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Report on the Department of Juvenile Services use of Restraints and Search Policies

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INTRODUCTION

Senate Bill 982 (Chapter 487, 2017 Maryland Laws), the Maryland General Assembly requested that the Department of Juvenile Services (DJS or Department), provide information regarding the implementation of recommendations made by the Task Force to Study the Restraints, Searches, and Needs of Children in the Juvenile Justice System.

Specifically, the budget committees requested the following information:

- An update on DJS' progress in implementing the recommendations;
- Data on the use of visual body searches pertaining to the circumstances, frequency, and outcomes for searches conducted in fiscal year 2017;
- Data on the number of times that youth are transported in mechanical restraints from a staff secure placement, while being released on an earned homes pass, or released back to the community; and
- An evaluation of the potential for creating a non-secure transportation unit, including both the fiscal and operational impact.

The Task Force to Study the Restraints, Searches and Needs of Children in the Juvenile Justice System (Task Force) was established through House Bill 1643 during the 2016 session of the Maryland General Assembly. The Task Force was charged with reviewing DJS policies and practices regarding the use of mechanical restraints and visual body searches and making recommendations on potential police and procedures modifications. The Task Force submitted a report to the General Assembly on December 31, 2016.

DJS RESPONSE

The Department seeks to employ policies and procedures that are designed to keep youth, staff and the community safe while balancing the dignity of the youth we serve. The department's policies and procedures related to visual body searches¹ have been reviewed by the Department of Justice and found to be 100% compliant with the Prison Rape Elimination Act.

¹ The department uses the term "visual body search" when referencing a search that requires removal of clothing and a visual inspection of the body for weapons or contraband.



The Department fully participated and contributed to the Task Force review of Departmental policies and procedures related to the use of visual body searches of youth in juvenile detention and Department committed facilities. The Department also provided a comprehensive overview of national juvenile standards and the use of visual body searches in juvenile facilities across the country.

I. Implementation of Task Force Recommendation

As indicated in the Joint Chairmen's Report, DJS has agreed to implement a number of the recommendations made by the Task Force. DJS issued a directive² on May 23, 2017 (directive) that modified policy and procedures to implement several Task Force recommendations. The changes in policy and procedures are detailed in the following sections.

a. Visual Body Searches

When Visual Body Searches are Conducted

Generally, prior to May 23, 2017 DJS conducted visual body searches in the following circumstances:

- At each new admission;
- After attorney visitation;
- After family visitation; and
- When a youth returned from any off-campus outing.

Informed by the Task Force, DJS modified visual body search policy and procedures through a directive to all staff. Pursuant to the directive, DJS conducts a visual body search in the following circumstances.

- At each new admission;
- After family visitation³;
- Upon return from a home visit and any other unsupervised off-campus event.

DJS has prohibited visual body searches in the following circumstances, unless staff has a reasonable belief that a youth is in possession of contraband.

- Return to a facility after an off-campus trip, if the youth remains under the direct and continuous supervision of department staff;
- After visits with attorneys; and
- When a youth transfers from a DJS facility to another DJS facility, if the youth remains under the direct and continuous supervision of department staff.

Graduated Approach

If staff have a reasonable belief that a youth is in possession of contraband, the directive requires staff to initiate a graduated approach to attempt to recover suspected contraband without conducting a visual body search. Staff are directed to make every effort to obtain the youth's cooperation to voluntarily surrender suspected contraband. If further search is required, then staff are directed to complete a pat down search and/or utilize a metal detector wand to recover suspected contraband. If the graduated approach does not yield recovery of the suspected contraband and the staff continues to have reasonable believe a youth is in possession of contraband, the staff may seek approval from a facility superintendent to conduct a visual body search.

Installation of Visitation Video Cameras

DJS procured and installed pan and zoom cameras in all DJS detention and committed facilities. The cameras add an extra layer of surveillance without frustrating the visitation between youth and their families, while mitigating security risks.

² Refer to Appendix A – May 23, 2017 Directive

³ Since the installation of the cameras in the DJS facilities, visual body searches have been discontinued unless there is a reasonable belief a youth is in possession of contraband. A directive formalizing this procedure was issued on November 30, 2017. For more information, please refer to the section titled, "Installation of Visitation Video Cameras."

DJS tested and fine-tuned the technical capabilities of the video cameras between July and November 2017. On November 30, 2017, a directive⁴ was issued to prohibit visual body searches after family visitation unless staff has a reasonable belief that a youth is in possession of contraband.

Reporting

DJS updated procedures to require that all visual body searches based on reasonable belief of contraband be documented by completing an incident report. The report is required to state the reason for the search and identify any contraband that was recovered.

DJS plans on further enhancing our ability to monitor outcomes of visual body searches at admission to a facility by making additional changes to the incident reporting procedures and database.

Provision of Gown for All Searches

In any instance when a visual body search is conducted a youth shall be provided with a gown prior to the search.

b. Mechanical Restraints

Transports for Home Visit or Release to the Community

Since May 23, 2017, DJS requires that all transports of youth for a home visit or release to the community shall be non-secure, meaning without any mechanical restraints.

Secure Transport Modifications

The directive also modified procedures to require youth in mechanical restraints be permitted a five-minute break without any restraints in the rare instance a secure transport exceeds four hours. Additionally, during a secure transport staff are required to completely remove handcuffs for a youth's use of the bathroom.

II. Data on the use of visual body searches pertaining to the circumstances, frequency and outcomes for searches conducted in fiscal year 2017.

DJS tracks the use of reasonable belief visual body searches through the Department's incident reporting system. There have been no occasions of a reasonable belief visual body search reported since the directive went into effect on May 23, 2017⁵.

Additionally, the presence of contraband in DJS facilities decreased to 29 incidents between July 1, 2017 and November 10, 2017 from 33 incidents during the same time-period in 2016.

III. Data on the number of times that youth are transported in mechanical restraints from a staff secure placement, while being released on an earned home pass or released back to the community.

As of May 23, 2017, DJS prohibits the use of mechanical restraints when a youth is transported due to an earned home pass or release to the community. Since that time, there have been no reported uses of mechanical restraints during transports for a home pass or release to the community.

⁴ Refer to Appendix B – November 30, 2017 Directive

⁵ There have been no reported uses of reasonable belief visual body searches between May 23, 2017 and November 10, 2017.

In FY 2017, the average number of secure transports of youth in mechanical restraints from the youth DJS staff secure placements (DJS Youth camps) is 49 per month. Generally, these transports are for court appearances across the State.

IV. An evaluation of the potential for creating a non-secure transportation unit, including both the fiscal and operational impact.

The Department operates one statewide unit that is responsible for youth transportation needs across the State. It is DJS policy that generally all transportation unit transports are secure, meaning mechanical restraints are used. The task force requested that the department evaluate the ability to create a separate non-secure transportation unit for DJS staff secure programs.

Currently, the statewide unit provides transportation services for all detention and committed facilities. The overwhelming majority of transports are pre-trial and for the purpose of court appearances. Since DJS operates a statewide system that requires transports from all 13 facilities daily, DJS utilizes a system of relays to efficiently transport youth to their destination.

For example, DJS transport would pick-up all youth at the western region youth camps who need to go to court. Most likely, all youth will not be transported to the same location. Some youth may need to go to Baltimore County and others may need to go to the Eastern Shore. To leverage all department resources and efficiently get youth to their destination, the transportation officer may meet at the Baltimore City Juvenile Justice Center where the youth would connect with another transportation unit to go to the eastern shore with other youth from the state. Likewise, youth needing to go to court in Baltimore County would be transported with other youth from around the State who need to appear at that destination.

The current system allows DJS to use all resources to take youth to the various places they are required to appear. If DJS were to operate a separate non-secure transportation system, just for the three youth camps in Western Maryland, DJS would be unable to utilize the other secure transportation units from around the state. It is well-settled policy, and agreed upon by the Task Force membership, that a transportation van should not accommodate some youth in restraints and others not in restraints due to the enhanced security risk that would present. If unable to rely on the availability to relay with other statewide transportation units, the non-secure transportation unit would have to provide point-to-point transports. Meaning that if there was one youth that had to go to the Eastern Shore and another that had to appear in Baltimore County, DJS would need two separate units to transport that youth.

To evaluate the fiscal impact of a separate unit, DJS concludes that each youth center would require two vans (based on the average for 49 transports per month in FY 2017). It is DJS policy that each transport van shall have two staff. The annual cost for two vans with two staff each for each the three youth camps would be approximately \$740,000.00. There would be an initial cost of \$153,420.00 for the purchase of the vehicles⁶.

Although there is a significant fiscal and operational cost to implementing a non-secure transportation unit for the three Western Maryland youth camps, DJS has identified potential strategies to mitigate the cost. However, to implement these strategies cooperation from other juvenile justice system stakeholders would be required. Examples of strategies that may reduce the cost are:

- Utilization of video-conferencing for court review hearings;
- Organizing court calendars around the State to stagger; and/or
- Reduce the number of court reviews, or other non-statutory court appearances.

⁶ Please refer to Appendix C, Fiscal Worksheet for the breakdown in cost

A budget appropriation for equipment and staff would be required to implement an additional non-secure transportation unit.

Conclusion

The Department is committed to maintaining a safe and secure environment for the youth we serve, the staff and the public. The Department will continue to monitor the implementation of changes to policy and procedure as it relates to the utilization of visual body searches and mechanical restraints to ensure compliance, safety, and security.

Appendix C – Non-Secure Transportation Unit

Project: Non Secure Transportation Unit

Purpose: To look at costs involved of running a Non-Secure Transportation Unit exclusively for Staff Secure Programs.

Discussion Points during meeting : Calculations based on 3 Youth Centers excluding Savage Mountain, as it will become hardware secure after the construction is completed
The calculation below is based on 3 vehicles and 8 transportation officers (6 plus 2 based on relief factor).

| Description | Capacity | ADP | Hrs/Day s | Capacity | ADP | Relief Factor | Capacity | ADP | Positions needed |
|------------------------|----------|-----|--------------|----------|-----|------------------|----------|------|---------------------|
| Transportation Officer | | | 8/5 | 6 | 6 | 1.26 | 7.56 | 7.56 | 8.00 |

| | | | |
|--------------------------|--------------|---|----------|
| Position and Grade | \$ 39,654.00 | DJS Youth Transportation Officer II, Grade 12, Step 4, Annual | \$39,654 |
| Hourly Rate | \$ 19.06 | | |
| Overtime Hrs | 75 | Based on overtime for FY 2018 (10 PPEs) for Transportation Officers in the Western Region. Average of 75 hr per week. | |
| Overtime Rate | \$ 28.60 | | |
| Overtime PPE | 26 | | |
| Health Insurance | \$ 9,425.00 | Per employee | |
| Health Insurance Retiree | \$ 5,467.00 | Per employee | |
| Vehicles Needed | \$ 6.00 | 2 van per YC | |
| Cost of Chevy Van | \$ 25,570.00 | | |
| Annual Mileage | \$ 25,000.00 | Based on 6 months mileage data for 9 vehicles in the Western Region | |
| Fuel and Maintenance | \$ 0.55 | | |

Annual Cost

| | |
|-----------------------------|----------------------|
| Regular Salary | \$ 317,232.00 |
| FICA | \$ 23,094.49 |
| Unemployment | \$ 888.25 |
| Retirement | \$ 61,289.22 |
| Health Insurance | \$ 75,400.00 |
| Health Insurance Retiree | \$ 43,736.00 |
| Overtime | \$ 55,750.50 |
| Fuel & Maintenance | \$ 82,500.00 |
| Other Operating | \$ 78,800.00 |
| Projected Total Cost | \$ 738,690.46 |

Travel, Supplies, Uniforms based on 3 yr average

Initial purchase cost of vehicle \$ 153,420.00