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**JUVENILE JUSTICE MONITORING UNIT  
STATE OF MARYLAND**

**FOURTH QUARTER REPORT  
AND 2017 ANNUAL REVIEW**

## **The Maryland Juvenile Justice Monitoring Unit (JJMU)**

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

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

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

## **JJMU Fourth Quarter Report and 2017 Annual Review Compendium**

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

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

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

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

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

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



**NICK MORONEY**  
*Director*

STATE OF MARYLAND  
JUVENILE JUSTICE MONITORING UNIT

March 2018

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

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

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

Members of the General Assembly

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

Ms. Jaclin Warner Wiggins, Acting Executive Director  
Governor's Office for Children

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

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

Enclosed is the Juvenile Justice Monitoring Unit's fourth quarter report and 2017 annual review compilation.

The compilation details ongoing concerns about the culture and level of safety at the Victor Cullen Center where the Department of Juvenile Services (DJS) is mandated to provide longer-term rehabilitative services to boys at the deepest end of Maryland's juvenile justice system. This mandate remained unfulfilled throughout 2017.

In addition to reports covering each of the other 12 facilities operated or licensed by DJS, the compilation includes a section about the quality of life for youth in DJS facilities and the challenges youth face to access basic necessities like quality food, shoes, and hygiene products on a daily basis.

Finally, the compilation includes a section on the Maryland State Department of Education Juvenile Services Education System (MSDE JSES), the state entity responsible for operating the schools in DJS facilities. Throughout 2017, MSDE JSES failed to provide appropriate secondary, post-secondary, and vocational education services to students on a consistent basis.

Respectfully submitted,

*Nick Moroney*

Nick Moroney  
Director  
Maryland Juvenile Justice Monitoring Unit

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

Short-term, pre-disposition/pending placement

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

## Committed Placement Centers

Long-term, post-disposition

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

## Incident and Population Trends

2017 population and incident trends versus 2016:

- ✓ Average daily populations (ADP) of DJS youth decreased at CYDC and LESCC secure detention centers and in committed placement at the four youth centers and SOA.
- ✓ Fights and assaults decreased at LESCC, Waxter, Noyes, and WMCC secure detention centers and in committed placement at the four youth centers.
- ✓ Physical restraints decreased in secure detention at CYDC, Hickey, and WMCC and in the Carter committed placement center.
- ✓ Mechanical restraints were not used inside the Carter committed placement center. The use of mechanical restraints decreased in secure detention at Hickey, CYDC, WMCC, and Waxter.
- ✓ The use of seclusion decreased in secure detention at Hickey, Waxter, Noyes, and WMCC and at Victor Cullen committed placement center.
- Average daily population (ADP) increased in secure detention at BCJJC, Hickey, Noyes and WMCC. ADP also increased in committed placement at Victor Cullen and Carter.
- Fights and assaults increased in secure detention at BCJJC, CYDC, and Hickey, and in committed placement at Victor Cullen and SOA.
- Physical restraints increased in secure detention at BCJJC, CYDC, Waxter, Noyes and LESCC and in committed placement at Victor Cullen, SOA and the four youth centers.
- Mechanical restraints increased in secure detention at Noyes, BCJJC and WMCC, and in committed placement at Victor Cullen and the four youth centers.
- Seclusion increased in detention at CYDC, BCJJC, and Hickey, and in committed placement at Carter.
- There were 403 incidents of suicide ideation, four suicide attempts, and 38 incidents of self-injurious behavior at DJS-operated facilities during the year. Incidents of suicide ideation have risen by 24% compared to 2016.

# **VICTOR CULLEN CENTER**

## Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a maximum security committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth comprised 78% of total entries during 2017, compared to 80% during 2016.

<b>Victor Cullen – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>34</b>	<b>21</b>	<b>28</b>
1. Youth on Youth Assault/Fight	65	55	61
2. Alleged Youth on Staff Assault	19	19	18
3. Physical Restraint	179	210	248
4. Use of Handcuffs and/or Shackles	148	172	198
5. Seclusion	83	101	51
6. Contraband	10	11	4
7. Suicide Ideation	28	20	59
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	1	10	4

The average daily population at Cullen during 2017 increased by 33% compared to 2016. The Department and other stakeholders should prioritize minimizing the population at Victor Cullen and other DJS facilities given that research indicates “heavy reliance on juvenile



incarceration is a failed strategy for combating youth crime.”<sup>1</sup> Reducing the population is also necessary to begin addressing the persistent negative culture at Victor Cullen.

## **Facility Culture**

According to an investigation by the Department’s Office of the Inspector General (DJS OIG) into an incident that occurred during the fourth quarter of 2017 (incident 148648), a staffer from another DJS facility who was temporarily assigned to Victor Cullen commented “this place is total confusion.” Several incidents during the fourth quarter of 2017 illustrate the ongoing need for the Department to overhaul the approach at Victor Cullen and address the negative culture by instituting a rehabilitative and therapeutic program.

In grievance 13913, several youths alleged that a staffer told them “they were never going to be anything, that they were juvenile delinquents, and would never be anything but criminals and they weren’t human.” According to the grievance, the staffer denied making the comments. However, an administrator stated he would counsel the staffer on appropriate interactions with youth.

In incident 149142, a therapist witnessed a direct care staff supervisor “push [a youth] in the head and tell him to get out of her face because he was arguing with her about going to the gym.” The supervisor then told a different youth he could not go to the gym in boots. The youth became agitated and the supervisor “started yelling in the youth’s face. She also stated, “the cameras are saving your ass.” The therapist asked the supervisor to step aside and take a deep breath. The supervisor subsequently took the group of youth to the gym.

In incident 148978, a youth had a staffer’s watch and would not give it back. According to a subsequent investigation by DJS OIG, the staffer followed the youth around the classroom for a couple of minutes trying to get the watch back from him but the youth continued to refuse. Video footage shows that the staffer then grabbed the youth by the collar of his shirt and pulled him closer. The youth tried to push the staffer away and threw the watch on the ground. The DJS OIG investigation states that the staffer then “reache[d] in with his other hand, both hands now on the youth’s shirt collar area, lifting [the youth] off the floor by the shirt.” After the staffer took a couple of steps with the youth in the air, he let the youth down and the youth swung at the staffer’s face. The staffer then wrapped his arms around the youth and restrained him to the floor. Other staffers arrive[d], put handcuffs on the youth and walk[ed] him out of the classroom.”

In incident 149136, a male staffer was arguing back and forth with a youth in the back hallway of a living unit and radioed for staff assistance. A female staffer arrived and wrapped her arms around the youth and walked him up the hallway into a sallyport area. The male staffer

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<sup>1</sup> Annie E. Casey Foundation, “Reducing Youth Incarceration.” Available at: <http://www.aecf.org/work/juvenile-justice/reducing-youth-incarceration/>

continued yelling at the youth. Once in the sallyport (where there are no cameras), the female staffer began trying to process with the youth. The male staffer came up the hallway and entered the sallyport. The youth tried twice to hit the male staffer and the female staffer restrained the youth and held him in a corner. According to the subsequent DJS OIG investigation into the incident, the male staffer then struck the youth in the face with a closed fist. The incident report states that the youth “immediately fell the floor... [and] had a decent amount of blood coming from his nose.” A trainee staff called for assistance while the female staff kept the youth from retaliating once he was able to get back on his feet. In the meantime, two other youth began assaulting the male staffer who had hit the youth. Other staffers arrived and separated the youth from the staff and the injured youth was taken to medical.

In incident 148648, an administrator was in a sallyport area with a youth and wanted the youth to go to a mental health appointment. The youth wanted to join the others on his residential unit who were about to go to recreation. He told the administrator to let him in the back hallway with the other kids. The administrator said “no” and, according to the DJS OIG investigation into the incident, slammed a hallway door, closing them both into the sallyport with two other staffers. According to one of the staffers, the youth then reached for the door and the administrator grabbed the front of the youth’s shirt and said, “Put him to the floor.” The youth then hit the administrator in the face. The two staffers began trying to restrain the youth but he got one of his arms loose and hit the administrator again. The staffers continued trying to restrain the youth who ended up on the ground. The youth was on his belly leaning up on his forearms when the administrator began twisting and forcefully tugging the youth’s arm behind his back, “causing the youth to cry out in pain.” The administrator handcuffed the youth and once they were all standing up, “began trying to push [the youth and staff] out of the exit door causing [the youth] to get agitated all over again.” The staffers had to tell the administrator to back away because, according to one of them, the administrator was “inciting the kid.” The staffers walked the youth away from the sallyport area and he calmed down and processed with them.

In incident 147524, a youth became upset in the school when a teacher turned off a video that included inappropriate language. The teacher approached the youth and told him to leave the classroom. The youth pushed a desk into the teacher’s legs and stood up with his fists clenched. As a direct care staffer moved towards them, the teacher pushed the youth backwards. With the staffer between them, the youth slapped the teacher in the face. The youth tried to hit the teacher two more times but the teacher blocked his hands as the staffer called for assistance. The staffer moved the youth away from the teacher but the teacher moved toward the youth and followed him outside the classroom. According to a supervisor who arrived to assist, the youth cursed at the teacher and he responded that the youth hit “like a girl.” The youth was taken by staff to another school building nearby. About 45 minutes later, the youth was walking near the education building where the teacher’s classroom is located. The teacher was seated inside but got up and went outside to meet the youth, despite the school principal’s attempt to physically

block the teacher from leaving. The youth allegedly had his hands shaped like a gun and the teacher allegedly told the youth that the teacher's own children hit harder than the youth. Education and direct care staffers moved the teacher and the youth away from each other and escorted them to different areas of the facility.

These incidents highlight the need for the Department to adopt a comprehensive evidence-based and trauma-informed therapeutic model that is effective in meeting the needs of youth, supporting staffers, and promoting a healthy atmosphere at Victor Cullen. Although youth access treatment programming through discrete elements like sessions with mental health therapists, the overall culture at Victor Cullen has continued to suffer in the absence of a controlling therapeutic model. Throughout 2017, the Department operated a behavior management system called Challenge as the primary framework of the program at Cullen (and at all DJS facilities). This system fails to take into account treatment needs of youth or the difficulties they are experiencing that may prompt or underlie challenging behavior. Instead, staff are trained to issue prompts and warnings before issuing behavior reports or taking points from youth (or both) when they fail to adhere to certain rules. This pattern can create an "us versus them" dynamic between staff and youth rather than helping to cultivate an environment where staff process with youth to help resolve issues and hold youth accountable for negative behavior through restorative – rather than punitive – measures.

The Department has taken small steps in an attempt to address the culture at Victor Cullen, including a three-hour educational session for staff about trauma and providing restorative justice services to some youth on site twice a month. However, these discrete initiatives are insufficient to transform the culture at Victor Cullen from a prison-like environment to a rehabilitative treatment program. Plans to replace Challenge with PBIS (Positive Behavioral Interventions and Supports)<sup>2</sup> – an evidence-based behavior management program used in education settings – should go forward.

### **Safety and Security**

The average daily population (ADP) during 2017 increased 33% compared to 2016 while fights and assaults increased 11% and physical restraints increased 18%.

There was a 50% reduction in reported seclusions over the same period. However, seclusion was not always recorded or properly documented and reported as required by DJS policy<sup>3</sup> during the third quarter of 2017 when administrators and staff inappropriately secluded youth on the Intensive Services Unit.<sup>4</sup> Additionally, seclusion was used as punishment, contrary

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<sup>2</sup> For more information, visit: <http://www.pbis.org/>

<sup>3</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-01-07.

<sup>4</sup> For more information, see the JJMU Q3 2017 report. Available at:

[http://www.marylandattorneygeneral.gov/JJM%20Documents/17\\_Quarter3.pdf](http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter3.pdf)

to DJS policy<sup>5</sup> and best practices, on at least one occasion during the fourth quarter (incident 147581), when a youth who had been agitated was sent to his room and secluded after he had already calmed down and processed with staff.

Reported utilizations of mechanical restraints (handcuffs and/or shackles) within the facility increased by 15% compared to 2016 and during the fourth quarter, some staff at Victor Cullen began handcuffing certain youth during all routine movement off the living unit over a span of weeks. DJS policy prohibits the utilization of mechanical restraints except as a last resort and only when youth pose an imminent risk of harm to themselves or others or are attempting to escape.<sup>6</sup> However, certain young people at Victor Cullen were handcuffed any time they left the unit during the fourth quarter, though they were still inside the high security fence that surrounds the facility. One youth reported being handcuffed and shackled even during a visit with his mother. The stipulation that they be handcuffed was written into their guarded care plans even though the plans are supposed to be an individualized and therapeutic tool to help support youth who are struggling in the program. These plans should not include punitive measures such as routine handcuffing. Instances when mechanical restraints were used as part of a guarded care plan were not recorded by DJS and so are not included in the figures in the selected incidents chart for Victor Cullen.

## **Staffing**

Near the beginning of the fourth quarter of 2017, there were approximately 16 staff vacancies at Victor Cullen. Staff reassigned to Cullen from Savage Mountain youth center (during Savage Mountain's temporary closure) were necessary to ensure minimal supervision requirements were met at Cullen. Shortages of available direct care staff increase the utilization of forced overtime work which can exacerbate existing issues of staff burnout and attrition.

In addition to ensuring the availability of a full staff compliment at Cullen, the Department needs to enhance staff training. The following situations occurred during the fourth quarter of 2017 and illustrate the need to enhance ongoing staff training on maintaining structure through comprehensive supervision and on prioritizing effective verbal processing techniques over physical interventions.

### **Structure and Supervision**

In incident 147647, there was a fight that occurred outside of staff supervision and was not reported until a staffer later noticed bruises on a youth who stated that other youth were bullying him so he "went behind the wall on the stage in the gym and was fighting." In grievances 14002 and 13912, staff left youth unsupervised in the dayroom of a living unit for several minutes.

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<sup>5</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-01-07.

<sup>6</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

On two occasions during the quarter (incident 148674 and also during a monitoring visit in October), youth were able to climb up onto the roof of a building. An investigation by the Department's internal investigatory unit (DJS OIG) into incident 147344 includes a description of video footage showing a chaotic scene during which a staff trainee was the only DJS worker posted in a classroom. Youth were moving about the classroom without permission, turning off the lights, moving the staffer's chair, and kicking a wall repeatedly. After another staff trainee came to the classroom to assist, a youth threw paper at the first trainee staffer and took his logbook and his radio. Eventually one of the youth was removed from the classroom by one of the trainees.

Staffers should receive enhanced training on consistently maintaining close supervision of youth. Veteran and supervisory staffers should provide ongoing coaching alongside direct care workers on effective techniques for intervening with youth to promote a safe and structured environment.

### Verbal Processing to Reduce Use of Physical Restraints

In incident 147893, a youth was kicked out of class for being disruptive. Once in the school hallway, two case managers asked the youth to walk with them to the youth's living unit. The youth refused and sat on the floor. According to details in a subsequent DJS OIG investigation, the case managers talked to the youth for 27 seconds before they initiated a physical restraint, during which they attempted to lift him off the floor. The youth sat with his arms crossed and his legs out and the case managers continued trying to physically restrain him. Another staffer came out of a classroom to assist the case managers and they applied leg irons to the youth who was struggling as staff attempted the restraint. The staffers pulled the youth's arms from his chest behind his back so they could put him in handcuffs. They eventually got the youth in a standing position and walked him backwards down the hallway and out of the school building.

The Department's policy prohibits the use of physical restraints except as a last resort when a youth displays an imminent risk of harm to him- or herself or others, or is attempting to escape.<sup>7</sup> Direct care and case management staff should be trained in effective verbal processing techniques to reduce the utilization of physical interventions like restraints. Mental health clinicians should be available onsite (including in the school) during waking hours, and direct care workers should request their assistance to support youth and staff in challenging situations.

### Structured Programming

Throughout 2017, youth consistently reported a need for structured programming at Victor Cullen. Excessive downtime on the living units left youth unengaged and, according to kids, contributed to incidents involving aggression. Youth stated that they routinely spend an

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<sup>7</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

inordinate amount of time on the living units playing cards and watching TV or watching and re-watching movies. Although there are occasions when structured programming is offered, such activities are usually not open to all youth and are also usually limited to a small number of instances per month.

The issue of boredom and disengagement was particularly pronounced during a 12-day span during the fourth quarter when all youth movement was suspended after a tree fell on part of the security fence. Rather than post staff near the area of the fence that was in need of repair and continue regular movement on the facility grounds, administrators required all youth to remain on the living units. Teachers came to the living units to provide education services but without access to resources available in the classrooms. During this period, youth entitled to receive instruction outside of a general education classroom did not have access to those services.

The Department should support access to a wide variety of constructive recreational and therapeutic activities on site and in the community with the help of outside providers. The recent addition of a second recreation specialist may lead to some alleviation of boredom and downtime for youth at Victor Cullen. Recreation specialists, direct care workers, and education staff should communicate daily to ensure that youth remain engaged throughout the day even in the event of school cancellations.

A Reflections rope course which is located at one of the DJS-operated youth centers should be replicated at Victor Cullen to increase access to an activity that combines therapeutic and recreational elements for youth and staff.

### **Intensive Services Unit**

The Intensive Services Unit (ISU) is a self-contained and restrictive housing unit at Victor Cullen for youth who have been identified by DJS as being in need of more enhanced services and structure. However, youth perceive the ISU as a punitive - rather than supportive - housing unit because, while in the ISU, they are prevented from progressing through the behavior management system (which determines their length of stay at Victor Cullen) and from participating in special programming. Youth on the ISU do not go outside or to the gym for large muscle recreation. A recreation specialist is supposed to develop exercises for youth to do on the living unit.

Youth on the ISU are supposed to receive education services on the unit but due to chronic shortages of teachers, they frequently do not have full school days which contributes to the sense of boredom and punishment. Instead, education staff may drop off work in the morning for youth to complete on their own. When there is a teacher available, the limitations of teaching in a space not designed for education prevent youth from receiving instruction of the same quality

available to youth in the school building. For instance, there is no white board or technology resources to supplement verbal instruction on the ISU.

The ISU at Victor Cullen was closed for a period during the third quarter of 2017 following the misuse of seclusion on the unit over the course of three days.<sup>8</sup> The Department reopened the ISU in December. However, a supervisory staffer allegedly instituted rules on the unit that violated DJS policy. One of the youth who was placed on the ISU after it was reopened stated to a monitor, “We do nothing. If we even stand up without asking we get restrained.” In incident 148747, a youth was sitting at a table on the ISU when the supervisor approached him and told him he had to go to the back hallway. The youth sat at the table and refused to move. Video footage shows that the supervisor approached the youth, putting his face very close to the youth’s. The youth swatted his hand at the supervisor and the supervisor and another staffer quickly restrained the youth, taking him from his seat to the floor, handcuffing him and putting him in a cell.

The Department should either discontinue the operation of the ISU at Victor Cullen or fundamentally redevelop its operation to ensure youth placed on the unit are receiving intensive services rather than being subjected to punitive treatment. All youth (including those placed on the ISU) should have an equal opportunity to participate and progress in the facility behavior management system regardless of their housing assignment. The ISU should feature enhanced—rather than restricted—access to programming that can be of therapeutic value to youth who are struggling to make progress. If youth continue to be held on the unit instead of going to the school building for education services, there must also be substantial improvements to the ISU physical plant in order to allow for appropriate education programming.

### **Education Services**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Victor Cullen. Improving the quality and consistency of education services is critical to addressing the challenges at Victor Cullen given that “education is essential to ensuring long-term re-entry success.”<sup>9</sup>

However, MSDE JSES is unable to fulfill its mandate across the state in part because the agency is under resourced and lacks the same structure and organization of local school systems. Chronic issues with hiring and retention of staff have contributed to the problems with education services at Victor Cullen and other DJS facilities.

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<sup>8</sup> For more information, see the JJMU Q3 2017 report. Available at:

[http://www.marylandattorneygeneral.gov/JJM%20Documents/17\\_Quarter3.pdf](http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter3.pdf)

<sup>9</sup> James Moeser, et al., “Chapter Two: Equipping for Reentry Success: Partnerships, Coalition-Building and Independence-Building,” *Desktop Guide to Reentry for Juvenile Confinement Facilities*, edited by Gina Hendrix, James Moeser, and David W. Roush (East Lansing, MI: The National Partnership for Juvenile Services, July 2004), 19. Available at: [http://www.njjn.org/uploads/digital-library/resource\\_1244.pdf](http://www.njjn.org/uploads/digital-library/resource_1244.pdf)

Throughout 2017, there was no hands-on vocational education leading to certification in trades at Victor Cullen. Youth on the ISU frequently did not receive the mandated six hours daily of school or education-related services. As noted in a prior section, MSDE JSES did not provide special education students with instruction outside general education during the period that all youth were confined to the living units. Additionally, during the entire first term of the 2018-2019 school year, there was no science teacher at Victor Cullen. A youth who was placed at Victor Cullen in November of 2017 previously earned his GED in January of 2017 while detained but has not been enrolled in online community college classes while at Victor Cullen.

Stakeholders, including MSDE JSES and DJS administrators, should identify and implement a schooling system that provides youth in detention and committed placement centers with education services that are tailored to meet their needs.

For more on education services in DJS facilities, see the MSDE JSES section beginning on page 63.



# **OTHER COMMITTED PLACEMENT CENTERS**

## Youth Centers x4

The youth centers, located in remote western Maryland, consist of four separate staff secure (not fenced and locked) facilities for boys that are owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The facilities are: Green Ridge (40-bed capacity); Savage Mountain (24 beds); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 74% of total youth entries in both 2017 and 2016. Hispanic/Latino youth represented 8% of total youth entries in 2017, down 1% from 2016.

<b>Combined Youth Centers (x4) – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>88</b>	<b>99</b>	<b>92</b>
1. Youth on Youth Assault/Fight	92	187	161
2. Alleged Youth on Staff Assault	25	42	49
3. Physical Restraint	304	451	650
4. Use of Handcuffs and/or Shackles	113	121	234
5. Seclusion	1	1	1
6. Contraband	19	28	14
7. Suicide Ideation	28	36	95
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	5	5	1

## 2017 compared with 2016

Average daily population (ADP) at the youth centers in 2017 decreased by 7% compared to 2016 while youth on youth fights and assaults decreased by 14%. Youth on staff assaults increased by 17%, while physical restraints by staff increased by 44%, and use of mechanical restraints (handcuffs and/or shackles) inside the youth centers increased by 93%.

The decrease in youth on youth fights and assaults in 2017 compared with 2016 is a positive development, however, the youth on youth assault rate in 2017 remained high when compared with 2015.

### **2017 compared with 2015**

The ADP at the youth centers during 2017 increased by 4% compared to the ADP in 2015. Youth on youth assaults increased by 75% and physical restraints of youth more than doubled. The utilization of mechanical restraints on youth inside the youth centers also more than doubled. Alleged youth on staff assaults nearly doubled and suicide ideation more than tripled.

### **Behavior Management and Treatment**

The youth centers lack an overarching rehabilitative treatment program that is grounded in trauma-informed practices and developmentally appropriate interventions. As a result, staff are primarily trained to enforce youth compliance and may have to over-rely on physical and mechanical restraints to maintain order.

Throughout 2017 the Department operated the Challenge behavior management system which guides staff-youth interactions and determines youths' length of stay. Challenge allows youth to earn a limited number of points a day for following directions. Points are exchanged for tangible incentives like hygiene items or phone calls, depending on a youth's level, at the end of a week. Youth who fail to follow the rules are issued prompts, warnings, and personal restrictions (a time-out period) by staff. If a youth continues to disobey directives, staff issue a behavior report (BR), which includes loss of incentives and privileges which can last several days or longer.

Youth commented throughout 2017 on the benefit of constructive relationships with staff. However, youth and staff reported several issues with the Challenge system which impede the development of constructive relationships. Some of these concerns are outlined below:

Encourages an "us versus them" mentality: Challenge sets up an antagonistic relationship between staff and youth. Youth report that staff use the issuing of points to exert power and control over youth and often threaten youth with loss of points for minor rule infractions, knowing that point loss can lead to extension of a youth's incarceration.

Can lead to discouragement: Once a youth has lost points or received a BR, there is no way for them to earn points back for alleged rule infractions. Youth report feeling frustrated when they lose points and have no way to make amends. This sense of hopelessness causes them to give up because they feel the system is unfair.

Focused on negativity versus positive growth: Youth report that Challenge focuses on areas where youth are having problems and does not emphasize situations when youth are

succeeding or demonstrating positive growth. In fact, by restricting the number of points youth can earn per day, Challenge formally limits the opportunities for youth to receive meaningful recognition for positive behavior. Youth perceive that they are not acknowledged for accomplishments on a regular or consistent basis.

Incentives are not meaningful or timely: Youth must wait until the end of the week to receive incentives for complying with the rules of the Challenge system. Oftentimes it is hard for youth to comply with all major and minor rules for that long.<sup>10</sup> In addition, youth incentives for rule compliance, which include mostly snack and hygiene items, are not meaningful for many youth. The program should include daily rewards based on individualized preferences so the incentives have more immediate motivational value.

Problems with similarly designed behavior management programs have caused other jurisdictions to make reforms to address facility culture and provide comprehensive training to help staff develop positive relationships with youth. Officials in California noticed that the correctional mindset of their program caused “a tendency to reinforce oppositional relationships between staff and youth, and that staff often defaulted their behavioral management strategy to punishment rather than engagement.”<sup>11</sup> To address this issue, administrators sought to change the culture at their institution by moving away from a correctional approach towards one which emphasized empathy and positive growth. All staff attended training in trauma-informed practices and developmentally appropriate intervention strategies, including a curriculum<sup>12</sup> designed to teach staff ways to interact with youth using a trauma-informed approach.

Administrators in California also made changes to their behavior management program. Originally, they used a “token economy system, where youth earned and lost points depending on their weekly behaviors.”<sup>13</sup> After noting that “the behavioral data showed a much higher rate of discipline incidents toward the end of the week,” the administrators determined “that the system was reducing a youth’s incentive to behave once they failed to earn points early in the week.”<sup>14</sup> The new system was modified to allow youth to earn unlimited points and the list of privileges and incentives was expanded. Staff were encouraged to be generous in awarding points for positive behavior.

Similar reforms should be undertaken at the youth centers (and at other DJS facilities) to improve the culture. Plans to replace the Challenge program with the evidenced-based PBIS

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<sup>10</sup> Research on adolescent behavior shows that “adolescents show less ability than adults to make judgments and decisions that require future orientation.” For more information, see National Research Council. 2013. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. Available at: <https://www.nap.edu/read/14685/chapter/2#2>

<sup>11</sup> Farn, A. & Umpierre, M. (2017). *Creating an integrated continuum of care for justice-involved youth: How Sacramento County collaborates across systems*. Washington, DC: Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy. Available at <http://cjjr.georgetown.edu/wp-content/uploads/2017/10/Creating-an-Integrated-Continuum-of-Care-inSacramento.pdf>

<sup>12</sup> For more information, see: <http://www.nctsn.org/products/think-trauma-training-staff-juvenile-justice-residential-settings>

<sup>13</sup> Farn, A. & Umpierre, M. (2017). *Creating an integrated continuum of care for justice-involved youth: How Sacramento County collaborates across systems*. Washington, DC: Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy.

<sup>14</sup> Id.

(Positive Behavioral Interventions and Supports<sup>15</sup>) should go forward and include particular emphasis on extensive staff training to ensure fidelity to the program model.

A recently conducted three-hour information session for DJS staff on trauma and its effects on young people should be expanded to include skills training in trauma-informed interventions that staff can utilize in day to day interactions with youth. Ongoing training will be necessary to ensure that the principles of trauma-informed care are embedded in the facility milieu.

## **Mental Health Services**

Many youth in placement have complex behavioral health challenges. According to the Department's data, 61% of boys in out of home placement in fiscal year 2017 had a moderate-to-high mental health need.<sup>16</sup> Despite a decrease in average daily population, incidents of suicide ideation nearly tripled (from 36 to 95) at the youth centers in 2017 compared with 2016. An increase in the availability of mental health providers is necessary to help address the mental health services needs of youth. Each group of youth at the centers should be assigned a mental health therapist and at least one therapist should be available on-site during waking hours seven days a week. All therapists should be experienced in working with justice-involved youth and trained to implement trauma-specific, evidenced-based therapies to ensure that youth are receiving effective, high quality services. Mental health staffing levels should also be increased so that mental health clinicians are available to support and assist direct care staff in their interactions with youth.

The majority of youth in the juvenile justice system have experienced traumatic victimization.<sup>17</sup> An environment where youth feel safe is an essential component of trauma-informed care. According to an expert in trauma-informed practices within juvenile justice systems, “[h]aving a safe environment depends on having adequate staff (including mental health and other specialty care) to engage youth, head off violence or other abuse, and provide support for youth and staff in relation to traumatic events.”<sup>18</sup> In incident 148660, a youth reported to the case manager that he was concerned that several other youth were going to try to assault him. After he reported being afraid for his safety, the youth was assaulted three separate times that same day. The youth was transferred to another youth center later that evening. A subsequent investigation by the Department's internal investigatory unit, Office of the Inspector General (DJS OIG), noted that “there was no extra staff for youth to be placed one on one with.” In grievance 14024, a youth reported feeling unsafe when a single staffer was posted with a group of youth and a fight broke out. The staffer called for assistance but no help arrived until a minute later. Direct care staffing should be increased so that staff can establish safety, build constructive relationships with youth and engage in verbal processing and counseling. Each group of youth should be capped at eight kids and should be assigned two staff members. In

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<sup>15</sup> For more information, see: <https://www.pbis.org>

<sup>16</sup> Maryland Department of Juvenile Services “Interim Report: Services for DJS-Involved Girls.” January 2018.

<sup>17</sup> National Center for Mental Health and Juvenile Justice. “Trauma Among Youth in the Juvenile Justice System.” Available at: <https://www.ncmhjj.com/wp-content/uploads/2016/09/Trauma-Among-Youth-in-the-Juvenile-Justice-System-for-WEBSITE.pdf>

<sup>18</sup> Sue Burrell, “Trauma and the Environment of Care in Juvenile Institutions.” National Child Traumatic Stress Network. Available at: [http://www.nctsn.org/sites/default/files/assets/pdfs/jj\\_trauma\\_brief\\_environofcare\\_burrell\\_final.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/jj_trauma_brief_environofcare_burrell_final.pdf)

addition, a rover and supervisor should be available for each shift to aid in de-escalation and crisis management.

Youth exhibiting aggression are sent to the youth centers on the supposition that they will receive resources and treatment. Instead of offering comprehensive services to help youth manage anger (and underlying issues of grief, trauma, abuse, neglect, and loss), youth are frequently ejected from the youth centers for displaying aggression. Many cycle through a number or even all four centers before being pushed deeper in the system through placement in a hardware secure (maximum security) or out-of-state facility.

Continuous ejection from or transfer between placement sites can be traumatic for youth and can de-stabilize the positive aspects of a culture at individual youth centers. Instead of transferring or discharging youth with behavioral problems, increased services to help youth manage emotions and self-regulate should be a regular part of the program at all DJS committed placement centers. While there is an anger management module offered at the youth centers, the program is not evidenced-based and is not offered on a consistent basis. Self-regulation skills training – another integral component of trauma-informed care<sup>19</sup> – should be woven into a coherent treatment approach that is individualized for each youth. The Department should also increase the availability of restorative practices, such as dialogue circles, to help create safe environments where youth learn how to resolve conflict with peers and staff.<sup>20</sup>

### **Temporary Closure of Savage Mountain Youth Center**

Savage Mountain Youth Center has been closed since September of 2017. Renovations are ongoing to convert the center from an open campus to a hardware secure facility.<sup>21</sup>

Over a million dollars is being expended to fortify the security apparatus at Savage Mountain while treatment and education needs of youth at DJS committed placement centers continue to remain unaddressed. Resources and efforts should be invested in developing a community-based continuum of care that provides individualized, developmentally appropriate, and evidenced-based services and supports to youth and their families.<sup>22</sup> In comparison to placement in an institution, community-based treatment costs significantly less money, increases the likelihood of youth success, and improves public safety.<sup>23</sup>

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<sup>19</sup> Julian Ford and Margaret Blaustein. "Systemic Self-Regulation: A Framework for Trauma-Informed Services in Residential Juvenile Justice Programs." *Journal of Family Violence*. October, 2013. Available at: [http://www.traumacenter.org/products/pdf\\_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings\\_Ford\\_Blaustein.pdf](http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf)

<sup>20</sup> Restorative practices are "evidence-based processes that represent a lasting culture shift by offering an approach to building safe and effective environments through positive relationships, connection, and accountability." For more information, see: <http://www.communityconferencing.org/restorative-practices/>

<sup>21</sup> For more information, see page 9 at: <http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2017fy-budget-docs-capital-V00-Department-of-Juvenile-Services.pdf>

<sup>22</sup> National Collaboration for Youth, "Beyond Bars: Keeping Young People Safe at Home and out of Youth Prisons." Available at: <http://www.aecf.org/m/resourcedoc/NCFY-BeyondBars-2017.pdf#page=7>

<sup>23</sup> McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. Available at: NCJ 250142 <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

## **Structured Programming**

Youth frequently report excessive downtime and boredom at the youth centers. The bulk of after school hours and weekends are spent watching a few select movies repeatedly or playing cards in the dayroom. A full array of enrichment and recreational activities, both on and off campus, should be offered as part of a cohesive rehabilitative program. Activities should be aligned with stated student interests, which include art, music, volunteering, vocational experiences, and sports.

Youth report that volunteering is a particularly meaningful activity but opportunities for engagement with the local community are limited at each of the youth centers. Developing a variety of programming options in nearby communities should be a priority for administrators as a “growing body of empirical research suggests that civic engagement and civic knowledge may have a positive impact on the health and well-being of youth, including crime and other risky behaviors.”<sup>24</sup> In addition, community-based projects are an opportunity for youth “to practice and demonstrate competency, caring, and a willingness to improve community life, which is essential to their personal development and rehabilitation.”<sup>25</sup>

## **Family Engagement**

Youth in DJS committed placement sites are allotted two 10-minute phone calls per week, equal to the allotment for youth in short-term detention centers. The remote location of the youth centers hinders frequent family visitation, making telephone communication with family members even more vital to the maintenance of critical family relationships. The duration and number of phone calls should be increased to help youth receive sustained support from their loved ones, especially when they are placed far from home for extended periods of time.

Visitation days are limited to two hours on two designated days a week. Families must travel to a DJS site in either Baltimore or Laurel if they need transportation assistance to get to the youth centers. The visit often takes an entire day due to the location of the youth centers in far western Maryland. Restrictions on visitation times and days should be lifted to expand opportunities for family visits. The Department should offer transportation services from a youth’s home to the youth centers for families in need of travel assistance.

Home passes are currently only available toward the end of a youth’s placement. Home passes of gradually increasing duration should be incorporated throughout a youth’s time in placement. Allowing youth to spend time off campus with visiting family should also be considered as an option for enhancing family engagement.

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<sup>24</sup> Butts, Jeffrey A., Gordon Bazemore, & Aundra Saa Meroe (2010). Positive Youth Justice--Framing Justice Interventions Using the Concepts of Positive Youth Development. Washington, DC: Coalition for Juvenile Justice. Available at: <http://johnjayresearch.org/wp-content/uploads/2011/07/pyj2010.pdf>

<sup>25</sup> Id.

## **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operate the schools at the youth centers.

Securing substitutes during teacher vacancies or absences is difficult at the youth centers because of their rural locations and education services are disrupted as a result. Chronic problems with staffing within MSDE JSES should be permanently addressed.

Several youth received their GED while in placement at the Backbone and Meadow Mountain centers during 2017 but there was no ceremony to acknowledge their achievement. Academic progress should be formally recognized by MSDE JSE and DJS administrators and staff.

Youth with a high school diploma are eligible for the DJS-funded World of Work (WoW) program which allows youth to earn minimum wage for performing odd jobs around a facility. During a monitoring visit in the fourth quarter, three youth who had obtained their GED and were in the WoW program were napping in the sleeping quarters during the school day because they were bored without enough work to do. Youth with their high school diploma should be engaged in productive programming, employment, post-secondary education and constructive recreational activities during school hours.

The opportunity for hands-on vocational courses leading to certification and employment in high demand fields is limited at the youth centers even though students express a strong desire to pursue careers in HVAC, auto mechanics, health care, carpentry, and other areas. Apprenticeships, internships, and jobs in the community are not available to supplement classroom learning. Each youth center should have a dedicated vocational instructor and partnerships with community businesses and other local organizations should be established to create a variety of off-site learning and employment opportunities for youth.

For more information about education services in DJS facilities, see the MSDE JSES section beginning on page 63.



## Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately-operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 90% of total DJS entries during 2017, up from 82% during 2016.

SOA – Selected Incident Categories	2015	2016	2017
<b>Average Daily Population (ADP)</b>	<b>54</b>	<b>43</b>	<b>42</b>
1. Youth on Youth Assault/Fight	39	53	60
2. Alleged Youth on Staff Assault	5	0	12
3. Physical Restraint	48	33	51
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	50	40	28
7. Suicide Ideation	0	0	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

During 2017, Silver Oak began accepting an increasing number of youth from other states' juvenile justice agencies. On the last day of 2017, there were 15 kids at Silver Oak from out-of-state. Youth from other states are not counted in the chart above. Incidents involving out-of-state youth are also not included because they are not uploaded to the DJS database. Silver Oak has not provided the JJMU with incident reports describing events involving out-of-state youth as they occur.

The average daily population of Maryland (DJS-involved) youth at Silver Oak during 2017 decreased by 2% compared to 2016. However, fights and assaults involving Maryland youth increased by 13% and physical restraints increased by 55% when comparing 2017 with 2016.

There were incidents during the fourth quarter of 2017 during which staff mishandled a situation by responding with an inappropriate physical intervention. In incident 147832, a staffer asked a youth to move into his assigned room when the youth were preparing for bed. The youth refused and the staffer and youth began to engage in a physical struggle. Other youth intervened and separated the tussling staffer and youth. The staffer continued to verbally agitate the youth even after they had been separated. The youth then went back towards the staffer who was waiting for him in a boxing stance. The staffer grabbed the youth and slammed him to the ground. The staffer no longer works at Silver Oak.

In incident 147619, a youth began using the telephone on his residential unit to call his mother at a time when he was not supposed to do so. According to the DJS investigation into the incident, a staffer hung up the phone while the youth was trying to use it. The staffer and youth then “engaged in a physical altercation...which went on for several minutes.” The staffer separated himself from the youth and called for assistance while the youth managed to contact his mother. When other staff arrived to assist, one of them took the phone from the youth and hung it up, ending the call. The youth became very upset and two other youth stood in between him and the staffer who hung up the phone. Accounts differ as to what happened next. Staffers allege that the youth assaulted the staffer who hung up the phone. Youth who were present maintain that staffers attempted to restrain the youth and they did not see the youth assault a staffer. There are no cameras on the living unit where this incident occurred. Following the incident, staffers were counseled on alternative approaches that are less likely to escalate a situation to an incident involving aggression. Silver Oak should extend camera coverage to the living unit where this incident occurred and other existing blind spots throughout the facility.

Concerns about the utilization and nature of physical restraints at Silver Oak and the implementation of the program’s behavior management system arose during 2017.<sup>26</sup> During the third quarter, youth reported witnessing or being involved in physical restraints by staff which they considered inappropriate. Youth also reported unfair treatment in the form of harsh consequences - including level demotions (that can greatly increase a youth’s length of stay) which youth perceived to be unwarranted.

In response to these concerns, the Department of Juvenile Services (in November of 2017) required that Silver Oak develop and implement corrective action plans to address youth concerns. The Department’s instructions included the immediate installation of cameras in an area called the Refocus Room where multiple youth alleged they were inappropriately physically restrained by staff. While cameras have been installed in the hallway leading to the area, cameras had yet to be installed in the Refocus Room at time of writing (February of 2018).

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<sup>26</sup> For more information, see JJMU Q3 2017 report. Available at:  
[http://www.marylandattorneygeneral.gov/JJM%20Documents/17\\_Quarter3.pdf](http://www.marylandattorneygeneral.gov/JJM%20Documents/17_Quarter3.pdf)

The Department of Juvenile Services also required Silver Oak to correct a number of deficiencies related to: inconsistent implementation of the facility behavior management system; irregular provision of the two weekly phone calls to which youth are entitled; maintenance of medical incident reports; and failure to retain video footage of incidents involving staff physically restraining youth. An update of DJS' findings was not available at time of writing (February of 2018).

Silver Oak should prioritize training and coaching staff in effective verbal processing skills to help reduce the utilization of physical restraints and to help improve the facility culture. All camera blind spots should be rectified and problems with camera recording software – which reportedly led to failures on numerous occasions to retain video footage of incidents during 2017 – should be permanently addressed. Incidents involving physical restraints should be comprehensively and critically reviewed by SOA administrators to help staff continuously improve their ability to prioritize and use effective de-escalation strategies. Administrators and supervisors should also maintain close oversight of the implementation of the behavior management system to ensure youth are consistently treated in a fair and supportive manner. Prompt resolution of these issues is critical to maintaining the value and quality of the therapeutic and education services that Silver Oak offers to youth.

### J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls located on the eastern shore. Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 14 girls. African American youth represented 60% of total entries during 2017, down from 65% during 2016.

<b>Carter – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>8</b>	<b>8</b>	<b>11</b>
1. Youth on Youth Assault/Fight	11	7	8
2. Alleged Youth on Staff Assault	9	4	3
3. Physical Restraint	54	36	32
4. Use of Handcuffs and/or Shackles	1	1	0
5. Seclusion	18	15	17
6. Contraband	3	0	1
7. Suicide Ideation	5	6	7
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	10	11	6

Average daily population (ADP) during 2017 increased by 27% (from 8 to 11 youths) compared to the year before. Over the same period, fights and assaults increased slightly while physical restraints decreased by 11%. The use of seclusion increased by 13%. There were no utilizations of mechanical restraints within the facility in all of 2017. Incidents of suicide ideation increased and there were six incidents of self-injurious behavior.

## **Alleged Sexual Misconduct**

A Carter staffer was indicated for child sex abuse and criminally charged with sex-related offenses stemming from an incident involving a youth placed at Carter when she was in the community for a home pass during the Thanksgiving holiday period. The staffer allegedly picked the girl up at a DJS office, posing as her father, and drove her to a hotel and had sex with her. According to the DJS OIG investigation into the incident, there was no policy in place at the time that guided DJS staff when they released youth to their parents for home passes.

On December 11, another youth at the facility who had learned of what happened disclosed the incident to her therapist (incident 148749). Facility administrators contacted Child Protective Services, the state police, and DJS' internal investigatory unit (DJS OIG). A related criminal case is pending in Baltimore County Circuit Court at time of writing.

Between August and October 2017, the same staffer had been the subject of four other internal investigations conducted by DJS OIG for inappropriate behavior with youth. These investigations were inconclusive.

## **Pregnant Youth**

Pregnant youth should not be placed at Carter.

However, a pregnant youth was placed at Carter during the fourth quarter of 2017. She is the first pregnant youth at Carter in more than four years. In early 2013, three pregnant youth were placed at Carter. One of the girls went into premature labor and needed to be transported by MedEvac helicopter to a hospital 70 miles away in Baltimore, where the closest medical center capable of treating an obstetric emergency is located. Unfortunately, weather conditions at the time precluded the use of the helicopter and the youth was instead transported to the hospital by ambulance. She lost her baby four days later.<sup>27</sup>

## **Treatment Culture and Program**

Research shows that most youth in the juvenile justice system—between 70 and 96 percent—have been exposed to trauma and that “many girls in the justice system have experienced even higher rates of victimization than their male peers, particularly those forms of abuse that occur in the context of close personal relationships such as family violence and sexual

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<sup>27</sup> For more information, see JJMU Q1 2013 report. Available at:  
[http://www.marylandattorneygeneral.gov/JJM%20Documents/13\\_Quarter1.pdf](http://www.marylandattorneygeneral.gov/JJM%20Documents/13_Quarter1.pdf)

assault.”<sup>28</sup> According to DJS data, 47.8% of girls in out-of-home placement during fiscal year 2017 had been either physically or sexually abused.<sup>29</sup>

While administrators and staff at Carter have made substantial progress in improving the therapeutic culture within the facility, the Department has yet to implement an overarching trauma-informed treatment program. There is a set of treatment groups that focus on trauma and a therapist certified in trauma-informed cognitive behavioral therapy whose time is split between Carter and another facility. Direct care staff had a three-hour information session on the definition of trauma and its effects, however, the controlling framework of the program at Carter throughout 2017 was a points- and levels-based behavior management system called Challenge that categorizes youth according to their ability or inability to adhere to a certain set of prescribed behaviors. Challenge is neither evidence-based nor trauma-informed. At time of writing, the Department has begun to implement the Positive Behavioral Interventions and Supports (PBIS) behavior management system.<sup>30</sup> The Department should also ensure that all mental health clinicians at Carter are certified to deliver trauma-informed therapies as part of a longer-term goal to implement a cohesive treatment program.

### **Girls in the Deep-End of the Juvenile Justice System**

The Department’s data shows that girls in the juvenile justice system are more likely to suffer from mental health issues than boys.<sup>31</sup> They are also more likely to end up in the deep end of the system for lower level offenses.<sup>32</sup> With its focus on security and control, the juvenile justice system is an inappropriate vehicle for providing services to youth in need of intensive mental health care.

A girl who was placed at Carter during the fourth quarter had been involved in an incident (147342) at the outset of her placement where she bit a staffer and was charged as an adult with assault. Her sentence—20 days in the Kent County jail—was suspended and she was returned to Carter. The youth subsequently made substantial progress and was granted a home pass in December which, according to the youth, would have been the first time in seven years she was home for the holidays. However, the home pass was later revoked due to concerns that she would run away while in the community. The youth became extremely upset upon learning that she wasn’t going home and was physically restrained. During this incident (148955), the youth bit and struck a staffer and was again charged as an adult with assault.

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<sup>28</sup> Patricia Kerig and Julian Ford, “Trauma among Girls in the Juvenile Justice System.” National Child Traumatic Stress Network, 2014. Available at:

[http://www.nctsn.org/sites/default/files/assets/pdfs/trauma\\_among\\_girls\\_in\\_the\\_jj\\_system\\_2014.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/trauma_among_girls_in_the_jj_system_2014.pdf)

<sup>29</sup> Maryland Department of Juvenile Services “Interim Report: Services for DJS-Involved Girls.” January 2018.

<sup>30</sup> For more information, visit: <https://www.pbis.org/school/swpbis-for-beginners/pbis-faqs>

<sup>31</sup> Maryland Department of Juvenile Services “Interim Report: Services for DJS-Involved Girls.” January 2018.

<sup>32</sup> Sherman, F. and Balck, A. “Gender Injustice: System-Level Juvenile Justice Reforms for Girls.” The National Crittenton Foundation, 2015. Available at: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>

Immediately after the incident, the youth expressed anxiety over the possibility that she would have to spend 20 days in an adult jail. She was arrested, taken to the adult detention facility and was brought back to Carter a few hours after the charges had been processed. Days later, and while still incarcerated at Carter, the youth attempted to strangle herself by tying two sports bras around her neck (incident 149062). According to the youth's case notes, she was "purple/blue and cold and unresponsive" when staff found her and acted quickly to save her life. She was hospitalized before spending a few days in an adult psychiatric facility and ultimately returned once again to Carter.

Hardware secure facilities like Carter are inappropriate environments for youth facing significant mental health challenges. The Department and other stakeholders, including the courts, should collaborate to divert youth with intensive clinical needs away from the juvenile justice system and into effective mental health treatment in the community.

### **Family Engagement**

According to DJS data, 90% of girls in the deep end of Maryland's juvenile justice system in fiscal year 2017 had a moderate-to-high family related need<sup>33</sup> and there is evidence that family contact during incarceration has a positive impact on youth behavior and education performance.<sup>34</sup> However, DJS policy limits youth in detention and committed placement centers to two ten minute phone calls a week. The Department's visitation policy limits youth to two visits during specified times on specified days of the week. Carter's location on the eastern shore makes it very difficult for most families to access and restrictions built into the DJS visitation policy—including age and relation limitations—can further impede the ability of family members to visit. For instance, parents or guardians of incarcerated youth who have very young children cannot bring those children to visit with their incarcerated sibling and the parents or guardians themselves may not be able to visit if they cannot access childcare. Similar limitations about who can travel on DJS vans—which are used to transport families without access to a personal car—also restrict the ability of some families to visit Carter.

The Department should facilitate family engagement by:

- increasing the number and duration of phone calls for youth,
- broadening visitation privileges to include an increased number of relatives,
- expanding visitation days to accommodate families whenever they are able to visit, within reason, and

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<sup>33</sup> Maryland Department of Juvenile Services "Interim Report: Services for DJS-Involved Girls." January 2018.

<sup>34</sup> Vera Institute of Justice, "Family Engagement in the Juvenile Justice System." Available at: <https://www.vera.org/publications/family-engagement-in-the-juvenile-justice-system>

- increasing the number of staff who are available to help bring families to and from DJS facilities throughout the week.

In addition to being viewed as a reward for positive behavior, home passes play an important role in helping prepare incarcerated young people to transition back to their families and adjust their communities. During 2017, families of two youth at Carter experienced housing instability. For one of the youth, the family's situation precluded the possibility of her participation in weekend home passes altogether. In the case of the second youth, vital details concerning her re-entry plan frequently fluctuated as her release date approached because of her grandparents' precarious housing situation. The Department should ensure that families are connected to critical services in order to facilitate smoother transitions home for youth and to promote the youth's chances of enjoying long-term stability in the community.

Alternatives to home passes that serve as a meaningful reward for progress in the program should also be developed when youth cannot go home. During the fourth quarter of 2017, a youth at Carter whose plan called for her to be released to an independent living program was able to have an advance visit to the house where she would be staying. For girls who - for one reason or another - cannot return home to their biological families or participate in weekend home passes, Carter administrators should continue to develop alternative activities to help ease their transition out of incarceration and back into the community.

### **Community-based Programming**

As previously mentioned, girls are more likely than boys to end up in the deep-end of the system for lower level offenses.<sup>35</sup> Although Carter is a hardware secure (maximum security) facility, the numbers of incidents involving aggression at the facility have remained very low for the past three years and the concerns most often expressed by young people confined at Carter are connected to boredom rather than personal security.

Girls at Carter consistently express interest in participation in off-grounds programming for recreational or rehabilitative purposes. During the fourth quarter of 2017, the Department approved some off-grounds activities such as roller skating and bowling. Following these opportunities, youth reported the positive effects that engaging in normalizing activities had on their self-image and mood.

The Department should offer girls at Carter regular recreational outings and constructive opportunities related to employment, education, and community service.

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<sup>35</sup> Georgetown Center on Poverty, Inequality and Public Policy. "Improving the Juvenile Justice System for Girls: Lessons from the States." October, 2012. Available at: [http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/JDS\\_V1R4\\_Web\\_Singles.pdf](http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/JDS_V1R4_Web_Singles.pdf)



## **Education Services**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Carter. During the fourth quarter of 2017, two youth were enrolled in online classes at Frederick County Community College. The youth accessed their coursework using computers located in the school building at Carter. On occasions during the fourth quarter, youth had difficulty accessing the websites that were required to complete the coursework because of internet settings on youth computers. Additionally, youth could only access computers during MSDE JSES school days and hours. This system inadvertently compromises youth enrolled in community college courses as it can cause them to lose time allotted by their professors to meet deadlines when the students cannot access needed websites and when they can't do online coursework during evenings, weekends, or when MSDE JSES schools are closed. Teachers at Carter did work individually with students to try and overcome these systemic shortcomings and help ensure that youths were able to complete their work on time during the quarter. However, MSDE JSES should institute changes that ensure appropriate levels of internet and computer access for college students, rather than depending on the ability of teachers to make individualized accommodations.

For more information on education services in DJS facilities, please see the MSDE JSES section beginning on page 63.

# DETENTION CENTERS

## Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a maximum security detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC, which has a DJS-rated housing capacity of 120 youth. African American youth represented 95% of total entries during 2017, compared to 94% during 2016.

<b>BCJJC – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>85</b>	<b>89</b>	<b>100</b>
1. Youth on Youth Assault/Fight	226	245	352
2. Alleged Youth on Staff Assault	38	38	45
3. Physical Restraint	330	354	455
4. Use of Handcuffs and/or Shackles	115	111	115
5. Seclusion	15	10	14
6. Contraband	10	21	29
7. Suicide Ideation	22	25	21
8. Suicide Attempt	0	0	2
9. Self-Injurious Behavior	9	4	7

Average daily population (ADP) during 2017 increased by 12% compared to 2016. A substantial proportion of the population at BCJJC are youth who have been automatically charged as adults and are awaiting court hearings to determine whether their case will be processed in the adult or juvenile court system. During the fourth quarter of 2017, the average daily population of youth charged as adults at BCJJC was 50 youth, up 7% from 48 during the same period in 2016. The ADP of youth charged in juvenile court was 51 youth during the fourth quarter of 2017, up 10% from 46 during the same period in 2016.

Youth charged as adults have prolonged stays in detention—spanning several months or more—yet BCJJC does not provide long-term educational or therapeutic programming. Housing youth charged as adults requires extensive coordination between DJS, the adult corrections agency (Department of Public Safety and Correctional Services [DPSCS]), and the adult and juvenile court systems. Given the amount of time involved in coordinating with the adult courts and corrections systems, DJS should create an additional position to manage the cases of youth charged as adults at each of the three largest detention centers. The Department should also increase the availability of constructive programming available to youth charged as adults and held at BCJJC (and other DJS detention centers).

While using juvenile detention centers rather than adult lockups to house young people charged they are adults is an advance, Maryland law should be changed to end the prosecution of children and youth as adults, as research indicates that charging and prosecuting young people in the adult criminal justice system creates worse outcomes for both youth and public safety.<sup>36</sup>

### **Safety and Security**

There was a substantial increase in the number of incidents involving aggression during 2017 compared to the year before. Conflict resolution services—intended to prevent incidents of aggression—are available on a very limited basis within BCJJC through outside providers (Boys Club<sup>37</sup> and Baltimore Youth Arts) who are primarily responsible for organizing structured activities for youth. The Department should expand the availability of community conferencing services at BCJJC. Restorative justice practices should also be integrated more broadly into the culture of the facility. This goal could be accomplished through specialized, professional training for direct care workers in how to constructively and effectively shape group dynamics on the units and respond to conflicts when they arise. Yoga and mindfulness programming is currently available on a limited basis and should continue and be expanded to help reduce incidents involving aggression.<sup>38</sup>

There was also a substantial increase in physical restraints during 2017 over the prior year. Efforts to reduce the utilization of physical restraints should include close collaboration between direct care staff and mental health professionals. Physical plant and office space limitations at BCJJC preclude clinicians from remaining posted on their assigned living units. Their ability to respond to escalating situations, therefore, depends on whether direct care staff have time to call for mental health assistance and do so. In some incidents, mental health staff were not called at all or were called after a situation had already escalated into an incident involving aggression (147083 and 148795).

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<sup>36</sup> Steinberg, Laurence. "Adolescent Development and Juvenile Justice." Annual Review of Clinical Psychology Volume: 5 Issue: 1 (2009) p. 459-485.

<sup>37</sup> The Boys and Girls Club of Metropolitan Baltimore operates a site within BCJJC that delivers structured programming to detained youth.

<sup>38</sup> For more information, see: <http://www.wbaltv.com/article/department-of-juvenile-services-uses-yoga-to-help-transform-young-people/14427368>

During the fourth quarter, there were instances where youth returned to their unit after a court hearing upset or agitated and were ultimately involved in assaults or restraints (148796 and 148883). Currently, intake staff offer to call mental health staff for youth who have returned from court. Mental health staff should check in with all youth before they return to their units after a court appearance.

There were also incidents during 2017 which indicate that seclusion is not consistently reported or documented properly at BCJJC.<sup>39</sup> During the fourth quarter of 2017, for example, there was a group fight on a unit (incident 148795) after which all of the youth on the unit were put in their cells and most of them were kept there for over an hour. Although DJS policy defines seclusion as the “placement of a youth in a locked individual room where a youth is kept for a period of time during waking hours”<sup>40</sup> and requires staff to adhere to certain monitoring and reporting requirements, there was no seclusion documentation at the youths’ doors or included in related incident report documentation. Staff and administrators must ensure that the DJS seclusion policy—which includes important safeguards for youth—is properly adhered to at all times.

### **Intensive Services Units (ISUs)**

The Intensive Services Units are self-contained, restrictive housing units within BCJJC for youth identified by DJS as being in need of intensive support and increased structure following alleged involvement in incidents of aggression. Although youth meet individually with the mental health therapist who is assigned to the ISUs, they report that they do not receive enough specialized help geared toward improving self-regulation.

Youth on the ISUs remain seated all day and do not leave the unit except once daily for large muscle exercise in the gym. They are excluded from earning tangible incentives for positive behavior and from participating in structured programming, including activities that may be of therapeutic value like art classes or groups with the Boys Club staff.

There are frequently not enough teachers to provide a full school days’ worth of instruction to both ISUs and there is no structured programming to fill these gaps in the schedule. As a result, youth on the ISU often do not receive the level of education services they are entitled to and instead spend much of their day unengaged. When there are enough teachers, education services are provided on the living unit where many resources in regular classrooms are not available. One of the two ISUs at BCJJC has a dry erase board, but neither has any technological resources for teachers or youth. During the fourth quarter of 2017, a youth on a housing unit in the general population had already earned his high school diploma and was working online to prepare for the Accuplacer test which is required for admission to community college. When the youth was moved to the ISU, however, he no longer had access to the internet or a computer and had no way to continue preparing for the test. Instead, he had no choice but to complete the

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<sup>39</sup> See JJMU Q3 2017 report, pages 26-27.

<sup>40</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-01-07.

same work as the other students on ISU – work that was unconnected to his immediate education needs.

Far from being a unit that provides intensive services, youth perceive being moved to an ISU as a form of punishment. During the fourth quarter of 2017, one youth equated the ISU to “the hole” in adult corrections facilities (referring to the practice of solitary confinement) excepting that youth on the ISU are confined within the unit and not within their cells. Administrators at BCJJC have taken some steps to help alleviate the punitive nature of the ISU by ending the practice of handcuffing ISU youth whenever they leave the unit, and by no longer requiring youth to lock in at 4:00 p.m. for showers and bedtime. Instead, youth on the ISU lock in at the same time as other units – around 6:45 p.m. – for showers and bedtime.

Substantial increases in the quantity and quality of services available to youth on the ISU must be effectuated if the ISU is to meet its stated goal of supporting youth who are facing the greatest behavioral challenges.

### **Family Engagement**

There is evidence that increased family contact is associated with improved youth behavior and education performance.<sup>41</sup> However, DJS policies surrounding phone calls and visitation can impede youths’ access to their family and other important social supports in the community. Visitation is only held twice a week during specified hours on designated days and for a limited set of family members, although special visits can be scheduled outside of those times and restrictions. Legal guardians and grandparents may attend but they cannot bring any siblings or children under the age of 16 which can prevent families from visiting if they are unable to secure childcare. Siblings who are at least 16 years old can only visit with identification. Youth cannot have visits from people identified as positive social supports in the community who are not members of their nuclear family. Notwithstanding restrictions built into the DJS policy, administrators at BCJJC work with families and case managers to schedule special visits and have instituted bi-weekly visitation days for youth who have children of their own.

The Department limits youth to two 10-minute phone calls per week. Youth at BCJJC are also limited as to the times during the day when they can use the phone. Although exceptions may be made, this default system can have the effect of limiting youth contact with their family members. The Department requires community case managers to approve phone numbers that can be called. Youth who are charged as adults and held at BCJJC do not have community case managers automatically assigned to them and they may experience particularly significant challenges in getting their phone call lists updated and approved. The Department should address phone list issues and expand youth access to their families by increasing the amount and duration of allotted weekly phone calls. Visitation days and times should also be expanded and onerous non-security-related barriers to visitation eliminated.

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<sup>41</sup> Vera Institute of Justice, “The Impact of Family Visitation on Incarcerated Youth’s Behavior and School Performance,” April 2013. Available at: <https://www.vera.org/publications/the-impact-of-family-visitation-on-incarcerated-youths-behavior-and-school-performance-findings-from-the-families-as-partners-project>

## **Large Muscle Exercise**

The Department's policy and Maryland juvenile detention standards require that youth receive one hour of large muscle on a daily basis.<sup>42</sup> However, at BCJJC there is one gym and ten separate living units and residents remain separated throughout the day. Small outdoor areas can be used for large muscle exercise, weather permitting. During the winter or in inclement weather, outdoor spaces cannot be used, and it is also impossible to provide every unit with one hour in the gym on school days. Visitation is also held in the gym which can further limit the amount of time that space can be used by youth for physical exercise during visitation.

The Department should install a moveable partition in the gym to increase the number of living units that can access the space and ensure that every youth has at least one hour of large muscle exercise every day. It may also be necessary to identify and set aside additional indoor space for large muscle exercise at BCJJC.

## **Transgender Youth**

There were several transgender girls detained at BCJJC in 2017. During the fourth quarter, there was at least one transgender girl held at BCJJC who was originally placed on a regular housing unit with boys but she subsequently requested to be moved to the infirmary. Youth on the infirmary attend school but do not participate in recreation or any structured programming. While administrators at BCJJC worked to provide her with clothing and hygiene products in line with her preferences and gender identity, some staff continued to refer to the youth using male pronouns.

Direct-care staff received a one-time training in 2016 on working with LGBTQ youth but DJS has not adopted a specific policy to ensure staff are accountable to the principles set forth in the training. The Department should adopt policies and implement ongoing trainings specifically designed to protect the rights and ensure the appropriate treatment of LGBTQ youth. Transgender youth who wish to be housed in a facility in line with their gender identity should be accommodated unless there are individualized and specific safety and security concerns that preclude that option.

## **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at BCJJC. Chronic staffing shortages and challenges with retention continue to impede the delivery of education services at most MSDE JSES schools, including BCJJC. The principal at BCJJC has readjusted the schedule to minimize the impact of staffing shortages. However, even when fully staffed there is an insufficient number of teacher positions at BCJJC to provide classroom instruction for a full day to every living unit when there are two ISUs open and there are youth on the infirmary. Instructional assistants may have to take sole responsibility for providing instruction to some youth, individual classes may be

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<sup>42</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.  
Md. Standards for Juvenile Detention Facilities 4.5.1.3.

cancelled, or some units—particularly the ISUs—may have to make do with half a regular school day’s worth of instruction. MSDE JSES and DJS staff should communicate before each school day begins so that preparations can be instituted, and available resources maximized when MSDE JSES and DJS are planning alternatives to cancelled classes.

Further collaboration between MDSE JSES and DJS staff should also be facilitated through joint trainings. Enhanced training for DJS staff should include classroom expectations and techniques for effectively supporting teachers and students. Education staff should receive enhanced training on working with youth in the juvenile justice system (including training on the effects of trauma on youth and training on adolescent development). During the fourth quarter of 2017 (incident 148883), a youth returning to school after court was upset because he had been ordered back into secure detention. The youth became more upset when the teacher insisted that he complete his schoolwork and he was ultimately physically restrained and removed from the classroom. (His classmates also had to leave the classroom because there were not enough staff to separate the individual from the classroom group while staying in mandated direct care staff-to-youth ratio). Education staff should be trained to implement supportive processing skills and to ask for the assistance of direct care or mental health staff to work with youth within the classroom in order to help foster an inclusive and constructive school environment.

During the fourth quarter of 2017, two students at BCJJC were enrolled in online community college courses. MSDE JSES should continue to facilitate access to post-secondary education for all eligible students. Other youth who have earned a high school diploma or GED who are not interested in pursuing higher education should have access to constructive programming, including hands-on courses leading to certification in a variety of trades. DJS administrators at BCJJC should also work to institutionalize the availability of the World of Work program for youth by developing a clear program structure and designing a staffing plan to ensure that there are enough staff available to offer the program to youth who qualify to be involved. These options are particularly important for youth who are facing adult charges and are likely to spend months in detention.

For further information on education services in DJS facilities, see the MSDE JSES section beginning on page 63.



## Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (CYDC), located in Prince George’s County, is a maximum security detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 74% of total entries in 2017, compared to 75% in 2016. Hispanic/Latino youth represented 10% of total youth entries compared to 9% in 2016.

<b>CYDC – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>61</b>	<b>60</b>	<b>49</b>
1. Youth on Youth Assault/Fight	98	158	164
2. Alleged Youth on Staff Assault	11	10	17
3. Physical Restraint	112	178	243
4. Use of Handcuffs and/or Shackles	22	39	11
5. Seclusion	0	4	40
6. Contraband	5	5	11
7. Suicide Ideation	22	20	16
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	3	6	6

Average daily population (ADP) decreased by 18% in 2017 compared to 2016. The decline in population is a positive trend, as research shows that “institutionalization disrupts a youth’s ties to his or her family and community, while interfering with healthy adolescent development. When compared to youth charged with comparable offenses and with similar

histories, youth who have been incarcerated are less likely to graduate, more likely to have trouble obtaining employment, and more likely to end up in the adult criminal justice system.”<sup>43</sup>

While the population at CYDC decreased in 2017, youth on youth fights and assaults increased by 4%; alleged youth on staff assaults increased substantially, physical restraints increased by 37%; and reported seclusions increased tenfold compared to the year prior. However, use of mechanical restraints (handcuffs/shackles) within the facility decreased 72%.

The superintendent and a recently hired assistant superintendent are working together to improve the culture at CYDC. Efforts have focused on providing training and measures to increase staff accountability in order to promote youth and staff safety. Administrators are also working to bolster staff morale; promote cohesion among managers and direct care staff; and enhance communication between the various departments at the facility (case management, education, mental health and medical units).

### **Staff Training**

During the fourth quarter of 2017, administrators at CYDC began delivering specialized trainings to foster a more therapeutic approach among male staff in particular. These trainings came in response to a series of incidents throughout the year (including 147996 during the fourth quarter) where male staff relied on intimidation and aggression to control youth instead of rapport building, verbal processing, and collaboration with mental health staff to address challenging youth behavior.

Other incidents during the fourth quarter of 2017 involved instances where staff deviated from the facility schedule or from proper posting (staff positioning) while on a residential unit. These shortcomings resulted in a group disturbance (148041) and a physical restraint (148866). Adhering to a structured routine and maintaining proper posting fosters a sense of stability and safety for youth. In response to the issues highlighted by these occurrences, facility administrators have begun holding mandatory all staff meetings to provide refresher training on particular procedures and protocols related to operational safety.

### **Mental Health Services**

The Department contracts with an outside provider, Hope Health Systems, to provide mental health services for youth at CYDC. A mental health staff supervisor who was responsible for administrative tasks and for providing mental health services to youth on two residential units resigned during the fourth quarter. While a mental health supervisor was recently hired, overall mental health staffing levels are inadequate to provide essential mental health-related services for youth at Cheltenham.

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<sup>43</sup> Annie E. Casey Foundation, “Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland?” January 2015. Available at: <http://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

Incidents 148723 and 148521 involved youth that were upset and not following staff directions. There was no mental health clinician available on the unit to process with the youths in distress and they were ultimately physically restrained and taken to their cells by staff.

Mental health services staffing levels should be increased to provide for a dedicated clinician on each living unit and in the school to work individually with youth and aid direct care staff in de-escalation of potential crisis situations.

### **Hygiene Products and Footwear**

Due to state procurement regulations, soap products at CYDC were changed from a name brand soap to a generic one purchased from a prison supply company. Several youth reported breaking out in rashes and experiencing dry skin because of the poor quality of the soap. Youth were required to be evaluated by medical staff in order to switch back to a name brand soap, however some youth who reported skin problems were still denied access to less irritating products. Youth should not have to use inferior quality hygiene products while detained and the State of Maryland should ensure that products bought under contract are not deficient or of sub-standard quality.

Several youth also reported that the shoes issued to them frequently fall apart and lack ventilation which causes excessive sweating and led to fungal infections for some youth. Youth should be provided with durable, appropriately designed shoes. If the current supplier cannot fulfill these needs, the State of Maryland should contract with a provider who can offer footwear of appropriate quality and durability.

### **Special Events and Family Engagement**

Administrators organized several well-attended family engagement gatherings and special events for youth during the fourth quarter of 2017. Some events in the fall were held in a large fenced-in outdoor space located in the back of the facility. Administrators should utilize this outdoor space for recreational and enrichment purposes whenever weather permits.

Plans to improve family engagement by allowing youth to earn additional phone time as an incentive should go forward. Currently youth at all DJS facilities (detention and committed placement) are allotted just two 10-minute phone calls per week. Youth frequently report that the minimal phone access offered is insufficient to maintain critical contact with family members.

### **Education**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at CYDC. Most MSDE JSES schools, including the school at CYDC, are plagued with high staff turnover and staffing shortages that hinder the consistent delivery of education services. During the fourth quarter of 2017, there were vacancies for an English teacher and a special education teacher.

Non-English speaking students and adult housing youth frequently voice concerns about the educational curriculum being unresponsive to their needs. While Spanish speaking students at CYDC are provided with ESOL classes for half the school day, they spend the other half (three hours) without language help in regular classes. Students may experience challenges with a language barrier during school even when translators are onsite and attempting to provide services to youth. During a monitoring visit during the fourth quarter of 2017, two Spanish-speaking youth reported feeling frustrated that they could not follow a social studies lesson because it included a 20-minute video clip without Spanish subtitles. Translators were unable to provide translations for youth due to the fast pace of the lesson. Accommodations should be arranged and provided to ensure non-English speaking students are afforded an equal opportunity to participate in classroom learning compared to their English speaking peers.

Youth charged as adults and held in DJS detention facilities may spend several months awaiting adjudication and are placed in the same classes as kids with juvenile charges (who, on average, spend significantly shorter times in detention). However, the high school curriculum at MSDE JSES schools is mainly designed for short term stays and specific lessons are often repeated every two months. The educational approach in MSDE JSES schools should be personalized to meet each student's particular needs and should also take into account a youth's projected length of stay.

Many youth at Cheltenham who have already obtained a GED or have their high school diploma are interested in pursuing courses of study that will provide them with relevant job skills leading to employment upon release. During the last quarter of 2017, students expressed interest in pursuing barbering, mechanics, HVAC and plumbing. However, vocational options are severely limited at CYDC and do not include hands-on courses leading to certification in trades. On-site training opportunities should be created to match student interest and be geared toward preparing youth to compete for in-demand jobs in the community.

For more information on education services in DJS facilities, see the MSDE JSES section on page 63.

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

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a maximum security detention center for boys. Hickey is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 72 beds. African American youth accounted for 77% of entries in 2017, compared to 72% in 2016.

<b>Hickey – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>54</b>	<b>48</b>	<b>57</b>
1. Youth on Youth Assault/Fight	166	131	170
2. Alleged Youth on Staff Assault	16	10	0
3. Physical Restraint	300	259	215
4. Use of Handcuffs and/or Shackles	63	32	27
5. Seclusion	70	25	41
6. Contraband	11	9	7
7. Suicide Ideation	44	18	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	11	2	0

Average daily population (ADP) in 2017 increased by 19% compared to 2016, while youth on youth assaults or fights increased by 30% and use of seclusion increased by 64%. The use of physical restraints decreased by 17% and the use of mechanical restraints (handcuffs and/or shackles) within the facility decreased by 16%.

### **Safety and Security**

There were several serious assaults during the fourth quarter that resulted in youth being sent to the local emergency room for medical evaluation and treatment (incidents 147877,

147874, 148139, and 149098). These incidents highlight the need for a comprehensive approach to addressing youth conflict at Hickey (and other DJS detention and committed placement centers). The use of restorative justice professionals to engage in community conferencing with youth and run dialogue circles occurs sporadically and on an ad hoc basis at some DJS facilities, including Hickey. This type of programming should be integrated at all DJS facilities to help engender positive milieus for young people in secure detention and placement. Conflict resolution initiatives should be combined with an evidenced-based violence prevention curriculum utilizing cognitive behavioral therapy, which has been proven to improve outcomes for detained youth.<sup>44</sup>

### Adequate Staffing Levels

There were nine vacancies for direct care staff during the fourth quarter of 2017 and other staff on extended medical leave were also unavailable to work. Vacancies should be filled as quickly as possible to avoid staff burnout from mandated or excessive overtime and to help bolster current staffing levels.

The Department should increase the overall number of direct care staff available onsite at Hickey beyond minimum staffing ratios. Despite adherence to minimum staffing ratios, the staff response time in some crisis situations was compromised due to a limited number of direct care workers available to respond. In incident 148686, a group disturbance broke out in the gym. Staffers present radioed for other staffers to respond and assist while the staffers present attempted to do crowd control and prevent a group of youth from assaulting another youth. The arrival of other staff was delayed as they were also addressing a related incident that was occurring outside the gym at the same time as the fracas inside. Staff were also delayed by a problem that occurred on a residential unit moments before the ruckus broke out in the gym.

Increasing staff to youth ratios beyond minimal standards will:

- bolster staff presence throughout the facility;
- help deter incidents from occurring;
- aid in resolving arguments or fights quickly when they do occur; and
- reduce the potential for injury to youth and staff.

### Refresher Training on Supervision

The following incidents indicate the need for enhanced training on close supervision of youth movement. In incident 148098, two direct care staff were supervising three youth in the infirmary. A youth was able to fill up a cup with soap and water and hide it underneath his shirt.

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<sup>44</sup> For more information, see: <https://urbanlabs.uchicago.edu/news/cbt-2-0-a-behavioral-approach-to-reducing-recidivism-among-youth>

A little later, the youth with the hidden cup got up from watching TV in the infirmary dayroom, walked over to another youth, and threw the soapy water in the other youth's eyes.

In incident 148583, a staffer seated next to a youth was talking to him in an effort to de-escalate a tense situation. The youth, who had been verbally arguing with another youth, stood up and walked over to the other youth and assaulted him. The staffer stood up at this point and moved to separate the youths. The staffer was counseled by administration about intervening more quickly to help prevent assaults.

The Department should ensure that supervisory and direct care staff receive ongoing training on essential elements of close supervision in order to promote youth and staff safety, and further reduce incidents involving aggression.

### Mental Health Services

Mental health staff involvement is key to reducing incidents of aggression and the use of restraints and seclusion. A new mental health supervisor has recently been hired at Hickey. In addition to continuing post-incident debriefing services and processing with individual youth on the units, the new supervisor should prioritize the integration of clinicians to help manage group dynamics and de-escalate fraught situations while working alongside direct care staff.

### Transgender Youth

Several transgender girls were detained at Hickey in 2017, one of whom reported feeling uncomfortable during the fourth quarter after being placed on a male residential unit. She wrote three separate grievances stating that other youth were harassing and trying to fight her (grievances 14005, 14006, and 14008). In line with best practices, youth should be placed in facilities consistent with their gender identify, absent a specific safety concern indicating otherwise.<sup>45</sup> Placement of a transgender girl in a boys' facility "can be dangerous, exposing her to bullying, physical assaults and even sexual abuse. At its core, such a placement constitutes a refusal to fully affirm the youth's identity and may contribute to suicidal ideation and depression and exacerbate gender dysphoria, among other undesirable health outcomes."<sup>46</sup>

### Family Contact

Family contact is associated with positive youth outcomes.<sup>47</sup> Yet kids in DJS detention (and committed placement) facilities are limited to two 10-minute phone calls per week to

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<sup>45</sup> Annie E. Casey Foundation. "Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System." 2015. <http://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>

<sup>46</sup> Children's Rights, Lambda Legal, and Center for the Study of Social Policy. "Safe Havens: Closing the Gap between Recommended Practice and Reality for Transgender and Gender-Expansive Youth in Out-of-Home Care," April 2017. Available at: [https://www.lambdalegal.org/sites/default/files/tgnc-policy-report\\_2017\\_final-web\\_05-02-17.pdf](https://www.lambdalegal.org/sites/default/files/tgnc-policy-report_2017_final-web_05-02-17.pdf)

<sup>47</sup> Vera Institute of Justice, "Family Engagement in the Juvenile Justice System." Available at: [https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy\\_downloads/family-engagement-juvenile-justice.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/family-engagement-in-the-juvenile-justice-system/legacy_downloads/family-engagement-juvenile-justice.pdf)

immediate family members. Youth consistently report needing additional phone calls of longer duration in order to maintain critical family relationships. Youth should be provided with increased opportunities for phone contact with immediate family and other relatives who are able to provide positive sources of support.

### **Structured Activities and Special Events**

Throughout 2017, case managers, mental health staff and recreation specialists worked together to provide youth with a variety of structured activities outside of school hours. In addition, administrators organized holiday and family engagement events during the fourth quarter of 2017. Collaborative efforts to provide consistent constructive programming for youth should continue in order to positively engage youth and avoid excessive downtime.

### **Education Services**

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

A substantial proportion of youth at Hickey are from Baltimore County. The school system in Baltimore County uses a different software system for transcripts and records than the school systems in the rest of the state. There is only one fulltime guidance counselor at Hickey who must manually input all records into the MSDE JSES computer system and manage the transfer of records to community schools when youth are released. This work is in addition to other guidance counseling duties. Given the demands on the guidance counselor at Hickey, MSDE JSES should allocate an additional full-time position to help with the maintenance and prompt transfer of school records.

Recruitment and turnover of teaching staff continues to be a significant problem at Hickey and other MSDE JSES schools, as local school systems offer higher compensation and summers off. However, during the fourth quarter of 2017, long term substitutes were available to provide coverage for teacher vacancies at Hickey.

At the end of 2017, three youth at Hickey who passed the GED test were enrolled in online community college courses for the spring 2018 semester. Certain youth with a high school diploma or a GED are eligible for the DJS organized World of Work program, which offers the graduates minimum wage for completing odd jobs around the facility. Post-secondary education options at all DJS facilities should include vocational instruction leading to certifications in high demand careers.

For more on education services in DJS facilities, see the MSDE JSES section beginning on page 63.



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

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure detention center for girls. Waxter is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 42 beds. African American youth represented 70% of total youth entries during 2017, compared to 71% during 2016.

<b>Waxter – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>29</b>	<b>22</b>	<b>22</b>
1. Youth on Youth Assault/Fight	137	64	62
2. Alleged Youth on Staff Assault	31	17	24
3. Physical Restraint	303	167	219
4. Use of Handcuffs and/or Shackles	35	20	16
5. Seclusion	41	18	9
6. Contraband	12	3	8
7. Suicide Ideation	154	100	125
8. Suicide Attempt	2	0	0
9. Self-Injurious Behavior	19	11	10

Average daily population (ADP) at Waxter during 2017 was 22 youth—equal to the ADP during 2016. Comparing 2016 to 2017, fights and assaults decreased by 3%, the use of mechanical restraints (handcuffs and/or shackles) inside the facility decreased by 20%, and the use of seclusion decreased by 50%. However, physical restraints and incidents of suicide ideation increased by 31% and 25%, respectively.

According to recently released DJS data, 81% of girls in Maryland’s juvenile justice system have moderate-to-high mental health needs.<sup>48</sup> During the fourth quarter of 2017, some physical restraints occurred at times when mental health clinicians were not available on site to process with youth or help direct care staff efforts to de-escalate fraught situations. In incident 148217, two youth were arguing and had thrown juice and cards on the floor of a living unit. One of the girls began walking around the unit as staff removed the other youth to another room. The youth who remained continued to move around the unit and tell staff that she did not want to be touched. At this point, the time was approximately 5:30 p.m. and mental health clinicians were no longer available on site. Direct care staff could have but did not contact the on-call therapist. The youth ended up with her back to a wall as staffers continued trying to process with her. She was subsequently restrained by multiple staffers who carried her by her arms and legs to her cell.

In incident 148073, a youth made a phone call shortly before locking in time on a Friday night. The automated phone system failed to signal that there was one minute to go on her rationed ten-minute call and the youth became upset as the phone shut off unexpectedly. The youth then refused to go to lock in until she spoke to a case manager. The direct care workers told the youth she could talk to a case manager on Monday. The youth then requested to speak to someone from the mental health unit. There were no clinicians on-site and rather than contact the on-call therapist right away, the direct care staff insisted that the youth first go into her cell. The youth then began walking on chairs and tables and pulling down ceiling tiles. At one point, the youth was laying on a table and when she started to stand up on it, a staffer began physically restraining her. The youth then became aggressive and staffers carried her to her cell by her arms and legs.

Staff training should incorporate the prioritization of trauma-informed responses – such as verbal processing or enlisting the help of mental health clinicians – over physical interventions like restraints. Additionally, direct care staff should receive enhanced training on how to respond to youth behavior that, while challenging and noncompliant, is not aggressive. The Department should ensure that mental health staff are available on-site during waking hours at all facilities to support direct care workers and help reduce the use of physical restraints through de-escalation efforts whenever possible.

### **Large Muscle Exercise**

The Department’s policy and Maryland detention standards require that youth be afforded one hour a day for large muscle exercise.<sup>49</sup> There is outdoor space at Waxter that can be used by one unit at a time for this purpose, weather permitting. There is also a gymnasium which doubles as the cafeteria (and as the visitation area on visit days), thereby limiting youth access to the space. The schedule at Waxter frequently requires youth on one unit (A Unit) to spend the

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<sup>48</sup> “Interim Report on Services for DJS-Involved Girls” (January 2018).

<sup>49</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.

Md. Standards for Juvenile Detention Facilities 4.5.1.3.

designated hour for large muscle exercise in the unit living area which is relatively small and does not have specific space or equipment for exercise.

Administrators at Waxter should update the schedule to ensure that youth on every living unit have access to either the outside space or the cafenadium for a one-hour exercise period each day. If circumstances such as harsh weather conditions or sudden increases in population mean that youth have to spend the hour set aside for physical activity on the unit, the recreation specialist or unit manager should be present to lead activities that afford youth a meaningful opportunity to exercise. Plans to make unit managers responsible for developing large muscle programming for use on days when the recreation specialist cannot be present should go forward. Yoga and mindfulness programming is currently available on a limited basis and should continue and be expanded to help increase youth access to large muscle exercise.<sup>50</sup>

### **Physical Plant**

Youth are locked into their cells in the evening and let out one at a time to take showers before bedtime. During the fourth quarter, the showers on one of the living units were out-of-commission and the resultant elongated shower time meant that girls in the unit had to lock in their cells earlier (than girls on other units) so they could finish showers before bedtime.

The heating system at Waxter also malfunctioned near the end of the year causing extreme fluctuations in the temperatures on the living units. Maintenance staff at the facility worked to address the issue, however, the temperature on the living units remained very high while the heating machinery was on.

The Department should permanently address these physical plant issues.

### **Education Services**

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Waxter. Although hiring and retention issues are an ongoing and chronic systemic challenge at MSDE JSES, there were no vacancies for education staff at the Waxter facility during the fourth quarter of 2017. For more information on education in DJJ facilities, see the MSDE JSES section on page 63.

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<sup>50</sup> For more information, see: <http://www.wbaltv.com/article/department-of-juvenile-services-uses-yoga-to-help-transform-young-people/14427368>

**Alfred D. Noyes Children’s Center**

The Alfred D. Noyes Children’s Center (Noyes), located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated capacity of 57 based on double occupancy cells. African Americans represented 66% of youth entries in 2017 compared to 69% in 2016. Latino/Hispanic youth accounted for 20% of youth entries in 2017 compared to 19% in 2016.

<b>Noyes – Selected Incident Categories</b>	<b>2015<sup>51</sup></b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>30</b>	<b>28</b>	<b>31</b>
1. Youth on Youth Assault/Fight	58	97	94
2. Alleged Youth on Staff Assault	6	15	11
3. Physical Restraint	132	168	180
4. Use of Handcuffs and/or Shackles	17	18	25
5. Seclusion	17	22	13
6. Contraband	4	6	6
7. Suicide Ideation	18	56	56
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	4	33	2

Average daily population increased by 11% in 2017 in comparison to 2016. Youth on youth fights and assaults decreased slightly and use of seclusion decreased significantly (from 22 to 13). The use of physical restraints increased by 7% while incidents involving the use of mechanical restraints (handcuffs and/or shackles) within the facility increased by 39%. Instances of suicide ideation remained high at Noyes.

<sup>51</sup> Noyes was closed for renovations from July 2015 to December 2015. Incident numbers for 2015 are from the 6 months when the facility was open.

The majority of youth in the juvenile justice system have been exposed to several traumatic events.<sup>52</sup> During the quarter, all DJS staff attended a three-hour information session on the principles of trauma-informed care. Follow-up and refresher training should be conducted on an ongoing basis for staff at all DJS facilities and should focus on skill development and role playing in order to help staff consistently implement trauma-informed interactions and interventions with youth.

## **Education Services**

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

The link between educational attainment and positive outcomes for justice-involved youth is well-established. According to the research, “youth who achieve academic success during incarceration are more likely to return to and remain in school after release, less likely to recidivate, and more likely to find employment as adults.”<sup>53</sup> Yet problems within MSDE JSES prevent the consistent delivery of basic instructional services to students.<sup>54</sup>

Chronic staffing problems create instability and pose a significant obstacle to meeting the educational needs of youth at Noyes. As a result of ongoing teacher vacancies and lack of substitute instructors during teacher absences, youth frequently do not receive the mandated six hours of daily academic instruction. Instead, youth spend at least half of the school day sitting on residential units. Sometimes education staff drop off worksheets for youth to complete on their own. The lack of educational engagement is particularly problematic for youth charged as adults who are held at Noyes given that they tend to spend several months in detention.

Youth report excessive boredom, restlessness and frustration due to a lack of productive programming during the day. Alternative models<sup>55</sup> for the implementation of educational services should be explored to ensure that students at Noyes have access to the quality and quantity of education that they are legally entitled to receive.

Montgomery County Public Schools (MCPS) officials have attempted to form a partnership with Noyes to bring a pilot restorative justice program to residents. The program is currently offered to students in several MCPS schools. Implementation of the initiative at Noyes has to date been stymied by issues related to data sharing and confidentiality. Barriers to

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<sup>52</sup> Patricia Kerig, Julian Ford, and Erna Olafson, “Assessing Exposure to Psychological Trauma and Posttraumatic Stress Symptoms in the Juvenile Justice Population.” National Child Traumatic Stress Network, 2014. Available at: [http://www.nctsn.org/sites/default/files/assets/pdfs/assessing\\_trauma\\_in\\_jj\\_2014.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/assessing_trauma_in_jj_2014.pdf)

<sup>53</sup> Farn, A. & Adams, J. (2016). Education and interagency collaboration: A lifeline for justice-involved youth. Washington, DC: Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy. Available from [http://cjjr.georgetown.edu/wpcontent/uploads/2016/08/Lifeline-for-Justice-Involved-Youth\\_August-2016.pdf](http://cjjr.georgetown.edu/wpcontent/uploads/2016/08/Lifeline-for-Justice-Involved-Youth_August-2016.pdf).

<sup>54</sup> Systemic issues within MSDE JSES include problems recruiting and retaining qualified teachers; difficulties in the provision of individualized school work based on student grade level; a lack of specialized staff training on the particular needs of incarcerated youth; complications in effectively coordinating successful transitions/re-entry to local community schools; and a substantial dearth of vocational and technical instruction leading to employment.

<sup>55</sup> Alternative models could include education services being taken over by a charter school or a non-profit organization, or having the local public school system provide education services at Noyes.

collaboration between MCPS, DJS, and MSDE JSES should be addressed so that students at Noyes can have access to beneficial programs that are available to their peers in local schools.

### **Camera Coverage**

In incident 148278, a youth returned to his cell from taking a shower and allegedly assaulted his cellmate. The two youth spilled out onto the unit from their cell and the youth who instigated the alleged assault was physically restrained by staff. Due to positioning of the camera, the area in front of the youths' cell was obstructed from view.

In incident 147891, one staffer was supervising eight youth on a residential unit. Youth were sitting in the unit dayroom during the school day. Some youth were completing a worksheet that had been dropped off by a teacher. The staffer ordered a youth to take off pajamas he was wearing underneath facility supplied pants. When the youth refused, the staffer responded that he was giving the youth a behavior report (BR [an official sanction for a violation of facility rules]). Video footage indicates that the youth then stood up and walked behind the staffer and touched the top of the staffer's head. The staffer stood up, confronted the youth, and attempted to physically restrain him. A struggle ensued. The youth reported to a nurse after the incident that the staffer struck the youth's head against the wall. Large portions of the tussle could not be seen on video because of the way the camera was positioned.

All blind spots in camera coverage within the facility should be identified and rectified. Comprehensive camera coverage aids in youth and staff safety, helps promote staff accountability, and can serve as a useful training tool.

In addition, there should be at least two staffers on the unit at all times to promote safety, ensure appropriate supervision and assist with de-escalation.

### **Dietary Services**

Meal services are provided by a contracted vendor at Noyes. There were persistent youth complaints about food quantity and quality during 2017. While dinner portions were increased in response to this concern, youth still report inadequate portions for breakfast and lunch. Eight youth filed grievances during the fourth quarter of 2017 about being hungry throughout the day and also about being served cold food on a consistent basis (grievance 13981).

There were also frequent youth complaints about dietary staffs' failure to accommodate youth allergies and other food restrictions. In one grievance during the fourth quarter of 2017, a youth reported that dietary staff continually served her food with berries even though she was medically prohibited from having them (grievance 13935).

Meal service should be improved to provide higher quality meals and increased portions. If the current contractor continues to be unable to provide appropriate food services for Noyes, the Department needs to find a new provider.

## **Family Contact and Phone Issues**

A local non-profit organization, Lead4Life, sponsored Thanksgiving and Christmas events at Noyes. Relationships with community organizations should continue to be fostered to help bring productive and meaningful programming and services to youth. Holiday events were supplemented by other specially arranged activities organized by administrators during the fourth quarter of 2017.

The Thanksgiving event was particularly well attended by family members partly because DJS restrictions on permissible visitors (which is currently limited to members of the youth's nuclear family age 16 and over) were relaxed to allow young siblings to visit. When the regular policy is in effect, difficulty securing child care services for younger children can prevent parents or guardians from visiting youth at Noyes and at other DJS facilities. Visitation policies should be permanently changed to reduce barriers to family contact.

In addition to making visitation policies less restrictive, the Department should ensure that youth are provided with increased opportunities for phone contact with family members. Kids in detention are limited to two 10-minute phone calls per week and may only call immediate family members whose numbers have been pre-approved and added to a list by a facility case manager. Youth often report that the allotted frequency and telephone time is insufficient to maintain critical family ties.

## **Recreation**

Youth access to an outside basketball court and green space was limited throughout much of 2017 due to security concerns and construction of an additional school trailer. However, DJS policy and Maryland detention standards require that all youth must be provided with the opportunity for one hour of large muscle activity on a daily basis.<sup>56</sup> Scheduling a full hour of recreation for all four residential units presents particular difficulties at Noyes due to space limitations because the gymnasium also serves as a visitation room, as a cafeteria, as an auditorium during special events, and even as a hygiene area when barbers are onsite. Arrangements should be made to open up the outside area at the facility to youth during warm weather to help ensure that youth on all units have access to recreation space for at least one hour every day.

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<sup>56</sup> Md. Dept. of Juvenile Services Policy and Procedure RF-08-07.  
Md. Standards for Juvenile Detention Facilities 4.5.1.3.

### Lower Eastern Shore Children's Center

The Lower Eastern Shore Children's Center (LESCC) is a hardware secure detention center located in Salisbury. LESCC is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 18 boys and six girls. African American youth represented 77% of entries in 2017, compared to 75% in 2016.

<b>LESCC – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>19</b>	<b>18</b>	<b>17</b>
1. Youth on Youth Assault/Fight	38	55	31
2. Alleged Youth on Staff Assault	7	1	5
3. Physical Restraint	86	117	130
4. Use of Handcuffs and/or Shackles	0	1	2
5. Seclusion	2	3	3
6. Contraband	2	8	1
7. Suicide Ideation	24	29	8
8. Suicide Attempt	2	0	1
9. Self-Injurious Behavior	6	3	1

Average daily population decreased by 1 (from 18 to 17) in 2017 compared to 2016. The number of youth fights and assaults decreased by 44% while the number of physical restraints increased by 11% during the same time period. Mechanical restraints (handcuffs and/or shackles) were used twice within the facility. Incidents of suicide ideation decreased by 72% in 2017 when compared with 2016.

Administrators and staff at LESCC strive to create a safe and therapeutic environment for youth under their care. During the quarter, all DJS staff attended a three-hour information session on trauma-informed care. Ongoing training should be conducted for staff at all DJS facilities and



should focus on skill development and role playing in order to help staff implement trauma-informed techniques and interventions in day to day interactions with youth.

### **Staffing**

Due to a limited number of staff at LESCC, transportation workers were asked to fill various posts when not transporting youth. Four additional staff positions were approved for the facility in 2017 and the positions have been filled after a protracted hiring process. Transportation workers may also be asked to work in master control where there is still a shortage of staff.

### **Unsafe Fixtures**

Toilets and sinks in youth cells are porcelain which can be broken into shards and used to self-harm or as a weapon. Porcelain fixtures should be replaced with stainless steel, as has been done in other DJS facilities. Additionally, each cell has a grab bar next to the toilet as an accommodation for youth who may need assistance while using the bathroom. While the grab bars are compliant with the Americans with Disabilities Act, they unfortunately pose a hanging risk and need to be modified in order to minimize the potential for them to be used in a suicide attempt.

### **Transgender Youth**

During the quarter, a transgender female was admitted to the facility. In accordance with best practices, administrators placed her on the girls' unit where she remained for the duration of her six week stay without incident. Absent a specific security threat, youth in DJS custody should be housed on units that are consistent with their gender identity. In addition, the Department should adopt specific policies (beyond basic PREA requirements) to protect the needs of LGBTQ youth, and all staff should be trained accordingly and on an ongoing basis.

### **Recreational and Enrichment Activities**

Structured programming during afterschool and weekend hours should be increased at LESCC so that youth have the opportunity to be consistently engaged in positive and productive activities. The outdoor space at LESCC should be utilized for recreation whenever the weather permits. Youth often report needing fresh air during the day to help them relax. Youth also say listening to music works as a coping mechanism. Individual music players should be made available as an incentive or incorporated into structured recreational programming.

The Maryland State Department of Education, Juvenile Services Education System is responsible for education services in DJS facilities. For information about educational services in DJS facilities, see the MSDE JSES section beginning on page 63.

## Western Maryland Children's Center

Western Maryland Children's Center (WMCC), located in Washington County, is a 24-bed maximum security detention center for boys owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American youth represented 56% of total entries in 2017 compared to 66% in 2016. Hispanic/Latino youth represented 8% of youth entries, compared to 7% in 2016.

<b>WMCC – Selected Incident Categories</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Average Daily Population (ADP)</b>	<b>18</b>	<b>20</b>	<b>21</b>
1. Youth on Youth Assault/Fight	18	63	51
2. Alleged Youth on Staff Assault	2	1	3
3. Physical Restraint	73	117	109
4. Use of Handcuffs and/or Shackles	26	17	19
5. Seclusion	1	5	3
6. Contraband	3	3	2
7. Suicide Ideation	9	15	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	13	2	0

The average daily population increased by one (from 20 to 21) in 2017 compared to 2016. Youth fights and assaults decreased by 19%, the use of physical restraints decreased by 7%, and the use of seclusion decreased by two instances (from 5 to 3). The use of mechanical restraints (handcuffs and/or shackles) within the facility increased by two instances (from 17 to 19) when comparing the same time periods (2016 and 2017). Incidents of suicide ideation decreased by 47% in 2017 compared to the prior year.

The administration at WMCC remains diligent about creating and maintaining a safe and secure facility culture for staff and youth. Case management staff have improved programming for youth, including recruiting a community organization to provide ongoing mentoring services. They have also organized a career day event and brought in guest speakers. Efforts to maintain a safe environment for youth and expand productive enrichment activities should continue.

Four additional staff positions were approved for the facility during the third quarter of 2017. However employees from the candidate pool were placed elsewhere because of acute staffing shortages at committed placement facilities in western Maryland. The positions approved for WMCC should be filled without further delay to assist facility operations.

Community conferencing and dialogue circle professionals have been utilized at other DJS detention and committed placement sites to help youth manage conflict and work through issues. This service should be made available to youth and staff at WMCC.

Youth in DJS-operated detention and committed placement sites are allocated two 10-minute phone calls per week to immediate family members. Youth at WMCC (and all other DJS facilities) consistently report that they need more contact with home to maintain family ties and help them manage their emotions and behavior while incarcerated. Youth should receive more phone calls of longer duration to help foster family engagement.

The Maryland State Department of Education, Juvenile Services Education System is responsible for education services in DJS facilities. For information about educational services in DJS facilities, see the MSDE JSES section beginning on page 63.

# **YOUTH CONCERNS ABOUT QUALITY OF LIFE IN DJS FACILITIES**

## YOUTH CONCERNS ABOUT QUALITY OF LIFE IN DJS FACILITIES

According to experts in juvenile justice reform, “[s]afety and security are enhanced by creating a humane culture of care.”<sup>57</sup> One of the components necessary to establishing such an environment is meeting youths’ expectations regarding necessities like clothing and food. Programs that meet the basic needs of youth mitigate against safety concerns such as “bartering, hoarding, misuses of power by youth and staff, and a harmful environment.”<sup>58</sup> Providing youth with resources to meet these needs also allows them to learn and practice self-care and provides an opportunity for youth to “belong to a group in a positive way [which] builds self-image and relationship skills.”<sup>59</sup> In other words, meeting the basic needs of youth can help promote a positive and therapeutic environment in detention and committed placement centers.

During monitoring visits and in written grievances throughout 2017, youth expressed concerns about having their basic needs met while in DJS facilities. Youth connected these issues to their self-identity, often commenting that inadequate food, clothing, and other resources made them feel as though they were being treated “like criminals.”

### **Inadequate Quality and Quantity of Food**

Federal regulations restrict what youth are served at breakfast and lunch on the basis of calories and other nutritional factors like sodium and fat content.<sup>60</sup> As a result, youth across the state consistently raise concerns about the portions of food they are served, especially at breakfast and lunch (grievances 13914, 13336, and 13981). Youth also report problems with the quality, freshness and temperature of the food they are served (grievances 13981, 14015, and 14014) and with lack of adherence by dietary staff to certain dietary restrictions that youth have (grievances 13935, 13982, 13990, 13924, 13926, and 13876). These issues are particularly pronounced at the Noyes detention center (grievances 13935, 13981, 13982) and the Carter committed placement center (grievances 13563, 13615, 13582, 14027) where the Department contracts with private vendors to provide food services. The Department is bound by state procurement regulations to select whichever contract proposal is the least expensive. The State of Maryland and the Department of Juvenile Services should not enable the sacrifice of youth access to wholesome and nourishing meals in order to procure the lowest bids, which can result in poor quality dietary services.

### **Poor Quality Hygiene Products and Clothing**

State procurement rules also apply to contracts that the Department has with vendors who provide clothing, shoes, and hygiene products. Through the current contract process, there is only one option for haircare and body soap which is a 3-in-1 (shampoo, conditioner, and body soap) product. The product irritated enough youths’ skin that facility administrators had

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<sup>57</sup> A New Juvenile Justice System: Total Reform for a Broken System, NYU Press, 2015. Page 72.

<sup>58</sup> Id.

<sup>59</sup> Id.

<sup>60</sup> For more information, see: <https://www.gpo.gov/fdsys/pkg/FR-2012-01-26/pdf/2012-1010.pdf>

attempted to switch to providing youth with liquid body wash by purchasing it outside of the contract. However, this practice was ended when it was determined that the Department was not meeting a requirement that DJS buy a certain amount of products through the vendor with which it had contracted. Youth have written grievances (13897, 13953, 13951, 13868, 13857, 13851, 13850, 13849, and 14093) and expressed concerns about skin irritations since DJS began requiring administrators to resume exclusive purchasing of the 3-in-1 product. Multiple youth also reported irritations from the deodorant supplied to them (grievance 14032). Youth with reactions to the product have to request an appointment with nursing staff who determine whether the youth's skin irritation is severe enough to warrant a special individualized order for an alternative type of soap. While the State of Maryland and the Department must adhere to contract regulations, there is also a responsibility on the part of vendors to supply products that meet appropriate standards. The State and DJS should ensure that all youth held in state facilities have access to hygiene products that meet reasonable expectations of youth and staff and the State should only contract with vendors who can provide such products.

Youth experience issues concerning access to appropriate shoes which are also provided through a private vendor with which the Department contracts. In grievance 13997, DJS-issued shoes consistently gave a youth blisters. Another youth was told to wear two pairs of socks when the shoes continuously gave his feet a rash (grievance 13348).

In addition to problems with quality of products, there are occasions when staff or administrators do not order clothes and shoes on time and also instances where youth do not have access to items in their size (grievance 13280). At one of the youth centers in western Maryland, youth wore multiple pairs of sweatpants to stay warm when they did not have access to thermal shirts and pants (grievance 13956). During the fourth quarter, a youth at Green Ridge Youth Center requested new clothes on multiple occasions over the course of several weeks after his items were taken by other kids (grievances 14021 and 14052). According to the grievance, staff had been delayed in ordering replacement clothes "due to incidents at the facility."

### **Restrictions on Physical Appearance**

The Department imposes limits on the measures kids can take to tend to their physical appearance through rules in the behavior management system about hairstyles and fingernail length. The rules are along gender lines, imposing particular rules for girls and for boys. For instance, in grievance 13660, a youth wanted to have his hair dreadlocked by the barber but his request was denied because the Department only contracts with a barber to provide boys with short haircuts. These rules apply equally to youth in short-term detention centers and longer-term committed placement centers. At the Carter committed placement center for girls, youth consistently express a desire to wear their own clothes and maintain their individualized physical appearance through hairstyles and cosmetics as a source of self-esteem and self-expression. However, they must wear uniforms of elastic waistband pants and a polo shirt every day. Even when youth participate in weekend home passes as an incentive for positive behavior, DJS forbids them from having their hair dyed or styled with extensions.

### **Delayed Access to and Dissatisfaction with Medical Care**

Youth frequently report issues with the amount of time it takes to be seen by medical staff or receive treatment in non-emergency situations (grievances 13947, 13996, 13948, 13973, 13580, 13578, 13576, 13342 and 13343, 13345, 13346, 13347, 13585, 13952, 14010, and 14066), particularly at the Waxter detention center. Youth also sometimes report that the care they receive is not comprehensive or that they do not understand why a certain course of action – for example, a decision to change a prescription – was taken by medical staff (14017, 13948, 13577, 13362, 13665, 13740, and 13587).

The Department should ensure that medical staff promptly retrieve and respond to sick call slips, which youth are required to use to request an appointment. Follow up care or prescribed treatments should be delivered to youth without delay. Nursing staff should also receive enhanced training and support in communicating effectively and establishing positive relationships with youth.

### **Barriers to Telephone Contact with Families and Lawyers**

The Department requires youth to use payphones operated by a private company, GTL, when they contact their families. Youth are restricted in who they are allowed to call and are only afforded two 10-minute calls per week. Technical problems with these payphones can get in the way of youth consistently having even this minimal level of access to their families (grievances 13750, 13751, 13767, and 14043).

Youth can write letters to family members but may also experience delays in mail being sent out and delays in incoming mail being distributed to them by case managers (grievance 13938).

The Department also relies on case managers to initially grant youth access to the phones, add approved phone numbers to their account, and facilitate calls to their lawyers. When case managers are not available, youth can experience delays in accessing their family or lawyer (grievances 13659, 13590, and 13794).

### **Uncomfortable Living Arrangements**

Some of the facilities that DJS operates are outdated and maintenance staff are frequently working to fix utilities not in working order. The newly constructed Cheltenham Youth Detention Center has also had some physical plant issues since opening in 2016, including problems that kept one living unit closed for several weeks. At various sites throughout 2017, youth reported physical plant issues including a broken fan in a cell (grievance 13974), sewage problems (grievance 13853), malfunctioning heating systems (grievances 14042 and 14013), and broken showers (grievances 13766, 13860, and 14041). Some facilities also have issues with keeping insects out of the building (grievances 13729, 13600, 13568, 14044, and 13974).

Youth sometimes have their sleep disrupted by noise in the facility (grievance 14075). They may be restricted in their access to the bathroom (grievance 13950) and to drinking water (grievance 14051).

Pregnant youth may be given specific accommodations to help make them more comfortable, but they may have inconsistent access to these arrangements. For instance, pregnant youth can have two mattress pads, instead of one, since the beds in their cells are hard platforms and the mattresses are thin. Pregnant youth can also receive an additional snack bag to help supplement their meals. However, in grievance 13253, a staffer took away a pregnant girl's extra mattress and snack bag and in grievance 13718, there was a delay in getting a pregnant youth started on her snack bags.

Living arrangements decisions that are contrary to best practices can also create emotional discomfort for transgender youth when DJS places them in facilities based on their sex assigned at birth, rather than their gender identity. In grievances 13593, 14008, and 14006, transgender girls were uncomfortable being placed in boys' facilities and requested to be moved to a facility with other girls.

### **Recommendations**

Some of these issues may seem more important than others, some may have been discrete or singular incidents, and in most cases, DJS staff and administrators worked to address them as they arose. However, they highlight challenges that do effect and can frustrate youth in DJS facilities. In the context of adolescent development, addressing these issues is critical to promoting positive youth outcomes. As juvenile justice experts have explained,

“A critical task of adolescence is to refine and deepen the sense of self and self-image (Erikson, 1959). Young people who come into contact with the juvenile justice system typically have experienced failure in a variety of settings and are in need of experiences that help them build a positive and prosocial self-image. Youth prisons communicate to young people constantly and in a variety of ways that they are dangerous, feared, worthless, and have no real future. With this identity firmly in place, with more trauma and more deeply entrenched behaviors, they are sent back to their communities with little follow-up or connection to help get them back on track (Schubert and Mulvey, 2014).”<sup>61</sup>

The Department should ensure that all youth in detention and committed placement centers consistently have their basic needs met to help support an improved self-image, a safe environment, and positive youth outcomes.

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<sup>61</sup>McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>



## **SMALLER FACILITY UPDATES**

## **SMALLER FACILITY UPDATES**

### **Liberty House Shelter – NOTICE OF CLOSURE**

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

### **Morning Star Youth Academy**

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore and is operated by Vision Quest, Inc. Morning Star is licensed by DJS to house up to 24 boys. Staff are trained to implement the Sanctuary model, a trauma-informed intervention.

There were incidents of inappropriate conduct and potential excessive use of force by staff during the latter half of 2017. In incident 147117, a staffer brought a group of kids outside of camera view to teach them about how to box. Youth were encouraged to practice boxing moves on each other and with the staffer on several occasions. In incident 147476, a verbal disagreement arose between a staffer and a youth over a bag of potato chips. The youth walked away in frustration. The staffer followed the youth and a tussle between the youth and the staffer ensued. Other youth on the unit gained access to and used the staffer's radio and called for help while trying to separate the staffer from the youth. Several youth reported that the staffer was choking the youth during the course of the altercation. Video footage of the incident was unavailable due to a malfunctioning camera system.

Management should increase the monitoring of youth and staff interactions to promote staff professionalism. The camera system should be fixed without delay as video surveillance enhances safety for staff and youth and can also serve as an employee training tool.

Direct care staff and youth report that administrators are not consistently engaged with operations on the units. The adoption of a team approach grounded in greater communication and collaboration between supervisors and workers would help ensure staff fidelity to the therapeutic model so that the treatment needs of youth can be met.

While both on-site and off-site recreational and enrichment activities are offered periodically at Morningstar, youth have reported the need for increased structured activities to be available on a regular basis on weekends and after school.

### **One Love Group Home**

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. The program accepts adjudicated male youth between the ages of 17 and 20 years old and is geared toward preparing youth for independent living. There were no reported incidents involving aggression at One Love during 2017.

One Love provides youth with individualized attention in a home-like environment. Youth either attend school or work in the community. Off-site recreational and extracurricular activities are offered on a consistent basis. Therapeutic services, substance abuse counseling, and life skills classes are offered weekly both on- and off-site. Youth receive home passes for holidays, special family events, and for successfully progressing through the program.

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

## THE MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) has operational control over the schools in all thirteen of the Department of Juvenile Services' (DJS/the Department) detention and committed placement centers.

While incarcerated youth deserve and are legally entitled to the same quality of education as their peers in the community, the schooling services they receive while institutionalized are inferior to that in local public schools. Minority children are disproportionately represented in the juvenile justice system, a significant portion of justice-involved youth have been exposed to trauma, or are living with a learning disability or an emotional, behavioral, or developmental disorder that requires specialized services.<sup>62</sup> However, MSDE JSES lacks the necessary structure, resources, and educational approach required to meet the individualized needs of the student population in DJS facilities.

A systemic overhaul of the juvenile justice education system is imperative and overdue given the long-lasting deficiencies in the provision of educational services to youth in custody in Maryland. Transforming education services in the juvenile justice system can meaningfully impact the lives of youth and improve public safety. A high quality education program can serve as a catalyst to engage otherwise disconnected youth in the learning process. In addition, “for youth who come into contact with the juvenile justice system, education can serve as an especially important protective factor by helping them address individual needs, move past previous, negative educational experiences and ultimately prevent future delinquency and crime.”<sup>63</sup> Furthermore, “quality education linked to employment is viewed, unequivocally, as the most powerful tool in recidivism reduction, rehabilitation of juvenile delinquent individuals, and realization of a delinquent juvenile into a socially productive, healthy, and happy adult.”<sup>64</sup>

Stakeholders, including students and educators, juvenile justice advocates, families of incarcerated youth, local school officials, and lawmakers, should be involved in the development of a newly designed, well-resourced school system for youth in custody. The system should be equipped to provide students with a vigorous curriculum that includes a strong vocational education component, high quality instruction, and individually tailored interventions and services to help youth achieve academic and professional success.

Reformulating and restructuring the education system in DJS facilities will require that laws, policies, and practices which contribute to ongoing challenges within MSDE JSES schools

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<sup>62</sup> Julie Holmquist, “Students with Disabilities & the Juvenile Justice System.” Pacer Center, 2013. Available at: <http://www.pacer.org/jj/pdf/jj-8.pdf>

<sup>63</sup> Office of Juvenile Justice and Delinquency Prevention, “Meeting the Educational Needs of System-Involved Youth.” Available at: <https://www.ojjdp.gov/programs/commitment120814.pdf>

<sup>64</sup> Macomber, Donna et al. “Education in Juvenile Detention Facilities in the State of Connecticut: A Glance at the System.” *Journal of correctional education (Glen Mills, Pa.)* 61.3 (2010): 223–261. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4569007/>

be improved to meet the needs of the student population. Major areas in need of improvement are highlighted below.

### **Recruitment and Retention of Qualified Teachers and Support Staff**

Staffing shortages continue to disrupt the delivery of education services at MSDE JSES schools. A lack of consistently available substitutes when teachers call out sick or are on vacation further compounds problems that arise from staffing vacancies (see the Noyes report on page 48). Education staff who have resigned from MSDE JSES schools to pursue other professional opportunities often cite three main concerns that impacted their decision to leave: better pay and training in local school districts, the opportunity to work a nine-month (versus year round) school calendar with school holidays, and a management culture within MSDE JSES that, “contributes to staff dissatisfaction and high turnover” and is “in the business of putting out fires rather than proactively addressing systemic problems, supporting staff, and promoting student achievement.”<sup>65</sup>

Systemic reform in the area of staff recruitment and retention should focus on:

- implementing a streamlined process for hiring school staff and a wide range of recruiting techniques to attract candidates and fill vacancies quickly,
- changing employee work agreements from a year-round contract to a nine-month contract that provides traditional school holidays,
- offering comparable pay and benefits to that of high paying school districts in the state in order to allow MSDE JSES schools to compete with local school districts for qualified candidates, and
- creating a supportive culture for school administrators, teachers, staff, and youth that promotes and encourages advocacy to ensure that the needs of youth and education staff are met.

### **Staffing Levels and Allocations Geared Toward the Particular Needs of Each School**

School staffing levels and resources should reflect the needs of the population of individual MSDE JSES schools. The current allotment of positions at some facilities is not enough to provide comprehensive educational instruction for youth. At BCJJC, the most populated detention center, there are not enough instructors to provide consistent classroom coverage for youth who are placed on the Intensive Services Unit(s) (ISU)<sup>66</sup> or the infirmary. Both BCJJC and Hickey (the second most populated detention center in 2017) need additional guidance counselors to help with records retrieval and management. While efforts have been made to introduce technology into the classroom, there is only one IT professional to provide

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<sup>65</sup> “Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report.” January 24, 2017. Available at: <http://www.marylandpublicschools.org/programs/Documents/JSE/JSESStrategicPlanBenchmarkReport012017.pdf>

<sup>66</sup> Some DJS facilities have an Intensive Services Unit (ISU) which is a segregated housing area for youth facing behavioral challenges. Youth are prohibited from leaving the unit to attend school.

support to all 13 MSDE JSES schools. Limited access to computers prevented online college students at Carter from being able to work on assignments outside of MSDE JSES school hours.

Schools in MSDE JSES are of different sizes and house diverse populations of students. The needs at each school vary and are not met by a one-size-fits-all approach. A comprehensive study by an independent entity should be completed at each school to identify staffing and resource needs. Gaps in resources should be rectified to enable students to have the tools needed to thrive academically.

### **Staff Training on Working with Justice-Involved Youth**

Education staff in MSDE JSES schools work in challenging conditions and few teachers have previous experience working in secure environments or with a juvenile justice population at the time they are hired. All staff should receive intensive and ongoing training in best practices on working effectively with incarcerated youth.

### **Flexibility and Creativity in Educational Approach**

Detention centers in Maryland house both youth in the juvenile justice system (whose length of stay typically spans a few days to several weeks), and some youth who are charged as adults (who are usually older and spend several months and sometimes even a year at a facility). These two populations would benefit from different schooling approaches, however - partly due to current regulations and the practice of placing youth in classes by housing unit rather than age and grade level - they participate in identical education programming.

Laws and procedures that govern juvenile justice education should be designed to promote high standards and at the same time be sufficiently flexible to allow for various educational approaches based on the needs of the child. For youth with shorter lengths of stay, who usually don't spend enough time in facilities to earn high school credits, MSDE JSES schools should focus on assessment, student engagement in learning, and basic academic skill development.<sup>67</sup> Youth with longer lengths of stay have a greater likelihood of being able to earn credits and should be enrolled in online college classes or credit bearing classes that are aligned with the local high school curriculum.

### **Comparable Education Experience to Public Schools**

Students in MSDE JSES schools do not have access to the range of courses, including physical education, art, elective and vocational classes, that are offered in public schools. Higher level classes can also be inaccessible. A youth at Hickey, for example, was enrolled in trigonometry at his local high school but was given basic word problems and algebra assignments to work on during math class.

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<sup>67</sup> Peter Leone and Carolyn Fink. "Raising the Bar: Creating and Sustaining Quality Education Services in Juvenile Detention. National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth. May 2017. Available at: [https://neglected-delinquent.ed.gov/sites/default/files/NDTAC\\_Issue\\_Brief\\_Edu.pdf](https://neglected-delinquent.ed.gov/sites/default/files/NDTAC_Issue_Brief_Edu.pdf)

In addition, under current regulations, students are not able to earn a high school diploma while attending an MSDE JSES school. Students may enter detention or placement just a few credits shy of graduation. If they complete graduation requirements while attending an MSDE JSES school, they must wait until being released and re-enrolled in a community school to be eligible to receive their high school diploma. Education programs within DJS facilities should look and feel like public schools and offer the same breadth of coursework and experiences. Students who meet eligibility requirements should be awarded high school diplomas.

Innovative programs that are available in public schools across Maryland, such as the initiative to establish a trauma-informed school system in Baltimore City<sup>68</sup>, community and corporate partnerships that bring STEM related education and professional development to minority and underserved high school students<sup>69</sup>, and the implementation of restorative justice practices in Montgomery County Public Schools, should be available for students in DJS custody to enhance and supplement classroom experiences.

### **GED Program**

Rigid rules that impede the ability of students to meet their educational goals should be changed to allow students to receive targeted supports for individual academic objectives. For example, some students are motivated to enroll in a GED test preparation program with the goal of passing the GED exam. However, state laws require that students enrolled in school be placed in core content area classes for six hours a day. As a result, students in MSDE JSES schools are prohibited from participating in a separate GED preparatory course that is geared toward test preparation. Instead, they attend high school level classes with other youth from their housing unit who may be of various ages and at different grade levels. MSDE JSES and DJS leadership should work with schools in detention and committed placement facilities to craft a GED program that complies with the state education laws and offers youth resources and personalized assistance to help them successfully pass the exam.

There is only one GED testing site set up by MSDE JSES and it serves youth from all DJS detention centers and from Victor Cullen (the hardware secure committed placement center for boys).<sup>70</sup> Students eligible for the GED exam have had their scheduled testing dates cancelled when there is not enough staffing to provide transportation to the testing site or when the testing system is inoperative. In addition to causing psychological stress for those students who have worked for a chance to take the exam, this limitation results in some students potentially missing their opportunity to take the GED exam altogether if they are released or transferred from DJS custody before their testing dates can be rescheduled. Additional GED testing sites should be established at DJS facilities.

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<sup>68</sup> For more information, see: <https://thrivebmore.org/baltimore-city-public-schools-adopting-trauma-lens/>

<sup>69</sup> For more information, see: <http://www.baltimoresun.com/health/bs-hs-building-steps-20170713-story.html> and <http://www.marylandpublicschools.org/programs/Pages/ptech/index.aspx>

<sup>70</sup> MSDE JSES has arranged for youth placed at Carter, the hardware secure committed placement center for girls, to take the GED test at a nearby community college.



## **Vocational Education**

Many youth in MSDE JSES schools want to learn trades that will lead to employment in the community. Youth often report that getting a job that would allow them to support themselves and their family would help them “stay on the right track.” The availability of hands-on vocational courses is severely limited in DJS facilities. Hands-on learning opportunities in popular fields of interest such as barbering, HVAC, auto mechanics, STEM related vocations, nursing, and carpentry do not exist in the current MSDE JSES system.

Student access to a robust array of vocational programs should be part of any effort to reform the current educational system for youth in custody. Expansion of vocational education is especially important for adult housing youth in detention and for youth in committed placement, who may spend several months to a year away from home.

## **Post-secondary Education**

Post-secondary education options for high school graduates were expanded at DJS facilities in 2017. Through a partnership with Frederick Community College, students are now eligible to take online community college courses if their stay in detention or placement aligns with the college semester schedule.

The availability of post-secondary options should continue to be expanded to allow all high school graduates to participate in constructive programming. Currently students at Backbone Mountain are able to attend classes at a local community college. Partnerships with other local colleges should be established to bring this opportunity to youth at all facilities. Other jurisdictions invite community college instructors to teach courses within facilities.<sup>71</sup> This option should be explored as well.

The World of Work program, initiated and funded by DJS, pays high school graduates minimum wage to complete odd jobs around facility campuses. However, youth in the program are not engaged for the majority of the day due to staffing constraints and limited job assignments. They end up spending large chunks of time sleeping, playing card games, or sitting in on high school classes with their peers to pass time (see the Youth Centers report on page 19). Employment within a facility should be supplemented with other programs, including community jobs, internships and apprenticeship opportunities to provide valuable experience as well as keep kids constructively engaged.

Both SAT and ACT preparation courses should also be available for students interested in attending college. MSDE JSES should designate at least one site as an SAT testing location to help support students who have finished their secondary education.

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<sup>71</sup> Tara García Matthewson, “Illinois juvenile justice center, community college partner for summer courses.” Education Dive, July 20, 2016. Available at: <https://www.educationdive.com/news/illinois-juvenile-justice-center-community-college-partner-for-summer-cour/422950/>

## **Interagency Collaboration**

Any significant changes to the delivery of education services in schools in DJS facilities will require collaboration between government agencies and other stakeholders. Formal and informal channels of communication will need to be established to identify common goals and reach consensus on the best course of action to create a system that is responsive to the education needs of youth in custody.

At the facility level, collaboration between DJS administrators and school principals is essential to instilling a culture that values education. Joint trainings on the roles of direct care workers and education staff in maintaining a positive classroom environment should be conducted on a regular basis, and trainings pertaining to meeting the unique needs of youth in the juvenile justice system should be available for both education and residential or direct care staff.

Beginning around the second half of 2017, students at Noyes spent significant time on their residential units during the school day but were generally not engaged in any alternative structured activities. Given the consistent and significant gaps during the school day due to staff vacancies and absences, daily communication between DJS and MSDE JSES staff is also necessary to plan for each day's schedule at every facility. Staff and administrators from both agencies should work together to create constructive supervised programming for use at times when school is not in session or classes are cancelled.

## **Re-entry**

There are not sufficient protocols to ensure that youth successfully transition from an MSDE JSES school to their local community school. A system of wrap-around supports for youth leaving detention or committed placement is essential to prevent disruption in schooling and sustain gains in academic progress. Each youth should have an advocate – comparable to the court liaison position in Montgomery County<sup>72</sup> – who is responsible for enrolling a youth in a school or employment program in the community; ensuring credits obtained while incarcerated are properly applied and transferred; and providing ongoing support and guidance to help youth readjust to community living and schooling.

## **Accountability**

There is a need for greater accountability and transparency in the juvenile justice education system to hold schools responsible for providing a high-quality education and demonstrating academic improvement for students. While MSDE JSES leadership periodically meets with stakeholders, there are no mechanisms in place to ensure adequate progress is made toward improving the educational services and outcomes for youth enrolled in MSDE JSES schools.

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<sup>72</sup> For more information, see:

<http://www.montgomeryschoolsmd.org/departments/student-services/behavioral/default.aspx?id=333010>

The MSDE JSES Education Coordinating Council is charged with advocating for the needs of students in DJS facilities and evaluating the effectiveness of instructional programs. Unfortunately, the council has historically been inactive in working to improve conditions for students. Meetings with the council about the status of services in MSDE JSES schools are held on a quarterly basis and are open to the public. However, the agenda is set by MSDE JSES administrators. Stakeholders and advocates are not allowed to contribute during these meetings.

Oversight of schools within DJS facilities should be placed in the hands of knowledgeable individuals who are passionate about improving the juvenile justice education system for youth. In addition to a governing body composed of active and engaged members, MSDE JSES schools could also benefit from independent accreditation as a means of improving accountability.<sup>73</sup>

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<sup>73</sup> Council for State Governments Justice Center, “Leveraging the Every Student Succeeds Act to Improve Education Services in Juvenile Justice Facilities.” January, 2018. Available at: <https://csgjusticecenter.org/wp-content/uploads/2018/01/Leveraging-the-Every-Student-Succeeds-Act-to-Improve-Outcomes-for-Youth-in-Juvenile-Justice-Facilities.pdf>

For more information, see also: <https://dyrs.dc.gov/service/maya-angelou-academy-new-beginnings>

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



## DEPARTMENT OF JUVENILE SERVICES

### RESPONSE TO JJMU 2017 FOURTH QUARTER REPORT AND 2017 ANNUAL REVIEW

The Department of Juvenile Services has reviewed the Juvenile Justice Monitoring Unit's (JJMU) fourth quarter report and 2017 annual review, and provides the following response:

#### **The JJMU Should Adopt Standardized and Objective Audit Tools.**

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

In the JJMU's fourth quarter report and 2017 annual review, the JJMU included a section titled "Youth Concerns About Quality of Life in DJS Facilities." In that section, the JJMU cites multiple grievances filed by youth residing in DJS facilities that expressed concerns regarding issues related to the quality of food, personal hygiene products, and number of contacts with family. As mentioned by the JJMU, DJS has addressed or is in the process of addressing the concerns raised by youth through the grievance process.

DJS values the input from youth in its care and custody and takes youth concerns seriously. There are multiple avenues for youth to share comments or criticisms with the department. A team of Youth Advocates that operates out of the DJS Inspector General's Office visits every DJS operated and licensed facility and meets with youth in the facilities regularly. In these meetings, youth can share their concerns outside of the presence of facility staff. Additionally, youth may file written grievances to express any concerns they have. Youth may include their name on the grievance or file the grievance anonymously. Department policy requires that DJS's Youth Advocates review and follow-up on youth grievances in a timely manner. DJS also heeds the concerns raised by the families of DJS youth or their attorneys.

While the youth grievance process can help facilities improve and better meet youth needs, it is not an appropriate audit methodology. Audit tools require objective and measurable standards that can be compared over time. Statements from youth, as helpful as they may be for feedback purposes, cannot form the basis of any conclusions for audit purposes. As JJMU continues in its role as a monitor performing facility audits, it should focus solely on objective and measurable standards to gauge the performance of a DJS facility.

**Youth Currently in DJS Care Have Higher Risks and Needs Than Ever Before.**

Over the course of several years, this Administration has based its reforms on the developmental approach to juvenile justice, which takes into account the scientific research on the unique attributes of the adolescent brain. The department strives to strike the appropriate balance between holding youth accountable for their actions while not unnecessarily pushing youth deeper into the juvenile justice system.

The reforms enacted during this Administration can be grouped into 2 categories in the order of priority: (1) Safety and Security; and (2) Right-Sizing the Youth Population in Maryland’s Justice System.

First and foremost, the department has updated standardized safety and security procedures at DJS facilities, enforced a system of accountability among staff and administrators who violate those standards and implemented an internal Quality Assurance process that audits DJS facilities on a regular basis with an objective, standardized tool and issues scores based on the level of compliance with the department’s policies. These reforms, along with a zero tolerance policy for abuse of any kind, have made DJS facilities safer and more accountable than they have been in the past.

The department continues to push forward in its facility reforms with the implementation of a new evidence-based programming framework known as Positive Behavioral Interventions and Supports (PBIS). This programming format is currently in use in schools in Maryland and across the nation. Consequently, the implementation of PBIS will better align DJS’s behavioral management program with those with which DJS youth are familiar in their community schools.

Additionally, DJS is currently in the process of seeking accreditation under the Juvenile Division of the American Correctional Association (ACA). This exhaustive process undertaken by DJS staff will give DJS facilities the opportunity to be audited and accredited by a nationally-recognized organization. Accreditation by the Juvenile Division of the ACA represents compliance with national standards and best practices as provided by juvenile practitioners nationwide.

With safety and security as the foundation, the department has been focusing its more recent efforts on youth who become involved in the justice system and ensuring that they do not become unnecessarily involved or pushed deeper into the system.

The department partnered with the Annie E. Casey Foundation to re-start the Juvenile Detention Alternative Initiative (JDAI) in Baltimore City in 2012. That collaborative effort, which included the courts, law enforcement, State’s Attorneys and Public Defenders, focused on only using

secure detention for youth who posed a public safety threat. As a result, the use of secure detention for youth in the juvenile justice system at the Baltimore City Juvenile Justice Center (BCJJC) plummeted and that population still remains low today.

The increased capacity in secure detention space at BCJJC gave the department the flexibility to support legislation in 2015 to allow eligible youth charged as adults to reside in secure juvenile detention facilities while they wait for their transfer hearing in adult court. The dual result of this legislation is that more youth charged as adults reside in DJS detention facilities today than at any other time and more youth with more violent offenses are being transferred back to the juvenile system.

Other initiatives had similar positive effects in diverting youth from the juvenile justice system or preventing deeper involvement. The Accountability and Incentive Management Program (AIM) was implemented in 2015 to ensure that low-level violations committed by youth in the community on probation do not result in unnecessary commitments to DJS that push those youth deeper into the system. Since AIM was implemented, the number of youth committed to DJS care and custody has dropped.

On the front-end of the system, the department is expanding the Cross-over Youth Practice Model (CYPM) in partnership with Georgetown University. Initially, CYPM was successfully implemented in Prince George's County and will now be implemented in 8 additional localities in 2018. CYPM brings together social services and DJS to create a joint case plan with the courts and delivers services to the youth in the system that best meets their needs.

Another front-end diversion program that shows promise is the Behavioral Health Diversion Initiative (BHDI). This program creates partnerships between DJS and local behavioral health providers to link youth who are suffering from mental illness with community resources, rather than getting them involved in the juvenile justice system. BHDI is projected to expand Statewide in 2019.

The cumulative effect of these and other reforms is that DJS's population is smaller but with more acute risks and needs. To illustrate the contraction in DJS's population, the following statistics are provided from our Data Resource Guides:

**Statewide Intake Complaints**

FY 2011 - 35,867

FY 2017 - 21,530

40% decline

### **Statewide Commitments to DJS**

FY 2011 - 1,756

FY 2015 - 1,161

FY 2017 - 988

43.8% decline since 2011 and 14.9% decline since 2015, the last fiscal year prior to the implementation of the AIM Initiative.

### **Average Daily Population of Youth Receiving Treatment in Out of State Programs**

FY 2011 - 115.3

FY 2017 - 40.5

64.9% decline

The department welcomes these positive trends as they show that there are fewer youth becoming involved in the juvenile justice system and, if they become involved, fewer youth are being committed to DJS on the “deep-end” of the system. The nearly 65% reduction in the number of youth being sent outside Maryland to receive treatment is also a positive development as the agency continues to prioritize connecting youth to resources in Maryland. Certainly many factors play a role in these significant declines in the juvenile population but reforms such as the JDAI and AIM Initiatives, respectively, are no doubt having an impact.

Just as the juvenile population has been contracting, another population of youthful offenders has been expanding. In late 2015, Senate Bill 172 went into effect to permit courts to order that eligible youth charged as adults to be held in DJS detention facilities while they waited for their transfer hearing in adult court. As the data shows, the number of youth being transferred from adult court to the juvenile system has been increasing while approximately 80% of those cases involve alleged crimes of violence. By comparison, in FY 2017, the number of intake complaints in the juvenile system alleging crimes of violence was 12.3%.

### **Complaints Transferred from Adult Court to Juvenile System**

FY 2015 - 210

FY 2016 - 295

FY 2017 - 327

35.8% increase since 2015 and 10% increase since 2016.

### **Percentage of Youth Transferred from Adult Court with Alleged Crimes of Violence**

FY 2015 - 79.0%

FY 2016 - 75.6%

FY 2017 - 82.3%

3.3 percentage point increase since 2015 and 6.7 percentage point increase since 2016



The sizeable increase of youth transferred from the adult system with violent offenses has changed the population of youth committed to DJS and being placed at its most secure facilities. The Victor Cullen Center, which is Maryland's only hardware secure facility for male youth who pose risks to public safety and have significant behavioral needs, has experienced a major shift in its population over the last several years. These changes are consistent with the increased number of youth who were transferred from the adult system, as noted above.

**Victor Cullen – Percentage of Youth Admitted with Violent Offenses**

FY 2011 - 28.4%

FY 2017 - 50.0%

21.6 percentage point increase

**Victor Cullen – Percentage of Facility Population Between Ages of 18-20 Years Old**

FY 2011 -15.6%

FY 2017 - 27.8%

12.2 percentage point increase

Today, the population at Victor Cullen is older and more aggressive than in previous years. This change in population at Victor Cullen and DJS's other secure facilities, is the cumulative result of several years of agency and legislative reforms that have focused on safety and security and right- sizing the juvenile justice population in Maryland. In its adherence to the Developmental Model, the department agrees that incarceration should only be used for youth who pose an unreasonable risk to public safety.

While the juvenile justice system and DJS continue to make strides towards being fairer and just, the department acknowledges that there is more work to be done at the facility level. The department is confident that with the implementation of the new behavioral management system, PBIS and eventual accreditation of all DJS facilities by the ACA, the focus on safety and security at DJS's 13 secure facilities will be enhanced.

However, DJS recognizes that, in addition to safety and security, structured programming and education are equally important to a youth's progress in a secure program. The department understands that Victor Cullen is facing challenges in both areas and that intentional action is required to address those challenges. Efforts are underway to assist the Victor Cullen administration in developing a more robust and structured daily schedule. In terms of education, DJS notes that there are several proposals before the legislature to strengthen education services within DJS's secure facilities. The department supports these efforts and will work closely with the Maryland State Department of Education and other stakeholders to help effectuate any changes.

The department's prior reforms have played a role in dramatically improving the way DJS serves the youth in its care and supervision. DJS remains as committed as ever to address the challenges it faces today and is confident that, through intentional and strategic efforts, those challenges can be overcome for the benefit of DJS youth and families.

## **Committed Facility Responses**

### *Comprehensive Facility Reforms*

The Department has implemented several reforms that are designed to enhance behavioral management, appropriate staff interactions with youth and safety and security at all committed facilities

### *Facility Wide Positive Behavioral Interventions and Supports*

In April 2017, the Department began working with our contracted consultants, the Mid-Atlantic PBIS Network at Sheppard Pratt Health System (SPHS) to assist the department in the implementation of Facility Wide Positive Behavioral Interventions and Supports (PBIS)<sup>1</sup> in all committed facilities. The PBIS framework is used in many schools across the country and in Maryland. The goal for implementation of PBIS at DJS is to improve services to youth by utilizing the PBIS framework and core logic teams to identify outcomes to be achieved, determine practices to achieve the outcomes, use data to monitor the impact of practices, and support staff that are implementing the interventions so the outcomes last over time.

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

The department has modified behavioral management programming to incorporate the PBIS framework. There is an increased focus on positive staff and youth interactions, de-escalation techniques, monitoring of behavior and use of data to develop strategic interventions and provision of treatment services. The programming changes will be closely monitored by facility leadership teams, behavioral health supervisors, the DJS central programming committee, and support from our consultants at Mid-Atlantic PBIS to determine their effectiveness and fidelity to the model. Program modifications were implemented in January 2018.

In addition to behavioral management programming multiple interventions are necessary to comprehensively address the service needs of our youth. The framework of PBIS brings together the delivery of all services to include group and individual therapy, anger management, trauma and substance abuse services, education, recreation, and medical services. Treatment services are individualized for each youth. A multidisciplinary treatment team uses youth social, educational, and psychological assessments along with input from the community case manager, the youth, and the youth's parents to develop an individualized treatment plan. Treatment services are provided by trained clinicians. Each youth's progress is reviewed by the treatment team monthly, and modifications are made to the youth's individualized plan as needed.

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<sup>1</sup> The Mid-Atlantic PBIS Network at SPHS is a recognized partner provider for the National PBIS Center. The Mid- Atlantic PBIS Network at SPHS represents one of the most effective PBIS implementation structures in the United States with over 17 years of experience in training for implementation and sustainability at all three tiers of PBIS.

### *Trauma Informed Care*

In 2017 all staff in committed and detention facilities completed training in trauma informed care. The training was provided by the National Association of State Mental Health Program Directors (NASMHPD), who are leaders in the field of trauma informed care providing training for juvenile justice-involved and behavioral health agencies across the country. Behavioral health staff (psychologist, social workers) and case managers received additional training in a specific group intervention known as TAMAR, Trauma, Addictions, Mental Health and Recovery. TAMAR is a 15-week treatment intervention for youth that combines psychodynamic therapy with expressive art therapy and psychoeducational techniques. Youth at all committed facilities receive TAMAR services weekly facilitated by behavioral health and case management staff.

Implementation of trauma informed care training for all staff has significantly broadened their understanding of trauma and how it manifests itself through youth behavior, especially emotional and/or aggressive behaviors. The provision of TAMAR therapeutic services enhances our ability to address the trauma needs of youth and supports our efforts to continuously seek the best services to improve the lives of our youth.

### *Mental Health First Aid USA*

The department continues to train all direct care staff in Youth Mental Health First Aid, a course designed for adults who regularly interact with youth who are in crisis. The course teaches a 5- step action plan for how to help youth in both crisis and non-crisis situations. Topics covered include anxiety, depression, disruptive behavior disorders, including attention deficit and hyperactive disorders, and eating disorders. This training helps staff identify youth mental health concerns that are then forwarded to facility behavioral health staff for further evaluation and intervention. DJS is one of the first juvenile justice agencies in the nation to provide Mental Health First Aid USA training for staff working in juvenile residential facilities.

### *Safety and Security*

The department continuously evaluates and assesses safety and security operations. The following policy and procedural changes and initiatives are underway.

- *American Correctional Association Accreditation for Juvenile Residential Facilities (ACA)* The department is presently working to align its practices and operating procedures with the American Correctional Association Standards for Committed Juvenile facilities. These standards developed by juvenile professionals represent best practices nationally. DJS will seek accreditation for two hardware secure facilities. Preparation for accreditation in committed facilities takes from 12-18 months and requires the development, training and implementation of policy and procedures to comply with 364 standards and expected practices. Standards cover all aspects of facility operations to include the following topics, safety/physical plant, security, justice and order/youth rights and discipline, food service, medical care, mental health services, reception and intake, case management/release, training, fiscal, education, recreation, personnel, electronic and manual recordkeeping, and administration and management.

- *Expansion of Hardware Secure Beds*

In order to address the needs of a population of youth with high needs for structure and security, the department has planned to increase the availability of secure residential beds. Savage Mountain Youth Center is being renovated to install a secure fence and expand surveillance monitoring. Additional behavioral health staff have been assigned to provide clinical services. Behavioral management and treatment services will be provided using the PBIS framework.

- *Visual Body Search Reforms*

During 2017 the department revised search procedures to limit visual body searches of youth to new youth admissions, when staff have reasonable suspicion that a youth is hiding contraband and when youth return to the facility from an unsupervised trip in the community. The previous practice of conducting searches after visitation and after a youth's contact with persons from outside of the facility, including visits with attorneys, is no longer permitted. Additional video surveillance and monitoring has been added to support this change of practice.

- *Use of Mechanical Restraints Reforms*

Youth are no longer mechanically restrained during transports for home visits and release.

- *Family Engagement*

All facilities have held a minimum of at least one structured family engagement event each month. Events have been well attended by family members of all ages. DJS has revised visitation procedures to allow immediate family members of all ages to attend regularly scheduled visitation. Previously, DJS permitted infants and children to visit at separate times.

## **Victor Cullen**

Victor Cullen is a hardware secure program that provides the highest level of committed programming for boys in the state. Youth placed at Victor Cullen are highly impulsive, pose the highest safety risk to the community, and many have been ejected from multiple placements. Youth who cannot be successfully served at Victor Cullen must be placed out of state. Therefore, the department makes every effort to develop individualized programming and to employ interventions to assist youth in developing self-management skills, while ensuring safety and security for all youth and staff, and the public.

In January 2018, the staff and administrators of Victor Cullen began implementing (PBIS). There is a strong emphasis on positive youth and staff interactions. The focus of staff interventions with youth is to teach desired behaviors unique to each setting. Through de-escalation training, staff learn to use praise or a positive statement when intervening with youth. Staff performance and program data will be closely monitored to determine the effectiveness of the revised PBIS program components. Additionally, executive support will continue to be provided to the newly installed facility superintendent and management team.

The department continuously evaluates resources and treatment services at Victor Cullen. All staff have received trauma informed care training. Behavioral health staff and case managers have completed training in TAMAR, a group therapy component to address individualized trauma needs of youth. TAMAR groups are held two times each week. Substance abuse treatment needs are addressed through implementation of Seven Challenges, an evidence based substance abuse program that provides up to three hours of group counseling per week. All youth participate in up to two hours each week of Social Skills Training and Aggression Replacement Techniques (START) to assist youth in developing coping and anger management skills. Each youth at Victor Cullen is assigned a therapist and receives individual therapy services weekly. Community Conferencing Services, a private vendor, also provides supportive conflict resolution counseling.

The department carefully reviews all incidents occurring at Victor Cullen. In instances where staff performance was inappropriate and in violation of departmental policy and procedures, corrective actions have been taken up to and including termination. Additionally, incidents of suspected abuse were reported to Child Protective Services and Maryland State Police for investigation.

#### *Safety and Security*

Guarded care plans are used as a non-punitive response to an incident to keep the youth safe and allow them to continue to engage in treatment. A guarded care plan was utilized in regard to incidents of youth climbing onto the roof of a building that were detailed in the JJMU's report. Utilizing guarded care plans in these cases prevented those youths from being ejected from Victor Cullen. The use of mechanical restraints in a guarded care plan are designed to eliminate safety and security risks and are not recorded in our incident database, nor have they ever been. Guarded care plans are documented in the youth's behavioral health file.

Incidents of seclusion declined 50% at Victor Cullen during 2017, as the monitor notes. The JJMU cites one incident in the Third Quarter where seclusion was properly implemented but not properly documented. DJS took corrective actions to address the documentation issue and any database errors related to that one incident were corrected.

#### *Structured Programming*

During weekdays the youth's schedules are structured to include six hours of school, one hour of large muscle activity, and the provision of therapeutic groups to include Seven Challenges substance abuse groups, TAMAR trauma groups, START anger management groups, and community problem-solving groups. DJS acknowledges a need for more structured activities on weekends and non-school days. Executive staff are working closely with Victor Cullen administrators to develop the capacity to sustain structured programming.

### *Staffing*

During the quarter, Victor Cullen experienced a high number of direct care staff vacancies. The department supplemented staffing by deploying staff from Savage Mountain Youth Center, which is currently closed for renovations. The Recruitment Unit is actively recruiting to fill the vacancies. All newly hired and existing staff are receiving on the job training and individual supportive counseling and guidance from administrators. Administrators are also providing additional supervision and shift coverage. The Governor proposed legislation to include DJS Direct Care Staff into the correctional officer retirement system with the aim of helping the department retain staff. In addition, the department is advocating for other measures to support retention.

### *Intensive Services Unit*

Youth placed in the Intensive Services Unit (ISU) have been removed from the general population for acts of aggression and behaviors that threaten facility security. The ISU utilizes a different behavioral modification strategy focused on having the youth successfully reintegrate into the general population. Thus, the behavioral modification goals on the ISU are employed to address problematic behavior.

### **Youth Centers**

The Youth Centers began implementation of PBIS programming in January 2018. All youth and staff have received training. As stated earlier, the framework and principles of PBIS have been incorporated in all programming for youth. Ongoing monitoring by internal leadership teams and external oversight committees will evaluate program fidelity and effectiveness. The goal is to teach youth appropriate social skills and problem-solving skills while also holding youth accountable for self-management and respect for rules, themselves, and others.

The integration of PBIS principles in the behavior management program include establishment of the following:

- Positive youth and staff relationships
- Use of evidence based techniques to encourage positive behaviors
- Focus on positive behavioral interventions and supports
- Provision of meaningful incentives developed with youth input

### *Behavior Management and Treatment*

Additionally, PBIS establishes a framework for provision of evidence based substance abuse programming, anger management, trauma counseling, individual and group therapy.

As set forth in the department's policies and procedures, DJS believes in implementing programming that is evidence-based or a best practice in our efforts to help youth change behavior and prepare them to successfully return to their communities. Contrary to the monitor's assertions, DJS uses physical and mechanical restraints as a last resort to respond to incidents that threaten the safety of youth and staff in its facilities.

### *Mental Health Services*

DJS acknowledges an increase in the number of suicidal ideation incidents at the Youth Centers.<sup>2</sup> The department takes every instance of suicide ideation with the utmost seriousness and acts immediately to increase supervision by assigning one-to-one supervision to youth. Each Youth Center has sufficient behavioral health staff to address the needs of the population. There are at least four behavioral health positions at each Youth Center and behavioral health clinicians are available on-call 24 hours per day.

All staff at the Youth Centers have received trauma informed care training. Behavioral health staff are facilitating TAMAR groups to address the trauma needs of youth by providing psychodynamic group therapy with expressive art therapy and psychoeducational techniques. Youth also receive Social Skills Training and Aggression Replacement Techniques (START) programming.

### *Structured Programming*

During weekdays the youth's schedules are structured to include six hours of school, one hour of large muscle activity, and the provision of therapeutic groups to include Seven Challenges substance abuse groups, TAMAR, trauma groups, START, anger management groups, and community problem-solving groups. DJS acknowledges a need for more structured activities on weekends and non-school days. DJS staff are engaged in the development of additional recreational programming at the Youth Centers.

DJS recognizes the therapeutic value of permitting youth to engage in community service. The Youth Centers have a robust volunteer program that is active during warmer months that include landscaping work in parks, orchard fruit gathering, and community activities to assist churches and food banks.

### **J. DeWeese Carter Center**

During the Fourth Quarter of 2017, a Carter staff was indicated for child abuse and criminally charged for abuse involving a Carter youth while she was in the community on a holiday home pass. Prior to the criminal incident, the department was already processing discipline based on four investigations into the staffer's inappropriate conduct at the facility. These investigations and a review of performance resulted in a decision to separate the staff from the agency prior to the department becoming aware of the alleged criminal misconduct. The department has cooperated fully with the law enforcement investigation and prosecution.

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<sup>2</sup> Anecdotally, the department notes that it appears that youth are repeating the words of a popular song by an artist known as Logic where he says, "I don't want to be alive, I just want to die." In keeping with department policy, staff respond to those statements by immediately placing those youth on suicide alert status so that a clinical assessment may be performed by licensed behavioral health practitioners.

### *Pregnant Youth*

The department carefully screens all youth to ensure that their medical needs can adequately be provided while in our care. Since 2013, three pregnant girls have been placed at Carter and were properly cared for while at the facility.

### *Treatment Culture and Program*

Services at Carter are consistent with those provided in all committed programs with a consideration of gender specific issues. Weekdays include six hours of school, one hour of large muscle activity, and the provision of therapeutic groups to include Seven Challenges substance abuse groups, TAMAR, trauma groups, START, anger management groups, and community problem-solving groups. All youth are provided individual therapy. In January 2018, PBIS was implemented at Carter Center. Please refer to the above explanations for more detailed information regarding treatment programming, PBIS, Seven Challenges, Trauma Informed Care, and START.

### *DJS Youth and Behavioral Health Needs*

DJS fundamentally agrees that youth with severe behavioral health issues should be in a mental health facility. The Department has instituted a behavioral health initiative aimed at diverting youth with behavioral health needs into community based services. The youth highlighted in the JMU report was one of the most severe cases placed with DJS.

DJS recognizes that there are times when a youth's mental illness causes them to commit crimes which subsequently lead to involvement in the juvenile system. DJS works with stakeholders and the courts to best meet the needs of these youth.

### *Family Engagement*

The department has reviewed its policies and practices in an effort to support increased family engagement within secure facilities. Visitation procedures have been updated to permit family members of all ages to visit youth. At its own expense, DJS provides transportation from the Baltimore City Juvenile Justice Center to Carter in order to support families without a means of transportation. Safety regulations limit the number and ages of passengers because DJS vans are not equipped to safely install child car seats.

## **Detention Facility Responses**

### **Baltimore City Juvenile Justice Center**

In the first quarter response of 2017, the department reported the increasing lengths of stay for youth charged as adults at BCJJC. The department worked with the Baltimore City Juvenile Detention Alternatives Initiative (JDAI) collaborative to identify and address case delays. In March 2018, the Baltimore City Circuit Court initiated a new protocol limiting the amount of time to process cases, which should reduce the length of stay.



### *Safety and Security*

It is well established that long lengths of stay in detention leads to frustration, anxiety and acting out behaviors among youth. Incidents of youth on youth aggression at BCJJC have been attributed to an increasing number of adult hold youth, prior community conflicts, and gang related conflicts. Interventions to address peer conflict and acts of aggression have included an expansion of conflict resolution counseling by facility behavioral health staff, utilization of Community Conferencing Center facilitators, mentoring by the Boy's Club staff, yoga and mindfulness training. Direct care staff have received ongoing training and briefings to address proactive interventions and de-escalation. DJS is mindful of the need for accurate documentation and has addressed seclusion documentation with BCJJC management.

Youth who were a danger to others as witnessed by assaultive behavior were removed from the general population and placed in the Intensive Services Unit (ISU) for the provision of more intensive support services. Behavioral health staff provided individual, group, peer and staff mediation and crisis intervention. This includes collaborating with the ISU staff and case managers to aid youth in resolving conflict for the prevention of future incidents. The clinicians utilized role play with staff and youth to demonstrate proper interactions between individuals. Topics such as conflict resolution, anger coping, stress management, resiliency training, and a variety of mind-body and mindfulness techniques were taught. Youth in ISU are reviewed weekly to determine their stability and readiness to return to the general population.

### *Behavioral Health Services*

All youth are afforded opportunities to meet with behavioral health staff after court and at any other times as requested. DJS staff notifies behavioral health staff when a youth returns from court upset and wishes to meet with a therapist. Meetings with behavioral health therapists are pre-arranged when it is known in advance that a youth may receive upsetting news.

### *Transgender Youth*

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

All of the department's facilities were audited by the Department of Justice (DOJ) auditors in years 2015 and 2016 and were found to be in full compliance with PREA Juvenile Facility Standards. The department continues to fully implement PREA standards and provide continued LGBTQ training for

staff. All staff receive annual training in the agency’s Sexual Abuse and Sexual Harassment Policy and Procedures. In addition, the department directed awarded grant funding from the Governor’s Office of Crime Control and Prevention (GOCCP) and the Department of Justice (DOJ) to provide LGBTQ specific training. The Department contracted with Free State Justice, a LGBTQ advocacy organization who provided 8-hour training sessions, entitled “Building Safe Spaces for LGBTQ Youth” August 2016 through September 2016. In 2017, the department solicited for a vendor and contracted with the Moss Group, Inc. The Moss Group has reviewed all of the department’s policies and procedures to ensure that all protections as defined by the DOJ Juvenile Facility Standards are addressed and to recommend suggestions to enhance implementation. In March 2018, the Moss Group will begin providing LGBTQ training to all staff over the next eight months. The curriculum will address gender responsive practices and improving facility culture.

### *Family Engagement*

The department has reviewed its policies and practices in efforts to support increased family engagement within secure facilities. The department has revised visitation procedures to allow all family members to attend regularly scheduled visitation. In the past infants and young children visited at separately scheduled times.

Visitation procedures have been updated to permit family members of all ages to visit youth. BCJJC administrators held monthly family engagement activities during 2017 that were well attended by families. Five additional special events were held, to include a Mother’s Day Brunch, Father’s Day Cookout, Lunch with Dad, Breast Cancer Awareness Luncheon, and a Harvest Festival.

### **Cheltenham Detention Center**

The newly installed administrative team at Cheltenham is making great strides to align facility practices and ensure consistency of implementation with DJS policy and procedures. They are addressing facility structure and providing training to improve staff skills in de-escalation and positive youth interactions.

### *Hygiene Products and Footwear*

Youth are provided appropriate hygiene products. In cases where youth have skin irritations from soap, the department has ordered different soap to accommodate the concerns.

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

#### *Safety and Security*

All youth participate in conflict resolution and anger management groups facilitated by case managers and behavioral health staff. Community Conferencing services are brought in to address unit group dynamics and will be scheduled on a regular basis. Direct care staff receive ongoing security and de-escalation training.

Staffing ratios are consistently maintained at Hickey. The response time for the group disturbance that the monitor cites which occurred in the gym was two minutes. This is a reasonable response time given the location of the gym on the campus. Additional coverage is

assigned to the gym to support and help deter future incidents. Staff performance issues were promptly addressed through counseling, additional training, and disciplinary actions as appropriate.

The department is pursuing numerous options to reduce staff turnover, including legislation to enhance retirement benefits for staff. The department's recruitment unit work continuously to fill vacancies in a timely manner.

### *Transgender Youth*

DJS respects the gender identity of all youth and evaluates each youth's placement needs individually. Transgender and intersex youths' views are considered when making any placement decision. Please see BCJJC Transgender Youth section above for specifics regarding departmental policy and training. Management at Hickey responded to the grievances filed by the transgender youth noted in the monitor's report.

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

All direct care staff receive ongoing supervision of youth, de-escalation, behavior management and Mental Health First Aid USA curriculum training to prepare them to interact with youth and intervene as needed to address youth non-compliant and aggressive behaviors. While behavioral health staff support residential staff, it is not their primary job function nor are they expected to serve as additional staff coverage requiring their intervention in each incident.

The Waxter facility is scheduled for replacement and the department has begun the design phase of the project. Meanwhile, the DJS maintenance department continues to repair the existing facility to ensure that youth and staff have safe and comfortable living conditions. As noted by the monitor the facility has limited recreation space, particularly during times of inclement weather. The schedule and location for recreational activities will be reviewed with facility management.

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

The assault cited for incident #148278 occurred in the youth's room. Cameras are not permitted to look into youth rooms nor restrooms pursuant to Federal Guidelines. Youth involved were held accountable for their behavior. The department will review the camera positions to determine if improvements can be made.

### *Dietary Services*

There was a short period of time at Noyes when the steam table was being repaired which accounts for complaints of food temperature not being maintained. Breakfast and lunch meals must conform to the Federal Child Nutrition Program which sets specific standards for calories, fat and sodium. DJS menus meet those standards at all facilities. All dietary grievances were addressed and resolved.

Noyes staff and administration are recognized for their ongoing efforts to provide meaningful family engagement activities for youth. The department has revised visitation procedures to

allow all family members to attend regularly scheduled visitation. Previously, DJS permitted infants and children to visit at separate times

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

Ligature resistant grab bars will be installed within the facility. The product has been ordered and installation will be completed promptly upon delivery. The grab bars meet or exceed American National Standards Institute (ANSI), Uniform Federal Accessibility Standards (UFAS), and American Disabilities Act (ADA) requirements for structural strength.

### *Transgender Youth*

DJS respects the gender identity of all youth and evaluates each youth’s placement needs individually. Transgender and intersex youths’ views are considered when making any placement decision. Please see BCJJC Transgender Youth section above for specifics regarding departmental policy.

### **Western Maryland Children’s Center**

DJS appreciates JJMU’s recognition of the work of the Western Maryland Children’s Center staff and administration to maintain a safe and secure environment and expand enrichment activities for youth.

### **Silver Oak Academy (SOA)**

Pages 20 through 22

1. “The average daily population of Maryland (DJS-involved) youth at Silver Oak during 2017 decreased by 2% compared to 2016. However, fights and assaults involving Maryland youth increased by 13% and physical restraints increased by 55% when comparing 2017 and 2016.”

**SOA Program Response:** The overall arching factor for the increase in these two areas was primarily the change in program expectations for the youth and staff. We implemented the following systems and expectations for students and staff:

- Re-development and commitment to the code of conduct for students; which raised expectations for students and students struggled with not meeting these expectations which resulted in an increase of students acting out.
  - This also required us to remove quite a bit of direct care staff, the overall turnover rate in direct care is 50 % in 2017. This created a learning curve for new staff in regards to our implementation of policy, procedure and program.
  - In 2017 there was a significant increase of students with multiple placement failures prior to placement at Silver Oak Academy.
2. Referring to IR#146619 “Silver Oak should extend camera coverage to the living unit where this incident occurred and other existing blind spots throughout the facility.”

**SOA Program Response:** The student that was involved in this incident was only housed there for recovery from his surgery. This living unit has had one incident in it since its inception which was 2015. We are going to place camera system in that dorm by March 30, 2018. The areas of blind spots on the campus will be addressed by repositioning the current cameras to cover areas. The hallway adjacent to the therapist office slash meeting rooms where we sometimes use to counsel students has a camera located there as of Jan 20th 2018. We will reassess areas of blind spots such as stair wells for future cameras by June 30 2018.

3. “Concerns about the utilization and nature of physical restraints at Silver Oak and the implementation of the program’s behavior management system arose during 2017. During the third quarter, youth reported witnessing or being involved in physical restraints by staff which they considered inappropriate. Youth also reported unfair treatment in the form of harsh consequences including level demotions, which can greatly increase a youth’s length of stay – which youth perceived to be unwarranted.”

**SOA Program Response:** There were three instances of staff not implementing the safe crisis management policy and procedure effectively. The staff have been re- trained, disciplined and or terminated. We defined the code of conduct infractions (identifiable point deductions for inappropriate behaviors) and we trained and educated all staff and students on the process on October 2, 2017. Students are given the opportunity to see their Force Field Analysis Sheets daily. They are also given the opportunity to see their points daily in the 2:30 pm group meeting. Students were educated on the process of making a commitment that would give them back points lost within 24 hours.

4. “The Department’s instructions included the immediate installation of cameras in an area called the Refocus Room where multiple youth alleged they were inappropriately physically restrained by staff.”

**SOA Program Response:** There is an operational camera adjacent to the offices. The offices are not used for restraints and never have been used for restraints. It is my opinion based on the use of the offices as you can see below that they are not conducive to have cameras in them for confidentiality reasons. Therapist offices are setup in the administration, building they are primarily used for the following:

- Confidential meetings and therapy sessions with students and therapist
- Confidential meetings with students and families
- Confidential meetings with DJS Case managers and students
- Confidential meetings with Attorneys and students
- Multidisciplinary meetings with students and staff
- The offices are also used to complete problem resolution process with students.

5. “The Department of Juvenile Services also required Silver Oak to correct a number of deficiencies related to: inconsistent implementation of the facility behavior management

system; irregular provision of the two weekly phone calls to which youth entitled; maintenance of medical incident reports; and failure to retain video footage of incidents involving staff physically restraining youth.”

**DJS Licensing and Monitoring Response:** Licensing and Monitoring continues to monitor SOA compliance with the Corrective Action Plans during visits by interviewing youth in regards to the behavior management system, reviewing medical incident reports, reviewing phone logs and viewing video footage of incidents. The program is currently in compliance.

6. “Incidents involving physical restraints should be comprehensively and critically reviewed by SOA administrators to help staff continuously improve their ability to prioritize and use effective de-escalation strategies.”

SOA Program Response: We currently have three certified safe crisis management trainers on site. All restraints onsite will result in a written review and debrief with the staff implementing restraint to ensure appropriate procedures are followed.

### **Vision Quest Morning Star Youth Academy (VQMS)**

#### Page 61

1. “There were incidents of inappropriate conduct and potential excessive use of force by staff during the latter half of 2017, a staffer brought a group of kids outside of camera view to teach them about how to box. Youth were encouraged to practice boxing moves on each other and with the staffer on several occasions. In incident 147476, a verbal disagreement arose between a staffer and a youth over a bag of potato chips. The youth walked away in frustration. The staffer followed the youth and a tussle between the youth and the staffer ensued. Other youth on the unit gained access to and used the staffer’s radio and called for help while trying to separate the staffer from the youth. Several youth reported that the staffer was choking the youth during the course of the altercation. Video footage of the incident was unavailable due to a malfunctioning camera system.”

**VQMS Response:** In response to the two above mentioned incidents, the program followed DJS reporting requirements and also contacted Child Protective Services.

Both incidents were reviewed internally by the program administration and externally by the Office of the Inspector General for DJS. As a result of the review in both cases, staff action was taken. Additionally, the program enhanced its training curriculum and focused on both pre-crisis and crisis behaviors. It should be noted that due to the malfunctioning camera, the youth were moved the next day to an unoccupied living unit with a functioning camera.

2. “Management should increase the monitoring of youth and staff interactions to promote staff professionalism the camera system should be fixed without delay as video

surveillance enhances safety for staff and youth and can also serve as an employee training tool.”

**VQMS Response:** The program has 15 operating cameras. The 16th camera is in the now unoccupied living unit and will be corrected upon the opening of the third living unit. Each shift has a designated shift supervisor who is responsible for the monitoring of the daily schedule. Members of the Administrative team, also vary their schedules to provide additional support and supervision of both staff and youth. During weekly trainings, the program utilizes camera review as a supplemental training method. Enhanced training regarding Code of Conduct and Professional Boundaries were incorporated into weekly discussions.

3. “Direct care staff and youth report that administrators are not consistently engaged with operations on the units. The adoption of a team approach grounded in greater communication and collaboration between supervisors and workers would help ensure staff fidelity to the therapeutic model so that the treatment needs of youth can be met.”

**VQMS Response:** The program respectfully disagrees with this statement. Daily circles are held with all available support staff and all child care workers and youth. Weekly trainings are held on all shifts to promote communication and staff awareness. Each week youth progress and movement are discussed in a weekly training with staff. Directional movement is varied throughout the shifts in order for child care workers to be a part of this process and provide feedback and support to the youth. Weekly check ins occur at a minimum with the youth’s case manager and shift supervisor. Every effort is made to include child care worker participation.

4. “While both on-site and off-site recreational and enrichment activities are offered periodically at Morningstar, youth have reported the need for increased structured activities to be available on a regular basis on weekends and after school.”

**VQMS Response:** The program offers a number of after school and weekend programming that is reflected on the daily schedule. The program team are key in the providing these activities. Activities include study skills, career exploration, resume writing, GED preparation, arts and crafts, family game night and movie night. The program has also established a basketball team and youth are currently training for an upcoming Sprint Triathlon. The program regularly utilizes the local YMCA and has full use of their facilities to include the swimming pool. The program participates in ongoing community service projects in Dorchester County and the surrounding areas.

**MARYLAND STATE  
DEPARTMENT OF EDUCATION  
- RESPONSE**





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*March 9, 2018*

### **MSDE Response to the Juvenile Justice Monitoring Unit's 2017 Fourth Quarter and Annual Review**

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

The MSDE Juvenile Services Education System (JSES) continued focus during the fourth quarter of 2017 on recruitment and hiring of certified staff to provide direct instruction to students. The MSDE JSES acknowledges the dilemma of three difficult to hire teaching areas – Special Education, Career and Technology Education (CTE), and Math. The U.S. Department of Education's report – Teacher Shortage Areas Nationwide Listing 1990 – 1991 through 2017 -2018 provides the nation's teacher shortage areas by State. The report clearly documents all three as difficult to hire areas in Maryland since the 1990's. <https://www2.ed.gov/about/offices/list/ope/pol/ateachershortageareasreport2017-18.pdf>

Maryland school systems are not the only systems struggling to find Career and Technology teachers as identified in an article entitled, "States Want More Career and Technical Training, But Struggle to Find Teachers". The article also goes on to shares the fact that "some states, such as Maine, Maryland and New York, have had a shortage for almost 20 years." <https://www.pbs.org/newshour/education/states-want-career-technical-training-struggle-find-teachers>. The MSDE JSES, in collaboration with the Office of Human Resources (HR) continues to have open and continuous recruitment for all professional staff and offers a sign on bonus as an incentive to hire new certified teachers. In addition, the MSDE JSES provides a retention bonus for current professional staff as an incentive for educators to continue employment with JSES.

The MSDE JSES has aligned the instructional program to meet the Maryland College and Career-Ready Standards, continues to provide teachers with professional development in their content areas, has expedited the hiring process, increased resources for libraries, fully implemented the student information data system, implemented self- monitoring for special education, contracted with five vendors for substitutes, and continues to work with the University of Maryland strategic plan monitor in order to improve systems and structures. The MSDE JSES is committed to providing standards based education to students under the jurisdiction of the DJS.

## **Committed Placement Centers**

### **Victor Cullen Center**

The MSDE JSES acknowledges that Victor Cullen Center (VCC) had teacher vacancies during the fourth quarter, however, JSES has aggressively recruited, streamlined the hiring process, and reduced the teacher vacancies to two (one of which is a newly created teaching position for VCC). The JJMU reports the Intensive Service Unit (ISU) at VCC being closed for twelve days due to a falling tree. Teachers provided instruction for a total of eight days for the two units (of the remaining four days -two of the days were the Thanksgiving holiday and the other two days were the weekend). Instruction during this time included a special education teacher offering and providing individual direct service to special education students each day. Educational services to students on the ISU are provided by teachers who are scheduled to report to the ISU. This process is a component of the regular school schedule. The principal has discussed with the facility superintendent the possibility of creating an exclusive space on the unit with a whiteboard and storage space for instructional items. An additional SmartBoard is at VCC that could be moved to the unit to enhance instruction on the unit. The JJMU report states, (“Throughout 2017, there was no hands-on vocational education leading to certification in trades at Victor Cullen”). Hands on vocational instruction was provided in CTE from July through October 2017 with students earning 8.5 Career Technical Education (CTE) credits. The MSDE JSES staff continues to recruit for a CTE teachers for VCC. Maryland school systems are not the only systems struggling to find Career and Technology teachers as identified in an article entitled, “States Want More Career and Technical Training, But Struggle to Find Teachers”. The article also goes on to share that “some states, such as Maine, Maryland and New York, have had a shortage for almost 20 years.” <https://www.pbs.org/newshour/education/states-want-career-technical-training-struggle-find-teachers>.

### **Youth Centers**

Meadows Mountain Youth Center held a graduation ceremony on campus with a reception in April of 2017. Five of the graduate’s parents attended the ceremony. In an effort to ensure all students are recognized for the educational milestone of high school graduation, two ceremonies have been incorporated in the 2018 calendar. The spring graduation ceremony will be held in March and the fall ceremony will be held later in the year. MSDE and DJS collaborates to acknowledge the achievement of students who pass their GED testing, and for unforeseen circumstances are not able to participate in a scheduled formal ceremony. All students who earn their high school diploma are given the opportunity to take classes through Frederick Community College and are permitted to attend certificate programming.

The JSES acknowledges the vacancies in the Youth Centers during the fourth quarter due to difficult to fill subject areas and location of the schools. With the temporary closing of Savage Mountain Youth Center, the reassignment of teachers has allowed JSES to relocate staff to fill some of the vacancies at the Youth Centers. Substitute teachers at the Youth Centers have been a challenge for the substitute vendors due to the location of the centers. The MSDE JSES

working with the Office of Human Resources (HR), has developed a system to prioritize hiring processes for specific Youth Centers.

### **J. DeWeese Carter Center**

The JJMU reports youth had difficulty accessing the websites for their college courses that were required to complete coursework because of the internet setting on student computers. There were a few blocked websites when students first enrolled. The principal requested sites to be opened and they were unblocked. Students are required to attend school for six hours per day therefore, students who were enrolled in college courses had the majority of the school day (six hours) to access the computers. Some students were able engage in two courses during this timeframe. Students had the support of their teachers and an instructional aide. The guidance counselor was in contact with the professor of the courses to make sure that students met deadlines and had all the materials they needed. There were times that the college students needed to communicate with their professors and this was allowed with supervision.

### **Detention Centers**

#### **Baltimore City Juvenile Justice Center**

The MSDE JSES is actively recruiting positions at the Baltimore City Juvenile Justice Center (BCJJC) and leadership is currently in the process of hiring for vacant positions. Instruction is provided for all classes including both ISU units through the regular school schedule, regular education teachers, and special education teachers. Staff for the ISU unit provide instruction in all core subjects, career research development, and office system management.

The statement, “Education staff should be trained to implement supportive processing skills and to ask for the assistance of direct care or mental health staff to work with youth within the classroom in order to help foster an inclusive and constructive school environment”, was included in the JJMU report. The entire BCJJC staff received Trauma Informed Care training in the fall of 2017. All staff had to complete and pass an exam at the end of the training.

Post-secondary options for JSES have expanded. The Frederick Community College course options expanded to include community work force development courses. These courses are designed for students who did not meet the minimum requirements to take credit bearing college courses and allow students to engage in post high school coursework in their areas of interest. JSES has also finalized the formal partnership with Baltimore City community College. Starting with the spring semester of 2018, students are eligible to take on line courses.

#### **Cheltenham Youth Detention Center**

The JJMU report states, “During the fourth quarter of 2017, there were vacancies for an English teacher and a special education teacher” The English and special education teacher vacancies have been filled. The English Language Learners (ELL) students at Cheltenham currently receive support in the ELL classroom with the ELL teacher as well as having adult interpreters

with them throughout the entire school day. The ELL teacher collaborates with regular education teachers to provide support for students. It is important to understand during instruction for students who speak another language, pre-teaching of vocabulary, summarizing what students are learning, segmenting a video, and discussion in English is imperative to help students learn the English language. The ELL teacher is collaborating with the regular education teacher to assist the student in English, not the student's native language.

At no time in the past seven months did Cheltenham have “*many*” (as the JJMU report states) students with a GED or High School diploma. On one occasion there were three students that met this criteria, presently there is one student who recently passed the GED (within the past month). This student has taken the Accuplacer exam and is now ready to enroll in community college. Former students participated in the World of Word (WOW) program while they waited for adjudication.

### **Charles H. Hickey Detention Center**

Charles H. Hickey schools has two full time records clerks who handles the transfer of student records, not the guidance counselor as the JJMU report states. According to the report, “There is only one fulltime guidance counselor at Hickey who must manually input all records into the JSES computer system and manage the transfer of records to community schools when youth are released”.

### **Alfred D. Noyes Center**

The MSDE acknowledges the vacancies at Alfred D. Noyes Center. Substitutes have been provided to alleviate the situation. The MSDE staff is consistently conducting interviews for qualified academic teachers in all content areas. There have been over fifty interviews for teachers at Alfred D. Noyes Center since mid-September 2017.

The JJMU report discusses a partnership with Montgomery County Public Schools (MCPS) pilot on restorative justice. This partnership was with DJS and not MSDE JSES.

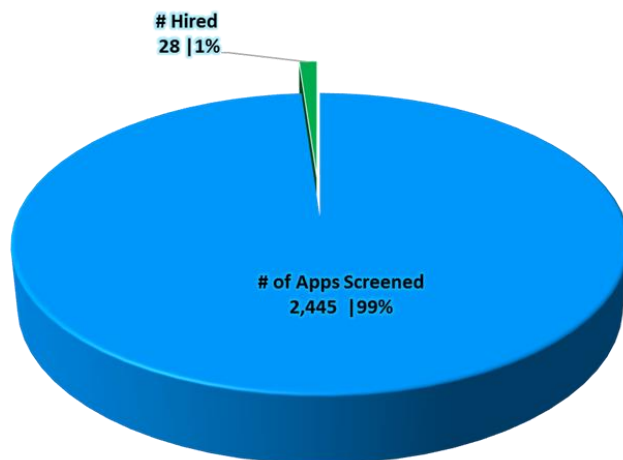
## Maryland State Department of Education in DJS Facilities

### **Recruitment and Retention of Qualified Teachers and Support Staff**

The MSDE JSES agrees that staffing issues continue to be an area of focus for the MSDE JSES schools. The MSDE JSES continues to devote human resources and attention to diligently work with f Human Resources (HR) to screen, interview, and hire qualified applicants.

During the 2017 -2018, school year, the MSDE JSE continued to place concerted effort and focus on recruitment and hiring of certified staff to provide direct instruction to students. From the beginning of this fiscal year (July 1, 2017), MSDE HR in collaboration with JSES screened 2,445 applications. Twenty eight candidates were hired. Additions candidates were processed to hire however, other factors such as tainted background checks, applicants were under contract with local school systems and would not be released, and teacher certification issues prohibited JSES from hiring some candidates.

**Job Applications Screened and Candidates Hired  
July 1, 2017 – February 28, 2018**



The MSDE JSES acknowledges the dilemma of three difficult to hire teaching areas Special Education, Career and Technology Education (CTE), and Math. The U.S. Department of Education’s report – Teacher Shortage Areas Nationwide Listing 1990 – 1991 through 2017 -2018 provides the nation’s teacher shortage areas by State. The report clearly documents all three as difficult to hire areas in Maryland since the 1990’s.

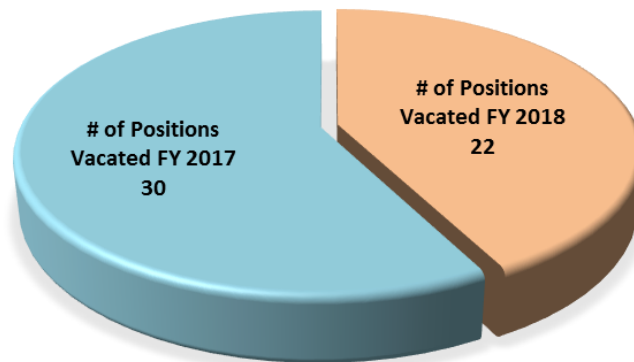
<https://www2.ed.gov/about/offices/list/ope/pol/ateachershortageareasreport2017-18.pdf>

The MSDE JSES, in conjunction with HR, continues to have open and continuous recruitment for all professional staff, offering a sign on bonus as an incentive to hire new certified teachers. The HR department has advertised using the following venues: The Washington Post, Journal of West Virginia, Salisbury Daily Times, Frederick News Post, Cumberland Times, Pennsylvania Media Group, Baltimore Sun, Journal and Shepherdstown Chronicle, Hagerstown Herald Mail

social media and the internet. The MSDE JSES staff has collaborated to attend teacher fairs at Towson State University, Morgan State University, and West Virginia University.

There is an increase in staff retention this fiscal year (FY18) compared to last year (FY17). Since July 1, 2017 (FY18), twenty-two staff members (teachers, headquarters staff, and support staff) resigned. Vacated positions included, resignations for retirements, staff released due to performance, accepting higher paying jobs in a local school system, promotion to another state agency, and other personal reasons.

### **Positions Vacated FY17 & FY18**



### **Staffing Levels and Allocation Geared Toward the Particular Needs of Each School**

Staffing needs are adjusted in collaboration with the principal based and based on the needs of the school. The JSES has a staffing committee comprised of principals, coordinators, HR liaison, and JSES leadership. The committee meets quarterly to discuss staffing needs at each school. Principals share their needs for their school with headquarters staff and HR staff screen applicants based upon staffing need at each school. Applications are sent directly the principals for them to assess the qualifications of candidates.

### **Staff Training on Working with Justice-Involved Youth**

Teachers and principals at all schools received training in the Trauma Informed Care in the 2016 -2017 school year. Ongoing training for the MSDE JSES staff is a yearly collaboration with DJS in order to provide understanding and support for students.

### **Comparable Education Experience to Public Schools**

The MSDE JSES provides instruction which utilizes the same Maryland College and Career-Ready Standards that are provided to all students in public schools in the state of Maryland. Credit accrual is based on mastery of content and not the number of days a student is enrolled in school. Students who are enrolled in a detention facility are enrolled in courses which are similar to courses they were enrolled in while attending their community. This process supports the students' graduation trajectory. Students work on skill building, comprehension, and

knowledge within the classroom setting, similar to educational activities provided in their community school. Any gaps in content would be detrimental to students who are already behind their peers academically.

The JSES is currently piloting a new reading, language, and math assessment that will identify each students' current levels of performance. This assessment is used statewide and will provide teachers with knowledge pertaining to what the student know, and what the student will be able to do.

The JJMU report states that students do not have access to higher level courses. This statement is incorrect. Students who need courses, such Calculus are able to take the course using one of JSES' online virtual courses. These courses have a certified teacher providing instruction virtually.

### **GED Program**

The statement, " There is only one GED testing site set up by MSDE JSES and it serves youth from all DJS detention centers from Victor Cullen (the hardware secure committed placement center for boys.)", is incorrect. JSES has implemented two accredited Pearson VUE GED testing sites and one outsourced facility. The first accredited site is located at the Charles H. Hickey Jr. School serving central Maryland and the other accredited site is at the Green Ridge Youth Center which serves our four youth camps. The MSDE JSES also has a written agreement with Chesapeake Community College to test students from the J. DeWeese Carter Center.

The JSES has not cancelled any GED exams due to JSES staffing issues. The DJS has never informed the JSES GED Coordinator that a staffing issue has prohibited their ability to transport students to Hickey, Green Ridge, or Chesapeake College. Since the GED exam is administered online, it poses a risk of having technical issues regardless of being in a secure state facility or at a for-profit testing center. The JSES is working closely with the Maryland State GED Administrator at the Department of Labor, Licensing, and Regulation to expedite Instructional Technology (IT) assistance with Pearson VUE, if the GED lab is having technical difficulties. MSDE also has direct contacts with Pearson VUE administrators to assist as needed with technical issues.

The MSDE JSES has obtained a waiver of the compulsory school attendance requirements to permit students under the age of 18, who are enrolled and attending JSES's educational programs, to have the opportunity to take the GED test. The process allows students to work on their GED and maintains students' engagement in classroom activities. Since the GED was revamped to align with the Common Core Standards this arrangement has proved beneficial to the students. Having a dual track allows students the opportunity to continue learning skills necessary to pass the GED while having the ability to continue to work toward a traditional high school diploma. This process is a safeguard in the event that they are not successful with passing the GED assessment. For students who transition to their community school, the dual track allows students to continue with their graduation trajectory since community school systems do not offer GED programs. For student who may consider the military, the GED limits the branch

of service which a student can enlist. The dual track that MSDE JSES offers continues to provide students with options.

Students who have earned their high school diploma/GED are provided access to post-secondary options. However, JSES is constrained by community colleges registration schedules. Students cannot access courses outside of the semester calendar set by colleges. As JSES continues to create partnerships with community colleges, JSES must follow the registration and semester calendar in order for students to earn credit.

### **Vocational Education**

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The JSES completed a College Board ETS request for a high school code in order to become a designated testing site. Our request is currently in the review process. This process takes approximately 6-8 weeks.

The World of Work program is not an MSDE instructional program. This program is provided by DJS.

### **Interagency Collaboration**

The JSES principals and DJS superintendents meet regularly in order to discuss the individual facility and how to support students. Meetings attended by all staff, facilitated by the superintendent and the principal are designed to clarify expectations, review policies, and collaborate on issues pertaining to education and DJS personnel.



Meetings are also held twice a year with all superintendents, all principals, the DJS Executive Directors, MSDE JSES Executive Director and Field Directors to discuss best practices in the facilities, and provide updates to all staff. The DJS and JSES continues the commitment to strengthen communications with each other to establish the best decisions for students.

### **Re-entry**

The DJS and the MSDE developed transition guidelines to ensure that youth in detention and committed programs have a seamless transition to the next school setting after release from an assigned DJS facility. These procedures, established in January, 2016, were a collaborative effort between JSES and DJS. The procedures provide guidelines for both detention and committed facilities.

### **Accountability**

In July 2015, the MSDE published a Strategic Plan organized around the five characteristics of high quality education services for incarcerated youth articulated by the U.S. Department of Education and the U.S. Department of Justice in a joint guidance letter issued in 2014. The Strategic Plan is a document that sets goals and objectives for the educational programs serving incarcerated youth in the State. In January 2016, MSDE contracted with the College of Education at the University of Maryland to review and assess the implementation of the Strategic Plan.

There is a revised Strategic Plan that was developed with input from JSES leadership staff and the advocacy community. The intent of the revision was to provide greater clarity and accountability for specific tasks and activities. The original Strategic Plan included forty-four quality and performance strategies while the revised plan has fewer elements.