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**JUVENILE JUSTICE MONITORING UNIT  
STATE OF MARYLAND**

**2020 THIRD 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 JJMU is responsible for reporting on Maryland Department of Juvenile Services (DJS) operated and licensed facilities across the state. Monitors from the unit conduct visits to these sites unannounced to guard against abuse and ensure youth receive appropriate treatment and services.

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

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

The JJMU has been instrumental in driving positive changes in the Maryland juvenile justice system since its formation in the wake of widespread systemic abuse issues. The activities of the independent monitoring agency increase the transparency and accountability of the system and raise awareness of the needs of justice-involved Maryland youth. We will continue to push for the adoption of best practices as we evaluate current and emerging research and promising practices that serve to both enhance public safety and produce positive outcomes for young people in contact with the juvenile justice system.

## **JJMU 2020 Third Quarter Report Compendium**

The Maryland Juvenile Justice Monitoring Unit (JJMU) issues public reports covering each calendar quarter that include data and analysis concerning treatment of and services provided to youth in Maryland Department of Juvenile Services (DJS) directly run and licensed facilities throughout Maryland. Enclosed please find the unit's compilation of 2020 third quarter reports.

The Maryland 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 2020 Third Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder, and Marvin Stone. Thanks to Taran Henley, Fritz Schantz, and Maria Welker for technical assistance.

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

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

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



**NICK MORONEY**  
*Director*

STATE OF MARYLAND  
JUVENILE JUSTICE MONITORING UNIT

December 2020

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

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

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

Members of the General Assembly

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

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

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

Enclosed is the Juvenile Justice Monitoring Unit's 2020 third quarter report which offers an update on conditions in Department of Juvenile Services' operated and licensed facilities.

COVID-19 infections continue to rise across DJS facilities and positive cases have spread to placement sites located in rural western Maryland. At time of writing (December 2, 2020) 161 staff working in DJS facilities and 25 young people in DJS custody have tested positive for COVID-19.

Young people who are incarcerated face physical and psychological risks under normal conditions. Youth who are in confinement during the pandemic are experiencing added stressors, as detailed in the COVID-19 response section of this report.

Juvenile justice stakeholders should continue to work on keeping populations of young people in Maryland's detention and committed placement centers as low as possible given the negative impact that incarceration has on youth development and well-being. Recent declines in the rate of incarcerated youth in the juvenile justice system have not detrimentally impacted public safety and have protected young people from the dangers of confinement.

Respectfully submitted,

*Nick Moroney*

Nick Moroney  
Director  
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh  
Chief Deputy Attorney General Elizabeth Harris  
Deputy Attorney General Carolyn Quattrocki  
State of Maryland Treasurer's Office  
The Office of Comptroller of Maryland  
Deputy Secretary Wallis Norman, Mr. Karl Pothier and Mr. Jay Cleary, DJS  
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# JUVENILE JUSTICE MONITORING UNIT 2020 THIRD QUARTER REPORT

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## Hardware 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)
- Garrett Children's Center (GCC)
- Mountain View
- Backbone Mountain and Green Ridge youth centers (two youth centers)
- Silver Oak Academy (SOA – DJS Licensed)

## Incident and Population Trends

Third quarter 2020 population and incident trends versus third quarter 2019:

- ✓ Average daily populations (ADP) of youth decreased at BCJJC, CYDC, Hickey, Noyes, Waxter, and WMCC secure detention centers and in committed placement at Cullen, GCC, and the two youth centers. There were no youth placed through DJS at SOA during the quarter.
- ✓ Fights and assaults decreased at all secure detention centers and in committed placement at Cullen and the two youth centers.
- ✓ Physical restraints decreased in secure detention at BCJJC, CYDC, Hickey, Waxter, Noyes, and WMCC and in committed placement at Cullen and the two youth centers.
- ✓ The use of mechanical restraints decreased in secure detention at Noyes and WMCC and in committed placement at Cullen and the two youth centers. Mechanical restraints were not used at Waxter and LESCC secure detention centers during the quarter.
- ✓ The use of seclusion decreased in secure detention at Hickey, Waxter and WMCC and in committed placement at Cullen.
- Fights and assaults increased in committed placement at GCC.
- Physical restraints increased in secure detention at LESCC and in committed placement at GCC.
- Mechanical restraints increased in secure detention at BCJJC and CYDC and in committed placement at GCC.
- Seclusions increased in secure detention at CYDC, LESCC, and WMCC.
- There were 27 incidents of suicide ideation, seven suicide attempts, and 11 incidents of self-injurious behavior at DJS-operated facilities during the quarter.

# **COVID-19 Response in Juvenile Services' Facilities**



## COVID-19 Response in Juvenile Services' Facilities

COVID-19 infections continue to rise across DJS facilities and positive cases have spread to placement sites located in rural western Maryland. At time of writing, 161 staff working in DJS facilities and 25 young people in DJS custody have tested positive for COVID-19. Young people who are incarcerated face physical and psychological risks under normal conditions. Youth in confinement during the pandemic are experiencing added stressors.

- Young people who get sick with COVID-19 while in detention are required to medically isolate in their cell for the duration of the illness. Youth who get sick with COVID-19 in staff secure placement facilities (which have dorm-style living arrangements) are transported in handcuffs and leg irons to detention centers where they are medically isolated in cells. Isolation has serious deleterious effects on emotional and psychological well-being and these harmful effects are exacerbated by existing mental health and trauma-related conditions that a majority of youth in the juvenile justice system experience.
- Youth are confined to their unit when they are placed on quarantine. Quarantine occurs for a two week period when a young person enters a facility and whenever there is potential exposure to COVID-19 due to young people being in proximity to a staff member or other youth who subsequently tested positive. Being placed on quarantine is a common occurrence at facilities. Many youth in quarantine expressed symptoms of depression and anxiety due to the restricted movement in combination with other COVID-19 restrictions on activities that continue to be in place.
- Youth are required to wear masks whenever they are outside their cells and social distancing is encouraged. However, daily social distancing and continuous mask wearing is difficult to maintain in congregate care facilities. Youth in DJS facilities are responsible for cleaning/disinfecting their personal areas in classrooms and in their cells. At some facilities, youth have cleaned high touch areas in bathrooms, classrooms, and on the unit to try to stay safe. Despite these precautions, some youth and staff continue to test positive for COVID-19.
- Separation from loved ones is traumatizing and the distress is compounded when normal avenues for contact with family members in detention and placement such as in-person visits, are halted (as they currently are due to the uptick in COVID-19 cases across the state).
- Young people are experiencing excessive downtime and boredom due to restrictions on activities (including a prohibition on contact sports) within facilities. At some facilities,

cards, board games, and sports equipment such as basketballs (even for individual use) are not being allowed. Most youth occupy their time by watching TV or movies. The lack of meaningful activities can lead to frustration and acting out behaviors.

- The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the schools in DJS facilities. Education administrators have moved all learning from in-person instruction to virtual instruction despite the fact that teachers are still being required to report to the facilities. Students in isolation or on quarantine are provided packets of work to do on their own. A significant portion of youth in the juvenile justice system require special education services and/or have been diagnosed with emotional or behavioral disorders, or learning disabilities. Virtual education is not adequate to meet their learning needs and packets are even less appropriate. Almost all students indicated they prefer in-person instruction to understand education-related material and make progress academically. For more information on education services in DJS facilities, see page 40 of this report.

Juvenile justice stakeholders should continue to work on keeping populations of young people in Maryland's detention and committed placement centers as low as possible given the negative impact that incarceration has on youth development and well-being. Recent declines in the rate of incarcerated youth in the Maryland juvenile justice system have not detrimentally impacted public safety and have protected young people from the dangers of confinement.

To help ease burdens placed on incarcerated youth during the COVID-19 pandemic, the Department and MSDE JSES should:

- ✓ Develop a robust variety of activities for youth to do during leisure time that meet COVID-19 prevention requirements.
- ✓ Increase youth access to their families. While the number of phone calls and virtual visits have been increased during the COVID-19 pandemic, youth report that the 10 minute duration of calls provided 4 to 6 times per week (depending on the facility) is not sufficient to have meaningful contact with loved ones. Given that most youth are sitting on the units with little to do for long periods (especially on weekends), the Department should increase the allotment and duration of calls home and virtual visits so that young people can constructively use downtime by connecting with family.
- ✓ Return to in-person instruction in schools as the default and institute virtual learning on units and in cells only when youth are in quarantine or on medical isolation. Discontinue the use of packets.

# COMMITTED PLACEMENT CENTERS

## Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a hardware secure (locked and fenced) committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth represented 82% of total entries during the third quarter of 2020, compared to 69% of total entries during the third quarter of 2019. There were no Hispanic/Latino youth at Cullen during the third quarter of 2020. Hispanic/Latino youth represented 17% of youth entries during the third quarter of 2019.

<b>Victor Cullen – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>13</b>	<b>22</b>	<b>7</b>
1. Youth on Youth Assault/Fight	3	15	2
2. Alleged Youth on Staff Assault	2	4	3
3. Physical Restraint	9	32	9
4. Use of Handcuffs and/or Shackles	9	13	7
5. Seclusion	1	7	6
6. Contraband	1	3	1
7. Suicide Ideation	3	3	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	1

The average daily population (ADP) at Victor Cullen during the third quarter of 2020 declined by 68% compared to the third quarter of 2019. Youth fights and assaults, physical restraints of youth by staff, and use of handcuffs and/or leg irons on youth within the facility also

decreased substantially when comparing the two time periods. Incidents involving the use of seclusion decreased by 1 (from 7 to 6).

Administrators have made efforts to increase staff morale at Cullen and the lower staff to youth ratios have helped improve staff/youth relationships. Continued staff development initiatives should emphasize fostering close collaborations between administrators and direct-care staff, mental health clinicians, case managers, and recreation staff in order to provide more effective individualized care for youth.

Youth at Cullen also express interest in developing stronger relationships with male administrators. The smaller population at Cullen affords administrators the opportunity to interact with each youth on a more frequent basis and build positive connections rather than just meeting with youth when they display behavior issues that require supervisory intervention.

Vacancies for behavioral health therapists should be filled without delay with candidates who have experience and expertise in working with vulnerable youth and youth of color.

In tandem with efforts to foster staff development and a team approach at Cullen, the Department should replace the current compliance-oriented points and levels behavior management system with an evidence-based and trauma-informed approach and train all staff accordingly. The population at Cullen consists of kids in the deepest end of the juvenile justice system who often present with the most complex mental health, behavioral, educational, and family-related needs. Instead of addressing problematic youth behavior through individualized and intensive interventions and services, the facility has a history of kicking young people with high needs out of the program and returning them to a detention center. During the quarter, three youth were ejected from the program and sent to detention. Two youth were allowed to return to Cullen after a behavior plan for each youth was developed while they were housed in detention. Cullen staff did not participate in developing the plan.<sup>1</sup>

Excessive downtime and the accompanying boredom is a problem across all DJS facilities, including Cullen, and is especially pervasive because of restrictions on programming implemented to prevent the spread of COVID-19. A newly hired recreation specialist plans to implement a woodworking workshop with youth. In addition to this initiative, administrators should collaborate with other divisions within the facility (case management, mental health, and direct-care staff) to develop a robust array of structured activities based on youth interests to help keep youth engaged. Meaningful recreational and enrichment outlets can help reduce acting out behaviors that occur due to feelings of boredom.

In-person visitation is currently prohibited to prevent the spread of COVID-19. The Department should increase the duration and number of telephone calls and virtual visits with loved ones to help young people stay connected to family.

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<sup>1</sup> After repeated requests from JJMU for Cullen staff to take a more active role in the treatment plans of returning youth, Cullen administration and mental health staff have begun developing behavior plans for youth returning to their facility. This practice should continue.

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. While teachers are required to be on site at the facility during the school day, all instruction is conducted virtually at MSDE JSES schools, including Cullen, in response to the COVID-19 pandemic. Students should be taught in-person where possible and virtual instruction should be initiated only when teachers are unavailable.

Students spent significant amounts of time in quarantine on residential units during the third quarter of 2020 due to potential exposure to COVID-19. Internet connectivity on living units is limited and therefore virtual education was halted while students were quarantined. During this time period students received packets of work to do on their own. Packets are not an appropriate education tool.

The school climate at Cullen also needs to improve. Students and DJS staff at Cullen reported overhearing comments from educators questioning why students had to be in school at all. According to one student, “they [teachers] don’t want us here”. Some students were kicked out of school for not wearing their masks properly or violating terms of use agreements for Chromebooks. They received packets without instructional support for the duration of their suspension from school. Alternative interventions besides school suspension (and the resulting lack of access to even virtual instruction) should be considered for students who have difficulties adhering to school rules.

For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

**Garrett Children’s Center (formerly Savage Mountain Youth Center)**

Garrett Children’s Center (GCC), located in Alleghany County, is a Department of Juvenile Services (DJS/the Department) owned and operated hardware secure (locked and fenced) committed placement center for boys with a DJS-rated capacity of 24. African American youth represented 67% of entries during the third quarter of 2020 compared to 91% of entries during the third quarter of 2019.

<b>GCC</b>	<b>Q3<sup>2</sup> 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>		<b>7</b>	<b>4</b>
1. Youth on Youth Assault/Fight		1	0
2. Alleged Youth on Staff Assault		0	4
3. Physical Restraint		15	23
4. Use of Handcuffs and/or Shackles		7	11
5. Seclusion		0	0
6. Contraband		2	3
7. Suicide Ideation		3	0
8. Suicide Attempt		0	0
9. Self-Injurious Behavior		0	0

The average daily population (ADP) at GCC declined by 43% during the third quarter of 2020 compared to the third quarter of 2019. Despite the decrease in population, incidents involving alleged youth on staff assaults, physical restraints of youth by staff, and use of mechanical restraints on youth inside the facility increased substantially compared to the same

<sup>2</sup> Garrett Children’s Center (formerly known as Savage Mountain Youth Center) was closed for renovation from September 2017 to December 2018 to convert the physical plant to a maximum security facility.

time last year. Administrators at GCC have been unable to create a safe environment for youth and staff.

Over a million dollars has been spent on security apparatus to convert Savage Mountain from a staff secure to a hardware secure (locked and fenced) facility and construction is incomplete. Moreover, it costs the state of Maryland an average of \$489 a day to house a youth at the facility.<sup>3</sup> Notwithstanding the high cost of operating GCC, the program is ineffective and fails to meet the treatment and rehabilitative needs of the youth placed there. During the reporting period, three of the six youth that were placed at GCC were ejected from the facility. Two of the ejected youth were later placed at Victor Cullen, the other DJS-operated hardware secure facility. At time of writing (November 2020), the facility youth population was down to one youth and he is being moved to the Victor Cullen facility due to multiple staff testing positive for COVID-19 at GCC.

Rather than continuing to invest in the correctional model of youth incarceration, the Department should permanently close GCC and resources should be diverted toward establishing a continuum of residential and non-residential community-based services that are specialized so as to be able to serve the individualized needs of young people and families in need of assistance. Studies show that “punitive justice system responses to youthful misbehavior consistently fail, and recent research confirms what common sense suggests: youth who have positive role models, education, and access to the resources they need commit fewer offenses than those who are removed from their support structures and forced into confinement.”<sup>4</sup>

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

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<sup>3</sup> DJS 2019 Data Resource Guide, p. 204, available at:  
[https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2019\\_.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019_.pdf)

<sup>4</sup> A Roadmap to the Ideal Juvenile Justice System (July 2019), by Tim Decker (on behalf of the Juvenile Justice Leadership Network), p. 13, available at: <https://cjjr.georgetown.edu/wp-content/uploads/2019/07/A-Roadmap-to-the-Ideal-Juvenile-Justice-System-Digital-Release.pdf>



## Mountain View

Mountain View is a staff secure committed placement center for girls that opened at the end of June 2020. The facility is located in remote western Maryland on the grounds of Backbone Mountain Youth Center for boys. The dormitory style living unit can house up to six girls. Mountain View is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American girls represented 25% of total youth entries and Hispanic/Latina girls represented 38% of total youth entries during the third quarter of 2020.

Mountain View was established following the June 2020 closure of the J. DeWeese Carter Center (Carter), the DJS-operated hardware secure placement site located on the eastern shore of Maryland. Girls who had been held at Carter were moved to Mountain View to complete their time in placement. Below are selected incident categories from Carter for the third quarter of 2019 and from Mountain View for the third quarter of 2020.

<b>Carter– Selected Incident Categories</b>		<b>Mountain View- Selected Incident Categories</b>	
	<b>Q3 2019</b>		<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>8</b>	<b>Average Daily Population (ADP)</b>	<b>4</b>
1. Youth on Youth Assault/Fight	0	1. Youth on Youth Assault/Fight	1
2. Alleged Youth on Staff Assault	2	2. Alleged Youth on Staff Assault	0
3. Physical Restraint	4	3. Physical Restraint	12
4. Use of Handcuffs and/or Shackles	4	4. Use of Handcuffs and/or Shackles	5
5. Seclusion	0	5. Seclusion	0
6. Contraband	0	6. Contraband	0
7. Suicide Ideation	1	7. Suicide Ideation	0
8. Suicide Attempt	0	8. Suicide Attempt	0
9. Self-Injurious Behavior	0	9. Self-Injurious Behavior	1

Leadership and staff at Mountain View have not received specialized training in working with justice-involved girls and the program does not provide intensive gender-responsive and evidence-based individualized therapeutic services. Despite the move to an ostensibly less-restrictive setting, the facility climate at Mountain View is experienced by girls as punitive and confining.

As can be seen from the chart above, the average daily population (ADP) at Carter during the third quarter of 2019 was eight youth. Although the Carter population in the third quarter of 2019 was double the ADP at Mountain View during the current reporting period, there were fewer physical restraints at Carter and less use of mechanical restraints on youth than at Mountain View. In incident 164945, a girl was placed in mechanical restraints at Mountain View for over one hour.

Girls were placed at Mountain View before space was created to allow for private case management, family and individual therapy, and visitation sessions. Virtual family sessions are often held outside buildings with other youth and staff in close proximity. The facility employs a dormitory style setting with beds located in a row and close to each other. There is an open floor plan encompassing the living unit which contributes further to a lack of personal space and privacy.

Girls requested individual music players (MP3) for use to help with coping with the often-times claustrophobic setting at Mountain View. Music players are available for boys on campus at the Backbone youth center and were available to the girls when they were previously housed at Carter. The devices the girls had when they arrived from another DJS facility were confiscated by administrators at Mountain View who have refused to return them to the girls because they alleged the music selected by staff from the other facility was inappropriate. They have neglected to provide a rationale for why the girls could not have the devices returned to them with music considered appropriate by Mountain View administrators.

Power struggles and efforts by some administrators and staff to control youth such as the example listed above are often a source of tension. For example, youth were allowed hair care items and nail polish to use during weekend leisure time while they were being held at Carter. At Mountain View, the girls are told they now have to earn the hair care items, etc., because they are “privileges” that can only be gained through accumulating “points” which they may receive for complying with staff directives. Girls have also been told that they will be subject to discipline and will have positive behavior points taken away for doing each other’s hair - hair care services at Mountain View are only offered once per month. Knitting supplies such as yarn that girls usually received from staff on a weekly basis in other facilities are now rationed and are distributed twice monthly following another punitive decision made by the Mountain View administration.

There is a single therapist assigned to provide services to the girls. A mental health supervisor who directs the mental health services at Backbone and Mountain View occasionally supplements services provided by the assigned clinician. Girls would like more individual sessions with the assigned therapist to work on discrete issues unique to each girl. One girl

noted, “We got more and better therapy at Waxter (the DJS detention center for girls). [When we were told we were to be moved here,] they told us we could get all these services to help with our trauma and other issues but they just lied to us.”

Girls reported a lack of variety in recreation services and reported that “we only walk around in laps” during recreation. Recreation and enrichment outlets will become even rarer because of restrictions due to cold weather and the enforcement of an annual Fall and Winter curfew at all DJS placement and detention sites which prohibits youth from going outside facility buildings after 5:30 pm.

Families seeking time with their incarcerated children spend 6 to 10 hours travelling to and from DJS operated placement facilities, all of which are located in remote areas of western Maryland. The remote location of Mountain View (which is 3 to 4 hours away from most youth families and communities) combined with only one hour of allotted visitation time makes family visits difficult when in-person visitation is allowed. Currently all in-person visitation has ceased due to the uptick in COVID-19 cases in the state. The number and duration of phone calls and virtual visits should be increased to help kids maintain meaningful contact with their loved ones. When in-person visits are allowed, family members should be allowed to stay for up to four hours.

The correctional rather than therapeutic milieu at Mountain View is resulting in psychological and emotional distress for girls placed there and is exacerbating pre-existing mental health issues. In Incident 164946, a youth cut her wrist in the bathroom using a razor blade. Staff observed a puddle of blood at her feet in the stall and were able to take the razor from her. The girl had been physically restrained by staff during an incident earlier in the evening.

While Mountain View is ostensibly a treatment center, several girls reported feeling more cared for while stuck in a DJS detention center before coming to Mountain View. They also commented that detention staff and administrators delivered higher quality services to incarcerated girls than they are receiving while they are being held at Mountain View. Some girls asked if they could be moved back to detention (equivalent to jail) and complete their time in placement there – they said they prefer to be where staff better understand them and the challenges they face.

If the Department continues to operate a staff secure placement site for girls, it must at a minimum replace the current compliance-oriented behavior management system with a therapeutically-oriented, gender-responsive, trauma-informed approach and hire administrators and staff with experience and expertise in developing and implementing effective programs for justice-involved girls.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for education services at Mountain View. While teachers are required to be on site during the school day, they are not allowed to teach in person as all

instruction is conducted virtually at JSES schools, including Mountain View, in response to the COVID-19 pandemic.

Virtual classes were disrupted on several mornings during the quarter due to poor internet connectivity at the facility.

For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

**At time of writing (December 2, 2020), all of the girls at Mountain View have been removed from the facility due to a COVID-19 outbreak. They were transported (in handcuffs and leg-irons) to a detention center over three hours away where they are to be held pending test results.**

## Youth Centers x2

The youth centers, located in remote western Maryland, consist of two separate staff secure (not fenced and locked) facilities for boys: Green Ridge (40-bed capacity) and Backbone Mountain (48 beds). Both centers are owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American youth represented 59% of total youth entries in the third quarter of 2020 compared to 69% in the third quarter of 2019. Hispanic youth represented 10% of entries during the third quarter in 2020 and 2019.

<b>Combined Youth Centers – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>93</b>	<b>76</b>	<b>21</b>
1. Youth on Youth Assault/Fight	58	52	5
2. Alleged Youth on Staff Assault	8	16	2
3. Physical Restraint	162	161	18
4. Use of Handcuffs and/or Shackles	44	18	3
5. Seclusion	1	0	0
6. Contraband	14	11	4
7. Suicide Ideation	21	13	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	6	0

Average daily population at the staff secure youth centers<sup>5</sup> decreased by 72% in the third quarter of 2020 compared to the third quarter of 2019 while youth on youth fights and assaults decreased by 90%, alleged youth on staff assaults decreased by 88%, the use of handcuffs

<sup>5</sup> Incidents from the third quarter of 2020 are from the two currently operating youth centers. Incidents from the third quarter of 2019 include Meadow Mountain, a third youth center which was open at that time. Meadow Mountain was permanently closed during the second quarter of 2020.

and/or leg irons on youth within the facility decreased by 83%, and physical restraints of youth by staff decreased by 89%. There was one reported incident of suicide ideation during the quarter compared to 13 reported incidents in the third quarter of 2019.

Staff at Backbone need enhanced training on supervision and awareness of group dynamics so that proactive interventions can be put in place to prevent potential incidents of aggression. In Incident 164933, two trainee staff at Backbone were put in charge of supervising a group of youth and did not physically intervene when two youth threatened and then physically assaulted a third youth in their presence. In Incident 165198, a youth reported to a staffer that he had been stabbed with a sharp object by another youth days prior because he refused to continue giving his allotted phone calls away to the other youth. The staffer noticed bruising to the boy's side. There was no incident report completed on the assault until the youth who had been victimized told the staffer about the event. Staff also reported being unaware that the youth was being subjected to ongoing bullying and forced to give up his allotment of phone calls until after the victim reported the incident. In Incident 165195, contraband in the form of a piece of wood with duct tape wrapped around it and a rock with a string tied around it was found. Closer staff supervision and more awareness and attention paid to dynamics among youth by staff could potentially have prevented these incidents from occurring.

Excessive downtime and the accompanying boredom is a problem across all DJS facilities, including the youth centers, and is especially pervasive because of restrictions on programming implemented to prevent the spread of COVID-19. While there have been some efforts to increase outdoor programming during the third quarter, these initiatives are in danger of being curtailed due to a 5:30 pm curfew which is implemented at the youth centers (and at all other DJS operated placement and detention facilities) over the late fall and winter months that prohibits youth movement outside. Activities held outdoors, such as hiking, biking, and fishing, should continue to be developed as they are some of the very few outlets available to youth in which the spread of COVID-19 can be mitigated. Proper supervision protocols and appropriate winter apparel (such as coats, hats, and gloves) can help ensure outdoor leisure time is safe. Administrators should also work with recreation, case management, mental health and direct-care staff to develop a robust array of structured activities based on youth interest which meet the Department's COVID-19 prevention guidelines so as to keep youth constructively engaged.

There are no long-term vocational programs leading to sustainable employment upon release for youth at the youth centers. A modest World of Work program instituted by DJS which offered high school graduates the opportunity to do odd jobs around the facility for minimum wage was discontinued by the Department. High school graduates at Backbone and Green Ridge continue to work performing chores such as cleaning and painting during school time, but in exchange for extra snacks and phone calls home rather than proper remuneration. Utilizing unpaid child labor for facility maintenance should be discontinued.

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

### Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys.

<b>SOA – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>26</b>	<b>37</b>	<b>N/A</b>
1. Youth on Youth Assault/Fight	18	7	N/A
2. Alleged Youth on Staff Assault	1	3	N/A
3. Physical Restraint	11	8	N/A
4. Use of Handcuffs and/or Shackles	0	0	N/A
5. Seclusion	0	0	N/A
6. Contraband	14	2	N/A
7. Suicide Ideation	0	0	N/A
8. Suicide Attempt	0	0	N/A
9. Self-Injurious Behavior	0	0	N/A

There were no youth placed through DJS at Silver Oak during the third quarter of 2020.

# DETENTION CENTERS



## Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a hardware secure (maximum-security) detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. The DJS-rated housing capacity is 120 beds. African American youth represented 80% of total entries during the third quarter of 2020, compared to 93% during the same period in 2019.

<b>BCJJC – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>89</b>	<b>77</b>	<b>32</b>
1. Youth on Youth Assault/Fight	45	84	22
2. Alleged Youth on Staff Assault	6	8	11
3. Physical Restraint	80	105	47
4. Use of Handcuffs and/or Shackles	26	13	18
5. Seclusion	15	10	17
6. Contraband	7	7	1
7. Suicide Ideation	3	8	0
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	0	0	0

Average daily population (ADP) at BCJJC during the third quarter of 2020 decreased by 58% compared to the third quarter of 2019. Coupled with the significant reduction in population, youth on youth fights and assaults decreased by 74% and physical restraints decreased by 55% when comparing the same two time periods. However, the number of incidents involving the utilization of mechanical restraints (handcuffs and/or leg shackles) within the facility increased by 38% and reported seclusions increased by 70%.

## **Incident Response and Reporting**

The DJS Office of the Inspector General investigated a group disturbance in early September involving injuries (IR 165123 & 165186) and documented staff mishandling of the incident. Staff and youth had a verbal disagreement that escalated after a youth dumped water on the floor leading to staff and a number of youth engaging in a tussle. The shift commander who later reviewed the incident said it could have been prevented: “Upon reviewing the incident I observed the incident could have been prevented if the audience had been removed when the assistance call was made.”

Staff reporting the incident also neglected to include details of physical and mechanical restraint use – a breach of Department policy. Youth were secluded for over an hour following the disturbance but the documented details concerning length of seclusion did not accord with seclusion time as calculated from a subsequent review of video footage. All mandated periodic safety checks on youth in seclusion were documented as having occurred, but the subsequent video review revealed that staff did not complete all the check-ins – another breach of DJS policy.

The Department should ensure that direct care workers are trained to use trauma-informed incident prevention and early intervention strategies and that line staff and supervisors adhere to DJS policy regarding documentation of incidents. Staff must never falsify documentation as happened in the paperwork noting completion of mandated safety checks on youth in seclusion.

## **Mental Health**

Behavioral health workers were not called or involved in the incident described above and there is no documentation to show that the youths involved in this incident were seen by professional mental health workers within 30 minutes of being alerted about the event, as required by DJS policy.

According to information received from DJS case managers (which match the content of comments by youth at the facility), mental health workers visit some BCJJC units twice weekly for approximately half-an-hour each time. During the reporting period, the average youth population at BCJJC was 32; with the flexibility that comes with such a low daily population, mental health workers should be checking in with all youth on a daily basis.

While appropriate levels of mental health services for the young people incarcerated at BCJJC were not reached during the quarter, the restrictive Intensive Services Unit (often seen as punishment by youth removed from the general population) was chronically over utilized. At one point during the reporting period, there were 11 youth held on the ISU; that number represents over one third of the entire average daily population during the reporting period. One youth has (to date) spent almost 3 months restricted to the ISU at BCJJC, which - it should be noted – is the only DJS detention facility to operate an ISU within an already hardware secure setting.

## **COVID-19 Restrictions**

The young people incarcerated at BCJJC, in common with youth at all other DJS-operated facilities, have been subjected to extra restrictions in an effort to mitigate the spread of COVID-19. Youth commented that social distancing is impossible within the confines of BCJJC and complained about dirty and damaged masks and said that it can take 3 to 5 days to receive a new one. Youth also said residential units are not properly cleaned and complained about being rushed when trying to properly clean their space.

Youth in medical quarantine complained of lack of access to full body exercise and being reduced to watching TV and playing video games all day. For part of the reporting period, youth held in quarantine were having to eat meals on their beds due to restrictions against eating together. Case managers at BCJJC have been diligent in assuring the provision of virtual visits and of phone calls for youth so that the young people incarcerated at BCJJC can stay in touch with their families.

## **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities.

When school is in session, students who already have a high school diploma do not have educational opportunities available to them through MSDE JSES and yet are forced to attend high school level classes every school day or face possible discipline or loss of points under the DJS behavior management system. DJS previously ran a modest work-related program for school graduates who could earn minimum wage for completing odd jobs within facilities. The program has been discontinued and yet - during the reporting period - a student who had graduated from high school was completing cleaning and housekeeping tasks without receiving any financial remuneration.

When in-person instruction is affected by actual or suspected presence of COVID-19 in the facility, students are supposed to have access to Chromebooks in order to take advantage of virtual instruction. While virtual instruction is not ideal or even appropriate in the case of youth who have individualized education plans, there have been times when even online education has been unavailable. In such situations, MSDE JSES makes packet work available to youth. Packet work is an inappropriate substitute for virtual learning (and virtual instruction is itself a poor substitute for in-person instruction).

During the third quarter, students complained about lack of access to virtual learning via Chromebook when in-person instruction was suspended. Students were given packets when they should have been provided with Chromebooks to use while restricted to residential units due to COVID-19. Youth complained about the packets which were handed out for several weeks while no one was available to assist them with questions on package content.

Students also complained that NOOKS provided by MSDE JSES for personal reading opportunities have not had the content updated for months.

For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

## Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (CYDC), located in Prince George’s County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 70% of total youth entries during the third quarter of 2020, compared to 73% in the third quarter of 2019. Hispanic/Latino youth represented 15% of entries during the quarter, a decrease of 1% compared to the third quarter of 2019.

<b>CYDC– Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>54</b>	<b>56</b>	<b>37</b>
1. Youth on Youth Assault/Fight	31	38	20
2. Alleged Youth on Staff Assault	0	0	0
3. Physical Restraint	33	38	29
4. Use of Handcuffs and/or Shackles	1	0	2
5. Seclusion	4	0	2
6. Contraband	2	1	7
7. Suicide Ideation	4	2	1
8. Suicide Attempt	0	0	3
9. Self-Injurious Behavior	0	0	2

Average daily population during the third quarter of 2020 decreased by 34% compared to third quarter of 2019. Even with the population reduction, the practice of social distancing to help mitigate the spread of COVID-19 in a congregate care facility such as CYDC has been difficult to maintain due to the number of staff, youth, and support staff on the units. Given the inherent risks of incarceration to youth health and well-being and the added danger posed by the

pandemic, juvenile justice stakeholders should continue to work to reduce the number of young people housed in detention centers.

In addition to population reductions, youth fights and assaults decreased by 47% and physical restraints decreased by 24% over the same time period. However, seclusion and use of handcuffs and/or shackles on youth inside the facility increased (from 0 to 2 instances). Suicide ideation and self-injury also increased at CYDC. There were seven reported incidents involving contraband in the third quarter of 2020 compared to one incident during the same time period last year. Enhanced supervision can aid in preventing youth access to prohibited items.

### **Safety and Security**

Leadership at CYDC should engage in ongoing staff training and support to help manage population dynamics and create a safer and more structured environment for both youth and staff. Based on the following incidents, particular areas on which to focus include:

-Preventing excessive use of force by staff: In Incident 165028, a staffer struck a youth in the face after the youth hit the staffer. In Incident 165243, a staffer lifted a youth off the ground and slammed him to the floor during a restraint.

-Ensuring adherence to incident reporting policies: In incident 165155, a staffer and a youth were tussling in a closet and the staffer failed to follow incident reporting protocols and submit an incident report of his physical contact with the youth after the incident occurred. An anonymous informant alerted the facility superintendent of the incident a couple of days later.

-Engaging staff assistance to help address incidents: In Incident 165274, a staffer was restraining a youth inside the youth's cell. Another staffer closed the cell door, locking the youth in with the staffer. The staffer outside the cell subsequently observed the youth and staffer tussling for several minutes before intervening or radioing for staff assistance.

-Initiating crowd control measures to help quell incidents without delay: In Incidents 165274 and 165121, youth who were fighting were physically restrained by staff but not placed in their cells to allow an opportunity for de-escalation. Youth in both incidents managed to wriggle free of the restraining staffers and then recommenced fighting.

Excessive downtime and resulting boredom is a persistent concern for incarcerated youth and one that has become even more prevalent with ongoing restrictions on activities and outside programming due to the spread of COVID-19. Most youth spend the bulk of their time on residential units watching TV. To help young people cope with downtime, administrators should:

\*Provide access to hand-held video games, nooks, books, personalized music players (MP3) and acceptable individualized enrichment items. While some of these items, such as nooks, are available in the facility, they are not readily accessible on a daily basis for youth. For example, during a monitoring visit in the third quarter, newly admitted youth who must remain on quarantine for the first two weeks of their stay requested books and nooks to help pass time. They had not been informed that these items were available to them.

\*Develop more structured activities during after-school hours and on weekends and expand options for virtual programming.

\*Consistently utilize the outdoor track and field located at the back of the facility for physical exercise.

\*Offer more opportunities for family contact by providing additional time for phone calls home and virtual visitation. While DJS has increased the number of phone calls youth can receive, the 10 minute time limit on calls is often insufficient for kids to feel connected to loved ones. Increased phone and virtual contact is needed for youth whose parents cannot visit in person because of the heightened risk of infection from in-person visits, lack of reliable transportation, work conflicts, or because the facility is frequently on lockdown due to an outbreak of COVID-19. Furthermore, the experience of incarceration during holidays can be especially stressful for youth and this stress is compounded by the strains posed by the current health crisis. The Department should increase the frequency and duration of youth phone calls and virtual contact to help families and young people cope with separation.

### **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

**Charles H. Hickey, Jr., School**

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 76% of entries during the third quarter in both 2020 and 2019.

<b>Hickey – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>59</b>	<b>56</b>	<b>28</b>
1. Youth on Youth Assault/Fight	58	44	12
2. Alleged Youth on Staff Assault	2	4	0
3. Physical Restraint	54	63	13
4. Use of Handcuffs and/or Shackles	3	3	3
5. Seclusion	8	13	3
6. Contraband	1	2	0
7. Suicide Ideation	4	4	2
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population (ADP) of youth at Hickey decreased by 50% during the third quarter of 2020 compared to the third quarter of 2019 while youth on youth fights and assaults decreased by 73%, physical restraints of youth by staff decreased by 79% and use of seclusion decreased by 77%. There were two instances of suicide ideation during the quarter.



## **COVID-19 Response**

Although the spread of COVID-19 impacted operations, DJS workers and supervisors worked diligently during the reporting period to maintain a calm atmosphere at Hickey.

Case managers set up virtual family visits for youth however, unlike at other DJS facilities (such as BCJJC), the onus was on parents and guardians rather than case workers to initiate the virtual visiting process. This situation somewhat improved during the reporting period. The Department should ensure that case management at all DJS detention and placement facilities proactively inform families about the availability of virtual visits and encourage and enable families to take advantage of the service. Youth should also be provided with extra and longer virtual visits and phone calls (which are usually limited to ten minutes) to family during COVID-19-related restrictions.

Restrictions to mitigate the spread of disease have also negatively impacted recreation services for youth. Throughout the reporting period, the young people incarcerated at Hickey complained of boredom.

Although the average daily youth population at Hickey during the second quarter was half what it was at the same time last year, the availability of mental health services for youth has not increased. A vacancy for a full-time mental health therapist on one of the residential units has not been filled for over 6 months. Mental health workers (who have offices on each residential unit) should be – but are not - checking in with every young person each day, given the added flexibility that accompanies much lower population numbers.

## **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities.

School was closed for a considerable part of the reporting period as a precautionary measure (to mitigate the spread of COVID-19) following positive test results.

When in-person instruction is affected by actual or suspected presence of COVID-19 in the facility, students are supposed to have access to Chromebooks in order to take advantage of virtual instruction. MSDE JSES training for school staff in facilitating Chromebook use has been completed but operational issues continue to occur. Additionally, Chromebooks have not been provided for use by students while on medical quarantine (including initial admission quarantine). Students on quarantine units during the reporting period complained about needing a teacher to be present to answer questions about assigned school work.

While virtual instruction is not ideal or even appropriate in the case of youth who have individualized education plans, there have been times when even online education has been unavailable. In such situations, MSDE JSES makes packet work available to youth.

Students at Hickey complained about outdated packets during the third quarter and there was an instance when a non-English speaker was given a packet in English to complete. Packet work is, in any case, an inappropriate substitute for virtual learning (and virtual instruction is itself a poor substitute for in-person instruction).

A monitor visiting Hickey on Aug 10<sup>th</sup> witnessed students on an admission unit left to their own devices as far as education services, with no Chromebooks or packet work made available to them. On September 16<sup>th</sup>, a monitor found newly entered students quarantined on an admission unit doing puzzles in their cells to pass time. The students did not have access to teachers, Chromebooks or packets from MSDE JSES.

Students have requested access to the library/media center during afterschool hours and when they are stuck in medical quarantine, however, they have been told that no MSDE JSES staffer will work at the center to help effectuate student use. Additionally, students at Hickey (and at other DJS-operated facilities) complain that MSDE JSES issued NOOKs - for personal reading purposes during youth downtime - have not been updated with new books for many months.

When school is in session, young people at Hickey (and at other DJS operated facilities) who already have a high school diploma do not have educational opportunities available to them through MSDE JSES. The high school graduates are nevertheless forced to attend high school level classes every school day or face possible discipline or loss of points under the DJS behavior management system. DJS previously ran a modest work-related program for school graduates who could earn minimum wage for completing odd jobs within facilities. The program has been discontinued although some high school graduates have been given cleaning and housekeeping tasks to complete during school hours at DJS-operated facilities, but without receiving any financial remuneration.

For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

## Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure (locked and fenced) detention center for girls. Waxter is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 42 beds. African American youth represented 57% of entries during the third quarter of 2020 compared to 71% in the same period last year. Hispanic/Latina girls represented 17% of total youth entries during the third quarter of 2020.

<b>Waxter – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>25</b>	<b>25</b>	<b>12</b>
1. Youth on Youth Assault/Fight	9	13	3
2. Alleged Youth on Staff Assault	12	13	0
3. Physical Restraint	42	46	12
4. Use of Handcuffs and/or Shackles	2	7	0
5. Seclusion	5	4	2
6. Contraband	1	0	1
7. Suicide Ideation	17	30	17
8. Suicide Attempt	0	0	
9. Self-Injurious Behavior	2	1	3

The average daily population (ADP) at Waxter during the third quarter of 2020 decreased by 52% when compared to the third quarter of 2019 while youth fights and assaults decreased by 77%, physical restraints of youth by staff decreased by 74%, and use of seclusion decreased by 50%. Mechanical restraints (handcuffs and/or leg irons) were not used on youth inside the facility during the quarter. There were 17 instances of suicide ideation in the third quarter of

2020, a decrease of 43% compared to the third quarter of 2019. There were four suicide attempts during the quarter and three instances of self-injurious behavior.

### **Physical Plant and COVID-19**

DJS is responsible for physical plant conditions at Waxter, including school infrastructure. The condition of the residential units at the facility is appalling as they continue to be plagued by leaking ceilings, faulty plumbing and extreme temperature fluctuations. The school buildings consist of dilapidated trailers located in back of the facility which are used for classrooms. Classroom space is cramped and ventilation in the rooms is poor.

There was an outbreak of COVID-19 during the quarter<sup>6</sup> which affected food services during the reporting period. Girls were served cold breakfasts and dinners (sometimes in the form of a sandwich) which were brought in from other facilities (Grievance 16595).

### **Education**

The Maryland State Department of Education, through its Juvenile Services Education System (MSDE JSES) division, is responsible for education services in DJS facilities.

Students at all DJS detention and placement centers have no access to in-person teaching at time of writing (December 2020). During the third quarter, students at Waxter were unable to attend virtual classes for over a month due to the outbreak of COVID-19 at the facility and due to the installation of replacement flooring in some of the school classrooms. In place of virtual lessons, students received packets of worksheets which they had to complete on their own. Students who did not complete the work (even if it was too difficult for them or they didn't understand the work) received disciplinary sanctions in accordance with the Department's behavior management system.<sup>7</sup> As one student explained, "They give us packets with no teacher and they take our points if we don't do it" (Grievance 16597). Worksheet assignments were graded and counted toward class credit and grades. Many students reported that they were failing classes due to incomplete assignments during this time period and that their grades had dropped during the period in which they were given packet work to do.

For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

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<sup>6</sup> At time of writing (December 2020), Waxter had the second highest number of staff infections out of all DJS-operated facilities. In addition, four girls have tested positive for COVID-19 while housed at Waxter.

<sup>7</sup> The Department's points and levels behavior management system is based on enforcing compliance with facility rules and staff directives. Youth can lose points and receive disciplinary reports (with resulting loss of "privileges" such as extra snacks or name brand hygiene products) for not following directions.

**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 American youth represented 66% of entries during the third quarter of 2020 compared to 57% in the third quarter of 2019. Hispanic/Latinx youth accounted for 20% of entries versus 31% in the third quarter of 2019.

<b>Noyes – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>33</b>	<b>29</b>	<b>15</b>
1. Youth on Youth Assault/Fight	23	35	2
2. Alleged Youth on Staff Assault	5	2	1
3. Physical Restraint	84	80	7
4. Use of Handcuffs and/or Shackles	12	7	1
5. Seclusion	0	1	0
6. Contraband	2	2	0
7. Suicide Ideation	7	3	3
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	1	0	4

Average daily population decreased by 48% in the third quarter of 2020 in comparison to the third quarter of 2019 while youth on youth fights and assaults decreased by 94%, physical restraints decreased by 91%, and use of mechanical restraints (handcuffs and/or leg irons) within the facility decreased by 85%.

Staff to youth ratios at Noyes should be increased to allow for at least two staffers on each living unit to assist in youth supervision and the de-escalation of incidents. Single staffers assigned to a unit are instructed to wait for staff assistance before initiating restraints to stop

youth fights (Incident 164797). Staffers should intervene immediately when youth are fighting and having more than one staffer on a unit can expedite response time to fights and assaults and help prevent injuries.

The presence of additional staffers can also aid in supervision requirements. In Incident 164212, a youth was mechanically restrained inside his room for over 15 minutes. DJS policy requires constant supervision of youth who are mechanically restrained to ensure their well-being. The lone staffer assigned to the unit was busy attending to other issues and was not in a position to constantly observe the shackled youth.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at Noyes. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

### 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 76% of entries in the third quarter of 2020, compared to 81% during the same period in 2019.

LESCC – Selected Incident Categories	Q3 2018	Q3 2019	Q3 2020
<b>Average Daily Population (ADP)</b>	<b>20</b>	<b>14</b>	<b>14</b>
1. Youth on Youth Assault/Fight	14	8	2
2. Alleged Youth on Staff Assault	1	1	1
3. Physical Restraint	59	13	14
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	1	0	1
6. Contraband	0	3	2
7. Suicide Ideation	22	1	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	1

Average daily population at LESCC remained constant (at 14) during the third quarter of 2020 compared to the third quarter of 2019 while the number of incidents involving youth fights and assaults decreased by 75%. However, physical restraints of youth by staff and use of seclusion both increased slightly (by 1 instance) during the same time period.

Additional staff positions are needed in master control at LESCC to assist with facility surveillance and monitoring and processing entries into the facility.

In-person family visitation has been put on hold due to the uptick in COVID-19 infection rates. Administrators at LESCC should increase the number and duration of phone calls home and virtual family visits so that young people can have meaningful contact with their loved ones.

Youth at LESCC reported frequent periods of downtime and boredom during the quarter. Administrators should collaborate with direct-care, recreation, mental health, and case management staff to develop creative programming options for youth that also adhere to Department guidelines for COVID-19 prevention.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at LESCC. For information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.



**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 50% of total entries in the third quarter of 2020, a slight increase compared to 49% in the third quarter of 2019. Hispanic/Latino youth accounted for 6% of total entries during the third quarter of 2020 compared to 10% during the third quarter of 2019.

<b>WMCC – Selected Incident Categories</b>	<b>Q3 2018</b>	<b>Q3 2019</b>	<b>Q3 2020</b>
<b>Average Daily Population (ADP)</b>	<b>15</b>	<b>20</b>	<b>14</b>
1. Youth on Youth Assault/Fight	11	13	6
2. Alleged Youth on Staff Assault	1	0	0
3. Physical Restraint	23	31	15
4. Use of Handcuffs and/or Shackles	4	6	1
5. Seclusion	1	0	1
6. Contraband	0	0	2
7. Suicide Ideation	3	4	2
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population decreased by 30% during the third quarter of 2020 compared with the third quarter of 2019 while youth fights and assaults decreased by 54%, the utilization of physical restraints decreased by 52%, and the use of mechanical restraints (handcuffs and/or leg irons) on youth inside the facility decreased by 83% when comparing the same two periods. There was one reported use of seclusion and two instances of suicide ideation during the quarter.

In Incident 165105, a staffer can be seen on video opening a closet door on a living unit and allowing two youth to enter the closet where there are no cameras. The video shows other youth on unit surrounding the entrance to the closet and appearing animated as they peer inside. Moments later the two youth exit the closet and can be seen shadow boxing, talking and laughing. The staffer then closes the closet door. The next day one of the two youth who entered the closet reported pain in his ribs, and he was sent to medical. Upon questioning from the nurse, the youth reported that he received the injury the day before after fighting another youth. Administrators retrieved and viewed video footage based on the youth's report. An incident report was generated based on the video review.

The same staffer who was involved in the above described situation was also involved in a previous incident (149665) in which a youth reported that the staffer engaged in horseplay with him. During that incident, the youth suffered injury to his nose from physical contact with the staffer. The youth said that he did not report the horseplay and subsequent injury immediately after the incident occurred because the staffer offered him extra food when he got hurt. The youth was eventually seen by medical and the nursing record noted that the youth had bruising and some swelling to the right side of his nose.<sup>8</sup>

The staffer continues to work in direct-care at WMCC.

Excessive downtime and the accompanying boredom is a problem across all DJS facilities and is especially pervasive because of restrictions on programming implemented to prevent the spread of COVID-19. Youth at WMCC requested use of playing cards, basketballs for individual use during recreation, and MP3 players to listen to personalized music. These activities have been utilized at other DJS operated facilities in a safe manner and should be available for youth at WMCC and all other DJS detention and DJS placement sites.

Downtime can also be constructively used to provide more opportunities for family contact by giving additional time for phone calls and virtual family visits. While DJS has increased the allocation of phone calls for youth, the 10 minute time limit on calls is often insufficient for kids to feel connected to loved ones. The Department should further increase the frequency and duration of phone calls and virtual visits. Such an increase in family communication opportunities is needed for youth whose parents cannot visit in person because of the heightened risk of infection from in-person visits, lack of reliable transportation, work conflicts, or because the facility is periodically on lockdown due to an outbreak (or suspected case) of COVID-19. More frequent and lengthier contact with loved ones will also help young people in WMCC and other DJS facilities to better cope with the experience of incarceration during holiday periods – times which can be especially stressful. This year, that stress is compounded by the mental and physical strains imposed by the current public health crisis.

A case manager position remains unfilled at time of writing. Case manager duties have increased during the COVID-19 pandemic due to added tasks, including arranging and

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<sup>8</sup> See JJMU 2018 First Quarter Report, p. 65, available at: [https://www.marylandattorneygeneral.gov/JJM%20Documents/18\\_Quarter1.pdf](https://www.marylandattorneygeneral.gov/JJM%20Documents/18_Quarter1.pdf) (p.65)

coordinating virtual contact with youth family members, attorneys, probation officers, and judges. The vacant case management position should be filled without delay.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES), operates the school at WMCC. A high proportion of youth housed at WMCC during the quarter were high school graduates and students reported “no real programming for high school graduates” and that they spent the school day playing board games and perusing the limited number of websites they are permitted to visit on the internet (Grievance 16655). A few graduates were enrolled in one or two non-credit bearing online college courses. In addition to being non-credit bearing, these courses were only held twice a week and for a couple of hours at a time. The students remained idle for all the rest of their school time. Given the small population of youth, MSDE JSES should be willing and able to craft individualized educational plans and activities based on student interest for those youth who have a GED or high school diploma.

For more information on issues and concerns surrounding education in DJS facilities, see the MSDE JSES section of this report which begins on page 40.

## **SMALLER FACILITY UPDATES**

## SMALLER FACILITY UPDATES

Incidents involving aggression at smaller facilities licensed by DJS remained low during the third quarter of 2020.

### Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc., and licensed by DJS to house up to 24 boys. Morning Star utilizes a trauma-informed and trauma-responsive system of care known as the Sanctuary model.<sup>9</sup>

Students at Morningstar continued to receive in-person teacher instruction during the third quarter of 2020. In addition to on-site therapeutic services, virtual therapy sessions were offered through an outside vendor. Youth participated in some outdoor activities including swimming and horseback riding. Organized volunteer activities held outdoors were also available to keep youth engaged. Family visitation is facilitated on a weekly basis and is held outside.

As the weather turns colder, options for outdoor activities will become more limited at Morningstar. The weight room which is currently used for recreation is not heated and an indoor gym is unusable due to roofing issues. Improvements in the physical plant should be undertaken to help create space for indoor recreation and enrichment.

### 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. Youth are integrated into the local community and are enrolled in local schools, work in local businesses, and engage in enrichment activities in surrounding areas. Staff at One Love have adapted to restrictions posed by COVID-19 by organizing outdoor events such as fishing and hiking to help keep youth constructively engaged; requiring that staff wear masks at all times and that youth wear masks when interacting with others outside the home; and ensuring adequate cleaning supplies to keep the home sanitized. Therapeutic services are provided virtually through an outside vendor and family visits are encouraged and have been conducted outside to help maintain safety.

One Love can serve as a model for an effective community-based alternative to incarceration in correctional-oriented facilities.

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<sup>9</sup> For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>

# **MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES**

## THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school inside each of the Department of Juvenile Services' detention and placement facilities.

In responding to the COVID-19 pandemic, administrators at MSDE JSES decided to stop in-person instruction at DJS facilities and instead deliver education services via a virtual learning platform or, when virtual instruction is deemed not feasible, via the distribution to students of education-related packets. Students' education instruction online is accessed through individually assigned Chromebooks that are mostly kept in the classrooms. While MSDE JSES teachers are required to report to their assigned facility and remain on site, they do not provide in-person education instruction to students. Under the plan developed by MSDE JSES, students spend the six hour school day in a classroom with one to two teachers also present in the classroom. However, rather than teaching, classroom teachers are tasked with supervising students' use of Chromebooks and monitoring the internet activity of the students.

Although teachers are required to report to work at DJS institutions, those who are not supervising are located away from youth while inside facilities. Some on-site teachers are assigned classes to teach virtually to students across the MSDE JSES system over the course of the school day. During virtual streaming sessions, on-site teachers go to a private area of the school to teach lessons virtually. Teachers providing virtual lessons cannot see or hear students but can communicate through a chat feature in which students can type questions or comments during the lesson.

Several issues with the delivery of education services (highlighted below) have been directly observed by monitors during monitoring visits and reported to and witnessed by youth attorneys and DJS staff.

**In-person instruction is needed for students to fully understand lessons and progress academically.** Students report that they strongly prefer in person instruction by teachers on site rather than being forced to learn through virtual means with instructors who cannot see or hear them. Many teachers also report frustration about being required to report to school and yet not being allowed to teach classes directly to students. In the words of one student, "They are sitting right there. Why can't they teach me?" Another student stated, "In Geometry, I don't care how hard they try, I can't do it virtual, I will not be able to keep up. I need a teacher in front of me."

Online instruction as implemented by MSDE JSES is especially difficult for students with special education needs. As one student with an Individualized Education Program (IEP) remarked, "It's hard to hear someone you don't know talking about something without being able to ask substantive questions." Another student remarked, "[The teachers] can't tell if we really understand something before moving on." MSDE JSES is also responsible for implementing

Individualized Education Programs (IEPs), but they are often not being effectuated due to lack of in-person services. A student who required one-on-one instruction, use of a microphone instead of a keyboard due to difficulties typing, and also needed extensive speech therapy sessions was not provided these services as mandated by his IEP while detained at BCJJC. Another student who was held at Hickey did not speak English and grew frustrated with trying to understand the lessons. During in-person classroom teaching, his interpreter would translate the teacher's lessons and directions but the interpreter found it almost impossible to do so in a virtual setting where the child was required to have earphones on to listen to the lesson and the pace of the lessons was too fast for simultaneous translation. The student requested daily lessons and worksheets in Spanish but was not accommodated in this request.

**The internet monitoring software in use at MSDE JSES creates obstacles to learning.** Consistent and ongoing issues with accessing educational websites necessary for completing assignments and achieving grades have been reported by students to their attorneys and to DJS staff and have been witnessed by JJMU monitors during in-person visits. For example, students were denied access to an online graphing calculator to complete a math assignment, the periodic table to complete a chemistry assignment, and dictionary.com for reference in completing an English assignment. One student could not access a YouTube link that her teacher asked students to view in order to complete an English class assignment.

**The software also prevents students from accessing multiple sites at once even when necessary to complete work.** Students are only allowed to have a maximum of three tabs open per session and two of these tabs are taken up by the virtual lesson and google classroom where the assignments are located. Students who have tried to open more than three tabs to access approved sites to complete assignments have been kicked out of the virtual learning platform and all the work that they completed is then lost. One girl at Mountain View became visibly upset after having to complete an essay three times due to being repeatedly kicked out of the virtual learning platform while trying to complete schoolwork.

**Students face difficulties and delays with the chat feature while trying to communicate with teachers during virtual lessons.** Students who have difficulty typing find the chat feature hard to use. Teacher responses to student questions asked via the chat option are often delayed and sometimes students do not receive any answers at all from the teachers. A student remarked, "I typed 'I don't understand' but the teacher never responded." Another student reported falling behind in math because the mathematical symbols involved (many of which are not readily accessible on the keyboard) make it difficult to communicate (through typing) any issues the student is having in understanding the material.

**Internet connection is poor or unavailable in some areas.** There were frequent disruptions in internet connection especially in the facilities located in remote western Maryland. During a monitoring visit to Mountain View placement center in Garrett County, girls did not have morning school because of internet issues. On average, internet outages resulted in loss of instruction time three to four times per month according to the students and DJS staff. (MSDE JSES does not compile and disseminate information on hours of virtual instruction time lost due to connectivity and other issues). Students also reported that internet connectivity issues



resulted in interruptions to virtual streaming and made understanding online lessons, which are often taught at a rapid pace, that much more difficult.

Internet access has not been available for youth restricted to the living units at most DJS facilities. Students are confined to living units and not allowed to travel to school when they have been placed on quarantine due to the presence or suspected presence of COVID-19. Youth are routinely placed in such quarantine and restricted to their living unit for two weeks upon arrival at a DJS detention or placement facility (intake quarantine). Youth are also placed on quarantine when there are positive cases at the facility and students have been potentially exposed to COVID-19. Students at BCJJC are also confined to the unit when they are placed on the Intensive Services Unit (ISU) for alleged incidents of aggression or behavioral noncompliance. While under unit confinement, students are provided packets of school work through MSDE JSES to complete on their own. Despite the fact that students are in different grades, there have been instances where students all receive the same packet work to complete. Packets are also often not graded and given back to students in a timely and consistent manner so that students can measure their progress and get feedback as to their performance. Students who do not complete packets receive zeros on assignments from MSDE JSES and can also be disciplined under the Department of Juvenile Services' compliance-oriented behavior management system. At Waxter, for instance, girls were on quarantine for over a month and were given packets during this entire period. One student placed in extended quarantine remarked on her struggles with school work, "I shut down...now we are on quarantine so there is no teacher in the classroom. Every time someone is sick, like a sore throat, they get tested and put us on quarantine so teachers are not in the classroom." Another student – who was on the ISU at BCJJC - reported receiving A's and B's before being placed on the ISU. While on the ISU, he spent six hours a day doing packets provided through MSDE JSES but was told he received zeros on the assignments. He didn't understand how his grades fell when he had been completing the worksheets and concluded that "they just give me busy work and don't grade it at all."

Packet work is an inappropriate response to the education needs of students, however, even packet work has not been consistently provided to youth on intake quarantine at some facilities. A DJS quality assurance audit, for example, found that at WMCC and Backbone Mountain youth center, packets were either not provided or provided sporadically for the month of September.

**Students report a lack of feedback on assignments they turn in virtually.** Students often report not knowing what their grades are in their classes and are not given back the assignments they turn in so that they can see which areas they need to improve on in order to progress. One student indicated that, "I have no clue what my grades are" and another student had to ask a school principal several times before he received a print out of his grades.

**MSDE JSES administrators are not present in facility classrooms on a frequent and consistent basis to assess learning conditions and make decisions based on direct observations of school operations and input from students and teachers - the individuals most impact by their decisions.** MSDE JSES' "top-down" management system has historically

operated “with insufficient attention to teacher and principals’ needs”<sup>10</sup> and statements from MSDE JSES management about school operations in response to student and advocate complaints often lack a basis in reality when compared to conditions in the classrooms themselves. For example, several students at Backbone complained that they had passed the practice tests for the GED but were told they could not take the test because they were not receiving 70% in all their courses. Attorneys for the students requested that the students be allowed to take the test, and MSDE JSES administrators insisted that the 70% requirement did not exist. However, a DJS investigation found that two students were denied the ability to take the GED test due not receiving a 70% in their coursework and that several students and DJS staff reported being aware of the rule as communicated to them by education staff. The 70% requirement was spelled out in education records concerning a GED-eligible student at Noyes. The records included a contract that the student was required to sign indicating that he must keep a 70% average in all core class to remain in the GED program.

One teacher remarked to a monitor that MSDE JSES administrators are not present to see working conditions at each school and that they make decisions (and change decisions frequently) without direct knowledge of how schools are operating at each facility.

**High school graduates continue to remain unengaged.** Lack of long-term vocational courses, employment opportunities, or post-secondary education options continue to be an issue for high graduates in DJS custody. The one modest program available to high school graduates (offered through DJS, not MSDE JSES) which paid the graduates minimum wage for doing odd jobs around facilities has been discontinued. Graduates at placement sites still work but are unpaid – they receive extra food or phone calls with family in compensation. DJS should not use child labor in this way but should reinstitute the World of Work program or a superior program and appropriately compensate youth for their work.

There is no work program available in DJS detention facilities even though many adult housing youth who have already earned a high school diploma may spend several months, or considerably longer, housed in those facilities awaiting adjudication. At one point during the third quarter, there were at least 11 high school graduates at WMCC. These students reported being unengaged for much of the school day. Some students took one to two non-credit bearing community college classes online. (Student reported that they were not offered the Accuplacer test which might have allowed them to qualify for credit bearing classes nor were they provided individualized help to prepare for possibly taking the Accuplacer test). Additionally, the college classes they were allowed to take were held a maximum of twice per week for a couple of hours at a time. Students had to spend the remainder of their “school time” sitting in facility classrooms becoming increasingly bored and frustrated. Other graduates who professed no wish to pursue higher education without credit were left to sit entirely unengaged in classrooms.

**MSDE JSES does not collect necessary data to evaluate its services.** Unlike the Department of Juvenile Services, which publishes a yearly data resource guide containing a

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<sup>10</sup> “Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report.” January 24, 2017 (p.3), available at:

<http://www.marylandpublicschools.org/programs/Documents/JSE/JSESStrategicPlanBenchmarkReport012017.pdf>

compilation of relevant statistics and information related to youth services and outcomes, MSDE JSES does not have a systemic and robust data collection process. MSDE JSES does not gather and disseminate to the public relevant assessments and outcomes on their student population. Facility-specific tracking and dissemination of information about student pass/fail rates, teacher staffing at each facility, the percentage of high school graduates enrolled in credit-bearing college courses, and other metrics can help parents, the community, and other interested parties stay informed about education services received through the MSDE JSES system. Data collection efforts should be made in collaboration with education advocacy, juvenile justice, and legal stakeholders as these individuals and organizations are well-positioned to provide expert recommendations on information needed to help evaluate and improve the current system.

**There is a lack of accountability and transparency within the Maryland State Department of Education Juvenile Services Education System.** Unlike local schools systems which are accountable to the community, families, and students they serve, there are few accountability and transparency measures in place which would assist MSDE JSES in fulfilling their mission to provide high quality education services to incarcerated youth. Education advocates have long insisted that MSDE JSES publish its education policies online and that decisions regarding school operations be communicated to families, advocates and other stakeholders on a consistent and continuing basis. Requests for open dialogue about school operations and input from concerned stakeholders have been largely ignored.

Fiscal and operational decisions by MSDE JSES are not effectively scrutinized by outside stakeholders. MSDE JSES did hire a nationally recognized expert in juvenile justice education and his team from the locally situated University of Maryland to evaluate their program. However, after two reports were issued (and made publicly available online) highlighting areas in need of improvement, including issues with management style, staffing and the provision of special education services, their contract was not renewed. Instead, MSDE JSES chose to expend 1.5 million dollars in taxpayer money to pay another individual (based in Florida) to survey MSDE JSES services.

Maryland law created the Education Coordinating Council for Juvenile Services Education Programs (ECCJSEP) to assess education services and advocate for education programs within juvenile justice facilities. In its present day iteration, the council fails to serve its purpose. Council meetings are controlled by MSDE and MSDE JSES administrators (who have prohibited any outside comments or viewpoints from being heard during the public meetings) and members rarely take an active role in shaping or influencing policies, procedures, and operations. Rather, in the Council's present form, the members serve to rubberstamp decisions made by MSDE and MSDE JSES leadership.

Despite the shortcomings of the current education system inside DJS facilities, recent declines in the number of incarcerated young people (as a result of decisions made in response to COVID-19) provide an opportunity for MSDE JSES to offer more individualized and higher quality services to its students. MSDE JSES should take note of the following recommendations,

which are based on student and teacher experience, monitoring observations, and information from juvenile justice education attorneys:

-Move to in-person education services, or at the very least, to a hybrid system, with the option of having virtual lessons during quarantine periods or COVID-19 outbreaks. Students within the MSDE JSES system are the most educationally vulnerable within the state and virtual education disproportionately impairs their academic progress.

There are several safeguards in place to protect education staff who report to work at DJS facilities that would allow them to return to in-person instruction (as was being conducted during some of the summer months). Unlike in community schools, where students are going back and forth from their communities to the school environment, students inside DJS facilities are confined to the institutions and their interaction with community members and the outside world is severely limited due to the prohibition on outside visitors to facilities. All employees receive (at least) monthly testing for COVID-19 and contact tracing is available through specially trained DJS staff who inform education staff of any potential exposure in DJS facilities. Furthermore, many teachers reported to monitors that they are willing and eager to provide in-person instruction to their students in their school classrooms. MSDE JSES can work with individual teachers who want to teach in-person and also come up with alternative arrangements for those teachers that cannot work in-person due to pre-existing health conditions, age-related concerns or other vulnerabilities.

-Expand use of Chromebooks and access to virtual lessons to the living units at every DJS facility so that disruption in virtual instruction is minimized during periods of quarantine. Discontinue the use of worksheets that students are left to complete on their own.

-For periods when in-person teaching cannot be delivered and virtual education is required, utilize a virtual platform whereby students can hear and speak to their teachers in real time. Whenever possible, ensure that teachers teach their own students (whether in-person or virtually) at the facility schools where they normally work. These teachers already have a relationship with their students and can continue lessons that they have been working on in class with their students through a virtual platform – a process likely to be much less disruptive and much more effective in terms of education progress for students.

-Collaborate with DJS to develop more engaging and individualized options for high school graduates. Begin partnering with community organizations to establish internships, career and technical education initiatives, and employment opportunities when pandemic-related restrictions are eased.

-Engage in robust data collection to assess the current status of the MSDE JSES program and help make informed decisions on areas for improvement. Increase transparency and accountability by making data publicly available online and by being open to input from education advocates, community members, students and their families.

-Create functional oversight of MSDE JSES operations through formation of an independent board whose composition includes juvenile justice education stakeholders and advocates. Board meetings should allow for public comment and be run by individuals outside of the MSDE JSES system to ensure the agenda is guided by system reform and improvement rather than maintenance of the flawed status-in-quo.

# **MARYLAND DEPARTMENT OF JUVENILE SERVICES – RESPONSE**



## **DJS RESPONSE TO THE COVID-19 PANDEMIC**

For a detailed description of the response by the Department of Juvenile Services (DJS) to the COVID-19 pandemic crisis and its efforts to protect the safety and well-being of youth, staff and the community at-large, please see the “DJS COVID19 Response” document found on the DJS website at [https://djs.maryland.gov/Documents/COVID-19/DJS-Overview-COVID-19\\_08.21.2020.pdf](https://djs.maryland.gov/Documents/COVID-19/DJS-Overview-COVID-19_08.21.2020.pdf).

Since COVID-19 testing began in DJS facilities in May 2020, more than 8,000 tests have been administered to youth and staff in DJS facilities. At the time of this writing, 33 youth in DJS custody have tested positive for COVID-19, with 27 having fully recovered. Two hundred and two DJS staff have tested positive with 124 having currently recovered from the virus. Testing will continue at all DJS facilities on a monthly basis or more frequently, if deemed necessary by the DJS medical director or health Department.

For updated testing information and other COVID-19 response information, please see the COVID-19 Response page on the DJS website, <https://djs.maryland.gov/Pages/COVID-19.aspx> or call the agency’s COVID-19 24-hour hotline at 877-357-4161.

## **COVID-19 INFECTION CONTROL MEASURES**

DJS appreciates JJMU’s acknowledgement of DJS’s efforts to protect youth and staff during this pandemic. In March 2020, the Department began making significant changes to facility procedures in anticipation of the arrival of the Coronavirus to Maryland. These changes were made in consultation with DJS’s Medical Director and DJS Health Team and based on national best practices. Infection Control Measures such as social distancing, universal masking, increased hygiene and sanitation, limiting facility entry to staff and approved vendors, creating intake admission units in juvenile detention facilities, and creating medical isolation units for youth who test positive for COVID-19 were implemented in an effort to keep youth and staff safe while maintaining the continued operation of DJS’s secure facilities.

Additionally, DJS has implemented a pre-entry screening procedure consisting of a questionnaire and a temperature check. Every staff person or vendor seeking to enter a DJS facility must complete and sign a symptom questionnaire and submit to a temperature scan before entering. Any staff or vendor who indicates possible COVID-19 symptoms on the questionnaire and/or has a temperature over 100 degrees Fahrenheit is denied entry. Additionally, DJS's medical director and other medical staff are available in the event that any questions or concerns arise about admitting staff or vendors to DJS facilities. Through this rigorous process, DJS seeks to ensure that staff who are potentially sick are identified before possible exposure of youth or staff inside the facility.

The use of medical isolation for individuals testing positive for COVID-19 (or any other highly contagious virus) is a medical best practice and similar to what occurs in the community, whether in the home or in a hospital or other setting. Under normal circumstances, DJS policy restricts the use of "time out" periods for a youth to be away from the larger population in his/her room as a means of "cooling off." DJS recognizes that being in a room isolated from others is difficult for anyone. To alleviate the stress for the youth that have tested positive for COVID-19 and required to be medically isolated, DJS has provided handheld games and cell phones for youth to call family while they recover. Additionally, all youth in medical isolation and youth housed on quarantined units are assessed by a licensed medical professional daily and at frequent intervals as ordered by our medical director and team of physician and nurse practitioner staff. Given the highly infectious nature of COVID-19, our healthcare staff agreed that medical isolation is necessary to protect youth and staff in DJS facilities.

As part of its infection control measures, DJS provides Personal Protective Equipment (PPE) to all staff and youth in DJS facilities. DJS continues to procure PPE in sufficient quantities to ensure that all youth and staff in DJS facilities can be properly masked at all times.

## **FACILITY PROGRAMMING DURING THE PANDEMIC**

As mentioned above, DJS has restricted access to its facilities to just staff and approved vendors (i.e., food delivery, repair and service professionals, etc.). Consequently, multiple outside organizations who provided programming to youth are no longer permitted to enter DJS facilities in order to reduce the potential exposure of DJS youth and staff to COVID-19.

DJS leadership and facility administrators are consistently working to increase the amount and variety of internal programming for youth while maintaining adherence to infection control measures. To give youth a voice in the decision-making process, the Deputy Secretary of Operations and his Executive Team have been holding monthly roundtables since August 2020 to hear directly from DJS youth what they want to see improved or implemented in DJS facilities.

As part of the monthly roundtables, the youth have suggested a variety of activities that may be conducted virtually or otherwise safely in-person.

The CHAMPS program has a schedule of activities to include wreath making and other crafts, monthly themed programs, and biweekly intramural challenges. The Reflections program in Western Maryland



continues to be utilized for youth to go off-grounds for an adventure-based experience of ropes course, mountain biking, hiking trails and fishing.

At various DJS facilities, staff have hosted activities such as woodworking, art projects and horticultural activities in newly installed greenhouses. As a tie in to the recent national election, staff held events such as “Rock the Vote,” which educates youth on both candidates and the importance of voting. The Behavior Health Unit has implemented several projects that require youth to be creative in providing artistic and intellectual feedback over holiday breaks such as creating t-shirt designs for participants.

The Community Services Coordinator has secured virtual options that offer yoga sessions and faith-based volunteer programming. At the Baltimore City Juvenile Justice Center, an outdoor recreational space with exercise equipment has been installed and will be an additional option for youth to get outside and be physically active. The space will be completed and open for use by Spring 2021. Additional projects currently being worked on suggested by the youth are statewide trivia/debate teams that will compete virtually, obtaining more MP3 players for youth to have more access to music for leisure time, self-care activities and updating selections of recreational equipment for individual exercise.

DJS will continue to closely follow the State re-opening plan as set forth by Governor Larry Hogan to determine an appropriate time to permit organizations to access DJS facilities and provide safe, socially distanced programming to youth.

## **FAMILY ENGAGEMENT**

Youth in DJS facilities benefit from regular interactions with their families. Unfortunately, due to the recent surge in COVID-19 positive cases in Maryland, DJS recently suspended in-person family visitation. For that reason, DJS has increased the opportunities for youth to communicate with family members through phone calls and video calls, when appropriate. The number of phone calls for youth increased from 3 to 5 per week as well as additional opportunities for family engagement through video calls with family and siblings. In anticipation for an eventual return to in-person family visitation, DJS policies and procedures are being revised to include an expansion of the visitation schedule and broadening the persons who can visit the youth.

## **NAVIGATING THE NEW NORMAL**

DJS recognizes that the “new normal” in its facilities has required an adjustment on the part of staff and youth. From wearing masks to restrictions placed on activities and the use of quarantine and isolation when medically required, DJS acknowledges that these changes could produce anxiety among staff and youth. However, in these challenging times, the agency has witnessed facility staff rising to the occasion and youth demonstrating incredible resiliency and adaptability. DJS remains committed to keep facility staff and youth as safe as possible during this pandemic and to continue to find creative solutions to address programming challenges in the facility.

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**DEPARTMENT OF JUVENILE SERVICES  
RESPONSE TO JJMU 2020 THIRD QUARTER REPORT**

The Department of Juvenile Services (DJS) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2020 Third Quarter Report, and provides the following response:

**THE JJMU SHOULD ADOPT STANDARDIZED AND OBJECTIVE AUDIT TOOLS.**

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

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

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

**THE JUVENILE JUSTICE REFORM COUNCIL WILL ACCELERATE DJS'S REFORM EFFORTS WITH THE SUPPORT OF CRITICAL STAKEHOLDERS.**

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

The legislature charged JJRC with:

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

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

The JJRC has agreed to pursue 7 priorities, which are: (1) Juvenile Probation; (2) Minimum Age of Juvenile Jurisdiction; (3) Out of Home Placement/Commitment and Detention Use; (4) Youth Charged as Adults; (5) Diversion; (6) Services; and (7) Education.

After a brief pause, the JJRC resumed meetings in August 2020 and has had several meetings since then with the most recent meeting being held on December 17, 2020. DJS looks forward to working with all of the stakeholders involved in the JJRC to continue to push agency reforms forward. To view recorded video of the JJRC meetings on YouTube, go to <https://www.youtube.com/watch?v=VAclR-LkamY> and <https://www.youtube.com/watch?v=4o0knbKKGXY>.

### **DJS BEHAVIORAL HEALTH UNIT CONTINUES TO RECRUIT QUALIFIED PROFESSIONALS**

Behavioral Health has continued to actively recruit for all vacancies to include holding virtual interviews during this period. Currently there are nine vacancies within the Unit. There is only one vacancy amongst the detention centers, which is at BCJJC for a social worker for the assessment team. All other detention centers have their full complement of staff. Behavioral Health Services at Cheltenham, Hickey and BCJJC are provided via contractual agreement and there are a total of eight, eight and twelve staff assigned to these facilities, respectively. The remaining vacancies are for the youth centers and two positions at Victor Cullen.

There are three behavioral health staff assigned to Backbone Mountain Youth Center and Green Ridge Youth Center. There are two behavioral health staff assigned to Mountain View. A regional behavioral health coordinator supervises the behavioral services at the youth centers who is overseen by a behavioral health manager. Victor Cullen has three behavioral health staff who are supervised by a behavioral health manager and the Director of Behavioral Health. With the current populations in the committed facilities this allows for a higher behavioral health staff to youth ratio.

## Committed Placement Centers

### Victor Cullen Center (VCC)

DJS appreciate the positive comments by the JJMU regarding efforts made by facility administration to increase staff morale at VCC. DJS also appreciates and agrees with the JJMU about the positive impact of the improved staff to youth relationships. VCC administrators see youth on a daily basis and strive to interact and build rapport with youth throughout the day.

VCC currently has three behavioral therapists working with the youth. Recruitment is ongoing to fill the remaining vacancies.

VCC utilizes Positive Behavioral Interventions and Supports (PBIS), which is a comprehensive and evidence-based framework that organizes services to support youth. Trauma Informed Care and evidence-based interventions are key components of DJS's model. All staff are trained in Trauma Informed Care, which helps them understand how trauma impacts youth and their behavior and provides them with strategies for working more effectively with youth. Trauma Informed Care is supported by trauma specific individual and group interventions. All youth participate in TAMAR-Y (Trauma Addictions Mental Health and Recovery - Youth) trauma groups. TAMAR-Y includes psychoeducation as well as mindfulness techniques that help youth better manage trauma symptoms. Youth also participate in START (Social Skills Training and Aggression Replacement Techniques) groups, which are based on ART (Aggression Replacement Training), an evidence-based aggression management group.

DJS continually strives to offer activities and programming that interests the youth. During the week, school is a large part of the schedule. The remainder is behavior health and case manager groups, community meeting, recreation, leisure time, medication, and personal hygiene. Recreation activities took place during the quarter to keep youth engaged and included Bingo, painting, remote control car racing, building a community out of gingerbread, Friday night movie and snacks, and Sunday football. The activities were requested by the youth who participated in youth advisory board meetings. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

Youth are only removed from VCC when there are significant safety concerns or there is concern that the youth's needs might be better served in an alternative placement. DJS utilizes a centralized review committee that incorporates staff from headquarters and the facility in order to evaluate whether the program is best suited to address a youth's needs.

DJS has increased contact opportunities for youth and families during the pandemic via additional phone and video calls. For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

## Garrett Children's Center (GCC)

*[formerly Savage Mountain Youth Center]*

DJS strives to create the best environment for all youth under its supervision and focuses on safety and security of youth and staff as its number one goal. GCC administrators are committed to ensuring that policies and procedures are enforced to ensure the safest possible environment for all youth and staff. Strategies developed have been implemented through training and support supervision from GCC administrators working with front line staff to support and train them on best practice methods to reduce youth on staff violence. Staff also use early intervention methods to help de-escalate youth in crisis.

In order to provide appropriate treatment to youth in the juvenile system, DJS needs a full spectrum of placement options, including its secure facility resources, to meet the demands of its changing population. In the event GCC were closed, DJS would only have one hardware secure facility for boys in Maryland, which would consequently result in more youth being sent out-of-state for treatment.

## Mountain View

Youth at Mountain View participate in individual and family counseling, aggression management groups, trauma psychoeducation groups, substance abuse process, and psychoeducation groups. Mountain View's behavioral management system also includes expectations and activities for youth that are treatment focused. Progression through the program is only partly contingent upon points/level attainment. Progress on individualized treatment goals is evaluated weekly and modified monthly.

Since its opening in June 2020, Mountain View staff have received female-specific trainings including Think Trauma, Professional and Therapeutic Boundaries, Restraint Reduction/ Crisis Response, Dialectical Behavior Therapy training, Safe Center-Human Trafficking and Supportive Training for working with females. Facility administrators have also worked to set consistency and structure within the program.

Regarding the therapists at the facility currently there are two licensed behavioral health clinicians at the facility. A Program Administrator also assists with providing behavioral health services to include group, individual, and family sessions on a regular basis. Youth participate in one to three individual sessions per week depending upon service needs. Behavioral health staff are onsite to provide additional support as needed.

DJS uses Positive Behavioral Interventions and Supports (PBIS), which is an evidence-based framework that includes a number of therapeutic interventions including individual counseling, family counseling,

and group counseling. Youth receive individual trauma treatment and participate in trauma groups. All staff at Mountain View have been trained in trauma informed care and will continue to participate in training to enhance their expertise in working with justice-involved girls.

While there currently is limited space for private meetings at Mountain View, facility staff and administrators ensure that family sessions are private and outside the presence of other youth.

Individual MP3 players are an incentive offered through the behavior management program at Mountain View. Facility administrators are reviewing how the individual MP3 players can be implemented into the current facility programming schedule. While MP3 players are not always available to them, the youth always have had access to music via radio and CDs. The youth will be getting tablets with games, books, and music downloaded on them for use during certain times of the day.

Girls at Mountain View have basic hair care items provided to them and can purchase special and additional items from the incentive list. Hair care services are offered once a month and full hair services are available at that time. Due to social distancing requirements, the girls are not allowed to do each other's hair

Crocheting supplies are provided for all youth to use at their discretion as part of the therapeutic program. There are large boxes of yarn and supplies available and youth have open access to select or return items at their own free will and as often as they like.

Youth at Mountain View actually receive more hours of clinical services than they do in detention since the focus is on providing longer term treatment that addresses youth's mental health and substance use needs and preparing them to return to the community. Youth receive individual counseling weekly and youth with trauma symptoms receive trauma-focused cognitive behavioral therapy (TF-CBT), an evidence-based trauma intervention. Mountain View has also recently added a new group to its programming called Girl's Circle, which is a specialized psychoeducation group specifically designed for female adolescents.

The youth continue to be provided with of large muscle exercise and other recreational activities inside the cabin area. Due to COVID-19, off grounds trips and close contact activities have been placed on hold. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

DJS has increased contact opportunities for youth and families during the pandemic via additional phone and video calls. For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

Regarding Incident 164945, an administrative incident review indicated that while the youth's assaultive behavior warranted the restraint, the supervisors did not properly perform their duties. The supervisors were disciplined in accordance with the DJS Standards of Conduct.

Regarding Incident 164946, the youth scratched her wrists, which resulted in superficial scratches that did not require advanced first aid. The youth was immediately seen by behavioral health and placed on suicide watch as a precaution. Administrative review indicated that the staff were not properly posted and did not follow the established post orders. Staff involved were disciplined according to the DJS Standards of Conduct.

## Youth Centers

In addition to successful completion of Entry Level Training and being fully certified through the Maryland Police and Correctional Training Commissions (MPCTC), all Backbone Youth Center staff are continuously provided enhanced training to recognize issues or problems at the onset. Proactive interventions utilized include: use of presence, verbal direction, call for staff assistance, access situation, develop plan if able, continue to engage, remove youth or audience depending on the situation and de-escalate, counsel, restore, and mediate.

Regarding Incident 164933, administrative review indicated that both staff failed to properly adhere to DJS policy. Subsequently, both were disciplined in accordance with the DJS Standards of Conduct and received additional training.

Regarding Incident 165198, the DJS staff properly reported the incident after he observed the marks on the youth and interviewed him. The youth was then immediately seen by medical and behavioral health. While a video review did not indicate any altercation between the youth and someone with a sharp object, the facility administration offered to reassign the youth to a different group. The youth refused reassignment. As a precautionary measure, the youth was placed on one-on-one staff supervision. The youth was subsequently transferred to Green Ridge Youth Center to take his GED and finish the remainder of his program.

As a result of the contraband discovered in Incident 165195, unannounced searches were increased to three times a week to maintain safety and security of the facility.

The Youth Centers' daily schedule consists of education, treatment, recreation, and leisure activities are part of daily program expectations. In response to the COVID-19 pandemic, DJS added a variety of virtual programming opportunities offered almost daily and include a range of topics like: sports, leisure activities, mindfulness training, and faith-based services. Youth may participate in arts and crafts, trivia competitions, and physical fitness events as well. Youth are provided with the necessary apparel (hats, coats, gloves) to allow them to continue participating in outdoor activities such as the Reflections Program in the winter months. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

Youth at the Youth Centers are given an opportunity to engage in improvement projects and tasks in and around the facilities. Participation in these tasks is voluntary and youth who volunteer are recognized for their participation through incentives.

## Detention Centers

### Baltimore City Juvenile Justice Center (BCJJC)

Regarding 165123 and 165186, formal investigations by the DJS Office of the Inspector General (OIG) and internal management were conducted and all staff were held accountable according to the DJS Standards of Conduct. Staff were re-trained in verbal de-escalation during Crisis Prevention Management training and seclusion documentation.

Regarding the mental health intervention for the above-referenced incidents, the DJS shift commander contacted the on-call clinician and a clinician came to the facility the same day. In accordance with DJS policy, the clinician reviewed the video of the incident, spoke with staff, and processed with the youth within the required 24-hour period.

Behavioral health staff at BCJJC have continued to provide regular services to youth. Youth on quarantine and isolation are seen daily. Youth on other units are seen based on individual need. Mental health staff are on the units daily and all youth are offered services. Behavioral health staff are available 24-hours a day in-person or via on-call. Behavioral health services rendered are documented once completed and are placed in the youth's chart. Youth have a right to decline services at any time. Review of unit log books, documentation in the charts, and video has confirmed that the clinicians are and have been on the pods and in unit areas.

During the quarter, mental health clinicians continued to offer programming such as specialty groups, yoga, mindfulness, and also began developing an art therapy program. The program is being developed with a licensed art therapist who has many years of experience working with at-risk youth populations including Art Therapy with a Trauma Informed Care model. These services will continue and will operate in accordance with all infection control measures in order to maintain safety of all youth and staff.

The Intensive Services Unit (ISU) provides a more intensive level of care to youth requiring a higher level of services. This includes youth with significant behavioral problems and are in need of short-term intensive interventions to assist them in being able to successfully complete the facility program. Admission to the specialized unit may occur as a result of a youth displaying chronic or acute behavioral and/or psychological problems. Every youth's assignment to the ISU is reviewed weekly to determine whether the youth is ready to return to regular programming. The youth noted by the JJMU in its report continued to have incidents while on the ISU for an extended period of time despite



multiple attempts by facility administration to encourage improved behavior. Additionally, quarantine orders by the DJS Medical Director for certain units at the facility served to delay the youth's return to the general population from the ISU.

BCJJC administration has made every effort to comply with all infection control measures put in place due to the COVID-19 pandemic. Unit populations have been limited to no more than six youth.

Youth on admission quarantine units receive a disposable mask on a daily basis. Youth in other housing units receive reusable cloth masks that are replaced as needed if soiled or damaged. The facility provides laundry services to ensure that youth can have masks washed every day. Youth also have soap and water in their rooms and provided time to wash their masks, if they choose.

There were some youth in medical quarantine who were not receiving recreation because they were on medical restriction or medical isolation. Once youth were medically cleared, they were offered large muscle activity. Likewise, as a precautionary measure, youth were eating meals in their rooms to prevent the spread of COVID-19 because they were unable to effectively social distance while eating meals.

DJS appreciates the JJMU's recognition of the BCJJC case managers who coordinate the virtual visits and phone calls for youth to maintain contact with their families.

### Cheltenham Youth Detention Center (CYDC)

Regarding Incident 165028, the location of the incident prohibited options for placing youth to separate them. Staff attempted to escort the youth involved to their rooms, but, in the process, some of the youth broke away from staff and continued to fight. Facility review of the incident indicated that involved staff handled the incident appropriately until additional staff assistance arrived. No referrals were required and no injuries noted.

Incident 165121 was actually a follow-up allegation subsequent to Incident 165028. This incident was referred to the OIG, Child Protective Services (CPS), and the Maryland State Police (MSP) for further review and was determined to be unfounded by CPS with MSP declining to seek charges. However, due to the staff failing to initiate a proper Crisis Prevention approved technique in accordance with DJS policy and procedures, the staff was disciplined and referred for refresher training.

Regarding Incident 165243, the matter was referred to DJS OIG, CPS, and MSP. The incident was "unfounded" by CPS and MSP declined to pursue any charges. The staff was disciplined in accordance with the DJS Standards of Conduct.

Regarding Incident 165155, upon facility administration becoming aware, the incident was immediately forwarded to the OIG, CPS, and MSP for investigation. The youth involved was seen by medical immediately upon learning about the incident and sustained no injuries. CPS screened out the incident

and MSP declined to pursue any charges. Staff were held accountable in accordance with the DJS Standards of Conduct for failing to report a reportable required incident. All staff present reviewed and were reissued the DJS' Incident Reporting Policy.

Regarding Incident 165274, the two staff involved were counseled and retrained on proper de-escalation techniques

Upon arrival newly admitted youth are orientated by the unit case manager where they are made aware of facility programming, rules, and resources. All youth on quarantine units are given Nooks that are distributed to them once they complete their school assignments. Nooks are also available for youth throughout the facility. Additionally, youth have access to the facility's library where books can be checked out.

During after school hours, youth receive structured activities. Each unit gets an hour of physical recreation, mealtime, and then structured leisure time. Virtual programming has also increased allowing youth weekly access to church groups, yoga, and meditation. There is a music program that youth participate in on weekends, various CHAMPS activities have been taking place throughout the facility, and there have been several arts and crafts projects conducted during the quarter. The facility continuously explores additional activities for the youth. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

It should also be noted that at various times units have been placed on quarantine, which impacts their ability to participate in activities conducted outside of the unit. Recreational staff meet with youth in the quarantine unit daily to provide recreation and programming. Quarantined youth have had access to ping pong tables, puzzles, and video game systems in addition to their daily physical recreation.

Recreational staff have been encouraged to and have been utilizing the outside recreational space located in the rear of the facility for youth programming. The facility will continue to make use of the space on a more consistent basis.

DJS has increased contact opportunities for youth and families during the pandemic via additional phone and virtual calls. For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

### Charles H. Hickey Jr. School (Hickey)

Case managers have been contacting parents instead of waiting for the parents to initiate contact for setting up virtual visits and make accommodations if needed. They also offer alternative platforms to encourage continued contact with the family for involvement and support.

DJS has increased contact opportunities for youth and families during the pandemic via additional phone and video calls. For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

Behavioral health staff check on the youth daily. All youth are offered sessions and are provided sessions when requested. Behavioral Health staff offices are located on the unit and the youth have easy access to the staff when needed.

Currently there is a full-time clinician on each unit and a total of eight behavioral health staff assigned to this facility. The referenced vacancy required a second recruitment to fill.

### Thomas J.S. Waxter Children's Center (Waxter)

Regarding the instances of self-injurious behavior during this reporting period, the youths involved were experiencing anxiety in reference to their adult hold matters and failed to use proper coping skills as recommended per their guarded care plan. Behavior health and medical professionals properly assessed each youth in accordance with policy and behavior health increased individual sessions for each youth involved. Youth were placed on 1:1 supervision, guarded care plans, and were assessed by behavior health daily in accordance with policy.

Waxter's has a Facility Preventive Maintenance Plan that includes daily, weekly, and monthly inspections to address all physical plant and cleanliness concerns. All identified maintenance concerns are submitted through the DJS work order system for immediate corrections. Waxter has also increased the contractual cleaning services to ensure a clean, safe, and humane environment is provided for the youth and staff.

Regarding Grievance 16595, a COVID-19 outbreak resulted in dietary staff testing positive and the other dietary staff members being placed on quarantine as a precaution. The Emergency Food Preparation plan was immediately implemented whereby meals were catered by another DJS facility. Upon the completion of sanitizing the kitchen area, Food and Nutrition staff were temporarily reassigned from another facility to resume normal daily food preparation and services.

### Alfred D. Noyes Children's Center (Noyes)

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are required by DJS policy and procedure and national best practices for juvenile facilities.

At the time Incident 164797 took place, staffing ratio requirements were met and staff were posted properly. The incident was unprovoked and staff reacted appropriately by calling for assistance, giving verbal commands, and physically intervening to stop youth from harming each other. Only minor abrasions were noted.

Regarding the incident involving the restraint as described by the JJMU, a youth attempted to push past the off-going and on-coming shift commanders and subsequently became aggressive requiring placement in mechanical restraints. Once the youth appeared to calm down, the mechanical restraints were removed and processing was completed with youth. The matter was referred to OIG, CPS, and MSP for further review. CPS screened out the allegations and MSP declined to seek charges. The involved staff was counseled and received retraining.

### Lower Eastern Shore Children's Center (LESCC)

All staffing plans are evaluated annually to identify any additional staffing needs. LESCC is in ratio according to DJS policies and procedures and national best practices. Additional staff are available to support as needed.

DJS has increased contact opportunities for youth and families during the pandemic via additional phone and video calls. For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

LESCC staff has been implementing programming as well as collaborating with the Youth Advisory Board for feedback regarding areas of improvement or new ideas or interests. Over the last quarter, youth painted a mural on the wall with staff in the outside recreation area and also painted inspiring messages on the wall in the intake area to help lessen the stress for first time youth being admitted to the facility. Youth participate in facility challenges such as the "cleanest unit of the week" or "unit with the most earned Challenge points for the week" to earn incentives. Other facility-wide activities also include Name That Tune, arts and crafts, and Diamond Dot painting. For an outdoor activity, youth are able to prune and tend to the garden as a means of relaxation. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

### Western Maryland Children's Center (WMCC)

Regarding Incident 165105, all information was forwarded to the OIG, CPS, and MSP for investigation. CPS screened out the incident and MSP did not file any charges against the staff but did, however, charge the youth with Second Degree Assault. The staff member involved was removed from coverage.

At the conclusion of the investigation, the staff member was found in violation of DJS policy and was held accountable in accordance with the DJS Standards of Conduct.

Incident 149665 occurred in January 2018 involving the same staff member involved in 165105 described above. At that time, all information was forwarded to the OIG, CPS, and MSP for investigation. At the conclusion of the investigation, this staff member was found in violation of DJS policy and was held accountable in accordance with the Standards of Conduct.

WMCC has allowed youth to have individual basketballs during recreation and they are cleaned after each use. For more information about DJS's efforts to keep youth engaged, see "Facility Programming During the Pandemic" in the Covid-19 Response Section.

DJS has increased contact opportunities for youth and families during the pandemic via additional phone and video calls. For more information about DJS's efforts to keep youth and family connected, see "Family Engagement" in the Covid-19 Response Section.

While DJS continues to recruit for the vacant case management position, additional residential staff are assisting as needed to ensure that youth needs are being addressed.

## Private Programs

### Silver Oak Academy (SOA)

No DJS youth were housed at Silver Oak during the 3<sup>rd</sup> Quarter.

### VisionQuest Morning Star (VQMS)

#### Page 39

1. "As the weather turns colder, options for outdoor activities will become more limited at Morningstar. The weight room which is currently used for recreation is not heated and an indoor gym is unusable due to roofing issues. Improvements in the physical plant should be undertaken to help create space for indoor recreation and enrichment".

**VQMS Response:** Fortunately, the weather has been mild enough to continue outside activities. The program does however recognize as the weather gets colder and daylight becomes increasingly limited the need to facilitate more indoor activities for both recreation and leisure. The weight room will continue to be available utilizing a portable industrial heater until the heat system can be re-established. A light weight punching bag and a speed bag are also going to be placed in the weight room area for additional activities. In the front area of the dining hall there is access to two foos ball tables along with table seating 6ft apart for board and table games. There are two additional rooms available for other enrichment/leisure activities. One room will be available for arts/crafts, other board games and leisure activities while the other room will be established for exercising such as aerobics, low impact stretching and lighter hand weights. The program has also recently purchased an in home recording studio for the youth based on their reported hobbies and interests. Outdoor activities and exercise will continue to be conducted as the weather and temperature allow. The program will continue to abide by all COVID-19 procedures, continuing to social distance, mask and sanitize.

**DJS Response:** L&M will continue to monitor to ensure that VQMS is in compliance with COMAR 14.31.06 and VQMS' policies as it relates to providing youth with a range of indoor and outdoor recreation and leisure activities.

**MARYLAND STATE  
DEPARTMENT OF EDUCATION  
- RESPONSE**



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

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December 20, 2020

### **MSDE Response to the Juvenile Justice Monitoring Unit's Third Quarter Report**

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2020 third quarter report in relation to the provision of educational services within the Department of Juvenile Services' (DJS) residential facilities.

#### **Maryland State Department of Education in DJS Facilities**

#### **INSTRUCTIONAL PROGRAMMING**

During the COVID-19 pandemic, teachers are in the buildings and classrooms, however, instruction is provided using synchronous and asynchronous instruction through a 1:1 Juvenile Services Education System (JSES) provided Chromebook. The purpose of continuing instruction in a virtual setting while teachers are in the classrooms is designed to:

- Limit cross-contamination of the coronavirus by reducing the movement of teachers and students between classrooms
- Provide students online access to a certified teacher in the content area due to absences caused by emergencies and sporadic teacher-required quarantines, student required quarantines, and other COVID-19 related absences
- Abide by CDC regulations pertaining to physical distancing while in enclosed spaces
- Limit instructional disruptions due to COVID-19 related issues such as long-term absences, student quarantine on units, and mandatory school closings

Teachers are placed into instructional teams which includes two general education teachers and at least one special education teacher. This instructional model has proven to be highly beneficial for overall instructional programming. If a teacher is absent, students continue to have access to certified teachers. Teachers provide direct, synchronous instruction aligned to the Maryland State Standards. Courses in English, mathematics, science, social studies, and Career and Technical Education (CTE) are held for at least 70- minutes each day. Students participate in synchronous and asynchronous virtual learning through direct instruction and have time allotted to complete work independently. During synchronous online instruction, teachers engage students in learning using Google tools and other instructional technology tools. Synchronous learning, using Cisco WebEx and/or Google Meets, provides students with an opportunity to ask questions, receive feedback, and receive needed support in a timely manner.



Streaming teachers use GoGuardian monitoring as a classroom management strategy during virtual learning. GoGuardian allows teachers to observe student online activities in real-time with the capability to shut down inappropriate browsing, utilize selected sites for instruction, and chat directly with students, as a means to provide individual assistance, diversify activities, and increase student participation through encouragement.

Teachers who are not physically in the room are responsible for streaming during their scheduled content specific time frame. However, at least one teacher is present in every classroom, even when another teacher is streaming into the classroom. When school-based teachers are not streaming instruction, they provide the following assistance to students in their room:

- Encouragement to complete school work
- Tutoring to struggling students and support as needed for all students
- Physical materials needed, such as writing utensils, paper, manipulatives, etc.
- Classroom management strategies for keeping students on task
- Mentoring students during asynchronous instruction
- Small group direct instruction and assistance

Professional development and training for teachers continue to be an important foundation of JSES initiatives to ensure that teachers possess the knowledge, expertise, and skills needed to use online educational platforms. JSES continually offers face-to-face, hybrid, and online professional development opportunities for teachers. During the COVID-19 pandemic, the school-based principal provides face-to-face professional development during designated days of the week and on school-based professional learning days, which have been approved by MSDE staff and designated on the JSES calendar. JSES headquarters staff also provides online professional learning to all staff at designated times and during pre-approved system-wide professional learning days. MSDE professional development days are also noted on the JSES calendar. The focus of JSES professional development is currently on using technology for instruction, best practices for digital learning, reviewing data to inform instruction, and collaborative inquiry.

As JSES teachers continue to navigate the new reality of the pandemic, professional learning opportunities have increased in availability. Professional development is provided at least two times a week with a focus on increasing capacity using technology to provide engaging instruction to students. Other examples of professional development topics include a review of the JSES Special Education Standard Operating Procedure Manual, Child Find process and policy, student records procedures, written notice and parental consent, access to student records and confidentiality, obtaining informed consent, timelines for meeting notifications, special education services, the evaluation/reevaluation process, review of transfer of records and course alignment, identifying documentation needed to make informed data-based decisions, transition goals, Maryland online IEP system training, data-driven IEP goals, and IEP progress reporting.

JSES has also started a new technology training initiative for teachers called B.Y.T.E. Academy

(Bettering Your Technology Expertise). B.Y.T.E. divides teachers into groups based on technology knowledge and focuses professional learning on where teachers have specific needs. In addition, JSES is hosting a formative assessments course for teachers which demonstrate to teachers how to effectively use formative assessments in the classroom in order to guide instruction.

## **GENERAL MISREPRESENTATIONS AND MISCONCEPTIONS**

### **JSES Students are receiving work packets (pages 4, 8, 21, 27, 30, 43, and 46)**

The JSES only provides students with work packets in the following situations:

- The student is a newly enrolled JSES student and on quarantine (the packets include supplemental materials for instruction)
- When safety and security purposes require students not have access to a Chromebook or USB drive

A records request for newly enrolled students must be completed and records must be received before students can be enrolled into correct classes. MSDE JSES staff members are not allowed in the quarantined areas.

Currently, the Internet is not available on DJS living units. However, some of the smaller facilities can access the Wi-Fi from education areas and in those cases, students receive the live stream. When Internet is unavailable and when students are not in the school building, students receive work that can be completed offline on Chromebooks using thumb drives. All instructional packets and thumb drives are returned to the principal and given to the teachers in order for the teachers to provide feedback and grade the assignments.

### **Students are not receiving in-person instruction (pages 4, 13, 41, 43, and 46)**

The report continuously states that learning should be in-person for students and staff. During a meeting on June 10, 2020, Dr. Karen Salmon, State Superintendent and Mr. Sam Abed, Secretary of Juvenile Services agreed that JSES teachers should return to schools for in person instruction. JSES teachers returned to the schools on June 22, 2020, for in person instruction. However, there was no way of determining which teacher or school would be affected by COVID-19. Due to the fluctuation of staff and students being infected and/or exposed, administrators developed a plan to deliver instruction that follows the CDC Guidelines. In doing so, JSES has designed a system of instructional delivery that provides quality instruction while maintaining safety guidelines for students and teachers, as well as ensuring that students have access to a high qualified teacher in every content area every day. In addition, principals have implemented a variety of strategies to help ensure that teachers are actively supporting students. Strategies include but are not limited to:

- Creation and publishing of a daily class coverage schedule that ensures that all staff members are aware of the student group that they are assigned to which allows maintaining appropriate safety protocols and social distancing.

- Daily morning meeting to communicate concerns and priorities for the day to all staff including student concerns, grading issues, technology challenges, staffing adjustments, professional development reminders, etc.
- Regular observation of classrooms by the school principal, teacher supervisor, and instructional coach to ensure that staff are engaging with students. Observations are completed in a variety of ways including virtual participation in streaming sessions, physical classroom walkthroughs, informal observations, and monitoring of student participation in the Go Guardian platform.
- Teachers are provided with regular time to collaborate and plan to ensure that lessons are engaging and differentiated as needed.
- Professional development training is specific and allow sharing of best practices.
- Special educators are provided regular case management time to support students receiving special education services in both the physical classroom and virtually when students are on quarantine.
- Regular student interviews are conducted by the principal, teacher supervisors, guidance counselors, and special education case managers to ensure student needs are being met and that the instructional staff is responsive.
- Student grades and progress are monitored weekly to confirm appropriate progress and/or the identification of needed interventions.
- Teachers completed a Student Virtual Learning Support Plan (with feedback from principals) for each student which is implement daily.
- Students are selected for weekly meetings with the principal to discuss support received or needed from teachers during the instructional day.
- Review of camera footage in the classrooms to ensure active teaching and student interaction.
- Arrange additional support for struggling students with subject area experts in the building.

**Students cannot see, hear, or talk directly to teachers (page 46)**

The recommendation found on page 46 suggests, “For periods when in-person teaching cannot be delivered and virtual education is required, utilize a virtual platform whereby students can hear and speak to their teachers in real time.” This recommendation is not based on an accurate representation of what is actually occurring in the schools. All students and teachers have access to a microphone and teachers have webcams and are required to use them in order to engage students in learning.

During a system stress test, the microphones were abused by students and DJS staff requested that they be shut off in order to maintain student safety and security. JSES has since increased microphone usage, as students grow more familiar with virtual learning. This includes teachers turning on microphones for specific students who have questions, to provide answers, share out, etc.

**World of Work Program (pages 44)**

The World of Work Program and work-related opportunities for students are often listed under the MSDE education services area of the JJMU report. Work-related programming, including World of

Work, is strictly managed by DJS and should not be discussed or related to educational programming. This fact has been stated several times.

### **Students do not have access to updated personal reading material (pages 22 & 28)**

Every student has access to a Nook with a robust collection of 90 to 100 preloaded novels for personal reading use. New texts were uploaded in July 2020. It is important to note that many of the student requests for novels include sexually suggestive topics, violence, drugs, and other inappropriate themes that would not be purchased by a traditional school system. In an effort to supply students with diversified reading materials, JSES is in the process of providing students with a virtual library card which will allow them to access appropriate online reading materials from local libraries.

### **MARYLAND LOCAL SCHOOL SYSTEMS**

During the summer of 2020, the JSES reached out to most of the local school systems (LSSs) to verify how they planned to serve their students and then worked to develop a plan that aligned with the systems that serve JSES students. The traditional school calendar affords LSSs the opportunity for more months of planning during the summer months when teachers and students are not in school; however, JSES administrators and staff were required to plan a robust instructional program for the 2020-2021 school year while simultaneously providing summer instruction to students.

The MSDE curriculum, instruction, special education, and technology teams worked collaboratively with JSES teachers and principals to develop an effective schedule for virtual learning. The schedule for instruction was designed to utilize available resources and provide continuity of learning that was in alignment with LSSs. Once plans were in place, and prior to implementation, the JSES worked collaboratively with DJS leadership through a workgroup that was specifically developed to discuss a smooth transition, effective communication, and access to resources using the state provided Google Drive.

### **SPECIAL EDUCATION**

Pages 41 and 42 of the JJMU report contains numerous inaccuracies and misinformation including, but not limited to, the following statements attributed to students. The report stated, "Online instruction as implemented by MSDE JSES is especially difficult for students with special education needs. MSDE JSES is also responsible for implementing Individualized Education Programs (IEPs), but they are often not being effectuated due to lack of in-person services."

Students receive their special education services and supports with a special education teacher in the classroom, through a special education teacher in the virtual learning environment, and through students meeting with their special education case manager for support. Contrary to the JJMU statement, the Baltimore County Juvenile Justice Center (BCJJC) has not had any student that required one-on-one instruction per their IEP. Accommodations and related services, including speech services, continue to be provided to all students as outlined in their IEP. All students within JSES who have speech services as part of their IEP have received their services.

All students and teachers have access to a microphone for instruction and as previously stated, a certified teacher is present in every classroom and professional expectations related to their interactions with students to assist instruction is continually monitored by the school principal.

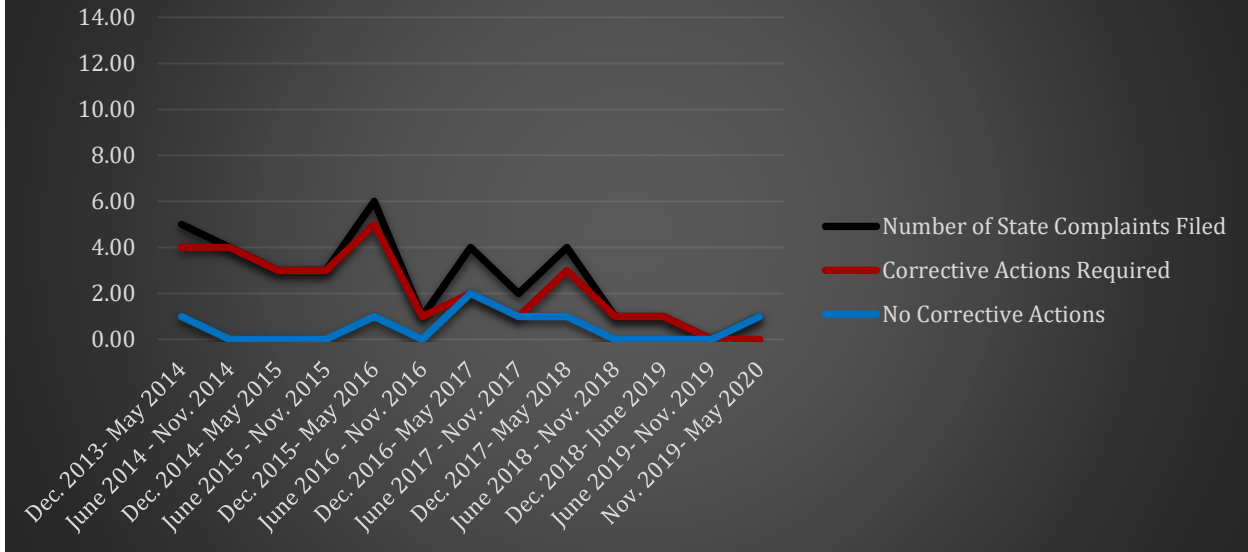
JSES is continuing to implement microphone usage, as students grow more familiar with virtual learning. This includes teachers turning on microphones for specific students who have questions, to provide answers, share out, etc. Teachers have webcams and are required to use them in order to engage students in learning.

Upon request or necessity, materials may be printed for students in order to provide additional support while students are using the Chromebooks. For instance, a hard copy of the English text being studied may be provided so students can complete work without having to click between multiple screens.

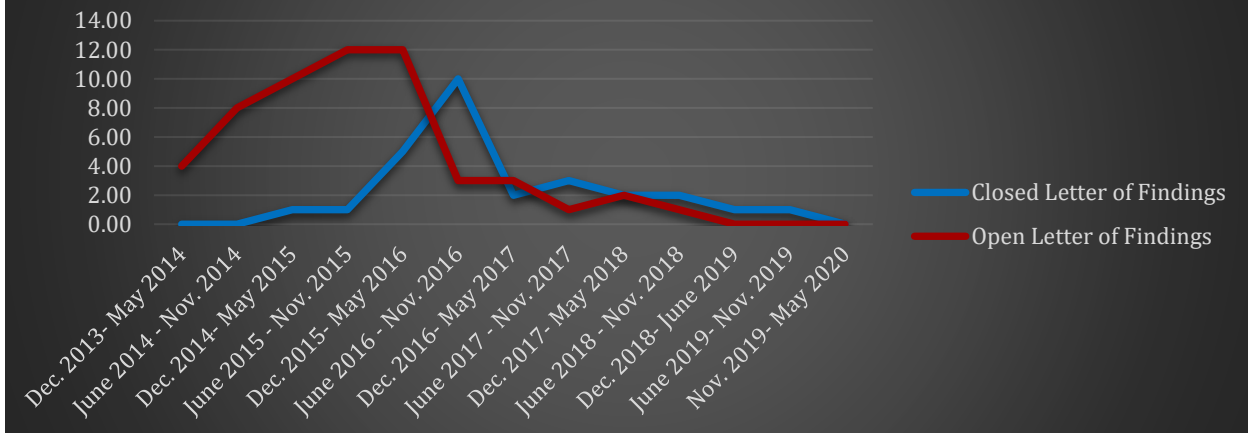
The JJMU report further stated that, “While virtual instruction is not ideal or even appropriate in the case of youth who have individualized education plans, there have been times when even online education has been unavailable” (pg. 27). JSES school principals are working directly with DJS staff to provide Chromebooks to students who cannot participate in virtual streaming classes due to Internet outages and quarantines. Students have access to recorded and uploaded lessons with all supplemental materials through the Chromebooks and thumb drives. It is important note that the use of the Chromebooks and the thumb drives preclude the need for the Internet. DJS, DOIT, and MSDE are working in tandem to increase bandwidth and provide a stronger infrastructure for technology.

Virtual learning due to the pandemic is new to thousands of students across the state and country. JSES understands the unique population that it serves and supports, as well as the needs of the special education student population. In fact, in 2015 JSES hired a special education compliance specialist to address state complaints and to build systems to ensure JSES provides students with specific needs appropriate educational services in accordance to COMAR and IDEA. During this pandemic, the coordinator for compliance and the coordinator for special education created schedules to ensure that students receive individualized services and supports, as well as case management in a virtual learning environment. State complaints and letters of findings have reduced significantly. The trend of increased compliance and decline in state complaints is demonstrated in the graphs below.

## Number of State Complaints and Actions



## Letter of Findings



### INSTRUCTION

MSDE JSES responsibility is to provide education services in DJS facilities. Student discipline is not under the authority of the JSES. DJS handles student discipline issues. JSES will address the following quote in relation to Victor Cullen Youth Center (Cullen). “Some students were kicked out of school for not wearing their masks properly or violating terms of use agreements for Chromebooks. They received packets without instructional support for the duration of their suspension from school. Alternative interventions besides school suspension (and the resulting lack of access to even virtual instruction) should be considered for students who have difficulties adhering to school rules” (pg. 8). When students are not in the classroom setting, Chromebooks connected to the Internet are provided unless students violate the terms of the Acceptable Use Policy. There have been incidences in which students access

pornography, social media websites, and communicate with others in and outside of the facilities. Students are warned and given a consequence, however, repeated violations create significant safety and security concerns for the facility. In situations of this nature, students do not have access to the Internet; however, they are able to access recorded lessons and complete work on the Chromebooks offline. JSES staff does not make decisions about the removal of students from classrooms.

However, MSDE administrators did investigate the accusation that a student was kicked out of class at Cullen. The principal stated, “The situation did not occur.” Cullen is not in the practice of suspending students from school. Even in a situation where a student was asked, refused, and became loud and disruptive in his refusal, he was still not removed from class, instead a Behavior Report was written.

It should be noted that currently, wearing a mask indoors in a public facility is a state mandate. Students have not been removed from school for not wearing their masks unless, after several prompts and redirections, they refuse to wear them. Each school has the authority to manage student behavior as needed. DJS staff has worked extremely hard to ensure the safety and well-being of students, teachers, and staff. Not wearing a mask puts everyone near the student at risk, especially in some of our smaller classrooms. Everyone responsible for school safety not only has the authority, but the obligation to protect everyone in DJS facilities. In recognition of that fact, students must be held accountable for poor choices.

It is also inaccurate to state that students are “kicked out” of class for violating terms of the Acceptable Use Policy for Chromebooks. No students at Cullen have been removed from the classroom for violating terms of Chromebook access. When technology is issued, all students must sign an Acceptable Use Policy and each school administrator has the responsibility and autonomy to manage student usage of the technology issued to students. JSES continues to respond to reports of students circumventing Internet web filters by blacklisting sites, investigating instances of misuse, and refining Internet security processes.

The JJMU report cited several visits. On August 10, 2020, “...witnessed students on an admission unit left to their own devices as far as education services, with no Chromebooks or packet work made available to them. Students on admissions units have not had the opportunity to participate in a Chromebook orientation and it cannot be assumed that they are familiar with its use or have the capability to use course materials in Google Classrooms and Webex. The JJMU’s report fails to indicate when a particular student entered the admissions unit. JSES must receive school records before assigning students to courses.

Another statement in the JJMU report relates, “On September 16, 2020, a monitor found newly entered students quarantined on an admission unit doing puzzles in their cells to pass time. The students did not have access to teachers, Chromebooks or packets from MSDE JSES” (pg. 28). All students newly admitted to a JSES facility are required to quarantine for 14 days on the admissions unit. Chromebooks are not provided to students on the admissions unit for the following reasons. Records must be obtained for these students to determine which courses they should be enrolled in. This process often takes several days and may take longer due to delays caused by the COVID-19 pandemic. For safety reasons, these students are on quarantine and all staff members here have limited access to them. JSES’ current procedures are that once notified of new students on the admissions unit, the principal or designee

ensures that the students receive instructional packets aligned to Maryland's College and Career Ready Standards.

The following statement inaccurately states educational activities at Waxter. "In place of virtual lessons, students received packets of worksheets which they had to complete on their own. Students who did not complete the work (even if it was too difficult for them or they didn't understand the work) received disciplinary sanctions in accordance with the Department's behavior management system" (pg. 30). Regarding Grievance 16597, please reach out to DJS for implementation of the behavior management system during quarantine. As previously stated, JSES is not responsible for behavior management of students. Therefore, it is assumed by JSES that "Department" is referencing DJS.

During the COVID-19 quarantine and floor replacement at Waxter, DJS was given a choice by JSES to use Chromebooks or instructional packets in the units. The facility superintendent selected to use instructional packets and Google Meet sessions were scheduled for each unit, for each period, during school hours in order to support instruction, and to provide re-teaching and/or tutoring. JSES staff met with students to provide feedback on student progress and to review concerns.

Western Maryland Children's Center (WMCC) was also cited in the report. "At one point during the third quarter, there were at least 11 high school graduates at WMCC. These students reported being unengaged for much of the school day. Some students took one to two non-credit bearing community college classes online. (Student reported that they were not offered the Accuplacer test which might have allowed them to qualify for credit bearing classes nor were they provided individualized help to prepare for possibly taking the Accuplacer test). Additionally, the college classes they were allowed to take were held a maximum of twice per week for a couple of hours at a time. Students had to spend the remainder of their "school time" sitting in facility classrooms becoming increasingly bored and frustrated. Other graduates who professed no wish to pursue higher education without credit were left to sit entirely unengaged in classrooms" (pg. 44)

Western Maryland Children's Center students who have a high school diploma are provided support and opportunity to take the Accuplacer test for college enrollment. There were several students who did not want to take the Accuplacer test. Students can enroll in either Anne Arundel Community College or Fredrick Community College. These courses can be either credit-bearing, degree-specific courses or they can be non-credit courses that are specific to each students' career interests. Institutions of higher education set their own class schedules. While the college classes themselves meet only a couple times a week, the outside work required to pass them requires much more time throughout the day. It is suggested for every hour of classroom instruction, two to three hours of outside class preparation is needed. JSES staff is diligent in providing academic support to post-secondary students who attend a JSES school. For students who are not interested in post-secondary opportunities, JSES provide support such as connection to military recruiters and ASVAB test preparation. High school graduates may choose to participate in work related opportunities through DJS.



## **TECHNOLOGY**

Technology concerns are stated on pages 42 and 43 of the JJMU report. Two concerns were stated:

- “Internet connection is poor or unavailable in some areas” (pg. 42).
- “Internet access has not been available for youth restricted to the living units at most DJS facilities. Students are confined to living units and not allowed to travel to school when they have been placed on quarantine due to the presence or suspected presence of COVID-19” (pg.43).

Bandwidth has increased for the last two years at schools through the use of E-Rate funds. In June 2020, the JSES technology team completed a comprehensive network survey at all JSES schools to address bandwidth, Wi-Fi coverage, and connectivity issues. In November 2020, the JSES technology team, in collaboration with DoIT, and DJS IT began a project to upgrade all networks in the JSES system, to be completed by January 1, 2021. Wi-Fi access points have been doubled at each JSES school to ensure 100% Wi-Fi coverage to student Chromebook devices within educational sections of the DJS facilities. Additionally, all existing major network issues at each JSES school will be resolved by the completion of this project. As of December 1, 2020, each JSES school has received a network bandwidth upgrade to at least 200mbps. This average bandwidth speed exceeds the minimum required specifications for managing a 1:1 Chromebook environment, per Google Network Enterprise Support.

Living units for students are under the jurisdiction of DJS. The JSES does not have the authority to upgrade DJS’s Wi-Fi capacity on the housing units. DJS is responsible for the telephone and data network access at each location.

## **GED**

The pass rate of students taking the GED test is an area that JSES takes a great deal of pride in. The Juvenile Services Education System (JSES) affords students who are at least 17 years of age and under-credited the opportunity to pursue a high school diploma through GED examination. The GED policy states that all students must take the GED ready examination and must score a minimum of 145 points on a subtest of the GED Ready exam before being registered to take that subtest of the GED examination. There is nothing within any JSES policy that indicates that a student needs to meet a certain grade requirement to participate in GED ready testing. The 70% requirement is not spelled out in any student record at Noyes or any other JSES program. The JSES investigated the claim and determined that there was a period of time at Backbone Mountain Youth Center (BMYC) when several students were refusing to do classwork and were disruptive to the learning environment. In response, the former principal did ask those students to improve their performance in school in order to access the GED Ready test. The education team at BMYC did not indicate that there was a JSES policy that stated that a student needed to earn a 70% in classes to participate in the GED Ready assessments. The acting principal at BMYC has reiterated to students that there is no policy relating to an expectation of a 70% grade expectation and that all students who have expressed interest in taking the GED who have met the age requirements have been provided the opportunity to test.

Principals are the instructional leaders of the building. He/she has the professional responsibility to create a climate and culture conducive to educating students and implementing instructional programs that meet the educational needs of all students. Students must attend regularly scheduled classes. These classes are aligned to the same standards as the GED. Therefore, students cannot opt out of attending classes, refuse to complete classwork, and replace classwork with the GED. JSES structure for the GED has led to a successful GED pass rate since the revision of the GED. JSES ensures proper standard alignment to the exam.

Furthermore, it should be noted that no JSES school, including Noyes, offers a GED preparation program. All JSES schools prepare students to meet high school graduation requirements by providing instruction using Maryland's College and Career Ready Standards (MDCCRS). The MDCCRS provides students an opportunity to learn the necessary skills to pass the GED. Students must attend and participate in regularly scheduled class to attain the skills necessary to pass the GED.

## **ACCOUNTABILTIY AND TRANSPARENCY**

The current contract with Florida State University will ensure that JSES provide high quality services, based on data and research that will enable young people transitioning back to their local communities obtain skills that will prepare them to return to school, work, and home settings as successful and well-educated citizens. The proposed partnership encompasses three distinct phases of research and planning. Phase 1 is focused upon evaluating and assessing Maryland's current system of providing juvenile justice education services to youth in residential facilities. Phase 2 will use the information and findings from Phase 1 to assist Maryland in developing and implementing a research-driven accountability pilot initiative for juvenile justice education services. Phase 3 will assess and validate the effectiveness of the research-driven accountability initiative.

The team of researchers is led by Dr. Thomas Blomberg. Dr. Blomberg is Dean and Sheldon L. Messinger Professor of Criminology at the Florida State University College of Criminology and Criminal Justice and Executive Director of the College's Center for Criminology and Public Policy Research. He has published numerous books, articles, and monographs in the areas of juvenile justice and juvenile justice education. Among his most 12 recent books are *Delinquency and Drift Revisited* (2017) and *Advancing Criminology and Criminal Justice Policy* (2016). From 2008 to 2013, he served as Editor of *Criminology and Public Policy*. His experience includes an extensive record of externally funded studies involving the utilization of research findings to guide evidence-based policies and practices in juvenile facilities. Dr. Blomberg is considered a national leader in juvenile justice education and has been asked to present on the subject to the Office of Juvenile Justice and Delinquency Prevention, the American Correctional Association, the Arizona Correctional Education Association), and the United States Congress. From 1998 to 2010 he was the Principal Investigator (PI) of the Juvenile Justice Educational Enhancement Program and PI of the Juvenile Justice No Child Left Behind Collaboration Project from 2005-2008.

The JSES publishes an Annual Report for the Governor, the Education Coordinating Council, and key stakeholders. The report highlights new district initiatives, school operations, instructional programming, updates to technology, student enrollment demographics, and reports school/district performance outcomes based on attendance, student achievement in math and language arts, credit obtainment, high school graduation, and post-secondary education enrollment.

## **Conclusion**

The COVID-19 pandemic has required school districts across the United States to develop new and innovative ways to provide education. The JSES has risen to that challenge in many unique and creative ways. The commitment of the MSDE JSES to provide quality educational opportunities to all students is unwavering. MSDE JSES staff is committed to providing students quality continuity of learning during and after the pandemic. The MSDE JSES will continue to improve and adapt to the changing nature of the pandemic while ensuring that students are continually engaged in high quality instruction.