assistant is available, an education staffer sometimes—but not always—drops off packets of schoolwork for youth to complete on their own. Youth on the ISU who are entitled to special education services do not consistently receive them. There is no alternative plan in place for situations when youth on the ISU do not have access to direct instruction, although mental health and direct care staff sometimes make an effort to engage youth during the downtime.

- **Youth spend extended periods of time in their cells on the ISU.**

Youth held on the ISU are required to lock in their cells at various times throughout each day. These practices can result in youth spending an excessive amount of time in their cells.

- Youth are required to lock in their cells for approximately 30 minutes during shift change in the afternoon, even when a teacher is present and involved in instruction (incident 144711 and observed on 6/19/17).
- Additionally, youth on the ISU have an earlier bedtime than other living units - they lock in their cells for showers as early as 4:30 p.m. and do not necessarily come back out until the following morning.

- Staff on the ISU operate with an enhanced ratio that must be adhered to throughout the facility, including during visitation. If there are not enough staff to maintain the ISU ratio on the ISUs as well as with the ISU youth in visitation, the youth who do not have visitors are required to lock in their cells during visitation hours. Visitation hours may encroach on the shower schedule on the ISUs which can result in some youth spending an extended amount of time in their cells, particularly on Sundays.
- **An inflated ISU population can undermine the unit's efficacy.**

The ISU is intended to house youth struggling with issues of aggression. However, some youth may be placed there for other reasons. For example, one youth was sent to the ISU during the quarter for allegedly assaulting staff (144219), however, video footage of the incident shows that when a staffer was conducting a pat-down search of the youth's legs, the youth kicked out a snack that he was hiding in his pants leg, making contact with the staffer but not causing any injury. The youth was nevertheless transferred to the ISU as a result of the incident.

Additionally, youth who return to the general population from the ISU can be sent back to the ISU for demonstrating challenging behaviors, even if the behaviors are not aggressive. Youth who step down are supposed to receive ongoing mentoring from ISU staff to help facilitate their success on regular housing units. When ISU staffing is limited (due to there being two ISUs, for example), youth who have stepped down may not receive as much individualized attention and support, which can sometimes lead to a return to challenging behavior and to another spell in the ISU.

Administrators at BCJJC should ensure youth are appropriately referred to the ISU and that they receive appropriate individualized support services during and after time on the ISU. Youth should not spend excessive amounts of time in cells. Plans to train additional direct-care workers on how to staff the ISU should go forward. Additional posts should be added to the staffing plan at BCJJC to properly account for the simultaneous operation of two ISUs.

Physical Plant

There are a limited number of spaces within BCJJC for youth to meet with lawyers and therapists. Three rooms in the intake area of the facility are used for mental health and other assessments (which can take several hours to complete) as well as visits between youth and their lawyers. An additional room, visitation holding, can only be used outside of school and visitation hours and only if there are enough staff to supervise it. Plans to expand the education space at BCJJC should be amended to include additional dedicated meeting spaces to accommodate appointments with lawyers and mental health clinicians. The Department should work with the Department of Budget and Management to secure additional staff so that visitation holding and other areas at BCJJC, such as classrooms, can be used as meeting space outside of school hours.

Transgender Youth

During the quarter, there were at least three transgender girls detained at BCJJC. At times, the girls were housed on the infirmary—where youth only received half days of education—because they reported feeling uncomfortable on the general population living units. While BCJJC administrators made certain accommodations, such as providing the youth with certain preferred undergarments, one of the girls expressed a desire to be housed at a detention center for female youth where the staff and programming are more likely to be gender-responsive. Federal law requires that agencies take into account a transgender youth’s housing preference in determining where the child will be held.²⁹ The youth remained detained at BCJJC for approximately one month until she was transferred to a co-ed facility where she was housed on a girl’s living unit for about a week before being released.

Family Engagement

There is extensive research documenting the positive effects that family engagement has on youth in the juvenile justice system.³⁰ However, the Department limits youth phone contact with their families to two 10-minute calls per week. Youth consistently report the need for additional phone calls week to maintain family ties and get support from relatives. During the quarter, one youth stated, “I’d be fine if I could just talk to my mother every day. They need to understand that we’re still kids.” The Department should increase the number and frequency of phone calls youth are allotted per week.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at BCJJC. Chronic staffing shortages continue to hinder the consistent delivery of basic education services. These challenges have been exacerbated by the increase in population which caused a unit that used to house youth on orientation status (who did not receive education services) to function instead as a regular living unit that attends school and requires teacher coverage. Fluctuations in population can also create a demand for an additional classroom for students who receive services outside of general education (OGE), thus requiring an additional special education teacher. MSDE JSES is also not appropriately staffed to provide education services to two ISUs, as described earlier and youth on the infirmary only receive a half day of school. Staffing plans should be updated at BCJJC to address these deficiencies and MSDE JSES should provide each school with access to substitute teachers so that all youth have consistent access to teacher instruction and special education services, as needed.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

²⁹ National PREA Resource Center. “Committing to Safety and Respect for LGBTI Youth and Adults in Confinement: Lessons From Two Agencies.” Available at: <https://www.prearesourcecenter.org/node/2868>

³⁰ Shanahan, R. and diZerega, M. “Identifying and Empowering Families: A Charge for Juvenile Justice Agencies.” Vera Institute for Justice. (February, 2016). Available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/identifying-engaging-and-empowering-families-a-charge-for-juvenile-justice-agencies/legacy_downloads/family-engagement-for-juvenile-justice-agencies.pdf

Cheltenham Youth Facility

Cheltenham Youth Detention Center (CYDC), located in Prince George's County, is a maximum security detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 71% of total entries during the second quarter of 2017, compared to 77% during the same period last year. Hispanic/Latino youth represented 11% of total youth entries during the quarter, compared to 8% during the same period last year.

CYDC – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	56	58	50
1. Youth on Youth Assault/Fight	16	40	45
2. Alleged Youth on Staff Assault	2	4	10
3. Physical Restraint	20	47	82
4. Use of Handcuffs and/or Shackles	5	15	7
5. Seclusion	0	1	13
6. Contraband	0	2	4
7. Suicide Ideation	0	5	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	1

Average daily population (ADP) during the quarter decreased by 14% compared to the same time last year. Fights and assaults increased by 13%, physical restraints increased by 74%, and seclusions increased from one to 13. Mechanical restraints use decreased by 53%.

A superintendent was transferred from another DJS detention facility and assigned to CYDC during the quarter. The new leadership has started to address the widespread safety and security concerns that developed at CYDC since the fourth quarter of 2016. The emphasis on developing and adhering to facility procedures, ensuring staff accountability, and promoting staff

morale should continue. Careful attention to the following issues should also be incorporated into plans to restore safety and security at CYDC:

Staffing

Staffing Levels

Staffing reached critically low levels during the second quarter of 2017 due to callouts, resignations, and absences resulting from injuries or other medical reasons. Many direct-care staffers were forced to work several double shifts in a row due to the lack of available staff and the youth were sometimes kept in their cells during normal waking hours because of the shortage. A shortage of male staff created challenges to complying with federal regulations that require same-gender supervision of youth during shower times.³¹

Vacancies for supervisory and administrative staff also hindered efforts to successfully manage the facility. For example, case managers and unit managers were unavailable on certain units which can limit the development of structure and organization. Without full case management staffing, youth may have difficulty calling their lawyers or having day-to-day issues addressed. Because several supervisory staffers were unavailable, the remaining unit managers and some administrators were required to serve as shift commanders which detracted from their ability to perform regular administrative duties. There were also vacancies for recreation specialist and assistant superintendent positions.

At time of writing (July 24, 2017), direct-care staffing levels have improved and staffers report working few forced double shifts.

Staff Morale

The bolstering of direct-care staffing levels has already helped to improve morale as have special events including a staff appreciation day. Plans to develop a more cohesive team of middle managers through community conferencing programming should go forward. As staffing levels are replenished, administrators at CYDC should continue to emphasize building staff morale and increasing and enhancing staff training.

Staff Training on De-escalation and Verbal Processing

The Department's policy prohibits staff from performing physical restraints to enforce compliance and policy dictates that youth must not be restrained unless they pose an imminent risk of harm to themselves or others, or are attempting to escape.³² Department policy also prohibits the use of seclusion except as a last resort when youth pose an imminent risk of harm to themselves or others, or are attempting to escape.³³ DJS staff should be provided

³¹ Prison Rape Elimination Act § 115.315 Limits to cross-gender viewing and searches. Available on page 12 at: <https://www.prearesourcecenter.org/sites/default/files/content/preafinalstandardstype-juveniles.pdf>

³² Md. Dept. Of Juvenile Services Policy and Procedure RF-02-07.

³³ Md. Dept. Of Juvenile Services Policy and Procedure RF-02-07.

comprehensive and ongoing training in how to privilege verbal processing techniques over physical interventions like restraints and seclusions, as the following incidents illustrate:

- In incident 144499, a youth was refusing to go to his cell after also refusing to take a shower. The youth was walking around the unit as staffers followed him around talking to him. Eventually a staffer began tugging on the youth's shirt. The youth became agitated and multiple staffers became involved in physically restraining him. The youth was taken to the ground and staffers struggled with the youth and removed his shoes before carrying him to his cell.
- In incident 144353, a youth was upset and began pulling posters off a wall in his living unit. A call for staff assistance was sent and a staffer who responded to the unit approached the youth, backed him up against the wall and physically restrained him. The youth was then held in a restraint on the ground for several minutes. When the youth became quiet, the staffer took the youth to his cell and put him on seclusion.
- In incident 144803, a group of youth was leaving the education hallway to return to their living unit. A youth stepped out of the line when the group was waiting for a door to open and one of the staffers put down a bag he was carrying and stepped towards the youth. The staffer put his face near the youth's face and pressed his body against the youth's. Two supervisory staff were present but failed to intervene. A case manager tugged on the staffer's arm to remove him from the youth and other staffers restrained the youth and separated the staffer from him. The staffer continued to talk to the youth even after they had been physically separated.
- In incident 144320, a youth with significant mental health needs was being supervised by a single staffer when the youth became upset and flipped over a table and then sat down in a chair. The staffer called for assistance and two additional staffers arrived, one of whom approached the youth right away, lifted him out of the chair where he was still sitting, and then physically restrained the youth on the ground and applied mechanical restraints.
- In incident 144953, a youth was seated at a table near two staffers who were standing at the staff desk. According to the incident report, the youth was upset that his points in the behavior management system were taken. The youth threw a domino at one of the staffers and allegedly threatened to punch him. The staffers approached the youth who stood up and backed up and away from the staffers. Video footage shows that the youth continued to back up until he was against a wall and one of the staffers then lunged toward the youth, grabbed him around the waist, and physically restrained him on the ground. The youth was then put in his cell.
- In incident 143488, a youth took a staffer's milk at lunch. The staffer jumped up from his seat, rushed toward the youth and pushed him forcefully toward a wall and a water cooler. The youth was put in his cell after the incident. The shift commander comments on the

original incident report state that the staffer involved “did a good job with attempting to de-escalate the youth.”

- In incident 143512, a youth was in a classroom in the school when he became upset after learning that pens he had in his cell were confiscated during a routine search. The youth was mumbling to himself before he kicked over an empty seat that was at his feet. A staffer who was seated next to him jumped up, grabbed the youth, and they both went down on the floor. The staff held the youth on the ground for several minutes until a supervisor arrived to remove the youth from the classroom.

Staff Training on Close Supervision and Appropriate Intervention

Staff also need training to ensure attentive supervision of youth, and on when to appropriately intervene into situations involving aggression as the following incidents illustrate:

- In incident 143527, a youth pressed a button at a doorway on a residential unit that sends a request signal to staff in the central control area in the facility (master control) to open the door. At the time the signal was sent, youth were scheduled to take showers and prepare for bed. A staffer who was posted on the unit was seated and occupied completing paperwork and eating dinner. The staffer did not react when the youth walked over to the doorway and pressed the button. Staff at master control responded to the request signal by releasing the door lock and the youth exited into a small enclosed area with a second doorway. At this point, the seated staffer on the unit slowly got up and moved in the direction the youth had taken. The youth got through the first set of doors and master control staff unlocked the next two doors when the youth pressed the exit request button. The youth ended up outside in a fenced area with a basketball court and a football field. According to a DJS investigation into the incident, there were three staff present in master control at the time of the incident. One of the staffers had not been trained in the master control operating procedures or security system and was playing cards with another staffer who was off-duty but still present in master control.
- In incident 144381, there was one staffer posted with a trainee on a residential unit where ten youth were seated and playing cards. One of the youth began assaulting another youth at the same table, striking him 13 times. The staffer who was present moved near the youth, yelled at him, and called for staff assistance but did not physically intervene to stop the assault. When other staffers arrived on the unit less than a minute later, the attacking youth stopped assaulting the other youth and walked to his cell.
- In incident 144452, a newly arrived youth was placed on a living unit and was almost immediately assaulted by multiple youth after they asked him where he lives. The staffers who were present did not shield the youth during the attack and some staffers failed to act promptly to stop it. The youth had to be transported off-grounds to receive medical attention. A mental health clinician was present on the unit at the time of the incident and immediately held a group session with the youth afterwards to help process the situation.

- In incident 144505, two groups of youth were sitting at opposite ends of a unit. Three youth walked across the unit towards two other youth, passing a staffer who was using a phone at the staff desk. The staffer did not move while the group of three youth surrounded the two youth who were still seated and then began assaulting them. A fight broke out between the two groups of youth. Staff assistance was called and the youth were separated and put in their cells.
- In incident 144979, two youth were arguing during school. A staffer escorted one of the youth out of the classroom. However, a third youth then became engaged in the argument and threw a chair at the youth who remained in the classroom. A staffer blocked the chair and kept these two youth from physically fighting by bringing one of them out of the classroom and into the hallway. Then the other youth involved in the argument also came out into the hallway. At this point, the first youth who had been escorted out of the classroom also became re-involved in the argument (he had not been secured in another room). As these events were taking place and occupying staff, there were two youth who remained in the classroom unsupervised even as other staff posted in the school responded to the incident in the hallway.

Incident Reporting Issues

Several incidents reviewed during the quarter were missing documentation or showed that certain reporting practices had not been appropriately followed by staffers as required by DJS policy. These incidents included 144363, 144381, 144353, 144369, and 144451/144452. There were also instances during the quarter of incident report packets being misplaced for days or weeks at a time (for example, 144451/144452). Some incidents showed that seclusion was used without being properly documented (including 143486 and 143576) or that supervisory staff were not adhering to safety protocols required by DJS seclusion policy (144363). Administrators at CYDC have begun to address issues with incident reporting practices and a pattern of incomplete documentation and review.

Safety and Security Practices

On a visit near the middle of the second quarter, monitors noted that staffers were receiving post orders³⁴ for the first time since the facility was moved into a new physical plant toward the end of 2016. All staffers should be well trained in clear and effective operating procedures prior to being assigned a post. Certain incidents during the quarter suggest that operating procedures should be revisited and clarified to promote youth and staff safety and ensure that DJS policy is followed (incident 144582 in the intake area and incident 144626 involving medication distribution).

Staffers posted in master control are responsible for overseeing and coordinating all movement within the facility. During the quarter, there were situations (including incident 143527

³⁴ Post orders here means written notice of operating procedures including any changes or new instructions that staff are expected to read and act upon. These notices are 'posted' where staff can easily access them.

described earlier) that highlight a need for increased training, staffing, oversight, and support for those working at master control. The Department has acted to increase the number of staffers trained for posts in master control. Plans to ensure that master control staff have the ability to assess without delays that door unlocking requests are safe and legitimate before honoring them should go forward. Increased supervisory oversight of the master control staff and area should be incorporated into plans to bolster this post.

Intensive Services Unit

At certain detention centers and Victor Cullen, the Department operates a self-contained and restrictive housing unit called the Intensive Services Unit (ISU) for youth allegedly involved in serious incidents of aggression. During the quarter, the ISU lacked structure and proper programming. Youth in the ISU frequently had no school and there were no plans in place to fill the gaps in the ISU schedule that the lack of education services created. The ISU unit manager and case manager were both absent for most of the quarter due to injuries sustained in incidents at the facility and the temporary replacements that were assigned to those roles had other time consuming responsibilities in the facility. At time of writing (July 24, 2017), the ISU at Cheltenham is closed. If the unit is reopened, MSDE JSES must provide appropriate education services to youth on the ISU and DJS must ensure that it is properly staffed so that the ISU fulfills its stated mission to support youth facing the most significant challenges by providing them with enhanced services.

Education Services

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

During the quarter, education staff absences due to concerns about safety, planned vacations, and unanticipated vacancies created a shortage of available teachers to provide classroom instruction to each unit for a full school day. As a result, youth sometimes had half days or less of school. In addition to preventing the youth from receiving the mandated six hours of school daily, these fluctuations in scheduling created confusion and further destabilized the structure at CYDC during the quarter. For example, monitors noted during a visit that youth on a unit were told in the morning they would only have a half day of school because of staff shortages. A few minutes before the second half of the school day was scheduled to begin, staffers were told to bring the unit to school. Several youth refused to go, citing the information they received earlier about only having a half day of school. The unit case manager then began to hold a group session since the youth were refusing school. Another staffer then told the youth they would all lose their privileges and commissary for a week if they did not attend the second half of the school day. The youth agreed to go. Several youths asked to go to the bathroom before leaving the unit. By the time they arrived in the classroom, there was about ten minutes left to go in the class period. School administrators and DJS staff should coordinate to ensure organized communication in a timely fashion and on a daily basis to clarify schedules and establish a more structured and predictable environment.

Coordination between MSDE JSES and DJS staff is also necessary to help improve youth and staff safety. During the quarter, there was a group disturbance (143292) on a living unit that was sparked by the showing of sensitive material in a video during school earlier in the day. Teachers and school administrators should communicate about the content that is being delivered. Mental health and DJS staff should also be notified when lesson plans include material that may be upsetting so that youth can receive proper supports or so that the instruction can be tailored to complement safety and security goals.

On several visits during the quarter, monitors noted that classroom instruction did not last for the entirety of class periods because education staff did not attempt to continue teaching when youth displayed challenging behaviors. In some cases, direct-care (DJS) workers were observed restoring order and structure to the classroom, however instruction did not resume. DJS and MSDE JSES staff should collaborate to clearly delineate roles in the classroom and develop plans for how to address challenging youth behavior and help ensure education services are consistently delivered. MSDE JSES should provide enhanced training to teachers in engaging youth and working specifically with youth in a sometimes difficult environment. Education staff should also receive enhanced training on the effects of trauma on youth, and on implicit bias and cultural sensitivity in order to help support effective teaching and learning.

During the quarter, youth who were preparing for the GED exam studied in a separate classroom with a designated teacher who worked closely with them. Two youth earned a high school diploma through the GED exam during the quarter (and two additional youth had passed at time of writing). However, MSDE JSES administrators plan to discontinue this approach, despite positive feedback from youth and staff because youth who are enrolled in school are required to be in credit-bearing core classes during the school day. MSDE JSES should support efforts of education staff to help students who want to take and are preparing for the GED to study and take the exam by developing a system that complies with education regulations and provides youth with individualized education services, including comprehensive GED preparation.

There is no post-secondary education for youth in detention who have already earned a high school diploma which is particularly problematic for high school graduates facing adult charges who tend to have extended lengths of stay at CYDC. There was a youth at CYDC during the second quarter who had been there since September of 2016. The youth earned his GED in February of 2017 but did not have access to any vocational or post-secondary education. When DJS staff were available to supervise, the youth could participate in the DJS-administered World of Work program cleaning the facility for pay. MSDE JSES and DJS should collaborate to develop educational programming for youth who have earned a high school diploma. Educational options that target the needs of youth with extended lengths of stay should be incorporated into these plans.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a maximum security detention center for boys. Hickey is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 72 beds. African American youth accounted for 72% of entries in the second quarter of 2017, compared to 71% at the same time in 2016.

Hickey – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	54	51	47
1. Youth on Youth Assault/Fight	50	35	43
2. Alleged Youth on Staff Assault	9	3	0
3. Physical Restraint	96	80	58
4. Use of Handcuffs and/or Shackles	27	13	4
5. Seclusion	18	15	8
6. Contraband	2	2	4
7. Suicide Ideation	11	6	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) in the second quarter of 2017 decreased by 8% compared to the second quarter of 2016, while youth on youth assaults or fights increased by 23%. The use of physical restraints decreased by 28%, the use of mechanical restraints within the facility decreased by 69%, and the use of seclusion decreased by 47%.

A new superintendent was assigned to Hickey during the second quarter of 2017. Administrators should continue to train staff on the use of verbal processing and de-escalation and conflict resolution techniques in order to prevent fights and assaults and further minimize the use of restraints and seclusion.

Supervision of Youth and De-Escalation in the Classroom

Increasing structure and adequately addressing crisis situations during the school day should remain a priority for direct-care, education, and mental health staff. There should be a designated mental health clinician to work in the education building during school hours to assist in de-escalation and crisis intervention efforts. The following observations and incidents highlight areas where supervision of movement of youth and skills in de-escalation could be improved.

During a school monitoring visit during the quarter, students in a classroom were observed horse playing with each other and leaving and entering the classroom at will. The assigned staffer was inconsistent in his efforts to redirect kids as they were moving around the classroom and was not closely supervising youth in order to prevent potential incidents and help create a functional and productive learning environment. Direct-care staff should remain consistently vigilant when attending to youth movement and behavior in order to ensure the safety and security of youth and staff.

In incident 144603, two youth were having a verbal altercation in the classroom when one stated that he “need[ed] to get away” and exited the classroom. Staff ran after the child and talked to him in the hallway outside the classroom. At the first sign of distress, students should be provided the option to receive crisis counseling from mental health staff in a separate space before being re-introduced to the classroom environment. DJS should ensure the availability of crisis counseling by mental health staff to provide expert support for staff in de-escalation efforts.

In incident 144855, a youth in a classroom received permission from direct-care staff to go out in the school hallway to get water. Upon leaving the classroom, the student ran down the hall and entered another classroom and assaulted another student. The assault was said to be in retaliation for a previous incident where the first youth had been assaulted by the second youth. Staff should closely monitor youth during bathroom and water breaks and while changing classrooms to help decrease the occurrence of aggressive incidents.

In incident 144858, which occurred shortly after the incident described immediately above, two youth were arguing back and forth as to why one of the youth didn’t defend his friend as he was being assaulted. Tensions escalated to the point where the bickering youth attempted to fight and were physically restrained by staff.

The shift commander’s audit of incident 144858 noted that staff should have recognized the signs of escalating tension, utilized de-escalation skills, and been proactive rather than reactive in responding to events. Administrators should follow-up with supervisor recommendations and provide ongoing coaching and guidance to staff on ways to address tension, deflate argumentation and prevent incidents. Close collaboration with mental health staff should be fostered to address youth conflict and distress.

Conflict Resolution

Support and training in de-escalation and conflict resolution can also improve safety and security in areas outside of the school environment.

In Incident 143713, youth had just disbanded from a community meeting and were milling around the unit waiting to be lined up to go to the cafeteria. During the wait, two youths got into a verbal argument about something that was expressed in the community meeting. One of the youths attempted to fight the other youth. The aggressor was immediately restrained, however, at the same time, a number of other youths also attempted to become involved in the fight. The targeted youth was moved away from the other youths and out of the area.

Since community groups often have the potential to bring up issues youth may have with other youth and staff, more in depth training in establishing ground rules and structure regarding group meetings, running effective groups, and responding to emotional stress during and after group should be provided to staff. Mental health clinicians should also be present during community meetings to support direct-care staff and help facilitate constructive sessions.

In Incident 144824, two youth got into an argument over a chess game and a fight ensued. During a mental health debriefing after the incident, one of the youth noted “It ain’t over cause he mad, besides I ain’t get to him like I wanted.” Direct care staff should continue to monitor group dynamics on the unit and—in collaboration with case management and mental health staff—work together to develop short term tactics (including close supervision of youth in conflict and mediation sessions held with supervisors) and long term strategies (such as the use of community conferencing and anger management skills training) to handle conflicts between youth.

Transgender Youth

During the quarter, there were at least two transgender girls detained at Hickey. Except for separate shower and hygiene time, no special accommodations were provided for them. In line with best practices, youth should by default be placed in facilities consistent with their gender identify, absent a specific safety concern indicating otherwise.³⁵ Experts in the field note that placing a transgendered girl in a boys’ facility “can be dangerous, exposing her to bullying, physical assaults and even sexual abuse. At its core, such a placement constitutes a refusal to fully affirm the youth’s identity and may contribute to suicidal ideation and depression and exacerbate gender dysphoria, among other undesirable health outcomes.”³⁶

³⁵ Annie E. Casey Foundation. “Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System.” 2015. Page 30. <http://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>

³⁶ Children’s Rights, Lambda Legal, and Center for the Study of Social Policy. “Safe Havens: Closing the Gap between Recommended Practice and Reality for Transgender and Gender-Expansive Youth in Out-of-Home Care.” April 2017. Page 1. Available at: https://www.lambdalegal.org/sites/default/files/tgnc-policy-report_2017_final-web_05-02-17.pdf

Technical Problems with the Video Surveillance System

Ongoing issues with the camera system at Hickey during the quarter prevented administrators from pulling up incident footage for review. Video recordings aid in the investigation of incidents, promote staff accountability and provide a valuable staff training tool. Persistent technical problems with the camera system at Hickey should be permanently addressed.

Family Contact and Phone Issues

Kids in detention are limited to two 10-minute phone calls per week to immediate family members. Youth have raised ongoing concerns about the phone system that they are required to use (provided through a company called Global Tel Link, [GTL]) to make phone calls home. Youth have reported that calls are frequently dropped before the allotted time period is completed, especially when calls are made to cell phones (Grievance 13553). When this occurs, the child is required to contact case management. Case management staff in turn must research the call history before restoring the minutes. This process can take days to complete.

Disruption with the phone service interferes with the limited time that children are given to engage with families over the phone. In addition to permanently addressing deficiencies with the phone system, youth should be provided with increased opportunities for phone contact with family members and or other relatives who provide positive sources of support in the community.

Physical Plant Issues

The air conditioning system on one of the units is broken, causing an uncomfortable living environment. Several youth wrote grievances about the heat and stressful conditions (Grievance 13525). A portable air conditioning unit has been placed on the unit but is not adequate to cool down the space. The AC system should be fixed without delay.

Special Events and Structured Programming

Several special events were held for youth throughout the quarter, including a presentation by an author of young adult books and another by a motivational speaker; a choir concert; and an outdoor cookout. In addition, the case manager supervisor has organized consistent structured groups and activities a few days of the week during after-school hours for all units. Hickey leadership should continue to encourage and incorporate productive programming into the facility schedule.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Hickey. The school day was shortened to 4.5 hours during the summer months at Hickey. Youth eligible for credit recovery are receiving classroom instruction in order to receive credit for failed courses. All other youth are attending summer enrichment courses and are not eligible to receive credit in core content areas during the

summer. Students detained during the summer months should have the opportunity to earn credits in core content areas.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure detention center for girls. Waxter is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 42 beds. African American youth represented 70% of entries during the second quarter of 2017 compared to 75% in the same period last year.

Waxter – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	29	22	23
1. Youth on Youth Assault/Fight	36	13	27
2. Alleged Youth on Staff Assault	9	5	8
3. Physical Restraint	65	30	74
4. Use of Handcuffs and/or Shackles	7	5	12
5. Seclusion	10	1	3
6. Contraband	2	2	1
7. Suicide Ideation	36	19	33
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	4	1	6

Average daily population (ADP) during the second quarter increased 5% while fights and assaults and restraints more than doubled. Incidents of suicide ideation increased by 74% and there were six instances involving self-injurious behavior.

In an incident during the quarter (144479), a staffer bit a child while physically restraining her. The incident was properly reported and Anne Arundel County Child Protective Services investigated the allegation. The staffer was indicated for physical child abuse. According to the DJS Office of the Inspect General (OIG) investigation, the Maryland State Police were contacted

but charges were not filed because the youth bit the staffer first. The staffer no longer works for the Department.

Safety and Security

Research indicates the importance of addressing peer and family relationships among girls in the juvenile justice system.³⁷ The Department's data show that 76.1% of girls in out-of-home placement in fiscal year 2016 had a moderate to high mental health need and that 40% of girls had a history of physical or sexual abuse (compared to 13.5% of boys).³⁸ Some incidents involving aggression during the quarter were related to interpersonal dynamics arising out of relationships between girls (143493). Other incidents involved youth facing intense mental health issues (143865) or girls with a history of trauma (143493). In incident 143493, a youth said she got involved in a youth on staff assault because: "My mom use[d] to get beat by her boyfriend all the time so when I see a man put his hands on a female I fight or do something to try to stop it. This is why I got into it. I'm sorry for the way I acted."

Plans to introduce psychoeducation groups that incorporate topics including healthy relationships should go forward. Direct-care workers should also receive trauma-informed training in youth mental health and in identifying and constructively intervening in interpersonal dynamics that can lead to incidents involving aggression.

Staffing

Staffing levels may have also contributed to the increase in incidents involving aggression during the quarter. Limited staffing can prevent direct-care workers from processing with youth to help resolve issues before they develop into incidents involving aggression and can impede the ability of staff to effectively intervene in fights. For example, in incident 143593, a single staffer was supervising a group of eight youth when two youth began arguing. The staffer "intervened standing between the youth and giving both youth verbal directives to be quiet and have a seat" and called for assistance. A physical altercation ensued and the staffer stayed standing between the youth in an attempt to keep them from fighting. Some of the other youth tried to help break up the fight and others tried to pull the staffer away. Additional staffers arrived and helped separate the youth who were fighting.

Although there were few vacancies for direct-care positions during the quarter, there were times when as many as 20 staff were unavailable for work as a result of injuries or other reasons. The fluctuating number of youth on suicide watch during the quarter also increased demand for direct-care workers in order to remain in compliance with the one-to-one staffing required by the suicide watch protocol. When staffing levels reached critically low levels during the quarter, youth were held in their cells during the day until enough staff arrived at the facility to ensure compliance with basic mandated youth-to-staff ratios.

³⁷ Watson, L. and Edelman, P. "Improving the Juvenile Justice System for Girls: Lessons from the States." Georgetown Center on Poverty, Inequality and Public Policy." October 2012. Available at: http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/jds_v1r4_web_singles.pdf

³⁸ DJS 2017 update to *Report on Female Offenders* (February, 2012).

The Department should work with the Maryland Department of Budget and Management to adjust staffing levels at each facility to ensure that individual staffers are not responsible for supervising groups of youth and to account for staff who are unavailable due to medical leave. Additional staff posts should be specifically created at Waxter given the prevalence of mental health issues among girls in the juvenile justice system and the high proportion of incidents of suicide ideation that tend to occur at Waxter.

Unit Restriction

A grievance received during the quarter (13361) indicated that a youth was not allowed to leave the living unit for approximately three weeks due to concerns that she would attempt to escape the facility. The youth did not receive teacher instruction while she was contained on the unit. Instead, education staff came to review packets of schoolwork with her during lunch and planning periods. According to administrators, the youth participated in recreation on the living unit during this period. The Department should identify alternative responses to challenging behavior - such as assigning youth a one-to-one staffer - to address particularized safety and security concerns without restricting or abridging access to regular programming including appropriate education services which youth are entitled to receive.

Mental Health Services

As noted earlier, girls in the juvenile justice system are more likely than their male counterparts to suffer from unaddressed behavioral health needs.

Mental health clinicians are not always on-site during the evening and are only present at the facility for limited hours on the weekends. Several incidents occurred during the quarter at times (during the week and on weekends) when mental health staff were not available on-site.

For example, on Sunday, April 16, 2017, there were five incidents involving aggression (143597, 143615, 143493, 143622, and 143593), all of which occurred outside of the hours that mental health staff were available on-site:

- Incident 143593 occurred at 7:30 a.m. on April 16 when two girls out of a group of eight were arguing. There was one staffer supervising the group. The two girls began to physically fight. Other youth got involved either attempting to separate the girls or to pull the staff away from them. Additional staffers responded and separated the youth who were fighting.
- Incident 143597 occurred at 4:15 p.m. on the same day and involved a youth who was upset and yelling loudly in the dayroom of a living unit while the rest of the girls on the unit were in the small dayroom of the same unit. The youth who was upset and yelling had taken her shirt off and the staffer supervising her was directing her to get dressed. One of the other girls entered the large dayroom and confronted the upset girl about yelling and a fight broke out between them. Both girls were physically restrained by staff.

- Incident 143615 occurred around 6:15 p.m. and involved a youth who was upset about being on suicide watch. The situation escalated and the youth was physically restrained after she began throwing items around the unit.
- Incident 143493 occurred shortly after 143615 (around 6:30 p.m. on the same day as the others described above), when another youth became upset after witnessing the restraint in 143615. The youth assaulted a staffer and was physically restrained.
- Incident 143622 occurred at 7:45 p.m. after a youth refused to move to another living unit to lock in her cell for the night. The situation escalated when a supervisory staff took the youth's bag of hygiene products from her hands. According to the incident report, the youth then became combative and was restrained by multiple staff and put in her cell.

On the night of a youth family event held at the facility during the quarter, there were three physical restraints. Two of the incidents involved the same youth. According to incident 143800, the youth was upset about attending the family engagement event and was tearing down posters and punching the wall. She was restrained and taken to the back hallway to cool down. Later, when the youth was in her cell with the door open she began cutting herself with a broken DVD and was restrained by staff again (incident 143871). The third restraint involved a youth with a history of mental health issues whose family did not attend the event (incident 143865). The youth was acting out on the unit and when she was let into the back hallway to calm down, she tied a cloth around her neck. After staff removed the cloth from the youth's neck, she was taken to her cell. The youth took off her shirt and wanted to leave her cell but was told to stay in the cell until she was fully dressed. The youth then sat down and tied a sweatshirt around her neck. Several staff arrived to help open the door which the youth was blocking with her body. The staffers then restrained the girl and removed the sweatshirt. Mental health staff were not available to intervene before, during, or immediately after any of these incidents which occurred during the evening on a weekday.

The Department needs to expand the availability of mental health staff at Waxter to cover waking hours and should ensure comprehensive on-site coverage including evenings, weekends, and critical times such as visitation hours and all family engagement-related events.

Psychiatric Services

There is a contracted psychiatrist who is scheduled to come to Waxter twice a week. Youth who are detained at Waxter are evaluated by this psychiatrist before they are prescribed and given medication. According to grievance 13552, a youth reported that she was on 14 prescription medications before being detained. She had a consultation with the psychiatrist within a few days of her arrival but the appointment ended early when the youth became upset by the questions the psychiatrist was asking. The appointment was rescheduled for a time when a mental health clinician would be available to attend and provide support for the youth. However, the psychiatrist did not come on time and the mental health clinician was no longer on site when he arrived. The youth was eventually seen by the psychiatrist although she was not on her medication for approximately two weeks and was involved in self-injurious behavior in the meantime (incident 145187).

The Department should ensure that youth at Waxter have consistent access to a psychiatrist specifically trained to work with girls in the system, as they are likely to have extensive histories of physical and sexual abuse and other traumas. The psychiatrist should be scheduled and available for enough hours per week to ensure that youth are promptly assessed and receive appropriate medication prescription and management services without delays.

Structured Programming

A recreation specialist at Waxter coordinates the mandated one hour of large muscle exercise on a daily basis, often incorporating a variety of activities. The physical plant at Waxter limits the availability of space for large muscle recreation because there is one room—the “cafenasium”—that doubles as a cafeteria and a gymnasium. Outside space can be used to supplement this area, provided there is no inclement weather. As a result of physical plant limitations, youth may not always receive a full hour of recreation as scheduled if, for example, one unit takes longer than expected to finish a meal and leave the cafenasium. Staff and administrators should continue efforts to ensure adherence to scheduled meal and recreation times so that all youth have an opportunity for a full hour of large muscle exercise on a daily basis.

Plans to introduce yoga programming should go forward given evidence that “trauma-informed, gender-responsive, and culturally competent yoga and mindfulness programs can address the short- and long-term impacts of trauma on girls in the juvenile justice system.”³⁹ Additional plans to contract with a hip hop dance instructor should also go forward and administrators should continue efforts to ensure that each of the three units have equal access to structured programming. During the quarter, there were two scheduled breaks from school but all youth were not consistently engaged in constructive and structured programming during the times they would have otherwise been in school. Instead, youth watched television, completed jigsaw puzzles, and did basic arts and crafts. Administrators have designated a staffer to supplement recreation programming with structured activities. Efforts to provide an assortment of incentive-based programming for youth on evenings and weekends should continue. Specific attention should also be devoted towards developing activities for youth when school is not in session or teacher absences lead to unplanned downtime.

Education Services

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

During the quarter, education staff at Waxter organized a career day. Youth met local employers and participated in mock interviews. Plans to arrange employment based programming like career day on a regular basis should go forward.

³⁹ Epstein, R. and Gonzáles, T. “Gender and Trauma. Somatic Interventions for Girls in Juvenile Justice: Implications for Policy and Practice.” Georgetown Center for Poverty and Inequality. (April, 2017). Page 4. Available at: http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/17_COPI_report-FPO.pdf

As previously noted, a youth who was restricted to a housing unit for three weeks did not receive six-hours of instruction from a teacher on a daily basis. MSDE JSES should make sure staffing plans at each site are designed so that there are enough teachers to provide instruction to all youth. Plans to provide substitute teachers should be realized without further delay in order to help ensure youth have access to comprehensive education-related instruction on a daily basis.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

Alfred D. Noyes Children’s Center

The Alfred D. Noyes Children’s Center, located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated capacity of 57. African Americans represented 67% of youth entries during the second quarter of 2017 compared to 68% in the second quarter of 2016. Hispanic youth accounted for 25% of youth entries versus 24% in the second quarter of 2016.

Noyes – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	28	28	31
1. Youth on Youth Assault/Fight	22	20	22
2. Alleged Youth on Staff Assault	3	2	2
3. Physical Restraint	51	36	45
4. Use of Handcuffs and/or Shackles	3	1	4
5. Seclusion	8	4	1
6. Contraband	1	4	2
7. Suicide Ideation	10	21	19
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	1	10	0

Average daily population increased by 11% in the second quarter of 2017 in comparison to the second quarter of 2016 while youth on youth fights and assaults increased by 10% and physical restraints increased by 25%. Incidents involving the use of mechanical restraints within the facility increased from 1 to 4, however the use of seclusion decreased from 4 to 1 during the quarter.

Ongoing direct care staffing shortages at Noyes were ameliorated during the latter part of the quarter. At time of writing (early August of 2017), there are no vacancies for direct care

staff, which has resulted in fewer employees being mandated to work overtime. Higher staffing levels have promoted safety and security by providing increased staff presence on the units and throughout the facility. Administrators should focus on further improving employee morale in order to retain qualified staff and create a positive and collaborative culture within the facility. In addition, an open upper management position and a vacancy for a licensed psychologist should be filled without delay.

During the quarter a youth reported that a female staffer made sexual overtures toward him and wrote him letters with content of a sexual nature. The letters were subsequently recovered during a search of the youth's room. The Department's internal investigation unit (OIG) as well as Child Protective Services was contacted. The staffer admitted to writing the letters during a subsequent investigation by OIG and the staffer no longer works with DJS.

Group Meetings

In Incident 143428, a single staffer assigned to a unit with eight youth decided to conduct a group meeting to discuss residents addressing other residents by gang names. During the gathering, a youth accused another of being a member of a rival gang, and a fight broke out involving several youth. The staffer called for help while trying to break up the melee.

Staffers attempting to conduct groups on sensitive topics should enlist the aid of supervisory staff, case managers, and mental health clinicians to help in addressing complicated issues and managing group dynamics with a view toward mitigating potential for escalating tensions.

Reporting Allegations of Abuse

During the incident involving the group session (143248), staff assistance, including the facility superintendent and assistant superintendent, arrived on the unit to help manage the fracas. All youth were told to go to their rooms for safety and security reasons. One youth was physically restrained and put in his room by multiple staffers, including the assistant superintendent. The child was brought to see medical personnel following the restraint and reported to the nurse that "[the assistant superintendent] grabbed me by the throat almost choking [me]." At the time of the medical evaluation, the nurse did not report the alleged abuse to Child Protective Services (CPS) and the Department's internal investigation unit (DJS OIG) was not notified of the allegation.

The youth was later transferred to another facility and wrote a grievance stating that he had been choked. The child advocate at the other facility who received the grievance notified CPS and OIG of the allegation.

Nursing staff are mandated reporters and are responsible for contacting Child Protective Services when they learn or even suspect that physical abuse or neglect may have occurred. The Department must ensure that all DJS staff and contracted personnel are aware of and fulfilling their responsibilities as mandated reporters.

Gender Responsive and Trauma Informed Care

Research indicates that nearly two-thirds of girls in the juvenile justice system have symptoms of Post-Traumatic Stress Disorder (PTSD).⁴⁰ In line with national trends, girls in the juvenile justice system in Maryland are significantly more likely than boys to have a history of physical and sexual abuse and a substantial proportion are facing intensive mental health-related challenges.⁴¹

Increased efforts should be made to address the specific trauma and mental health related needs of girls housed at Noyes. Close collaboration between DJS line and mental health staff and a commitment to comprehensively implementing gender responsive and trauma-informed responses to youth behavior will be essential elements in efforts to ensure successful interventions and outcomes for youth.

In incident 144319, several girls were sitting passively on the couches in a unit dayroom and were refusing to lock in to their rooms prior to evening showers. The girls were upset about perceived unequal treatment and displays of staff favoritism on the unit. Supervisory staff responded to the unit, however mental health was not called in to process with the girls. The girls were physically restrained while seated on the couch and placed in their rooms. This action was in violation of the Department's crisis management policy, which stipulates that restraints should only be used as a last resort and only when a youth displays behavior indicative of an imminent threat to self or others or makes an overt attempt to escape.⁴²

In addition to contravening policy, restraints to enforce compliance, as exercised in the incident above, preclude opportunities for staff to teach youth how to constructively handle peer and interpersonal conflict and model and demonstrate self-regulation skills, which are integral elements of a trauma-informed approach.⁴³

In incident 144935, several staff were called to cut off a monitoring device from a girl's ankle. Case notes indicated the girl may have been a victim of sex trafficking. She also had a history of significant mental health problems and was placed on suicide watch the night before when she made statements about killing herself. When she refused to allow staff to cut off the ankle monitor, she was held down and three male staff attempted to cut the ankle monitor off her. The girl resisted and was restrained and locked in her room on seclusion. While in her room, she began to bang her head against the wall. Staff entered her cell and handcuffed and shackled the girl. Mental health staff were called in after she continued to be agitated. The child later tried to tie something around her neck which staff removed. The mental health clinician noted the girl

⁴⁰ Rebeca Epstein and Thalia Gonzalez, [Gender & Trauma – Somatic Interventions for Girls in the Juvenile Justice: Implications for Policy and Practice](#), Center on Poverty and Inequality, Georgetown Law (p. 9), available at: <http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/gender-and-trauma.pdf>

⁴¹ DJS Replication of Report on Female Offenders, FY 2016 (February, 2012), p. 11

⁴² DJS Policy and Procedure RF-02-07 Crisis Prevention Management (CPM) Techniques Policy

⁴³ Ford, J. and Blaustien, M. "Systemic Self-Regulation: A Framework for Trauma-Informed Services in Residential Juvenile Justice Programs." *Journal of Family Violence*. October, 2013. Available at:

http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf

was calm for periods of time followed by outbursts of screaming and crying. She was eventually transferred to hospital for evaluation. The girl subsequently reported to her community case manager that she did not feel safe at Noyes because of the way male staff physically restrained her and forcefully removed her ankle monitor.

Comprehensive training in trauma-informed interventions for all direct care staff should be implemented at Noyes to prevent interventions that are rooted in physical control – such as restraints and seclusion – from being used in response to youth behavior stemming from underlying mental health and trauma-related issues. Mental health clinicians should be available during waking hours seven days a week and available on call during sleeping hours to provide ongoing support to youth in detention and committed placement centers. Whenever possible, youth with mental health issues should be diverted from detention to community-based treatment, as research shows that “far from receiving effective treatment, young people with behavioral health problems simply get worse in detention, not better.”⁴⁴

Administrators recently made efforts to improve conditions on the girls’ unit at Noyes. Staffers with enhanced skills in building rapport have been placed on the unit to assist with group dynamics. The staffers have created engaging and productive activities tailored to the girls, including arts and crafts exercises, a project on increasing self-esteem, and a job readiness workshop. Further development of creative structured programming should be encouraged. Plans to re-introduce a yoga program should go forward, as studies have shown that participation in a trauma-informed yoga program has beneficial outcomes for justice-involved girls.⁴⁵

Physical Plant Issues

There is one functional shower and one functional sink on the girls unit. The working shower is located beneath a broken air vent, which blows cold air on the girls as they shower. The issue has been ongoing and one girl stated in a grievance, “I am tired of taking cold showers. Its making me not wanna have one” (Grievance 13428). Maintenance issues in the bathroom on the girls’ living unit should be fixed promptly and permanently.

Dietary Services

Meal services are provided by a contracted vendor at Noyes. Youth raised ongoing concerns about the quality and quantity of food during the quarter. During monitoring visits, many youth reported that the food was frequently served cold. Several youth also filed a grievance after finding hair in their food and being served undercooked meat (Grievance 13354).

⁴⁴ Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (2011), p. 8. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

⁴⁵ Rebeca Epstein and Thalia Gonzalez, [Gender & Trauma – Somatic Interventions for Girls in the Juvenile Justice: Implications for Policy and Practice](http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/gender-and-trauma.pdf), Center on Poverty and Inequality, Georgetown Law (p. 9), available at: <http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/gender-and-trauma.pdf>

Another youth reported being on a dietary plan to receive extra portions at a previous facility, but the plan was not accommodated by medical personnel at Noyes when the youth was transferred to Noyes. The youth noted significant weight loss since transferring to the facility (grievance 13521).

Issues with food quantity and quality should be addressed with the vendor, and if necessary, an alternative vendor should be identified in order to address and rectify persistent complaints with the meal service.

Family Contact and Phone Issues

Kids in detention are limited to two 10-minute phone calls per week to immediate family members. Youth have raised ongoing concerns about the phone system that they are required to use (which is operated by a company called Global Tel Link [GTL]) to make phone calls home. Youth have reported that calls are dropped before the allotted time period is completed, especially when calls are made to cell phones (grievance 13432). When this occurs, the child is required to contact case management. Case management staff in turn must research the call history before restoring the minutes. This process can take days to complete.

Disruption with the phone service interferes with the limited time that children are given to engage with families over the phone. In addition to permanently addressing deficiencies with the phone system, youth should be provided with increased opportunities for phone contact with family members.

Education

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Noyes. There were three ongoing teacher vacancies during the quarter. Teachers at Noyes (and all MSDE JSES schools) teach year round and do not receive the same amount of vacation time as teachers in local school systems. Teachers across the MSDE JSES system have commented that the year round work schedule is one of the major reasons for the high teacher attrition rate.

Additionally, there is no plan in place to provide substitute teachers when teachers are unavailable due to vacancies, sickness, or leave. Students did not receive instruction and had to remain on residential units during the school day several times this quarter due to teacher absences or leave.

During the quarter, a youth who had his high school diploma filed a grievance (13534) due to lack of post-secondary opportunities. The youth had been transferred to Noyes from another detention center and had been participating in the DJS-arranged World of Work program at the other facility. (The World of Work program, available at some DJS-operated detention and committed placement sites, allows youth to earn minimum wage while performing odd jobs within the facility). DJS should expand the World of Work program to Noyes, and MSDE JSES should

ensure that access to college preparedness courses (such as SAT and ACT prep) and online community college courses are offered to eligible students.

A teacher at Noyes recently started a community garden to allow students to earn service learning hours. Students grow and harvest fruits and vegetables and the food is donated to a local food bank. Leadership at MSDE-JSE should encourage and support initiatives to introduce creative educational activities at all of its schools.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

Lower Eastern Shore Children's Center

The Lower Eastern Shore Children's Center (LESCC) is a hardware secure detention center located in Salisbury. LESCC is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 18 boys and six girls. African American youth represented 80% of entries during the second quarter of 2017, compared to 73% in 2016.

LESCC – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	19	19	18
1. Youth on Youth Assault/Fight	16	16	3
2. Alleged Youth on Staff Assault	2	0	0
3. Physical Restraint	30	42	32
4. Use of Handcuffs and/or Shackles	0	0	1
5. Seclusion	2	1	1
6. Contraband	0	2	0
7. Suicide Ideation	4	6	2
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	0	1	1

Average daily population decreased by 1 (from 19 to 18) during the second quarter of 2017 compared to the second quarter of 2016. The number of youth fights and assaults decreased by 81% and the number of physical restraints decreased by 24% during the same time period. Mechanical restraints and seclusion were used once within the facility during the second quarter of 2017.

Administrators, direct-care staff, case management, education personnel, and mental health clinicians work as a cohesive team to create a safe and therapeutic environment for children housed at LESCC. During the quarter, the recreation specialist developed a variety of

gender responsive programming for the female population. There is a youth advisory board that meets with administration on a regular basis to discuss concerns and provide input for future programming. In addition, members of the facility advisory board frequently engage in outreach to local volunteers and community organizations to bring in activities and guest speakers. Newly hired staff are assigned a mentor to help them hone their positive relationship building skills and assist them in adapting to the facility culture.

Additional staffing positions are needed to support facility operations. More staff are needed to:

- greet and search individuals who enter the facility (a duty which is currently being covered by facility administrators);
- escort youth to mental health, medical, and other appointments within the facility; and,
- supervise youth requiring special education instruction outside the general classroom environment.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

Western Maryland Children's Center

Western Maryland Children's Center (WMCC), located in Washington County, is a 24-bed maximum security detention center for boys owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American youth represented 54% of total entries in the second quarter of 2017 compared to 62% in the second quarter of 2016. Hispanic/Latino youth represented 9% of youth entries, compared to 11% last year.

WMCC – Selected Incident Categories	Q2 2015	Q2 2016	Q2 2017
Average Daily Population (ADP)	17	20	21
1. Youth on Youth Assault/Fight	5	12	14
2. Alleged Youth on Staff Assault	1	0	1
3. Physical Restraint	17	26	27
4. Use of Handcuffs and/or Shackles	7	2	5
5. Seclusion	0	2	1
6. Contraband	0	1	0
7. Suicide Ideation	3	2	5
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	8	0	0

The average daily population increased by one (from 20 to 21) during the second quarter of 2017 compared to the same period in 2016. Youth fights and assaults increased by two (from 12 to 14); the use of physical restraints increased by one (from 26 to 27); and the use of mechanical restraints inside the facility increased by three (from 2 to 5) when comparing the same time periods.

DJS case management and recreation staff have paired up to create and institute a variety of physical activities for kids at times when school is not in session. In addition, a newly hired case manager has been put in charge of running community meetings on the unit in order

to facilitate a productive group process. Ongoing efforts to enhance programming at WMCC should continue.

Additional staffing positions are needed to further support facility operations. More staff are needed to:

- greet and search individuals who enter the facility (a duty which is currently being covered by facility administrators);
- escort youth to mental health, medical, and other appointments within the facility;
- supervise youth requiring special education instruction outside the general classroom environment; and,
- provide one-on-one supervision services to kids on suicide watch.

For more about educational services in DJS facilities, see the MSDE JSES section on page 61.

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

Incidents involving aggression at smaller facilities licensed by DJS remained low during the second quarter of 2017.

Liberty House Shelter – NOTICE OF CLOSURE

Liberty House closed during the first quarter of 2017. It was a shelter care facility in Baltimore City operated by Youth Enterprise Services, Inc., and licensed by the Maryland Department of Juvenile Services (DJS/the Department). Liberty House was a safe, less restrictive alternative to secure detention and housed up to 10 boys between the ages of 13 to 18 years old in a home-like environment. Youth attended local schools and were able to participate in recreational and enrichment activities in the community.

Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore and is operated by Vision Quest, Inc. Morning Star is licensed by DJS to house up to 24 boys.

All direct-care staff are trained to implement a trauma-informed treatment model. Group and individual therapy is provided by facility staff and outside contractors. An equine program supplements therapeutic programming.

Administrators should enhance staff development efforts, including holding regular all-staff meetings, to help create a more collaborative and supportive culture and to ensure that all staff are adequately trained in implementing the treatment model. In addition, recruitment incentives should be offered to attract a pool of qualified direct-care workers. A vacancy for a facility cook should be filled without delay.

In addition to therapeutic services, youth attend school and engage in recreational activities both on- and off-site, including basketball, running, biking, and swimming. The amount of recreational programming should be increased as youth have voiced concerns about excessive downtime on weekends and after school. Plans to replace the gym floor should be prioritized given that the surface becomes dangerously slippery when wet and puts kids and staff at risk of substantial injury.

One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. The program accepts adjudicated male youth between the ages of 17 and 20 years old and is geared toward preparing youth for independent living.

One Love provides youth with individualized attention in a home-like environment. Youth either attend school or work in the community. Off-site recreational and extracurricular activities are offered on a consistent basis. Therapeutic services, substance abuse counseling, and life skills classes are offered on a weekly basis both on- and off-site. During a recent licensing audit of the home, youth reported that they felt safe and supported at One Love.

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education through the Juvenile Services Education System (MSDE JSES) is responsible for providing educational services to students in all DJS-operated detention and committed placement centers.

Research shows that academic achievement is pivotal in reducing recidivism and promoting positive outcomes in youth.⁴⁶ However, systemic issues within MSDE JSES continue to interfere with the delivery of mandated education services and prevent students from receiving schooling of the same quality as those available to their peers in the community. Leadership at MSDE JSES must commit to advocating for, devoting resources to, and substantially supporting students, teachers and principals in MSDE JSES schools if the educational needs of the students served are to be met.

Staffing Issues

Recruitment and retention of qualified staff are persistent problems at all MSDE JSES schools that have yet to be comprehensively addressed. All MSDE JSES schools continue to struggle with outstanding staff vacancies and during the quarter, principals at three of the largest facilities resigned. An evaluation of the MSDE JSES program by independent experts hired by the agency noted that, “the agency continues to operate under a top-down style with insufficient attention to teacher and [principals’] needs”⁴⁷ and “a top-down culture that contributes to staff dissatisfaction and high turnover.”⁴⁸ The report further stated that the “current system of recruiting, hiring, and supporting teachers is totally inadequate.”⁴⁹

At many MSDE JSES schools there is an insufficient number of staff positions to meet the educational needs of students. The increase in population at BCJJC, for example, combined with inadequate numbers of teaching staff prevented some youth from receiving education services during the quarter (see BCJJC, p. 25). Students placed on the Intensive Services Unit (BCJJC, Victor Cullen, and CYDC) or on the infirmary (BCJJC) at some MSDE JSES schools are also deprived of appropriate education services because of poor staffing.

Meanwhile, MSDE JSES does not provide schools with substitute teachers on days when staff are unavailable because of vacancy, illness, or vacation and students do not receive a full six hours of daily instruction on a consistent basis. As the report cited previously highlighted, “[t]oo often, special education teachers are used as general education substitute teachers. When

⁴⁶Seigle, E., Walsh, N., and Weber, J. “Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System.” Council of State Governments, 2014, available at: <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf> (p. 30)

⁴⁷ Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report, January 17, 2017, Strategic Plan Review Team, University of Maryland, (p.3) available at: <http://marylandpublicschools.org/programs/Documents/JSE/JSEStrategicPlanBenchmarkReport012017.pdf>

⁴⁸ Ibid p.8

⁴⁹ Ibid p. 5

this occurs, these teachers are not available to meet the needs of student with special needs and implement their IEPs.”⁵⁰

Absent a culture shift within MSDE JSES toward ensuring appropriate levels of support and resources for staff and schools under their jurisdiction, widespread staffing issues plaguing MSDE JSES schools will continue indefinitely and may become even more pronounced. In addition to reforming agency culture, MSDE administrators should undertake an overhaul of current hiring and retention practices to promote the recruitment and retention of highly qualified teachers and principals. A detailed assessment to identify gaps in services at each facility should shape MSDE JSES demands for the additional resources and staff necessary to help meet the operational needs of each school. Collaboration with other government stakeholders and partnerships with outside organizations should be incorporated into these plans.

Summer School

MSDE JSES should ensure that all students have the opportunity to earn credits throughout the time they are held in DJS detention or committed placement centers. However, leadership at MSDE JSES planned to implement a summer enrichment program at MSDE JSES schools that did not include the possibility of earning high school credits. The plan did allow for certain qualified students to participate in an online credit recovery program.

Around the time this plan was to become operational, administrators at MSDE JSES headquarters announced they would not be going forward with the enrichment program⁵¹ when they realized that failing to offer formal instruction during summer months would violate state law.⁵²

Although MSDE JSES administrators signaled that the summer enrichment program would not go forward, students who did not qualify to participate in the credit recovery track did end up working on enrichment packets during the school day without the possibility of earning credits for their work.

Courses, Resources, and Opportunities in Parity with Community Schools:

Students in MSDE JSES schools are unable to obtain a high school diploma while detained or in placement. Unlike schools in the community, MSDE JSES schools do not offer all of the courses and programs that are required for a Maryland high school diploma, including electives like physical education and art, as well as service learning hours. Additionally, English Language Learner (ESL) courses for students with limited English proficiency is not available. Credits that youth do in earn while in MSDE JSES schools are not necessarily accepted and applied by schools in the community. In the event that community schools choose to accept credits earned in a MSDE JSES school, the credits for core classes may be applied as electives rather than applied toward graduation requirements for core classes.

⁵⁰ Ibid p. 5

⁵¹ MSDE JSES also changed the online credit recovery program into a situation where students attended classes during the summer and had to pass a final exam in order to earn high school credits.

⁵² COMAR 13A.05.11.04(A)

Plans to integrate technology in the classrooms are not implemented efficiently and effectively. In 2016, MSDE JSES announced that iPads would be issued to schools for students' use but they have yet to be used at some JSES schools because security firewalls and educational apps have not been installed on the devices.

Leadership at MSDE JSES should ensure that students have access to coursework, technology, and resources comparable to that available at local community schools so that they can continue to progress in school while they are in detention or committed placement.

GED Program

Many youth in DJS facilities are motivated to earn a high school diploma through the General Equivalency Diploma (GED) exam. However, youth who want to take the GED test are required to attend standard credit-bearing core classes during the school day rather than receive instruction tailored to the GED exam in a separate class.

This arrangement is due to legal mandates which require youth who are enrolled in school to receive instruction in credit-bearing core classes for six hours a day. MSDE JSES should develop a program for youth in DJS facilities who are preparing to take the GED exam that complies with legal mandates and provides students with distinct staffing and resources geared towards helping students pass the exam and earn a high school diploma.

Vocational and Post-secondary Education

There is no consistent opportunity for hands-on vocational education or career technology training at MSDE JSE schools. Administrators at MSDE should prioritize the development of a robust vocational education program with a variety of courses leading to certification in high demand jobs. Partnerships with community businesses and organizations should be cultivated to provide employment and internship opportunities as a supplement to classroom learning. At least one full time dedicated vocational instructor should be assigned to each school to facilitate hands-on learning.

Some efforts have been made to enhance post-secondary options for students. Administrators at MSDE JSES are working to expand an agreement with Frederick County Community College to provide youth in DJS facilities with access to online community college courses. However, youth with a high school diploma or GED must be housed in detention or placement at the beginning of each academic semester in order to enroll in online college courses and MSDE JSES should ensure that eligible youth have access to post-secondary opportunities during the entire duration of their incarceration. Services such as ACT and SAT preparation courses should be offered to students as a supplement to post-secondary programming.

Interagency Collaboration Within Facilities

Fostering a positive school experience for youth requires close collaboration between facility administrators, DJS direct-care staff, and education personnel. The roles and

expectations of teachers and direct-care staff in creating and maintaining a safe and productive classroom environment should be clearly described and delineated. Joint trainings for direct-care school staff and teachers that cover topics related to the needs of incarcerated students should be conducted on a regular basis throughout the system - administrators at some sites have begun to develop such an approach (see Hickey, page 38).

Daily communication between MSDE JSES principals and DJS facility administrators about the school schedule is necessary given the frequency with which it fluctuates because of staff shortages, school holidays, or teacher training. Both agencies should work on proactively collaborating in order to create productive programming and activities for days and times that school is not in session.

Specialized Training for Education Staff

A large proportion of youth in MSDE JSES schools have mental health and trauma related needs that may impact classroom behavior and affect student learning.

All education staff in contact with students should receive specialized training in working with incarcerated youth, and efforts should be made in creating a trauma-informed school environment at all MSDE JSES schools.⁵³ In addition, staff should be trained in individualized, trauma-informed interventions, such as restorative justice practices, in response to problematic student behavior to help facilitate a safe and productive learning environment for all youth.⁵⁴ Administrators at DJS and MSDE JSES headquarters should ensure that front-line staff receive comparable trainings in these areas to help facilitate a unified approach in schools at DJS facilities.

⁵³ For essential components of a trauma-informed school, see <https://traumaawareschools.org/traumaInSchools>

⁵⁴ Holland, John. "Personalized Restorative Justice Best Way to Teach Traumatized Students, Conferees Told" June 26, 2017, available at: <http://jjie.org/2017/06/26/personalized-restorative-justice-best-way-to-teach-traumatized-students-conferees-told/>

MARYLAND DEPARTMENT OF JUVENILE SERVICES - RESPONSE



DEPARTMENT OF JUVENILE SERVICES
RESPONSE TO JJMU 2017 2ND QUARTER REPORT

The Department of Juvenile Services has reviewed the JJMU's second quarter report for 2017 and provides the following response.

INTRODUCTION

The JJMU Should Adopt Standardized and Objective Audit Tools.

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

In its 2017 2nd Quarter Report, the JJMU relies heavily on quotes from youth. While input from youth may be helpful, it is not a substitute for objective standards for monitoring purposes.

The JJMU Should Use Immediately Preceding Quarters of Incident Data to Depict the Current Trends at a DJS Facility.

The JJMU compares incident data for the current quarter to the same quarter from previous years. This method of measuring facility trends has significant drawbacks.

Populations at DJS facilities turn over multiple times each year, based on an average length of stay of four months for committed facilities and more frequently for DJS secure detention facilities.

In addition to regular turnover, each facility population is unique. Factors such as risks, needs, behavioral health issues, age, and proportion of new admissions contribute to the overall group dynamics at a facility. Turnover among the DJS staff and leadership also factor into the group dynamic at facilities. Therefore, the characteristics of the youth population and the DJS staff and leadership in a facility at a given point in time can vary such that comparisons to previous years do not offer helpful insight.

A more helpful method of comparison would be to compare the current quarter to immediately preceding quarters.

For example, the three preceding quarters for the Victor Cullen Center demonstrate incident data as relatively stable (FY 17 2nd quarter – 15 youth on youth assaults, FY 17 1st quarter – 10 youth on youth assaults, FY 16 4th quarter – 10 youth on youth assaults, FY 16 3rd quarter – 18 youth on youth assaults). By looking at immediately

preceding quarters, the differences between populations at a specific facility are minimized.¹

To the extent that incident data demonstrates the stability of a facility, the department recommends that the JJMU use the two immediately preceding quarters of incident data as a more helpful comparison.

The CHALLENGE Program is a Behavior Management System that Complements and Supports the Individualized Treatment Plan for Each Youth.

The CHALLENGE Program was implemented in DJJ facilities in 2011. Contrary to the JJMU's assertions, the foundational principles of the CHALLENGE Program are evidence-based, supported by clinical research and have been successfully implemented in residential and educational settings. The purpose of the CHALLENGE Program is to provide a structure for other treatment programs to be administered. Evidence-based interventions for managing youth behavior in classrooms and special populations have been developed and implemented in CHALLENGE.² Evidence based concepts/principles that are integrated into CHALLENGE include, but are not limited to, the following:

- Providing structure within the program
- Establishing expectations including identifying and defining positively stated expectations that include desired behavior
- Behavioral contracts – written documents that specify a contingency relationship between behavior and consequences/reinforcements
- Token economy programs – where youth earn points, tokens, etc., contingent upon desired behavior that can be cashed in for a back-up reinforcement
- Use of tangible reinforcements that are tied into the points/tokens (desired objects like name-brand personal hygiene products, etc.)
- Group reinforcement contingencies – small groups gain opportunities to earn rewards/reinforcers as an ensemble
- Continuous reinforcement schedule – youth are provided reinforcers on a regular, predictable basis
- Social skills training – teaching psychosocial/educational skills with social deficits that can be generalized to the larger group/population
- Use of extinction for non-desired behaviors – ignoring those behaviors that are not disruptive, destructive, or aggressive – thus reducing the reinforcing value. The importance of extinction is to always complement its use with verbal praise/recognition of appropriate behaviors.³

The CHALLENGE Program not only serves as a system of positive reinforcement of prosocial behavior using a point system throughout the day, it also incorporates multiple levels which are tied to achievement in academic and treatment goals. As youth accomplish the goals outlined in their individualized treatment plan, they are promoted through the levels of CHALLENGE and, ultimately, to a recommendation for release. The daily points and weekly incentives are designed to reinforce behavior. The levels are designed to incentivize academic performance and engagement in treatment.

¹ As it specifically relates to VCC, the department chose to limit the number of admissions in 2016 in order to improve stability at the facility. This operational decision adds another distinction between the current year's data and the same data from one year ago.

² Bach, P. & McCracken, S. "Best Practice Guidelines for Behavioral Interventions." University of Chicago (May 2002). Available at: <http://www.bhrm.org/media/pdf/guidelines/bach-mccracken.pdf>

³ Id.

All staff are provided initial and ongoing training in the implementation of the CHALLENGE Program. DJS staff are trained to use de-escalation techniques to prevent an incident and processing techniques after an incident occurs to work through the youth's behavior and emotions. Positive staff and youth interaction are essential to the success of the CHALLENGE Program.

Multiple interventions are necessary to comprehensively address the service needs of our youth. These include behavior modification, group and individual therapy, anger management, trauma and substance abuse services, education, recreation, and medical services. The service needs for each youth in DJS committed facilities is documented through the treatment planning process. A treatment plan is developed and shared with facility staff to inform their interactions and decisions regarding the youth.

Behavior Management versus Treatment Planning and Services

Over the course of several quarterly reports, the JJMU seems to conflate the use of the CHALLENGE Program with the department's individualized treatment services that are required for every youth in residential treatment. While behavior management and individualized treatment are related and support one another, both systems address youth behavior in distinctly different ways.

Behavior management seeks to create a safe and predictable environment by utilizing evidence-based behavioral principles to teach pro-social skills through role modeling, conflict resolution discussions/processing, and reinforcement of positive behaviors through attainment of levels and tangible reinforcers/rewards.

Treatment services are individualized for each youth. A multidisciplinary treatment team uses youth social, educational, and psychological assessments along with input from the community, the youth, and the youth's parents to develop an individualized treatment plan. Treatment services are provided by trained clinicians, and educational services are provided by the Maryland State Department of Education. Each youth's progress is reviewed by the treatment team monthly, and modifications are made to the youth's individualized plan as needed.

As a behavior management system, the CHALLENGE Program creates the framework for safety and stability within a residential setting so that treatment of the underlying causes of a youth's behavior can be addressed. In other words, when a youth is agitated and "acting out," the immediate behavior that poses a threat to others or the orderly operation of a facility must be addressed first. Underlying causes of a youth's behavior due to trauma and other triggers and therapeutic solutions should only be addressed by trained professionals at a time when a youth feels safe and is calm and open to examining the root causes of his/her behavior.

The Implementation of the PBIS Framework Will Enhance the Effectiveness of the CHALLENGE Program at DJS Facilities.

The Department has contracted with the Mid-Atlantic PBIS Network at Sheppard Pratt Health System (SPHS)⁴ to serve as consultants to assist the department in the implementation of Facility Wide Positive Behavioral Interventions and Supports (FW-PBIS) in all committed facilities. The PBIS framework is used in many schools across the country and in Maryland.

The goal for implementation of PBIS at DJS is to improve services to youth by utilizing the PBIS framework and core logic teams to identify outcomes to be achieved, to determine practices to achieve the outcomes, to use data to monitor the impact of practices, and to support staff that are implementing the interventions so the outcomes last over time.

The intended scope of work with our PBIS consultants is to build upon the current foundation with targeted technical assistance for each facility to assess the contextual fit of current practices, team decision-making utilizing data to focus on facility-wide, group, and individual interventions, and systems of staff support within the PBIS framework.

The PBIS framework will not replace the CHALLENGE Program but, rather, enhance it by utilizing data to ensure fidelity to the program and the effectiveness of the interventions. Modifications to the CHALLENGE Program will be made as advised by the PBIS consultants to ensure consistency with the PBIS framework.

Committed Facility Responses

Victor Cullen

JJMU's reliance on youth quotes and statements to evaluate services provided by DJS is an

improper method of monitoring a facility and not a substitute for objective audit standards and measures. Additionally, some youth quotes highlighted by the JJMU are later contradicted in the same section by monitors, further demonstrating the unreliability of youth statements as a method for evaluating a facility.

Victor Cullen offers a continuum of treatment services to youth that are committed to the facility to include, 7 Challenges, an evidence-based substance abuse program, and Social Skills Training and Aggression Replacement Techniques (START), an aggression management program that teaches the principles of Aggressive Replacement Training, an evidence-based program.

All staff have received trauma informed care training and components are being integrated into all programming. All youth will be offered the therapeutic group component of trauma services called Trauma, Addiction, Mental Health and Recovery for Youth (TAMAR-Y) beginning this fall. The selection of TAMAR-Y was vetted through a DJS doctoral level psychologist.

⁴ The Mid-Atlantic PBIS Network at SPHS is a recognized partner provider for the National PBIS Center. The Mid-Atlantic PBIS Network at SPHS represents one of the most effective PBIS implementation structures in the United States with over 17 years of experience in training for implementation and sustainability at all three tiers of PBIS.

CHALLENGE Program

As previously stated, the JJMU conflates the CHALLENGE Program, which is a behavior management program, with the department's individualized treatment for each youth. This distinction is described in more detail in the Introduction.

JJMU frequently recommends that DJS staff engage in de-escalation. The CHALLENGE Program sets forth defined steps to achieve de-escalation in response to challenging youth behavior.

The Challenge Program de-escalation techniques provide multiple opportunities for youth to practice self-regulation, which is a critical tool to help youth change their behavior. If those de-escalation procedures were removed, it would create opportunities for staff arbitrary responses to challenging youth behavior. Having an established protocol to de-escalate behavior creates a predictable environment for youth and accountability for staff working with the youth.

De-escalation is a five step process. The third step if needed is a "time out" for up to 10 minutes. It removes youth who are disruptive from the setting so that they can reflect and focus on self-control. Contrary to the JJMU's assertions, there is no requirement that the youth stand for the duration of the time out. Staff are trained to have a discussion (processing step) with the youth. This is an opportunity to problem-solve with the youth with the goal of having the youth re-join the activity. This technique is widely used in education and residential settings.

Even in light of staff following all of the steps to de-escalation, youth will still at times attempt to challenge authority. While those are natural and expected behaviors for our population, this demonstrates the need for a consistent response to challenging youth behavior. Both youth and staff are trained on the expected behaviors and interventions. Ultimately, if the behavior management techniques of accountability and positive reinforcement are consistently applied, research has demonstrated that youth behavior can change.

The department agrees with the JJMU regarding the importance of staff serving as role models for youth. This is so vitally important that DJS has incorporated this principle into the CHALLENGE Manual, Entry Level Training, and all subsequent trainings for direct care staff.

Additionally, all DJS employees are subject to the Employee Standards of Conduct; when staff fail to meet those standards, the department holds them accountable.

The department utilizes Social Skills Training and Aggression Replacement Techniques (START) to assist youth to cope with a lack of anger management skills. START is a program that has been vetted by psychologists and professionals, who have concluded that this program is appropriate for our population. The START program teaches coping techniques that youth may utilize in the facility as well as in the community. The facility also provides weekly conflict resolution groups facilitated by Community Conferencing Center facilitators, a contracted vendor.

Youth that are demonstrating stable behavior and are progressing in the program may earn privileges for off-ground trips. During this quarter, Victor Cullen youth participated in the "Mountain Madness" physical competition at Meadow Mountain Youth Center. Eligible youth also participate in home visits to assist with family and community reintegration prior to release.

One behavioral health vacancy has been filled and the second is in recruitment.

The Intensive Services Unit (ISU) at Victor Cullen serves youth who are disruptive or assaultive and cannot be safely maintained in the general population. The unit provides more intensive specialized treatment services to youth with a higher staff to youth ratio. Victor Cullen provides specialized training for staff assigned to ISU. Allowing youth to progress through the behavior management system, as the JJMU suggests, would be rewarding inappropriate and dangerous behavior.

Youth Centers

In incidents 144389 and 144380, youth left the grounds of Savage Mountain Youth Center without authorization. Both incidents were reviewed by management and appropriate corrective actions were taken.

Suicide ideation increases can be contributed to a small percentage of youth. The department takes every statement of self-harm very seriously and will take appropriate measures such as increasing youth supervision and interventions from behavioral health staff, as necessary. Each Youth Center has sufficient behavioral health staff to address the needs of the population. There are at least four behavioral health positions at each Youth Center, and behavioral health clinicians are available on call 24 hours per day.

The Youth Centers meet nationally recognized staffing ratios of one staff-to-eight youth during daytime hours and one staff-to-sixteen youth during night hours. There have been no critical staffing shortages at the Youth Centers. Positions have been filled and the department's recruitment unit is continuously interviewing and prescreening staff when positions become vacant. Facility-based administrators have a major role in interviewing and selecting all supervisory positions. A facility manager serves on the recruitment unit panel that screens and selects direct care applicants.

The department takes all allegations of unfair treatment of youth by staff very seriously and does not tolerate any discriminatory practices. In response to the youth complaints about unfair treatment at Green Ridge Youth Center, the Office of the Inspector General conducted an investigation. The majority of the youth interviewed reported that facility staff do not speak in a derogatory manner or engage in unfair treatment. The administration at Green Ridge Youth Center has held meetings with staff regarding the allegations and has reviewed the grievance procedure with youth and re-emphasized that youth may make reports anonymously, to youth advocates or directly to facility administrators.

Regarding incident 143395 that occurred in April 2017, the search was consistent with the department policy and practice at the time. In May 2017, the department revised the policy for visual body searches. The new policy prohibits the search of a youth who has been under continuous DJS supervision while off grounds unless there is a reasonable suspicion to believe the youth has contraband.

JJMU inaccurately reports that a transgendered youth was placed at the Youth Centers. There have been no youth placed at the youth centers that have identified as being transgender.

The Youth Centers offer a variety of structured activities, both recreational and educational. The youth have a daily schedule to include six hours of school, therapy groups, individual sessions, and recreation time. In addition, the Youth Centers participated in intramural volley ball, pickle ball, and basketball among the

committed centers. Youth have also been able to participate in hiking, biking, swimming, and canoeing. Youth perform community service by volunteering at the local animal shelter and churches.

Treatment services are consistent with the descriptions provided in the Introduction.

J. DeWeese Carter Center (Carter Center)

The department's licensed psychologists have procured trauma informed care services for youth with curriculum and training provided by the National Association of State Mental Health Program Directors (NASMHPS). NASMHPS trainers are experts in trauma training and have trained staff from juvenile justice-involved and behavioral health agencies across the country. Training has been provided to all staff in the committed facilities to include Carter Center. The therapeutic group components of the trauma intervention, TAMAR-Y, will be facilitated jointly by behavior health staff (psychologist, licensed social workers) and case managers. TAMAR-Y is a customized program for our youth and is based on the original TAMAR program, identified as a promising practice in the SAMHSA 2012 Promising Practices Guide: Supporting the Recovery of Justice Involved Consumers. The JJMU monitor erroneously reported that behavior health staff would not be involved.

Youth at Carter Center participate in home visits as part of their community re-entry process. Youth who are eligible may participate in community outings that are service based, have therapeutic or educational value, or may be a tangible reinforcer for behavioral change.

Detention Facility Responses

Baltimore City Juvenile Justice Center (BCJJC)

The department identified and reported concerns regarding the extended lengths of stay in detention for youth charged as adults at BCJJC in the DJS Response to the JJMU's 2017 First Quarter Report. We began working with our Juvenile Detention Alternative Initiatives (JDAI) partners to address the case processing delays that are outside of the department's control. These efforts are ongoing.

Safety and Security

Management conducted facility searches during which all contraband found was gang related material. This information was used to inform staff of potential conflicts, the need for heightened security, and pro-active interventions. Interventions included identification of gang involved youth and the facilitation of conflict resolution groups. The groups were conducted by behavioral health staff and Community Conferencing Center facilitators, a contracted vendor. The Boys Club also increased their mentoring services to aid in addressing youth conflict.

Staffing

The DJS Recruitment Unit continually recruits for vacancies at BCJJC and for the department as a whole. DJS Human Resources tracks and monitors staff that are unavailable for work to ensure that leave use and job restrictions are in accordance with state and federal guidelines.

Intensive Services Unit (ISU)

Placement in the ISU is determined by a multidisciplinary committee, consisting of a facility administrator, behavioral health supervisor, and an education administrator. Youth in ISU are reviewed weekly by the

multidisciplinary committee to determine their readiness to transfer back to the general population. The Executive Director from DJS headquarters' is providing increased oversight and monitoring of all ISU schedule deviations to ensure consistency of operations to the extent possible.

Transgender Youth

DJS respects the gender identity of all youth and evaluates each youth's placement needs individually. Transgender and intersex youths' views are considered when making any placement decision. All youth are given a vulnerability assessment at intake to help the department make informed placement decisions. Additionally, youth receive a mental health evaluation, medical assessment, educational assessment, and multidisciplinary teams identify any special needs that should be considered in making placement decisions. Placement decisions for transgendered or intersex youth are made on a case-by-case basis and consideration is made of whether a placement would ensure the youth's health and safety, and whether the placement would present management or security problems. These measures are in accordance with the Prison Rape Elimination Act (PREA) standards for juvenile residential facilities.

Family Engagement

The department continues to implement processes to engage families at all key decision points during a youth's placement and to increase opportunities for youth and their families to engage in learning and structured activities while in our care. During the second quarter, BCJJC held five family engagement activities. These events included three educational activities that focused on victim awareness, financial literacy, and adolescent development and parent/youth relationships. Two social activities included a Mother's Day Brunch and a Father's Day Cookout that was well attended. The department continues to fully fund two youth phone calls home each week, so as to not pass the burden of phone finances to families. Youth also have contact with family through visitation held three times each week.

Physical Plant

The school expansion project will enable the administration to repurpose additional meeting space for youth interviews with clinicians and visiting attorneys.

Cheltenham Youth Detention Center (CYDC)

Staffing, Safety and Security

As previously reported, an experienced superintendent was installed at CYDC in May 2017. Additionally, an assistant superintendent and other key supervisory positions have been filled. The new leadership team has developed and implemented updated operating procedures, provided extensive additional training for direct care and control center staff, taken measures to enhance staff accountability, and have established team building, staff recognition, and appreciation events. The incidents reported by the JJMU monitor have been reviewed by management and corrective measures have been taken to address staff performance and operational issues. The safety of youth and staff is our number one priority. During staffing shortages management has thoughtfully utilized the available staffing resources to maintain safety and security and meet the needs of the youth. The department has established a specialized recruitment unit that focuses continuously on recruiting to fill vacant positions as expeditiously as possible and the current levels at the facility are appropriate.

Specialized training provided to direct care staff has addressed the following issues: de-escalation, crisis management, positioning, effective communication with youth and peers, emergency response, and conflict resolution. Specialized training for control center staff was provided by the vendor of the surveillance systems.

Incident Reporting Issues

Management has implemented an incident tracking system to control data entry and completion of all incident reports in a timely manner.

Charles H. Hickey Jr. School

Staff is provided ongoing formal and informal training in de-escalation techniques and conflict resolution. Management engages staff in a debriefing following incidents where a restraint is employed. A review of the incident, including video, is used to support professional development and skill building.

In the education setting, MSDE provides a counselor to support youth and DJS assigns a behavior health staff to make school rounds to support youth emotional needs and conflict resolution. DJS department heads and MSDE staff meet twice weekly to communicate needs, collaborate, and problem-solve youth and staff related issues. Shift supervisors hold daily briefings with staff assigned to the school to prepare staff to address any known potential conflicts with youth.

Transgender Youth

DJS respects the gender identity of all youth and evaluates each youth's placement needs individually. Transgender and intersex youths' views are considered when making any placement decision. All youth are given a vulnerability assessment at intake to help the department make informed placement decisions. Additionally, youth receive a mental health evaluation, medical assessment, educational assessment and multidisciplinary teams identify any special needs that should be considered in making placement decisions. Placement decisions for transgendered or intersex youth are made on a case-by-case basis and consideration is made of whether a placement would ensure the youth's health and safety, and whether the placement would present management or security problems. These measures are in accordance with the Prison Rape Elimination Act (PREA) standards for juvenile residential facilities.

Technical Problems with the Video Surveillance System and Youth Phone System

As with any operating system, there may be incidents of technical problems. The department has an organized system of reporting and scheduling technicians to address surveillance system problems expeditiously. The issues have been corrected and the surveillance system is currently operating as expected.

Youth phone system problems are addressed by the vendor. If the phone system is inoperable the department requires the assigned case manager to place calls for the youth, thereby enabling youth to maintain phone contact with family members. It should be noted that if a youth's call is dropped, the time can be restored by facility staff to avoid delays that might be incurred by vendor services.

Physical Plant

The air conditioning in one of the living units has been repaired.

Thomas J. S. Waxter Children's Center

Behavioral health staff are on-site for the majority of youth's waking hours - from 8 AM to 6 PM, Monday through Friday and up to six hours on Sundays. Behavioral health staff is also available on-call 24 hours a

day, seven days a week as needed to respond to incidents and any anti-social, aggressive, and disruptive youth behaviors. Behavioral health staff is notified of all incidents, including fights and mental health concerns or requests.

Youth receive integrated substance abuse and mental health services and benefit from multidisciplinary collaborations with administrative, education, medical, facility and community case management, and behavioral health staff. These concerted and coordinated efforts ensure a youth's history of trauma and challenging behaviors are addressed in a holistic manner. Most youth behaviors, including their coping abilities, improve as they progress throughout their stay. Behavioral health staff began weekly psychoeducation groups in June and they attend CHALLENGE group meetings to reinforce appropriate behaviors with youth. Mindfulness and yoga groups have been implemented at the facility as an additional service for youth.

Alfred D. Noyes Children's Center

Group Meetings

Management has addressed the issue of convening and staffing group meetings regarding sensitive topics.

Reporting Allegations of Abuse

An agency nurse failed to inform the facility shift supervisor of a youth's allegation of physical abuse and corrective action was taken to address proper reporting protocols. The department affords youth multiple ways to report allegations, to include submitting a grievance, utilizing the youth phone system to make a report to a third party, written or verbal reports to a trusted adult to include a case manager, therapist, medical staff, or direct care staff; all of whom are mandated reporters. Youth are also afforded and informed of avenues to report an allegation anonymously. All youth receive orientation in the methods of reporting allegations of abuse at admission. The investigation of the allegation concluded that the youth's claims were false.

Trauma informed care training for staff.

All detention staff will receive trauma informed care training beginning this fall.

Use of restraints

In incident #144319, de-escalation attempts by multiple staff failed prior to employing restraints. In instances where youth refuse to comply with directives and their behavior disrupts the safe operation of the facility, the use of restraints is appropriate.

Physical Plant Issues

There are two showers located on the unit, not one as reported by the JJMU. Operating procedures permit only one youth to shower at a time, whereby no youth is required to use the shower under the cold air vent. Maintenance efforts to eliminate the cool air from the air conditioner have been unsuccessful to date.

Dietary Services

The Director of Dietary Services has completed an audit of the food service vendor for Noyes and determined that services are in compliance with food and nutrition standards.

While a youth may make allegations to the JJMU, as in the case of grievance 13521, the youth did not require extra food portions as verified by the youth's medical records. The pediatrician determined that the youths diet was adequate.

Phone System

Youth phone system problems are addressed by the vendor. If the phone system is inoperable the department requires the assigned case manager to place calls for the youth, thereby enabling youth to maintain phone contact with family members. It should be noted that if a youth's call is dropped, the time can be restored by facility staff to avoid delays that might be incurred by vendor services.

Lower Eastern Shore Children's Center

The Department appreciates the JJMUs recognition of the efforts of the staff at LESCO to maintain facility stability, safety and security.

Western Maryland Children's Center

The Department appreciates the JJMUs recognition of the facility management's efforts to continuously enhance services for youth.

Silver Oak Academy – As Submitted by DJS

All incidents involving youth residing at Silver Oak are required to be documented and sent to DJS irrespective of whether the youth is from in-state or out-of-state. The department's licensing and monitoring unit uses these incident reports in their monitoring of the program. DJS has a child advocate assigned to Silver Oak, and all youth grievances, regardless of whether the youth is from in-state or out-of-state, are resolved in the same manner.

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

Pages 17-19

1. "Average daily population (ADP) of DJS youth during the quarter increased by 24%¹⁷ compared to the same time last year. Over the same period, fights and assaults increased 33% and physical restraints increased by 183%."

SOA Program Response: We have analyzed the data to come up with the following variables that have affected the student culture here at Silver Oak over the last year resulting in more fights and assaults and restraints.

- The number of students has increased over the past year.
- The other variable for the increase in restraints is due to programmatic changes (new code of conduct and the daily progress sheet).
- We are training staff weekly to implement the program and the process to help reduce students' frustration with the expectations.

2. "Although the Maryland Department of Juvenile Services licenses and remains the largest source of youth referrals at Silver Oak, the facility has begun to accept an increasing number of youth placed

through juvenile justice agencies from other states. Incidents involving these youth are not reported to DJS or uploaded to the DJS database and are therefore are not accessible by the JJMU.”

DJS QA-Licensing and Monitoring Unit Response: SOA reports all incidents that occur at the program as required by the DJS Incident Reporting –Private Residential Child Care Programs and Child Placement Agencies Policy. The process for reporting out-of- state youth incidents is the same as required for in-state DJS youth, with the exception of entering the incidents in the DJS database; as the database is for DJS youth information. SOA is required to forward all incidents for out- of- youth by the next business day to the QA-Licensing and Monitoring unit. Once the report is received; the report is logged on the tracking report, reviewed, and filed. However, if any follow up is needed the assigned DJS Quality Assurance Specialist follows up with any area of concern.

3. “Additionally, youth at Silver Oak who come from outside of Maryland have stated that concerns they relayed to the DJS child advocate assigned to SOA could not be processed and addressed because the youth from out-of-state were not placed through DJS. The Department, as the agency licensing Silver Oak Academy, should ensure the extension of protections including the DJS grievance system to all youth placed at SOA. The Department should ensure that all youth grievances are documented and processed identically and that the JJMU receives copies of all youth grievances – including those submitted by out-of-state youth – given the JJMU’s statutory mandate to review the DJS grievance process and comprehensively monitor Silver Oak.”

DJS Child Advocacy Unit Response: The advocates identified the issue of out-of-state youth when the program began to accept those youth. The Director of Child Advocacy Unit, Ralph Jones, met with the unit’s child advocates and instructed them to address all complaints at Silver Oak for both DJS youth and non-DJS youth. The youth from out-of- state started writing grievances in May 2017. The DJS grievance data base only collects the information for DJS youth. Out-of-state youth are not in that system therefore, the Child Advocacy Unit will bring all complaints from the out-of-state youth directly to the SOA administration and work with them to get a resolution. The process for resolution with out-of-state youth is the same as for DJS youth. The youth are interviewed; the advocate investigates the concern and mediates a resolution. The Director of the Child Advocacy Unit has directed the advocates to use the paper copy from the DJS Grievance Policy to record the complaint.

4. “During the quarter, a youth alleged that staffers had performed an inappropriate physical restraint in incident 145081 when they pushed his head towards his knees while he was in a seated position. The allegation was referred to Carroll County Child Protective Services but was not accepted for investigation because the youth was over 18 years old at the time of the incident. According to administrators at SOA, the video footage of the restraint was inconclusive because most of the incident was not captured on camera and the recording was not stored. The outcome of an internal review of 145081 by SOA administrators was a determination that the restraint was appropriate and those involved in the restraint continue to work at Silver Oak in a managerial capacity. All available video footage of incidents should be saved and kept on file indefinitely together with the report documentation so that external investigatory agencies can access materials related to youth safety and to facilitate thorough and objective investigations.”

SOA Program Response: The video footage did not capture the restraint; the restraint was conducted in a blind spot that the camera did not pick up. We keep incident footage on a separate drive for review by management and as follow up for external agencies on a separate drive indefinitely.

5. "A DJS quality assurance report received during the quarter indicates that there were serious lapses in human resources oversight practices in the hiring process and that required documentation for new hires was not always provided. These practices may have led to the earlier hiring of staff members whose background checks should have prevented them from being offered employment at SOA. The issue has been addressed and staffers whose background checks were unsatisfactory no longer work at SOA. A new human resources specialist has been hired at Silver Oak."

DJS QA-Licensing and Monitoring Unit Response: The QA-Licensing and Monitoring unit found during the March 2017 visit, deficiencies related to employee records. However, none were related to employee's background checks, which would have prevented the employee from being offered employment. Based on COMAR 14.31.06.05 D. (7) which states "The licensee shall: Ensure that request for criminal background checks in accordance with COMAR 12.15.02 and Child Protective Services (CPS) clearances have been submitted for each employee before the employee begins work at the program." SOA is in compliance with this requirement as they may offer employment as long as SOA has submitted the request for criminal background and CPS clearance. It is SOA HR procedure and practice to conditionally offer employment to a candidate who meets the job requirements. However, the candidate will not officially begin work at the program until receipt and review of the criminal background check.

Smaller Facility Responses

Vision Quest Morning Star (VQMS)

Page 59

1. "Administrators should enhance staff development efforts, including holding regular all staff meetings, to help create a more collaborative and supportive culture and to ensure that all staff are adequately trained in implementing the treatment model."

VQMS Program Response: One hour of staff training is built into the weekly work schedule for each staff. Staff training is offered four times a week to ensure that every staff to include all administrative staff receives a minimum of four hours of training per month. These trainings are both informative and collaborative in nature. Program administrators solicit feedback regarding youth and the training times often offer opportunities to review pertinent incidents, strategize and offer solutions and problem solve identified issues. All child care workers and supervisors are currently certified as Residential Child and Youth Care Practitioners (RCYCP) and have completed the required training and examination process in order to have received the certification.

2. "A vacancy for a facility cook should be filled without delay."

VQMS Program Response: The program has never been without a cook since reopening. However, one of the two positions was vacated recently. The position has been filled with a start date of September 2, 2017.

3. “The amount of recreational programming should be increased as youth have voiced concerns about excessive downtime on weekends and after school.”

VQMS Program Response: As of June 2017, the program designated a staff member to function in the capacity of an activities coordinator. The staff is responsible for afterschool and weekend community service projects, field trips, vocational programming and physical activities. Some recent examples are field trips to Pickering Creek (fishing and kayaking), the Harriet Tubman Visitors Center and Hyatt Regency field trips, career exploration, resume writing, Maryland Workforce Exchange and Library trips, the local YMCA, off campus softball field and community pools. This is in addition to the programming that takes place on camp to include but not limited to equine programming with the newly expanded herd (13 horses), the running team, the onsite pool, the weight room/fitness center and basketball court.

4. “Plans to replace the gym floor should be prioritized given that the surface becomes dangerously slippery when wet and puts kids and staff at risk of substantial injury.”

VQMS Program Response: The program acknowledges that this is an area of concern but would like to clarify that it is not the floor itself that is the issue it has been determined that it is a roof leak. The gym is not utilized by staff and youth when it rains and only when the floor is deemed dry is it used. The program has posted signs to reflect this in the gym as a reminder to both staff and youth until the situation is corrected. The program is working to correct the issue.

**MARYLAND STATE
DEPARTMENT OF EDUCATION
- RESPONSE**



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State Superintendent of Schools

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September 6, 2017

MSDE Response to the Juvenile Justice Monitoring Unit's 2017 Second Quarter Report

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2017 second quarter report in relation to the provision of educational services within the Department of Juvenile Services' (DJS) residential facilities. The MSDE appreciates JJMU's thoughtfully written report which provides insight into the educational services the JJMU believes require further support and enhancement.

Portions of the main section of the report as well as a section specifically addressing education in the committed placement centers and detention centers discuss educational services for students. The MSDE Juvenile Services Education System (JSES) has continued to place concerted effort and focus during the second quarter of 2017 on recruitment and hiring of certified staff to provide direct instruction to students. The MSDE JSES acknowledges three difficult to hire teaching areas – Special Education, Career and Technology Education (CTE) and Math. The State Teacher Staffing Report which is presented to the Maryland State Board of Education noted statewide teacher shortages for local school systems(LSS) in the same three areas. Forty-five states in addition to Maryland, report shortages in special education. In additions, a recent CNN report dated August 21, 2017, Caitlin Ostroff notes subject area teaching shortages nationwide. The report also notes “Nationwide teacher education enrollment dropped 35% between 2009 – 2014 and the turnover rates are especially high in the area of special education.” The Learning Policy Institute, a national education think tank, reported that there are not enough qualified teachers applying for teaching jobs to meet the demand in all locations and fields. This is certainly true for the JSES schools, especially the committed facilities in Western Maryland.

Committed Placement Centers

Victor Cullen Center

The MSDE JSES class schedule at Victor Cullen Center allows for students to complete course work to obtain credits on the block schedules; students can complete credits in nine weeks.

Victor Cullen does have a full-time CTE teacher who provides services to students. As with all educational facilities, when a teacher is assigned to fulfill military obligations, the JSES must approve this absence or be in violation of Federal law that prohibits discrimination against employees who performs military duties. Upcoming military service dates are typically known up to one month in advance therefore, JSES will request a substitute to provide services to students now that JSES has two vendors to provide substitute teachers.

Youth Centers

The JSES acknowledges the vacancies in the Youth Centers during the second quarter due to difficulty to fill subject areas, location, and staff illnesses. With the temporary closing of Savage Mountain Youth Center, the reassignment of teachers will allow the JSES to relocate staff to fill vacancies at Backbone Mountain Youth Center. The JSES is pleased to have hired a CTE teacher and English teacher for the Youth Centers. Despite the fact that the youth centers did not have a dedicated CTE teacher, students in the four camps earned 750 CTE certificates / modules.

All students have the opportunity to earn service learning hours. In 2016, JSES implemented a systemic service learning project which included the "Sixty-Seven Blankets for the Nelson Mandela Project." Youths crocheted squares that were later decorated to make blankets for the homeless. Every facility was provided with materials. Some JSES schools also participated in site based service learning opportunities as well. Students at Green Ridge Youth Center and Meadow Mountain Youth Center researched animal shelters, used recipes to create dog treats, and created dog toys to be given to a local shelter for service learning. In addition, cards and letters were sent to the veterans' hospital and students participated with the LSS in the distribution and collection of flags for Rock Gap Veterans Cemetery which is another example of school site based service learning. Students in Career Research and Development (CRD) created a large checkers board which was donated to a local women's shelter in Western Maryland. Data collected for FY 2017 detailed 1,857 student service learning hours for JSES.

J. DeWeese Carter Center

The JJMU reports there is no vocational education instruction at J. DeWeese Carter Center; however, students at J. DeWeese Carter Center received Career Research Development (CRD) and Office System Management (OSM) twice per week. Additionally, JSES continues to work with Wor-Wic Community College for the ServSafe Program.

Detention Centers

For the Baltimore City Juvenile Justice Center (BCJJC) the MSDE JSES concurs that there was one teacher assigned to the Intensive Service Unit (ISU) for most of the second quarter. Toward the end of the second quarter and moving forward, ISU will now part of each teacher's schedule and teachers will rotate through to provide services to students in ISU. The BCJJC has developed a schedule to address the needs of students with disabilities who are in the ISU. Currently, staff conduct meetings to address the on-going needs of students with disabilities who are in ISU to the extent that they are experiencing a change in placement. As of the writing of this report, BCJJC is fully staffed for classroom teachers.

During the second quarter, BCJJC was assigned two substitutes to assist in the special education area. The JSES has contracted two vendors to supply substitutes for vacant positions. The provision of special education certified substitutes for vacant special education positions and to provide extra support for the delivery of special education services has been a priority. Substitutes required for daily absences remains challenging, however, JSES has increased the number of resource teachers in schools. Resource teachers are utilized to support instruction during teacher absences. Whenever possible, resource teachers that are hired also have special education teacher certification which enables them to also provide special education services and supports for students with disabilities as needed.

Cheltenham Youth Detention Center

During the quarter, Cheltenham Youth Detention Center (CYDC) did experience a shortage of teaching staff. The MSDE JSES was able to provide three substitute teachers in the area of special education to provide instruction to students. As of the writing of this response, CYDC has two teacher vacancies for which JSES is currently recruiting.

GED

Students on the GED track are placed in regular core classes. The new GED Online Test is aligned with Maryland Common Core Standards. These standards are taught in Core Subject classes. Students take notes and participate during direct instruction, work on their own to complete assignments, and meet in small group or individual sessions with the teacher to learn specific skills.

Charles H. Hickey Detention Center

Charles H. Hickey Detention Center had a modified schedule as a means to focus on grade recovery and maintain student focus to complete essential coursework. Charles H. Hickey Detention Center had a team approach to Humanities. All students enrolled for the eight week session that successfully completed the course earned five elective credits in Humanities. In addition, students completed grade recovery and earned credits in Math, English, and Social Studies.

Thomas J.S. Waxter Children's Center

Thomas J.S. Waxter Children's Center staffing model is designed to provide instruction in the classroom. If the student is a student with a disability, the student will be provided with instruction in the unit per COMAR requirements and the safety and security restriction is reviewed at an Individual Education Program (IEP) meeting. However, if DJS restricts a student from coming to school the Thomas J.S. Waxter Children's Center administration makes sure student receive appropriate instructional material and teacher follow up on a daily basis.

Alfred D. Noyes Center

The MSDE acknowledges the vacancies at Alfred D. Noyes Center and because of the vacancies has provided two substitute teachers. The MSDE is pleased to note that an English Language Learner teacher has been hired for Alfred D. Noyes Center and MSDE will continue to recruit for other vacancies.

The Memorandum of Understanding with Frederick Community College (FCC) is available for students in all thirteen facilities to provide post-secondary opportunities. The JSES and FCC have further expanded the partnership to include Continuing Education courses for youth who may not meet eligibility requirements for credit bearing courses.

Smaller Facility Updates

The MSDE Coordinator of Guidance received training during the second quarter, Train the Trainer model, along with other DJS personnel on Trauma Informed Care and will provide needed follow up training for JSES staff.

Maryland State Department of Education in DJS Facilities

Staffing Issues

The MSDE JSES agrees that staffing issue continue to be an area of concern for the MSDE JSES schools. The MSDE JSES continues to devote attention to efforts and diligently work with the Office of Human Resources (OHR) to screen, interview and hire qualified applicants. In review of the data, it is important to note the MSDE JSES had three principal vacancies during the second quarter. The three principal vacancies were filled within one week of the principals' departure due to pre-planning and developing a pool of qualified candidates. The current goal will be to incorporate the same process and development of a pool of qualified teacher candidates.

The JSES has contracted two vendors to provide substitutes teachers on days when staff are not available. Since the contract has been in place, the JSES has hired nine substitutes to support schools.

Summer Schools

The MSDE JSES's initial summer program included the ability to earn high school credits. The summer enrichment portion of the program was created to provide students the opportunity to participate in hand-on activities and projects that they are not able to experience during the normal school year. The enrichment program included STEM and Humanities courses. Schools used a formal curriculum and not packets during the summer. The enrichment curriculum was aligned to Maryland's College and Career Readiness Standards and schools could use the curriculum and resources within the standard curriculum.

Courses, Resources and Opportunities in Parity with Community Schools (Page 63):

Students have the ability to earn credits to enable them to complete their Maryland State High School requirements. The JSES offers courses that are outlined in the JSES Program of Studies. All course names and numbers are aligned with the MSDE curriculum course offerings. When JSES does not offer all graduation required courses in a face-to-face, teacher led course, on-line learning options are offered in order to provide students with additional opportunities to earn credits. The JSES students can take courses via APEX and Florida Virtual Online options to earn additional core content courses, health, and world languages.

The JSES has recently hired additional staff to support the growing English Language Learner (ELL) population. Moving forward, JSES will continue to hire and seek supports through partnerships with various local educational agencies across the state to provide appropriate ELL supports.

The MSDE is currently in the process of reviewing the current academic and CTE courses and programming. The JSES is also exploring additional online programming that will allow students to engage in credit recovery and CTE pathways that will allow students to receive consistent programming and support.

GED

Students on the GED track are placed in regular core classes. The new GED Online Test is aligned with Maryland Common Core Standards. These standards are taught in Core Subject classes. Students take notes and participate during direct instruction, work on their own to complete assignments, and meet in small group or individual sessions with the teacher to learn specific skills.

Vocational and Post-Secondary Education

The MSDE is currently in the process of reviewing the current CTE courses and programming. The JSES is exploring additional online programming that will allow students to engage in credit recovery and CTE pathways that will allow students to receive consistent programming and supports.

The Memorandum of Understanding was completed between MSDE JSES and Frederick Community College (FCC) in October, 2016. Three students from Victor Cullen Center were enrolled for spring, 2017. Youths from Alfred D. Noyes Center, Victor Cullen Center and J. Deweese Carter Center were enrolled in online college courses for Fall, 2017. The JSES and FCC have further expanded the partnership to include Continuing Education courses for youth who may not meet eligibility requirements for credit bearing courses.

Interagency Collaboration within Facilities

The JSES Principals and DJS Superintendents meet regularly in order to discuss the individual facility and how to support students. Meetings facilitated by the Superintendent and Principal with all staff are designed to clarify expectations, review policies, and collaborate on issues pertaining to education and DJS personnel.

Specialized Training for Education Staff

The MSDE Coordinator of Guidance received training during the second quarter, Train the Trainer model, along with other DJS personnel on Trauma Informed Care and will provide needed follow up training for JSES staff.