



**MARLANA R. VALDEZ**  
*Director*

STATE OF MARYLAND  
OFFICE OF THE ATTORNEY GENERAL  
JUVENILE JUSTICE MONITORING UNIT

January 25, 2009

The Honorable Thomas V. Miller, Jr., President of the Senate  
Maryland General Assembly, H107 State House  
Annapolis, MD 21401

The Honorable Michael E. Busch, Speaker of the House  
Maryland General Assembly, H101 State House  
Annapolis, MD 21401

The Honorable Donald DeVore, Secretary  
Department of Juvenile Services, One Center Plaza, 120 West Fayette Street  
Baltimore, Maryland 21201

Rosemary King Johnston, Executive Director  
Governor's Office for Children, Office of the Governor  
301 W. Preston Street, Suite 1502  
Baltimore, MD 21201

Members of the State Advisory Board on Juvenile Services  
c/o Department of Juvenile Services, One Center Plaza, 120 West Fayette Street  
Baltimore, Maryland 21201

Dear Mr. President, Mr. Speaker, Sec. DeVore, Ms. Johnston, and State Advisory Board Members:

Enclosed please find the 2009 Annual Report of the Juvenile Justice Monitoring Unit (JJMU).

Volume I of the Report discusses major systemic issues affecting the safety and treatment of youth in residential facilities monitored by JJMU. It also includes discussion of actions taken by the Department of Juvenile Services during the year to improve facility

conditions and programs. Volume II contains brief updates on the 25 facilities monitored by JJMU.

The Department of Juvenile Services (DJS) Response to the Annual Report is also attached. The agency's response to this year's Annual Report is in the form of a letter of complaint to President Miller and Speaker Busch.

The Juvenile Justice Monitoring Unit has a number of formal and informal agreements with DJS regarding the process by which our reports are issued. As part of that process, the Monitor's Office submits drafts of its reports to DJS for review and comment before the reports are issued publicly. DJS has 10 business days to review each report, note any possible errors, and make recommendations for edits to the report.

During the 10 day review period, JJMU collaborates with DJS and regularly revises draft reports based on DJS comments. The review period allows the Monitor's Office to ensure that its final reports are as fair and accurate as possible. Apparently, DJS has abandoned our agreed process, and instead, written directly to President Miller and Speaker Busch regarding the draft 2009 Annual Report.

Although the letter of complaint is inconsistent with our agencies' written agreement, the Monitor's Office carefully reviewed the concerns expressed in the letter. After thorough consideration, it was determined that no changes to the Annual Report draft were merited.

The three statements objected to in the letter are all factually accurate and based on data provided to the Monitor's Office by the Department of Juvenile Services. Rather than further burdening the issue via a second written response, I am fully available to discuss in person or by phone any of the issues raised by the 2009 Annual Report or the Department of Juvenile Services response, including the superb credentials of the small but extremely dedicated staff of this office.

I can be reached by email at [mvaldez@oag.state.md.us](mailto:mvaldez@oag.state.md.us) and by phone at 410-576-6953 (o) or 301-257-5399 (c). All reports of the Juvenile Justice Monitoring Unit are also available on our website at [www.oag.state.md.us/jjmu](http://www.oag.state.md.us/jjmu).

I look forward to continuing to work with you to enhance programs and services provided to the youth of Maryland.

Respectfully submitted,

*Marlana Valdez*

Marlana R. Valdez  
Director  
Juvenile Justice Monitoring Unit

Enclosures

Cc: The Honorable Brian Frosh, Maryland State Senate  
The Honorable Joseph Vallario, Maryland House of Delegates  
The Honorable Robert A. Zirkin, Maryland State Senate  
The Honorable C. Anthony Muse, Maryland State Senate  
The Honorable James Brochin, Maryland State Senate  
The Honorable Anthony J. O'Donnell, Maryland House of Delegates  
The Honorable Gerron Levi, Maryland House of Delegates  
The Honorable Jeff Waldstreicher, Maryland House of Delegates  
The Honorable Luiz R.S. Simmons  
The Honorable Nancy Kopp, Treasurer's Office  
Katherine Winfree, Chief Deputy Attorney General, Office of the Attorney  
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Wendy Estano, DJS



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**JUVENILE JUSTICE MONITORING UNIT  
OFFICE OF THE ATTORNEY GENERAL**

**2009 ANNUAL REPORT  
INCLUDING 4<sup>th</sup> QUARTER, 2009**

**VOLUME ONE  
SYSTEMIC ISSUES**

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# JJMU ANNUAL REPORT FOR 2009, INCLUDING 4<sup>th</sup> QUARTER, 2009

## VOLUME ONE SYSTEMIC ISSUES

### Introduction

The Juvenile Justice Monitoring Unit (JJMU) respectfully submits this report to the Governor, members of the General Assembly, the Secretary of Juvenile Services, and members of the State Advisory Board on Juvenile Services as required by Md. State Govt. Code Ann. §6-401 et seq. (Supp. 2007). This year marks the eighth anniversary of the creation of the Monitor's Office and its seventh annual report.

This report discusses:

1. JJMU's activities and achievements during the reporting period;
2. Major systemic issues affecting the safety and treatment of youth in Department of Juvenile Services residential facilities;
3. Corrective actions taken by the Department to remedy problems and other progress during the year.

Readers are referred to our website at [www.oag.state.md.us/jjmu](http://www.oag.state.md.us/jjmu) for copies of all other reports of the Juvenile Justice Monitor from 2002 – present.

This report was produced by the staff of the Juvenile Justice Monitoring Unit – Philip (Jeff) Merson, Nick Moroney, Tim Snyder, Tanya Suggs, Marlana Valdez, and Claudia Wright.

## Overview

In 2009, the Department of Juvenile Services made multiple changes to its residential and non-residential programs for youth. Many of those changes were driven by Maryland's fiscal crisis and the related mandate that State agencies reduce spending. This overview highlights some of the year's most significant events and trends and makes recommendations for moving forward on reform priorities in the current economic climate.

Charles H. Hickey, Jr., School (Hickey) and Cheltenham Youth Facility (CYF) were released from federal oversight in 2008. Both programs continued to show progress on multiple fronts this year, from significantly reducing levels of violence to expanding mental health services. These are significant accomplishments in Maryland's reform efforts. They demonstrate that with stable and skilled leadership, full staffing complements, and meaningful behavior management plans detention facilities can be relatively safe environments for incarcerated youth.

Other DJS reform efforts were less successful this year. Some programs and initiatives did not show progress, in part because of the State's poor fiscal condition which included mid-year cuts to the Department.

### **Detention and Community-Based Alternatives**

Youth population in DJS detention facilities continued to grow during 2009. Non-residential alternatives to secure detention and shelter beds declined. The result was chronic overcrowding at most detention facilities. No new slots were opened for evidence-based therapeutic programming in youths' communities. Even national model programs such as the Pre-Adjudication Coordination and Training (PACT) Evening Reporting Center in Baltimore were threatened with closure due to lack of funding.<sup>1</sup>

The PACT Center was developed as a community-based alternative to secure detention. In its first full year of operation, 100% of youth enrolled in the PACT program returned for their court dates, 95% did not reoffend while enrolled, and 100% received an individualized service plan by the time of their court appearance.<sup>2</sup>

Other community-based programs closed or were threatened with defunding. The Chesapeake Center for Youth Development, an alternative non-residential school for youth involved in the juvenile justice system, announced its closure but was granted a temporary reprieve when the Department of Juvenile Services agreed to fund it through June, 2010.

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<sup>1</sup> The PACT Evening Reporting Center was selected as a MacArthur Model for Change program this year by the MacArthur Foundation.

<sup>2</sup> MacArthur Models for Change, <http://www.modelsforchange.net/reform-progress/19>

## **Residential Program Closures**

Many facilities, large and small, were closed this year. The closures include the Thomas O'Farrell Youth Center and New Dominion youth treatment facilities; Mount Clare House and Liberty House (both located in and serving Baltimore City); the Larrabee and Linkwood Girls' Homes (located on and primarily serving the Eastern Shore); and the Sykesville and GUIDE Shelters. The closures took place despite a shortage of shelter space and therapeutic group home facilities.

In 2008, DJS and the Department of Human Resources (DHR) set a goal of reducing the number of group homes around the State. Legislation passed that year required DJS and DHR to issue statements of need specifying residential services needed in a specific locale before licensing new programs. DHR also closed a number of group homes in 2009, but did so after assessing performance and geographic need for the services and notifying providers in writing.

DJS, on the other hand, closed facilities without explanation. Group homes and shelters in sparsely served areas around the state were closed or starved of referrals, and some were closed with little notice.

DJS closed Mount Clare on March 31<sup>st</sup> with three days notice. The facility was a successful group home in Baltimore City serving challenging youth who were referred by three separate agencies. It was a model of interagency collaboration.

In late November, the Department downsized the William Donald Schaefer House (WDSH), a 90-day substance abuse treatment program in Baltimore. The population was reduced from 19 to 6 youth on one week's notice to staff, youth, and families. WDSH staff were transferred to the Baltimore City Juvenile Justice Center to shore up staffing there. Youth were discharged from both Mount Clare and WDHS without adequate aftercare planning or transition services.

## **Opening of Rite of Passage Program**

A \$10 million three-year contract was granted to a new privately-operated residential program, Silver Oak Academy, on the former campus of Bowling Brook Academy which closed in 2007. Bowling Brook closed after a youth died during a "restraint" lasting several hours. The owners of the program, Rite of Passage, Inc., have expressed a wish to significantly enlarge the youth population beyond the currently allowed cap of 48 youth. This proposition is antithetical to the Maryland Model of reform which supports small rehabilitative facilities of less than 48 beds.

Silver Oak was opened to further the goal of treating Maryland's youth in Maryland by bringing back the nearly 100 youth currently treated in out-of-state residential programs. Most youth are sent out-of-state because they have treatment or security needs that are currently unavailable in Maryland. These youth include those requiring a high level of security or specialized treatment for mental health issues; dual diagnosis (mental illness and substance



abuse issues); and those with histories of arson or sex offending. Silver Oak has an open campus offering sports, education, vocational and therapeutic activities. Silver Oak is not equipped for youngsters with serious security or mental health needs. It is not expected that Silver Oak will significantly impact the number of youth requiring out-of-state treatment.

The allocation of state resources for smaller, specialized in-state treatment centers nearer to the home communities of youth served would alleviate the need to send many Maryland youth out of state.

### **The Victor Cullen Center and Recidivism**

The recent recidivism study issued by this office<sup>3</sup> found that the treatment model as implemented at Victor Cullen has not reduced recidivism among youth who have successfully completed the program.

The failure to implement a treatment model that works to reduce recidivism at Victor Cullen, the flagship facility for the system, is a significant problem for youth and for the State. The facility re-opened in 2007 at a cost of \$12 million and has annual operating costs of approximately \$8 million.

The Juvenile Justice Monitoring Unit's report shows high overall re-arrest rates with extremely high percentages of re-arrested youth entering the adult criminal system; high conviction and incarceration rates; and numerous instances of recidivating youth receiving long prison sentences.<sup>4</sup>

The high recidivism rates at Victor Cullen also demonstrate a need for outcome measures at all DJS programs. Before programs receive ongoing State funding or money for expansion, they should demonstrate that they are producing positive outcomes.

### **Services for Girls**

Girls continue to be disproportionately affected by lack of DJS resources and by a lack of meaningful therapeutic treatment. The majority of girls in DJS custody have been abused or neglected and need comprehensive, individualized treatment. There is a distinct lack of early intervention programs and alternatives to detention for girls, including a shortage of available shelter beds.

Female youth in detention during 2009 experienced overcrowding, staff shortages and the inadequacy of the physical plant at the Thomas J. S. Waxter Center (Waxter). Girls in the detention and treatment components at Waxter are still comingled in violation of state law. There are no plans to replace Waxter until at least 2020.

There are no evening reporting centers and few community-based programs for girls in the state. The only remaining DJS-licensed shelter for girls is Graff, in far western Maryland.

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<sup>3</sup> JJMU 3<sup>rd</sup> Quarter, 2009 Report. [http://www.oag.state.md.us/JJMU/Comp\\_09\\_Q3.htm](http://www.oag.state.md.us/JJMU/Comp_09_Q3.htm)

<sup>4</sup> Ibid.

## Recommendations

These recommendations take into account the following:

- State funds must be carefully guarded and spent wisely during a time of decreasing revenues;
- Funding shifts from “bricks and mortar” to less expensive community based programs will save money and improve youth outcomes;
- The law requires that comparable programs and services be provided to girls and to boys.

### **1. Move the committed treatment program out of the Waxter facility.**

The facility should only be used to provide secure housing for girls in detention and pending placement. This recommendation would have several advantages. Waxter administrators could focus solely on operating a detention center rather than attempting to operate two programs out of one facility, a task that has not been successful. The move would bring the Department into compliance with State law which prohibits comingling of detained and committed youth. Although DJS ceased the practice of placing detained girls in the committed wing for sleeping this year, the layout of the physical plant makes it impossible for the two programs to avoid sharing space.

Girls in the committed care program would benefit from living in a less chaotic environment. The detention program is necessarily designed for short-term stays and does not include a treatment component. Giving committed girls their own program would allow them to focus on long-term educational and vocational goals.

Finally, opening the committed care wing to detention services would ease overcrowding at both Noyes and Waxter. One of the units at Noyes that was recently converted to girls housing could be turned back over to housing detained boys. In recent months, overcrowding at Noyes has forced boys to sleep on the floor. Use of the committed care wing for detention would significantly ease overcrowding.

There are several possible locations for the committed girls program. The Way Home provides an excellent long-term care environment for girls on the grounds of Mountain Manor Psychiatric Hospital. Another possible alternative would be expansion of the Graff Shelter program in Boonsboro. This program also provides an excellent environment for girls.

While lack of funds is always an issue, DJS has committed \$10 million to Silver Oak Academy for additional residential placement of boys, and many millions for construction of new facilities for boys. Funds should be found to provide appropriate housing and rehabilitative programming for girls.

## **2. Downsize Victor Cullen.**

Victor Cullen has not developed as planned. After 2 1/2 years of ongoing problems, more of the same strategy is not likely to significantly improve the program. Victor Cullen should temporarily downsize to two 12-bed cottages and pilot new treatment models. If Victor Cullen succeeds on a small scale, decisions to expand to capacity and to construct new treatment facilities for boys can move forward with more optimism.

If Victor Cullen is reduced to two cottages, one cottage should serve youth with low intellectual functioning. The program should include a self-contained classroom and a straightforward Cognitive Behavioral Therapy (CBT) approach that does not require the higher level cognitive skills of Positive Peer Culture. Staff members at Victor Cullen have repeatedly complained that as many as 1/3 of the youth there have low intellectual functioning and do not benefit from a Positive Peer Culture approach.

The other 12-bed unit should be devoted to a CBT-based program. The efficacy of CBT is supported by research. Direct care staff for these experimental programs should have college degrees and clinical backgrounds, should receive pay commensurate with their educational levels, and should be involved in development of the therapeutic model.

After completing the program, youth should be moved to a long-term step-down or halfway house program. There they would have time to integrate knowledge and skills learned at Victor Cullen into their lives in the community. Operation of a halfway house in the community is less expensive than secure programs. DJS abandoned several properties in and around Baltimore City this year that might be appropriate for a small-scale program. Youth would be close to their families, would be able to reintegrate into their communities or work toward independent living, and would be able to complete high school or GED programs with guidance from skilled house parents or staff.

A halfway house model used in some metropolitan areas provides free room and board to graduate students in the behavioral sciences in return for part-time work as direct care staff. Baltimore City has excellent resources for this type of program.

## **3. Shift capital funds toward less expensive residential treatment facilities.**

As documented in earlier JJMU reports, the current physical plants at Cheltenham and Hickey are sorely in need of replacement, and construction of new detention facilities on these sites should move forward as quickly as possible.

However, construction of two planned treatment facilities, one on the Cheltenham site and one in Baltimore City, should be reconsidered. The estimated cost of the 48-bed Baltimore City treatment facility is already at \$68 million. As the Victor Cullen experience demonstrates, spending millions of dollars to open a state-of-the-art correctional facility does not guarantee the program's success.

For example, smaller existing buildings in Baltimore City could be purchased and renovated. The money saved could be devoted to hiring highly skilled staff to work with youth in these programs and to piloting intensive aftercare or residential step-down programs to help youth move to independent living or reintegrate into their communities.

Construction of new 48-bed treatment centers is still years away, and existing buildings in communities could be renovated much more quickly and at a significant cost savings.

## The Juvenile Justice Monitoring Unit in 2009

### 1. The Monitor's Function

The Juvenile Justice Monitoring Unit ("JJMU"; "Monitor's Office"; "Monitoring Unit") investigates and reports on conditions at 25 Maryland Department of Juvenile Justice (DJS) facilities. The facilities monitored by JJMU include 8 DJS-operated detention centers, 7 DJS-operated committed care programs<sup>5</sup>, 2 shelters, 1 privately-operated committed care program, and 7 group homes. Reports of the Unit's evaluations are issued on a quarterly basis and address the following issues:

- Treatment of and services to youth, including:
  - whether their needs are being met in compliance with State law;
  - whether their rights are being upheld;
  - whether they are being abused;
- Physical conditions of the facility;
- Adequacy of staffing; and
- Effectiveness of the child advocacy grievance process and DJS monitoring process.

*Md. State Govt. Code Ann. §6-404 (Supp. 2007).*

Monitors make unannounced visits to facilities, visiting between one and four times per month, depending on current challenges at the facility. During these visits they inspect the physical plant, interview youth and staff, observe school classes, and review documents including seclusion reports, activity logs, medical records, school records, and staffing charts.

Monitors also review the DJS Incident Reporting and ASSIST Databases to follow up on incidents in facilities, particularly those involving alleged staff on youth violence, youth on youth violence, group disturbances or injuries. They review DJS Investigative Reports for incidents that prompt formal investigations and review all grievances filed by youth. Monitors participate in multi-agency meetings called to discuss reports of alleged child abuse or neglect in facilities.

Twice yearly Monitors incorporate their findings into Individual Facility Reports. When a serious and immediate threat to youth and/or staff safety is identified (e.g., fire safety code violations, escapes, or serious staffing or operational issues), the Juvenile Justice Monitoring Unit may issue a Special Report.

Monitors attend Facility Advisory Board meetings, which include community leaders and advocates, and report their findings to the Boards. JJMU also attends meetings of the State Advisory Board on Juvenile Justice.

Current JJMU staff members include a Director and five full-time Monitors. An Assistant Attorney General provides legal advice to the Unit.

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<sup>5</sup> The Thomas J.S. Waxter Center for girls includes both detention and committed care programs in one facility.

## 2. Activities and Accomplishments in 2009

In calendar year 2009, our staff made nearly 500 monitoring site visits and produced 93 monitoring reports. These included:

- A report on facility-based services for “deep end” youth – those with the most complex treatment needs (2<sup>nd</sup> Quarter, 2009);
- Seven Special Reports, including:
  - Three Special Reports on the Baltimore City Juvenile Justice Center - one discussing a room confinement program implemented during the summer; a second reporting on a staff-on-youth assault resulting in serious injury to the youth; and a third reporting on group disturbances and continued high rates of violence in the facility.
  - One Special Report on staff shortages and comingling of girls in the detention and committed care programs at the Thomas J.S. Waxter Center for Girls.
  - One Special Report on the closing of Mt. Clare House, a group home in Baltimore City.
  - One Special Report on an escape and large group disturbance at the Victor Cullen Center.
  - One Special Report on an assault and failure to report alleged child abuse at Colbourne Group Home (now Haddon House) in Baltimore City;
- Eighty-six (86) Individual Facility Reports and Updates;
- The 2009 Annual Report.

### External Outreach

In the past year, the Juvenile Justice Monitoring Unit worked with a variety of other state and local agencies and youth-serving organizations to improve the quality of services for Maryland youth. These agencies and organizations include:

- Annie E. Casey Foundation
- Carroll County Community College
- Child Welfare League of America, Juvenile Justice Section Advisory Committee
- Coalition for Juvenile Justice
- Georgetown University Center for Juvenile Justice Reform
- Juvenile Detention Alternatives Initiative
- Local Management Boards
- Local Departments of Social Services
- Maryland State Advisory Board for Juvenile Services
- Maryland State Juvenile Justice Advisory Council
- Maryland Council on Child Abuse and Neglect, Children's Justice Act Committee (CJAC)
- Maryland State Police
- Maryland State's Attorneys' Offices
- Maryland Office of the Public Defender

- Maryland Juvenile Justice Coalition
- Maryland Disability Law Center
- Montgomery County Commission on Juvenile Justice
- Montgomery County Criminal Justice Coordinating Commission
- National Association for the Advancement of Colored People (NAACP)
- State's Attorneys' Offices
- University of Florida Levin College of Law, Center for Children and Families
- University of Maryland School of Law

# Major Systemic Issues in 2009

## Population

### 1. Detention Population

The average number of youth in pre-adjudication secure detention during FY 2009 increased from 282 to 289.

During the calendar year, average population rose from the beginning to the end of the year (from 287 to 310), with a high of 335 in June and a low of 287 in January.

Although the Department has tried to implement new assessment tools, case management practices, and community programming during the last year, these measures have not succeeded in reducing the number of youth in secure detention.

### **Average Number of Youth in Pre-Adjudication Secure Detention Fiscal Year Average 2005 – 2009**

FY 2005	253
FY 2006	290
FY 2007	288
FY 2008	282
FY 2009	289

### **Average Number of Youth in Pre-Adjudication Secure Detention January, 2009 – November, 2009**

January	<b>287</b>
February	311
March	300
April	317
May	308
June	335
July	316
August	332
September	299
October	298
November	<b>310</b>

Source: DJS Monthly Population Report, November 2009.

The Department continues to participate in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) which focuses on strategies to reduce detention



population. Baltimore City Juvenile Justice Center (BCJJC) is the pilot site. Twenty experts convened to conduct a self-assessment of the BCJJC facility in 2007, but the Department never released the final report.

Between FY2005 and FY2009 (June 30, 2009), the number of youth in Pending Placement status<sup>6</sup> decreased from an average of 130 to 124. Pending placement population during this five year period peaked at an average of 167 youth in FY2006, declining steadily after that time.

However, the downward trend in pending placement population ended in calendar year 2009. The number of youth in pending placement status was 121 in January 2009 and, by November 2009, the monthly average had increased to 150. This was a 44% increase from the same month in 2008 (average of 104).

**Average Number of Youth in Detention (Pending Placement)  
Fiscal Year Average 2005 – 2009**

FY 2005	130
FY 2006	167
FY 2007	144
FY 2008	132
FY 2009	124

**Average Number of Youth in Detention (Pending Placement)  
December 2008 – November 2009**

December	105
January	121
Feb.	124
March	132
April	136
May	151
June	147
July	136
Aug.	130
Sept.	138
Oct.	142
Nov.	150

Source: [DJS Monthly Population Report, November, 2009](#).

Youth in Pending Placement status more than 90 days decreased, from 19% in 2008 to 17% in 2009.<sup>7</sup>

<sup>6</sup> Post-adjudication/disposition and awaiting a residential placement

<sup>7</sup> Source: DJS StateStat Report, November 2009

## 2. Alternatives to Detention

The Department funds several community-based programs that reduce the number of youth in secure detention by providing supervision and services to youth in their homes at considerable cost savings compared with detaining them in secure juvenile facilities.

These programs are directly relevant to population issues in detention facilities because they reduce the need for secure detention beds (saving money) and reduce overcrowding in addition to improving outcomes for youth.

The vast majority of youth being supervised in the community are on Electronic Monitoring (EM) or Community Monitoring combined with varying numbers of check-ins with their Community Case Managers (the DJS title for probation officers).

Shelter use decreased by 56% this year as the Department closed a number of privately operated shelters. These shelters were used to house youth who lack appropriate parental supervision and could not return home but did not meet the risk criteria for secure detention.

### **Youth Enrolled in Detention Alternative Programs (State-Wide)**

<b>Detention Alternatives</b>	<b>Oct 2008</b>	<b>Oct 2009</b>
<b>Total Alternatives ADP</b>	<b>717</b>	<b>705</b>
Shelter ADP	94	41
Evening Reporting including PACT-B.City	56	65
CD/EM	535	566
Other Detention Alternatives (DRAP)	20	33

Source: [DJS StateStat, November 2008](#); [DJS Population Report, December 2008](#)

There are currently two Evening Reporting Centers (ERCs) in Baltimore City and two in Prince George's County. At the end of November these ERCs were serving 77 boys. There are no evening reporting centers for girls in the entire state. The PACT Center in Baltimore City collaborates with youth and their families to develop intervention plans to improve youth behavior.

The Detention Wraparound Program (DRAP) is part of the larger Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) [see above] and provides increased community supervision with daily monitoring and weekly therapeutic interventions.

The program is also only available in Baltimore City and enrolled a total of 33 youth in November, up from 20 in 2008.

In many areas of the state, few detention alternatives are available. The Department has worked to expand detention alternative programs and strides have been made, but these programs must continue to be expanded at a rapid pace. The loss of shelter placements resulted in a total decrease in ADP's. The available placements are inadequate to serve the many youth and their families who could benefit from these services, reducing costly residential placements and recidivism.

### **3. Evidence-Based Practices**

Evidence-Based Practices (EBPs) are programs that have been proven to significantly improve outcomes for youth. Three nationally-recognized programs are available in Maryland – Multi-Systemic Therapy (MST), Functional Family Therapy (FFT), and Multidimensional Treatment Foster Care (MTFC).

Because there is research evidence showing these programs can cut re-arrest rates by as much as 50% and avoid the need for out-of-home placement, they save states significant amounts of money. In August, 2008, DJS was funding 299 EBP slots throughout the state. No new slots have been added since that time, and by November, 2009, the total number of EBP's had decreased to 293.

Although nearly all slots have been filled since DJS began keeping records, in November, 2009, 27 slots statewide were vacant, and there was a waiting list of 12 youth. Some areas such as Frederick County have no EBP slots at all, and others, such as Montgomery County, have only 12 DJS-funded slots for its entire population of at-risk youth.

EBP slots are currently available to youth who are otherwise at high risk of out-of-home placement. They should be expanded to a much large proportion of youth and families involved in the juvenile system to reduce re-offending, residential placements, and choke off the adolescent "pipeline" to the adult criminal system.

## Staffing

Quality, quantity, and retention of staff members are the most important factors in providing safety, security, and services to youth. The Department of Juvenile Services must increase the number of residential staff and ultimately professionalize its youth care workforce to resolve its longstanding staffing problems. Professionalization of the residential workforce would involve increasing pay to be commensurate with surrounding jurisdictions, developing a set of required qualifications, and increasing education requirements.

### 1. Staff Totals and Vacancies

During the past year and a half, direct care positions have been lost, and Resident Advisor (RA) vacancies have risen significantly. The Department of Juvenile Services has struggled to maintain adequate staffing in both its detention and residential facilities.

In its FY2008 Strategic Plan, the Department of Juvenile Services expressed its commitment to recruiting and retaining personnel. As a result of this effort the total number of positions allocated to DJS residential facilities increased in 2008 by 13%, and the Department filled many new and previously vacant positions.

In its Comprehensive Three Year Strategic Plan 2009-2011, the Department set a goal of reducing vacancies to 3%. However, between August of 2008 and August of 2009, a number of direct care positions were eliminated, and the number of vacant positions actually increased. In May of 2008, the Department reported a high of 1000.50 mandated Residential Services positions<sup>8</sup>, but by October of 2009 the count had dropped to 943.50. The total number of Residential Advisor positions dropped from 576.5 in August 2008 to 540 in August 2009.

As the Maryland State deficit soared and DJS was forced to make budget cuts, direct care staffing positions were not filled when vacated. Vacancies in mandated positions grew from 79.75 to 93 during this period as the vacancy rate in Direct Care staff positions reached approximately 10% in August 2009.

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<sup>8</sup> Mandated Staff are those providing direct care to youth, including, for example, Residential Advisors, Senior Residential Advisors and Group Life Managers.

**Total Residential Mandated Staff  
Vacancy Rates 2008 - 2009<sup>9</sup>**

<b>Total</b>	<b>Mandated Staff</b>	Feb 2008	May 2008	Aug 2008	Feb 2009	May 2009	Aug 2009	Change Aug 2008 - Aug 2009
	Residential Services Mandated Staff Positions	968.50	1000.50	995.00	943.50	942.00	942.50	-52.5 positions (5.28% loss)
	Total Mandated Staff Vacancies	93.25	111.00	79.75	57.25	74.50	93.00	+13.25 position vacancies (17% increase)
	Total Mandated Staff Positions Filled	875.25	889.50	915.25	886.25	867.50	849.50	- 65.75 filled positions (7.18% loss)

**Residential Advisors  
Vacancy Rates 2008 - 2009<sup>10</sup>**

<b>Resident Advisors</b>	Feb 2008	May 2008	Aug 2008	Feb 2009	May 2009	Aug 2009	Change Aug 2008 - Aug 2009
Total Resident Advisor Positions	549.50	580.50	576.50	535	537	540	- 36.5 staff positions (6.3% loss)
Total Resident Advisor Vacancies	65.25	85	53.75	45	61	55	+1.25 position vacancies (2.3% increase)

## 2. Turnover

Staff shortages lead to excessive overtime and staff burnout which affect safety, security, and programming. The process of recruiting, screening, hiring and training new staff is still slow, and in the latter part of 2009, the Department reduced the number and scheduling of Entry Level Training sessions, slowing the process even further.

<sup>9</sup> Department of Juvenile Services StateStat Reports - February 2008 through October 2009.

<sup>10</sup> Ibid.

According to DJS StateStat Reports, between November 1, 2008, and November 1, 2009, DJS hired 130 permanent or contractual mandated staff members and lost 164 staff. DJS fired 38 mandated staff and another 136 mandated staff voluntarily left employment with the Department. There was a net loss of 34 mandated staff over the 12 month period reported.<sup>11</sup>

In its 2008 - 2011 Three Year Strategic Plan (2009), the Department set a goal of reducing hiring process time to 1.5 months. This goal is far from being achieved. At times, facilities remain unable to fill vacancies for many months as they wait for DJS Headquarters approval.

For example, the J. DeWeese Carter Children's Center has not been permitted to hire a direct care employee for a year and a half though the facility has 5 direct care vacancies. Across the state, facility administrators report that even after permission is given, the recruiting process completed, the candidate chosen, and a request to hire submitted to Headquarters, it frequently takes several months for Headquarters to respond. Sometimes a promising job candidate cannot wait and ultimately accepts an employment offer elsewhere. Facility administrators also report that, at times, the applicant pool does not include well-qualified candidates. Nevertheless, facilities sometimes hire a less than optimum candidate for fear of losing a designated position altogether.

### **3. Staff:Youth Ratios**

Between November of 2008 and October of 2009, eight of eleven DJS facilities listed in StateStat reported a staff/youth ratio well over the 1:8 industry standard. The Lower Eastern Shore Children's Center reported a 1:13.77 staff/youth ratio in August, 2009. The facility reported a staff/youth ratio over 1:9 for 10 of the 12 months and a ratio of over 1:10 for 7 of the 12 months. Waxter reported a staff/youth ratio over 1:8 for 8 of the 12 months, over 1:9 for 2 months and over 1:10 for 2 months.

During 2008, staff/youth ratios had improved at every residential facility except Waxter where ratios were 1:5 in 2007 and 1:6 in September, 2008. During the current year only 3 facilities, BCJJC, Carter, and Victor Cullen maintained a staff/youth ratio of 1:8 or better. The 4<sup>th</sup> CRIPA Monitor's Report for the Cheltenham and Hickey detention centers emphasized that staff/youth ratios of 1:8 or better during waking hours and 1:16 or better during sleeping hours "should be considered minimal staffing ratios – they are sufficient only to the extent that the population congregates in only a few locations."<sup>12</sup>

Staff/youth ratios are not met in practice for a variety of reasons. Some youth require one-on-one supervision, taking a staff member away from supervision of the full group. Provisionally certified staff (those who have not completed training and may not be left alone with youth) are counted in the ratio even though they are unable to physically intervene with

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<sup>12</sup> Settlement Agreement between the State of Maryland and the U.S. Department of Justice, 4<sup>th</sup> CRIPA Monitor's Report for the Cheltenham Youth Facility and Charles H. Hickey, Jr. School, 2007.

youth or be left alone with them. It is not uncommon for staff to leave an assigned post for breaks without replacement or documentation. Staff/youth ratios are a valid starting point, but adequate supervision of youth must include real time assessments of supervision needs and sufficient numbers of staff to allow necessary flexibility.

#### 4. Overtime

In spite of the addition of new positions and new hires, overtime hours increased by approximately 24% system-wide from 2007 to 2008. That trend has continued in 2009. While new staff are hired and trained, experienced staff continue to work significant overtime hours to maintain appropriate staff/youth ratios. Many times salaried staff members fill in and accrue compensatory time, which they may never be able to claim, but which does not add to the overall overtime hours reported to StateStat. Staff call-outs (calling to say they will not be coming to work) and staff failure to call or report for assigned shifts contribute to the overtime problem.

DJS began reporting overtime figures for StateStat in two-week intervals as of June 20, 2007. The table below compares overtime hours and expenses during similar 8-week periods in 2007, 2008 and 2009

#### Staff Overtime Hours By Facility Eight Week Comparison 2007 - 2009<sup>13</sup>

Overtime Hours	8/01/07-9/25/07	7/02/08-8/26/08	7/14/09-9/08/09	Percent change 2007- 2009
BCJJC	9,769	11,638	12,338	+26%
Carter	1,154	300	513	-56%
Cheltenham	11,397	13,511	13,424	+18%
Hickey	6,428	9,231	11,225	+75%
LESCC	876	723	863	-01%
Noyes	4,349	2,368	2,310	-47%
Schaefer	382	271	274	-28%
Victor Cullen	508	2,110	1,962	+286% <sup>14</sup>
Waxter	1,328	2,380	3,548	+167%

<sup>13</sup> Department of Juvenile Services StateStat Report covering August 1 - September 25, 2007, July 2 - August 26, 2008, and June 30 – August 25, 2009.

<sup>14</sup> Facility was not fully staffed or populated in 2007.

WMCC	1,596	1,806	1,797	+13%
Youth Centers	883	1,102	1,888	+114%
<b>Total Overtime Hours</b>	<b>38,670 hours</b>	<b>45,440 hours</b>	<b>50,142 hours</b>	<b>+35%</b>
<b>Total Overtime Expense</b>	<b>\$1,009,859</b>	<b>\$1,225,873</b>	<b>\$1,361,924</b>	

## 5. Staff Misconduct

According to the DJS StateStat Reports, there were 304 staff violations of conduct from November 1<sup>st</sup> 2008 through October 31<sup>st</sup> 2009. According to the DJS Incident Database, there were 99 allegations of physical child abuse by staff in the DJS detention centers in the same time-period and 6 allegations of alleged staff sexual contact/abuse of youth in DJS detention centers.

Positive treatment cultures within facilities need to be created and supported by key staff. When youth are left to create the therapeutic culture, the culture can reflect behaviors that initially led them into involvement with the legal system. Newly admitted youth pick up immediately on the culture in a facility and the “real rules” that are in operation regardless of the stated rules. Detention, street and gang-like cultures characterize the environment in some facilities or sections of facilities. The ongoing challenge is to confront and turn around the negative value culture by providing adults who define the culture and provide appropriate role modeling and by offering programming that meets the real needs of youth.

## 6. Training

With a more professionalized and better-trained workforce, both recruiting and retention issues would be more successfully addressed.

COMAR regulations required that the Governor’s Office for Children’s Behavior Management and Crisis Intervention Review Committee approve all training vendors for privately-operated children’s residential facilities. The vendor providing this training for DJS staff is JIREH Training and Consulting. JIREH has applied twice for approval to train childcare workers in Maryland, and both times the Committee rejected the application on substantive grounds.

However, Maryland law does not require that the Department of Juvenile Services comply with COMAR regulations applicable to private providers, so DJS continues to use a training vendor that private residential providers in the State are not authorized to use. A number of vendors have been approved by the Governor’s Office for Children and the Children’s Cabinet, and these providers could likely provide better overall training to DJS workers.



JIREH has improved its training somewhat by adding two flanking moves to its restraint training to help secure bigger, more aggressive and combative youth. However, the Governor's Office for Children's rejection of JIREH's application to train staff statewide noted the training's emphasis on physically restraint rather than avoiding restraint situations by de-escalating agitated youth.

Efforts to improve training for DJS staff working with girls have been disappointing. As of November 2009, only half of the Waxter detention and treatment facility direct care staff had attended Gender Responsive Training begun over two years ago. In addition, the training has received mixed reviews as staff members who completed the training said most of the material was common sense, and that they did not learn many new approaches for working with girls.

In late 2009, DJS curtailed Entry Level Training reportedly for budgetary reasons and did not announce when training would begin again. This means that newer staff cannot be left alone with youth and must always be shadowed by trained and certified staff. At times uncertified staff members have been left alone with youth, a potential safety issue.

## **7. Professionalizing the Residential Workforce**

Professionalization of youth rehabilitation workers should include:

1. Developing a set of required qualifications for direct care staff, including a requirement that staff members have either a 2- or 4-year college degree evidencing interest in the field.
2. Increasing pay to be commensurate with the level of responsibility and dedication expected of staff and with the pay levels of comparable staff in surrounding jurisdictions.

Maryland's starting salary for Entry Level Resident Advisors Trainees (direct care staff without previous work the field) is approximately \$28,500. Some geographic differentials are offered. For example, the base Resident Advisory salary in Montgomery County is approximately \$32,000.

At Victor Cullen, where salaries were raised to attract more staff, beginning Resident Advisory salaries are:

Trainee	\$31,451
AA Degree:	\$33,177
BS/BA Degree:	\$35,020

Maryland does not require that Resident Advisors have any post-high school education.

By contrast, the District of Columbia's beginning direct care staff salary is \$47,000, and Unit Manager starting salaries are nearly \$67,000/year. Fairfax County Detention Center employees and District of Columbia direct care workers must have 4 year college degrees.

Recruiting and then retaining skilled and experienced staff who are committed to youth development and rehabilitation is essential to youth safety and ultimately, to their successful rehabilitation. In order to recruit and retain skilled and experienced staff, the Department must increase base pay, improve training, reduce required overtime, and professionalize its workforce.

## Safety and Security

The total number of aggressive incidents in Maryland Department of Juvenile Services' (DJS/the Department) facilities continued on an upward trend between 2008 and 2009. The number of youth on youth assaults, group disturbances with injury and/or property damage, and incidents in which physical or mechanical restraints were used and injury resulted all increased. At the same time, the number of youth on staff assaults with injury and escapes decreased slightly.

The Department has attributed the rise in aggressive incidents to the implementation of a more comprehensive incident reporting process including the reporting of minor incidents (e.g., a mild escort of a youth reported as a physical restraint). Whether or not such reasoning legitimately explains overall incident increases, this year's JJMU Annual Report on safety and security issues does not focus on minor incidents but concentrates on incidents resulting in injury.

On the following pages, data on each type of incident is broken down by facility. All data was obtained from the DJS Incident Report Database and covers events from December 1, 2008 through November 30, 2009. The information includes all DJS-operated hardware-secure and staff-secure facilities monitored by JJMU in 2008 and 2009.<sup>15</sup>

To allow readers to view increases or decreases in incidents in the context of increasing or decreasing population, the average population figures for each DJS-operated facility are provided below. As discussed in the "Population" section of this report, almost all facilities suffered from increased youth population this year with the Baltimore City Juvenile Justice Center (BCJJC) being the only facility in the state that experienced an average decrease in population. Despite the decrease in population, BCJJC's aggressive incident totals actually increased significantly in 2009, with youth on youth assaults with injury increasing from 290 (in 2008) to 471 this year.

### Average Yearly Population by Facility 2008- 2009

<b>DETENTION FACILITIES</b>	<b>2008</b>	<b>2009</b>	<b>Percent Increase/Decrease</b>
Alfred D. Noyes Center	41	51	+24%
Baltimore City Juvenile Justice Center	122	113	-7%
Charles H. Hickey Jr., School	62	80	+29%
Cheltenham Youth Facility	94	103	+10%
J. DeWeese Carter Center	13	14	+8%
Lower Eastern Shore Children's Center	22	25	+14%
Thomas J. S. Waxter Center	27	30	+11%
Western Maryland Children's Center	23	24	+4%
<b>TOTAL AVERAGE Monthly Population</b>	<b>51</b>	<b>55</b>	<b>+8%</b>

<sup>15</sup> Rite of Passage/Silver Oak opened in July of 2009; Thomas O'Farrell and New Dominion closed the end of 2008.

COMMITTED FACILITIES	2008 <sup>16</sup>	2009	Percent Increase/Decrease
Victor Cullen Center	37	36	- 3%
Backbone Mountain Youth Center	45	46	+2%
Green Ridge Youth Center	36	39	+9%
Meadow Mountain Youth Center	38	40	+5%
Savage Mountain Youth Center	34	28	-18%
<b>TOTAL AVERAGE Monthly Population</b>	<b>38</b>	<b>38</b>	<b>SAME</b>

Source: [http://www.djs.state.md.us/pdf/pop\\_reports/monthly-pop-report-nov2009.pdf](http://www.djs.state.md.us/pdf/pop_reports/monthly-pop-report-nov2009.pdf)

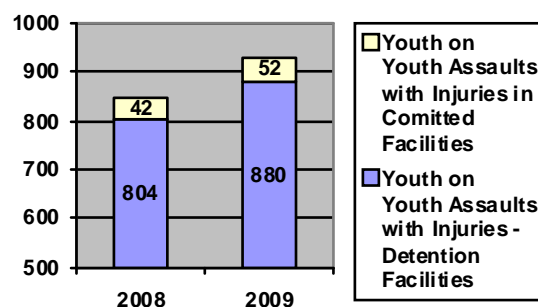
## 1. Assaults with Injuries

Reports of youth on youth assaults with injuries increased throughout the system in 2009. Overall, youth on youth assaults with injuries in state-run facilities rose from 846 to 942.

Several facilities saw significant increases in reports of youth on youth assaults with injuries. Those incidents increased by 62% at the Baltimore City Juvenile Justice Center (290 to 471) even though the average youth population declined by 7% this year. Youth on youth assaults rose from 1 to 12 at Backbone Youth Center; from 18 to 32 at the Western Maryland Children's Center; and youth on youth assaults more than tripled at Victor Cullen (7 to 22) even though population at all three facilities remained stable this year.

There was some positive movement as several facilities managed notable decreases in reports of youth on youth assaults with injuries. The largest decrease in youth on youth assaults was at the Charles H. Hickey detention facility which saw a 43% decrease (from 171 to 97) during 2009 while average population rose by 29%. Cheltenham (CYF) managed a decrease from 147 to 119 (19%) even though the facility experienced a 10% increase in average population. At the Green Ridge and Meadow Mountain Youth Centers (committed facilities in Western Maryland) youth on youth assaults with injuries dropped approximately 50%, from 15 to 8 and 8 to 4 respectively.

### Youth-on-Youth Assaults with Injury



<sup>16</sup> 2008 population data is only available for the 3<sup>rd</sup> and 4<sup>th</sup> quarters.

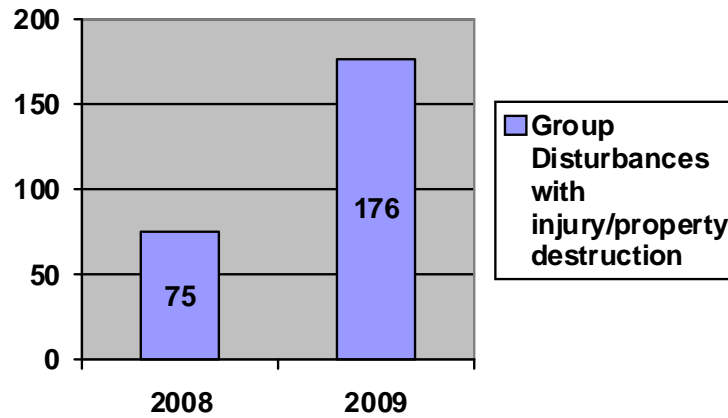
## Total Youth on Youth Assaults with Injury By Facility

<b>DETENTION FACILITIES</b>	<b>2008</b>	<b>2009</b>	<b>Percent Increase/Decrease</b>
Alfred D. Noyes Center	124	112	-10%
Baltimore City Juvenile Justice Center	290	471	+62%
Charles H. Hickey Jr., School	171	97	-43%
Cheltenham Youth Facility	147	119	-19%
J. DeWeese Carter Center	7	6	-14%
Lower Eastern Shore Children's Center	24	22	-8%
Thomas J.S. Waxter Center	23	21	-8%
Western Maryland Children's Center	18	32	+77%
<b>TOTAL DETENTION</b>	<b>804</b>	<b>880</b>	<b>+9%</b>
<b>COMMITTED FACILITIES</b>			
Victor Cullen Center (Hardware Secure)	7	22	+214%
Backbone Youth Center (Staff Secure)	1	12	+1100%
Green Ridge Youth Center (Staff Secure)	15	8	-10%
Meadow Mountain Youth Center (Staff Secure)	8	4	-50%
Savage Mountain Youth Center (Staff Secure)	11	10	-10%
<b>TOTAL COMMITTED</b>	<b>42</b>	<b>52</b>	<b>+24%</b>
<b>OVERALL TOTAL (State-Operated Detention and Committed facilities)</b>	<b>846</b>	<b>932</b>	<b>+10%</b>

## 2. Group Disturbances with Injury or Property Damage

System-wide, group disturbances with injury and/or property damage more than doubled, but that number was primarily due to the significant increase in group disturbances at the Baltimore City Juvenile Justice Center – from 49 in 2008 to 140 in 2009, a 186% increase. Cheltenham also saw a large increase, from 3 incidents in 2008 to 12 incidents in 2009. At most detention centers, the number of group disturbances remained relatively stable during 2009, but there was a notable decrease at the Charles H. Hickey Jr., School, from 11 to 3. Also, the Western Maryland Children's Center reported no group disturbances with injuries and/or property damage for the second year running. The only State-run committed facility showing an increase in group disturbances was the Victor Cullen Center. There were no incidents reported last year and 2 this year.

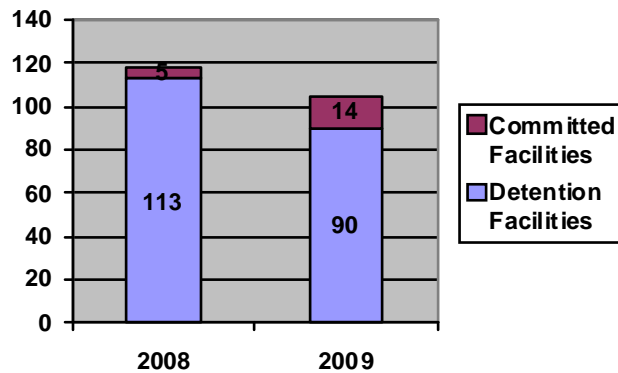
### Total Group Disturbances Resulting in Bodily Injury and/or Property Destruction



### 3. Alleged Youth on Staff Assaults with Injury

Youth on Staff Assaults with Injuries at State facilities decreased overall between 2008 and 2009 (from 118 to 104). Assaults on staff decreased in DJS detention facilities from 113 to 90, a 20% decline, but such incidents increased at DJS committed facilities from 5 to 14.

### Total Youth-on-Staff Assaults with Injury



### Total Youth-on-Staff Assaults with Injury by Facility

DETENTION FACILITIES	2008	2009
Alfred D. Noyes Center	20	19
Baltimore City Juvenile Justice Center	27	23
Charles H. Hickey Jr., School	14	11
Cheltenham Youth Facility	15	15
J. DeWeese Carter Center	4	0
Lower Eastern Shore Children's Center	11	6

Thomas J.S. Waxter Center	16	9
Western Maryland Children's Center	6	7
<b>TOTAL DETENTION</b>	<b>113</b>	<b>90</b>
<b>COMMITTED FACILITIES</b>		
Victor Cullen Center (Hardware Secure)	2	6
Savage Mountain Youth Center (Staff Secure)	0	3
Backbone Youth Center (Staff Secure)	0	2
Green Ridge Youth Center (Staff Secure)	0	2
Meadow Mountain Youth Center (Staff Secure)	3	1
<b>TOTAL COMMITTED</b>	<b>5</b>	<b>14</b>
<b>OVERALL TOTAL (State-Operated Detention and Committed Facilities)</b>	<b>118</b>	<b>104</b>

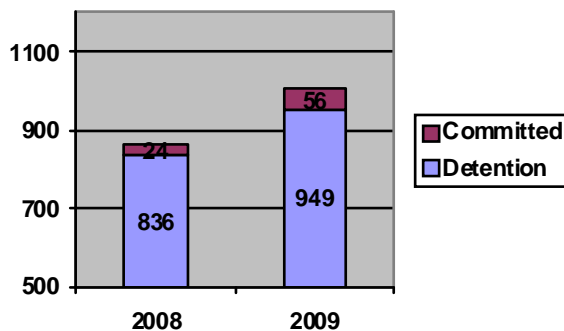
#### 4. Physical Restraints with Injury

Overall, reports of physical restraints with injury increased in both detention and committed placements in 2009. The significant increase was due mainly to events at BCJJC where restraints with injury shot up from 307 to 503, a strong indication that staff experienced difficulty controlling the environment at BCJJC this year.

The data showed increased numbers of restraints with injuries at Backbone Mountain Youth Center (from 0 to 14), Savage Mountain Youth Center (from 0 to 6), Cheltenham (from 110 to 120), Western Maryland Children's Center (from 38 to 49), and at the Victor Cullen committed facility (from 8 to 23).

However, at some facilities, physical restraint use significantly declined. Waxter (an all-female facility) cut restraint with injuries totals almost in half (57 down to 30), while Hickey went from 148 to 97, and Noyes decreased restraints from 131 to 109. The Lower Eastern Shore Children's Center remained fairly consistent with 36 reported incidents last year and 33 this year. Other facilities had very minor increases or decreases in these incidents.

**Total Physical Restraint Incidents with Injury**



## Physical Restraint Incidents with Injury by Facility

<b>DETENTION FACILITIES</b>	<b>2008</b>	<b>2009</b>	<b>Percent Increase/Decrease</b>
Alfred D. Noyes Center	131	109	-17%
Baltimore City Juvenile Justice Center	307	503	+64%
Charles H. Hickey Jr., School	148	97	-35%
Cheltenham Youth Facility	110	120	+9%
J. DeWeese Carter Center	9	8	-11%
Lower Eastern Shore Children's Center	36	33	-8%
Thomas J.S. Waxter Center	57	30	-47%
Western Maryland Children's Center	38	49	+29%
<b>TOTAL DETENTION</b>	<b>836</b>	<b>949</b>	<b>+14%</b>
<b>COMMITTED FACILITIES</b>			
Victor Cullen Center	8	23	+187%
Backbone Mountain Youth Center	0	14	+NC% <sup>17</sup>
Savage Mountain Youth Center	0	6	+NC% <sup>18</sup>
Green Ridge Youth Center	12	10	-17%
Meadow Mountain Youth Center	4	3	-25%
<b>TOTAL COMMITTED</b>	<b>24</b>	<b>56</b>	<b>+75%</b>
<b>OVERALL TOTAL (Detention and Committed)</b>	<b>860</b>	<b>1005</b>	<b>+17%</b>

### 5. Recent Incidents at BCJJC

In response to the 3<sup>rd</sup> Quarter, 2009 report, the Department of Juvenile Services commented that Group Disturbances at BCJJC had been declining “as the facility’s classification and supervision strategies are yielding improvement. Youth on Staff Assaults dropped from 63 in the third quarter of last year to just 32 this year - these incidents were in essence cut in half. It is unclear why the JJMU do not mention this remarkable improvement.”<sup>19</sup>

While the administrative leadership at BCJJC has turned over multiple times in the past three years, an experienced superintendent was brought into the facility from Hickey in July. To determine whether BCJJC may be experiencing a downward trend in incidents, total numbers of group disturbances with injury or property damage; youth on youth assaults with injury; and restraints with injury were reviewed for the period from July of 2008 to November of 2009.

<sup>17</sup> Not Calculable - a percentage of zero cannot be calculated

<sup>18</sup> Ibid.

<sup>19</sup> Department of Juvenile Services Response to the 3<sup>rd</sup> Quarter, 2009, Report of the Juvenile Justice Monitoring Unit, p. 3

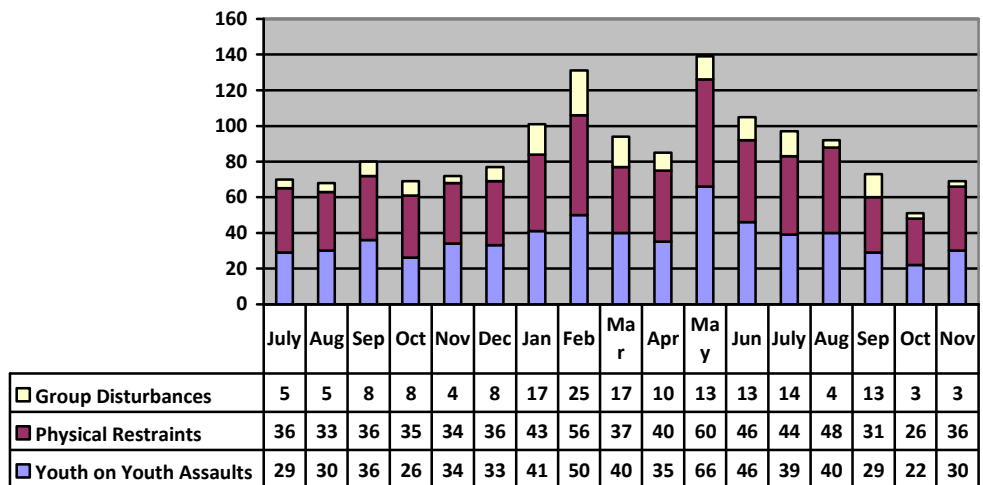


The review demonstrated that, after spiking in May and remaining high during the summer months, the rate of incidents at BCJJC dropped to their lowest levels in over a year in October, then rose again in November to average 2008 levels.

At the same time, population at BCJJC averaged 122 in 2008 and then declined to 113 in 2009, a 7% decrease. Incidents decreased in greater proportion than the population decrease, representing a positive trend (26% between October, 2008 and October, 2009 [69 to 51]), however, incidents in November 2009 rose again to 2008 levels.

In sum, it may be too early to draw firm conclusions about incident occurrence trends at BCJJC and future JJMU reports will continue monitoring violence levels at the facility to determine whether new leadership as well as other recently implemented strategies significantly affect incident occurrence levels over the long term.

**BCJJC Aggressive Incidents 2008 and 2009**



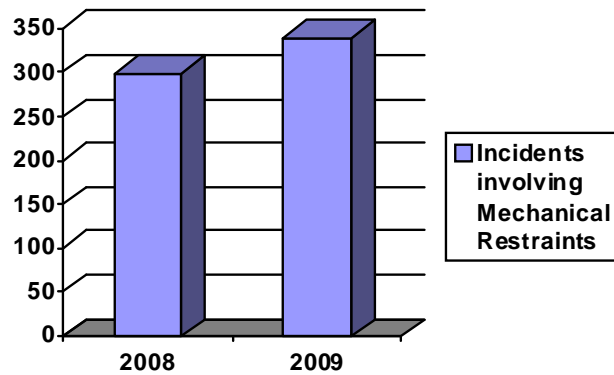
## 6. Mechanical Restraints

The use of mechanical restraints at DJS facilities increased from 438 to 476 incidents. Many incidents involving use of mechanical restraints are primarily labeled Alleged Inappropriate Conduct/Comments by Youth, and this category represents the large increase in incidents involving mechanical restraints this year (299 to 340).

DJS continues to label all incidents involving multiple reportable issues (e.g., a group disturbance that includes an assault and a restraint) by the precipitating act rather than the most serious act. Although it can be argued that every incident involving an assault or restraint begins with inappropriate behavior on the part of either staff or youth, DJS incident labeling methodology continues to be flawed and can be misleading in the data collection process. For example, DJS data indicates mechanical restraints for incidents primarily labeled Youth on

Youth Assaults decreased from last year to this year (70 to 54) and increased for incidents primarily labeled Physical Restraints (3 to 6).

### Incidents Involving Mechanical Restraints



The largest increase in the use of mechanical restraints between 2008 and 2009 occurred in the Western Maryland region. The Victor Cullen Center increased restraint use from 2 to 25 times, the Western Maryland Children’s Center increased usage from 24 to 54 times and the Youth Centers increased usage from 16 to 28. The use of mechanical restraints increased from 20 to 38 times at Waxter and from 23 to 29 times at Noyes.

The largest decrease in use of mechanical restraints occurred at Hickey (28 to 10). Other facilities decreasing usage of mechanical restraints included the Baltimore City Juvenile Justice Center (down from 275 to 252 times), Cheltenham Youth Facility (from 30 down to 26 times), the Lower Eastern Shore Children’s Center (from 17 down to 13 times) and the Carter Center (from 2 usages down to a single usage).

## 7. Escapes

There were several major escape incidents during 2009 and the number of escapes system-wide remained about the same between 2008 and 2009. There were 15 escapes in 2008 and 14 in 2009. Some escapes from staff-secure facilities are expected; however, hardware secure facilities are specifically designed to prevent escape, and escapes from these facilities almost always involve security lapses – either the facility physical plant is not as secure as it should be or staff fail to follow protocol or are not sufficiently trained to ensure youth stay within the physical boundaries of the facility.

In February, a youth being transported to the Noyes Center from Abraxas of Ohio, an out-of-state facility, escaped from the vehicle sally port at Noyes. The escape involved neglect on the part of both Noyes and Abraxas staff. DJS compounded the security lapse by neglecting to follow through on its own victim alert system. When the youth was adjudicated, DJS placed an alert on his file to ensure the victim of his offense was notified if/when the youth

returned to the community. Despite the flag on the youth's file, DJS did not notify the victim and the youth remained missing following the escape for several weeks.<sup>20</sup>

On May 13, 2009, youth were involved in a riot and escape from the Victor Cullen Center that resulted in multiple serious staff injuries.<sup>21</sup> Initially, staff members were trying to control a youth in one cottage while youth in a neighboring cottage looked on.

A youth in the neighboring cottage assaulted a staff member and rallied other youth to escape. The youth entered the first cottage, attacked staff, and led youth from that cottage to escape from the facility. The youth next broke into the vocational building, removed wire cutters, cut through the interior and exterior fences and broke into a maintenance facility outside of the secure area of the facility.

Youth were in the process of attempting to steal a vehicle from the garage when police apprehended 10 of the youth inside the garage building. Police apprehended three other youth who had run more than 2 miles along railroad tracks adjacent to and away from the facility.

JJMU's investigation into this incident revealed some staff neglect; however, the failure to address chronic inappropriate behavior of youth at Victor Cullen and the lack of a consistently therapeutic culture were major contributors to the riot and escape.

During its investigation, JJMU discovered an administrative staff member had been providing inappropriate profane and violent music to youth, against the wishes of many front line staff. A week before the group disturbance and escape, a youth slammed a door on a staff's hand, cutting off the staffer's finger, while other youth openly joked about the amputation without consequence.<sup>22</sup>

There was an escape from the Charles Hickey School in July which resulted from staff negligence and poor perimeter maintenance of the fence.<sup>23</sup>

In July, 3 girls escaped from the Waxter Center. Two were caught on the fence and the third managed to climb over the fence and run into the woods. The youth who escaped into the woods was legally blind, significantly increasing the potential danger of the situation.<sup>24</sup>

In October, two youth with extensive AWOL histories escaped from the Meadow Mountain Youth Center by taking a staff member's keys and then stealing his car. A high-speed police chase on Interstate 70 ensued, and police had to use potentially lethal stop-sticks to puncture the tires of the vehicle during attempts to stop it. Once the vehicle was stopped,

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<sup>18</sup> DJS Incident Report Number 71087

<sup>21</sup> The Victor Cullen Special Report may be found at [www.oag.state.md.us/JJMU/VictorCullen\\_Escape\\_and\\_%20Response.pdf](http://www.oag.state.md.us/JJMU/VictorCullen_Escape_and_%20Response.pdf)

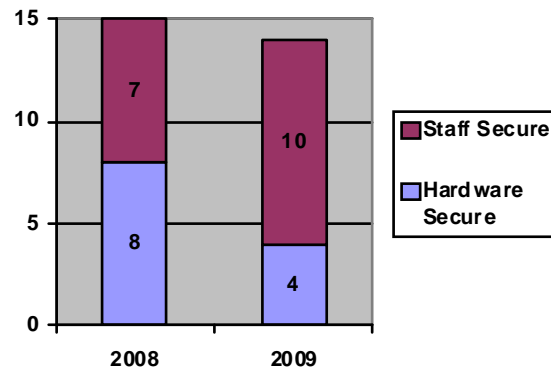
<sup>22</sup> DJS Incident Report Number 73777

<sup>23</sup> The escape incident at the Charles Hickey School is described in the JJMU report for the 3<sup>rd</sup> Quarter of 2009 which can be found at [http://www.oag.state.md.us/JJMU/Q3\\_09/Hickey.pdf](http://www.oag.state.md.us/JJMU/Q3_09/Hickey.pdf).

<sup>24</sup> DJS Incident Report Number 74948

the two youth fled on foot and were captured inside a residence nearly 75 miles away from the facility.<sup>25</sup>

### Escape Incidents (Hardware and Staff-Secure Facilities)



### Escape Incidents by Facility

<b>DJS HARDWARE SECURE FACILITIES</b>	<b>2008</b>	<b>2009</b>
Alfred D. Noyes Center	0	1
Baltimore City Juvenile Justice Center	1	0
Charles H. Hickey Jr., School	0	1
Cheltenham Youth Facility	1	0
J. DeWeese Carter Center	2	0
Lower Eastern Shore Children's Center	0	0
Thomas J.S. Waxter Center	3	1
Western Maryland Children's Center	0	0
Victor Cullen Center	1	1
<b>TOTAL HARDWARE SECURE</b>	<b>8</b>	<b>4</b>
<b>STAFF SECURE FACILITIES</b>		
Backbone Youth Center	2	3
Green Ridge Youth Center	4	1
Meadow Mountain Youth Center	1	1
Savage Mountain Youth Center	0	2
William Donald Schaefer House	0	3
<b>TOTAL STAFF SECURE</b>	<b>7</b>	<b>10</b>
<b>OVERALL TOTAL (Hardware and Staff-Secure)</b>	<b>15</b>	<b>14</b>

<sup>25</sup> DJS Incident Report Number 78033

## 8. Allegations of Child Abuse

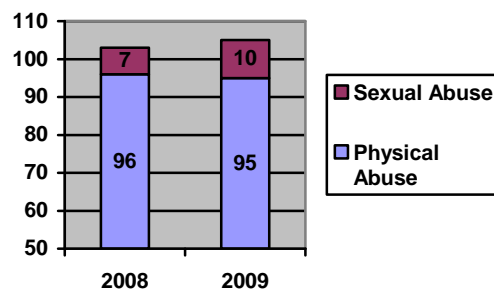
According to the DJS Incident Report database, child abuse allegations at State facilities remained fairly stable this year, increasing from 103 to 105. Child abuse allegations are investigated by Child Protective Services, the State Police, and the Department of Juvenile Services, and the vast majority are ruled out.

However, allegations of abuse, even if ultimately dismissed or ruled out, are relevant indicators of the quality of the environment in a facility, the prevalence of physical violence and/or physical restraint of youth, and the relationships among staff and youth.

According to the DJS Incident Report Database, there were 96 physical abuse allegations and 7 sexual abuse allegations reported in 2008 while 95 physical and 10 sexual allegations were reported in 2009.

Although the all-girls Waxter detention facility saw a significant increase in physical abuse allegations (18 to 26), most DJS detention facilities' physical abuse allegation levels did not fluctuate or decreased slightly during 2009.

### Total Physical/Sexual Child Abuse Allegations



### Allegations of Physical/Sexual Child Abuse (in DJS Custody) by Facility

DETENTION FACILITIES	2008	2009
Alfred D. Noyes Center	13/1	12/0
Baltimore City Juvenile Justice Center	7/1	7/1
Charles H. Hickey Jr., School	18/0	16/1
Cheltenham Youth Facility	21/0	18/1
J. DeWeese Carter Center	2/2	4/1
Lower Eastern Shore Children's Center	3/1	3/1
Thomas J.S. Waxter Center	18/0	26/1
Western Maryland Children's Center	8/0	5/0
<b>TOTAL DETENTION</b>	<b>90/5</b>	<b>91/6</b>

<b>COMMITTED FACILITIES</b>		
Victor Cullen Center (Hardware Secure - Opened 7/1/07)	3/2	3/1
Backbone Youth Center (Staff Secure)	0	0/1
Green Ridge Youth Center (Staff Secure)	0	0
Meadow Mountain Youth Center (Staff Secure)	3/0	1/0
Savage Mountain Youth Center (Staff Secure)	0	0/2
<b>TOTAL COMMITTED</b>	<b>6/2</b>	<b>4/4</b>
<b>OVERALL TOTAL (Detention and Committed)</b>	<b>96/7</b>	<b>95/10</b>

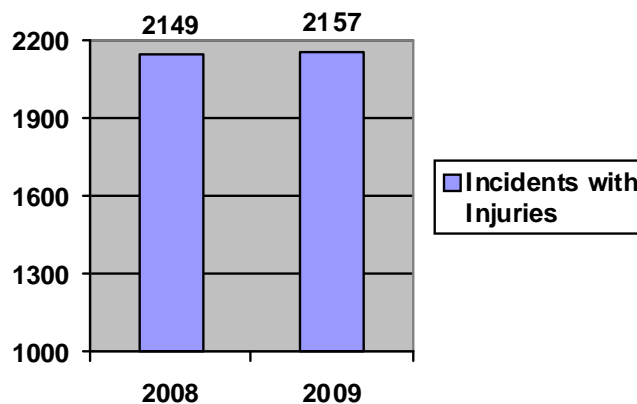
## 9. Incidents with Sustained Injury

Between 2007 and 2009, there has been a 65% increase in incidents involving injuries at DJS facilities. Safety in DJS facilities remains a serious concern.

There were 1303 reported injuries in facilities in 2007. Since 2007, incidents involving injury have more than doubled with 2157 such incidents occurring in 2009. The 2009 figure represents a slight increase over last year's (2008) total of 2149 injury incidents.

The increase in injuries seems to be disproportionately driven by aggressive events at BCJJC. Most DJS facilities saw minor decreases in overall injuries from 2008 to 2009 while the total at BCJJC rose very significantly from 532 to 809. In addition, however, the total of incidents involving injury at Western Maryland Children's Center increased from 60 to 93, the total at Backbone Mountain Youth Center increased from 5 to 26, and incidents with injury at Victor Cullen increased from 81 to 87.

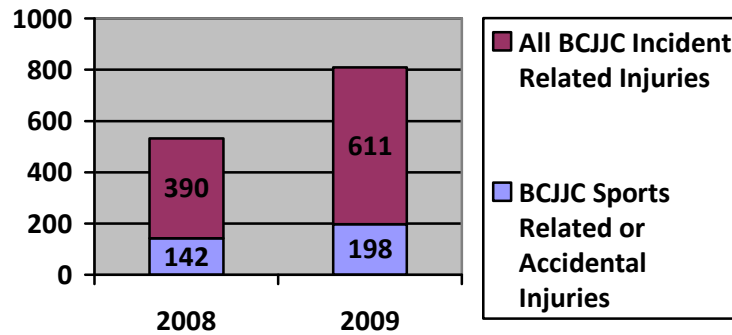
**Total Incidents with a Sustained Injury**



Many incidents with injuries were sports or non-incident related and a look at all the facilities monitored by JJMU, including privately-operated facilities, indicates that sports and accidental injuries actually decreased from 2008 to 2009 (877 in 2008 and 762 in 2009).

At BCJJC, the increase in sports or non-incident related injuries rose from 142 to 198, and the increase in incident-related injuries rose from 390 in 2008 to 611 in 2009, a significant jump in injuries resulting from aggressive incidents.

**BCJJC Incidents with Injuries and Sports  
Related/Accidental Injuries**



**Incidents with Sustained Injury by Facility**

<b>DETENTION FACILITIES</b>	<b>2008</b>	<b>2009</b>
Alfred D. Noyes Center	284	237
Baltimore City Juvenile Justice Center	532	809
Charles H. Hickey Jr., School	392	334
Cheltenham Youth Facility	381	294
J. DeWeese Carter Facility	62	47
Lower Eastern Shore Children's Center	95	80
Thomas J. S. Waxter Center	176	93
Western Maryland Children's Center	60	93
<b>TOTAL DETENTION</b>	<b>1982</b>	<b>1987</b>
<b>COMMITTED FACILITIES</b>		
Victor Cullen Center (Hardware Secure)	81	87
Backbone Youth Center (Staff Secure)	5	26
Green Ridge Youth Center (Staff Secure)	40	23
Meadow Mountain Youth Center (Staff Secure)	14	12
Savage Mountain Youth Center (Staff Secure)	27	22
<b>TOTAL COMMITTED</b>	<b>167</b>	<b>170</b>
<b>OVERALL TOTAL (Detention and Committed)</b>	<b>2149</b>	<b>2157</b>

## **10. Other Safety and Security Concerns**

### **a. Special Reports**

This Office issued a Special Report on the Victor Cullen escape and included the escapes from Noyes and Hickey in our quarterly reports.<sup>26</sup> All escapes were the result of multiple security breakdowns, and the one at Victor Cullen involved a riot and serious injury to staff members.

A Special Report was also issued on a restraint that occurred at the Baltimore City Juvenile Justice Center in April of 2009. The restraint resulted in severe injuries to the youth involved. Following an investigation, the Baltimore City Department of Social Services Child Protective Services (CPS) substantiated child abuse charges against one staff member and the Department of Juvenile Services Office of the Inspector General (DJS/OIG) sustained violations of DJS policy against three staff persons.<sup>27</sup>

### **b. Staff Behavior**

Reports of incidents system-wide involving Alleged Inappropriate Conduct/Comments by Staff decreased from 81 in 2008 to 69 in 2009.

According to the DJS database, the facility with the highest number of allegations was the Baltimore City Juvenile Justice Center with 22. This was an increase of 8 incidents from last year. Hickey also experienced a small increase from 14 incidents last year to 16 this year. Other facilities remained the same or decreased in regard to such incidents. Victor Cullen had a significant decrease from 16 last year to 10 this year and Waxter decreased from 8 to 2. It is also notable that the Western Maryland Children's Center had a decrease from 3 allegations of inappropriate staff behavior or comments last year to 0 this year.

### **c. Videotaping of Restraint Incidents**

Although DJS instituted a policy requiring the videotaping of all restraint incidents, compliance with the policy has been very low. Staff members usually say they did not videotape a restraint because the equipment was not available or not working properly. There are legitimate concerns regarding the feasibility of staff members videotaping a restraint when they may be needed to intervene in the situation. Internal video surveillance cameras would enhance security for youth and staff and lessen the need for hand-held video cameras, thereby freeing up staffers to take care of other duties.

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<sup>26</sup> Hickey Report [http://www.oag.state.md.us/JJMU/Q3\\_09/Hickey.pdf](http://www.oag.state.md.us/JJMU/Q3_09/Hickey.pdf), Victor Cullen Report [http://www.oag.state.md.us/JJMU/reports/VictorCullen\\_Escape\\_and\\_%20Response.pdf](http://www.oag.state.md.us/JJMU/reports/VictorCullen_Escape_and_%20Response.pdf), and Noyes Report [http://www.oag.state.md.us/JJMU/O1\\_09/Noyes.pdf](http://www.oag.state.md.us/JJMU/O1_09/Noyes.pdf)

<sup>27</sup> BCJJC Report [http://www.oag.state.md.us/JJMU/reports/BCJJC\\_Assault%204\\_1\\_09.pdf](http://www.oag.state.md.us/JJMU/reports/BCJJC_Assault%204_1_09.pdf)



#### **d. Mechanical Restraints**

DJS does not use any padded restraints on youth. All handcuffs and leg shackles are bare metal. This office has consistently recommended that DJS explore safer padded devices that may avoid injury.

#### **e. Child Abuse Investigations**

Although JJMU and DJS have developed agreements in Baltimore (Hickey) and Anne Arundel (Waxter) Counties to better coordinate the investigation of child abuse cases in DJS facilities, concerns still exist regarding collaboration between agencies and thoroughness of child abuse investigations.

In the Second Quarter of 2009, the Monitor's Office sent a Special Notification Letter to DJS expressing concerns about an investigation into alleged physical child abuse at Hickey.<sup>28</sup> Although the victim's assertion of abuse and one of the witness statements were partially corroborated by physical evidence of injuries, Child Protective Services did not interview the alleged victim until one week after the incident occurred, while police did not conduct any interview at all with the alleged victim.

In response to the letter of concern regarding the above, DJS and Child Protective Services re-examined the investigation but ultimately found there was insufficient evidence to sustain the allegation. Concern about the investigation was expressed again in JJMU's 3<sup>rd</sup> Quarter 2009 Report on the Hickey School but there was still no finding by DJS, MSP or CPS.<sup>29</sup> The victim of the alleged abuse is no longer at the facility yet continues to maintain he was physically abused as he originally reported.

In October of 2009, a youth alleged sexual abuse to a therapist at BCJJC.<sup>30</sup> The youth became uncooperative with investigators and DJS, MSP and CPS closed their files on the case. However, no investigator personally interviewed the therapist to obtain detailed follow-up information about the youth's allegation or about possible suspects. This Office requested that all involved agencies follow up with the therapist and other staff, and DJS reportedly reopened its investigation into the incident. The following month, the youth alleging sexual abuse was injured during a large group disturbance (on November 18<sup>31</sup>) and subsequently alleged he was physically abused by a staff member<sup>32</sup> on November 28.

JJMU continues to report on police investigators not attending some of the multi-disciplinary meetings to discuss child abuse cases – their attendance is critical to full interagency discussion of these important cases.

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<sup>28</sup> [http://www.oag.state.md.us/JJMU/reports/09\\_Q2.pdf](http://www.oag.state.md.us/JJMU/reports/09_Q2.pdf)

<sup>29</sup> [http://www.oag.state.md.us/JJMU/Q3\\_09/Hickey.pdf](http://www.oag.state.md.us/JJMU/Q3_09/Hickey.pdf)

<sup>30</sup> DJS Incident Number 77989

<sup>31</sup> DJS Incident Number 78617

<sup>32</sup> DJS Incident Number 78787

#### **f. Key Control**

In the 1<sup>st</sup> Quarter of 2009, JJMU reported on lack of effective key control at the Youth Centers.<sup>33</sup> This was a critical concern because youth had stolen car keys and subsequently, a car belonging to a Savage Mountain staff member.

Although in receipt of the report, DJS/the Youth Centers continued to fail to implement consistent and effective key control. The Centers have different procedures regarding keys, with security levels varying from Center to Center.

On October 26, another staff car was stolen by two youths at Meadow Mountain Youth Center. One youth was able to gain access to a teacher's keys and another youth left with him in the stolen vehicle. As reported above, this escape resulted in a high speed chase by State Police and ended when one of the youths entered a private residence some 75 miles from the Youth Center. The incident placed many people at risk and again emphasizes the need for effective key control.<sup>34</sup>

#### **g. Video Surveillance Monitoring**

Video monitoring capabilities of the perimeter fence, grounds and facility interiors are available to some degree at all detention facilities except for Waxter and Noyes. Victor Cullen and Hickey staff have the capability to video monitor the fence, grounds and cottage buildings but there is no monitoring capability in the education facilities. Cheltenham has the capability to monitor the fence, cottage buildings and cafeteria areas. There are no stationary cameras at the committed programs in the Western Maryland Youth Centers.

#### **h. Seclusion**

Following an extensive investigation, JJMU found multiple violations of DJS policy and State law and issued a Special Report on the extended locked door seclusion and unlocked door room confinement of some BCJJC youth during July and August.<sup>35</sup>

In mid-July, Baltimore City Juvenile Justice Center (BCJJC) began secluding youth in locked cells for up to 23 hours a day to control youth who were frequently involved in assaults at the Center. During the first week after the program was implemented, youth were kept in locked cells for up to five days except for a few hours out for recreation, showers, or time in the Day Room.

Youth subjected to the program during the following weeks were not restricted to their cells by mechanical measures, i.e., a locked door, but they were prevented from leaving the cell by coercive measures. If a youth attempted to leave before he was allowed, he would be placed in locked-door seclusion.

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<sup>33</sup> [http://www.oag.state.md.us/JJMU/Q1\\_09/Youth%20Centers.pdf](http://www.oag.state.md.us/JJMU/Q1_09/Youth%20Centers.pdf)

<sup>34</sup> [http://www.oag.state.md.us/JJMU/Q3\\_09/Youth\\_Centers.pdf](http://www.oag.state.md.us/JJMU/Q3_09/Youth_Centers.pdf)

<sup>35</sup> [http://www.oag.state.md.us/JJMU/reports/BCJJC\\_FINAL%20OCT\\_2009.pdf](http://www.oag.state.md.us/JJMU/reports/BCJJC_FINAL%20OCT_2009.pdf)

DJS policy allows seclusion only when a youth poses an imminent threat of physical harm to himself or others or is attempting to escape. When the threatening behaviors are no longer present, DJS policy requires staff to release the youth from seclusion. DJS policy allows “social separation” (placing youth away from others in unlocked rooms) for a “cooling down” period which must not last more than 60 minutes.

Contrary to the Department’s statements, no security videos existed for the first week of the program to prove that “no youth were locked for extended periods in their rooms.” The Department’s response to the Special Report referenced “18 hours of video review (showing) youth...in unlocked rooms and often... outside their rooms at staff discretion.”<sup>36</sup>

The video available and reviewed by DJS and JJMU staff was from August (July security video tapes had already been automatically recorded over). All staff, youth and documentary evidence consistently showed that youth were locked in cells for the first 7-10 days of the experimental program until Headquarters staff instructed BCJJC to cease locking the doors while youth were held in extended room confinement.

Locking youth in cells for 23 hours a day very clearly violates numerous DJS regulations and State law. The practice appears to have been based on honest miscommunication and confusion during a time when the facility desperately needed to reduce youth-on-youth assaults. Nevertheless, the Department’s response to the Special Report, including its denial that youth were ever locked in their cells for extended periods of time, did not comport with the facts.

The Department discontinued the isolation program in mid-August and subsequently conferred with the CRIPA Monitor to devise a strategy to cope with youth exhibiting particularly challenging behaviors. Guarded Care Plans (GCP’s) were developed which are designed to provide detailed background information and strategies for the most challenging youth at BCJJC. Although BCJJC had developed Guarded Care Plans for several youth involved in the room confinement program, most did not have a GCP. The plans provide individualized approaches to improving youth behavior, and development of GCP’s for a number of youth at BCJJC was a positive development.

Toward the end of 2009, the Department opened an Intensive Services Unit at BCJJC for youth with the most challenging behaviors. As of this writing, the Unit is in an early stage of development, but staff members have received significant training to prepare them to maintain control of youth using structure, consistency and fairness. Staff who were interviewed spoke positively about the program’s potential to reduce violent incidents at the facility.

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<sup>36</sup> Department of Juvenile Services Response to Special Report on BCJJC, October 22, 2009, p. 1. [http://www.oag.state.md.us/JJMU/reports/DJS\\_Response\\_to\\_Special\\_Report\\_BCJJC\\_1009.pdf](http://www.oag.state.md.us/JJMU/reports/DJS_Response_to_Special_Report_BCJJC_1009.pdf)

## **Facility Maintenance and Physical Plant**

The Addendum to the Department of Juvenile Services (DJS/the Department) Gap Analysis which measures service needs statewide and the Facilities Master Plan which projects new residential facility construction were both approved in March 2009, after a two-year “hold” period while previous plans were amended.

The last annual report covering Maryland facilities serving DJS youth covered many residential facilities, large and small, which are now shuttered. The closures include the Thomas O’Farrell Youth Center and New Dominion youth treatment facilities (closed in late 2008); Mount Clare House and Liberty House (both located in and serving Baltimore City); the Larrabee Girl’s Home and the Linkwood Girl’s Home (located on and primarily serving the Eastern Shore); and the Sykesville and Guide shelters.

In recent months, the William Donald Schaefer House, a short-term residential treatment facility in Baltimore City, has been considerably downsized with staffers transferred to the Baltimore City Juvenile Justice Center (BCJJC). Staff transfers were made to enhance staffing at BCJJC which is currently attempting to exit from federal oversight pursuant to a 2007 settlement agreement in which DJS agreed to improve conditions at the facility.<sup>37</sup>

### **1. Large Detention Facilities**

#### **a. Cheltenham Youth Facility and the Charles H. Hickey School**

Cheltenham (CYF) is located in Prince George’s and the facility includes a fenced-in detention component of youth awaiting adjudication or committed placement. There is also a “Re-Direct” program, a short-term program for committed youth, and a shelter program for youth under court supervision who do not require secure confinement. The Shelter and Re-Direct units are located outside the security fence.

The Charles H. Hickey School (Hickey) is a cottage style secure detention facility located in Baltimore County. The fenced-in facility houses up to 78 male youth in four cottages with single bedrooms. There are also 23 beds in the intake/orientation unit and 8 in the infirmary. The Maryland State Department of Education School is located in modular trailers on the facility grounds. The Department is currently planning to dedicate a building at Hickey to vocational programming for youth.

CYF and Hickey are both DJS-operated and situated on large, scenic tracts of land with room to construct new buildings and increase outdoor activities. However, at both facilities, the Department continues to rely on aged, deteriorating buildings for housing, dining, programming and recreation.

With the exception of the infirmary at CYF (modernized in 2008), the aged buildings and heating and cooling systems at both facilities are expensive to maintain and upgrade. What

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<sup>37</sup> United States v. State of Maryland et al, Civil Action 1:05-cv-01772 (Amended Complaint)

maintenance is done is rarely adequate despite the best intentions of staff and maintenance personnel. Threadbare furnishings at both facilities do not meet the needs of youth with beds, linens and furniture in poor condition.

As reported last year, long-promised professional custodial positions at Cheltenham have yet to be filled and line staff and teachers continue to clean restrooms etc. in the school and administration buildings. Budgetary concerns have been and continue to be cited as the reason for delaying a solution to the cleaning issue. In the meantime, while a voluntary crew consisting of a staffer and youth attempt periodic cleaning, youth and staff throughout CYF continue to complain that the facility is “dirty” and “nasty.”

The cottages at Hickey have recently been painted but changes remain cosmetic rather than structural. With the exception of infirmary space, modernized at Cheltenham and expanded at Hickey, the residential buildings at Hickey and Cheltenham should no longer be used to house youth. Cheltenham has been targeted in the Department’s construction plans as the first facility to be replaced with new construction. The Department should fulfill plans to demolish abandoned buildings. As older buildings are phased out, modular, portable buildings could be used as needed until permanent, modern structures replace them.

Plans are afoot to replace the aged buildings at CYF and Hickey. After some delay, the first step toward replacement, the appropriation of moneys from the State for architectural design plans, was recently approved by the Maryland legislature. However, breaking ground for new buildings including a planned 48-bed treatment center and a 48-bed detention center at CYF is unlikely to begin until at least 2013.

Department officials have indicated that architectural and construction plans for Cheltenham may necessitate the sacrifice of the outdoor swimming pool utilized throughout the summer at the facility. While modernization of housing at CYF is urgently needed, the loss of the pool would be a most regrettable outcome at a time when funding for programming for constructive youth activities seems completely unavailable.

The east campus gym at Hickey has been renovated and there were plans to stop the using the old west campus gym. However, the old gym was still in use on July 5 of this year when a youth exited from the gym through a poorly secured side gate (locked, but with enough room to get through) and escaped the facility grounds. In 2007, two youth also escaped from the gym area and also through a poorly secured gate. This office continues to recommend comprehensive video surveillance at Hickey in addition to improving fencing at recognized vulnerable points.

#### **b. Baltimore City Juvenile Justice Center**

Baltimore City Juvenile Justice Center (BCJJC) is a DJS-operated 120-bed detention facility for boys. It is located on the ground floor of the juvenile justice complex that includes courts and youth services in downtown Baltimore City, Maryland.

Despite an outstanding location with in-house court and community services, the detention area on the ground floor of BCJJC is a poorly designed, grim, prison-like facility. Violence among youth is a chronic problem in a facility too small for adequate educational, programming, and recreational facilities.

The lack of space for indoor and outdoor activities and for schooling and therapeutic activities are serious obstacles in the way of counseling, testing, and family visitation of youth.

## **2. Small Detention Facilities**

### **a. Waxter and Noyes**

The Thomas J. S. Waxter Children's Center is a Department of Juvenile Services (DJS) detention/residential treatment facility in Laurel, Maryland. The facility is comprised of one detention unit, one pending placement unit, and one secure committed program for young women under the age of 22. The facility capacity is set by DJS at 46.

The Alfred D. Noyes Children's Center (Noyes) is a detention facility located in Montgomery County. As with Waxter, Noyes is owned and operated by DJS, however, Noyes houses both girls and boys and has a (DJS) rated capacity of 57.

Youth at Waxter and Noyes are housed in dilapidated and poorly designed buildings that are difficult to maintain. Renovation of two bathroom areas at Waxter was completed during 2009.

Both facilities are prison-like environments with heavy screens on windows and heavy metal doors on youth rooms - a design that poses difficulties for youth supervision.

There is little space for programming at either facility. Waxter's gym doubles as a cafeteria and the medical suite at Noyes does not have adequate space or a separate infirmary where sick youth can be isolated.

Waxter is dark and dirty, cold in the winter and too hot in the summer. In the detention wing, rooms are dirty and smell of urine. At night girls are locked in their rooms and must summon a staff person if they need to use the bathroom facilities. Girls complain about the presence of insects and of receiving bug bites inside the facility.

Though health inspections of the kitchen are current, girls who work in the kitchen continue to complain that it is dirty. The girls clean as part of chores, and though they and staff do their best, the Waxter facility has deteriorated to the point that thorough cleaning is virtually impossible.

The physical plant at Noyes is crowded as well as dirty. A number of youth must sleep on the floor in plastic "boat" beds almost every night. Food has to be transported from another facility and youth at Noyes eat in the day rooms of their units because there is no cafeteria. This contributes to the lack of sanitation in the sleeping areas.



The facilities at Waxter and Noyes are not adequate or appropriate housing for youth. The Department has mooted plans to replace Waxter with a 30-bed facility for female youth in secure detention. Both Waxter and Noyes should be razed and replaced with new, modern design, modular/portable buildings at the existing locations.

**b. J. DeWeese Carter Children's Center**

The J. DeWeese Carter Children's Center (Carter Center) is a 15-bed detention center for boys on Maryland's Eastern Shore. It is operated by DJS and located in one wing of an adult residential psychiatric facility in Chestertown, Kent County.

The Carter Center was not designed as a detention center for youth and is inappropriate for that purpose; however, the condition of the physical plant has been mitigated by a reduction in population during 2008 which has been maintained throughout 2009. To ensure sustained improvements at Carter, the population should remain at the present maximum number of 15.

A modular unit added to provide adequate space for education services was opened last year and has operated successfully throughout 2009. The overall condition of the physical plant improved with the reduction in population over the last year. The facility exterior and interior is clean and well maintained. A full-time maintenance man tends to maintenance needs in a timely manner.

The addition of indoor recreational facilities including a climbing wall constitute most welcome additions at Carter, however, there remains a shortage of space for both indoor and outdoor recreational and therapeutic programming needs. During 2008, the Department pledged to request funds for a long-sought cover for the outdoor basketball court. The cover has yet to materialize.

**c. Lower Eastern Shore and Western Maryland Children's Centers**

The Lower Easter Shore Children's Center (LESCC) in Salisbury is a 24-bed maximum-security detention facility owned and operated by DJS. The facility opened in 2003 and houses male and female youth awaiting adjudication or placement. Youth are distributed among three "pods" separated by gender and security considerations.

The Western Maryland Children's Center (WMCC) is located near Hagerstown and is also a detention facility owned and operated by DJS. WMCC is designed to hold 24 youth in three "pods." Only males are housed at the facility.

LESCC and WMCC are both modern facilities. Lower Easter Shore has the superior design with more light entering the building, which ameliorates the prison-like construction and better enables the close supervision of youth. Both buildings are adequate for rated population but are problematic when over-populated or short staffed.

LESCC is clean, well maintained and in compliance on required inspections. However, program space is limited for outdoor activities at LESCC. The Department should provide outdoor program space through construction, repair or renovation.

As noted many times in previous reports, porcelain toilets and sinks pose a hazard to youth and should be replaced with stainless steel models at WMCC and LESCC. At LESCC, all doors need to be wired so they can be centrally controlled. At WMCC, staff and the Monitor's Office have emphasized inadequacy of fencing for the past three years.

Throughout 2009, LESCC, WMCC and Carter had the lowest rates of alleged aggressive incidents per youth in residence of all DJS operated detention facilities, a circumstance that bolsters the idea that smaller facilities tend to produce better outcomes for both youth and staff.

### **3. Commitment Facilities**

#### **a. Victor Cullen Academy**

The Department re-opened Victor Cullen Center two years ago as a secure commitment facility to accommodate 48 male youth in four cottages behind a fence topped with razor wire. The facility is DJS-operated and located in a mountainous area in northern Frederick County. Thirteen youth were involved in a large riot/escape the end of May 2009 and DJS subsequently downsized the population by closing one of the cottages and reducing the youth population to approximately 33.

By mid-December, the cottage had been re-opened and a total of 42 youth were listed as present on 12/17. Administrators believe the facility will house approximately 48 youth by the beginning of the New Year.

The physical plant at Victor Cullen appears reasonably safe and secure but some concerns remain. There are no security cameras in the education area of the facility and there is no announcement box at the pedestrian gate control room so staffers must go to the gate to verify entrance requests.

#### **b. William Donald Schaefer House**

The William Donald Schaefer House (WDSH) is a 20-bed, 90-day substance abuse treatment program for committed boys. It is owned and operated by DJS and located in northwest Baltimore City.

WDSH is beautifully renovated. The facility is consistently clean and comfortable and provides a safe environment for youth. The program would benefit from program space for indoor activities including the completion of renovations to the basement so that area can be used for indoor recreation. Limited space has been a challenge both inside and outside of the facility. Parking space is also an issue.



New kitchen appliances were installed in the summer of 2009, including a “top of the line” stove, hot table, and ice machine. Despite expensive upgrades, the kitchen continues unused as it has for six years because DJS did not budget for a cook. WDSH continues to receive its food from the Baltimore City Juvenile Justice Center. A cook should be hired or contracted to provide in-house food service at WDSH. Hiring a cook would cut transportation expenses, provide fresh food and create an opportunity to enhance programming by teaching career and life-skills through culinary arts.

It is unclear why DJS budgeted funds for expensive new industrial equipment for the WDSH kitchen and did not budget for an employee to operate the kitchen. The Department also spent thousands of dollars on kitchen upgrades at Mount Clare House in Baltimore City months before closing the successful therapeutic group home program on March 31, 2009. Also of note is the fact that WDSH has been considerably downsized in recent months and is able to serve just the six youth currently (mid-December 2009) in residence as some staff members have been shifted to the Baltimore City Juvenile Justice Center (BCJJC).

**c. Allegany County Girls’ Group Home**

The Cumberland Maryland YMCA operates the Allegany County Girls Group Home (ACGGH) to serve up to nine female residents (ages 13-18) on property owned by DJS.

Staff and youth keep the facility and grounds in good condition. DJS has provided furniture upgrades and appliances - a new dishwasher is still needed. Although the Department has requested and received bids, it has declined to underwrite eight urgently needed window replacements even though the Department owns the facility.

**d. Youth Centers: Green Ridge; Savage Mountain; Meadow Mountain; and Backbone Mountain**

The Youth Centers are DJS-operated and have been in existence for over 40 years and are on large scenic land tracts in Allegany and Garrett County. The physical plants consist of cinderblock and wood frame structures with some modular and a few wood metal frame buildings.

Some of the wood frame buildings have surpassed their service life and would likely be cheaper to replace rather than maintain. The school building at Meadow Mountain; the storage building at Green Ridge; the storage building and the drug treatment double-wide trailer at Savage Mountain; and the office building and drug treatment building at Backbone Mountain are all examples of buildings which should be replaced.

The recent relocation off-campus of some offices will provide some much needed space at Savage Mountain and Green Ridge. More case manager office space is needed at Savage Mountain while Meadow Mountain needs more space for Addiction Counselors. The flooring and carpeting in both the building currently used by substance abuse counselors and in the administrative offices needs to be replaced. The Green Ridge shower facility and gym floor also need replacing.

#### **4. Facilities JJMU Began Monitoring in 2008 (DJS-Licensed Facilities)**

##### **a. Morningstar/VisionQuest**

Morningstar Youth Academy is a privately run residential camp serving up to 40 boys from 14 to 18 years old. The facility is licensed by DJS as a large group home with a substance abuse treatment component and is located in Dorchester County. There is a private alternative school on grounds for residents undergoing treatment.

Morningstar/VisionQuest has operated the facility since July of 2005. The physical plant is 55 years old though somewhat renovated with usable space expanded by the vendor and additional conversion of an old building into a gym/recreation center for youth. The property includes wooded areas and open fields with a corral for horses used to conduct equestrian therapy. The facility has plenty of space to allow for group counseling, recreational activities, visits, and for privacy during individual counseling.

The buildings are in the form of modular units and, although Morningstar/VisionQuest has undertaken renovations and conversions, the overall condition of the physical plant could accurately be described as in slow but sure deterioration. Some of the buildings are subject to leaks and infestation and the classrooms are particularly run down.

Toward the end of 2009, Morningstar brought in construction crews to work on the school units and workers are currently fitting stronger more durable materials into those buildings. The refurbishment and upgrades are planned to be completed at the close of the current year.

##### **b. Kent Youth Boys' Home**

Kent Youth Boys Group Home (Kent Boys) is licensed by DJS, located in Chestertown, and operated by Kent Youth, Inc. Founded in 1971 as a local alternative to institutional or out-of-state placement of Eastern Shore youth; the house provides a comfortable, home-like environment for 10 adjudicated boys aged 14 to 18.

The physical plant, fixtures and fittings at Kent Youth are in excellent condition and fastidiously maintained by staff and youth. The facility has been comprehensively renovated and expanded from what was once a sparse but solidly built parsonage. Administrative office sections were added in the late-1980s. An outbuilding was recently converted to serve as a small gym for residents. There is a basement which is utilized as a youth recreation area.

##### **c. Aunt CC's Harbor House**

Aunt CC's Harbor House is an emergency shelter operated by the North American Family Institute (NAFI) and licensed by DJS to accept boys between the ages of 11 to 17. Youth are referred by both DJS and the Maryland Department of Human Resources and stay for up to 30 days.

The physical plant is over two hundred years old and was renovated in 2005. The structure is in excellent condition with a clean and well maintained interior. There is a comfortable loft-style sleeping area on the second level. The furniture is in fine condition, however residents do not have dressers and these should be provided.

**d. Haddon Group Home for Boys (formerly Colbourne)**

The Haddon Group Home for Boys is the former Colbourne Group Home which was renamed after the program moved from Colbourne Street to Haddon Street in west Baltimore City at the end of 2008. The home is licensed by DJS and operated by the Maryland Mentor Network (MMN) to house up to four boys (age 15-17) for up to 30 days.

The home and furniture are in excellent condition. The interior and exterior of the home is kept clean and orderly by staff and residents and the property is located in a quiet, well-tended neighborhood.

**e. The Dr. Henry F. and Florence Hill Graff Shelter for Girls**

Dr. Henry F. and Florence Hill Graff Shelter for Girls ("Graff") is a 12-bed short-term (up to 90 days) shelter for girls located in Boonsboro, Maryland. Graff is licensed by DJS and operated by San Mar and is a well appointed and maintained facility with a home-like environment. Youth are referred to Graff by DJS and the Department of Social Services.

The facility is clean and well-manicured, staffers seem conscientious and residents seem positive about their experience at the shelter.

**f. Karma Academy of KHI Services, Inc. (Randallstown)**

The Karma Academy in Randallstown opened in 2004 as an 8-bed residential program licensed by DJS and operated by KHI Services, Inc. The program serves male youth 14 to 18 years of age who generally stay from 6 – 9 months.

The facility is located in woodlands and the exterior is professionally maintained on a monthly and as-needed basis. Several repairs to the physical plant were undertaken in 2009, all routine maintenance issues. Six trees were removed during the summer after being heavily damaged by high winds.

**g. Karma Academy of KHI Services, Inc. (Rockville)**

Karma Academy for Boys in Rockville is a 13-bed residential treatment facility operated by KHI Services, Inc. since 1972 and licensed by DJS. Youth are referred by DJS and the Maryland Department of Human Resources (DHR) and generally stay 9 to 12 months.

The building is owned by Montgomery County and it has been somewhat unclear as to whether the County is responsible for larger interior maintenance projects or whether KHI

Services is responsible. The exterior of the building is well-maintained, and as of recently, the interior building at Karma is in good condition and freshly painted. There is new carpet in some areas. Several holes in the walls have been patched up and repainted.

A Montgomery County Group Residential Inspection was conducted on August 10, 2009. Several areas of non-compliance with regulations were noted, including mold growth on shower walls, exposed wiring in a bedroom, and a broken window alarm. Karma submitted a corrective action plan, agreeing to notify Montgomery County of the need to correct the deficiencies, but no further documentation of corrective steps has been received.

#### **h. The Way Home – Mountain Manor**

The Way Home is a non-secure group home located on the third floor of a building at the Mountain Manor complex of therapeutic programs a few miles outside Baltimore City. The facility serves up to 15 girls committed to DJS and appears to be comfortable and conveniently located for residents who need to use the bus for school or work.

The structures and grounds are in good condition and comply with all health and safety codes. The program benefits from its location on the grounds of Mountain Manor, which offers a wide variety of inpatient and outpatient mental health services.

### **5. Facilities JJMU Began Monitoring in 2009**

#### **a. Silver Oak Academy/Rite of Passage**

Silver Oak Academy (SOA) is a residential program in northern Carroll County on the grounds of the former Bowling Brook Academy. The facility is owned and operated by Rite of Passage, Inc. and licensed by DJS to accept up to 48 male youths and, by mid-December of 2009, housed 28 boys.

The facility is in excellent general condition, free of debris and environmental hazards. There is a large gymnasium, football field, outdoor track and other open areas for adequate recreation and outdoor activities, and a large vocational training center is being completed. There are also sufficient rooms for private discussion, visiting and counseling.

## Medical and Mental Health

This year, the Department completed development of a new assessment and service planning tool, the Maryland Child Assessment and Service Planning (MCASP). The MCASP looks at delinquency history, family and peer relationships, mental health, substance use and educational needs to determine a youth's risk of reoffending. By the end of the year, intake officers were using the assessment to determine whether youth should be diverted or whether their cases should be forwarded to court.

DJS is implementing the second phase of the MCASP (continuing into 2010) which involves using the assessment to create a report detailing youths' treatment needs. By the end of 2010, the Department hopes to be using the instrument to guide the development of Treatment Service Plans as well.

### 1. Medical Staff

Although overall medical staffing improved at DJS facilities during 2009, the J. DeWeese Carter Center, a DJS-run detention center on the Eastern Shore, is currently short one full time nurse but there are two full time and one part time nurse available. Medical personnel at Carter are able to carry out the delivery of medical services.

Medical staffing has improved at the Noyes and Waxter facilities. Noyes has used contract nurses in the past, but now has full-time agency nurses and a nurse supervisor position has been added. However, medical services are only provided during the first and second shifts (8 a.m. - 10 p.m.). Noyes administration does not have funds to pay for additional overnight nursing services. During the night, if a youth becomes ill, a shift supervisor must determine if the youth is sick enough to call for help.

Waxter hired an additional full-time clinician to work directly with committed youth. Youth at Waxter have access to medical staff from 7 a.m. to 9:30 p.m. during the week and from 8 a.m. to 8:30 p.m. on weekends. A psychiatrist and gynecologist are each available one day per week; a psychologist and pediatrician are available two days per week.

### 2. Medical Space

Several facilities lack sufficient space to provide private examination and treatment of youth, an issue reported by JJMU for several years. In some facilities a single room does triple duty as an examination room, medical file room, and office for nursing staff. There is little private space for examining youth or isolating sick youth.

Following the JJMU 2<sup>nd</sup> Quarter, 2007, Report on Critical Facility Needs, [www.oag.state.md.us/jjmu](http://www.oag.state.md.us/jjmu), the examination room at Waxter was cleaned and is now appropriate for conducting medical exams. It continues to be too small with no room for isolation of sick youth. At Waxter, the lack of adequate space for medical separation is a particular concern for youth in the long-term secure program, pregnant youth, youth with

contagious diseases, and mentally ill youth.

Noyes has seen some improvements with the renovation of an additional examination room attached to the medical area. The former transportation office was converted during the summer and is now used as an examination room. There are no plans to build an infirmary at Noyes. There is no ability to separate youth for medical observation or quarantine. Youth requiring isolation or ongoing infirmary care are generally transferred to Hickey or Cheltenham, detention centers with infirmaries.

BCJJC has sufficient space and private rooms for sick youth, but too many special needs youth (those who need to be isolated from the general population for various reasons) are housed in the infirmary. Youth still receive appropriate medical services there, but it would be preferable to house special needs youth outside the medical suite.

Cheltenham opened a much-improved new infirmary building last year with space to house six youth. Unfortunately, youth in administrative segregation are also being housed in the Cheltenham infirmary, with as many as eleven youth there at times since the building opened. CYF administration/DJS have made extra efforts to alleviate the problem during 2009 and the problem has considerably decreased. However, in the case of both CYF and BCJJC, it would be preferable for special needs youth to be housed appropriately outside the medical area.

In the summer of 2008 Hickey also opened a new, more spacious infirmary. The infirmary now has additional office space for the medical supervisor, secretary and nurse practitioners. Medical and dental services are provided in the same area.

### **3. Mental Health Services**

Detention centers provide limited mental health services. All youth are screened upon entry to detention centers for mental health issues and related treatment needs using the Massachusetts Youth Screening Instrument (MAYSI). Each detention center has a psychiatrist under contract for medication management. Generally youth receive medication as needed for mental health issues, but during 2008 JJMU reported on lapses between the time youth were admitted to a facility and the time they began receiving medication – sometimes a lapse of several days.

Therapeutic groups meet at least once per week, and facilities comply with DJS standards requiring that youth identified as substance abusers receive drug counseling not less than once per week.

Our observation, however, is that only those youth with acute mental health needs receive individualized treatment in detention.

Committed placement programs provide individual therapy and therapeutic groups, including substance abuse treatment. Besides limited medication management by psychiatrists, detention facilities and shelters offer little in the way of therapeutic



services or treatment.

#### **4. Inappropriate Placement of Youth**

Youth in need of intense mental health services continue to be placed in detention facilities. Detention staff members are not trained to care for youth with serious mental health issues. Special needs youth cannot be provided with appropriate, intensive mental health care services within the environment of a general population juvenile detention center. Their placement in these environments leads to deteriorating mental health, increased involvement in facility incidents and additional stress on already overburdened facility staff.

For example, this year a youth detained at Hickey was diagnosed with Conduct Disorder, Post Traumatic Stress Disorder, and Bipolar Disorder. He was placed on medication but he refused to take it. According to the DJS ASSIST Database, he has been charged with 45 juvenile offenses, including 10 assault cases that are pending in adult court.

During his stay at Hickey, he assaulted staff on a daily basis and consistently fought other youth. He tried to alert staff when he felt himself spinning out of control but, as he tended toward impulsivity, he would sometimes become aggressive without prior notice and become unable to control his aggression. The youth was sent to an out-of-state treatment facility but was later returned to Maryland after difficulties allegedly stemming from his behavior.

Positive incentives did not work to help the youth control his behavior. Glass Mental Health, the behavioral health provider at Hickey, placed the youth on a behavior agreement plan and included him in group therapy sessions, but the clinical services available at Hickey were evidently not intensive enough to meet his needs.

Several staff and a public defender reported that many of the girls at Waxter have mental health issues. The critical needs of these girls cannot be met by staff in the Waxter environment. Major concerns result from detaining youth with serious mental health issues at these facilities such as additional staff needed to care for the youth (one-on-one staff to youth care is common at Waxter) and disruption of services to other youth. Some youth with mental health issues can be disruptive in class and some youth with particularly serious mental health issues may evidence or incite uncontrolled aggression.

In addition to youth with mental health issues, pregnant girls should not be housed in detention facilities until DJS develops a system-wide program and/or set of regulations to serve and protect pregnant girls. The Noyes 3rd Quarter, 2007 Report discusses these concerns. No formal parenting or pregnancy classes are offered to youth at Waxter or Noyes. Formal regulations and policies dealing with transportation of pregnant girls as well as system-wide programs for educating pregnant girls, detained parents, and staff should be implemented.

If the Department has no choice but to accept pregnant girls in detention, JJMU will continue to stress the need for a specific, specialized facility in which all detained pregnant girls statewide would reside. In addition, staff in contact with pregnant girls should receive

gender specific training and training in issues surrounding pregnancy, childbirth, and preparation for parenting. Facilities should also make special provision for pregnant girls and new mothers to maintain close contact with supportive individuals, family and otherwise, who remain vitally important during and after pregnancy.

It is incumbent upon the Department, the judiciary, law enforcement, and other concerned agencies to develop appropriate alternatives for youth with special needs. Facility staff should also be given authority to turn away youth who do not meet admission criteria.

## **5. Infectious Disease**

In late June, the DJS Medical Director reported that there were three confirmed cases of youth who contracted the swine flu virus at the Baltimore City Juvenile Justice Center. There were also eighteen “symptomatic” cases that were not confirmed. The youth were treated with anti-viral medication and were not sent out to the hospital.

Some staff members had H1N1 symptoms, but a meeting was held to create an internal mechanism to monitor staff illness and ensure appropriate measures are taken as necessary.

The DJS Medical Director developed a pandemic flu plan, with the following measures being taken to control the outbreak:

1. New youth were not admitted to BCJJC; they were sent to Hickey.
2. Gloves, masks, and hand sanitizers were distributed throughout the BCJJC complex.
3. Anti-viral medications were provided to all symptomatic youth and staff at BCJJC.
4. Anti-viral medications were offered on a prophylactic basis to staff, teachers, and youth at BCJJC.

After the BCJJC outbreak, staff there were provided with additional training on infection control.

In November there were four H1N1 flu cases at Noyes. There were at least six youth ill at Hickey with all units affected. No youth were hospitalized with the H1N1 flu, but three DJS staff members were hospitalized.



# Programming

## 1. Structured Programming

DJS needs to fund more structured programming for youth at every facility and for detained as well as committed youth. JJMU has consistently recommended comprehensive programming for youth on weekends and on weekdays after school. In 2007, DJS allocated \$450,000 for provision of structured programming at five detention centers (BCJJC, Hickey, Carter, Waxter, and Cheltenham) and contracted with a number of community providers to offer programs within the facilities.

The funding ran out in September 2008, no contracts were renewed, and youth in most of these facilities have had little structured programming since that time. Discontinued programs include chess club, drumming, arts and crafts, mentoring programs, and self-empowerment workshops.

In a promising development, the Boys Club opened at BCJJC in December 2008. The purpose of the program is to provide youth with life skills building, vocational/career development, family support, and recreational and fitness services. The initial contract amount was for \$190,000. With over 100 youth in BCJJC, however, the youth on each unit only received two hours of programming per week – one hour during the week and one hour on the weekend.

This year, an expanded contract in the amount of \$354,000 was signed, and youth on each unit now receive four Boys Clubs programming hours per week. Community Law in Action provides ten hours of programming weekly for the facility, and the Boy Scouts provide twenty-four hours.

Outside these efforts at BCJJC, structured programming has seriously suffered at most DJS residential programs this year. DJS Standards require that youth receive two hours of structured programming daily, including one hour of physical recreation. Beyond standard compliance, the provision of constructive activities for youth is of crucial importance because of the considerable benefits to both youth and staff including the positive impact that planned and meaningful activities have on facility violence levels.

Frequently detention facilities house youth for months at a time. When youth have little or no constructive programming services, boredom and petty disagreements become commonplace and sometimes lead to acting out and the accrual of more charges - a contributing cause to the seemingly perpetual recycling of youth within the state juvenile justice system.

Through hard work and creativity, administrators and staff at the Carter and Lower Eastern Shore detention facilities have managed to improve structured programming since last year despite limited space and depleted resources. At Carter, the weekly schedule includes an alcohol and drug abuse group, an anger management group, daily focus groups and Town Hall meetings. Throughout 2009, staff and administrators at both LESCC and Carter

volunteered considerable personal time and resources to assure youth were constructively occupied.

Cheltenham continues to offer a wide array of structured programming. It operates a canteen staffed by youth, a woodworking shop, graphic arts, and silk screening and printing.

## **2. Recreational Programming**

A number of the youth facilities – Hickey, Cheltenham, Waxter, the Youth Centers, Morningstar, and Victor Cullen – have vast grounds available for sports and activities for youth. These programs tend to utilize this advantage for all types of outdoor recreation from football and basketball to outdoor cookouts and visiting. A few facilities – WMCC, LESCC – have little or no outdoor space, but are able to operate adequate recreation programs because the available indoor space is modern and quite adequate, and the populations are small and have relatively short lengths of stay.

Those facilities that are pressed for space – BCJJC, Carter, Noyes, and Schaefer House – are extremely limited in the recreation programs available to youth. All the recreation programs are limited by lack of staff, especially recreation directors, and even good programs may be offered inconsistently.

### **a. Space**

Carter does not have a gym, but staff has been creative in remodeling space to install a lounge area with games and books, and an interesting game room with football, exercise equipment and a rock climbing wall. Carter is still in dire need of adequate outdoor space for recreation and a long-promised basketball court cover has yet to materialize.

Waxter has a “cafenasium” (combination cafeteria and gymnasium), which is grim, noisy, and essentially inadequate for any activity. Outdoor space at Waxter is large but undeveloped and often too muddy for outdoor sports. Noyes’ gym space is inadequate; it is difficult for the youth to play any other large muscle sports besides basketball. WMCC has sufficient indoor space that is used for large muscle exercise and also a designated weight room in the gym.

BCJJC has an extremely large population and many youth remain in the facility for long periods of time. It has a gym, but outdoor recreation is limited to only two concrete patio areas that are not even big enough for basketball. Recreation is a critical problem at BCJJC largely due to limited and inadequate space.

### **b. Staffing**

Youth Center staff members have managed to maintain fairly consistent recreational programming despite the shortage of staff. At the end of August 2009, there were 35 vacancies at the Youth Centers. Staff shortages can negatively affect programming and off-campus therapeutic activities. Off-campus activities, though important for youth, often require staff to work overtime hours.

Throughout 2009, some facilities worked together to expand recreation opportunities, notwithstanding staff shortages. Carter, LESCC and Morningstar shared a Jeopardy night and basketball games. BCJJC, Hickey and Cheltenham rotated sporting activity visits.

### **3. Therapeutic and Rehabilitative Programming**

#### **a. Positive Peer Culture/EQUIP/Seven Challenges**

Today substantial research exists showing what works to rehabilitate delinquent youth. Programs evaluated in controlled trials show significant, sustained benefits to participants and society are referred to as “evidence-based practices.”<sup>38</sup>

The primary therapeutic and rehabilitative model at DJS committed care programs, including the Youth Centers and Victor Cullen, is Positive Peer Culture (PPC)/EQUIP. During 2008 and 2009, DJS took steps to adopt the "Seven Challenges" treatment model and curriculum for all residential substance abuse programs operated by the State. EQUIP focuses on skills development, including social skills training, anger management, and correction of thinking errors.

PPC is a group-based model premised on the theory that youth have the ability to help others, and by doing so, develop self-esteem, responsibility and positive social values. The Seven Challenges Program was designed to address the needs of youth with drug problems by motivating decisions and commitment to change. The Program is designed to help young people simultaneously address drug-related and psychological problems.

Studies on the effectiveness of Positive Peer Culture have been mixed. While some studies found PPC improves youth behavior in facilities, no large-scale randomized study has found that PPC yields long-term positive benefits. PPC is not included in evidence-based model program guides developed by the United States Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP), the U.S. Surgeon General, or others.

In 2008, the California Evidenced-Based Clearinghouse for Child Welfare gave PPC a rating of “2” (on a scale of 1-5) as an evidence-based practice, based on the strength of research supporting it. This rating means that “at least one rigorous randomized controlled trial...has found the practice to be superior to an appropriate comparison practice... (and) in at least one (study), the practice has shown to have a sustained effect of at least six months beyond the end of treatment.”<sup>39</sup>

As the Department of Juvenile Services continues to base nearly all of its residential therapeutic programs on a Positive Peer Culture/EQUIP approach, it is imperative that the actual research supporting its use be more closely examined. Appendix A includes the three studies on which the California Clearinghouse based its approval, and these studies should be carefully reviewed by decision-makers.

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<sup>38</sup> See Coalition for Evidence-Based Policy, [www.evidencebasedprograms.org](http://www.evidencebasedprograms.org)

<sup>39</sup> <http://www.cachildwelfareclearinghouse.org/scientific-rating-scale.php#rating2>

One was based on a group of incarcerated youth in the Netherlands. It showed improved “post-testing” outcomes after youth had completed a PPC/EQUIP course, meaning that youth completing the course had lower cognitive distortion scores on covert behavior, self-centeredness, blaming others, minimizing/mislabeling, stealing and lying than did the comparison group. No follow-up study on whether this affected youth behavior or recidivism after release from confinement was conducted.

Similarly the second study involved a group of non-incarcerated gang members in Israel. Following completion of the PPC/EQUIP course, youth scored higher on resistance to temptation and moral development than the control group. Again, no post-intervention follow-up was performed to determine whether behavior, arrest rates, and the like were affected.

The only study showing any effect on recidivism is a 1993 study of 57 boys in a medium-security correctional facility in the U.S. Youth completing the PPC/EQUIP program showed lower recidivism rates over 12 months than the control groups. The interpretation of the results of this study is limited by the small sample size, and the study itself is 17 years old.

The Center for the Study and Prevention of Violence Blueprints Program at the University of Colorado has issued a position summary discussing mixed research results on PPC and cautioning that the adverse effect of some peer-based interventions, including Positive Peer Culture, “is a serious warning sign for this type of intervention (because) their beneficial nature and efficacy has not been consistently demonstrated.”<sup>40</sup>

It is time for the State to closely examine its therapeutic model in light of current research and recidivism rates and other outcome measures in the State. A study of recidivism rates at the Youth Centers should be conducted to evaluate the effectiveness of this treatment modality since the Youth Centers have used the PPC/EQUIP model for over five years. Given the high rates of recidivism for youth leaving Victor Cullen (see Overview), the current DJS treatment and rehabilitative model should be fully evaluated before decisions are made to expand it to additional juvenile offender programs around the state.

A portion of the PPC/EQUIP model includes Aggression Replacement Training (ART). ART is a multi-week curriculum that is only one piece of the total PPC/EQUIP program. ART has been designated an Evidence-Based Practice and has been shown to significantly reduce aggressive behavior in youth. While studies show ART to be effective when delivered individually, to date no studies have evaluated whether outcomes improve when PPC/EQUIP is added to the treatment protocol.

The Youth Centers, Victor Cullen, and William Donald Schaefer House all implemented the Seven Challenges substance abuse treatment program during 2008 and 2009. At William

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<sup>40</sup> University of Colorado, Blueprints for Violence Prevention, Position Summary on Positive Peer Culture <http://www.colorado.edu/cspv/publications/factsheets/positions/pdf/PS-003.pdf>

Donald Schaefer House, youth participation was positive, and staff reported observing differences in the youth. Staff said that a particularly successful component of the model is the weekly group journaling sessions which aid youth in becoming more “open and honest” in coping with and expressing the issues they are working to combat.

A six-month audit was scheduled to assess the Seven Challenges implementation and effectiveness, but it has not been conducted because Schaefer House’s youth population was reduced to six in the month of November when staff members were detailed to the Baltimore City Juvenile Justice Center indefinitely.

The "Seven Challenges" model is under review for designation as an Evidence Based Practice by the National Registry of Evidence-Based Practices (NREBP) section of the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA). Early studies have shown "Seven Challenges" to significantly reduce continuing substance abuse by youth, particularly those with co-occurring mental health diagnoses.

#### **b. The Waxter Center**

Rehabilitative programming for girls at the Waxter Center continues to be uneven. A majority of Waxter staff have now completed gender-specific training, and the Department has worked with a consultant for 2 ½ years to implement a treatment model called “Growing Great Girls.” However, day-to-day programming at the facility has not significantly improved since JJMU first reported on this issue in May of 2007.

The chaotic facility environment (Waxter is the only facility in the State housing both detained and committed female youth) and the large percentage of girls with mental illness no doubt contributes to the difficulty of implementing a cohesive and coherent treatment model there.

### **3. Vocational Programming**

While research shows vocational training programs for delinquent youth yield little long-term benefit, factors influencing outcomes for these programs include whether they are tied to valid career or continuing education opportunities. Providing youth with sufficient long-term post release assistance (aftercare services) such as organized mentoring and academic services is also a crucial factor in supporting youth as they work to sustain success.

The Youth Centers operate a number of vocational programs, including carpentry, aquaculture, and auto mechanics. None of these programs is connected to ongoing job opportunities in the community, but youth generally enjoy them and gave particularly high marks to the Backbone Mountain carpentry program. No vocational programming exists at either Waxter or Schaefer House.

#### 4. Aftercare

Youth returning home after residential placement need major support to succeed. The United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), recommends research-based aftercare programs that seamlessly connect residential placement and reentry. No matter how effective the treatment program, without substantial aftercare (community re-integration services) support, most youth will be unable to fully integrate their newly gained skills into their everyday lives.

Maryland law requires that aftercare planning begin as soon as a youth arrives at a residential placement. Facility and community-based staff must develop a comprehensive step-down plan of services to be provided to the youth after discharge.

Many youth continue to complain that communication with their community case managers (probation officers) is uneven. The community case manager is an integral part of the residential treatment team and should be working continuously with youth while in placement to enhance the prospects for successful reentry into the community.

A large number of youth lose meaningful contact with their Community Case Managers (Probation Officers) when they are in the Youth Centers or Victor Cullen. The informal practice of assigning one worker from a county to visit numerous youth in western Maryland programs might satisfy the letter of the visitation requirement, but it does not make Case Manager visits informative or meaningful for youth. Some youth do not even receive these nominal proxy or “courtesy” visits from a DJS Community Services worker regularly.

In a sample taken from Backbone Mountain for the month of August, 2009, 49% of the youth were documented as being seen by a Community Case Manager. One Community Case Manager from Prince Georges County saw 10 youth at Backbone Mountain Youth Center on a single day in August.

It is presumed (but not documented) that youth who were either, admitted, released, or transferred are seen as required by a Community Case Manager at the time of admission, release, or transfer. If that presumption is correct, then a total of 72% of the youth in the sample were seen by a Community Case Manager. That leaves, at a minimum, 28% of the youth who did not even receive any kind of community case management visit while at Backbone Mountain during the month of August 2009.

During the third quarter of 2009, a youth at Victor Cullen reported that he had not seen his Community Case Manager for more than six months. The youth reported being stressed because he did not know the status of his criminal case.



## **Advocacy, Grievances, and Monitoring**

### **1. Child Advocacy**

Child Advocates visit most facilities regularly and work diligently with youth and staff to resolve grievances.

It is less clear how often Community Case Managers and Aftercare Case Managers visit youth. In response to JJMU's request for logs of Community Case Manager visits, DJS said that it does not keep aggregate records on the number of Community Case Manager visits. Random inspections of facility visitation logs, however, show that some youth are visited infrequently by their Community Case Managers. Many youth do not even know the names of their Community or Aftercare Case Managers.

To ensure proper case management, the Department should begin collecting data on this issue and hold individual staff members accountable for making sufficient numbers of visits to youth assigned to them.

From January 1 to November 30, 838 grievances were filed and processed by DJS Child Advocates. DJS provides copies of all grievances to JJMU after they have been completely reviewed and resolved. In earlier years, this has resulted in a lengthy lag time between the time a youth filed a grievance and the time the Monitor received the grievance. Throughout 2009, DJS processed grievances in a timely fashion and the lag time in delivery of documentation to JJMU has been reduced significantly.

### **2. CRIPA**

On June 29, 2005, the State of Maryland entered into a Settlement Agreement with the United States Department of Justice concerning the conditions of confinement at Cheltenham and Hickey. In June, 2007, the State and the Department of Justice amended the agreement to include the Baltimore City Juvenile Justice Center (BCJJC).

A Monitoring Team was appointed to review, assess and report independently on the State's implementation of and compliance with the Settlement Agreement. The Team, and the reports they have produced over the last four years, are referred to as CRIPA (because the threatened litigation was brought by the United States Department of Justice under the Federal Civil Rights of Institutionalized Persons Act).

CRIPA monitoring of Cheltenham and Hickey ended on June 30, 2008 upon the Monitoring Team's report that the State was in substantial compliance with the Settlement Agreement. Six reports detailing the progress toward compliance in seven subject matter areas at Cheltenham and Hickey were filed during the monitoring period.

CRIPA monitoring of BCJJC began on July 1, 2007. On June 30, 2008 monitoring was extended for one year because compliance had not been achieved. As of this writing, compliance still has not been reached in all areas and the monitoring period was again extended for another year as of mid-2009.

In the Fourth (CRIPA) Monitoring Report, dated June 30, 2009, the Monitors stated, “[W]hile the facility has implemented a wide range of significant reforms, additional steps are needed to fully meet the requirements of the Agreement.”<sup>41</sup> The facility has reached substantial compliance in 5 of 11 areas, and to date, has not achieved substantial compliance in 6 of 11 areas, including Protection from Harm and Special Education. A fifth report is expected in early 2010.

### **3. Quality Improvement Unit**

In late 2007, the Department of Juvenile Services established a Quality Improvement Unit within its Office of Quality Assurance and Accountability. This unit conducts yearly performance reviews in all DJS-operated residential facilities and makes recommendations to resolve problems identified in performance audits.

Between 2008 and 2009, the Quality Improvement Unit conducted on-site evaluations and issued reports on all DJS detention facilities, including Baltimore City Juvenile Justice Center, Carter Center, Charles Hickey School, Cheltenham Youth Facility, Lower Eastern Shore Children’s Center, Noyes Detention Center, Waxter Center for Girls, and Western Maryland Children’s Center.

In 2009, the Quality Improvement Unit conducted on-site evaluations and issued reports on BCJJC, Cheltenham, Hickey and WMCC.

The auditing work of the Unit is thorough and its reports provide specific recommendations for improvement in 45 evaluation areas. All reports of the Quality Improvement Unit may be found at <http://djs.state.md.us/quality-assurance/quality-improvement-reports.html>.

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<sup>41</sup> Fourth Monitors’ Report, June 30, 2009, page 7.



## Appendix A

### California Evidence-Based Clearinghouse for Child Welfare Positive Peer Culture Detailed Report Relevant Published Peer-Reviewed Research<sup>42</sup>

1. **Nas, C. N., Brugman, D., & Koops, W. (2005).** Effects of the EQUIP programme on the moral judgement, cognitive distortions, and social skills of juvenile delinquents. *Psychology, Crime, & Law*, 11(4), 421-434.

**Type of Study:** Pre-test/Post-test with non-randomized comparison groups

**Number of participants:** Treatment: 31, Control, 25.

**Population: Age Range:** Boys between 12 and 18

**Race/Ethnicity:** Unknown

**Status (e.g., foster care, CW):** Youths in high-security juvenile correction

**Location/Institution:** The Netherlands

**Summary: (To include comparison groups, outcomes, measures, notable limitations)**

The study compared youth in an EQUIP program, which employs the *Positive Peer Culture* model, at their facility with a control group made up of youth from two other facilities. Moral judgment was measured pre-and post-test using the *Sociomoral Reflection Measures—Short Form (SRM-SF)*, which includes indicators of values of contract, truth, affiliation, life, property and law, and legal justice. Cognitive distortions were assessed with the *How I Think (HIT) Questionnaire*, which looks at self-centeredness, blaming others, mislabeling/minimizing, and assuming the worst. Social information processing was examined by presenting participants with 4 vignettes of hypothetical situations where they were put at a disadvantage by a peer. Participants also took the *Attitudes towards Delinquent Behavior Questionnaire*, assessing moral beliefs and were assessed on social skills under stressful or problematic circumstances with the *Inventory of Adolescent Problems—Short Form (IAP-SF)*. Results showed that. At post-test, the EQUIP group had lower cognitive distortion scores on covert behavior, self-centeredness, blaming others, minimizing/mislabeling, stealing and lying than did the comparison group. No differences were found for other cognitive distortion subscales. The treatment group also had more negative attitudes toward delinquent behavior. No differences were found for moral judgment, social skills or social information processing.

**Length of post-intervention follow-up: None**

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<sup>42</sup> <http://www.cachildwelfareclearinghouse.org/program/98/detailed#relevant-research>

2. **Leeman, L. W., Gibbs, J. C., & Fuller, D. (1993).** Evaluation of a multi-component group treatment program for juvenile delinquents. *Aggressive Behavior*, 19, 281-292.

**Type of Study:** Randomized controlled trial

**Number of participants:** 57 boys

**Population: Age Range:** Average age 16

**Race/Ethnicity:** 67% Caucasian, 31% Black, 2% Hispanic

**Status (e.g., foster care, CW):** Youths admitted to a medium-security correctional facility.

**Location/Institution:** Midwestern U.S.

**Summary: (To include comparison groups, outcomes, measures, notable limitations)**

Participants were randomly assigned to receive the EQUIP program, based on the *Positive Peer Culture* model, or one of two control conditions. Simple control youths were told that measures were being used for research on delinquency. Motivational control youths were given a 5-minute motivational induction urging them to help other inmates. Measures of conduct and mediating variables were taken before and after the intervention. Archival conduct measures consisted of the felony level of the original offense committed, institutional incident reports, and unexcused school absences. Parole revocation or recommitment were also noted. Self-reported conduct was measured using a questionnaire asking about pre-commitment delinquent behavior and institutional misconduct. Moral judgment as a mediating variable was measured with the *Sociomoral Reflection Measure—Short Form (SRM-SF)* and social skills were measured with the *Inventory of Adolescent Problems—Short Form (IAP-SF)*. All groups gained in moral judgment scores and they did not differ significantly at the end of the study. The experimental group gained significantly more than other groups in social skills. The EQUIP group also showed significant improvements in conduct over the control groups. The EQUIP group also showed lower recidivism rates over 12 months than the control groups. Interpretation of the results of this study is limited by small sample sizes.

**Length of post-intervention follow-up:** 12 months (recidivism only)

3. **Sherer, M. (1985).** Effects of group intervention on moral development of distressed youth in Israel. *Journal of Youth and Adolescence*, 14(6), 513-526.

**Type of Study:** Non-randomized comparison group

**Number of participants:** 32 boys and 16 girls

**Population: Age Range:** 15-18

**Race/Ethnicity:** Unknown

**Status (e.g., foster care, CW):** Street corner gang members who had volunteered for activities directed by a paraprofessional

**Location/Institution:** Israel

**Summary: (To include comparison groups, outcomes, measures, notable limitations)**

Participants were assigned to one of three groups. The **Positive Peer Culture (PPC)** group consisted of gang members who agreed to participate in a **PPC** course. The first comparison group consisted of randomly chosen members of the same gangs the **PPC** groups belonged to. Only one gang member was included in the PPC course from each gang. The second comparison group consisted of randomly chosen members of gangs who had no contact with the **PPC** course or course participants. Measures were taken at the beginning and end of the **PPC** course. Moral development was measured using the *Morality Test for Children (MOTEC)*. This measure consists of five components: resistance to temptation, moral development, feelings after offense, judgment about severity of punishment, and confession. These are presented to respondents using pictures and stories depicting moral dilemmas. **PPC** group members scored higher at posttest on resistance to temptation and moral development. For feelings after offense and severity of punishment, the PPC and the same-gang comparison groups scored higher than the other comparison group. No significant differences were found for confession. The authors conclude that the **PPC** group had a positive effect on other members of their gangs.

**Length of post-intervention follow-up:** None

## **Appendix B**

### **History of the Juvenile Justice Monitoring Unit**

In 1999, the Maryland Department of Juvenile Justice (precursor to the Maryland Department of Juvenile Services/DJS) received national media coverage over the treatment of youth in its boot camps facilities. A Task Force investigation concluded that the Department lacked oversight and recommended creation of an external monitoring agency to report to the Governor and members of the General Assembly on conditions in DJS facilities as well as on the safety and treatment of youth in DJS custody.

Legislation in the 2002 session of the Maryland General Assembly established the Office of the Independent Juvenile Justice Monitor in the Governor's Office of Children, Youth, and Families. In 2006, the Monitoring unit was moved to the Office of the Attorney General and was renamed the Juvenile Justice Monitoring Unit (JJMU).

## Appendix C

### JJMU Staff

The Juvenile Justice Monitoring Unit (JJMU) includes a Director, five Monitors, and an Assistant Attorney General. Our staff members are experienced professionals with a broad range of educational qualifications, substantive knowledge and practical skills including juvenile programming, child abuse investigation, special education, civil rights law and juvenile legal representation, counseling, casework, and program operations and management.

**Philip “Jeff” Merson** is a Senior Monitor. Mr. Merson served 26 years with the Maryland State Police and retired as a Sergeant in 1999. He served 5 years on the Special Tactical Assault Team Element for the State Police and was instrumental in establishing the Child Abuse Sexual Assault Unit in Carroll County. Mr. Merson has investigated and provided instruction throughout Maryland and D.C. on Child Abuse issues for the past 18 years and is considered an expert in this field. He spent the last 6 years of his law enforcement career on detail with the FBI working on a Violent Crime Task Force in Baltimore City. Upon retirement, Mr. Merson worked as an investigator with the (then) Department of Juvenile Justice during the Western Maryland Boot Camp episode and served as the Assistant Director of Investigations before joining the Office of the Independent Juvenile Justice Monitor (now JJMU). He currently chairs the Maryland Council on Child Abuse and Neglect’s Children’s Justice Act Committee. Mr. Merson holds a Bachelor’s Degree in Sociology and a Master’s Degree in Education from Loyola College.

**Nick Moroney** joined the Juvenile Justice Monitoring Unit in February 2008 and monitors facilities in Central Maryland and the Eastern Shore. After completing high school and business school in Dublin, Mr. Moroney, an Irish native, worked in marketing before moving to Japan where he began teaching and writing. After settling in Maryland in the early 1990s, Mr. Moroney worked as a newspaper reporter and editor. For several years before he joined JJMU, Mr. Moroney taught in an alternative public school for troubled youth. Mr. Moroney received a B.S. degree in English from Towson University and an M.A. in Writing from Georgetown University.

**Timothy Snyder** joined the unit in 2001 after many years of working directly with troubled youth and their families. Previously, for eleven years, he served as Director of the New Dominion School in Maryland, an adventure-based residential treatment program for troubled youth. He also worked in direct care and family services at New Dominion School in Virginia. In private practice, Mr. Snyder consulted with numerous families experiencing difficulties with their children. He holds an M.A. in Pastoral Counseling (special emphasis in marriage and family counseling) from LaSalle University and a B.A. from Guilford College (Sociology).

**Sharon Street** has served as Assistant Attorney General for the Juvenile Justice Monitoring Unit since August, 2006. She has also worked as an Assistant Attorney General in the Environmental Crimes Unit and the Correctional Litigation Division and as a Staff Attorney with the Division of Pretrial Detention and Services. Ms. Street began her legal career at the

law firm of Brown, Goldstein and Levy. She received her J.D. degree from the University of Maryland School of Law and her undergraduate degree from the University of Delaware.

**Tanya Suggs** is a New York City native who relocated to Baltimore in 1996 to attend Morgan State University where she earned a B.S. degree in 2000 (in Elementary Education). Upon graduating from MSU, she worked as a Case Manager and Activities Coordinator for families and at-risk youth at Big Brothers and Big Sisters of Central Maryland. After six years with Big Brothers Big Sisters, she returned to graduate school at Boston University where she earned an M.S. in Criminal Justice. While working on her master's degree, she interned at a number of juvenile justice agencies. Ms. Suggs joined the Juvenile Justice Monitoring Unit in 2007.

**Marlana Valdez** joined the Juvenile Justice Monitoring Unit in 2007 after a 25-year career as a practicing attorney, professor, and management consultant. She started her career practicing family and children's law and served as General Counsel of the Texas Juvenile Probation Commission. For nearly two decades she taught family and children's law on the faculties at American University, George Washington University, and Georgetown University. In 2003, Ms. Valdez formed a management consulting firm, specializing in helping clients improve organizational performance and manage change. She completed a post-graduate program in Organization Development at Georgetown University and received both her J.D. and B.S. (Speech Communication) degrees from the University of Texas at Austin. Ms. Valdez is a Fellow at Georgetown University's Center for Juvenile Justice Reform and is active in the Coalition for Juvenile Justice.

**Claudia Wright** is a senior monitor and has been with the unit since January of 2007. Ms. Wright began her career as a public defender, serving as Chief of the Juvenile Division of the Public Defender's Office in Jacksonville, Florida. She later litigated major class action cases for the American Civil Liberties Union National Prison Project, including cases challenging conditions of confinement for children in training schools, jails and detention centers. She was lead counsel on *Bobby M. v. Chiles*, which was the catalyst for reform of the juvenile justice system in Florida. Ms. Wright was a founder of Florida State University's first juvenile law clinic and founded Gator TeamChild, a multi-disciplinary juvenile law clinic at the University of Florida. Her article, "Re-Thinking Juvenile Justice - Using the IEP Concept to Create a New Juvenile Justice Paradigm", appeared in the Fall 2007 issue of *The Link*, a publication of the Child Welfare League of America.

## Appendix D

### Facility Monitoring Responsibilities

<ul style="list-style-type: none"> <li>• <a href="#">Alfred B. Noyes Center</a></li> <li>• <a href="#">Karma Academy for Boys Rockville</a></li> <li>• <a href="#">Thomas J.S. Waxter Center</a></li> <li>• <a href="#">The Way Home - Mountain Manor</a></li> </ul>	<p style="text-align: center;"><b>Claudia Wright:</b> (410) 576-6597, <a href="mailto:cwright@oag.state.md.us">cwright@oag.state.md.us</a></p>
<ul style="list-style-type: none"> <li>• <a href="#">Baltimore City Juvenile Justice Center</a></li> <li>• <a href="#">Silver Oak Academy</a></li> <li>• <a href="#">Victor Cullen Center</a></li> </ul>	<p style="text-align: center;"><b>Jeff Merson:</b> (410) 576-6959, <a href="mailto:pmerson@oag.state.md.us">pmerson@oag.state.md.us</a></p>
<ul style="list-style-type: none"> <li>• <a href="#">Allegany Girls Group Home</a></li> <li>• <a href="#">Backbone Mountain Youth Center</a></li> <li>• <a href="#">Graff Shelter for Girls</a></li> <li>• <a href="#">Green Ridge Youth Center</a></li> <li>• <a href="#">Meadow Mountain Youth Center</a></li> <li>• <a href="#">Savage Mountain Youth Center</a></li> <li>• <a href="#">Western Maryland Children's Center</a></li> </ul>	<p style="text-align: center;"><b>Tim Snyder:</b> (410) 576-6968, <a href="mailto:tsnyder@oag.state.md.us">tsnyder@oag.state.md.us</a></p>
<ul style="list-style-type: none"> <li>• <a href="#">Aunt CC's Harbor House Shelter</a></li> <li>• <a href="#">Charles H. Hickey Jr., School</a></li> <li>• <a href="#">Haddon House Boys Group Home (formerly known as Colbourne Group Home)</a></li> <li>• <a href="#">Karma Academy for Boys Randallstown</a></li> <li>• <a href="#">William Donald Schaefer House</a></li> </ul>	<p style="text-align: center;"><b>Tanya Suggs:</b> (410) 576-6954, <a href="mailto:tsuggs@oag.state.md.us">tsuggs@oag.state.md.us</a></p>
<ul style="list-style-type: none"> <li>• <a href="#">Cheltenham Youth Facility</a></li> <li>• <a href="#">J. DeWeese Carter Children's Center</a></li> <li>• <a href="#">Kent Youth Boys Group Home</a></li> <li>• <a href="#">Lower Easter Shore Children's Center (LESCC)</a></li> <li>• <a href="#">Morningstar Youth Academy</a></li> </ul>	<p style="text-align: center;"><b>Nick Moroney:</b> (410) 576-6599, <a href="mailto:nmoroney@oag.state.md.us">nmoroney@oag.state.md.us</a></p>

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**JUVENILE JUSTICE MONITORING UNIT**  
**OFFICE OF THE ATTORNEY GENERAL**

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**2009 ANNUAL REPORT  
INCLUDING 4<sup>th</sup> QUARTER, 2009**

**VOLUME TWO  
INDIVIDUAL FACILITY UPDATES**



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# **JJMU ANNUAL REPORT FOR 2009 INCLUDING 4<sup>th</sup> QUARTER, 2009**

## **VOLUME TWO**

### **Issues, Improvements and Unabated Conditions Reported by Individual Facility**

While the first section of the 2009 Annual Report covers system-wide issues, this section discusses issues in a number of the 24 individual residential facilities and programs that JJMU monitors. These issues include:

- Major issues or concerns identified by the Monitor's Office during the year;
- Corrective actions taken by DJS to address those concerns and other improvements;
- Ongoing issues or unabated conditions at year's end.

#### **Allegany County Girls Group Home**

Allegany County Girls Group Home provides a safe, healthy, home environment for adolescent females and accesses community resources for education, mental health, and medical services. ACGGH is a valuable resource for young women in Maryland though it has been underutilized.

Referrals from DJS have been few, and the facility has been at less than its capacity of 9 youth for most of the months in 2009. Additionally, on a number of occasions, DJS has attempted to discharge youth before completing the program. Because of the overwhelming need for effective residential treatment resources for young women in Maryland, the Department should be proactive in supporting the programming at the Allegany County Girls Group Home.

#### **Alfred D. Noyes Children's Center**

The Alfred D. Noyes Children's Center ("Noyes") is a State owned and operated detention facility located in Montgomery County. Noyes is comprised of two units for males and two units for females. According to DJS StateStat information, Noyes can accommodate up to 57 youth.

Concerns at Noyes in 2009 included over-population and fire safety. Although numbers indicate Noyes exceeded DJS rated population of the facility on only a few days, raw numbers do not take into account that rated capacity at Noyes is based on housing at least two residents in every sleeping room. This practice is unacceptable by modern standards. Additionally, the rated capacity does not take into account the mixed population. Since boys

and girls cannot be housed on the same unit, two units are assigned to girls and two to boys. The girls units are not filled and the boys are crowded. Boys sleep on the floor in plastic boats virtually every night. For example, on November 23, 23 boys were housed on Alpha Unit, with 15 boys locked in the 7 sleeping rooms, and 8 boys sleeping on the floor of the dayroom.

The Montgomery County Fire Marshal conducted a full inspection at Noyes during the third quarter. During the inspection, the Fire Marshal indicated that fire drills on the 3<sup>rd</sup> shift (night shift) must occur after youth have been locked in their rooms at night and are sleeping. Noyes administration continues to hold 3<sup>rd</sup> shift fire drills before youth are down for the night. DJS Headquarters indicated in their response to the Monitor's 3<sup>rd</sup> Quarter, 2009 Reports that they will not comply with the Fire Marshal's instructions.

As of the end of 2009, cameras and monitors still need to be installed to decrease violence within the facility and to generally enhance security. The Department installed wiring, but cameras and monitoring equipment have not been installed.

### Aunt CC's Harbor House Shelter

Aunt CC's Harbor House Shelter (Aunt CC's) is operated by North American Family Institute (NAFI). Low-risk males between the ages of 11 and 17 are referred to Aunt CC's by the Department of Social Services and the Department of Juvenile Services. Aunt CC's is an emergency shelter, an alternative to detention, and a placement for youth who require temporary care.

The residents are provided with group and individual clinical services, life skills education, food, clothing, and post release clinical services.

Aunt CC's failed to fully report several incidents this year. For example, during a site visit on October 29 the Monitor discovered a youth had come from school the day before under the influence of a controlled substance. The incident was not noted in the logbook or reported to DJS. There was no indication that the Administrator intended to report the incident as required.

The program reported the incident to DJS October 30, a day after notification by this office and two days after the occurrence of the incident. Community based programs should fax non-critical incident reports to DJS by the start of the next business day. The report was entered into the system several days later after the Monitor informed DJS and the home's administrator about the absence of this incident.<sup>43</sup>

According to an October 27 report of the DJS' Program Evaluation Unit, Aunt CC's failed to report two additional incidents – one involving a youth arriving at the home under the influence of alcohol and/or a substance.<sup>44</sup> According to the report, "the program has continually failed to notify parents/guardians whenever a youth was involved in an incident."

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<sup>43</sup> DJS Incident Report 78147

<sup>44</sup> DJS Incident Reports 77839 and 77403

A DJS corrective action plan is pending. The home will be required to develop a written procedure prescribing actions that should be taken whenever it is assumed that a youth is under the influence of alcohol or a substance.

### Baltimore City Juvenile Justice Center

The juvenile detention area of the Baltimore City Juvenile Justice Center (BCJJC) is a 144-bed facility for boys. In late 2007, two 12-bed units were closed, making the maximum current capacity 120 youth. It is located in the juvenile justice complex that includes courts and youth services in downtown Baltimore City, Maryland.

Youth population at BCJJC has decreased from a monthly average of 122 in 2008 to 113 in 2009. There are still concerns about disproportional minority representation and the length of time many youth are held in the facility. Admissions into the facility from December 1, 2008 through November 30, 2009 remained above 95 percent African American. There were 2901 youth admitted into the facility during those 12 months. Forty-five of those youth were held in detention for more than 60 days and five of those youth were in detention for 100 days or more (100, 107, 112, 113 and 187 days). Sixty-nine youth were held in pending placement status for more than 60 days and 23 of those youth were in pending placement for 100 or more days. Four youth were in pending placement for more than 150 days (162, 165, 184 and 222 days).

The level of violence in the facility continues to be a serious problem. Although population declined by 7% throughout the year, youth on youth assaults with injuries and physical restraints with injuries increased more than 60%. Incidents spiked in May and remained high during the summer months. In October, they dropped to their lowest level in over a year (from 69 in October of 2008 to 51 incidents in October of 2009). However, in November incidents increased again to 2008 levels (69).

There was a spike in assaults with injuries in May (66) but a subsequent decline to 22 through October. Assault incidents climbed back up to 30 in November.

For the past 3 years, the facility has been monitored for compliance with a settlement agreement between the United States Department of Justice and the State of Maryland (CRIPA). The report submitted by CRIPA Monitors on June 30 of this year stated:

*“The rate of youth-on-youth assaults has increased significantly since November, 2008.... Several things contribute to these trends. First..., BCJJC is plagued by endemic levels of call-outs (i.e., staff who do not report for their scheduled shift). When this occurs, staff currently on shift must be held over to work a second shift so that required ratios can be maintained. Staff reported that they work an average of 3 double shifts per week .... Administrators should identify the underlying reasons for call-outs and begin to address those within their control as soon as possible.... Incident reports and videotapes are replete with examples of staff leaving their posts temporarily (i.e., providing an opportunity for youth to fight), failing to supervise the youth in their care (e.g., allowing them to go into another area without supervision) or hesitating to*

*intervene in fights among youth. Improving staff supervision skills is essential to meeting the requirements of this Agreement.*

*As discussed in previous Monitors' Reports, the facility has not effectively analyzed the information available in incident reports to uncover patterns that contribute to youth-on-youth assaults....Such analysis is needed to accurately target the conditions that create the opportunity for violence to occur. Whether identifying youth at high risk of assaultive behavior, discovering vulnerable places in the facility, or identifying situations (e.g., following court appearances) in which frustrations are likely to run high, the facility must take a critical eye to the way in which violence manifests itself so that prevention strategies can be designed.*

*Finally, the facility has yet to implement a behavior management program with sufficient integrity to deter negative behavior and encourage pro social behavior. The program has no real consequences aside from point deductions, which many youth do not care about. More troubling is that the program lacks the ability to reward youth for the behaviors that staff desire or to teach youth the skills they need to tolerate frustration, resolve interpersonal disputes or resist peer pressure.<sup>45</sup>*

To deal with high incident rates in the summer, DJS implemented a behavior program using seclusion and room isolation (for up to five day periods) The program violated several of DJS policies and was the subject of a JJMU Special Report in October.<sup>46</sup> Since that time, the facility has worked closely with the CRIPA Monitor to develop a strong behavior management program and improve analysis of incident reports. The next CRIPA Monitor's report will cover July 1 – December 31, 2009.

In December, DJS established an Intensive Services Unit (ISU) for aggressive youth who need to be moved out of the general population. DJS also opened a step-down transition unit for ISU youth to assimilate back into the general population.

As noted in the CRIPA report, the effective management of overtime and staff call outs will help maintain staff effectiveness and reduce aggressive incidents.

The physical design of the facility is very poor – each unit is two-tiered with half the beds in the upper area. Several years ago, after several serious incidents, plexiglas was placed on the railing of the second tier and the adjoining staircases. However, staff members continue to struggle to maintain safety and security. Youth sometimes horseplay or fight on the upper tier or on the stairs.

The Monitor continues to recommend that BCJJC be utilized as a short term assessment center with youth moving to other facilities within 21 days. The oppressive physical environment is inappropriate for long term housing of youth. BCJJC's population should not exceed 48 youth, and the upper tiers of the units should be closed.

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<sup>45</sup> <http://www.djs.state.md.us/pdf/fourth-bcjjc-monitors-report.pdf>

<sup>46</sup> [http://www.oag.state.md.us/JJMU/reports/BCJJC\\_FINAL%20OCT\\_2009.pdf](http://www.oag.state.md.us/JJMU/reports/BCJJC_FINAL%20OCT_2009.pdf)

## Charles H. Hickey, Jr. School for Boys

The Charles H. Hickey, Jr., School (Hickey) is a cottage style secure detention facility located in Baltimore County, Maryland. Hickey can house 109 male youth in single bedrooms within four cottages. The 109 beds include 23 in the intake/orientation unit and eight beds in the infirmary. All residential buildings are located behind two electronically alarmed fences with razor wire. The Maryland State Department of Education (MSDE) utilizes several modular buildings to provide education services to youth at the facility.

On July 5, a youth escaped from Hickey by leaping over an interior wall and exiting via unsecured doors in the building. The youth exited the campus by climbing through a poorly secured exterior perimeter gate. He was watching a basketball game and subsequently left alone when a staffer was distracted by a fight between two other youths in the gym.

Photos taken following the escape show the exterior gate was still poorly secured three weeks after the escape. The youth was apprehended several days later by Baltimore City Police, after he broke into a building.

Although Hickey has endured four escapes within the past two and a half years, the facility continues to lack video surveillance. The lack of a surveillance system and of adequate security measures have been reported several times in the past. No corrective action plan has been set in place.

## Cheltenham Youth Facility

The Cheltenham Youth Facility (CYF) in Prince George's County includes a fenced-in detention component of youth awaiting trial, adjudication or committed placement. Outside the security fence, there is a short-term program called "Re-Direct" for committed youth and a shelter program for youth under court supervision who do not require secure confinement.

CYF's population is consistently above the capacity number of 114 set by DJS. Overpopulation at the aging facility has been a mounting problem since the last quarter of 2008 and continued to be a serious concern throughout 2009.

The facility was above the rated capacity figure for approximately 97% of the second quarter. The inflow of youth increased further during the third quarter when the facility was over populated every day, the highest youth population at Cheltenham in recent years. When the population reached 151 in June, there was nowhere left for youth to sleep, even with the use of plastic sleeping "boats" in addition to all available fixed beds. Facility administrators had to contact DJS headquarters and request a temporary halt to youth admissions to CYF.

Although the influx of youth entering CYF has tapered off slightly during the final quarter of 2009, Cheltenham has continued above capacity each day to date (December 17) and "overflow" youth continue to have to sleep in plastic "boats."

The increase in population throughout 2009 has not been caused by importation of youth from other jurisdictions. The increase comes from the region traditionally served by the facility.

Although DJS administrators at the facility, regional and headquarters level have been involved in a number of efforts to tackle the issue of increasing population at CYF, the number of youth at CYF remains above capacity and continues to pose a challenge.

Administrators at CYF have difficulty finding enough direct care staff to cover shifts. Administrators and supervisors cover direct care shifts to make up the shortfall and to ensure staff:youth ratios are met. There are five permanent direct care worker (residential advisors and group life) positions unfilled as of mid-December. Staffers say the facility needs 10 more direct care workers. The shelter component at CYF also needs more staff as there is often just one person on duty. In addition, the detention (inside the fence) and Re-Direct component (outside the fence) continue to share a math teacher. Another Math teacher should be hired to work at Re-Direct.

### **Graff Center for Girls**

The Dr. Henry F. and Florence Hill Graff Shelter for Girls ("Graff") is a 12-bed shelter for girls. Graff is owned and operated by San Mar Children's Home, Inc. Girls at Graff may stay up to 90 days.

Graff is clean and well-manicured and seems to provide a nurturing environment for girls with conscientious and caring staff. Most of the residents seem positive about their experience at the shelter. San Mar/Graff maintains a 1:4 staff/youth ratio.

### **Haddon Group Home for Boys**

Haddon Group Home for Boys (Haddon) is the former Colbourne Group Home (Colbourne) and is operated by the Maryland Mentor Network (MMN). Colbourne was renamed Haddon after the program moved from Colbourne Street to Haddon Street at the end of 2008. Haddon is a non-secure group home located in west Baltimore City and houses a maximum of four boys (ages 15-17) under DJS supervision. The Department of Human Resources no longer utilizes the home. The maximum length of stay is thirty days.

During the third quarter of 2009, a new Program Manager began working at Haddon and the home was added to the DJS Incident Reporting Database, making it easier to access incident reports. However, the program has failed to report incidents to DJS.

Incident reports were not submitted in a timely manner for an AWOL (June 14); instances of contraband possession (July 7 and 17); a homicidal ideation (July 13); and a suicidal ideation (July 20). The incidents were listed in a logbook but not reported until the Monitor discovered them during a July 28 site visit. When the incidents were finally reported, many of the incident dates were listed incorrectly. The incidents appeared to have occurred much closer to the reporting date than they actually did.



DJS required a corrective action plan which requires the home's administrator to sign the logbook at the end of each shift and review log notes daily, and to ensure that all incidents are properly documented and reported to DJS.

Upon admission to the home, youth used to attend a resource center until enrolled at public school. Administrators said the center has been closed while GED preparation and Adult Basic Education services at the Mentor Maryland Network center have been expanded.

### **J. DeWeese Carter Children's Center**

The J. DeWeese Carter Children's Center (Carter) is a 15-bed detention center for boys on Maryland's Eastern Shore. It is operated by DJS and located in one wing of an adult residential psychiatric facility in Chestertown, Kent County.

Youth population at Carter remained at or below the cap of 15 throughout 2009. Although the facility suffered a continuing and serious staffing shortage throughout the year, the number of aggressive incidents at the facility remained low and Carter continued to remain a safe and secure environment for youth.

Despite the natural attrition that occurs as staffers resign, are terminated or transferred, Carter has been unable to hire a direct care staffer for approximately one-and-a-half years. The de facto hiring freeze continued into the fourth quarter of 2009, even after an experienced night-shift worker passed away from natural causes. The staff member has not been replaced.

For more detailed information on DJS facility staffing issues, please refer to the "Staffing" section of the current JJMU annual report.

### **Karma Academy - Randallstown**

The Karma Academy is an 8-bed unlocked, staff-secure, privately managed residential program for boys located in Randallstown, Maryland. It is licensed by the Department of Juvenile Services and operated by KHI Services, Inc.

Karma serves chronic low-level offenders with a focus on youth who need sex offender treatment and services. Previously, the program only accepted youths who were enrolled in school for grades 9 through 12. The home now accepts youths who are officially withdrawn from high school. On average, it takes youth between 6 and 9 months to successfully complete either Karma program.

A major shortcoming of the program is that its staff members are not trained in the treatment of sex-offending youth. However, the administrator and therapists completed a certification training course at the Mental Health Policy Institute at the University of Maryland in the Fall of 2008. The course has led to certification of clinical staff and directors in the treatment of sex-offending youth.



Currently Karma does not treat youth using any nationally-recognized or evidence-based therapeutic program. The program uses the Pathways curriculum, a workbook last updated by the author in 2001. This approach does not constitute a full treatment model. Outcomes have not been scientifically evaluated for treatment programs using the Pathways workbook.<sup>47</sup>

### Karma Academy - Rockville

Karma Academy for Boys (Karma - Rockville) is a 13-bed residential treatment facility for boys located in Rockville, Maryland. It has been operated by KHI Services, Inc. since 1972. Karma - Rockville is licensed by the Department of Juvenile Services (DJS). The building is owned by Montgomery County. Youth are referred to Karma - Rockville by DJS and the Department of Human Resources (DHR).

There were six AWOL incidents involving 9 youth during the 3rd quarter of 2009. Two of the 9 youth were responsible for 5 of the 6 AWOL incidents – one youth AWOLed on three separate occasions and the other youth AWOLed two days in a row. In several incidents, youth notified a staff member of their intention to leave the facility before walking out the front door.

Karma is not a hardware-secure facility and youth are able to exit with minimal effort. Karma has alarms on all windows in the facility which are only activated at night. JJMU reported on frequent AWOL's from the facility in the 3<sup>rd</sup> Quarter, 2008. At that time staff reported that youth knew how to disarm the window alarms. DJS reported in November that the program is in the process of accepting bids to update the alarm system.

One incident involved a group AWOL of six youth who left the premises by stealing the company van. On August 28, during a shift change, several youth were being disruptive and refusing to return to their rooms. After several staff directives for youth to return to their rooms, staff left the area to record the situation. While staff was in another area, youth went into the Inner Peace bedroom and damaged and destroyed property. The youth then set off the fire alarm and exited through the fire escape. Staff heard noises coming from outside and opened the front door to see the 6 youth breaking into and driving off in the company van. Staff then notified the police and appropriate authorities. Two of the youth remain missing.

News coverage of the large AWOL prompted significant neighborhood concern and discussion. Residents expressed concern about the high number of AWOL's, particularly given that many youth at the home had sex offending histories. After discussion with the community, DJS agreed not to place youth with sex offending histories at Karma in the future, and to remove all such youth from the home within 30 days.

Karma administrators instituted a new key control policy to prevent youth from accessing vehicles.

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<sup>47</sup> Kahn, Timothy J., [Pathways: A Guided Workbook for Youth Beginning Treatment](#) (3rd Edition - Nov 2001)

### **Kent Youth Boys' Group Home**

The Kent Youth Boys' Group Home (Kent Youth) is licensed by DJS, located in Chestertown, and operated by Kent Youth, Inc. Founded in 1971 as a local alternative to institutional or out-of-state placement of Eastern Shore youth, the house provides a comfortable, home-like environment for 10 adjudicated boys aged 14 to 18.

The program is stable and is performing as an essential resource in helping to redirect children who might otherwise become more deeply involved with the juvenile justice system. The home provides personal attention and mentoring within a less restrictive setting than youth might otherwise experience in an institution.

### **Lower Eastern Shore Children's Center**

The Lower Eastern Shore Children's Center (LESCC) in Salisbury is a 24-bed maximum-security detention facility housing male and female youth awaiting adjudication or placement.

Although faced with significant staffing challenges, aggressive incident numbers remained low and LESCC continued to remain a safe and secure environment for youth throughout 2009.

Since the beginning of 2009, the facility has been experiencing severe staff shortages with unfilled vacancies and a number of employees on restricted duties or long term leave. Despite residential adviser (R.A.) resignations and the retirement of an experienced direct care supervisor, LESCC administrators have been able to hire (in the third quarter of 2009) just one direct care staff worker since 2008. Additionally, an assistant superintendent position has not been filled for an equally long period.

At times throughout the year, the youth population at LESCC was over (DJS set) capacity, exacerbating the problem of shortage of direct care staff. During 2009, some youth had to sleep in plastic "boat" beds borrowed from a nearby adult detention facility.

The youth population at LESCC should be capped at 18 male and 6 female youth, which is the stated capacity as determined by DJS.

For more detailed information on DJS facility staffing issues, please refer to the "Staffing" section of the current JJMU annual report.

### **Morningstar Youth Academy**

Morningstar Youth Academy (Morningstar) is a privately run residential camp serving up to 40 boys. The facility is licensed by DJS as a large group home with a substance abuse treatment component and is located in Dorchester County. There is a private alternative school on grounds for residents undergoing treatment. The facility property is under private ownership and operated by Morningstar/VisionQuest since July of 2005.

Morningstar continued to remain a safe and therapeutic environment for youth throughout 2009.

### **Silver Oak Academy (Rite of Passage)**

The Silver Oak Academy (SOA) is a privately owned staff secure residential program owned and operated by Rite of Passage, Inc. The Maryland Department of Juvenile Services (DJS) licenses the facility to house no more than 48 delinquent male youth and began referring youth to the program on July 6, 2009. The facility started with 6 youth and has gradually increased enrollment through the year. As of December 17, there were 28 youth at the facility. The facility is located in northern Carroll County in Keymar, Maryland, on the grounds of the former Bowling Brook Academy.

DJS did not initially record the facility's incidents in the DJS Incident Reporting Database. Only 1 physical restraint was reported for July through August. JJMU discovered this and notified DJS. SOA now appears to be reporting incidents as required. There were 8 restraints in September, 10 in October and 11 in November. According to the database, 7 of the reported 30 physical restraints resulted in an injury.

Maryland youth were initially transferred into the Silver Oak Academy after an orientation period in Rite of Passage's Canyon State Academy in Arizona. DJS is now referring youth directly into the program. The facility has had some problems making sure youth are amenable to treatment at the facility. Of the 22 youth placed at the facility through the end of November, only one successfully completed the program (including time he spent at the Canyon State Academy). Five other youth have been transferred from the program for various reasons including attempted suicide (1) and continual disruptive behavior (2).

The program focuses on education, athletics and group dynamics. Family and parents are involved with youth in the program and the facility provides transportation when necessary. Aftercare workers maintain contact with youth in the community for 6 months subsequent to release from the program.

### **Victor Cullen Center**

The Victor Cullen Center (Victor Cullen) is a State owned and operated hardware-secure treatment facility for adjudicated males. It is located in Frederick County, Maryland just north of Sabillasville. The facility accommodated 48 youth in four cottages until a large riot and escape occurred in May. At that time, the facility closed one of its cottages and reduced the population to 36 youth. DJS is currently referring new youth into the program and is planning to have 48 youth in the program by the beginning of 2010.

A new superintendent started in March. The facility has had three different superintendents since it opened in August of 2007.

A riot and escape involving 13 youth occurred in May. This incident resulted in multiple staff receiving serious injuries.<sup>48</sup> It was the third escape from the facility since it re-opened in August of 2007. A fourth escape occurred in October when a youth fled from a group on a field trip to a local bowling alley. Staff reported the youth fled due to ongoing mistreatment by other youth in the program.

The May riot occurred when staff were trying to control a youth in one cottage while a youth from a neighboring cottage observed the activity. The youth from the neighboring cottage violently assaulted staff and rallied youth to escape when staff came into the cottage to assist the injured staff member. Those youth entered the neighboring cottage, violently attacked staff and led youth from that cottage to escape from the facility. The youth broke into the vocational building, removed wire cutters, cut through the interior and exterior fences and broke into a maintenance facility outside the secure area of the facility. Youth were in the process of attempting to steal a vehicle from the garage when police apprehended 10 youth inside the building. Police apprehended three other youth who had run more than 2 miles along railroad tracks adjacent to and away from the facility.

JJMU's investigation into this incident revealed some staff neglect, however, failure to address the chronic inappropriate behavior of many youth at Victor Cullen and the lack of a consistently therapeutic culture were major contributing factors to the riot and escape. JJMU discovered an administrative staff member had been providing inappropriate profane and violent music to youth, against the wishes of many front line staff. A week before the group disturbance and escape, a youth slammed a door on a staff's hand, amputating his finger, and other youth openly joked about it without consequence.<sup>49</sup>

Many youth who completed the Victor Cullen program have not fared well after release. JJMU also conducted an extensive investigation regarding youth recidivism at Victor Cullen. The results are published in the overview of the 3<sup>rd</sup> Quarter, 2009 Report.<sup>50</sup>

In part, the recidivism report states:

*“Despite the expenditure of over \$12 million to rehabilitate the site and operating costs of approximately \$8 million/year, Victor Cullen’s graduates are rearrested, convicted and incarcerated for new offenses at an alarming rate.”*

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<sup>48</sup> The Victor Cullen Special Report may be found at [www.oag.state.md.us/JJMU/VictorCullen\\_Escape\\_and\\_%20Response.pdf](http://www.oag.state.md.us/JJMU/VictorCullen_Escape_and_%20Response.pdf)

<sup>49</sup> DJS Incident Report Number 73777

<sup>50</sup> See [http://www.oag.state.md.us/JJMU/Q3\\_09/Overview.pdf](http://www.oag.state.md.us/JJMU/Q3_09/Overview.pdf)

In the report, JJMU made a number of recommendations for improvement at Victor Cullen and concluded:

*“We simply cannot afford to continue graduating youth from the juvenile system into the adult criminal system – particularly not those we have placed in expensive residential programs that are supposed to be rehabilitating them.”*

The Maryland State Department of Education began providing vocational programming for youth at Victor Cullen during 2009. Although not all youth are eligible to attend, many have taken advantage of the program. All youth should have an opportunity to explore vocational opportunities at the facility.

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

Thomas J. S. Waxter Children’s Center (“Waxter”) is a State owned and operated detention/residential treatment facility in Laurel, Maryland. The facility is comprised of one detention unit, one pending placement unit, and one secure committed program for young women under the age of 22. According to the Superintendent, the current maximum population capacity is 34.

Facility population decreased steadily over the third quarter. This decrease was mainly because, under DJS’ new regionalization plan, many girls moved to Noyes during bathroom renovations were not returned to Waxter. Under regionalization, all female detainees from Prince George’s County (who used to go to Waxter) must now be housed at Noyes.

However, even with a significant reduction in population, comingling of girls in the detention and committed programs at Waxter still occurs. The Monitor issued a Special Report on July 20, 2009 detailing violations of Maryland Human Resources Article § 9-238.1 (a) (6), which requires that DJS serve children with programming that “uses detention and committed facilities that are operationally separate from each other and that do not share common program space, including dining halls and educational or recreational facilities.” Girls in detention, committed girls pending placement, and girls in the Enhanced Academy (secure committed program) share space in all areas, except the sleeping area at night, because of the design of the building. They also share teachers, mental health and medical staff, and direct care staff.

Girls in the Enhanced Academy (committed program) often spend a full year or more at Waxter. It is difficult to discern a clear program model for the committed program, and girls complain that they don’t understand what they are supposed to be doing or what is expected of them to successfully complete the program. When resources are shared with the more chaotic detention program, the Enhanced Academy is disrupted. Enhanced Academy students consistently request a separate, freestanding program.

The facility does not have an evidence-based treatment program specifically designed for girls. Gender responsive training has been offered. About half of the Waxter staff has attended gender responsive training.

DJS hired a consultant who worked with Waxter staff for more than 2 years, but implementation of the rehabilitative program is not apparent. Department administrators insist the Waxter program utilizes a combined approach incorporating Positive Peer Culture/EQUIP and a curriculum entitled "Growing Great Girls," but in interviews with front-line staff, they were unable to describe any programming models used at Waxter.

### **The Way Home – Mountain Manor**

The Way Home is a 15-bed, non-secure group home for girls who are committed to the Department of Juvenile Services. It is located within the Mountain Manor complex of therapeutic programs in West Baltimore.

The Way Home offers a gender-appropriate, comfortable and therapeutic environment to troubled girls. The program benefits from its location on the grounds of Mountain Manor, which offers a wide variety of inpatient and outpatient mental health services. The Department should endeavor to maintain the program at optimum capacity.

### **Western Maryland Children's Center**

The Western Maryland Children's Center (WMCC) is a State owned and operated detention facility located in Washington County just outside of Hagerstown. WMCC is designed to accommodate a total of 24 youth in two 6 bed pods and one 12 bed pod. At present only males are housed at the facility.

WMCC uses a multi level behavioral management program that provides incentives to improve behavior and consequences for misbehavior. Virtually all of the youth interviewed comment positively about the staff and the implementation of the behavioral system.

According to DJS data, WMCC was over populated 28% of the time in the 1<sup>st</sup> Quarter of 2009, 62% in the 2<sup>nd</sup> Quarter and 54% of the 3<sup>rd</sup> Quarter 2009. When WMCC is over populated, the additional youth must sleep in the day room in "boats" (fiberglass sleeping containers into which a mattress is placed).

Staffing shortage continues to be a focus of concern at WMCC. The actual budgeted number of employee positions has decreased from 68 to 64 during this past year because DJS Headquarters is removing PIN's (full-time positions with benefits). At the end of the 3<sup>rd</sup> Quarter, WMCC had 11 vacancies (53 of 64 positions filled), not counting 4 lost positions.

According to the DJS Incident Database, incidents have increased at WMCC during 2009, sometimes as a result of importing "special" placement youth from outside the region served by WMCC (Region III). A comparison of the 3<sup>rd</sup> Quarter of 2008 with the 3<sup>rd</sup> Quarter of 2009 evidences a significant increase of incidents in several categories including Youth on Youth Assaults with Injury (from 2 to 10); Restraints (from 29 to 43); and Seclusions (from 6 to 14).



During the third quarter, three out-of region youth detained at WMCC were allegedly involved in 25 incidents. One “special assignment” youth from outside Region III was allegedly involved in 14 of the 25 incidents.

Programming activities are lacking at WMCC. There is considerable down time, particularly on weekends, when youth have nothing to do other than watch TV, play cards, or sleep. WMCC does not have a Recreation Director because Headquarters took that position from the facility. Due to an overall staff shortage, there is no one regularly available to plan and implement programming activities. Youth do get the mandatory one hour of recreation each day, usually in the gym playing basketball, however, outdoor recreation has been infrequent because of the additional staff needed for security due to the fencing problem, and also because youth have often voted to stay indoors.

Region III staff, the WMCC Advisory Board and the JJMU have long emphasized the inadequacy of fencing at the facility. The Department straightened the back fence to make it more difficult to escape, but has not completed the other needed upgrades. JJMU reports have noted this concern for the past 3 ½ years.

### William Donald Schaefer House

William Donald Schaefer House (WDSH) is a 20-bed, 90-day substance abuse treatment program for committed boys. It is located near Druid Hill Park in northwest Baltimore City. WDSH is one of the few residential substance abuse programs available to DJS youth within Maryland. It provides a safe and humane short-term residential program for youngsters who do not require secure placement.

WDSH has downsized its staff and youth population due to the need for additional staff at the Baltimore City Juvenile Justice Center (BCJJC). Five staffers were transferred to BCJJC and, consequently, the new maximum rated youth capacity at WDSH is only 6 (down from 20 youth).

The Monitor was informed that downsizing at WDSH took place between November 16 and November 23 of 2009. During this period seven youths were discharged from the program. Two youth were due to be discharged,<sup>51</sup> the other five discharged youth had only been in the program between 34 and 72 days.

The Monitor interviewed several staffers and administrators in the home. They informed the Monitor that they were ordered to discharge the youth within a one-week period (November 16-23). The status of the discharged youth was documented as “successful,” and they were provided with “Certificates of Completion” although two returned to detention for await treatment placements (“pending placement”) at in-state or out-of-state residential programs. According to staff, partial criteria for choosing which youth must leave the program early was determined by whether or not youth had been in the program for at least 45 days – in other cases, youth were chosen to go randomly off a roster.

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<sup>51</sup> One had been there for over 91 days and the other was discharged at 83 days.

Treatment Service Plans (TSPs) detailing specific services youth need and should receive before and after release (related to mental health, education, family, substance abuse, etc.) were not properly prepared for the youths summarily sent away from WDSH. The Monitor reviewed TSPs for six youths who were discharged early in order to ascertain that the TSPs were completed and passed along to the aftercare (post release) Case Manager. No completed or updated TSP had been prepared for any of the discharged youths. A few of the youths had outdated TSPs with the last entry dating from either 2008 or earlier in 2009. In response to questions, the Facility Case Manager said they were not given enough time to develop TSPs before youth were discharged.

TSPs are to be prepared just before or as a youth arrives at any DJS facility and are to be frequently updated.

The Monitor interviewed all seven parents/guardians and/or youths who were peremptorily released from the WDSH program. All said they were told only that youth were being released early because WDSH was downsizing. A treatment plan for aftercare services was not discussed with them. Two of the youth were sent directly back to detention to await placement at other treatment programs while parents of other youth arranged outpatient substance abuse treatment. One youth was ordered to the drug court program by his probation officer.

One of the discharged youth has severe mental health and substance abuse problems. Staffers and administrators informed the Monitor that the youth, who had been at WDSH for 34 days, was discharged due to his challenging behavior.<sup>52</sup> According to the youth's mother, he is currently in secure detention while his probation officer tries to locate an out-of-state treatment program for him.

As discussed elsewhere in this report, the serious staff shortages being experienced by DJS may force difficult decisions, including the closing or downsizing of some facilities. Nevertheless, these decisions must be made with the best interest of children in the programs in mind, and must be phased in to avoid disruption of programming and rehabilitative services. No emergency justification for the sudden downsizing and shifting of WDSH staff has been provided, and the youth removed from WDSH without aftercare plans or sufficient notice to their families were not served well by the decision.

### Youth Centers

The DJS Youth Centers provide commitment care services to male youth in four separate facilities:

- **Green Ridge** serves youth in three separate programs: Mountain Quest, a 90-day intensive adventure based treatment impact program; Revelations, a substance abuse program; and a therapeutic program lasting an average of six to eight months.



- **Savage Mountain** youth population was temporarily reduced in May 2009 from 36 to 12 beds so that staff could be transferred to help provide coverage at the DJS' run Victor Cullen Center (Victor Cullen). All DJS Youth Centers continue to have to send staff to Victor Cullen. The capacity at Savage Mountain was increased in September 2009 and (as of this writing) serves 24 youth in a six to eight month treatment program.
- **Backbone Mountain** serves 48 youth with 32 to 38 beds dedicated to a six to eight month treatment program, while 10 to 16 beds are dedicated to youth in the college program.
- **Meadow Mountain** serves 40 youth and specializes in treatment of addictions in a 6 to 9 month program.

In recent years, there has been a trend at the Youth Centers to admit more violent and challenging youth than in the years prior to 2005. Aggressive incidents have increased markedly at all four Youth Centers since 2005. The total number of Youth on Youth Assaults and Restraints at all four Youth Centers totaled 49 over a 9-month period in 2005. By contrast, during the first 9 months of 2009, there were 135 – an increase of 175% over the figure for 4 years ago.

Programmatically it is sometimes difficult to meet youth treatment needs, as the model necessarily requires that youth have the ability to process and integrate the abstract concepts of the program components. At times youth with low intellectual functioning require so much additional staff attention that the quality of therapeutic programming delivered to the group as a whole is affected. In addition, some youth will act out aggressively rather than admit a lack of understanding in order to avoid admitting confusion in front of their peers.

The therapeutic intervention modality at the Youth Centers is Positive Peer Culture, (PPC) paired with EQUIP (life skills) and the recently added Seven Challenges substance abuse intervention program. Most youth also see an on-site Mental Health Counselor on a weekly basis.

Staffing shortages have seriously affected the Youth Centers. At the end of March of 2009 there were 28 Youth Center staff vacancies. By the end of August there were 35 vacancies. Among the four Youth Centers, overtime costs in March of 2009 were a little over \$15,000; by September they had risen to almost \$18,000.

The youth typically do well in the Youth Center education programs, gaining on the average between two and four months for every month that they would expect to gain in public school.

The Youth Centers incorporate as much off-campus recreation, educational and treatment related activities as possible given staffing and transportation limitations. Youth earn recreational outings and typically participate in many off-grounds opportunities where they have developed a reputation locally for being helpful and well mannered while participating in public service oriented activities.



Anthony G. Brown  
Lt. Governor

Martin O'Malley  
Governor

Donald W. DeVore  
Secretary

January 15, 2010

The Honorable Thomas V. "Mike" Miller  
General Assembly of Maryland  
90 State Circle  
Annapolis, Maryland 21401

Dear Mr. Miller,

This letter serves as the Department of Juvenile Services' ("DJS") official Response to the Juvenile Justice Monitoring Unit's ("JJMU") 2009 Annual Report.

DJS has made every effort to be transparent and forthcoming with information with the JJMU since its creation. Accordingly, DJS has given the JJMU access to information through DJS databases, administrators, staff and youth in every facility. In fact, all of the JJMU's data comes directly from DJS. Additionally, DJS has also assigned a liaison whose primary duty is to address JJMU's concerns, meet with them and ensure that the JJMU monitors receive information promptly upon request. DJS has also established a protocol that requires facility superintendents or designees to meet with JJMU representatives at the conclusion of their visits to clarify or assist them in obtaining further information. Despite these and other efforts, the reports generated by the JJMU continue to contain incorrect and misleading information that does not accurately represent the work of DJS.

For example, in this most recent report, the JJMU states on page 16: "DJS was funding 299 EBS (Evidence-Based Services) slots throughout the state. No new slots have been added." This statement is particularly deceiving considering that, prior to my administration, this agency did not even utilize EBSs. I increased the number of EBS from just a handful in 2007 to over 299 in 2008. This monumental 300% increase in EBS slots, which will better serve our youth in the community, is overlooked so that JJMU can complain that the program did not increase by a few more slots during a time when DJS, like most State agencies, faces steep budget cuts. However, despite those challenges, DJS has in fact substantially increased the number of slots.

In another example, the JJMU alleges that "detention centers provide limited mental health services." See Annual Report at p. 54. Despite the fact that treating mental health issues is generally beyond the scope of a detention center's purpose, DJS provides in all of its detention centers access to psychiatrists, clinical staff, 24/7 emergent care, medications, group and individual therapy, crisis intervention, and substance abuse counseling. In fact, most youth have greater access to quality mental health care with DJS than they have ever had in their young lives. Thus, it remains unclear how the JJMU arrived at its erroneous conclusion regarding mental health in DJS's detention centers.

The JJMU also states "[b]etween November of 2008 and October of 2009, eight of eleven DJS facilities... reported a staff/youth ratio well over the 1:8 industry standard." See Annual Report at p. 19. JJMU apparently relied solely on data contained in a StateStat report to make this finding. As the JJMU well knows, however, staff-to-youth ratios in StateStat reports only include Resident Advisors and purposefully exclude other staff. In other words, Resident Advisor Supervisors, Group Life Managers, Case Managers, and Administrators can and do work with youth in addition to Resident Advisors to ensure that the staff-to-youth ratio remains at or below 1:8, which is the Department's standard. The JJMU fails to cite any specific instance when the actual staff-to-youth ratio was anything higher than 1:8 at any facility in 2009. There are

no logbook entries or staff or youth interviews that would suggest that there were not enough staff to supervise the youth in any of our facilities at a given time in 2009. This is just yet another example of many that misleads the public about our progress and facility operations.


DJS serves over 50,000 families a year, a very small percentage of which ever enter our facilities. However, DJS continues to strive towards creating appropriate environments within our facilities that require a balance of public safety and safety of youth while still ensuring youth receive all services required as well as needed. Despite many physical plant challenges and difficult budget constraints, DJS, for the first time in years, can confidently state we have established this balance. The JJMU continuously neglects to include our accomplishments that reflect this achievement. Specifically, improvements to the quality of care are clearly demonstrated through the exiting of the Federal Settlement Agreement at Hickey and Cheltenham as well as our substantial compliance at the Baltimore City Juvenile Justice Center. Through the approval of the Department's Capital Plan to build new facilities, Maryland is aggressively making the reforms necessary to treat and care for its children.

It would be expected that the JJMU would be comprised of experts in the field of juvenile treatment and services in order for it to appropriately fulfill its statutory duties. However, a review of the JJMU's staff biographies in Appendix C of the Annual Report shows that the level of expertise is lacking. There is no licensed clinical social worker who can conduct a meaningful review of the programs related to behavioral and mental health and substance abuse in each facility; there is no masters-level expert in education who can conduct a meaningful review of schooling and special-education of youth in each facility; and there is no licensed medical professional who can conduct a meaningful review of the adequacy of medical care for a juvenile population that has specialized needs particularly with healing gunshot wounds and diabetes in each facility. In fact, while JJMU are the monitors for our detention and secure facilities, none of its staff have ever worked in a secure juvenile facility. As a result of these deficiencies, the quarterly and annual reports often give cursory treatment to these integral areas of our juvenile treatment programs or simply ignore them altogether. This issue also highlights the fact that the JJMU has not established any consistent methodology when it generates its reports on each of DJS's facilities.

By contrast, DJS has entire departments devoted to behavioral management, education, medical services and quality assurance. This year, seven of our facilities have been recognized for performance above the national field average by the Performance-Based Standards for Youth Correctional and Detention Facilities project administered by the Council of Juvenile Correctional Administrators. I personally have 30 years experience operating and overseeing secure juvenile facilities. The facilities that I operated during my career were awarded "Best Facilities" in the country several times by the National District Attorney's Association and The National Council of Juvenile and Family Court Judges. In other words, DJS possesses ample knowledge and expertise to assess programs and services geared to help the youth in our custody.

As the body who created the JJMU, I feel it is necessary to bring these concerns to your attention and we support efforts to ensure compliance with the original intent of the legislation and the spirit of the law. As always, I would welcome the opportunity to meet with you to further discuss this matter relative to DJS's care and treatment of Maryland's children.

Sincerely,

  
Donald W. DeVore  
Secretary





Anthony G. Brown  
Lt. Governor

Martin O'Malley  
Governor

Donald W. DeVore  
Secretary

January 15, 2010

The Honorable Michael E. Busch  
General Assembly of Maryland  
90 State Circle  
Annapolis, Maryland 21401

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For example, in this most recent report, the JJMU states on page 16: "DJS was funding 299 EBS (Evidence-Based Services) slots throughout the state. No new slots have been added." This statement is particularly deceiving considering that, prior to my administration, this agency did not even utilize EBSs. I increased the number of EBS from just a handful in 2007 to over 299 in 2008. This monumental 300% increase in EBS slots, which will better serve our youth in the community, is overlooked so that JJMU can complain that the program did not increase by a few more slots during a time when DJS, like most State agencies, faces steep budget cuts. However, despite those challenges, DJS has in fact substantially increased the number of slots.

In another example, the JJMU alleges that "detention centers provide limited mental health services." *See* Annual Report at p. 54. Despite the fact that treating mental health issues is generally beyond the scope of a detention center's purpose, DJS provides in all of its detention centers access to psychiatrists, clinical staff, 24/7 emergent care, medications, group and individual therapy, crisis intervention, and substance abuse counseling. In fact, most youth have greater access to quality mental health care with DJS than they have ever had in their young lives. Thus, it remains unclear how the JJMU arrived at its erroneous conclusion regarding mental health in DJS's detention centers.

The JJMU also states "[b]etween November of 2008 and October of 2009, eight of eleven DJS facilities... reported a staff/youth ratio well over the 1:8 industry standard." *See* Annual Report at p. 19. JJMU apparently relied solely on data contained in a StateStat report to make this finding. As the JJMU well knows, however, staff-to-youth ratios in StateStat reports only include Resident Advisors and purposefully exclude other staff. In other words, Resident Advisor Supervisors, Group Life Managers, Case Managers, and Administrators can and do work with youth in addition to Resident Advisors to ensure that the staff-to-youth ratio remains at or below 1:8, which is the Department's standard. The JJMU fails to cite any specific instance when the actual staff-to-youth ratio was anything higher than 1:8 at any facility in 2009. There are

no logbook entries or staff or youth interviews that would suggest that there were not enough staff to supervise the youth in any of our facilities at a given time in 2009. This is just yet another example of many that misleads the public about our progress and facility operations.


DJS serves over 50,000 families a year, a very small percentage of which ever enter our facilities. However, DJS continues to strive towards creating appropriate environments within our facilities that require a balance of public safety and safety of youth and staff while still ensuring youth receive all services required as well as needed. Despite many physical plant challenges and difficult budget constraints, DJS, for the first time in years, can confidently state we have established this balance. The JJMU continuously neglects to include our accomplishments that reflect this achievement. Specifically, improvements to the quality of care are clearly demonstrated through the exiting of the Federal Settlement Agreement at Hickey and Cheltenham as well as our substantial compliance at the Baltimore City Juvenile Justice Center. Through the approval of the Department's Capital Plan to build new facilities, Maryland is aggressively making the reforms necessary to treat and care for its children.

It would be expected that the JJMU would be comprised of experts in the field of juvenile treatment and services in order for it to appropriately fulfill its statutory duties. However, a review of the JJMU's staff biographies in Appendix C of the Annual Report shows that the level of expertise is lacking. There is no licensed clinical social worker who can conduct a meaningful review of the programs related to behavioral and mental health and substance abuse in each facility; there is no masters-level expert in education who can conduct a meaningful review of schooling and special-education of youth in each facility; and there is no licensed medical professional who can conduct a meaningful review of the adequacy of medical care for a juvenile population that has specialized needs particularly with healing gunshot wounds and diabetes in each facility. In fact, while JJMU are the monitors for our detention and secure facilities, none of its staff have ever worked in a secure juvenile facility. As a result of these deficiencies, the quarterly and annual reports often give cursory treatment to these integral areas of our juvenile treatment programs or simply ignore them altogether. This issue also highlights the fact that the JJMU has not established any consistent methodology when it generates its reports on each of DJS's facilities.

By contrast, DJS has entire departments devoted to behavioral management, education, medical services and quality assurance. This year, seven of our facilities have been recognized for performance above the national field average by the Performance-Based Standards for Youth Correctional and Detention Facilities project administered by the Council of Juvenile Correctional Administrators. I personally have 30 years experience operating and overseeing secure juvenile facilities. The facilities that I operated during my career were awarded "Best Facilities" in the country several times by the National District Attorney's Association and The National Council of Juvenile and Family Court Judges. In other words, DJS possesses ample knowledge and expertise to assess programs and services geared to help the youth in our custody.

As the body who created the JJMU, I feel it is necessary to bring these concerns to your attention and we support efforts to ensure compliance with the original intent of the legislation and the spirit of the law. As always, I would welcome the opportunity to meet with you to further discuss this matter relative to DJS's care and treatment of Maryland's children.

Sincerely,

  
Donald W. DeVore  
Secretary

