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**JUVENILE JUSTICE MONITORING UNIT  
STATE OF MARYLAND**

**FOURTH QUARTER REPORT  
AND 2018 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 JJMU is responsible for reporting on Maryland Department of Juvenile Services (DJS) 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.

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 Unit has access to DJS incident and case notes databases and to DJS internal investigation and grievance documents. Monitors spend significant time visiting facilities unannounced, gathering information and observing all aspects of operations (including school and medical services). We sit in on activities and classes, conduct interviews of youth, staff and administrators, and review security- and safety-related video footage and incident report documentation. The JJMU issues public reports covering each calendar quarter. These reports include data and analysis concerning treatment of and services provided to youth in DJS directly run and licensed facilities throughout our state. Formal responses from DJS and the Maryland State Department of Education (which is responsible for education services in DJS facilities) are included with the reports.

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

## **JJMU Fourth Quarter Report and 2018 Annual Report Compendium**

The Maryland Juvenile Justice Monitoring Unit (JJMU) issues public reports covering each calendar quarter that include data and analysis concerning treatment of and services provided to youth in Maryland Department of Juvenile Services (DJS) directly run and licensed facilities throughout Maryland. Enclosed please find the unit's compilation of fourth quarter 2018 reports and an annual calendar year 2018 review.

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

The JJMU Fourth Quarter Report and 2018 Annual Review Compendium was produced by Margi Joshi, Nick Moroney, Tim Snyder, and Marvin Stone. Special thanks to Eliza Steele for her monitoring work. Thanks also to Taran Henley, Fritz Schantz, and Maria Welker for technical assistance.

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

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

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



**NICK MORONEY**  
*Director*

STATE OF MARYLAND  
JUVENILE JUSTICE MONITORING UNIT

April 2019

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 Adrienne A. Jones, Speaker Pro Tem of the House of Delegates  
Maryland General Assembly

The Members of the Maryland General Assembly

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

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

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

The Department of Juvenile Services (DJS/the Department) has made significant strides in reducing the number of young people involved in the deep end of the system – those incarcerated in detention centers and placement facilities. Setting aside longstanding and severe physical plant shortcomings (see the Waxter facility section from page 15), the Department has also improved the conditions of confinement in detention (see the detention overview section starting on page 3), where youth charged as juveniles spend a relatively short period awaiting court decisions and/or placement.

However, DJS has not made the changes necessary to develop a positive and therapeutic culture at their placement facilities (see the placement-related sections beginning on pages 29

and 53). The Department must adopt a proven (evidence-based), targeted treatment model instead of the generic behavior management system that currently serves as the foundation of programming at DJS facilities.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for education services in both DJS-operated detention centers and DJS-operated placement facilities. Unfortunately, MSDE JSES is not succeeding in appropriately serving the academic and career preparation needs of the children and young people at these facilities (see the section about MSDE JSES which begins on page 59 of this report). MSDE JSES must commit to delivering a robust education program that takes into account the individual academic needs and interests of the young people in DJS facilities and that is focused on college and/or career readiness in addition to the gaining of a high school diploma.

If DJS and MSDE JSES do not offer a more individualized and specialized approach tailored to youth needs, talents and challenges, the culture and level of safety at DJS facilities will continue to be at risk of periodic or sustained deterioration and young people at the deepest end of the system will continue returning to their communities without the tools and supports they need to succeed at home.

An objective and expert examination of Maryland juvenile justice system facility and community operations is needed and we strongly recommend that such a study be undertaken. Research - as well as our experience as monitors - suggests that investing in an approach to juvenile justice that centers on the utilization of remote placement facilities like the Victor Cullen Center, the other four youth centers in western Maryland and the Carter Center on the eastern shore is a barrier rather than a pathway to successful treatment. States, including neighboring Virginia, are closing youth prisons and replacing them with regionalized and community-based treatment programs (residential and non-residential) that are more economical and more effective at improving youth outcomes.

Respectfully submitted,

*Nick Moroney*

Nick Moroney  
Director  
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh  
Chief Deputy Attorney General Elizabeth Harris  
Deputy Attorney General Carolyn Quattrocki  
State of Maryland Treasurer's Office  
The Office of the Comptroller of Maryland  
Deputy Secretary Wallis Norman, Mr. Karl Pothier and Mr. Jay Cleary, DJS  
Margi Joshi, Tim Snyder and Marvin Stone, JJMU

# JUVENILE JUSTICE MONITORING UNIT FOURTH QUARTER REPORT AND 2018 ANNUAL REVIEW

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## DJS Secure Detention

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)

## DJS Committed Placement

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) [privately operated and licensed by DJS]

## Achievements and Challenges

In recent years, DJS has made substantial improvements:

- ✓ Average daily populations of DJS youth have decreased in secure detention centers and in committed placement centers. A falling crime rate, declining numbers of juvenile arrests and complaints as well as a commitment by key juvenile justice stakeholders to the principles of diversion programs and alternatives to incarceration have driven this trend.
- ✓ Competent detention facility management and vigilant monitoring by our unit has helped increase safety and advanced the level of services for young people in DJS detention.
- ✓ The General Assembly has helped DJS to protect a substantial number of young people from the harm of being detained in adult facilities when lawmakers voted to allow certain youth with "adult" charges to be held in juvenile detention facilities. These DJS detention centers are maximum security facilities and this decision has not negatively impacted safety. The JJMU asks that the legislature consider extending this protection to all Maryland youth whether charged as adults or juveniles. Youth with adult charges in a DJS facility can spend a year or even longer of "dead time" awaiting a decision as to which court will have jurisdiction over their case. This situation will be remedied by ensuring all young people charged in Maryland begin in the juvenile justice system, where there are strict scheduling deadlines that must be met.

However, in the provision of treatment, DJS has not made the same kind of gains:

- The current state-run model is largely governed by a correctional approach that is hyper-attentive to potential safety and security issues while individualized treatment and resources for youth do not receive the same level of priority (for more information, see the sections beginning on pages 29 and 53). Youth are isolated in remote areas of the state where family and community support is largely absent. Phone and visiting privileges are identical to the allowance given youth in detention centers. The behavior system is substantively the same as that in detention where compliance with authority - rather than therapeutic progress - determines earned behavior points and ultimately length of stay.



## DJS Hardware Secure Detention

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)

## DJS Committed Placement

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) [DJS licensed]

## Incident and Population Trends

Calendar year 2018 population and incident trends versus 2017:

- ✓ Average daily populations (ADP) of DJS youth decreased at BCJJC and WMCC secure detention centers and in all DJS-operated committed placement centers (Cullen, Carter, the four youth centers) and in the DJS-licensed SOA.
- ✓ Fights and assaults decreased at BCJJC, CYDC, Noyes, and WMCC secure detention centers and in committed placement at Cullen.
- ✓ Physical restraints decreased in secure detention at BCJJC, CYDC, Waxter, and WMCC and in committed placement at Cullen and the four youth centers
- ✓ The use of mechanical restraints decreased in secure detention at BCJJC, CYDC, Hickey, Waxter and WMCC and in committed placement at Cullen and the four youth centers. Mechanical restraints were used once inside LESCC secure detention center.
- ✓ The use of seclusion decreased in secure detention at CYDC, Hickey, Noyes, and LESCC and in committed placement at Cullen.
- Average daily population (ADP) increased in secure detention at CYDC, Waxter, Noyes, and LESCC.
- Fights and assaults increased in secure detention at Hickey, Waxter, and LESCC and in committed placement at SOA.
- Physical restraints increased in secure detention at Hickey, Noyes, and LESCC and in committed placement at SOA and Carter.
- Mechanical restraint usage inside facilities increased in secure detention at Noyes and in committed placement at Carter.
- Seclusions increased in secure detention at BCJJC and Waxter and in committed placement at the four youth centers and Carter.
- There were 310 incidents involving suicide ideation, two suicide attempts, and 30 incidents of self-injurious behavior at DJS-operated facilities in 2018. Incidents of suicide ideation decreased by 24% compared to 2017.

# **DETENTION CENTERS OVERVIEW**

## Overview of Maryland Department of Juvenile Services Operated Detention Facilities

- Declining numbers of juvenile arrests and a commitment by key juvenile justice stakeholders to the principles of juvenile diversion have helped reduce the numbers of youth held in DJS-operated maximum security detention centers. (The average daily hardware secure [maximum security] detention population in calendar year 2010 was 452 young people; in 2018, the ADP was 301 – a reduction of approximately one-third compared with eight years before.) Increasingly competent detention facility management and vigilant monitoring by our unit has helped increase safety and advanced the level of services provided to youth in secure detention.
- The Maryland General Assembly has helped protect a substantial number of youth from the harm of being detained in adult facilities by enabling certain youth with adult charges to be held in hardware secure juvenile detention facilities. This decision has not impacted safety on the ground in juvenile detention facilities, and such protection should be extended to all youth whether charged as adults or as juveniles.
- Youth with adult charges may spend several months or even a year or more stuck in a detention center awaiting decisions about their case. Detention centers are not setup to provide long term, comprehensive services and this significant length of stay is essentially “dead time” or wasted time that can thwart a child’s development process and endanger their academic progress. To remedy this issue, all young people charged in Maryland should have their cases begin in the juvenile justice system.
  - Initiating all cases involving charges filed against young people in juvenile court will ensure that decisions about whether children and youth should be waived up to adult court are more likely to be made by people who are trained in or otherwise more cognizant of adolescent development and related research and data as it relates to juvenile justice and public safety issues.
  - Ensuring that the initial hearing of cases against youth are held in the juvenile justice system will also expedite the waiver review process since there are strict scheduling deadlines that must be met in the juvenile justice (versus the adult criminal justice) system. Attorneys will be required to streamline the waiver process which will lead to a lower average length of

stay in juvenile detention for youth who may be eligible to be waived up to adult court.

- In recent years, DJS has elevated the level of functional oversight and management of state juvenile detention centers while also accepting a greater percentage than before of youth who have been charged as adults. However, post-detention, youth with high treatment needs often don't receive comprehensive holistic wrap-around care while in DJS custody or supervision to help them overcome their challenges and succeed in their communities.

For information on services in committed placement centers, see the committed placement centers overview starting on page 29 and the committed placement reform section which begins on page 53.

## **Baltimore City Juvenile Justice Center**

The Baltimore City Juvenile Justice Center (BCJJC) is a hardware secure (maximum-security) detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC. The DJS-rated housing capacity is 120 beds. African American youth represented 95% of total entries in both 2018 and 2017.

<b>BCJJC – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>89</b>	<b>100</b>	<b>94</b>
1. Youth on Youth Assault/Fight	245	352	251
2. Alleged Youth on Staff Assault	38	45	33
3. Physical Restraint	354	455	348
4. Use of Handcuffs and/or Shackles	111	115	86
5. Seclusion	10	14	34
6. Contraband	21	29	28
7. Suicide Ideation	25	21	11
8. Suicide Attempt	0	2	1
9. Self-Injurious Behavior	4	7	0

## **Population, Safety and Security**

The overall average daily population (ADP) at BCJJC in 2018 decreased by 6% compared to the prior year. There was also a decrease (of 26%) in the proportion of youth charged as adults and held at BCJJC.<sup>1</sup> Comparing 2018 to 2017, youth fights and assaults decreased by

<sup>1</sup> In calendar year 2017, the ADP for youth charged as adults and held at BCJJC was 57 while for 2018 the ADP of youth charged as adults and housed at BCJJC dropped to 42.

29%. Physical restraints of youth by staff and the use of mechanical restraints (handcuffs and/or leg irons) inside the facility decreased by 24% and 25% respectively. However, there were 60 group disturbances (defined as fights involving multiple youth that disrupt facility operations) during 2018, and the use of seclusion increased significantly (from 14 to 34 instances) compared to the year prior.

The increase in the utilization of seclusion and the frequency with which fights involving multiple youth break out at BCJJC remain of concern.

### **Programming**

Over the course of 2018, administrators at BCJJC worked to increase programming to help keep youth constructively engaged during their stay. Life skills classes that are specifically geared toward adult housing youth (who typically have longer lengths of stay than youth under juvenile court jurisdiction) were introduced during the year. The variety and scope of programming should continue to be expanded with the help of partnerships with community organizations. Given the large size of the facility, ensuring that youth on all residential units have access to programming options on a consistent basis is a challenge that must be comprehensively addressed.

Youth conflicts in the community can be a source of tension within the facility and can also contribute to incidents of aggression. In addition to the current practice of utilizing community conferencing to mediate discrete instances of youth conflict, all DJS direct-care staff should receive professional training on implementing restorative practices so that they are equipped to help youth constructively navigate and resolve interpersonal conflict. Proven or evidence-based approaches to address youth impulsivity and improve decision-making - such as those grounded in cognitive behavioral therapy (CBT) - can also help reduce delinquent behaviors. The Department should adapt detention-based CBT curriculums for use at BCJJC.<sup>2</sup>

### **Mental Health**

During the fourth quarter of 2018, a youth with a history of psychotic episodes was admitted to the facility after undergoing standard intake procedures. During his second evening in detention, the youth experienced an episode of decompensation and refused meals, yelled incoherently, and defecated and urinated in his cell during the night. Staff attempted to contact the on-call mental health clinician, however there was no answer. After a second attempt to contact mental health, a clinician arrived at the facility and elected to have the youth committed to a psychiatric facility for evaluation (Incident 155473). Detention is an inappropriate setting for youth with severe mental health issues and such individuals should be diverted to specialized treatment centers where they can receive appropriate care for their condition.

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<sup>2</sup> A promising CBT curriculum that is publicly available has been used in Chicago juvenile detention to reduce recidivism. See <https://urbanlabs.uchicago.edu/news/cbt-2-0-a-behavioral-approach-to-reducing-recidivism-among-youth>

There were gaps in mental health coverage during the fourth quarter.<sup>3</sup> The ability of on-site mental health staff to respond to situations was further hampered by the decision to move mental health offices further out of proximity to residential pods. Mental health staff should have a more active presence within DJS facilities including meeting with individual youth on units and in school, and running psychoeducational and skill-based groups. Mental health professionals should be involved in ongoing training of direct-care staff and should assist in proactively defusing anxiety-provoking situations in order prevent tension from escalating into incidents involving aggression and to help ensure that the use of physical and mechanical restraints and seclusion are a last resort. Mental health coverage at all DJS facilities needs to be expanded to ensure availability of on-site clinicians during youth waking hours every day, including weekends.

## **Education**

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

Youth in high school courses are grouped together by living unit instead of by grade level and this makes it difficult for individual students to receive instruction and school work that is geared toward their academic level. Several students were observed to be disengaged during a school monitoring visit either because the work was not sufficiently challenging or because they had difficulty following the lesson. Best practices indicate that “students should be taught at the level that is appropriate to their grade, age, and developmental needs, and they should receive work that advances their educational goals. Youth should be in a classroom of peers instead of with youth of varying ages and grade levels.”<sup>4</sup>

Close to half (on average) of the youth held at BCJJC are facing adult charges. Adult holds have longer lengths of stay and are typically older than youth with juvenile charges.<sup>5</sup> A tailored education program should be developed for the adult hold population, including a GED track and access to hands-on career and technical education opportunities that can lead to gainful employment. Partnerships with local technical colleges and businesses should be established to provide youth with exposure to and formal instruction in high employee demand areas such as computer technology, STEM-related fields, and trades such as automotive technology and barbering.

For more information on education services in DJS facilities, see the section on MSDE JSES which begins on page 59.

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<sup>3</sup> Two youth engaged in an altercation on 12/29 at approximately 2:15 pm (Incident 155926). No mental health staff were on grounds that day to process with the youth. The on-call DJS administrator met with the youth following the incident.

<sup>4</sup> See Justice for Juveniles: Youth Recommendations to Improve Educational Outcomes for Youth in the Juvenile Justice System (2015), Page 3, available at: [https://jlc.org/sites/default/files/publication\\_pdfs/J4JEdRecs4-15-15.pdf](https://jlc.org/sites/default/files/publication_pdfs/J4JEdRecs4-15-15.pdf)

<sup>5</sup> In FY 2018, the average length of stay for adult hold youth at BCJJC was 136 days. The average length of stay for youth with juvenile charges awaiting disposition was 17 days and the average length of stay for youth awaiting placement (post-disposition) was 27 days. See DJS Data Resource Guide FY 2018, page 116 and 121, available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

## Cheltenham Youth Detention Center

Cheltenham Youth Detention Center (CYDC), located in Prince George’s County, is a hardware secure (locked and fenced) detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 72 boys. African American youth represented 75% of total youth entries in calendar year 2018, compared to 74% in 2017. Hispanic/Latino youth represented 12% of entries during 2018, an increase of 2% compared to the prior year.

<b>CYDC – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>60</b>	<b>49</b>	<b>54</b>
1. Youth on Youth Assault/Fight	158	164	140
2. Alleged Youth on Staff Assault	10	17	3
3. Physical Restraint	178	243	155
4. Use of Handcuffs and/or Shackles	39	11	4
5. Seclusion	4	40	20
6. Contraband	5	11	5
7. Suicide Ideation	20	16	15
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	6	6	3

Average daily population in 2018 increased by 10% when compared to 2017. Further comparison shows youth fights and assaults decreased by 15%, physical restraints decreased by 36%, the use of mechanical restraints (handcuffs and/or leg irons) inside the facility decreased by 64%, and the use of seclusion decreased by 50%.



A combination of strategies have helped to reduce the number of incidents involving aggression at the facility. Administrators at CYDC worked to create and maintain a variety of ongoing recreational and enrichment activities along with family engagement events throughout the year. Management also fostered staff cohesion and a team approach and tightened facility operations through a consistent emphasis on adherence to safety and security policies, procedures, and practices. Efforts to keep youth productively engaged and work to maintain a safe facility environment should continue to be twinned priorities.

## **Education**

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

A youth on the infirmary reported that he was not getting adequate classroom time or grade level work to complete during the school day. In his grievance (14857), he noted, “There’s no point going to school because I have no teacher at all, people just bring me my work and tell me to do this and turn it in after school. Also some days I don’t get work so I just sit in the teacher’s office from 8:00 am – 3:30 pm and the work I do [get] is not even my grade level.” The principal acknowledged that some students on the infirmary receive significantly less instruction time than other students because of staffing constraints. MSDE JSES must ensure that education staffing resources allow for consistent and comprehensive instruction for all students (in the school building and elsewhere), including those with individualized needs.

While short-term courses leading to work-site flagger and basic food service handling certifications are offered through MSDE JSES on an intermittent basis at DJS facilities, options for longer term and hands-on post-secondary career and technology education (CTE) courses for high school graduates are not available. Youth with high school diplomas should have access to a variety of skill building opportunities in various professions and trades. Substantive career readiness and training programs are especially important for adult housing youth (youth charged as adults) who spend several months or even longer stuck in detention centers awaiting court decisions on their case.<sup>6</sup>

Eligible youth can participate in the modest World of Work program operated by DJS.<sup>7</sup> However, participants are often left unengaged for significant periods of time because there is not always enough work to do around the facility or available staff to supervise and consistently occupy youth throughout the school day. During the fourth quarter, a World of Work youth reported that he was “tired of sitting [in the] education building while I have my diploma and while I am on world of works[sic]. I am trying to work I am tired of doing work that doesn’t count. Just want to work. I am tired of going to education and I already got my diploma” (Grievance 14975). Facility administrators have noted that there are not enough available staff to supervise World of Work participants on a consistent basis.

Some high school graduates that have lengths of stay which correspond to the beginning of a college semester can enroll in online community college courses. However, in addition to

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<sup>6</sup> In FY 2018, the average length of stay for adult housing youth at CYDC was 85 days.

<sup>7</sup> The World of Work Program pays youth minimum wage for performing chores around the facility.

timing strictures, students indicate that there is only one laptop for use by all students trying to complete assigned course work and that access to the laptop is severely restricted because it is also needed for use in high school classes (Grievance 14956). Both DJS and MSDE JSES administrators informed the students that they did not have resources to spend on new laptops for youth. The lack of access to laptops that allow students to view and complete course assignments prevents them from properly participating in online college courses. Administrators at MSDE JSES need to increase technological resources for students at CYDC.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a hardware secure (locked and fenced) detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 77% of entries in both calendar year 2017 and calendar year 2018.

Hickey – Selected Incident Categories	2016	2017	2018
<b>Average Daily Population (ADP)</b>	<b>48</b>	<b>57</b>	<b>57</b>
1. Youth on Youth Assault/Fight	131	170	188
2. Alleged Youth on Staff Assault	10	0	5
3. Physical Restraint	259	215	240
4. Use of Handcuffs and/or Shackles	32	27	25
5. Seclusion	25	41	33
6. Contraband	9	7	15
7. Suicide Ideation	18	8	27
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	0	1

The average daily population did not change when comparing 2018 with 2017. However, youth on youth fights and assaults increased by 11% and physical restraints of youth by staff increased by 12%. There was a slight decline in the use of mechanical restraints (handcuffs and/or leg irons) within the facility and a significant decline in incidents involving seclusion.

## **Mental Health Services**

The increasing number of youth being admitted to the facility with complex mental and behavioral health needs and the related uptick in incidents of suicide ideation during 2018 underline the urgency of the need to increase the availability of substantive mental health support services at Hickey.

DJS administrators, supervisors, and staff and mental health providers at Hickey should work more closely together and foster a cohesive team approach to guard against incidents involving aggression and increase youth and staff safety. Particular emphasis should be placed on comprehensive utilization of mental health services to aid in the creation and maintenance of a more structured environment.

A well-established mental health team with appropriately qualified leadership that is integrated into everyday facility operations can greatly assist in reducing youth anxiety and acting out and help reduce the utilization of restraints and seclusion. In addition to helping youth manage stress and learn impulse control, mental health staff can serve as a resource to staff by helping them identify youth triggers and by modeling and teaching de-escalation techniques.

Unfortunately, there was frequent mental health staff turnover during 2018 which can impact rapport-building efforts and the ability to provide consistent clinical services to youth. In addition, there is no independent mental health supervisor/director assigned to Hickey as was the practice in the past. Instead, a mental health lead who is not independently licensed oversees operations for the mental health team and receives supervision from an off-site administrator. Addressing clinician attrition rates and adding an experienced supervisor who is available onsite everyday can improve the quality of mental health services at Hickey and help contribute to a safer milieu.

## **Staff Training**

New hires also make up an increasingly larger portion of DJS line staff and require extensive mentorship and oversight by more experienced staff. Training initiatives for staff should be ongoing and emphasize safe supervision and appropriate use of force protocols.

In Incident 154918, a recently hired staffer was engaged in inappropriate verbal banter of a sexual nature with a youth. The youth became upset by a comment made by the staffer about the youth's mother and threw a carton of milk at him, hitting the staffer in the face. The staffer retaliated by throwing the milk carton back in the youth's direction. The staffer then approached the youth and opened up a carton of milk and poured it over the youth's head while he was sitting in his chair. When the youth got up from his seat to approach the staffer, the staffer shoved the youth and the two began to tussle. Several youth intervened to try to separate the staffer and the youth. The youth was charged with second degree assault following this incident.

In Incident 154754, a newly hired male staffer was supervising a youth basketball game and failed to intervene when an altercation broke out. A female staffer ran across the gym and attempted to break up the fight.

A training program that has been developed by operational supervisors for all front line staff represents a promising start to help improve adherence to the basic tenets of professionalism and close supervision. This refresher course on safety and security should be combined with initiatives to promote collaboration and coordination among staff. Team building efforts can aid in increasing staff morale and can also contribute to a more positive facility culture overall.

### **Camera Coverage**

Camera malfunctions are an ongoing issue which hampers incident investigation and prevents supervisors from conducting a thorough review of incidents (for example, Incident 155815 and 155960). A comprehensive and reliable camera system is essential to facility safety and staff accountability and is a valuable tool for training purposes. The Department must prioritize a permanent fix to the persistent camera problems at Hickey.

### **Physical Plant**

Hickey is an aging facility and requires frequent maintenance. During the fourth quarter, youth reported issues with frigid temperatures inside cells (Grievance 15105) and with cold water during shower times (Grievance 14922). In addition, a persistent sewage leak (Incident 154834 and 155843) led to the closure of one of the housing units. While the problem was eventually addressed, the unit remains closed.

For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure (locked and fenced) detention center for girls. Waxter is operated by the Department of Juvenile Services (DJS/the Department) with a DJS-rated housing capacity of 42 beds. African American girls represented 75% of entries during 2018 compared to 70% in 2017.

<b>Waxter – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>22</b>	<b>22</b>	<b>25</b>
1. Youth on Youth Assault/Fight	64	62	66
2. Alleged Youth on Staff Assault	17	24	25
3. Physical Restraint	167	219	214
4. Use of Handcuffs and/or Shackles	20	16	14
5. Seclusion	18	9	19
6. Contraband	3	8	1
7. Suicide Ideation	100	125	80
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	11	10	7

The average daily population (ADP) at Waxter in 2018 increased by 14% compared to 2017 while youth fights and assaults increased by 6%. Use of physical and mechanical restraints within the facility decreased slightly. However, instances where seclusion was used more than doubled in 2018 when compared to 2017.

Girls from around the state that were placed at the J. DeWeese Carter Center (Carter) on the eastern shore were transported to the Waxter detention center in Laurel, where they were housed for approximately two weeks during the fourth quarter of 2018. Carter, a long term and

hardware secure committed placement center, was undergoing renovation to further fortify door locking mechanisms as part of DJS' efforts to satisfy American Correctional Association (ACA) requirements for certification. During this period, girls from Carter were housed in one of three units at Waxter. Girls in detention status were split between the remaining two units at the facility.

### **Staff Supervision and Use of Force**

Incidents involving lapses in supervision and inappropriate use of force were flagged by Waxter supervisors during incident audits conducted throughout 2018.

In Incident 154590, a student was taken back to a residential unit after visiting a case management office and then left there alone by a case manager. Later, while making rounds, a staffer saw the youth standing in the doorway and questioned her about being there alone. The youth said she had been yelling for someone to let her out but no one heard or noticed her.

In Incident 153409, a staffer assigned to a group of youth on a residential unit went into a partially separated office for approximately half an hour during which she made a personal phone call, leaving a trainee staffer to directly oversee the group of youth. One of the youth walked over and approached the staffer on the phone and asked a question. The preoccupied staffer ignored the youth and then the youth began yelling at the staffer. After an exchange of words, the youth became more agitated and started to throw things around the unit. The staffer did not call for assistance and mental health staff intervention, but proceeded to engage in a physical altercation with the youth. An audit of the incident acknowledged that the staffer had not been properly stationed within the unit when the incident occurred.

In Incident 152150, a staffer grabbed a youth by her hair and pushed the girl against a wall. After reviewing footage of the incident, supervisors notified Child Protective Services (CPS).

In Incident 155822, a (different) staffer grabbed hold of a youth's hair during a restraint and pulled the girl's head up by her hair. CPS was also notified about this incident.

Staff adherence to appropriate and safe supervision protocols and avoidance of the use of force whenever possible are essential to maintaining a secure and humane environment for both youth and staff. Administrators should continue to be vigilant in monitoring staff interactions with youth and in promoting a positive culture at Waxter.

### **Mental Health Services**

Girls in the juvenile justice system have, on average, even higher levels of trauma and mental health related needs than boys. Data compiled by the Department found that 81% of girls in the Maryland system juvenile justice system have moderate-to-high mental health needs, compared to 61% of boys.<sup>8</sup> In addition, 30.6% of girls— more than twice as many as boys – have a history of physical abuse, and 38.1% of girls – more than six times as many as boys – have a history of sexual abuse.<sup>9</sup> Comprehensive mental health services need to be readily and

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<sup>8</sup> Maryland Department of Juvenile Services Interim Report: Services for DJS-involved Girls. January 2018.

<sup>9</sup> Ibid.

consistently available (during waking hours throughout the week) to all girls housed in DJS facilities.

Mental health staff also need to take a more visible and proactive role in addressing the mental health related challenges and crisis situations experienced by girls at Waxter. During a monitoring visit in the fourth quarter, two girls who did not want to go to the cafenasium<sup>10</sup> for lunch were being supervised by a staffer on a residential unit. The girls were agitated and refusing to follow staff directions. Monitors requested the aid of mental health staff to help process with the girls and de-escalate the situation, however all mental health professionals were off-grounds having lunch. One of the girls eventually started to fight a youth who was passing through the unit. She was restrained and put in seclusion (Incident 155447). Several DJS staffers and supervisors told monitors that mental health workers are often unavailable when called and that mental health professionals at the facility are not usually involved in crisis situations until after a youth has already been physically restrained by line staffers.

Given the high level of needs of the population, mental health resources should be bolstered at the facility to ensure that mental health clinicians are on site during waking hours seven days a week to meet with girls in crisis or in need of professional therapeutic support. Mental health staff do provide some therapy sessions but appear to spend the bulk of their work time filling out documentation in offices at the facility.

Mental health professionals based in DJS facilities must be a consistent, everyday presence on the residential units to guide and process with youth and staff and help youth deal with the stress of being incarcerated. They also need to hold psychoeducational and skill-based groups and should be involved in ongoing staff training sessions to help foster a safe and therapeutic milieu.

### **Physical Plant**

The descriptions of physical plant issues at Waxter on the following pages are accompanied by photographs (taken in December of 2018) of areas frequented by young people incarcerated at the facility.



OCCUPIED CELL - DOOR

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<sup>10</sup> The area where youth eat lunch is also used as a gymnasium and a visitation room.



The physical plant at Waxter has long been in need of extensive renovation. A faulty heating and cooling system results in extreme fluctuations in room temperatures throughout the facility. Leaking roofs, pipes, and faucets have led to excessive condensation and mold infestation on some units. Scuffed floors, peeling paint, graffiti on the walls and clogged shower drains also contribute to the decrepit conditions.



SHOWER WALL, FLOOR AND DRAIN FOR USE BY WAXTER RESIDENTS

During a monitoring visit in the fourth quarter of 2018, a girl with a visible cold sore reported feeling sick due to the cold and damp environment. Two other girls proactively reported problems breathing due to the air quality. Monitoring observations and verbalized complaints about physical plant issues are corroborated by multiple written grievances filed by girls incarcerated at Waxter. The content of the grievances are summarized below:

- Youth stated that it was so hot on the unit that she was sweating and that “the floors and walls are sweating”. A DJS line worker reported that the ambient air temperature fluctuates and that “it does get to the point where there is condensation on the walls” (Grievance 14882).



OCCUPIED CELL - FLOOR AND BED

- Youth reported black mold in her room. The DJS child advocate noticed that there was a black substance growing between the wall and the floor of the youth's room (Grievance 15046).

- Youth reported that her room smelled like mildew and that the floors were wet. The facility superintendent acknowledged that there are issues with condensation and with a mildew-like smell in some rooms (Grievance 15051).
- A girl reported that her room was so cold that she “could hardly sleep at night...I have two blankets and I’m still freezing. I’ve told staff and others many times. It is winter time and we should not be allowed to sleep like this people are getting sick” (Grievance 15102).
- Several youth reported that dayrooms are uncomfortably cold while, at the same time, the back hallways of the facility are overly hot (Grievance 14926).



DAYROOM CEILING

For decades now, the State of Maryland has provided the majority of girls detained in Maryland with a consistently squalid facility environment. More than nine years have passed since a previous secretary of juvenile services said out of frustration with the physical plant at Waxter that he would like to blow it up,<sup>11</sup> and yet we continue to hold young people there. Long-mooted plans to build a facility in Carroll County to replace Waxter have been placed on indefinite hold.

The Department should move young people stuck in Waxter to a healthier and more appropriate environment. If that is not immediately possible, the State of Maryland must invest the significant resources required to expedite substantive improvements to the physical plant at Waxter.

### **Education Services**

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

In addition to physical plant issues within the housing units, the condition of the school building, which consists of a set of trailers behind the main building, is also poor. During the fourth quarter of 2018, the walkway decking surrounding the school trailers was under repair due to safety concerns. For over two months, instruction was provided on the units which prevented teachers from accessing technological and other classroom-based resources. As a result, a student with her high school diploma did not have space to take her college placement exam, and access to online community college courses for high school graduates was also disrupted. Furthermore, because of the ongoing work where the school trailers are located, the girls were deprived of access to outdoor recreation space while repairs are being made. Within the school trailers themselves, issues with mold in classrooms and the small size of certain classrooms negatively impacted the learning environment during 2018. The State of Maryland (through DJS and MSDE) must commit to funding critical school physical plant upgrades with the aim of ensuring an appropriate and safe school environment at Waxter.

For more information about education services in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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<sup>11</sup> See “‘Nothing’s Worse,’ ex-inmate says of girls’ detention center” <http://www.baltimoresun.com/news/bs-xpm-2009-12-28-0912270076-story.html>

### Alfred D. Noyes Children’s Center

The Alfred D. Noyes Children’s Center, located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated population capacity of 57. African American youth represented 64% of entries during calendar year 2018 compared to 66% in 2017. Hispanic/Latino youth accounted for 25% of entries in 2018 versus 20% in 2017.

<b>Noyes – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>28</b>	<b>31</b>	<b>34</b>
1. Youth on Youth Assault/Fight	97	94	89
2. Alleged Youth on Staff Assault	15	11	14
3. Physical Restraint	168	180	225
4. Use of Handcuffs and/or Shackles	18	25	28
5. Seclusion	22	13	6
6. Contraband	6	6	12
7. Suicide Ideation	56	56	27
8. Suicide Attempt	1	0	1
9. Self-Injurious Behavior	33	2	3

Average daily population increased by approximately 10% during 2018 in comparison to 2017. Incidents involving youth on youth assaults and fights decreased slightly (from 94 to 89), however physical restraints of youth by staff increased by 25% and use of mechanical restraints (handcuffs and leg irons) within the facility increased by 12%. The use of seclusion decreased by 54% in 2018 compared to the prior year.

Administrators implemented a variety of activities programming for youth and increased the level of presence of unit supervisors within residential units to enhance operational safety.

## **Supportive Services for Youth and Families**

Youth conflicts in the community can be a source of tension within the facility and can also contribute to incidents of aggression. In addition to the current practice of utilizing community conferencing to mediate discrete instances of youth conflict, all DJS direct-care staff and MSDE JSES educators<sup>12</sup> should receive training on implementing restorative practices so they are equipped to help youth constructively navigate and resolve interpersonal conflict. In addition, comprehensive approaches to address youth impulsivity and improve decision-making, such as those grounded in cognitive behavioral therapy (CBT), can also help reduce delinquent behaviors. The Department should adapt detention-based CBT curriculums for use at Noyes.<sup>13</sup>

DJS needs to be more responsive to parental concerns. Family engagement encompasses providing parents with “an active role and partnership in the development, implementation and management of comprehensive treatment plans for their children.”<sup>14</sup> During the fourth quarter, a parent filed a written grievance concerning the psychiatric care her child received at Noyes. She reported that the DJS psychiatrist assigned to Noyes had changed her child’s (previously prescribed) psychotropic medication without notifying or consulting with her. Parents and guardians must be included in decision making regarding medications and they are also entitled to access to information about their child’s treatment while in DJS custody.

## **Education Services**

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

Problems with recruiting and retaining education staff at Noyes remain of concern. A Career and Research Development (CRD) teacher resigned toward the latter half of 2018 and the records clerk position remained unfilled throughout the fourth quarter. A student wrote a grievance during the fourth quarter about gaps in education services in which he commented, “We don’t have enough teachers to have a full day of school. We have too much time just sitting on the unit not learning anything.” (Grievance 15107).

Legislation passed by the Maryland General Assembly directs MSDE to establish a pilot program at one of its sites in which a local school district takes over operational control of the school. MSDE worked collaboratively with Montgomery County Public Schools (MCPS) and DJS in choosing the school at Noyes for the pilot program and details of the transfer are being worked out at time of writing.

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<sup>12</sup> The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the schools in DJS facilities.

<sup>13</sup> A promising CBT curriculum that is publicly available has been used in Chicago juvenile detention to reduce recidivism. See <https://urbanlabs.uchicago.edu/news/cbt-2-0-a-behavioral-approach-to-reducing-recidivism-among-youth>

<sup>14</sup> John A. Tuell, with Jessica Heldman and Kari Harp, Robert F. Kennedy Children’s Action Corps (2017), “Developmental Reform in Juvenile Justice: Translating the Science of Adolescent Development to Sustainable Best Practice” (page 10), available at: [https://rfknrcjj.org/wp-content/uploads/2017/09/Developmental\\_Reform\\_in\\_Juvenile\\_Justice\\_RFKNRCJJ.pdf](https://rfknrcjj.org/wp-content/uploads/2017/09/Developmental_Reform_in_Juvenile_Justice_RFKNRCJJ.pdf)

For the pilot to be in accord with the intent of the legislation, Montgomery County Public Schools should take operational control of the school at Noyes and should address the significant staffing and education services-related resource issues. Current school personnel at Noyes should be converted to MCPS employees and receive appropriate salaries, targeted training and holiday schedules commensurate with teachers and personnel within the rest of the MCPS system.

In addition, the goal of the program should be transfer of complete managerial and operational control to MCPS with minimal involvement of MSDE JSES in order to address and to rectify what has been accurately described by a nationally recognized education expert as the inadequate and inappropriate “top-down” management style of MSDE JSES which “pays insufficient attention to teacher and principal needs” and “contributes to staff dissatisfaction and employee turnover.”<sup>15</sup>

The students at Noyes, the majority of whom are from Montgomery County, deserve and are entitled to receive the same level of education services available to peers in schools in the surrounding communities. Ensuring that the full resources of MCPS, including its management expertise, are present in the school at Noyes offers a pathway way towards achieving that outcome.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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<sup>15</sup> Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report.” January 24, 2017 (p.3, 8). Available at:

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

### 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 73% of entries during calendar year 2018, compared to 77% in 2017.

LESCC – Selected Incident Categories	2016	2017	
<b>Average Daily Population (ADP)</b>	<b>18</b>	<b>17</b>	<b>19</b>
1. Youth on Youth Assault/Fight	55	31	34
2. Alleged Youth on Staff Assault	1	5	6
3. Physical Restraint	117	130	147
4. Use of Handcuffs and/or Shackles	1	2	1
5. Seclusion	3	3	2
6. Contraband	8	1	4
7. Suicide Ideation	29	8	51
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	3	1	3

The average daily population at LESCC increased by 12% in calendar year 2018 when compared to 2017 while youth fights and assaults increased by 10% and physical restraints of youth by staff increased by 13%. Mechanical restraints (handcuffs and/or leg irons) were used once within the facility and seclusion was used twice during 2018.

There were 51 incidents of suicide ideation at LESCC during 2018, representing a substantial increase in comparison to 2017 (when there were 8 such incidents). Administrators and staff at LESCC generally excel at understanding and addressing the needs of vulnerable



youth, however, an increase in allotted staff positions is necessary to support the appropriately high level of care and consideration given to all the young people at the facility. Additional staff will also make it less arduous to provide necessary one-on-one coverage for those young people in crisis, in distress, or otherwise in need of individualized support.

The Department also needs to hire more staff at LESCC in order to allow for a minimum of two staffers to be assigned to the operations master control area - where multiple duties are commonly required to be carried out simultaneously and failure or delay in carrying out tasks can result in jeopardy to facility security.

The Department should ensure that the assistant superintendent position is reinstated at LESCC (and that a similar position is instituted at the WMCC detention facility, where staffers and supervisors are in a similarly pressed situation).

Line management staff at LESCC currently assist in multifarious administrative tasks, supervise operations, and provide support during crisis situations in order to make up for the lack of an assistant superintendent position.

Although some needed changes have been completed, further changes to the physical plant at LESCC are necessary in order to minimize the risk of youth self-harm. Some, but not all, bathroom fixtures have been modified to minimize hanging risk. Maintenance work should continue to ensure that youth bathrooms are ligature resistant.<sup>16</sup> Toilets and sinks located in individual cells at LESCC are made of porcelain material which can be broken into pieces that can be used to cause self-injury or as a weapon. The Department should replace the porcelain components with a break resistant material.

Administrators and staff made great strides in scheduling structured activities and special events for youth during the year. Efforts to increase programming should continue and particular emphasis should be placed on offering a variety of activities during recreation time.

Family members of a youth housed at LESCC during the fourth quarter were unable to visit regularly due to lack of reliable transportation. Transportation services should be substantially bolstered throughout the DJS detention and placement system to help parents maintain contact with their children.

For information on education in DJS facilities, see the MSDE JSES section on page 59.

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<sup>16</sup> Ligature resistant is defined as "without points where a cord, rope, bedsheet, or other fabric/material can be looped or tied to create a sustainable point of attachment that may result in self-harm or loss of life." See Suicide Prevention in Health Care Settings, (2017) available at: <https://www.jointcommission.org/issues/article.aspx?Article=GtNpk0ErgGF%2B7J9WOTTkXANZSEPXa1%2BKH0%2F4kGHCiio%3D>

### 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 both 2018 and 2017. Hispanic/Latino youth accounted for 11% of total entries during calendar year 2018, an increase of 3% compared to 2017.

<b>WMCC – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>20</b>	<b>21</b>	<b>18</b>
1. Youth on Youth Assault/Fight	63	51	43
2. Alleged Youth on Staff Assault	1	3	2
3. Physical Restraint	117	109	99
4. Use of Handcuffs and/or Shackles	17	19	17
5. Seclusion	5	3	3
6. Contraband	3	2	0
7. Suicide Ideation	15	8	18
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	0	1

The average daily population decreased by 14% in 2018 compared to 2017 while youth fights and assaults decreased by 16%, physical restraints decreased by 9%, and use of mechanical restraints (handcuffs and/or leg irons) within the facility decreased by 11%. There were three incidents in which seclusion was utilized during 2018. Administrators and supervisors at WMCC are diligent in their efforts to maintain a safe facility environment for youth and staff.

Increased family contact for justice-involved youth has been linked with positive behavioral changes and academic outcomes.<sup>17</sup> Youth in DJS detention centers are restricted to two 10-minute phone calls per week. Multiple youth have opined that the paucity of phone contact hinders family engagement. Toward the end of 2018, one youth wrote, “some people have personal things going on at home or were very stressed out from being here and we only get two phone calls”. Another youth stated: “I want to get more than [two] phone calls because I want to be in contact with my family more” (from Grievance 15086, during the fourth quarter of 2018). The number and duration of phone calls should be increased at all DJS detention and placement centers to appropriately facilitate family involvement.

Downtime during after-school hours, school holidays, and on weekends is an issue at all DJS-operated facilities. While other detention centers have one or more assistant superintendents to aid with administrative and programming needs at the facility, there is no assistant superintendent position assigned to WMCC. The Department should create an assistant superintendent position at WMCC (and at the similarly situated LESCC detention facility) to ease staff pressure and advance facility operations. The Department also needs to hire more staff at WMCC in order to allow for a minimum of two staffers to be assigned to the operations master control area - where multiple duties are commonly required to be carried out simultaneously and failure or delay in carrying out tasks can result in jeopardy to facility security.

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for education services in DJS facilities, including WMCC. The school at WMCC (which is located in Washington County) shares a single principal position with the Victor Cullen Center, a long term committed placement center located in Frederick County. Assigning separate principal positions for both WMCC and Victor Cullen would enhance oversight and could help enable a necessary expansion of education and enrichment programming options for students at both facilities.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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<sup>17</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>

# **COMMITTED PLACEMENT CENTERS OVERVIEW**

## Overview of Maryland Department of Juvenile Services Operated and Licensed Placement Facilities

- There needs to be a greater degree of expertise and resources available in order to run effective rehabilitative programs for youth committed to DJS placement. The current state-run model is largely governed by a correctional approach that is hyper-attentive to safety and security issues, privileges youth compliance over normalization and meaningful behavioral change, and isolates children and young people in remote areas which make family and community supports and resources difficult to access.
- While attention to safety and security is a fundamental component of a functional program, an overemphasis to the point of mitigating against individualized treatment and resource availability for young people in DJS custody is an inadequate approach to the work of assisting justice-involved youth. DJS must place higher priority on providing individualized tools and opportunities that will enable young people to succeed and manage or overcome the mental health issues and trauma-related challenges they face. Without access to adequate and appropriate tools, skills, and resources, it will remain exceedingly difficult for young people to function successfully in their local communities upon return from placement.
- A multitude of studies have identified programmatic aspects that contribute to positive outcomes for youth involved in juvenile justice systems. Improvement to our state's juvenile justice system with more positive outcomes for youth and public safety can be realized in Maryland if we move toward adoption of the tenets embedded in proven (or evidence-based) treatment programs and services.

### What works:

- ✓ For youth sent out-of-home by the courts and DJS, small, specialized, regionally-based community programs that offer individualized services based on the identified needs of each young person are needed. Regionalized and community-based services are more likely to reduce recidivism and are far less expensive than remote congregate institutions that cost hundreds of thousands of dollars per youth per year.<sup>18</sup>

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<sup>18</sup> See 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. NCJ 250142. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

## What we currently have:

- ☒ Expenditure of fiscal resources to increase security apparatus instead of investment in programming. The Victor Cullen (in western Maryland) and Carter (on the eastern shore) DJS-operated hardware secure placement facilities cost over a thousand dollars per day per youth and the average daily cost per young person per day at three of the remotely-located DJS youth centers was \$958 in FY 2018.<sup>19</sup> State funds could instead be invested in services and providers within the communities where DJS-involved youth come from.
- **Savage Mountain youth center in Lonaconing, Allegany County:** During 2018, the Department temporarily closed the facility for conversion and spent over a million dollars on high security fencing and other security-related expenditures. As of early 2019, the Department has reopened the Savage Mountain facility as a hardware secure (maximum security) facility. During the prolonged period of time the facility was closed and being converted from a staff secure to a high security facility, the three other youth centers were able to absorb the staff secure male youth population without exceeding capacity. After reopening Savage Mountain, DJS is now in a position to close one of the staff secure centers permanently and invest in regionalized non-residential and residential community programs that can provide individualized assistance to young people and their families.
- **J. DeWeese Carter Center in Chestertown on the eastern shore:** During 2018, DJS invested in fortifying locks on room doors as part of an effort to have the Carter facility pass American Correctional Association standards.<sup>20</sup> Construction dust subsequently triggered a girl's asthma to the degree that she needed hospital intervention. She was consequently moved to a DJS detention center in Salisbury. The rest of the girls at Carter were

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<sup>19</sup> DJS FY 2018 Data Resource Guide (p. 207), available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

<sup>20</sup> "The standards are established by the ACA with no oversight by government agencies, and the organization basically sells accreditation by charging fees ranging from \$8,100 to \$19,500, depending on the number of days and auditors involved and the number of facilities being accredited. [See, e.g.: PLN, Aug. 2014, p.24]. The ACA relies heavily on such fees; it reported receiving more than \$4.5 million in accreditation fees in 2011 – almost half its total revenue that year. The organization thus has a financial incentive to provide as many accreditations as possible. Notably, the accreditation process is basically a paper review. The ACA does not provide oversight or ongoing monitoring of correctional facilities, but only verifies whether a facility has policies that comply with the ACA's self-promulgated standards at the time of accreditation. Following initial accreditation, facilities are reaccredited at three-year intervals. As a result, some prisons have experienced significant problems despite being accredited. For example, the Otter Creek Correctional Center in Kentucky, operated by Corrections Corporation of America (CCA), was accredited by the ACA in 2009 when at least five prison employees were prosecuted for raping or sexually abusing prisoners. [See: PLN, Oct. 2009, p.40]. Kentucky and Hawaii withdrew their female prisoners from Otter Creek following the sex scandal, but the facility did not lose its ACA accreditation. The prison has since closed." Alex Friedmann, How the Courts View ACA Accreditation, Prison Legal News, October 10, 2014.

Available at: <https://www.prisonlegalnews.org/news/2014/oct/10/howcourts-view-aca-accreditation/>

then moved to the Waxter detention center in Laurel until the new locks were installed. Girls sent to Carter are usually assessed as “high needs, low risk”, “meaning that they face a host of challenges and have a critical need for services, but, for the most part, do not pose a significant threat to the public.”<sup>21</sup> Rather than needing stronger door locks, they need effective, individualized programming to meet their treatment needs.

### How we can improve:

- Start building capacity for local and regionally-based services by diverting money away from remote institutions and investing the money saved into services at the local and regional level. The Virginia juvenile justice system, for example, has already begun shifting resources away from ineffective congregate facilities and into smaller and more specialized regional and community-based options.<sup>22</sup> In contrast, in Maryland, the six DJS-operated placement centers are all in remote rural locations – five in western Maryland and one on the eastern shore.
- Expand investment in existing community-based organizations that have a proven track record of success with high risk youth (for example, YAP and Roca in Baltimore city and Lead4Life in Montgomery County).<sup>23</sup>

### What works:

- ✓ Programs utilizing a positive youth development approach aligned with the principles of adolescent development that provide ample opportunity for contact with local community organizations, citizens, and positive role models so that youth can learn and practice social skills, gain academic and employment experience, cultivate self-esteem and empathy, and form relationships with pro-social youth and adults.<sup>24</sup>

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<sup>21</sup> Watson, Liz & Edelman, Peter. (2010) Improving the Juvenile Justice System for Girls: Lessons from States, Page 1, available at <https://nationalcrittenton.org/wp-content/uploads/2015/03/1-Improving-the-Juvenile-Justice-System-for-Girls.pdf> Girls with misdemeanors as their most serious adjudicated offense comprised 85.7% of the population at Carter. In contrast, at Victor Cullen, the hardware secure facility for boys, 40% of youth had a misdemeanor as their most serious adjudicated offense. See DJS Data Resource Guide FY 2018, page 170 and 176, available at:

[https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

<sup>22</sup> Virginia Department of Juvenile Justice Transformation Plan 2018 Update, available at: <http://www.djj.virginia.gov/pdf/admin/Transformation%20Update%202018%20FINAL.pdf>

<sup>23</sup> See Youth Advocate Program (YAP) <http://www.yapinc.org/youth-ji>; Roca <https://rocainc.org/work/young-men-program/> and Lead4Life, Inc. <http://www.lead4lifeinc.org/> for more information.

<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>

## What we currently have:

- ☒ Restrictive and reactive security policies that promote a prison mentality rather than a safe, therapeutic milieu that fosters healing and healthy adolescent development.
  - At the non-high security status DJS-operated youth centers in western Maryland (and at all other DJS placement and detention facilities, regardless of security level designation), children and youth are locked down after dark which means during fall and winter months youth spend the bulk of their time indoors and restricted to their sleeping quarters during the afternoon and evening.
  - Even at the lowest security level DJS-operated facilities, young people cannot leave campus on a staff supervised community outing until they have achieved the highest levels of the compliance based level system (which is after several months for most youth).
  - Additionally, staffing and transportation issues as well as overly restrictive off-campus outing rules severely restrict the number of youth allowed to engage in community activities. The result is that only a select few young people ever get the opportunity to go with staff off-campus during the already limited number of arranged outings despite the fact that many youth may have earned the ability to do so.
  - Activities, resources and opportunities for normalization are governed by reactive approaches involving extreme adverseness to any potential risk. For example, in 2018, all young people in DJS placement facilities were summarily prohibited from swimming or engaging in water-based activities following an instance where a youth in DJS custody needed assistance from a direct-care staff member while in the deep end of a swimming pool. The youth was not hurt and continued playing in a more shallow area of the pool. (A more appropriate response would have been to help the student receive lessons to strengthen his swimming skills.)
- ☒ Staffing issues that stymie attempts to cultivate positive adult-youth relationships. Staff to youth ratios meet minimal correctional standards for supervision but are not sufficient to allow for the development of in-depth rapport with youth or to give young people any individualized attention.
  - Staffing constraints in DJS facilities are exacerbated by long-standing staff absence issues, with some staff frequently calling out sick or taking extended



leave. The results include excessive mandatory overtime forced on those who do turn up for work as scheduled and facilities being required to operate with a skeleton staff on a frequent or even on a day-to-day basis.

### **How we can improve:**

- Utilize community-based resources and, for those young people sent out-of-home, invest in regionalized and specialized, home-like residential centers that are run by providers with experience in positive youth development models and have other areas of expertise to address common issues among justice-involved youth (trauma, substance abuse, poverty, family issues).
- Examples of smaller, specialized facilities included the DJS-operated William Donald Schaefer House which helped up to 19 youth at a time with substance abuse-related issues and the DJS-owned but privately operated 12-bed Mount Clare House which specialized in assisting some of the most challenged youth from three different state agencies. Both facilities operated in Baltimore city for many years but they have been closed. Youth in DJS custody who might have been served in these facilities are sent to western Maryland. The state should begin to initiate a regionalized and closer to home approach by reopening these buildings to more efficaciously address the needs of youth in the deep end of the state juvenile justice system.
- Increase the quality and relevance of ongoing staff training and boost staffing levels for both residential staff and clinicians.
- Department leadership should model and promulgate a culture shift from tactics centered on control, compliance and surveillance to strategies aimed at fostering positive relationships in youths' lives to both engage them and to help them gain skills for future success.

### **What works:**

- ✓ Family engagement and actively involving parents, families, and positive social networks in a young person's treatment process have been proven to increase youth success.<sup>25</sup>

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<sup>25</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>

## What we currently have:

- ☒ A prison model of family involvement in which family contact policies while youth are in long-term placement in DJS facilities mirror those in DJS detention centers where youth with juvenile charges usually spend no more than a couple of weeks.
- ☒ Phone contact in DJS placement facilities are limited to two ten-minute phone calls per week and visitation is limited to two hours on designated days of the week. Family contact is also limited to immediate family members. Youth have to overcome various administrative hurdles to get permission to see other relatives or supportive individuals who are not members of the young person's immediate family (mentors or teachers, for example).
- ☒ Policy experts have noted that youth fare better when they are closer to their families and their local communities.<sup>26</sup> However, Maryland's juvenile justice system continues to isolate young people and break family bonds by placing them far away from their home communities and failing to provide adequate transportation services for families.
- ☒ A number of youth who have run away from remote staff secure DJS-operated placement centers have noted that they would rather serve out their placement in the jail-like but regionally based DJS detention centers rather than in the faraway placement centers so that they can be closer to families and to child care workers from their own communities who they say have a greater understanding, knowledge, and background concerning the challenges local young people face.
- ☒ Throughout 2018, DJS placed a blanket moratorium on home passes for all youth in DJS placements. The Department's unilateral decision specified that young people in DJS-operated placements would not be allowed to gradually transition home as in the past, regardless of how compliant their behavior might be or how close they are to leaving a DJS placement. The only exceptions to this mandate are individual cases where DJS is forced to allow a youth to visit home by court order. Further limiting opportunities for family contact does not serve the best interests of young people and their families.

## How we can improve:

- Change family engagement policies and practices to make it easier for families to participate in a youth's treatment.

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<sup>26</sup> See 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. NCJ 250142. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

- Increase phone and visitation times and expand the category list of eligible visitors.
- Provide door to door transportation services to families.
- Increase family therapy contacts for youth with high family-related needs.
- Engage family members and other supportive individuals as partners in fostering youth success.
- Reinstate home passes for all youth in placement.

### **What works:**

- ✓ A therapeutic and individualized approach that is evidence-based and trauma-informed versus a non-tailored, compliance-based approach.

### **What we currently have:**

- ☒ A generic compliance-based points and level system is utilized in both DJS placement and DJS detention facilities to the detriment of youth. This system creates situations such as occurred during the current reporting period where a youth who did not want to comply with a directive to cut his hair was prohibited from attending a community outing, a rare privilege that he had earned for good behavior.
- ☒ Mental Health staff are often not available to guide treatment programming and help youth and staff even when a youth is in crisis or staff need professional guidance. Therapists and counselors need to be onsite and available at DJS facilities during youth waking hours every day of the week.
- ☒ There is no overarching treatment model that is grounded in evidence-based practices such as cognitive behavioral therapy.
- ☒ There is a lack of agency commitment to developing a trauma-informed culture over and above a one-time psychoeducation class about trauma and youth. Claims that facility staff and practices (as distinct from polices) are “trauma-informed” are not credible.
- ☒ Maryland’s juvenile justice system has a probation regime that is overwhelmingly compliance-oriented (making meeting times with DJS caseworkers, passing drug tests, and school attendance the focus of requirements) versus a relationship-oriented approach which could be primarily guided by DJS caseworkers helping youth develop and meet personalized goals through appropriate individualized supports and interventions.

### **How we can improve:**

- Move away from a compliance-oriented structure and toward the adoption of a cohesive, trauma-informed and evidence-based treatment model that guides staff/youth interactions in DJS placement sites and in community case management.
- Provide substantial and ongoing training to staff on trauma-informed intervention skills and institute a trauma-informed focus on facility practices, case management and DJS culture as a whole.
- Acknowledge the shortcomings of the current system and understand the need to constructively transform DJS community-based practices and DJS facility-based operations.

### **What works:**

- ✓ A targeted, robust, varied, individualized and relevant education program for young people in contact with the juvenile justice system that includes core academic competency preparation, employment readiness opportunities and employment experience.

### **What we currently have:**

- ☒ Issues recruiting and retaining qualified education personnel.
- ☒ Classes primarily organized by unit versus grade level.
- ☒ Unavailability of elective courses such as art, physical education, or STEM-related courses.
- ☒ No opportunities for young people to gain experience and normalization through employment, internships, or apprenticeships outside (or even inside) of facilities. Young people in DJS custody need a chance to contribute positively to communities through interning, volunteering, working and studying and have voiced their wish to have opportunities to interact with communities surrounding DJS facilities.
- ☒ No hands-on career technology education (CTE) courses through MSDE or DJS. Some part of this problem or gap in facility-based education-related opportunities is the result of decisions by DJS to prohibit young people in their care from working with construction tools.

## How we can improve:

- MSDE JSES schools have not succeeded in their mission to serve youth in DJS facilities. The State of Maryland should examine what other states are doing to improve or reform their approach to their juvenile justice systems in general as well as to education in juvenile justice-related facilities in particular.
- MSDE JSES should consult, utilize and/or contract with outside organizations and local school districts with proven experience in successfully working with vulnerable youth in order to provide appropriate, targeted education services inside DJS facilities.

## In Conclusion...

- ✚ DJS has instituted practices to enhance the ability to functionally operate the Department's detention centers which hold youth awaiting court or placement decisions.
- ✚ However, the nature of the longer term DJS placement centers has remained static as the Department has not instituted the substantial reforms that are necessary to allow for individualized and evidenced-based treatment services. Instead, DJS has doubled down on a commitment to its own remotely located congregate corrections-like facilities while closing two smaller sites in Baltimore city (Mount Clare and the William Donald Schaefer House) that offered specialized services more in line with national best practices.
- ✚ While prohibitive cost and security concerns have been raised as an argument against using smaller, specialized, regionally and community-based out-of-home options for young people, it must be noted that the remotely located DJS placement facilities - staff secure and hardware secure alike - currently cost in the region of \$1000 per day per institutionalized young person to operate.
- ✚ Some nearby jurisdictions are instituting widespread reforms that involve movement away from placing young people in facilities far from their home communities. Virginia, the District of Columbia, New York and Connecticut are shifting to regionally-based, specialized and individualized approaches to assisting young people in contact with the justice system using trauma-informed and proven or evidence-based practices in response to research indicating that this approach produces better outcomes and results in lower recidivism rates. The State of Maryland should consult, utilize and/or contract with outside organizations and foundations such as the Annie E. Casey Foundation (which has assisted the State of Virginia) which have proven experience in researching and operationalizing successful approaches to working with vulnerable youth.

## Victor Cullen Center

The Victor Cullen Center (Cullen), in Frederick County, is a hardware secure (locked and fenced) committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth represented 84% of total entries in 2018, compared to 78% in 2017.

<b>Victor Cullen – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>21</b>	<b>28</b>	<b>19</b>
1. Youth on Youth Assault/Fight	55	61	25
2. Alleged Youth on Staff Assault	19	18	17
3. Physical Restraint	210	248	81
4. Use of Handcuffs and/or Shackles	172	198	62
5. Seclusion	101	51	9
6. Contraband	11	4	12
7. Suicide Ideation	20	59	16
8. Suicide Attempt	1	0	0
9. Self-Injurious Behavior	10	4	2

## Population

The average daily population (ADP) at Victor Cullen in 2018 declined by 32% compared to 2017, and fights and assaults, use of physical and mechanical restraints, and use of seclusion also decreased significantly. The number of youth admissions was curtailed throughout the third and fourth quarter of 2018 in response to a major group disturbance that occurred at the facility

in April of 2018.<sup>27</sup> The population at Cullen should remain low and current staff to youth ratios should be maintained<sup>28</sup> to aid in attempts to establish safety, help ensure that youth receive individualized attention, and foster positive relationships between staff members and youth.

Intensive and wrap-around community-based services have been shown to be less costly and more effective (even for high risk youth)<sup>29</sup> than distantly-located congregate facilities.<sup>30</sup> The utilization of remote congregate facilities like Victor Cullen should be phased out and the availability of specialized community and regionally-based residential and non-residential programs should be expanded to reduce reliance on incarceration.

## **Treatment**

In response to issues with safety and security at Victor Cullen, the Department has ramped up the level of structured activities to keep youth constructively engaged during after school hours and on weekends. Bolstering enrichment, recreational, and volunteer opportunities is a positive development and options should continue to be expanded. Particular emphasis should be placed on linking youth with opportunities in the surrounding community.

Another priority for DJS should be replacing the current behavior management system (which is a slightly modified version of the same compliance-based approach used in secure detention) with an evidence-based, trauma-informed, and trauma-responsive treatment model that embodies the principles of positive youth justice and healthy adolescent development. Direct-care staffers should receive extensive and on-going training on consistently operationalizing an evidence-based and trauma-informed approach in their daily interactions with youth. Studies show that programs with a therapeutic culture rather than a control and compliance culture help reduce recidivism.<sup>31</sup>

Family engagement and varied and individualized education programming are also essential elements of a rehabilitative program, and these areas will need to be substantially and permanently bolstered if the program at Cullen is to improve. Phone and visitation privileges<sup>32</sup> currently mirror detention policies, where youth are usually held much closer to home and where they spend significantly less time (an average of a couple of weeks, versus a typical six to nine month placement at Victor Cullen). Early in 2018, the Department erected further barriers to family engagement by placing a still active moratorium on earned home passes. The only exceptions made are for youth who have court ordered home visitation privileges. Home passes are an effective therapeutic tool and form an integral and critical part of successful re-entry and

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<sup>27</sup> For more information, see JJMU 2018 Second Quarter report at:

[http://www.marylandattorneygeneral.gov/JJM%20Documents/18\\_Quarter2.pdf](http://www.marylandattorneygeneral.gov/JJM%20Documents/18_Quarter2.pdf)

<sup>28</sup> Staff to youth ratio averaged around 1:3 during the fourth quarter.

<sup>29</sup> See Youth Advocate Program (YAP) <http://www.yapinc.org/youth-ji> and Roca <https://rocainc.org/work/young-men-program/> for more information.

<sup>30</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 (p.13). Available at: NCJ 250142 <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

<sup>31</sup> Nancy Dowd, ed. *A New Juvenile Justice System: Total Reform for a Broken System*, NYU Press, 2015. Page 72.

<sup>32</sup> Phone contact is limited to two 10-minute phone calls per week and visitation is open to immediate family members only on two specified days of the week for two hour increments.

reintegration into the community. Home passes should be reinstated for all youth in placement and their use should be expanded (from what they were before the moratorium).

See the committed placement centers overview (page 29) and the committed placement reform section (page 53) for more information.

## **Education**

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is responsible for the provision of education-related services at Victor Cullen where schooling consists of four 90-minute classes in core content subjects. Observations indicate that many youth struggle to stay focused during entire class periods and typically spend significant amounts of time horse playing, sleeping, or socializing during instruction time. Class periods should be shortened and a variety of electives, including physical education, art, and music courses, should be available (as is the case in local public schools) to enhance the schedule and help keep students engaged.

Students should be able to acquire job-related skills and earn industry-recognized certifications that will help them compete in the job market upon release. However, there are no opportunities for hands-on learning through comprehensive career and technology education courses inside the facility. There is also no system set up through DJS and MSDE JSES to enable youth held at Victor Cullen to gain employment or internship experience in a nearby community.

For an overview of education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.



## Youth Centers x4

The youth centers, located in remote western Maryland, consist of four separate staff secure (not fenced and locked) facilities for boys. One of the youth centers – Savage Mountain – was closed throughout most of 2018 as it was being converted into a hardware secure (maximum security) facility. Each of these centers is 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 73% of total youth entries in 2018 compared to 74% in 2017. Hispanic/Latino youth represented 11% of total youth entries in 2018, an increase of 3% compared with 2017.

<b>Combined Youth Centers (x4) – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>99</b>	<b>92</b>	<b>90</b>
1. Youth on Youth Assault/Fight	187	161	189
2. Alleged Youth on Staff Assault	42	49	41
3. Physical Restraint	451	650	602
4. Use of Handcuffs and/or Shackles	121	234	144
5. Seclusion	1	1	2
6. Contraband	28	14	35
7. Suicide Ideation	36	95	60
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	5	1	8

Although the average daily youth population decreased by two (from 92 to 90) in 2018 compared to 2017, youth on youth fights and assaults increased by 17%. The utilization of community conferencing and restorative justice circles should be increased and be made available consistently two or more days a week at each center to help youth learn and practice ways to constructively manage conflict. DJS direct-care staff should receive formal instruction on implementing restorative practices in daily interactions with youth to supplement and reinforce skills taught by trained facilitators.

Physical restraints of youth by staff and the use of mechanical restraints (handcuffs and/or leg irons) inside the youth centers decreased in 2018 in comparison with 2017.

However - when comparing 2018 with 2016 - physical and mechanical restraint of youth by staff inside the facilities occurred with greater frequency, even though the average daily population was higher in 2016 than in 2018.<sup>33</sup>

The Department should implement an evidence-based and trauma-informed treatment model at the youth centers to mitigate the use of physical control tactics including utilization of physical restraint and mechanical hardware. Studies show that programs that rely on a “therapeutic approach to changing behavior by focusing on constructive personal development”<sup>34</sup> are more effective than programs based on a control philosophy.

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

Savage Mountain Youth Center was closed throughout most of 2018 in order to convert the facility from a staff secure to a hardware secure (locked and fenced) placement site.<sup>35</sup> The Department already has a maximum security placement facility for boys in western Maryland, the Victor Cullen Center.

Over a million dollars was expended to fortify the security apparatus at Savage Mountain. These funds could have been better utilized on a continuum of specialized, regionally-based, residential and non-residential treatment centers located close to families that meet the therapeutic and education needs of youth at deep end of Maryland’s juvenile justice system. Experts who have conducted an extensive review of the research on the effectiveness of various juvenile justice approaches have “concluded that well-designed community programs are more likely to reduce recidivism and improve youth well-being than institutionalization. Citing the harm

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<sup>33</sup> Average daily population decreased by 9% in 2018 compared to 2016 while physical restraints increased by 36% and mechanical restraints increased by 19% during the same time period.

<sup>34</sup> Lipsey, M., Howell, J., Kelly, M., Chapman, G., Carver, D. “Improving the Effectiveness of Juvenile Justice Programs.” December, 2010, p. 28, available at: <https://doc.wi.gov/Documents/AboutDOC/Act185/180725MeetingHandouts/180725ImprovingEffectivenessJuvenileJusticePrograms.pdf>

<sup>35</sup> For more information, see page 9 at: <http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2017fy-budget-docs-capital-V00-Department-of-Juvenile-Services.pdf>

from placement in large, distant institutions, they found that, for the small number of youth who require confinement, proximity to their communities is less disruptive.”<sup>36</sup>

### **Physical Plant at Backbone Mountain**

The entrance to Backbone Mountain Youth Center is located adjacent to a road regularly utilized by logging trucks. During periods of dense fog, heavy rain or snow, the facility entrance is difficult to see. Vehicles turning into or exiting out of Backbone onto the road are at risk of being hit by oncoming traffic, an outcome suffered by a facility staffer who was turning into the facility in inclement weather during the fourth quarter. Thankfully the staffer was not seriously injured. However, the Department should ensure that flashing lights or a signal are installed at the entrance to the Backbone facility to help prevent accidents and potential injury to youth or staff.

### **Treatment Model**

The current treatment model in use at all DJS-operated placement sites is a (slightly modified) version of a compliance-oriented points and level system used in DJS-operated detention facilities. Compliance-oriented programs produce power struggles between staff and youth and fail to address the underlying trauma, grief, and mental health-related conditions that contribute to outward behavior.<sup>37</sup> The current approach should be replaced with an evidence-based and trauma-informed treatment model that allows for individualized interventions based on a comprehensive assessment of youth needs.

Staffing ratios are governed by correctional (rather than treatment) standards that are geared towards providing basic visual supervision of youth but not concerned with fostering supportive, positive relationships between staff and youth, which is a necessary component of a therapeutic culture. Staffing ratios at the youth centers should be increased to one staffer per four youth with a supervisor assigned for every eight youth to allow for an opportunity for rapport building between youth and staff. Enhancements to direct-care staffing should be coupled with increases in mental health staffing. Current mental health staffing at the youth centers is insufficient to meet even basic needs for one-on-one sessions and crisis intervention. Each center should have a minimum of four mental health staff and a mental health supervisor, and a clinician should be available onsite seven days a week during youth waking hours.

### **Constructive Programming**

An initiative to bolster programming for youth has begun at the Victor Cullen placement facility. The Department should ensure youth placed at the youth centers (and at the Carter placement facility for girls) also have access to an appropriate level and variety of consistently

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<sup>36</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 (p.13). Available at: NCJ 250142 <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

<sup>37</sup> According to DJS data, a majority of boys in the deep end of the system had high to moderate mental health related treatment needs. Maryland Department of Juvenile Services, *Services for DJS-Involved Girls*, January 2019 (page 57), available at: <https://djs.maryland.gov/Documents/publications/DJS-Services-DJS-Involved-Girls-Jan-2019.pdf>

offered constructive activities, as persistent boredom, excessive downtime, and lack of community engagement are still largely unaddressed issues at these facilities.

DJS imposes severe restrictions at the open campus or “staff secure” youth centers. The Department maintains a curfew throughout the fall and winter months which restricts youth to a few buildings, beginning at dusk. Youth cannot walk around campus during curfew, even if accompanied by staff, and this severely hampers staff attempts to implement activities to constructively engage youth. DJS has also prohibited aquatic activities and limits the number of youth allowed on earned trips off campus (citing transportation and staffing limitations). The Department’s current approach should be replaced with policies and practices shaped by the principles of positive youth development which “allow youth to participate in activities that enable them to be engaged in and feel attached to their community and local events.”<sup>38</sup>

### **Family Engagement**

Family contact has been linked with academic success and positive behavior in youth and is a “key element in a trauma-informed juvenile justice system”.<sup>39</sup> The remote location of the youth centers (in Garrett County and Allegany County), lack of transportation assistance, and Department policies on family contact all impede family engagement. The distant location of the youth centers makes it difficult, if not impossible, for many families to visit. Parents often do not have access to reliable transportation and/or cannot afford to take the necessary full day off work to make the long journey to visit their child. Adequate transportation assistance is not offered to overcome this hardship. Additionally - and in contrast to best practices in family engagement which allow for flexible visitation days and times to accommodate parental schedules - visitation is limited to two hour increments on two designated days of the week.

Although young people placed at the DJS youth centers spend approximately six or more months far from home, phone contact with family members is capped by the Department at two 10-minute phone calls per week. This is the same phone access allowance given to youth in DJS’ regionally located detention centers, where youth charged as juveniles are held for shorter periods in facilities much closer to their home communities. The number and duration of phone calls should be increased for young people in DJS facilities to reflect the importance that family contact plays in the treatment needs of youth.

In 2018, the Department enacted further barriers to family engagement for young people (at all DJS-operated placement facilities) by instituting a moratorium on earned home passes, even though they are an effective therapeutic tool and an integral part of a successful re-entry

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<sup>38</sup> Coalition for Youth Justice, Positive Youth Development, available at: <http://www.juvjustice.org/our-work/safety-opportunity-and-success-project/issue-areas/positive-youth-development>

<sup>39</sup> Liane Rozzell. “The Role of Family Engagement in Creating Trauma-Informed Juvenile Justice Systems.” The National Child Traumatic Stress Network. (September 2013). Available at: [http://www.nctsn.org/sites/default/files/assets/pdfs/jj\\_trauma\\_brief\\_familyengagement\\_rozzell\\_final.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/jj_trauma_brief_familyengagement_rozzell_final.pdf)[https://www.nctsn.org/sites/default/files/resources/the\\_role\\_of\\_family\\_engagement\\_in\\_creating\\_trauma\\_informed\\_juvenile\\_justice\\_systems.pdf](https://www.nctsn.org/sites/default/files/resources/the_role_of_family_engagement_in_creating_trauma_informed_juvenile_justice_systems.pdf); 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>

strategy. The only exceptions made are for youth who have court ordered home visitation privileges. Home passes should be reinstated and expanded so that all youth in placement are afforded opportunities to begin transitioning back into home community life.

See the committed placement centers overview (page 29) and the committed placement reform section (page 53) for more information.

## **Education**

The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the schools at the four youth centers. Difficulties hiring and retaining qualified teachers (especially in areas such as science and Career and Technical Education [CTE]) and the lack of a variety of rigorous high school curriculum offerings on par with local public school systems impede student access to the quality of education services and education-related opportunities that they are entitled to receive.

School at the youth centers consists of four 90-minute classes in core content subjects. Many youth struggle to stay focused for the entire period and typically spend significant amounts of time unengaged during class. Class times should be shortened and a variety of electives, including physical education, art, and music courses should be available to help break-up the school schedule.

With the exception of youth in the college program at Backbone Mountain Youth Center, youth with high school diplomas are not offered constructive educational programming, hands-on career and technical education (CTE) courses, or employment opportunities at the youth centers. As a result, high school graduates are often unengaged during the school day and spend significant portions of the day sleeping or watching TV.

Education-related achievement and stable employment prospects can lower the chances of youth recidivism.<sup>40</sup> Both DJS and MSDE JSES have a vested interest in improving youth outcomes and should collaborate to facilitate an appropriate variety of education and employment opportunities for the youth in their custody and care.

For more information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

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<sup>40</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014) (p.30). Available at: <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>

## Silver Oak Academy

Silver Oak Academy (SOA/Silver Oak), 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 89% of entries to SOA through DJS during 2018 compared to 90% in 2017.

<b>SOA – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>54</b>	<b>48</b>	<b>30</b>
1. Youth on Youth Assault/Fight	53	60	66
2. Alleged Youth on Staff Assault	0	12	15
3. Physical Restraint	33	51	66
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	40	28	31
7. Suicide Ideation	0	1	1
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population of youth placed at Silver Oak through DJS decreased by 38% in 2018 compared to 2017 while youth fights and assaults increased by 10%, youth on staff assaults increased by 25%, and physical restraints of youth by staff increased by 29%.<sup>41</sup>

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<sup>41</sup> The average daily population (ADP) reflects only youth placed at Silver Oak through the Maryland Department of Juvenile Services (DJS). Youth from other states are placed at Silver Oak, however, these youth are not included in the ADP figures reported by DJS. Incidents involving out-of-state youth were not uploaded to the DJS database until the fourth quarter of 2018 and therefore are only partially represented in the counts in the selected incidents table.

## **Treatment Program**

Silver Oak provides youth with access to evidence-based therapeutic services that are grounded in cognitive behavioral therapy and adhere to the tenets of positive youth development. Healthy adolescent development is also fostered through a normalized campus-like environment and consistently available opportunities for engagement with the surrounding community. Young people at the facility are able to gain valuable academic and work skills through a rigorous curriculum that allows students to earn a high school diploma. SOA programming also affords options for resident young people to pursue a variety of certifications in career and technical education (CTE) courses that include barbering, culinary arts, automotive repair, and nursing. Students also intern, work, volunteer or attend community college in the surrounding communities and compete in intercollegiate sports.<sup>42</sup>

The prospect of continuing success for the program will entail a commitment to re-establishing a consistent culture of safety throughout the facility. Administrators should focus on utilizing the therapeutic model already in place at Silver Oak to reduce the level of conflict among youth and between youth and staff and minimize reliance on physical control tactics such as restraints. Particular attention should also be given to incident reporting policies and practices.

## **Incident Reporting**

There were delays in reporting incidents during the fourth quarter of 2018. In Incident 154529, a youth reported to his mother that he was choked by a staffer during a physical restraint. The parent called state police who responded to the facility to look into the allegation. Administrators at SOA showed police a video of the restraint which had occurred a month before and involved the youth and the staffer. The video shows the staffer standing behind the youth and holding the youth's arms behind his back as the staffer walks the youth up a hallway. The restraint was not reported on the incident database at the time it occurred and was only entered into the system after the youth made the allegation (Incident 154491). Additionally, according to a subsequent DJS internal investigation, the youth was not seen by medical personnel at the time of the incident as is required by DJS following any and all physical restraints.

In Incident 154161, two youth engaged in a physical altercation. In a witness statement written after the incident occurred, one of the youth involved wrote that his private parts were grabbed by the other youth during the fight. Administrators were required to but did not create the separate incident report mandated by DJS for any youth-on-youth sexual abuse allegation. The youth mentioned the alleged inappropriate touching again to his therapist a month after the fight, and the therapist reported it to administrators. An incident report (Incident 154593) indicating alleged youth-on-youth sexual contact was ultimately filed, but that was over a month after the fight occurred. Following the report, DJS' internal investigatory unit (DJS OIG) initiated an investigation into the allegation.

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<sup>42</sup> Silver Oak Academy and three of the DJS-operated youth centers share the same (staff secure) security status. However, unlike young people placed at the DJS-operated youth centers, the young people at Silver Oak have access to meaningful opportunities and robust resources. For a more detailed comparison, see the Committed Placement Reform section beginning on page 53.

Prompt reporting of incidents is required of DJS licensees - including Silver Oak Academy - and is vital to the investigative process into allegations of abuse. Timely reporting also promotes transparency and accountability and helps to maintain youth and staff safety. Silver Oak administrators should ensure timely and complete incident reporting protocols and practices in line with DJS policy are adhered to at all times.

### **Camera Coverage**

Camera system installation, coverage and capacity needs to be expanded at Silver Oak to include all areas frequented by youth. The facility needs to ensure sufficient bandwidth to support cameras in all high traffic areas where youth and staff congregate. Incidents that occur outside of camera view are difficult to audit for accountability and for staff training purposes (for example, incidents 154924, 155053, 155359 and 155929).



## J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls. Located on the eastern shore, Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American girls represented 63% of total youth entries during 2018 compared to 60% in 2017.

<b>Carter – Selected Incident Categories</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Average Daily Population (ADP)</b>	<b>8</b>	<b>11</b>	<b>7</b>
1. Youth on Youth Assault/Fight	7	8	8
2. Alleged Youth on Staff Assault	4	3	1
3. Physical Restraint	36	32	45
4. Use of Handcuffs and/or Shackles	1	0	3
5. Seclusion	15	17	18
6. Contraband	0	1	1
7. Suicide Ideation	6	7	6
8. Suicide Attempt	0	1	0
9. Self-Injurious Behavior	11	6	2

The average daily population (ADP) at Carter in 2018 decreased by 36% when compared to 2017. Despite the reduction in population, youth fights and assaults in 2018 remained at the same level as in 2017 and the use of physical restraints on youth by staff increased by 45%. There were three incidents during which staff used mechanical restraints on youth inside the facility in 2018. In contrast, mechanical restraints were not used inside the facility at all during 2017. The use of seclusion increased slightly (from 17 to 18).

Carter lacks an evidence-based, trauma-informed, gender-responsive treatment program tailored to the unique needs of girls in the juvenile justice system. Instead, Carter (and all DJS-

operated committed placement centers) operate under a slightly modified version of the generic compliance-oriented points and levels behavior system used in DJS detention facilities. One consequence of the deficiency in treatment programming is that staff members are ill-equipped to manage and de-escalate difficult but non-aggressive behavior. As a result, tense situations intensify, and staff utilize restraints and seclusion to maintain order. In Incident 154521, a youth was trying to unplug a TV in the facility dayroom. A staffer stood in front of the TV to prevent the youth from reaching the plug. The youth sat down for a few seconds and then got up and attempted to unplug the TV a second time. The staffer pushed the youth away from the TV and the youth pushed back. According to a report by the facility superintendent, the staffer was observed on video shoving the youth onto a table in the unit (Incident 154563). The youth kicked toward the staffer and camera footage shows the staffer grabbed the youth's ankle with both hands and wrenched her forcefully off the table, causing the youth to land on the floor. The staffer then dragged the youth across the floor by her legs until a supervisor, who was sitting in a nearby office, arrived on the scene. The supervisor and the staffer then restrained the girl and put her in seclusion. Maryland State Police were notified and the youth was charged with second degree assault. No charges were filed against the staffer. The staffer was investigated for alleged physical abuse stemming from another incident that occurred at Carter in early 2019 and he no longer works for the Department.

Another consequence of the lack of an individualized treatment model is that underlying issues driving youth behavior go unaddressed. A girl with a history of severe drug abuse was detained at Waxter detention center after an overdose in the community. She was placed at Carter due to the Department's inability to find an intensive in-patient substance abuse treatment program for her. Although she has requested it, she has not received in-depth individual and group therapy conducted by licensed drug counselors that is targeted toward her addiction issues. Carter Center is located next to a community-based drug treatment center, however this resource has not been utilized for the youth's benefit. During a monitoring visit the girl commented of her time at Carter that, "all they are showing me to do here is to follow stupid rules. Nothing here is helping to prevent me from using when I get out."<sup>43</sup>

Treatment deficits are compounded by a lack of opportunity to engage in employment, enrichment, and recreation activities in the surrounding Chestertown community which could allow youth to gain valuable skills while buffering the negative effects that incarceration can have on healthy adolescent development. In addition, the education program at Carter<sup>44</sup> lacks hands-on career and technology courses that lead to certifications in high demand areas and potential employment (both while incarcerated and upon release.)

Instead of focusing on improving youth outcomes through therapeutic and rehabilitative programming, the Department has expended significant effort and expense in pursuing

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<sup>43</sup> The youth mentioned her attendance in the Seven Challenges substance abuse program module offered at Carter. She requested time outside of session to work on written assignments from the workbook so that she could more thoughtfully complete the exercises. She was told that the rules were that she couldn't bring her workbook outside of the session and that she should learn how to use time more efficiently to finish the assignments while in group.

<sup>44</sup> The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) operates the school at Carter. For an overview of education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

accreditation for the Carter facility by the American Correctional Association (ACA).<sup>45</sup> During the fourth quarter, the facility was under renovation for two weeks while maintenance staff installed additional security locks on cell doors in order to achieve compliance with ACA requirements. Girls from Carter were displaced during this time and most were housed at Waxter in Laurel, an all-girls detention center. One girl at Carter who suffered severe asthma attacks requiring hospital intervention due to construction dust was sent to the DJS-operated detention center in Salisbury. The emphasis on further ramping up security inside a maximum security facility while failing to create capacity for specialized and individualized treatment is misguided given that girls in the deep end of the Maryland juvenile justice system represent a high-needs but low risk population, “meaning that they face a host of challenges and have a critical need for services, but, for the most part, do not pose a significant threat to the public.”<sup>46</sup>

Behaviors such as running away or fighting with family members, which are often used to justify juvenile justice system involvement and incarceration for girls, are symptoms of underlying mental health issues, trauma, and victimization. The Department’s own data shows that 30.6% of girls in the deep end of the system – more than twice as many as boys – have been victims of physical abuse, and 38.1% of girls – more than six times as many as boys – have been victims of sexual abuse. Girls are also more likely than boys to be facing family and mental health related challenges. The generic behavior modification program used across all state-run juvenile facilities is an inadequate response to treating the complex needs of girls in the deep end of Maryland’s juvenile justice system. “Programs with a therapeutic culture, rather than ones with an emphasis on control and compliance, have been shown to reduce recidivism.”<sup>47</sup> The Department should develop a continuum of gender responsive, trauma-informed and family-centered treatment options for justice-involved girls in Maryland.

See the committed placement centers overview (page 29) and the committed placement reform section (page 53) for more information.

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<sup>45</sup> “The standards are established by the ACA with no oversight by government agencies, and the organization basically sells accreditation by charging fees ranging from \$8,100 to \$19,500, depending on the number of days and auditors involved and the number of facilities being accredited. [See, e.g.: PLN, Aug. 2014, p.24]. The ACA relies heavily on such fees; it reported receiving more than \$4.5 million in accreditation fees in 2011 – almost half its total revenue that year. The organization thus has a financial incentive to provide as many accreditations as possible. Notably, the accreditation process is basically a paper review. The ACA does not provide oversight or ongoing monitoring of correctional facilities, but only verifies whether a facility has policies that comply with the ACA’s self-promulgated standards at the time of accreditation. Following initial accreditation, facilities are reaccredited at three-year intervals. As a result, some prisons have experienced significant problems despite being accredited. For example, the Otter Creek Correctional Center in Kentucky, operated by Corrections Corporation of America (CCA), was accredited by the ACA in 2009 when at least five prison employees were prosecuted for raping or sexually abusing prisoners. [See: PLN, Oct. 2009, p.40]. Kentucky and Hawaii withdrew their female prisoners from Otter Creek following the sex scandal, but the facility did not lose its ACA accreditation. The prison has since closed.” Alex Friedmann, How the Courts View ACA Accreditation, Prison Legal News, October 10, 2014.

Available at: <https://www.prisonlegalnews.org/news/2014/oct/10/howcourts-view-aca-accreditation/>

<sup>46</sup> Watson, Liz & Edelman, Peter. (2010) Improving the Juvenile Justice System for Girls: Lessons from States, Page 1, available at <https://nationalcrittenton.org/wp-content/uploads/2015/03/1-Improving-the-Juvenile-Justice-System-for-Girls.pdf>

NOTE: Girls with misdemeanors as their most serious adjudicated offense comprised 85.7% of the population at Carter. In contrast, at Victor Cullen, the hardware secure facility for boys, 40% of youth had a misdemeanor as their most serious adjudicated offense. See DJS Data Resource Guide FY 2018, page 170 and 176, available at:

[https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

<sup>47</sup> Nancy Dowd, ed. A New Juvenile Justice System: Total Reform for a Broken System, NYU Press, 2015. Page 72

# COMMITTED PLACEMENT REFORM

## COMMITTED PLACEMENT REFORM

To properly serve the needs of youth, families, and public safety, Maryland needs to re-evaluate how therapeutic and rehabilitative services are offered in our state and shift toward a public health (rather than a correctional) model that incorporates the best practices recommended by experts as to what works in meeting the needs of justice-involved youth and their families.

- ✚ Research and our experience monitoring remotely located placement facilities indicate that a corrections-oriented framework that relies on adherence to rules and in which youth are sent far away from their loved ones and community supports does not work.<sup>48</sup> Youth are better served at or near their communities in small, specialized and home-like environments that are closer to their families and where youth can receive specialized and individualized care from a team of experts.<sup>49</sup>
- ✚ Such an approach should be available for youth at all security levels and is not only likely to produce better outcomes but also likely to be less expensive than the approximately \$1000 per young person per day currently being spent by our state on remotely located placement facilities operated by the Maryland Department of Juvenile Services (DJS).<sup>50</sup>
- ✚ The State of Maryland should initiate an objective examination of the juvenile justice system and that examination should involve substantial input from experts such as the Annie E. Casey Foundation (AECF) to help study the current system and create a blueprint for change to improve upon the existing framework and move toward more effective models of care (as the AECF is helping the State of Virginia to do).<sup>51</sup>
- ✚ Maryland must offer more effective models of care for justice-involved youth than the approach that is offered by DJS and by the Maryland State Department of Education Juvenile Services Education System (MSDE JSES), in regard to treatment and education services in DJS facilities.

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<sup>48</sup> While DJS detention centers have largely been regionalized, the state has not regionalized the committed placement centers - five are located in western Maryland and one is on the eastern shore. The location of DJS placement facilities presents a problem as all of them are located far from the majority of incarcerated youths' families and communities. In recent years, the Department has compounded this problem by closing two smaller community-based residential facilities in Baltimore City (Mount Clare and the William Donald Schaefer House).

<sup>49</sup> See 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. NCJ 250142. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

<sup>50</sup> DJS FY 2018 Data Resource Guide (p. 207), available at: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

<sup>51</sup> Virginia Department of Juvenile Justice Transformation Plan 2018 Update, available at: <http://www.djj.virginia.gov/pdf/admin/Transformation%20Update%202018%20FINAL.pdf>

- ✚ Among currently operating out-of-home facilities worthy of close examination is the Silver Oak Academy (Silver Oak/SOA), which is licensed by DJS to accept up to 96 youth. Silver Oak offers a different approach (than DJS and MSDE JSES) to treatment and education for the justice-involved young people placed there through DJS.
  - Technically, Silver Oak is at the same “staff secure” security level status as the DJS-operated youth centers and is therefore technically allowed to accept the same youth as the youth centers in western Maryland. However, SOA offers far superior resources than the youth centers to the young people sent there. Silver Oak has a cognitive behavioral therapy-based approach to treatment and family therapy, a robust core education curriculum (where youth can graduate high school) and a comprehensive career and technology curriculum which offers recognized certifications in a variety of in-demand professions, including nursing, construction and culinary arts.
  - Students can take part in inter-collegiate sports and intern, work, and volunteer in the local community. High school graduates can attend a local community college.
  - Students at SOA are treated as young people with potential and are given increasing responsibility and autonomy throughout their time at that facility. Upon leaving, they are helped to transition smoothly and with comprehensive assistance to ensure that they are enrolled in school or college or are working.
  - The approach at SOA is in stark contrast to the youth centers (though they are all at the same security level) where DJS and MSDE lumber youth with a generic behavior program; extremely limited education resources<sup>52</sup>; little opportunity to go off campus or take part in normalizing activities; a strict curfew after dark on-campus; and isolation from other school-age youth as well as semi-isolation from their own family and friend support networks.

DJS and MSDE JSES must change their outdated approach to youth sent out-of-home to an approach based on research and examples of what has been shown to work and produce positive outcomes for young people in contact with justice systems.

See the committed placement centers overview (page 29) for more detailed information.

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<sup>52</sup> For information on education in DJS facilities, see the MSDE JSES section of this report which begins on page 59.

# **SMALLER FACILITY UPDATES**

## SMALLER FACILITY UPDATES

Incidents involving aggression at smaller facilities licensed by DJS remained low during 2018.

### Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc., and licensed by DJS to house up to 24 boys. Morning Star has adopted the trauma-informed Sanctuary<sup>53</sup> model. Onsite treatment services are supplemented by outside vendors who provide group and individual therapy.

Issues with staff retention were prevalent during the latter half of 2018. Several long-time employees left the facility, including a recreational specialist/physical education teacher, a case manager, and some seasoned direct-care staffers. There was an absence of a full-time program director during much of the fourth quarter of 2018 which impacted staff adherence to the Sanctuary treatment model. In addition, hourly wages for direct-care staff were reduced due to fiscal constraints. Administrators should focus on bolstering staff recruitment efforts and employee incentives to attract and retain a qualified and dedicated workforce.

There were some specific youth concerns that remained unaddressed during 2018. Several youth perceived as unfair and overly punitive the practice of extending youth length of stay by several weeks in response to rule violations. Restorative practices and graduated sanctions for problematic behavior should be implemented in place of automatic increases in length of incarceration.

There were a number of complaints by youth about the quality and quantity of food provided. Increasing youth input in meal planning can address complaints and help foster valuable independent living skills.

Several youth have offered useful suggestions for increasing the variety and amount of recreation and enrichment activities to help reduce downtime. Morning Star should create a youth advisory board to enable residents to have a voice in identifying and providing solutions for youth concerns or program deficits.

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<sup>53</sup> For more information on the Sanctuary model, see: <http://www.sanctuaryweb.com/>



## 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 and functions as an alternative to incarcerating young people in a detention center. The focus of the program is to provide youth between the ages of 17 and 20 with independent living skills in a home-like environment.

Youth receive education, mental health, and substance abuse services in the surrounding community. Local resources are also utilized to provide youth with internships, employment, recreation, and enrichment opportunities. Home passes are incorporated as an integral part of the rehabilitative program at One Love.

A greater variety of activities should be available for weekend hours when youth experience the most downtime. Membership at the local YMCA, which provided a useful recreational outlet, was discontinued during the reporting period. In addition to reinstating membership for youth at the YMCA, One Love staff should increase the level of structured weekend programming based on the interests of individual residents.

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

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

Education services in Maryland’s juvenile justice facilities (detention and placement) that are operated by the Maryland Department of Juvenile Services (DJS) are the responsibility of the Maryland State Department of Education Juvenile Services Education System (MSDE JSES). Unfortunately, MSDE JSES is not succeeding in appropriately serving the academic and career preparation needs of vulnerable youth in state custody.

There continues to be a myriad of unaddressed and long-term structural, budgetary, staffing, and other education-related deficiencies within the MSDE JSES system. These significant shortcomings - which pose formidable barriers to student academic achievement and career success - are outlined in the table below.

Structural Issues	<ul style="list-style-type: none"> <li>• While the MSDE JSES operates under the Maryland State Department of Education, that department is primarily involved in auditing and monitoring local school districts and has little operational expertise in running a school system.</li> <li>• Unlike other school systems, MSDE JSES lacks its own human resources office and procurement process to expedite the hiring of personnel and delivery of educational resources. The result is a protracted hiring process and delays in getting needed supplies to its schools.</li> </ul>
Budgetary Issues	<ul style="list-style-type: none"> <li>• State funding for MSDE JSES programming and per pupil funding formulas do not take into account the high level of academic needs within the student population.</li> </ul>
Staffing Issues	<ul style="list-style-type: none"> <li>• Recruitment and (especially) retention of staff present overwhelming challenges as so many teachers and other education personnel leave MSDE JSES employment for better pay, vacation time, and working conditions in surrounding school districts. Low employee morale also contributes to attrition.</li> </ul>
Undifferentiated instruction	<ul style="list-style-type: none"> <li>• Classes at MSDE JSES schools are primarily organized by living unit rather than grade level making it difficult to tailor instruction toward a student’s academic standing.</li> <li>• Youth with adult charges - who may spend several months or even a year or more in detention - receive the same instruction as students in detention on juvenile charges (who are typically detained for an average of between two and three weeks). Educational strategies</li> </ul>

	<p>should take into account average length of stay for students, and students with longer lengths of stay should have access to a robust career and technical education (CTE) curriculum in addition to core content courses aligned with state standards. High school graduates should also have such access.</p>
<p>Issues with identifying and accommodating special needs</p>	<ul style="list-style-type: none"> <li>• A majority of the students confined in juvenile justice facilities have been exposed to trauma which can impact learning and behavior in the classroom setting. There are no proactive initiatives to develop trauma-informed education services in MSDE JSES schools.</li> <li>• Children with disabilities are disproportionately represented in the juvenile justice system and many students may enter the MSDE JSES school system with unidentified special education needs. There is no systematic screening process for youth entering MSDE JSES schools to ensure they have up-to-date evaluations, and if necessary, Individual Education Plans (IEP). Special education services for students with existing disabilities are not comparable to those available in public schools.</li> </ul>
<p>Curriculum Issues</p>	<ul style="list-style-type: none"> <li>• Opportunities for elective courses, social-emotional learning modules, and project-based learning is severely limited. Instruction schedules at MSDE JSES schools are composed of four classes lasting 90 minutes each and cover core content areas. Monitoring observations and youth comments strongly indicate that classes are too long to keep students' attention. In many instances, youth are unengaged for much of the class period.</li> <li>• Unlike students placed at (for example) Silver Oak Academy - a privately run staff secure treatment center utilized by DJS and located in Carroll County - MSDE JSES students are not able to earn a high school diploma while enrolled in a MSDE JSES school at DJS' own facilities.</li> <li>• Also - and again unlike students placed at Silver Oak Academy - youth in MSDE JSES schools do not have access to a variety of hands-on career and technical education (CTE) courses leading to nationally recognized certifications in high demand fields, nor do they have access to community employment opportunities to gain valuable work skills.</li> </ul>

Re-entry Issues	<ul style="list-style-type: none"> <li>• Credits earned while in a MSDE JSES school do not automatically transfer to local school districts. Data is not kept on rates of timely student re-enrollment and academic progress after youth leave a MSDE JSES school. Transition coordinators are not consistently available at the local level to help families and youth effectively navigate community school re-entry without delays.</li> </ul>
Accountability and Transparency Issues	<ul style="list-style-type: none"> <li>• MSDE and MSDE JSES administrators have been resistant to meaningful engagement with advocacy groups and juvenile justice experts who have called for the adoption of appropriate reform strategies to help to improve conditions and service delivery in MSDE JSES schools.</li> <li>• An expert consultant hired by MSDE JSES has noted that MSDE JSES administrators operate under a “top down culture” which “contributes to staff dissatisfaction and high turnover. The leadership team, particularly those who have been managing the system for a number of years, is perceived by some as being in the business of putting out fires rather than proactively addressing systemic problems, supporting staff, and promoting student achievement.”<sup>54</sup></li> <li>• The MSDE JSES Education Coordinating Council - which meets once each quarter - is charged with advocating for the needs of students and staff in MSDE schools in DJS facilities and evaluating the effectiveness of instructional programs. Unfortunately, the meetings are controlled and administered by MSDE and MSDE JSES administrators in such a way as to function as one way information sessions with little participation or active engagement of council members. Members of the general public and education experts, stakeholders and advocates can attend. However, all those outside of the bureaucratic orbit of MSDE are verbally prohibited from contributing during these meetings which also do not include any opportunity for public comment. The meeting format and restrictive stipulations are set by the MSDE and MSDE JSES administration.</li> </ul>

<sup>54</sup> Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report.” January 24, 2017. Available at: <http://marylandpublicschools.org/programs/Documents/JSE/JSESStrategicPlanBenchmarkReport012017.pdf>

A planned and determined departure from the ineffective status-in-quo is warranted given the inefficiencies and inadequacies of the current MSDE JSES model. One such shift toward improving conditions on the ground – at least for the students held in detention facilities - involves a pilot program underway at the DJS-operated Noyes detention center in Montgomery County. The majority of students at Noyes are from Montgomery County, and the pilot is designed to transfer operational control of the school at Noyes from MSDE and to the Montgomery County Public School System (MCPS).

It is important to note that the transition process for Noyes is in the hands of a workgroup with leadership, membership and staffing largely controlled by MSDE and MSDE JSES administrators. The voting members of the workgroup include employees of MSDE JSES and also initially included an out-of-state consultant who was negotiating a multi-year contract valued at over a million dollars with MSDE.

As is the case with the JSES Education Coordinating Council, public comment during workgroup meetings is prohibited, including from those who may be knowledgeable about school operations and programming in the context of juvenile justice systems. The workgroup does not include any current or former students (or parents of students) or teachers from Noyes who might be in a position to more accurately represent the views of those who will be directly impacted by any changes to operations and programming. The result is a lack of voice in the takeover and piloting process for many of those who work directly with or for the rights of incarcerated youth.

The school at the DJS Noyes detention center in Rockville must be taken over and operated by Montgomery County Public Schools (MCPS) as mandated by the enabling legislation for the pilot program.<sup>55</sup> At one of the pilot workgroup meetings, MSDE/MSDE JSES leadership suggested that MSDE would continue to operate and control the school at Noyes for the duration of the pilot program. Such an approach is not in accord with the enabling legislation for the pilot program. Oversight of school operations should rest solely with MCPS, which has significant resources as well as built-in mechanisms to ensure input from employees, parents, advocates, and other vested stakeholders. Education and education support personnel in the school at Noyes should be considered MCPS employees with commensurate salary and benefits, training and vacation time.

Regardless of the outcome of the pilot project at Noyes, the scope of the system-wide deficits within MSDE JSES around Maryland necessitates a wholly new approach to the provision of education services for justice-involved youth in custody throughout our state.

Recent legislation in the Maryland General Assembly offers one such approach. Senate Bill 221 is an initiative from the 2019 legislative session of the Maryland Assembly.<sup>56</sup>

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<sup>55</sup> See Maryland General Assembly 2018 Session, HB 1607, available at: [http://mgaleg.maryland.gov/2018RS/Chapters\\_noln/CH\\_565\\_hb1607e.pdf](http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_565_hb1607e.pdf)

<sup>56</sup> See Maryland General Assembly 2018 Session, SB 221, available at: <http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=sb0221&stab=01&pid=billpage&tab=subject3&ys=2019RS>

The proposed legislation involves the creation of an independent and objective working group to examine and make recommendations on juvenile justice education reform and assess whether the establishment of an independent school board over MSDE JSES schools would help rectify the long-standing deficiency issues in education services for incarcerated youth in DJS facilities. An independent school board could potentially provide a level of autonomy, transparency and accountability not currently present within the MSDE JSES framework and could advocate to better ensure that students receive the services and supports they are entitled to and that they need to succeed.

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





## **DEPARTMENT OF JUVENILE SERVICES**

### **RESPONSE TO JJMU 2018 FOURTH QUARTER AND ANNUAL REPORT**

The Department of Juvenile Services has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2018 Fourth Quarter and Annual Report, and provides the following response:

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

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

The Department of Juvenile Services (DJS) has its own auditing tools and practices to ensure that staff and administrators are adhering to the Department's policies. Within the Department's Office of the Inspector General, there are several units that oversee and monitor the agency's operations. Specifically, the offices of Quality Assurance, Investigations, Prison Rape Elimination Act (PREA), and Youth Advocacy report to the Inspector General who, in turn, reports to the Secretary. All of the aforementioned offices have standardized procedures and tools to ensure that the results of their efforts are objective and measurable.

#### **AMERICAN CORRECTIONAL ASSOCIATION ACCREDITATION WILL STRENGTHEN THE OPERATIONS OF DJS FACILITIES FOR THE ULTIMATE BENEFIT OF THE YOUTH AND STAFF.**

The American Correctional Association (ACA) is the premier correctional organization in the United States with a history dating back to 1870.<sup>57</sup>

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<sup>57</sup> See DJS Response to JJMU 2018 2<sup>nd</sup> Quarter Report, p. 68.

Today, with thousands of members and over 40 committees, the ACA promulgates national best practices for both juvenile and adult secure facilities. ACA standards are the national benchmark for the effective operation of correctional systems throughout the United States and are necessary to ensure that facilities are operated professionally.

The ACA standards address services, programs and operations essential to good facility management, including administrative and fiscal controls, staff training and development, physical plant, safety and security, justice and order, medical, education, food service, human resources, rules and discipline, and community relations. Standards reflect practical, up-to-date policies and procedures that safeguard the life, health and safety of staff and youth.

The process for a facility to become accredited by the ACA is a lengthy and arduous process. First, an organization must review and revise all of its existing policies to ensure they meet the requirements of the ACA. Once that process is complete and the new policies have been put into practice, then ACA-certified auditors (consisting of current or former staff with correctional backgrounds) conduct audits that require 100% compliance for all mandatory standards and 90% compliance for non-mandatory standards.

In February 2017, the ACA audit preparation process commenced. Among the major tasks undertaken in preparation, DJS's Operations Division developed 371 standard compliance files with checklists and supporting documentation for the process indicators, re-wrote or established 103 policies, revised the behavior management program to incorporate the principles of the PBIS framework, made physical plant improvements and worked closely with ACA technical assistance.

Through the hard work of the operations division and, in particular, facility staff and leadership, Victor Cullen passed with 100% compliance mandatory standards and a final compliance rating of 99.35%. In February 2019, VCC received its official accreditation from the ACA.<sup>58</sup>

DJS is perplexed by the JJMU's negativity towards DJS's efforts to achieve ACA accreditation for its committed facilities. ACA standards are national best practices and support a therapeutic, trauma-informed facility culture. Accreditation by the ACA will only enhance the safety, security and services in DJS facilities.

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<sup>58</sup> Arias, Jeremy "Victor Cullen Center receives accreditation in latest step to recover from April riot" Frederick News Post Jan. 16, 2019 [www.fredericknewspost.com/crime\\_and\\_justice/prison/victor-cullen-center-receives-accreditation-in-latest-step-to-recover/article\\_cefbdb28-ae6d-5427-8ce0-20c9b222ff61.html](http://www.fredericknewspost.com/crime_and_justice/prison/victor-cullen-center-receives-accreditation-in-latest-step-to-recover/article_cefbdb28-ae6d-5427-8ce0-20c9b222ff61.html); Partington, Meg "Victor Cullen Center earns national accreditation" Hagerstown Herald-Mail Jan. 15, 2019 [www.heraldmillmedia.com/news/local/victor-cullen-center-earns-national-accreditation/article\\_faa4cac6-0443-52a3-8fd6-58540bd0fla5.html](http://www.heraldmillmedia.com/news/local/victor-cullen-center-earns-national-accreditation/article_faa4cac6-0443-52a3-8fd6-58540bd0fla5.html).

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

DJS's facility population is regularly turning over. For example, the average length of stay for a youth in a DJS detention facility is approximately 20 days and the average length of stay in DJS residential treatment is approximately 117 days.<sup>59</sup>

It is helpful to be aware of the relatively rapid turnover in DJS facilities when reviewing JJMU's "Selected Incident" charts at the beginning of each facility section. Due to the ever-changing populations at DJS facilities, comparing a facility data point from a previous year to a current DJS facility data point is of limited utility. In addition to the turnover in DJS facilities, other factors like changes in Maryland law, DJS policy, police practices and/or court practices can have a noticeable effect on the population of youth in DJS facilities.

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

## **DJS WILL CONTINUE TO PRIORITIZE "ALTERNATIVES TO INCARCERATION" OVER COSTLY EFFORTS TO CONSTRUCT AND OPERATE NEW FACILITIES.**

The Annie E. Casey Foundation (Casey) is a proponent of smaller, regionalized treatment settings for youth in the juvenile system.<sup>60</sup> DJS agrees that providing treatment services to youth in or close to their home communities is generally beneficial for both the youth and their families. For that reason, DJS's reforms over the last several years have focused on providing support and services in the community to as many youth as possible and, in turn, limiting the use of detention and incarceration for small number of youth when they pose an unreasonable risk to public safety. In other words, DJS has been implementing "Alternatives to Incarceration" in order to reduce the unnecessary use of secure treatment facilities for youth who can otherwise receive treatment in the community.

DJS has strengthened the alternatives to incarceration primarily at intake, which is usually where youth have their first contact with the juvenile justice system. DJS has worked with a variety of experts and stakeholders to implement initiatives like Behavioral Health Diversion and the Cross-Over Youth Practice Model. These initiatives help youth whose primary needs are mental health and youth who are also involved in the child welfare system, respectively, avoid deeper involvement in the juvenile justice system. Other programs like the Choice Program based out of the University of Maryland, Baltimore County, Living Classrooms and Community Conferencing provide youth with support and services in the

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<sup>59</sup> See Department of Juvenile Services Data Resource Guide Fiscal Year 2018 pp.109 and 145 [www.djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](http://www.djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf).

<sup>60</sup> Mendel, Richard A. "The Missouri Model: Reinventing the Practice of Rehabilitation Youthful Offenders" Annie E. Casey Foundation pp. 15-20 (2010) [www.aecf.org/m/resourcedoc/aecf-MissouriModelFullreport-2010.pdf](http://www.aecf.org/m/resourcedoc/aecf-MissouriModelFullreport-2010.pdf).

community like peer-mentoring, employment, academic support and neighborhood dispute resolution. More recently, DJS has created the Office of Equity to ensure that all of DJS's policies and practices are viewed from an equity lens in an effort to address the disproportionate number of youth of color involved in the juvenile justice system. All of these programs and many more are part of DJS's continuum of services designed to provide treatment to youth in their community, rather than a secure treatment facility.

The ultimate benefit of these reforms is that, to the extent a youth can be supported and served in the community, they are far less likely to wind up in secure treatment facilities, a.k.a. the "deep end" of the juvenile system. There is no need for DJS to build more treatment facilities. Instead, DJS will continue to focus on diverting, treating and supervising as many youth as safely possible in their home communities while reserving its existing secure treatment facilities for the small number of youth who pose an unreasonable risk to public safety.

DJS will continue to focus its efforts on strengthening its "Alternatives to Incarceration" on the front end of the system, while also bolstering the programming and therapeutic elements of its existing treatment facilities. Additionally, as stated in the "Family Engagement" section below, DJS is committed to removing as many barriers as possible for families who want to be involved with their sons and daughters who reside in DJS secure treatment facilities.

DJS is committed to providing the best treatment and continuing to move forward in its ongoing efforts to improve our programming, therapy and family engagement practices.

#### **REVIEW OF THERAPEUTIC MODEL UTILIZED IN DJS-OPERATED TREATMENT FACILITIES.**

DJS has implemented a treatment model in its committed treatment facilities that is based on both cognitive behavioral therapy and trauma informed practices. A full description of the DJS treatment model is set forth later in this Introduction section.

While there is an overarching treatment model in DJS facilities, the department agrees with the JJMU's assertion that progress in the behavior management system tends to be the main indicator of a youth's success in a facility, rather than the youth's progress towards clearly defined treatment goals. Thus, DJS has commenced a review of its treatment and behavior models, respectively.

Ultimately, the department seeks to make progress in treatment the primary measure of youth success in the facility with compliance in the behavior management system an ancillary measure. DJS has formed an internal committee to study an approach that would seek to have progress in treatment primarily drive release recommendations. The committee will also examine other factors into the overall release recommendation, which may include: youth behavior, risk level, committed offense and potentially other elements.

## **DJS CONTINUES TO PROVIDE INCREASED OPPORTUNITIES FOR FAMILIES TO ENGAGE WITH YOUTH IN THE SYSTEM.**

In 2016, DJS created an executive-level position to focus on increasing engagement and involvement of families in the lives of youth in DJS care. To assist facilities in their efforts to develop meaningful events for families visiting youth, family engagement “toolkits” were developed and distributed to all DJS facilities. These “toolkits” provide practical information on how to set up engaging and educational events for families and youth during scheduled family visitation sessions. Of course, facility staff may develop their own events to engage families.

Over 2,000 youth and families participated in family engagement activities at DJS-operated facilities in 2018. Youth and families continue to provide positive feedback about the activities and suggestions for future events.

DJS continues to work to remove barriers to families participating with youth in DJS facilities. Perhaps one of the biggest barriers for families of DJS youth is transportation. To address this challenge, DJS is in the initial stages of procuring a private vendor to provide transportation for families who want to visit loved ones in DJS facilities. This service would supplement DJS’s existing supports for family visitation. DJS is moving forward through the procurement process to secure a vendor and the department aims to have full implementation in late 2019.

The Office of Family Engagement continues to identify ways to improve the system for families. In October of 2018, the Department launched a pilot program to provide peer support to families while their child is involved in the juvenile justice system. The Maryland Coalition for Families provides peer support services with the goal of helping families address the barriers they face to help families and youth be successful. The pilot sites for this initiative are: Anne Arundel, Baltimore City, Baltimore County, Prince George’s and Wicomico Counties.

## **DJS CONTINUES TO RECRUIT TO FILL BEHAVIORAL HEALTH STAFF VACANCIES.**

DJS acknowledges that the agency is currently facing a shortage of licensed behavioral health clinicians, particularly at the Youth Centers and the Victor Cullen Center. The department has specifically designated behavioral health positions for ongoing and continuous recruitment.

Due to the urgency of filling these critical positions, DJS executive leadership has developed a strategy to aggressively recruit Social Worker positions and, once filled, provide substantial training to those individuals for advancement and leadership opportunities moving forward. DJS recognizes the vital roles that behavioral health staff play in DJS facilities and will continue to take an intentional approach to fill those positions.

## **COGNITIVE BEHAVIORAL THERAPY IS THE FOUNDATION OF DJS'S THERAPEUTIC TREATMENT MODEL AND SUPPORTS DJS'S BEHAVIOR MANAGEMENT PROGRAM.**

In previous responses, DJS has detailed its use of cognitive behavioral therapy and trauma informed care in its facilities. The section below is an updated version of that original description.

Cognitive Behavioral Therapy (CBT) is a model that has existed for over 30 years. Most behavioral health (BH) staff have received this training as part of their graduate training and use it in their individual therapy sessions. The trauma-informed care model incorporates CBT (as described in more detail below) in its groups, in addition to other therapeutic interventions. START (the aggression management program) also utilizes CBT principles in the groups, which are led by BH staff and case managers, who also received training in this model in its application with the START program. The Forward Thinking workbooks – which are given to youth for individualized treatment objectives – also utilize CBT interventions to help youth develop appropriate and better coping, decision-making, and behavioral skills.

All masters and doctoral level clinicians in our committed facilities, and few in our detention facilities, attended an initial 2-day training in Trauma-Focused Cognitive Behavioral Therapy (TF-CBT), which is an evidence-based cognitive behavioral intervention for youth with trauma symptoms. These individuals will continue their training in TF-CBT by participating in bi-weekly and monthly consultations with an expert trainer in TF-CBT for the next 9 months.

All staff in DJS' committed facilities received and continue to receive trauma-informed care (TIC) training in Entry Level Training. The initial training of all staff and the training of DJS trainers was provided by the National Association of State Mental Health Program Directors (NASMHPD). NASMHPD trainers are experts in trauma and have trained staff from juvenile justice-involved and behavioral health agencies across the country. The Department's delivery of trauma services includes three components: 1) Trauma Informed Care training, 2) trauma groups, and 3) individual counseling.

Trauma Informed Care (TIC) training for all staff involves understanding, recognizing, and responding to the effects of trauma. TIC emphasizes the physical, psychological and emotional safety of youth and staff, and helps youth build a sense of control and empowerment. This training helps staff to identify the signs of trauma as well as the impact of trauma on our youth. TAMAR (Trauma Addictions Mental Health and Recovery) is a 10-module psychoeducational group for youth with trauma histories and those experiencing stress. It is designed to help youth understand trauma and its effect on their behavior and lives. In addition to education and discussion, the program features creative expression, which includes writing and drawing activities, as well as mind-body strategies such as deep breathing and mindfulness techniques that help youth develop skills that promote resilience. Modules cover topics such as the stress response, coping and relaxation skills, triggers, trauma and addiction, building trust, processing and healing from betrayal, and maintaining future safety. Youth engagement is maximized through the use of multi-media tools and a workbook encouraging reflection.

Youth admitted to committed facilities complete a self-help plan, which was adapted from the Think Trauma program, that enables staff to identify a youth's history of trauma exposure, trauma triggers, warning signs for escalation, and safety strategies. This assists staff and youth in being better able to address a crisis situation. Behavioral health clinicians use this information and other information to develop an individualized treatment plan for each youth, and behavioral health clinicians use interventions and strategies to help youth develop skills to manage their stress and reactions to trauma triggers.

Trauma Informed Care (TIC) training for all staff involves understanding, recognizing and responding to the effects of trauma. Implementation of STARR, the behavior management program, and TIC are aligned initiatives as TIC emphasizes the importance of environments that are predictable, positive and safe for youth and staff. The STARR Program's aim is to create safe, predictable environments for all youth regardless of need, to help youth develop skills to identify and self-regulate their emotions, and provide more support to youth as needed. Staff interventions with youth emphasize praise and positive behavior statements.

The STARR Program supports trauma informed care in that it also focuses on creating positive interactions between staff and youth, and it is a key component of PBIS. The PBIS framework is systemic and organized around Systems of Support. It is about facility-wide change and involves all levels of the facility, and all staff, including administrators, teachers, residential staff and support staff. Systems of Support also refers to providing support for the staff and making sure they have adequate training to positively address behavior. And it also means looking at all levels of need and collaborating with systems outside the facility when needed.

The STARR Program focuses on a proactive-prevention approach of behavior management. It puts the focus on positive behavior, rather than negative behavior. Increasing effort has been made to provide staff with ongoing training at the facility regarding the PBIS framework and STARR program, with a particular emphasis on de-escalation procedures and positive reinforcement. All staff have been provided with skill cards to carry that include information regarding facility expectations, de-escalation and coping strategies.

PBIS is a framework for organizing interventions and programs, and using data to make informed decisions. Teams review data to evaluate both progress youth are making towards an identified goal as well as data to evaluate the effectiveness of the intervention itself. This can be applicable to TIC or any other intervention that uses data to determine success.

Additionally, the STARR Program emphasizes the use of behavior recognition systems of which the point card and incentive coupons are examples. The point card is a method by which youth receive both positive and corrective feedback about their behavior throughout the day. Staff are trained to provide behavior specific praise and to begin corrective conversations with statements of praise or empathy, therefore verbal processing is in fact an emphasis. Furthermore, there is an emphasis on the process of de-escalation, which is aimed at assisting a youth in identifying triggers and utilizing emotion regulation

skills in response to stressors. The STARR program and PBIS framework help youth develop skills and achieve positive outcomes emotionally, behavioral and academically. Delivery of acknowledgments creates an opportunity for staff and youth to interact in a positive and instructional way. It is a tool for adults to build relationships with youth that decreases escalation and promotes problem solving.

For youth suffering from substance use issues, Seven Challenges, an evidence-based substance abuse program, is utilized to address the substance abuse needs of youth. All youth are assessed at intake to determine the level of intervention needed. All committed facilities provide a level of substance abuse programming. Meadow Mountain Youth Center and Savage Mountain Youth Center are dedicated to serving youth with the highest level of substance abuse needs.

Licensed psychologists, social workers, professional counselors, and addictions counselors provide individual, group, and family counseling to youth to help them address emotional and self-regulation issues. All youth in DJS committed facilities are assigned a behavioral health clinician.”

## DETENTION FACILITIES

### Baltimore City Juvenile Justice Center (BCJJC)

#### Use of Seclusion

While the JJMU report shows an increase in the use of seclusion during the Fourth Quarter of 2018 when compared to the Fourth Quarter of 2017, the utility of such a statistic is limited. This statistic ignores the changing population and the Department’s response to it.

That being said, the Department has reviewed all reported incidences of seclusion and is satisfied that staff acted according to departmental policy. Mental health staff were notified and they responded to all requests. Likewise, all seclusion forms were completed properly and all incidences of seclusion were authorized by the superintendent or the assistant superintendent of Operations.

The Department takes incidents of seclusion seriously and mandates that it only be used as a last resort in situations where other efforts to process are unsuccessful. Each of the reported seclusions met these criteria and the average length of time for these incidents of seclusion was under 2 hours.

#### Behavioral Health

The JJMU’s assertion that there were gaps in behavioral health coverage are incorrect. In fact, the contracted service vendor provided services from 8 AM to 8 PM on weekdays and a minimum of 4 hours on Saturday and Sunday. Services already include all that JJMU suggested: weekly individual counseling to all youth regardless of any diagnosis or request, weekly psychoeducational groups, provision of training to staff, crisis intervention, assessment and medication management. Provision of these and



other services does not occur during the school day unless there is a crisis or a specific need. This is to allow the youth to focus on their education without interruption. Behavioral health staff are on the units during youth break times and after school.

In the JJMU report, Incident 155926 was discussed in a footnote saying that, “no mental health staff were on grounds that day to process with the youth.” This assertion is incorrect. The incident occurred on a Saturday and there was a behavioral health clinician on the grounds from 7:30 AM-1:30 PM and another that was there from 1 PM-7 PM. One clinician saw six youth that day and completed assessments. The other clinician provided two groups during the day. Clinicians responded to the youth the same day.

Regarding Incident 155473, the youth was brought incorrectly to BCJJC after the court had ordered that the youth be committed to the Department of Health for an evaluation. Due to conflicting information in the documents generated by the parties and the court, the youth was transported to BCJJC. Staff at BCJJC, however, were not aware of the court’s order and the youth’s mental health condition. At the time of the incident, the on-call clinician did respond immediately upon a call-back from the facility. DJS staff, in conjunction with the clinician, were able to have the youth taken immediately to the psychiatric hospital where he was to be held until his court date consistent with the wishes of the parties and the court. DJS is addressing communication issues with the adult system moving forward.

### **Cheltenham Youth Detention Center (Cheltenham)**

The Department appreciates the positive comments about Cheltenham’s staff and administration in their continued efforts to provide positive programming opportunities to the youth.

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

#### Mental Health Services

DJS is working with the behavioral health provider to address the vacancy issue. The provider has responded by increasing staffing.

#### Staff Training

The Department requires all staff to complete 6 weeks of Entry Level Training and 40 hours of annual in-service training to meet the standards set by the Maryland Correctional Training Commission. In addition to the state mandated training, and initial 90-hours of facility training, the Charles H. Hickey Jr. School conducts on-the-job training to refresh resident advisors on important aspects of their basic skills training.

In Incident 154918, an administrative investigation determined that staff failed to follow departmental policy and was disciplined in accordance to the Standards of Conduct and the Annotated Code of Maryland.

With respect to Incident 154754, administrators counseled the staff after the incident and reinforced the importance of quick intervention in order to deescalate crisis situations.

### Camera Coverage

The facility continues to make every effort to ensure that cameras are fully functional. Cameras are reviewed during every overnight shift. If a camera is determined to be malfunctioning, a work order is sent to DJS's Information Technology Unit for servicing along with a notification to all administrators for service follow-up. In addition to the daily cameras checks, administrative staff conducts random cameras reviews to check facility activity and as well as functionality of the system.

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

#### Staff Supervision and Use of Force

Regarding Incident 154590, the youth was returned to the unit from a visit in the case managers area. The escorting staff failed to verify staff coverage on the unit. The youth was left on the unit unsupervised for 20 minutes. The involved staff was held accountable through the Standards of Conduct and as a corrective measure all staff were re-trained on maintaining proper supervision at all times. Staff were also informed that all youth must be escorted/returned to their assigned areas by a Maryland Correctional Training Commission certified staff, and communicate the exchange as well as document in the unit logbook.

With respect to Incident 153409, the staff member failed to properly intervene. Due to violations of the Department's Standard of Conduct and Crisis Prevention Management (CPM) policy the involved staff was disciplined and is no longer with the department. As a corrective measure all staff were re-trained on properly posting, requesting for assistance in timely manner and reviewed CPM Policy. Facility management increased safety and security rounds to give guidance and ensure proper intervention.

Regarding Incident 152150, DJS notified Child Protective Services (CPS) and Maryland State Police (MSP) pursuant to department policy. CPS screened out the allegations of abuse. MSP filed criminal charges against the staff; however, those charges were ultimately dismissed. DJS's internal investigation determined that staff failed to properly intervene and, consequently, the staff was held accountable pursuant to DJS's Standards of Conduct. As additional corrective measures, all staff were re-trained on the Crisis Prevention Management Policy and facility management provided increased oversight and guidance to staff.

Regarding Incident 155822, DJS notified CPS and MSP pursuant to department policy. CPS screened out the allegations of abuse. MSP did not file any criminal charges against staff. DJS's internal investigation determined that staff failed to properly intervene and, consequently, the staff was held accountable pursuant to DJS's Standards of Conduct.

### Behavioral Health Services

DJS acknowledges that the agency is currently facing a shortage of licensed behavioral health clinicians. The department has specifically designated behavioral health positions for ongoing and continuous recruitment. For more information, please refer to the section titled "DJS Continues to Recruit to Fill Behavioral Health Vacancies" in the Introduction section.

With respect to Incident 155447, changes have been made to the lunch schedule of the behavioral health team to provide coverage during those hours.

The behavioral health team continues to meet frequently with the youth for behavioral health check-ins, screenings, suicide watch assessments, and crisis debriefings.

### Physical Plant

The Thomas J.S. Waxter Children's Center is an older facility that does experience maintenance issues as do all older structures. In order to address these issues, DJS has a full-time maintenance staff that works between the hours of 7AM-3:30PM Monday through Friday. Maintenance staff are on call for emergency after-hours calls.

Issues with the temperatures being too hot and/or too cold were handled by maintenance within one hour of being reported. Relatedly, the issue of a moldy smell was investigated by maintenance and determined to be related to the temperature needing to be adjusted to control condensation in the areas. This issue was resolved as well.

An inspection was conducted on the areas where mold was suspected. It was determined that these areas were not mold, but rather were areas of dirt which was then cleaned and the issue resolved. All epoxy floors will be re-cleaned and re-sealed, including the floors in youth rooms.

The JJMU report included a photo of an occupied bedroom door. Youth applied deodorant to the screen area of the door. The screen was cleaned.

Regarding the photo of the ceiling, the ceiling is scheduled for repair upon the completion of the new roof. Maintenance staff has assessed all areas of concerns throughout the facility for the appropriate resolution.

Regarding the physical plant issues identified in the school building, the deck surrounding the education area was replaced to address safety issues. The completion of the deck was delayed due to inclement weather. During that time, teachers had access to technology in the Education Administration building and MSDE teachers and youth had access to an office located in the Case Manager's Hallway for youth participating in online college courses. Youth received all required recreation services as scheduled.

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

The Department appreciates the positive comments about Noyes' staff and administration in their continued efforts to provide positive programming opportunities and supervision of youth.

#### **Supportive Services for Youth and Families**

Community Conferencing continued to be used bi-weekly during the quarter in conjunction with other restorative justice practice and programs including: life skills programming, youth and staff activities, motivational speakers, and more.

In reference to the grievance filed by a parent in regards to their child having her psychiatric medications changed without parental consent, the details provided in the JJMU report are not accurate. Upon the youth's placement at Noyes, medical reported that the youth had not been regularly taking medication prior to placement; and therefore was not immediately restarted on the medications due to potential side effects with starting and restarting medication abruptly. A treatment plan was developed and immediately following the youth's evaluation, the psychiatrist spoke to the youth's mother at length. During the conversation, the mother was informed about the medications, the potential impact of not taking them as prescribed, risks, benefits, and alternatives to the medication changes. The mother consented during this phone call, which was witnessed by nursing staff.

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

#### **Suicidal Ideations**

The Department takes every statement of self-harm very seriously and will take appropriate measures such as increasing youth supervision and interventions from behavioral health staff, as necessary. Typically, when there is an increase of incidents at a facility, it is usually attributable to one or a few individuals. For this reporting period, one youth at LESCC was responsible for nearly 40% of the suicidal ideation incidents.

Behavioral health staff are available on weekdays and they are available on-call (for consultation by phone and/or poly-com) during evenings and weekends.

## Physical Plant

DJS has begun the procurement process to replace the toilets at LESCC from porcelain to stainless steel. ADA-compliant rails in youth bathrooms in the facility were completed. ADA-compliant railings for toilets were installed. Purchase and installation of ADA-compliant shower railings for units was completed.

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

The Department appreciates the positive comments about WMCC's administrators and supervisors in their diligent efforts to maintain a safe facility environment for youth and staff.

## Phone Calls

DJS is committed to creating pro-social opportunities for youth in family engagement and supporting youth and families through the re-entry process. Per DJS policy, all youth in facilities are entitled to 2 phone calls each week but may earn additional phone calls as a reward earned through the STARR behavior management program.

## **COMMITTED PLACEMENT CENTERS**

### **Victor Cullen Center (VCC)**

#### Family Engagement

DJS is committed to supporting youth and families through engagement activities and participation in treatment. VCC holds regular family visitation, as well as special family events throughout the year. Families are encouraged to participate in treatment as much as they are able. They can participate through poly-com or phone calls and special visits can be arranged if they are unable to attend on the day of normal visitation. Other family members and close relative can be approved for visitation when confirmed by the family and community case manager. Youth can acquire additional phone time through the STARR program. Additional calls are also completed by behavioral health staff and case management to conduct family sessions, and significant life events such as birthdays or family emergencies.

## **YOUTH CENTERS**

### **Savage Mountain Youth Center**

As set forth previously in detail, DJS's population is changing. Today, there are far fewer youth with moderate to low risk profiles in the system and more youth who are older with high risk profiles.

DJS must be able to provide a continuum of care that balances the needs of its population and community safety. Thus, there must be appropriate treatment options both in the community and in secure facilities.

The Savage Mountain Youth Center was renovated over the last year to enhance the security features in order to provide additional hardware secure beds within DJS's continuum of care. Prior to its reopening, VCC was the only hardware secure facility for male youth in the State. The issue with only having one facility to house and treat male youth with the most significant risk and behavior profiles is that if a youth at VCC struggled in that program, there were no other options in Maryland where the youth could be transferred that could safely and appropriately provide treatment. Youth who could not successfully complete the treatment program at VCC had to be sent to hardware secure programs out-of-state.

DJS agrees that youth should be treated in the least restrictive setting possible. While community supervision and treatment is appropriate for the vast majority of youth in Maryland's juvenile justice system, there are youth who require out-of-home treatment in secure settings.

#### Treatment Model

For a detailed description of DJS's Therapeutic Model and the STARR Behavioral Management Program, please see the Introduction Section of this response.

### **Backbone Mountain Youth Center**

#### Physical Plant

The Department is actively working to address and alleviate the potential traffic hazard that exists on the road leading to the entrance to the facility. Currently, there are lights on the facility marquee and DJS added DOT-C2 Certified reflective material to the marquee. The purpose of this tape is to reflect the light from a vehicle's headlights and it was installed on both sides of the sign.

#### Staffing

The agency staffing ratio is one staff to eight youth during waking hours and one staff to sixteen youth during sleeping hours. These ratios are national best practices for juvenile facilities, and required to be in compliance with the ACA and PREA.

#### Facility 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. On the weekend, all camps attend incentive educational trips into the community (community center, movies, dinners, camping and etc.).

On-Grounds Activities
❖ No School / Holiday Day: The Recreational Specialist plans activities for youth and staff
❖ Basketball: Foul Shooting Contest, Three Point Contest, 50 Game, Offensive & Defensive Drills, Hot Shot Contest
❖ Bowling: In the gym (rubber ball & plastic pins)
❖ Camping: Reflections on the grounds of Meadow Mountain Youth Center
❖ Tournaments between Youth Centers: Basketball, Chess, Cards, Pickle Ball, Volleyball, Softball
❖ Track & Field Day
❖ Climbing Wall at Meadow Mountain Youth Center & Backbone Mountain Youth Center
❖ Ping Pong
❖ Rope Course: Low & High Ropes Course
❖ Flag Football
Off-Grounds Activities
<ul style="list-style-type: none"> <li>• C.H.A.M.P.S.: Bowling, Volleyball, Summer Basketball League, Softball, Mountain Madness Event, Track &amp; Field Event, Soccer, Fall Basketball, Relay Walk, Spelling Bee, Math Bowl, Oratorical Contest, History Contest, Indoor Soccer</li> </ul>
<ul style="list-style-type: none"> <li>• Reflections: Hiking, Biking, Swimming, Canoeing, Fishing, Rock Repelling, Team Building, Basic Life Skills, etc.</li> </ul>
<ul style="list-style-type: none"> <li>• Rock Wall Climbing at the YMCA in Cumberland</li> </ul>
<ul style="list-style-type: none"> <li>• Movies at Garrett Cinemas and Country Club Cinemas</li> </ul>

All youth who are eligible for off-grounds activities are given the opportunity to participate in those activities. For safety and security reasons, the Department intentionally keeps the number of youth in off-campus excursions small. Additionally, depending on the off-grounds activity the youth chooses, trips may have to be staggered.

### Family Engagement

For a discussion regarding DJS’s ongoing family engagement efforts, please see the “Family Engagement” Section of the Introduction.

### **J. DeWeese Carter Center (Carter)**

#### Treatment Program

With respect to girls in the “deep-end” of the system, including girls in court-ordered placements like Carter, the JJMU continues to focus only on the offense history. A youth may be determined to be “high-risk” not just by their offense history but also their prior history of unsuccessful placements in less-restrictive settings. A snapshot analysis performed by the department in its Response to the JJMU’s

2016 Third Quarter Report clearly showed that the girls placed at Carter had at least one, if not multiple, AWOL's from prior placements in community-based and less-secure programs.

Youth at Carter are offered opportunities to go on outings. Additionally, the facility offers several enriching, normative, and gender-responsive activities such as camping trips, Girl Scouts, Zumba, yoga, and religious services.<sup>61</sup>

Regarding the youth described in the JJMU report as having been placed at Carter due to DJS's inability to find in-patient treatment for her, an examination of facts is needed. This youth was accepted into the program at Carter after being AWOL and experiencing a near fatal overdose. The placement was intended to provide stabilization of mental health symptoms and trauma based treatment services to prepare her for inpatient substance use treatment. Now that the youth is over age 18, she is transitioning to an adult treatment program.

Incidents 154521 and 154563 are the same incident. DJS determined that the staff response was inconsistent with departmental policy. The staff was held accountable through the Department's disciplinary process. MSP, OIG, and CPS were all notified. The incident was screened out by CPS. This staff no longer works for the department.

#### Locks on Doors

According to the JJMU report, Carter was under renovation for two weeks while maintenance staff installed additional security locks on bedroom doors in order to achieve compliance with ACA requirements. The construction project did not entail stronger locks, but rather, increased safety for youth via the installation of quick release locks on all bedroom doors so they can be opened simultaneously in an emergency.

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<sup>61</sup> See DJS Response to JJMU 2016 Third Quarter Report, p. 63.



## Private Programs

### Silver Oak Academy (SOA)

#### Pages 47-49

#### Page 47

1. “The average daily population of youth placed at Silver Oak through DJS decreased by 38% in 2018 compared to 2017 while youth fights and assaults increased by 10%, youth on staff assaults increased by 25%, and physical restraints of youth by staff increased by 29%”.

**SOA Response:** Increase of physical altercations is a result of the changes in our student body. (Influx of new students, exit of students completing the program) The increases are significant following graduation and decreases prior to graduations. Significant dates for altercations were January, following December graduation and July following June graduation. Graduation events mark the transition of strong peer leaders in the student body and the population of newer students acclimating to our program and expectations.

The student population needing psychotropic medications increased by 40% from 2017 to 2018. After reviewing the data specific to Youth on Staff Assaults in 2018, it was determined that the students who were involved in these incidents were either on a new prescription or adjusting to a new dosage at that time.

#### Page 48

2. “Administrators should focus on utilizing the therapeutic model already in place at Silver Oak to reduce the level of conflict among youth and between youth and staff and minimize reliance on physical control tactics such as restraints”.

**SOA Response:** Silver Oak Academy is in the process of developing the new student culture to focus on the staff and students utilizing the Proactive Levels of Intervention to help support students in crisis. We are researching the trauma/mental health first aid program to better equip our Group Living staff members to be able to improve their understanding of the increasing population of prescribed psychotropic medications.

All physical restraints are reviewed for efficiency. We have created a new "Ram's Economy" system that will allow students to earn Rams Bucks (Fake Money) to purchase items from our Rams Store. (Chips, a Backpack, Hygiene items, etc...) These new incentives will go into effect beginning April 17th, 2019. The intention of these incentives is to increase the above and beyond behaviors of our students and decrease poor behaviors. (Example: Student A de-escalates

another student prior to an altercation +\$50 in their bank. Student B returns from a home pass late without an approved reason -\$100 in their bank)

3. "Particular attention should also be given to incident reporting policies and practices. There were delays in reporting incidents during the fourth quarter of 2018".

\*In incident 154529 (A. Smith, A. Jones, 9/10/18- Allegation Against Staff), the restraint was not reported to the incident database at the time it occurred and was only entered into the system after the youth made allegation against the staff (IR#1544491). Additionally, according to a DJS internal investigation into the incident, the youth was not seen by medical at the time of the incident as is required by DJS following any and all physical restraints.

**SOA Response:** When we became aware of the allegation, the allegation itself was reported since law enforcement came onto campus. After looking further into the incident and reviewing camera footage, it was determined that the allegation was untrue. There was no restraint that occurred, instead it was a guided intervention. Guided interventions do not require a medical review. Also, this incident occurred while the Incident Reporting duties were being switched to a new staff member.

\*In incident 154161 (T. Wood, A. Smith, 9/18/18- Fight Level I), in a witness statement written after the incident occurred, one of the youth involved wrote that his private parts were grabbed by the other youth during the fight. Administrators were required to but did not create the separate incident report mandated by DJS for any youth-on-youth sexual abuse allegation. The youth mentioned the alleged inappropriate touching again to his therapist a month after the fight, and the therapist reported it to administrators. An incident report (Incident 15493) indicating alleged youth-on-youth sexual contact was ultimately filed, but that was over a month after the fight occurred.

**SOA Response:** As soon as the student reported that he felt uncomfortable with the grabbing, we immediately reported this to DJS as well as conducted a full PREA investigation. OIG was also notified and conducted an investigation.

PREA defines Sexual Abuse as any touching with the intent of sexual gratification. The witness statement was discussed with our Regional PREA coordinator and was determined that the way the student wrote it, did not show an intention for sexual gratification, but an intention to harm the student by grabbing a sensitive part of his body.

Silver Oak Academy has implemented a new internal Incident Reporting process that is geared towards utilizing technology for faster reporting. Previously, we were using a handwritten system that was not always effective due to the group living staff unable to leave their group to turn the forms into the Compliance Officer. The faster reporting system allows time for camera review and questioning of students and staff within the 24-hour time frame. This helps the reports to be more accurate and detailed.

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4. “The facility needs to ensure sufficient bandwidth to support cameras in all high traffic areas where youth and staff congregate. Incidents that occur outside of camera view are difficult to audit for accountability and for staff training purposes (for example, incidents 154924,155053, 155359, and 155929)”.

**SOA Response:** In the past year, Silver Oak Academy has added 4 cameras to the football field/driveway as well as Kahlert Hall, outside of the dining hall and the refocus hallway. As more resources become available, we will continue to add to our coverage. We make it a point to ensure extra staff coverage in the areas that lack cameras so that our staff can respond as quickly as possible.

5. “Administrators at SOA should rectify gaps in camera coverage to help protect youth and staff. Several incidents during the third quarter occurred in areas outside of camera coverage, including classrooms, the student lounge, and the auditorium (incidents 153471, 153468, 153641).”

**SOA Response:** Silver Oak Academy consistently reviews camera coverage throughout our campus. Certain areas are staffed appropriately due to lack of camera coverage so that we can increase our interactive supervision as well as eliminate any incidents from occurring without other staff or students present. Our camera system can only hold so many cameras due to the software and amount of memory that the system has. Within the past year, we have added a camera to the hallway outside of the dining hall as well as four additional cameras on the football field and driveway. These additional cameras have maxed out our current system. We will continue to review our camera coverage as part of our incident review and maintain additional staff in areas without cameras.

**DJS Response:** Licensing and Monitoring’s review of the JMU Third Quarter Report found that the information noted in the report in regards to incident reports numbers are incorrect as report 153468 is an incident report for the Children’s Home Shelter and 153641 is a report for Waxter’s Children Center.

1. Issues with staff retention were prevalent during the latter half of 2018. Several long-time employees left the facility, including a recreational specialist/physical education teacher, a case manager, and some seasoned direct-care staffers. There was an absence of a full-time program director during much of the fourth quarter of 2018 which impacted staff adherence to the Sanctuary treatment model.

**VQMS Response:** Our Program acknowledges the rate of employment turnover during the 4th quarter of 2018. There were several factors that led to the departure of these employees and all staff left with appropriate notification and most were given other employment opportunities that helped them achieve their personal career goals. For example, the recreational specialist/physical education teacher moved onto a position with another company that best fit his educational degree and his personal career goals. The physical education teacher position was filled within the time guidelines set by MSDE and COMAR regulations. The Case Manager position was filled in November 2018 and the Program Director Position was filled December 2018. All positions were filled in a timely manner and did not affect services provided. The Program does not feel that adherence to the Sanctuary treatment model was at all compromised by the departure these employees.

2. Hourly wages for direct-care staff were reduced due to fiscal constraints. Administrators should focus on bolstering staff recruitment efforts and employee incentives to attract and retain a qualified and dedicated workforce.

**VQMS Response:** Hourly wages for direct care staff have been reinstated as of December 2018. Staff recruitment continues to include advertising through the internet, DLLR workforce exchange and job fairs. We are diligently reviewing resumes to identify potential qualified candidates. We are also implementing monthly employee recognition incentives.

3. There were some specific youth concerns that remained unaddressed during 2018. Several youth perceived as unfair and overly punitive the practice of extending youth length of stay by several weeks in response to rule violations. Restorative practices and graduated sanctions for problematic behavior should be implemented in place of automatic increases in length of incarceration.

**VQMS Response:** The Program feels that there are some behaviors that warrant an increase in length of stay due to the need for effective behavioral modification and to encourage more positive personal growth in our youth. While the youth look at this as a punitive sanction, we feel that it is for their therapeutic benefit. Examples of a non-negotiable behavior include but are not limited to bringing contraband to camp, physical assaults, and positive urine analysis

following a home pass. These types of behaviors show a need for increased time in treatment. In regards to restorative practices and graduated sanctions, youth are provided opportunities to lessen a sanction through community service and positive displays of behavior over a length of time. This has proven to be successful for our youth and promotes positive self-awareness and thoughtful decision making.

4. There were a number of complaints by youth about the quality and quantity of food provided. Increasing youth input in meal planning can address complaints and help foster valuable independent living skills.

**VQMS Response:** The program menu was developed and approved by Ms. Patricia F Small, M.S, R.D, L.D.N. The menu complies with the requirements for the recommended daily allowances as established by the USDA Food Pyramid and the USDA Dietary Guidelines. The menu compliance reflects a reference standard 16-year-old male, 68 inches and 168lbs (2500-3000 calories).

5. Several youth have offered useful suggestions for increasing the variety and amount of recreation and enrichment activities to help reduce downtime. Morning Star should create a youth advisory board to enable residents to have a voice in identifying and providing solutions for youth concerns or program deficits.

**VQMS Response:** While there has been no formal youth advisory board, we regularly meet with the youth to discuss program needs, concerns, and activities. We will begin to form a formal advisory board to include youth and staff.

### One Love Group Home (OLGH)

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1. "A greater variety of activities should be available for weekend hours when youth experience the most downtime. Membership at the local YMCA, which provided a useful recreational outlet, was discontinued during the reporting period. In addition to reinstating membership for youth at the YMCA, One Love staff should increase the level of structured weekend programming based on the interests of individual residents."

**OLGH Response:** The residents at OLGH receive activity money every weekend for group activities. The residents select the weekend activities as a group. OLGH current residents enjoy going to the mall, rolling skating, laser tag and the movies. Currently residents are enrolled in the Mayor's Office of African American Engagement. This is a four-week program that provides participants with a bus pass and weekend employment. In addition to weekend activities residents can on Tuesday's and Thursday's go to the Greenmount Recreation Center. The Greenmount Recreation Center has activities such as; basketball, weights lifting and host of other

activities. Also, residents whom has obtain the appropriate level on the OLGH's point system can use their allowance to go out individually and enjoy themselves.

Previously we had the opportunity to sign our residents up to a program called Keys to Success which granted youth a year free membership to YMCA after completion of the Keys program. Five out of 6 residents declined the offer. The one youth that accepted the membership is still with OLGH. We are working on a new contact with the local YMCA for the residents.

OLGH is a community base home and we serve youth 16-21 years old. Currently all the residents are 18 or older. It is our intent to empower these young men to make positive activities choices that they would likely continue once they are no longer under state care. To this end, OLGH residents are allowed to select weekend activities, and it is OLGH staff responsible to ensure the selected activities are appropriate and that residents act in a civil and appropriate manner when on an activity.

**MARYLAND STATE  
DEPARTMENT OF EDUCATION  
- RESPONSE**



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

April 15, 2019

**MSDE Response to the Juvenile Justice Monitoring Unit's Fourth Quarter Report and 2018 Annual Review**

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2019 fourth quarter report and 2018 Annual Review in relation to the provision of educational services within the Department of Juvenile Services' (DJS) residential facilities.

**Detentions Centers**

**Baltimore City Juvenile Justice Center**

The Department of Juvenile Services (DJS) determines youth placement in Baltimore City Juvenile Justice Center and all other detention sites. These housing placements determine the groupings by which students attend academic classes. Teachers provide coursework based on the students' academic records. The Maryland State Department of Education Juvenile Services Education System (MSDE JSES) is currently working with Montgomery County Public Schools (MCPS) to pilot a program to determine if another placement model may be available in the detention centers to effectively meet students' diverse academic needs.

The JJMU report (page 8) states a tailored education program should be developed for the adult hold population, including a GED track. When students enter JSES, they are officially enrolled in a full time school. Their adult hold status does not automatically determine their eligibility to take the GED exam. The JSES developed procedures to identify and support students who want to receive their diploma by examination. Students are provided a pretest to evaluate readiness and a guided set of standards that teachers can match to the curriculum in the classroom. Code of Maryland Regulation (COMAR) requires that students be at least 17 years of age and withdrawn from school in order to sit for the GED. The JSES enables students to focus on their academics and learning of standards until they are academically ready, age appropriate, and can be withdrawn from education while taking the GED. Students must have officially withdrawn from the high school program to take the GED test in Maryland.

**Cheltenham Youth Detention Center**

Career and Technology Education (CTE) courses within JSES are designed to provide students with two critical aspects to improve their immediate life. Primarily, students receive a foundation in select CTE courses, thus allowing them to return to their public school and enroll in a desired CTE program. In addition, completion of CTE courses within JSES prepares students for immediate employment by



providing certification(s), the opportunity to develop soft-skills, creating an effective resume and interview preparation.

The JSES recently purchased new desktops for student use that are located in each classroom, the school media center, and in a designated computer lab. While a laptop is not available for students to complete college or online coursework, there are enough desktops in the facility to accommodate student needs. The JJMU report states, “administrators at MSDE JSES informed the students that they did not have resources to spend on new laptops for youth.” No one from the MSDE JSES administration has informed any student that there are not resources for technology. The MSDE JSES would respectfully ask the JJMU to speak to the MSDE leadership regarding technology provided in the schools. The JSES Instructional Technology staff continue on-going collaborative efforts with the MSDE Department of Information Technology (DoIT) and the DJS Office of Informational Technology to ensure technology best practices in building infrastructure. The JSES school inter-connectivity is monitored and supported to ensure daily effective, efficient, technology-rich educational programming to JSES students. During FY 2018, the JSES was able to purchase new desktop computers for students and teachers. The JSES spent approximately \$490,900 for this upgrade to the thirteen schools. These computers provide every school with access in each classroom for students to engage in blended and online learning. The JSES also spent an additional \$278,610 through E-Rate funds to upgrade and improve broadband and internet connectivity.

The JJMU report continues to include the World of Work program in the education section of the report; however, the JJMU report acknowledges that the World of Work program is operated by DJS. The MSDE JSES does not operate the program and this should not be included in the education section of the report. If students have earned a GED or diploma, there are post-secondary options available if a student would like to participate.

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

The educational trailers at Thomas J. S. Waxter Children’s Center (Waxter) are not MSDE facilities. The MSDE JSES provides education only to students housed at this site. The DJS and MSDE have collaborated on the educational space needed for the new Waxter; however, the new facility will not belong to MSDE JSES.

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

The MSDE JSES is currently working with Montgomery County Public Schools (MCPS) to pilot a program to determine if another placement model may be available in the detention centers to effectively meet students’ diverse academic needs.

The MSDE initiated pilot with MCPS was the action formulated by the Maryland State Superintendent of Schools and the Superintendent of MCPS. This initiative began at the beginning of 2018 with a meeting led by Dr. Karen Salmon, Maryland State Superintendent of Schools, Dr. Jack Smith, Superintendent of Montgomery County Public Schools, and several agency representatives. The goal was to identify, design, and implement a model of collaboration between MCPS and MSDE aligned with identified needs at the

Alfred D. Noyes Children’s Center (Noyes). We are collaborating to identify and implement agreed upon strategies to support Noyes students in the following areas: instruction, staffing, and professional learning. To date, the group doing just that. We are creatively figuring out how to best share ideas, resources, and create opportunities for students with assistance and collaboration from many individuals in both organizations.

Noyes offers mathematics and social studies using MCPS already developed hybrid/online high school courses. The MSDE and MCPS are also working together to support staffing due to the challenges of recruiting and retaining teachers at Noyes. These actions resulted in a Memorandum of Agreement between MCPS and MSDE. The MSDE is extremely proud of the proactive steps that the Department engaged in regarding the Montgomery County pilot. The MSDE will continue to seek partnerships that will assist in the ultimate goal of meeting the educational and post-graduation goals of all students.

Currently, Noyes has one vacant position and the principal has interviews scheduled. Vacancies at the Montgomery County site has been a challenge and is one of the reasons for the pilot program with MCPS. The principal at Noyes has held over twenty-five interviews since July 1, 2018, attempting to fill the vacant positions. The MSDE JSES is committed to providing students with certificated teachers who have a passion and desire to work with our unique learners.

The JJMU reports the intent of the legislation as they interpret it; however, MCPS and MSDE are in the process of implementing the pilot as outlined in Chapter 565 of the Acts of 2018.

The nationally recognized education experts mentioned in the report ~~was~~ were providing monitoring to the JSES. During the monitoring phases of this collaboration, areas that the team of experts agreed to monitor included an evidence checklist that was used at least once in all of the schools and with MSDE headquarters staff. To provide full transparency, the experts used the following guidelines to determine if the JSES schools and MSDE were making progress.

Revised Strategic Plan - 2017 Final					
Benchmarks	Persons responsible	Periodic Review/ timeline	Evidence	Target	Comments
<b>1.0 Climate</b>					
1.1 Hold DJS & JSE monthly meetings at all sites to review school and facility climate. Create action plans to address identified problems, hold biannual DJS and Headquarters meetings.	Principal, DJS	monthly leadership team meetings	Create meeting log at each site; develop action plans and responses. Review logs, plans.*Confirm via principal, site visits	2x per year - DJS and Headquarters meetings at each site, regular (weekly, monthly) local ed staff and DJS meetings	Have a joint plan (overall goals) agreed on and communicated * (* = consultancy group priority)

1.2 Create student council or advisory group at each site	Principals	Monthly	*Confirm via principal, site visits	Subcommittee meet by phone in July, present to Leadership Team in August to set target for each site	Allow each site autonomy in developing this initiative
1.3 Establish 'student of the week' & 'student of the month' and other forms of recognition at each site.	Principals	Monthly	On the monthly principal report	100% of sites will recognize at least one student in 11/12 months	Involve DJS staff in identifying students. Consider 'most improved' etc.
1.4 Ensure that all students have access to school, <b>that those with disabilities will have LRE.</b>	Principal, DJS, special education	On-going	Access to LRE through special ed compliance, Access and comparable ed to ISU by observing work samples - *Confirm via principal, site visits	Flexible grouping at 4 camps, plus Cullen and one on Eastern Shore	Students in special housing units are entitled to instruction of comparable quality and intensity as other students, flexible grouping of students
1.5 Create an orientation classroom at each site.	Principal		██████ and █████ will make report available to DJS and JSES, follow up training (also with advocates)	pilot at BCJJC, maybe start with 1-2 day "arrival" group	Also relates to 2.5, training module on Black Board.(Bb)
1.6 Ensure student assistance teams operate at each site ensure Child Find policies and procedures to support student evaluation, supports, services.	Guidance, special education, principals (SAT)	Monthly report out at leadership team meetings (see 4.2)	Confirm via principal, site visits, use of Bb for online training		Student assistance teams meet at least weekly to review new students and those referred to team by teachers, formerly 1.4 emphasis on Child Find
1.7 Schedule monthly special activities.	Principal	Monthly report out at leadership team meetings	Confirm via principal, site visits	Quarterly kick-off events, monthly student activities, could include DJS activities	Coordinate activities with DJS, solicit input from student advisory group, staff, volunteers
1.8 Promote parent involvement through newsletters, open	Principal, DJS		Confirm via principal, site visits	JSES pamphlet, templates for	Provide comp time to staff to attend after school or

houses, and special events,				school pamphlet for parents, notifications of special events, parent page on website for newsletters, updated photos of schools	weekend family events *, continue through reentry, 5.4
<b>2.0 Resources</b>					
2.1 Adequate resources are dedicated in an planful/intentional way to provide long-term education comparable to all MD students. Ensure that short-term literacy, numeracy, and social skill development is provided at all sites. Specific targets developed and implemented in a statewide quality assurance plan for JSE schools and central office. Targets could include 2.2-2.9.	Directors	Yearly	This seems like an overall statement applying to specifics of 2.2-2.9		Is this the same as School Improvement Plan? Communicate, post plan, measuring tool?
2.2 Develop methods of providing for credit recovery options for students.	Curriculum, Guidance	New 3-year contract being negotiated	# using Apex (Jan-Apr)	Increase in summer term (from spring)	Increase utilization of Apex (or other), principal/counselor training
2.3 Develop methods of providing instruction in a foreign language.	Curriculum	End of Fall semester	Number using Florida Virtual, 2016-17		More in treatment - part of Tech plan due to equipment, white list issues
2.4 Establish a short- and long-term technology plan for the system. Database for tracking special education process.	Directors, Tech	Revise Summer 2017	*Establish plan with measurable for establishing, maintaining and refreshing equipment	Begin with Short-term - refresh and upgrade	Include 21st century CTE, link to 4.4, student data on Powerschool, include capacity to deliver foreign languages, electives, related services, Individual learning plans, e-

					portfolios, (formerly 1.5), 2 regional tech positions open (see 3.0 recruitment)
2.5 Ensure course work in short-term detention settings is focused on reengaging students in school and improving literacy, numeracy, and social skill development.	Directors, Curriculum		Work samples, orientation mindset if not separate intake class, skills oriented within CCSS, move to NWEA assessment program	Pilot at BCJJC	See orientation classroom 1.5, put technical report and PPT on Bb for detention staff, ability to use new assessment data for prescriptive teaching of basic skills
2.6 Develop methods of providing art, physical education, and other electives.	Guidance, Curriculum, Tech		List of options	Explore online options for Fine Arts, PE	LEAs are using online options, coordinate with DJS on fitness for PE with online learning portion
2.7 Conduct an annual assessment of needs necessary for JSE to implement the strategic plan, ensure effective instructional programming, and meet its mission.	UMD team, Directors, with input from Advocates	summer 2017, benchmarking	Adding evidence and targets to revised SP, use of monthly reports, new site visit form, special ed compliance	Pulley/Fink meetings 6/7 and July, Summer/fall site visits	Benchmarking completed July, drafts to task force and principals, collect data fall 2017 for annual SP progress report winter 2018
2.8 Pursue private and foundation grants and financial support to supplement public funding of JSE's educational programming.	Principals, Directors	Fall 2017	Large, small, in-kind	1/2 sites get some grant support	For example, Reading is Fundamental, Literacy Volunteers, corporate partnerships, Article on successes and process in Newsletter
2.9 Develop JSE's annual budget in accordance with state guidelines and based heavily on an analysis of teaching staff and the educational needs of detained	Directors, with input from principals	Fall 2017			2019 budget allocations in process with financial rep, school-based input

and committed youth.					
<b>3.0 Recruitment and Staffing</b>					
3.1 Recruitment policies are standardized/teachers are certified and mentorships are established between veteran/new teachers.	Directors	Aug 2017	List of new staff mentors at their staffing level (not coordinators), content leads, Content training agendas	For all teachers, support staff	Training for new staff mentoring through content leads and principals, guidelines outlined by principals, (use of Bb), could be across sites and virtual (through Bb), CPU credit for professional mentoring, importance of 10 month calendar as recruiting tool
3.2 Professional development opportunities - facility based.	Principals	Fall 2017	Document and eval PD central and local	75% staff participation at local and central PD	Calendar provides imbedding PD (not near weekends), but also explore online PD at MSDE HUB as training option, communicate what is required by DJS (PRIA), but joint training options also
3.3 Teacher evaluation process revised and implementation of teacher instrument.	Directors, Principals	Fall 2017	Review policy on frequency of observations for tenured (3 year) teachers with positive performance to 1/year, new and troubled 2-4/year		Principal input, July review of policy, mentor new staff, for teachers emphasize student engagement (see item 4.3)
3.4 Expedited hiring process.	Directors	ASAP	Number of Sept openings	90% jobs filled	HR stats for length of time between application and hiring
3.5 School Improvement Teams	Directors, Principals	Fall 2017	Site visit report	Every school will have one meeting regularly	Mentoring by principals and content leads, initial training by academic coordinator

3.6 Master teachers mentor new or less experienced staff.	Principals/ Curriculum		Like 3.1 includes principals with 3 day overlap with acting principal or lead teacher		From Consultancy Groups:* focus on effective teaching, differentiation/UDL , behavior, others, ----- will provide JSE template for this
<b>4.0 Curriculum</b>					
4.1 Ensure availability of current, age-appropriate instructional methods, materials, placements including <b>implementing FAPE for students with IEPs and those being evaluated.</b>		Ongoing	Special education self-monitoring tool	All sites, quarterly	For FAPE (formerly 1.6) providing instructional and related services conforming with IEPs, entry IEPs with monthly central support. , assistance from data managers, need for case management support in large sites
a-e. adoption of review committee, regular meetings scheduled cycles of review and criteria for textbooks. Staff will be provided with professional development.	Curriculum, special education, instructional staff and teachers	Sept 2017	Review committee agenda/minutes schedule of curricular review cycle, IEP s and FAPE through compliance monitoring	Regular meetings, updated curricular schedule	
4.2 <b>Individual Student Portfolios</b> developed for students, Teacher Observation process and tool incorporated JSES and DJS Collaboration for <b>behavioral management tool.</b> GED policies and practices are developed.	Teachers, principals and students, DJS	ASAP	Site visit, see classroom portfolios for students PBIS training and initial meetings with DJS	4 sites by December (Noyes, Hickey, GreenRidge, Meadow, 3 more sites in the next time period, PBIS at Cullen and Carter	Substituting Individual Student Portfolio for ILP, portfolios will include work samples, assessments, reflections and will be collected, scanned to follow students See item 4.7. This item focusing on PBIS tool.
4.2.1 All students eligible for special ed services receive IEP mandated services	Special Education	Ongoing	Special education self-monitoring tool and Report Card	100%	Special education Document process by self-monitoring tool, record

within 3-5 days of placement.					reviews, random audits Document product with Annual MSDE compliance Report Card, next on Spring 2018.
4.2.2 All students with IEPs receive mandated related services as specified on IEPs.	Special Education	Ongoing	Special education self-monitoring tool	100%	
4.2.3 Each site develops capacity to provide a range of special ed services and supports from gen. ed to OGE.	Special Education	Ongoing	Special education self-monitoring tool	100%	
4.3 Teachers receive professional development for College and Career Readiness Standards and align student learning with instructional framework.	Directors, Curriculum, Guidance		module on Bb regarding transition and career readiness, use teacher evaluation tool (Plan, Teach, Reflect, Revise)		See also 3.3, emphasize student engagement and establishment of relationship, measured through teacher eval/obs and perhaps addition of Intake/orientation classroom will help this process at detention facilities
4.4 Data-based decision making - quarterly data reviews. Establish Data rooms and designate Central Office data team.	Principals and Tech	Powerschool-Pro roll-out, Spring/Summer 2017	PBIS - data from DJS, PowerSchool reports utilized	Site visits	End users (principals) involved in post-rollout planning, Classroom and school data used for student planning and teacher planning, Report generation and utilization
4.5 Provide Post-Secondary Programming and CTE - maintain and establish partnerships with local community colleges and online options.	Directors, Guidance	ASAP	# involved with Garrett CC, Frederick CC, possibly BCCC # receiving counseling for Accuplacer and financial aid	# students enrolled, # students given guidance info on pre-college steps	



4.6 CTE- refocus and expand.	Team of principals, Directors	ASAP	3-year Ctech plan, overall CTE plan	When CTE coordinator hired	Survey for student needs, include technical skills (C-Tech) as well as site specific biomedical, computer, leadership, project management* options as long as meets MD Pathways
4.7 Implementation of <b>Individual Student Portfolios.</b>	Teachers & Principals				- SEE 4.2 for PBIS
4.8 Devise methods and agreements to share student information with local school systems.	Directors/DJS/LE A		Power School transcripts leave with student		This item could be clarified. As is done by Guidance coordinator in State meetings and informally by some secretaries.
4.9 Ensure Library Access for youth	Digital Media	ASAP	Library use: dedicated space, materials available to students, electronic resources, # of books added	Site visit-4 first sites: LESCC, Hickey, Cullen and Cheltenham, then 3 more sites	Survey different site needs, develop a plan with 1-2 overall goals (increase recreational use, work with DJS, student librarians) and 1-2 individual site needs (space, Spanish Language) - then write for possible granting*
4.10 Providing long and short term coverage for schools so teacher absences do not impede learning.	Directors	Fall 2017	# of substitute days	Establish baseline Fall 2017	Data used to refine staffing strategies and redefine roles Resource Teachers (and special educators) to include Intake/welcome and assessment among other things)
4.11 Develop short-term detention center programs targeted to assess student needs and	Each school team to develop a plan		BCJJC pilot with help from Dr. Leone		See also 1.5 and 2.5

get them reacquainted and engaged in schooling.					
4.12 Develop Professional development opportunities by using highly trained consultants recognized in JJ field.	Directors	Sept 2017	PD plan for 2017-18	Robust training and follow-up	Follow-up and retraining could be on Bb. Take advantage of CEEAS options.
4.13 Develop program committees to review and select textbooks and resources.	Teachers				See also 4.1a
<b>5.0 Reentry</b>					
5.1 Work with DJS on operationalizing transition plans including <b>school records online (assessment data, credit count, credits earned, IEP, career goals).</b>	Directors, Principals	Fall 2017			Potential for eportfolios, student electronic snapshot - more reader friendly than the SR7 form (formerly 1.5), Paper records/transcript from PowerSchool
5.2 Create resource guide, tip sheet, to help parents/guardians.	Guidance-DJS	Fall 2017	General resource guide on website	Individual site/location guides	DJS MOU
5.3 Develop system to track students once leaving for follow-up data.	Guidance-DJS				DJS has address data
5.4 Improve parent communication for grades, IEP participation, progress reports, challenge/PBIS levels, accomplishments,	Guidance-DJS	Fall 2017	Conduct over the phone semi-annual parent surveys to determine parent satisfaction, and identify needs	Mail grades home, alert for special events	Could be an electronic check in, parent info system (powerschool?), mail grades home

The last monitoring report provided to the JSES communicated progress made in all but two areas. The benchmark areas not addressed were 1: the experts assisting to develop a program to create an orientation classroom (1.5), (4.11) in a detention setting. The second area, to pursue private and foundation grants (2.8).

The statement in the JJMU report on page 24 quoting from the Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report dated January 24, 2017, reflects the previous administration's leadership. The statement does not discuss the leadership change, as well as the collaboration to develop the benchmarks with the national experts.

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

The principal for Western Maryland Children Center is available by phone, video conferencing, and email when she is not on site. The principal is at the school based on the needs of the student population and staff. The number of students does not support a full-time principal.

### **Committed Placement Centers**

#### **Victor Cullen Center**

Victor Cullen Center's 90-minute classes do not significantly affect the general behavior of the student majority. Positive Behavior Interventions and Supports (PBIS) is one way to measure students' demonstration of on-task behavior.

Regarding the comment on page 41, "there are no opportunities for hands-on learning through comprehensive career and technology education courses," students attend structured Career Research Development class every day. Additionally, between September 2018 and February 2019, students successfully completed and earned industry-recognized certifications in the following areas: ServSafe – nineteen completers, ServSafe Allergens - one completer, CPR/First Aid/AED for Adults/Children/Infants - three completers, and Flagger – thirteen completers, for a total of thirty-six national certifications.

Regarding, the comment on page 41, "employment or internship experience in a nearby community", youth are court-ordered to this hardware secure facility. Allowing them to be in the community is a DJS-specific matter, which is determined by the court system.

#### **Youth Centers x 4**

Opportunities for hands-on CTE programs are restricted due to the complexity of the program requirements and the rules of safety and security; however, courses are being designed and implemented to accommodate the varying needs of JSES students.

## Maryland State Department of Education in DJS Facilities

### **Structural Issues**

The MSDE JSES has a position for a human resource liaison who is dedicated solely to JSES. The Human Resource Department at MSDE is structured similarly to a local school system. The department hire all staff for the agency comparable to how a school system hires for all departments.

The MSDE JSES procurement process is a state process that must be adhered to without exception. The JSES schools must adhere to the process since MSDE is a state agency. The legal ramifications for not following the state procurement process would be unlawful.

### **Budgetary Issues**

Funding for MSDE JSES is provided through a variety of sources. Maryland State General funds, federal funds, and reimbursable. Per pupil allocations are distributed through reimbursable funds.

The JSES receives additional funding through the Neglected and Delinquent Federal Grant to meet the academic needs of the student population. Manipulatives for mathematics, new novels for English, and additional resources aligned to the curriculum have recently been purchased. The JSES also receives Passthrough grant funding for special education, as well as Perkins funding.

### **Staffing Issues**

The MSDE JSES continues to focus on the hiring and retention of staff for the schools. The MSDE JSES staff, in collaboration with MSDE Human Resource (HR) staff, have developed flexible strategic goals to enhance the hiring process, as well as retention initiatives. Since 2016, the MSDE JSES offered a hiring and retention bonus and recently added tuition reimbursement for certificated staff. The MSDE JSES staff will remain proactive in ensuring that the strategies remain flexible, relevant, and realistic. Hopefully, these efforts will result in consistency to close the vacancy gap to a single digit, with the goal of total elimination. These efforts should simultaneously develop and maintain retention initiatives and motivate staff.

### **Differentiated instruction**

Instruction is diversified according to various student populations. For instance, in English classes, students in treatment centers and adult population students read longer texts, such as novels and biographies. Professional development has been provided to teachers on how to differentiate instruction for all students while maintaining rigor in order to meet required state standards.

### **Issue with identifying and accommodating special needs**

The report stated, “Children with disabilities are disproportionately represented in the juvenile justice system and many students may enter the MSDE JSES school system with unidentified special education needs. There is no systematic screening process for youth entering MSDE JSES schools to ensure they

have up-to-date evaluations, and if necessary, Individual Education Plans, (IEP)”(page 61). The MSDE/JSES program adheres to all state and federal laws pertaining to the Child Find Process and regulations regarding IEP implementation. All student's IEP are reviewed and services initiated upon entry into all JSES school.

### **Curriculum Issues**

Research conducted on block scheduling details benefit to student growth with advantages including more time for in depth instruction into the content. The following research articles demonstrate that block scheduling can be beneficial to student growth with advantages that includes more time to increase student understanding of the content. Since some students come to JSES with gaps in their education, explicit instruction in vocabulary, math skills, literacy skills, background knowledge, and foundations is extremely important to meet the needs of these students. The following information is provided for your reference.

Hanover Research. (2014). Optimal Scheduling for Secondary Schools. Arlington, VA. [https://www.mansfieldisd.org/uploaded/main/departments/CIA/assets/MasterScheduleStudy/Research-OptimalScheduling\\_Secondary.pdf](https://www.mansfieldisd.org/uploaded/main/departments/CIA/assets/MasterScheduleStudy/Research-OptimalScheduling_Secondary.pdf)

Retting, M.D. (no date). The Effects of Block Scheduling. Retrieved from the American Association of School Administrators site. <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=14852>

Salinger, Terry (August 2010). *Meeting the Literacy Needs of Students in Juvenile Justice Facilities*. Washington, DC: National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At Risk (NDTAC). [https://neglected-delinquent.ed.gov/sites/default/files/docs/adolescent\\_literacy\\_guide\\_201008.pdf](https://neglected-delinquent.ed.gov/sites/default/files/docs/adolescent_literacy_guide_201008.pdf)

Professional learning opportunities have been presented to educators to inform instruction through differentiation for 90-minute class periods. Research and resources are also available to teachers through the curriculum Google drive, which includes a folder on differentiation strategies, articles on how to structure a 90-minute class period, and how to engage students.

The JJMU does not take into consideration the non-traditional nature of the facilities. Not all students change classes at the same time like traditional schools. Students are dismissed individually class by class, which decreases the amount of instructional time for students. A traditional forty-five minute class would only allow for twenty to twenty-five minutes of actual instructional time, because teachers in DJS facilities are required to complete inventory control at the beginning and end of each class period. The 90-minute block provides the necessary time needed for effective instruction to take place. Block scheduling also allows students to earn additional credits.

The JSES has also contracted with Apex Learning to provide a wider array of coursework for students. Students can, through Apex blended and online learning courses, complete work in creative writing, sociology, psychology, World Languages, etc.

## **Re-entry Issues**

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 the 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.

The statement, “transition coordinators are not consistently available at the local level to help families and youth effectively navigate community school re-entry without delays,” would be determined by the local education agency. MSDE JSES does not dictate how the local school systems utilize human resources.

## **Accountability and Transparency Issues**

The MSDE JSES is not resistant to meaningful engagement with advocacy groups. The MSDE welcomes the opportunity to engage in professional, productive dialogue with advocacy groups. In fact, in 2018 a meeting was held at the request of MSDE with an advocate to address the concerns of the program. During that meeting, several concerns were stated, address by JSES, and rectified.

The statement in the JJMU report on page 24, quoting from the Implementation of the Strategic Plan for the Juvenile Services Education Program: Benchmark Report dated January 24, 2017, reflects the previous administration’s leadership and does not discuss the leadership change, as well, as the collaboration to develop the benchmarks with the national experts.

The Education Coordinating Council is the mechanism for oversight of the Juvenile Services Education Program. The Education Coordinating Council was established in 2004 by Education Article §22-305 to provide oversight for the development and implementation of the Juvenile Services Education Program provided by the MSDE in DJS facilities. The Council resides within the MSDE for administration and budgetary purposes and is chaired by the State Superintendent of Schools.

The Council’s responsibilities are outlined in Education Article §22-305 of the Annotated Code of Maryland which mandates the Council, “shall develop, recommend, and approve an educational program for each residential facility,” operated by the DJS. The Council is required by Education Article §22-306 to submit a report annually on its activities to the Governor in accordance with §2-1246 of the State Government Article, to the General Assembly.

Council members are provided with an opportunity to express their concerns, ideas, and provide input into the meeting. Each meeting provides valuable information and insight related to JSES. At the November 2018 meeting, council members voted on the new vision and mission statement, as well as policy updates. Members shared many positive comments about the initiatives in JSES schools and the collaboration with DJS.

It should be noted that the pilot at Noyes was begun before the passage of House Bill 1607 through cooperation between Dr. Karen Salmon and Dr. Jack Smith. The MCPS and MSDE were involved in collaborative, organizational meetings that resulted in positive educational improvements and enhancement at Noyes. The current rhetoric of, “The school at the DJS Noyes detention Center in

Rockville must be taken over and operated by Montgomery County Public Schools (MCPS) as mandated by the enabling legislation for the pilot program” is jeopardizing that initiative. House Bill 1607 does not “mandate” the “take-over of Noyes by MCPS. The legislation states, “The department, after consultation with the county boards of education shall identify one juvenile services program to participate in the program.” Currently, MSDE and MCPS are implementing House Bill 1607 as directed.

Students and instruction are our top priorities. The JSES schools are unique because each school has an ever-changing population of students who stay for various lengths of time. The workgroup for Chapter 565 of the Acts of 2018 (House Bill 1607) has convened, developed sub-groups and has begun the study of an adequate population-based budget or a funding formula, school calendar, resolutions to challenges related to staffing and curriculum, eliminating disparities in course offerings, and establishing an independent board. Efforts to ensure that opportunities are provided for all JSES students are on-going and will continue.