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

FACILITY REPORT
BALTIMORE CITY JUVENILE JUSTICE CENTER
JANUARY – MARCH, 2009

Facility: Baltimore City Juvenile Justice Center
300 North Gay Street
Baltimore, MD 21202
Administrator: Johnitha McNair, Superintendent

Date(s) of Visit: January 7, 9, 10 (Advisory Board), 22
February 5, 14 (Advisory Board), 24
March 10, 11, 14 (Advisory Board),
18, 20, 25, 28, 2009

Reported by: Claudia Wright
Senior Monitor

Persons Interviewed: Administrators, Staff, Vendors, Youth

Date of Report: April 2009

INTRODUCTION

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

SUMMARY OF CRITICAL FINDINGS

- Overcrowding in Unit 23 is a result of using the Unit to house both orientation status youth and vulnerable youth.
- Quality of staff supervision has not improved during the quarter.
- Violence has increased across the board even though population decreased by 15%.
- Group disturbances have increased significantly.
- Injuries resulting from restraint have doubled.
- Metal handcuffs are used extensively to restrain youth.
- Boys Club is available to youth only two hours per week.
- DJS/OIG sustained allegations of improper conduct of employees and recommended disciplinary action in 9 of 10 investigations during the quarter.

FINDINGS

1. Population

a. General

Facility Capacity	High Population	Low Population	Average Daily Population	Average Monthly Population	Number of Days Over Capacity
120	126	101	114	January 117 February 112 March 110	10

Two units were closed and renovated to accommodate the Boys Club program. Rated capacity was lowered to 120.

Unit 23 on the D Pod was often overcrowded during the quarter. Unit 23 is designated as the Orientation Unit. Youth are placed in this Unit upon arrival at the facility, and are expected to stay for 3 days, or until initial processing is completed. Youth do not attend school while they live in Unit 23. They are sometimes given worksheets from the school, but they do not receive instruction from teachers. Unit 23 is

also used for housing vulnerable youth, youth on suicide watch and those who have been in fights or have enemies on other units.

On February 24, there were 11 youth on Unit 23, with 6 youth having been there for more than one week and one youth there for more than one month. On March 10, 20 youth were assigned to Unit 23 for the day. Ten had been there for more than 3 days; one had been in the Unit for 62 days and one for 82 days.

On March 20, there were 14 youth on the Unit: 2 had been there 7 days and 2 had been there 8 days. On March 25, there were 13 boys on the Unit, including one who had been assigned to Unit 23 for more than 2 months. On April 3, 13 youth were present in the Unit and 17 listed in the population log as assigned to Unit 23. Two of the youths were on suicide watch. Mixing of orientation and vulnerable populations creates a security risk and contributes to chronic overcrowding in this Unit.

b. Detention and Pending Placement

	Number of Youth in Status 60+ Days	Number of Youth in Status 90+ Days	Average Length of Stay
Detention	5 (61, 64, 65, 65, 67)	2 (107, 405)	12.08
Pending Placement	1 (65)	5 (94,142, 147,149,173)	10.33

c. Population Breakdown by Race/Ethnicity

	1st Quarter 2008	1st Quarter 2009
Total # of Youth Detained	778	868
White	18	31
African American	749	827
Other	11	10

Applicable Standard

Md. Dept. of Juvenile Services Policy and Procedure RF-01-08 Classification of Youth in Detention Facilities *The Department of Juvenile Services (DJS) shall ensure a safe, secure and stable environment for detention facilities. Each facility shall implement an objective internal classification system to assess youths' potential vulnerability and supervision needs, and shall utilize the results of the classification assessment to guide appropriate housing decisions. The classification assessment shall be implemented for all youth on their admission to the facility and shall provide for reclassification in response to circumstances or special needs that may require modification of housing assignments.*

2. Staffing

a. General

The quality of staff supervision of youth has not improved at BCJJC during the 1st quarter. In the Third Monitors' Report submitted by the CRIPA monitors¹ on December 31, 2008, pursuant to the Settlement Agreement between the United States Department of Justice and the DJS, the Monitors state:

Although the facility assigns the proper number of staff to housing units to meet required staffing ratios, one of the more obvious contributors to the problem of youth violence at BCJJC is the lack of direct care staff skill in supervising youth. (emphasis in original) Incident reports are replete with examples of staff abandoning their posts temporarily (providing an opportunity for youth to fight) or failing to fully account for the youth in their care (allowing them to go into another area undetected) or ignoring obvious signs of tension or frustration among youth that escalate into violence. Improving staff skill in this area is essential to meeting the requirements of this Agreement."²

Lack of staff skill is evident in the reports of the DJS/OIG filed during the 1st quarter. Findings of improper conduct were sustained in nine separate incidents involving 17 staff, including six supervisors. The CRIPA Monitor also noted in the report referenced above:

Of serious concern is the fact that throughout the monitoring period, several incidents were identified in which staff did not accurately and completely recount the events that occurred via the incident reporting process." (emphasis in original).³

¹ CRIPA Monitors evaluate the State's progress on the federal civil rights case involving conditions at the Baltimore City Juvenile Justice Center. If conditions improve sufficiently, the U.S. Department of Justice is scheduled to dismiss the case on June 30 of this year.

² Third Monitors' Report, December 31, 2008, at page 11.

³ Third Monitors' Report, December 31, 2008, at page 14.

The failure of BCJJC staff to file accurate reports was reported by this Office in a Special Report issued November 1, 2008.

Applicable Standards

Md. Standards for Juvenile Detention Facilities 5.1.3 Staffing *Staffing arrangements shall aim to provide a safe, humane, and caring environment.*

Md. Dept. of Juvenile Services Policy and Procedure MGMT-03-07 Incident Reporting Policy *The Department of Juvenile Services(DJS) employees ... shall report and manage incidents involving a youth or program in a manner that provides for the public safety and the proper care, health, safety and humane treatment of DJS youth.*

3. Safety and Security

a. Aggregate Incidents

Incident Categories	1st Quarter 2008	1st Quarter 2009
1. Youth on Youth Assault	167	183
2. Youth on Staff Assault	30	18
3. Group Disturbances (with bodily harm or property damage)	5	59
4. Group Disturbances (without bodily harm or property damage)	7	18
5. Restraints	256	239
6. Restraints with Injury	51	136
7. Seclusions more than 8 hours	24	7
8. Allegations of Child Abuse (DJS custody)	0	2
9. Escapes	0	0
10. Suicide Attempts, Ideation, Gestures, Behavior	15	17

1. Group Disturbances

Group disturbances increased at an alarming rate between the 1st quarter of 2008 and the first quarter of 2009. On January 3, a shift commander accidentally left the door to the gymnasium unsecured allowing youth from Unit 41 to enter and attack youth from Unit 32.⁴ On January 27, Unit 31 attacked Unit 32 in the school. Sixteen youth and one staff were injured in the incident; 42 youth were held in seclusion.⁵ On January 28, youths barricaded themselves into the case manager's office on Unit 31 (see Special

⁴ DJS/OIG Report #09-70044

⁵ DJS/OIG Report #09-70567

Report, November 1 2008 in reference to a similar incident); two staff members subsequently assaulted (striking about the face and head) one of the youths .⁶

On February 21, a group disturbance in unit 30 resulted in injuries to 3 youths.⁷ On March 22, 3 youths were injured in a group disturbance on Unit 21; one required treatment at the emergency room.⁸ There were 77 group disturbances during the quarter, compared with 26 in the 3rd quarter of 2008 and 12 in the 1st quarter of 2008.

c. Restraints

Although the number of documented restraints is down from last year, the number of injuries resulting from restraint has more than doubled. Mechanical restraints (metal handcuffs) are commonly utilized at BCJJC, even though such equipment is prohibited by the Juvenile Detention Alternatives Initiative (JDAI) Standards to which the Department is committed (See JJMU 3rd Quarter Report 2008). Staff indicate that handcuffs are used in “virtually every restraint.” Injuries are more likely to result from restraint when metal handcuffs are used.

Applicable Standards

Md. Standards for Juvenile Detention Facilities 5.1.1 Security and Control *Security in a detention facility shall recognize and balance the legitimate need for security and safety felt by staff and society with the residents’ need for a setting that provides them with safety and a reasonable quality of life.*

Md. Department of Juvenile Services Policy and Procedure RF-02-07 Use of Crisis Management (CPM) Techniques Policy *Employees of the Department of Juvenile Services (DJS) ... shall establish and maintain a safe and orderly environment within each facility.*

Juvenile Detention Alternatives Initiative, Annie E. Casey Foundation, Standards VI.A.2.b *Except for handcuffs used during transportation or facility emergencies, the only mechanical restraints that staff may use in the facility are soft or “therapeutic” restraints: fleece-lined leather, rubber, or canvas hand and leg restraints, and only with physician or mental health authorization...*

4. Physical Plant and Basic Services

a. Fire Safety

Sprinklers and alarms are maintained quarterly by a contractor. Sprinklers are re-set promptly after false alarms. However, there is cause for concern because when a

⁶ DJS/OIG Report #09-70662

⁷ DJS/OIG Report #09-71239

⁸ DJS/OIG Report #09-72058

sprinkler is set off by a youth, the water must be turned off until the sprinkler can be re-set. While the water is turned off, the Unit is unprotected.

A current Fire Marshal's report is on file in the maintenance department.

b. Physical Plant

Two Units on the F Pod are now used to house the Boys Club program. Because these Units are no longer available for housing, the rated capacity of the facility was reduced to 120. The other two Units on the F Pod house a new "VPI" program. The particulars of this program have not been reduced to writing, but were described by the Superintendent to the BCJJC Advisory Board on January 10. Youth who meet the criteria of the Violence Prevention Initiative (a community program designed to assist youth who victimize and who are likely to be victims) will be housed in these Units and provided with intensified programming. During the quarter these Units had relatively low populations, sometimes as few as four youth assigned to the Unit.

Construction was completed during the quarter on two new classrooms for the school. These new classrooms are located in the area previously used for storage. Administrators hope that these new classrooms will alleviate overcrowding in the school area.

c. Basic Services

Current health inspections are on file in the Kitchen. Most youth eat at least one meal per day in the dining area, but all other meals are served in the Units. Food service in the living Units creates both health and security concerns. Food is served in Styrofoam containers which pose environmental and fire hazards.

Youth rarely complain about the quality and quantity of food. However, it is still a common practice for youths to use food, and theft of food, for purposes of intimidation and threat to vulnerable and inexperienced youth.

Applicable Standards

Md. Standards for Juvenile Detention Facilities 5.2.1 *All detention facilities shall conform to State fire safety requirements.*

Md. Standards for Juvenile Detention Facilities 5.5.6 Health and Safety Regulations *Food service shall comply with applicable sanitation codes as promulgated by the federal, state and local authorities including but not limited to COMAR 10.15.03*

5. Education

No education issues reported at this time.

6. Rehabilitative and Recreational Programming

a. Therapeutic Program

The Boys Club at BCJJC program was fully implemented during the 1st quarter. The program takes place in Units 42 and 43 on the F Pod. These two Units were brightly painted and appropriate furniture was installed to accommodate the program.

Every youth at BCJJC attends the program. Youth attend with their assigned Units. Each youth attends the program 1 hour during the week, and one hour on the weekends. Unit 41 also attends the program during one lunch hour per week. Programs take place from 4:30 to 7:15 each afternoon and continuously on Saturday and Sunday. Boys Club also sponsors special activities such as basketball tournaments and chess or checker tournaments.

The hour-long program segments begin with group participation in "Passage to Manhood," a curriculum created by the Boys Club. "Passage to Manhood" includes group readings about famous African Americans, discussion of special topics such as conflict resolution, a number of the day and a word of the day. Youth appear to be engaged in and enjoying the program. The second half of each program is free recreation, which involves use of the Boys Club equipment including a Wii, video games, recording equipment, a library and board games.

The Boys Club at BCJJC has the potential to have a positive effect on detained youth. The staff is dynamic and deeply committed to the program. However, considering that a variety of popular programs were discontinued in favor of Boys Club, it does not appear that the youth or the Department are getting much bang for the buck. Two hours per week of programming is not nearly enough to diminish idle time. Even with 1 hour per day of physical recreation, ART (Aggression Replacement Training) groups led during lunch hour by mental health personnel, and school, many hours remain empty, especially on weekends. Most youth spend most of their time playing cards or watching TV.

b. Parental Involvement

Youth are allowed two ten-minute phone calls per week to families. Families may visit on Saturdays, Sundays and Wednesdays, and, for level 4 youth, on Fridays.

Applicable Standard

Md. Dept. of Juvenile Services Policy and Procedure RF-08-07 Recreational Activities Policy *The Department of Juvenile Services (DJS) shall provide recreation and leisure activities to youth in DJS residential facilities and programs to promote skill development and prevent idleness. Recreation shall be available to all youth each day. Leisure activities shall be provided to alleviate boredom, provide positive reinforcement and develop skills of cooperation, teamwork and sportsmanship.*

7. Medical and Behavioral Health

a. Basic Medical Services

Medical and dental preventive services and treatment are provided in a timely and competent manner. Records are complete and well maintained. Medical staff refer cases to specialists and to emergency rooms when necessary.

b. Medical Staff

The Medical Department is fully staffed.

c. Mental Health Services

Mental Health services are provided by Hope Health Systems, Inc. They do mental health assessments, lead Aggression Replacement Training (ART) classes and substance abuse groups, and conduct some limited individual therapy. Hope Health Systems provides a large staff of professionals on site at the Justice Center.

Applicable Standards

Md. Standards for Juvenile Detention Facilities 4.3.1 Somatic Health Services *Delivery of health care services shall be in accordance with established Departmental policy and procedures.*

Md. Standards of Juvenile Detention Facilities 4.3.2 Mental Health Services *The Department shall be responsible for acquiring, either directly or by agreement or contract with a public or private mental health agency, necessary mental health care and services for youth within facilities operated by the Department and its vendors. All mental health services shall be provided in accordance with guidance from the Department of Health and Mental Hygiene.*

8. Youth Advocacy, Internal Monitoring and Investigation

a. Youth Advocacy

DJS Youth Advocates respond in a timely and appropriate manner to grievances filed by BCJJC youth. Eleven grievances were filed during the 1st quarter. Residents at BCJJC rarely file grievances because of the self-imposed prohibition against snitching.

b. Internal Monitoring

BCJJC is monitored by CRIPA and the Governor's Office for Crime Control and Prevention (GOCCP) as well as by this office. CRIPA submitted a Third Monitors' Report on December 31, 2008 and will be filing a Fourth Report on June 30, 2009. GOCCP filed its report in September 2008.

The DJS Office of Quality Assurance and Accountability issued its most recent report on March 20, 2009.⁹

c. Incident and Child Abuse Reporting and Investigation

The DJS Officer of Inspector General submitted 10 full investigation reports during the 1st quarter based on incidents at the Justice Center. Nine of those reports included sustained allegations of improper conduct by staff and recommended disciplinary action.

There were two allegations of child abuse filed during the 1st quarter. DJS/OIG sustained violations of Departmental policy and recommended disciplinary action in both cases. Both cases were ruled out by Baltimore City Child Protective Services.

Applicable Standard

Md. Dept. of Juvenile Services Policy and Procedure MGMT-03-07 Incident Reporting Policy *The Department of Juvenile Services (DJS) employees ... shall report and manage incidents involving a youth or program in a manner that provides for the public safety and the proper care, health, safety and humane treatment of DJS youth. Additionally, DJS employees ... shall notify law enforcement and the local Department of Social Services (DSS) of incidents as required by law.*

⁹ <http://www.djs.state.md.us/quality-assurance/qir-bcjjc.pdf>

RECOMMENDATIONS

1. Unit 23 should house only youth in orientation status. Unit 23 youth should be allowed to go to school or have instruction delivered in the Unit.
2. Skilled and experienced staff from other parts of the state should be re-deployed to the Baltimore City Juvenile Justice Center
3. Population should be reduced to no more than 48 youth to reduce the level of violence in the facility.
4. Metal handcuffs should not be used to restrain youth.
5. Youth should attend the Boys club program more than 2 hours per week.

UNABATED CONDITIONS

1. Levels of violence at BCJJC continue to rise.
2. Therapeutic and recreational program are inadequate to meet the needs of the population.
3. Metal handcuffs are used for restraint.