



Maryland Department of
Juvenile Services
Treating • Supporting • Protecting

DJS RESPONSE TO JJMU 2010 ANNUAL REPORT
February 14, 2011

This DJS Response to the JJMU 2010 Annual Report is organized in three sections:

- Response to the JJMU Summary Regarding Population, Safety and Security, Girls Services, and Cheltenham Youth Facility
- Response to individual facility updates
- 2010 Major Accomplishments that enhance facility and youth safety

Response to the JJMU Summary

Population and Pending Placement

- ***DJS is currently recruiting to hire over 60 additional Resident Advisors for youth supervision in facilities statewide, in addition to hiring direct care facility staff throughout the year.***
- ***DJS facilities experienced temporary population spikes that did not compromise safety and security.***
- ***DJS consistently met youth-staff supervision ratios, sometimes through the use of overtime, including during temporary periods of high detention population.***
- ***Courts control the front door in DJS detention facilities. DJS supports public safety by providing appropriate conditions of confinement for youth ordered to secure detention and by expediting case processing.***
- ***DJS acknowledges the need for in-state treatment beds, but this response documents that lengths of stay pending placement in detention centers have not increased substantially.***

The JJMU Report identifies the number of youth pending placement for 60 days or more in 2009 and 2010 at five facilities. Analysis of the same population and length of stay data provided in the JJMU Report shows that less than one-half of one percent of all

youth admitted to each of the identified facilities in both years were pending placement for 60 days or more:

Pending Placement Youth as Percent of Total Youth Admitted in 2009 and 2010

<u>Facility</u>	<u>2009</u>	<u>2010</u>
<u>BCJJC</u>	<u>.03%</u>	<u>.06%</u>
<u>CYF</u>	<u>.02%</u>	<u>.03%</u>
<u>Hickey</u>	<u>.04%</u>	<u>.05%</u>
<u>Noyes</u>	<u>.02%</u>	<u>.02%</u>
<u>Waxter</u>	<u>.02%</u>	<u>.01%</u>

DJS has acknowledged the need for additional in-state treatment beds, and continues every effort to expedite case processing, but careful and complete analysis would also identify the factors contributing to extended lengths of stay in detention centers for this small proportion of youth, including pending adult criminal charges and other factors outside of DJS control.

The JJMU allege that many youth do not have to be held in detention centers but rather can be pending placement in non-secure programs in the community.¹ DJS requested from the JJMU the names of youth they believe were able to remain safely in the community rather than in detention pending placement, so that we could clarify and discuss this information, but it was not provided to DJS.

The JJMU also conclude that detention populations are driven up because “shelter beds are rarely available.” Shelters may occasionally be temporarily full but can usually accommodate youth with court orders for shelter placement. DJS requests that the JJMU provide documentation to support their conclusion so that we may clarify.

DJS does effectively use alternatives to detention consistent with court orders and public safety; while more alternatives are desirable, compared with all other states, Maryland has the 7th lowest rate of juvenile incarceration in the country.²

The chart below, constructed by the JJMU using data published by DJS, shows that the average daily population throughout 2010 in the identified detention facilities was either at or below rated capacity, and that identifying the facilities as “overcrowded” based on “High Population” and “Number of Days Over Capacity” data is misleading, because the facilities may have been over the rated capacity for only one day or by one youth.

¹ The JJMU Report also asserts that pending placement youth can remain in the community, rather than detention, with “effective inter-agency collaboration with the Maryland Department of Human Resources (DHR)” (JJMU 2010 Annual Report at p. 8). DJS requests that JJMU clarify the type of collaboration with DHR that is referenced by this statement and how this collaboration would reduce secure detention populations.

² OJJDP Fact Sheet (February 2010), data based on U. S. Census of Juveniles in Residential Placement 2007.

Name	DJS –set Facility Capacity	High Population	Low Population	Average Daily Population	Number of Days Over Capacity
BCJJC	120	135	90	119	189
CYF	115	140	90	116	243
LESCC	24	30	15	24	123
WMCC	24	30	15	24	210
Carter	15	15	7	13	0
Noyes	57	70	35	52	67
Waxter	68	51	22	35	36
Hickey	101*	100	43	82	83

* Chart amended from JJMU version to include correct rated capacity for Hickey, and highlighting added.

The JJMU reference a Florida statute concerning duration of detention. This statute appears to apply in certain circumstances which are subject to certain extensions by the court. In Maryland, time in detention is closely monitored by the juvenile court, and while there is no overall statutory limit on the amount of time a youth may be in detention, the court nevertheless may only extend time in detention "in increments of not more than 14 days." See Cts. & Jud. Proc. 3-8A-15(d)(6)(iii).

Safety and Security

- ***DJS safely managed temporary increases in the youth detention population. The overall rate of incidents in detention facilities remained low including during periods of higher population in many detention facilities.***
- ***DJS facilities are safe, secure and provide appropriate care for youth, as evidenced by the successful exit from all federal oversight, meeting or exceeding national performance-based best-practice standards, and the overall downward trend in incidents in our facilities during 2010.***
- ***Indicators of performance in key safety and security areas that DJS tracks and reports trended in a positive direction, comparing 2009 to 2010 at many facilities. Though we appreciate that the JJMU reported some of the reduction in number of incidents, they do not report the corresponding population in each facility by calculating the rate (calculations of incidents per 100 youth days), the standard method for assessing whether incidents increased or decreased by taking into account fluctuations in youth population. Examples are below.***

Cheltenham Youth Facility

Incident Categories	CY 2009		CY 2010		Number	Rate
	# of Incident	Rate per 100 youth days	# of Incident	Rate per 100 youth days	Change	Change
1. Youth on Youth Assault	240	0.042	221	0.043	-8%	3%
2. Youth on Youth Assault with Injury	111	0.019	106	0.021	-5%	7%
3. Youth on Staff Assault	35	0.006	11	0.002	-69%	-65%
4. Alleged Youth on Staff Assault with Injury	13	0.002	2	0.000	-85%	-83%
5. Group Disturbances (injury/property destruction)	15	0.003	12	0.002	-20%	-10%
6. Group Disturbances (without injury/destruction)	8	0.001	3	0.001	-63%	-58%

Baltimore City Juvenile Justice Center

Incident Categories	CY 2009		CY 2010		Number	Rate
	# of Incident	Rate per 100 youth days	# of Incident	Rate per 100 youth days	Change	Change
1. Youth on Youth Assault	689	0.138	462	0.088	-33%	-36%
2. Youth on Youth Assault with Injury	455	0.091	257	0.049	-44%	-46%
3. Youth on Staff Assault	76	0.015	50	0.010	-34%	-37%
4. Alleged Youth on Staff Assault with Injury	25	0.005	12	0.002	-52%	-54%
5. Group Disturbances (injury/property destruction)	136	0.027	38	0.007	-72%	-73%
6. Group Disturbances (without injury/destruction)	32	0.006	13	0.002	-59%	-61%

Noyes Children's Center

Incident Categories	CY 2009		CY 2010		Number	Rate
	# of Incident	Rate per 100 youth days	# of Incident	Rate per 100 youth days	Change	Change
1. Youth on Youth Assault	141	0.062	132	0.058	-6%	-7%
2. Youth on Youth Assault with Injury	102	0.045	94	0.041	-8%	-8%
3. Youth on Staff Assault	39	0.017	19	0.008	-51%	-51%
4. Alleged Youth on Staff Assault with Injury	13	0.006	4	0.002	-69%	-69%
5. Group Disturbances (injury/property destruction)	8	0.004	5	0.002	-38%	-38%
6. Group Disturbances (without injury/destruction)	3	0.001	1	0.000	-67%	-67%

- ***DJS detention facilities meet American Correctional Association (ACA) standards for youth housing.***

The JJMU appear to conclude that facilities or housing units are “overcrowded” when two youth share a sleeping room.³ While newly constructed DJS juvenile facilities will provide individual sleeping rooms, DJS complies with ACA standards for existing juvenile facilities by providing the required amount of space in sleeping rooms shared by two youth. Single rooms are used for youth with special needs or behavioral issues as determined by the facility’s housing classification system.

³ ACA Standards Supplement (2008). The JJMU Report uses the term “cell” to identify youth sleeping areas. DJS and ACA use the word “room” for youth housing in juvenile facilities.

Girls Services

Maryland detains and commits for placement a very small number of girls. As of February 14, 2011, only 8 girls are placed in-state and 1 girl is placed out-of-state in secure care.

The staff at Waxter are deeply committed to providing the best services to the girls in their care. DJS provides an array of services to the girls at Waxter including mental health and addictions counseling, education and medical.

While Waxter is an old facility not ideally suited for treatment, DJS has made improvements to the interior such as re-painting the walls, carpeting the floors inside the girls' rooms and completely renovating the showers and bathrooms. It is our goal to provide an appropriate environment for the girls in our care at Waxter and our other facilities. At this time, we are examining options at all of our options for housing girls.

All staff who work with girls are required to receive Gender Responsive Training. This training is designed to increase awareness for the direct care staff of trauma and other experiences specific to girls in the juvenile justice system.

Providing "substantially equivalent" girls services including a day and evening reporting center is an important objective for DJS. A Girls Services Task Force was convened in the Spring of 2011 comprised of youth advocates, DJS staff, public defenders, legislators, judges and subject-matter experts. Girls in the community are eligible for and receive Evidence-based Services and Community Detention.

Cheltenham Youth Facility (CYF)

While CYF experienced population spikes in 2010 as reported by JJMU, safety and services were not compromised.

The JJMU assert that DJS did not provide many promised safety enhancements but we document below that, in addition to security fencing, video surveillance and an automated guard patrol system that were previously in place, DJS enhanced security and safety technology and practices as follows:

- The entrance and exit point to the facility is patrolled 24/7 with the addition of a new security post, and requirements for entrance have been tightened. Before receiving clearance to enter the facility, every person must present proper identification, have their belongings inspected, and pass through a metal detector.
- All facility staff (including direct care, teachers, medical, mental health, maintenance, and case managers) always has access to radios for communication.
- Panic buttons were installed on the telephones in classrooms in the school building. In the event of an emergency, pressing the panic button transmits an

alert directly to the gatehouse, which is staffed 24/7, and gatehouse staff would immediately direct assistance and response.

- Cheltenham has implemented comprehensive key control operating procedures aligned with the Department's key control policy. Locks were changed in some areas of the facility and the remaining areas are scheduled for re-keying.
- Direct care staff was re-trained in safety and security protocols.
- Safety and security training was provided to non-direct care staff including teachers and nurses.
- Department heads are required to confirm that all employees who are relieved at the end of their shift have exited their work location.
- Lighting intensity was increased and systems installed that automatically turn on lighting throughout the facility at dusk.
- Additional direct care staff was hired during the year and recruiting continues to increase the number of direct care employees.
- The frequency of random unannounced security audits was increased at Cheltenham (and other facilities) to ensure compliance. Cheltenham was subject to 8 such audits in 2010.
- Facility administrators have access to review videotape of all incidents for oversight, investigative and training purposes and regularly conduct these reviews.
- Youth currently attend educational classes for 5 hours 45 minutes on school days, soon to be increased to 6 hours daily instruction.
- Resident Advisors supervise youth in classes and during individual instructional activities. Any breach of this requirement would be addressed through discipline in conformity with the DJS Standards of Conduct.

Facility-Specific Responses

The JJMU Report contains few comments about individual facilities that required response. In addition to the comments included below, DJS responded in detail to reports issued by the JJMU in 2010. Because the JJMU Annual Report is a compilation of quarterly reports, we refer the reader to the previous DJS responses, which are available on the JJMU website at www.oag.state.md.us. Please see "DJS Response" next to each of the JJMU reports.

Baltimore City Juvenile Justice Center (BCJJC)

In August 2010, BCJJC successfully exited federal oversight by reaching substantial compliance with 29 provisions of the Settlement Agreement with the U.S. Department of Justice. The areas achieving compliance involved policies and practices for safety and security, mental health, suicide prevention, special education and behavior management. The rates of youth-on-youth violence showed a “steady downward trend” and youth are afforded a safe and structured environment. We appreciate that the JJMU includes this significant accomplishment in their Annual Report.

Charles H. Hickey Jr. School (Hickey)

DJS immediately took corrective action following the escape, based on extensive investigation including by the DJS Office of Inspector General. Our detailed response is available at www.oag.state.md.us.

Thomas J.S. Waxter Children’s Center (Waxter)

DJS previously responded to the JJMU concern about the physician who provides OB/GYN services at Waxter. Our detailed response is available at www.oag.state.md.us.

In summary, the DJS Medical Director and the Director of Perinatal and Reproductive Health for the Maryland Department of Health and Human Services issued separate statements to DJS explaining acceptable and appropriate discussion by physicians in preparation for and during pelvic examination, practices which were consistent with the care observed by the nurse chaperone and provided by the Waxter physician, who is a Board certified gynecologist and obstetrician.

Several alternatives are available should youth at Waxter not want to be examined by the OB/GYN. A female pediatrician and a female nurse practitioner provide general pediatric health care to girls at Waxter on two separate days each week. In addition, the DJS Medical Director, who is an adolescent medicine specialist, is frequently at Waxter and provides back-up OB/GYN care to youth as needed. It is preferential for youth with significant female health issues to be seen by the gynecologist as he is the most experienced physician providing OB/GYN services in any of the three DJS facilities housing female youth, and accordingly girls are referred to the OB/GYN physician at Waxter by the other health care providers. Youth who require urgent care for an acute OB/GYN related condition are referred to a community emergency room if an appropriate health care provider cannot evaluate them at Waxter or if the on-site or on-call provider believes that they need emergency care.

As explained in the previous DJS response, refusals by youth to see medical providers occur from time to time at every facility, both for on-site and community-based providers; youth are never forced to have care that they do not want or that they refuse.

In response to the JJMU’s statement that of the nine girls who have graduated from the

Waxter secure program, six are doing well, two have been AWOL, and only one has become involved in new criminal charges, we offer the following context: of the two youth the JJMU identify as “AWOL,” one youth was identified as having run away from home and DJS is working with the family and other agencies to locate this youth and ensure that she is returned to a safe environment. The other youth was reported AWOL but has since been located and placed by DJS into an independent living program where she has been able to successfully comply with the requirements of her probation.

William Donald Schaeffer House

The Schaeffer House census is being increased and will reach 16 youth in the coming months.

Youth Centers

DJS Youth Center Resident Advisor staff has not been utilized at Victor Cullen for nearly ten months, since April 2010.

The fact that Youth Centers staff is experienced with many years of service is positive for youth and programming, not a challenge for ensuring staff coverage. The current retention rate of employees enables the Youth Centers to operate an efficient and effective level of treatment services. Annual vacations and training are pre-scheduled allowing for proper scheduling and coverage. Call outs do occur, however we are able to meet the required staffing ratios with limited overtime.

Victor Cullen Center

Victor Cullen currently has a full complement of social workers following staff turnover and subsequent recruitment to fill the positions. A social worker is assigned to each of the four youth cottages (each housing 12 youth) and a Regional Social Work Supervisor shares time between the Western Maryland Children’s Center and Victor Cullen.

The JJMU 2010 third quarter report noted that aggressive incidents at Victor Cullen were up by one-third when compared with the same period in 2009. It is important to note that the population of Victor Cullen was 25% higher in the third quarter 2010, from an average of 34 youth, to an average of 43 youth. Calculating using the rate, a standard methodology that accounts for fluctuations in population, it becomes clear there were minor increases as well as decreases in incidents comparing the two periods of time:

Total Population
3rd quarter 09: 102
3rd quarter 10: 128

Escapes
3rd quarter 09: 5
3rd quarter 10: 1

Injuries

3rd quarter 09: 0.07

3rd quarter 10: 0.08

Youth On Youth Assault

3rd quarter 09: 0.11

3rd quarter 10: 0.14

Youth On Staff

3rd quarter 09: 0.06

3rd quarter 10: 0.04

Group Disturbance

3rd quarter 09: 0.01

3rd quarter 10: 0.00

However, the population rose again in the fourth quarter 2010, to an average of 45 youth, and all key incident rates dropped significantly:

The rate of injuries dropped 89% from 10 to 3

The rate of youth on youth assaults increased 52% from 16 to 10

The rate of youth on staff assaults dropped an additional 38% from 5 to 3

DJS LICENSED FACILITIES

Silver Oak Academy

Silver Oak did have an outbreak of salmonella. As reported previously, three separate kitchen and health reviews were conducted within two weeks prior to and after the outbreak, and none of the inspections identified any violations of food preparation or health standards. Carroll County Health Department conducted an annual inspection in May, the Maryland Department of Education/ School and Community Nutrition Programs Branch conducted a review in June, and a third review in connection with the outbreak was conducted also in June by the Maryland Department of Health and Mental Hygiene. Nearly a hundred different types of food were tested and a month-long review resulted in no determination of adverse findings.

The outbreak was reported by Silver Oak to the Carroll County Health Department and to DJS. The JJMU monitor took issue with failure to report on an incident report form. Initially the outbreak was assessed by medical staff as isolated illness, which does not require an incident report. When the number of cases increased and an outbreak was apparent, action was taken to address the issue and an incident report was filed as required.

2010 Major Accomplishments

- ***DJS Successfully Exited DOJ Settlement Agreement at BCJJC 10 Months Early, Ending All Federal Oversight of DJS Facilities.***

The Baltimore City Juvenile Justice Center (BCJJC) was released from U.S. Department of Justice oversight in August 2010. The federal monitor, a national expert in conditions of confinement, found BCJJC in compliance with policies and practices for safety, security, protection from harm, behavior management, incident reporting, education for youth with educational disabilities, and training for direct care staff. Specifically, the monitor's report concluded that youth-on-youth assaults reflected a "stable downward trend" and that DJS had "significantly improved the security of the facility, and the safety of the youth and staff who live and work there."

This significant achievement represented the end of all federal monitoring of DJS juvenile facilities that began in 2005 and that has been fully resolved at Cheltenham, Hickey and BCJJC.

- ***DJS Green Ridge Youth Center awarded highest level distinction by national juvenile justice organization.***

The Green Ridge Youth Center earned the highest level of recognition for its exemplary care and treatment of youth following a rigorous review of safety, treatment and programming standards by the Performance-based Standards for Youth Correction and Detention Facilities, an independent national organization that analyzes the quality of care at juvenile facilities across the nation. Green Ridge was one of only 14 juvenile facilities nationwide to receive this rating out of the 198 juvenile facilities reviewed.

- ***Juvenile Homicides in the State of Maryland dropped 21% between 2009 and 2010 (39 to 31); and in Baltimore City, juvenile homicides dropped 14% between 2009 and 2010 (14 to 12) and non-fatal shootings decreased 35% during the same time period (52 to 34).***

DJS provides information to state and local law enforcement agencies and to the MD Department of Public Safety and Correctional Services to assist apprehension of and protection for juveniles at the highest risk of perpetrating or committing violent crime. These partnerships contributed to significant gains for public safety including decreases in juvenile homicides and non-fatal shootings throughout Maryland.

- ***92% of youth supervised by the DJS Violence Prevention Initiative are not rearrested and not one single VPI youth was lost to homicide.***

The Violence Prevention Initiative ("VPI") continued its success identifying and protecting youth most likely to commit or be victims of violence through intense supervision, accountability and provision of services. DJS collaborates with Operation Safe Kids in Baltimore City and Prince George's County to provide treatment services to high risk youth utilizing a proven public health-based approach.

- ***DJS was awarded \$3.1 million in federal grant funds for Baltimore City Re-Entry Continuum of Opportunity Program & Services initiative (CORPS) in partnership with the Baltimore City Mayor's Office on Criminal Justice.***

DJS is utilizing this substantial support for re-entry for 400 boys and girls age 14 and older returning to Baltimore City from in-state or out-of-state placements. The CORPS grant focuses significant resources on opportunities for education, employment, and mentoring.

- ***DJS received additional federal dollars for the Juvenile Employment and Readiness Skills program.***

229 DJS youths from Baltimore City successfully completed employment-readiness skills training programs through this initiative