

**JUVENILE JUSTICE MONITORING UNIT
OFFICE OF THE ATTORNEY GENERAL**

2010 ANNUAL REPORT



NICK MORONEY
Acting Director

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

January 2011

The Honorable Thomas V. Miller, Jr., President of the Senate
Maryland General Assembly, H107 State House
Annapolis, MD 21401

The Honorable Michael E. Busch, Speaker of the House
Maryland General Assembly, H101 State House
Annapolis, MD 21401

The Honorable Sam J. Abed, Acting Secretary
Department of Juvenile Services, One Center Plaza, 120 West Fayette Street
Baltimore, Maryland 21201

Rosemary King Johnston, Executive Director
Governor's Office for Children, Office of the Governor
301 W. Preston Street, Suite 1502
Baltimore, MD 21201

Members of the State Advisory Board on Juvenile Services
c/o Department of Juvenile Services, One Center Plaza, 120 West Fayette Street
Baltimore, MD 21201

Dear Mr. President, Mr. Speaker, Acting Secretary Abed, Ms. Johnston, and State Advisory Board Members:

Enclosed please find the 2010 Annual Report of the Juvenile Justice Monitoring Unit (JJMU). This report covers systemic issues over the 2010 calendar year and also includes current information in the facility update section. The Department of Juvenile Services (DJS) Response to the JJMU Annual Report is a separate document but is also included with this report.

I would be pleased to answer any questions you may have about this report. I can be reached by email at nmoroney@oag.state.md.us and by phone at 410-576-6599 (office) or 410-952-1986 (cell). All current and previous reports of the Juvenile Justice Monitoring Unit are available via link on our website at www.oag.state.md.us/jjmu.

I look forward to continuing to work with you to enhance programs and services provided to the youth of Maryland.

Respectfully submitted,

Nick Moroney

Nick Moroney
Acting Director
Juvenile Justice Monitoring Unit

Cc: The Honorable James Brochin, Maryland State Senate
The Honorable Joan Carter Conway, Maryland State Senate
The Honorable Brian Frosh, Maryland State Senate
The Honorable Lisa Gladden, Maryland State Senate
The Honorable Nancy Jacobs, Maryland State Senate
The Honorable Edward Kasemeyer, Maryland State Senate
The Honorable Delores Kelley, Maryland State Senate
The Honorable Nancy King, Maryland State Senate
The Honorable James Mathias, Maryland State Senate
The Honorable Anthony Muse, Maryland State Senate
The Honorable Victor Ramirez, Maryland State Senate
The Honorable Robert Zirkin, Maryland State Senate
The Honorable Norman Conway, Maryland House of Delegates
The Honorable Kathleen Dumais, Maryland House of Delegates
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The Honorable Ana Sol Gutierrez, Maryland House of Delegates
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The Honorable Samuel Rosenberg, Maryland House of Delegates
The Honorable Luiz Simmons, Maryland House of Delegates
The Honorable Nancy Stocksdales, Maryland House of Delegates
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The Honorable Jeff Waldstreicher, Maryland House of Delegates
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JJMU ANNUAL REPORT FOR 2010

Introduction

The Juvenile Justice Monitoring Unit (JJMU) respectfully submits this report to the Governor, members of the General Assembly, the Acting Secretary of Juvenile Services, and members of the State Advisory Board on Juvenile Services as required by *Md. State Govt. Code Ann. §6-404 et seq. (Replacement Volume 2009)*. The year 2010 marks the tenth anniversary of the creation of the Independent Monitor's Office (established in 2000) and this document is the eighth annual report since codification of the office in 2002.

This JJMU Annual Report discusses treatment of and services provided to Maryland youth in Department of Juvenile Services (DJS) directly run and DJS licensed facilities throughout the State. The report covers the following interconnected concerns:

1. Overcrowding and lengthy wait time for treatment
2. Safety and security at facilities
3. Services for girls
4. Cheltenham Youth Facility

Readers are referred to our website at www.oag.state.md.us/jjmu for copies of all other reports of the Juvenile Justice Monitor and related responses from DJS covering the years from 2002 to the present.

The 2010 Annual Report was produced by the staff of the Juvenile Justice Monitoring Unit – Nick Moroney, Claudia Wright, José Saavedra, Tim Snyder and Tanya Suggs.

Major Issues in 2010

A. **Population: Detention Facility Population During 2010**

The Cheltenham Youth Facility (CYF), The Charles H. Hickey, Jr. School (Hickey), the Baltimore City Juvenile Justice Center (BCJJC), the Thomas J. S. Waxter Children’s Center (Waxter) and the Alfred D. Noyes Children’s Center (Noyes) all experienced population surges during 2010 that required inappropriate temporary measures, such as youngsters sleeping on plastic boat beds placed on the floor, to meet demand.

Population is a critical issue because overpopulation affects every aspect of facility operation, especially safety and security. The overcrowding problem was addressed in detail in our 2nd Quarter (2010) report. That report can be accessed at: http://www.oag.state.md.us/JJMU/reports/10_quarter2.pdf.

The Department of Juvenile Services has not developed a comprehensive plan or strategy to address this issue. Overpopulation in detention has been effectively addressed in other states by statutory limits on the criteria for detention and the time a youth may be held in detention. See, e.g. [Chapter 985.24 – 985.195, Florida Statutes 2010](#).

With statutory limits, youth must be moved from detention to community-based or other appropriate settings expeditiously. If legislative measures were taken to address this issue, the State would save money and the public and youth would be better served.

DETENTION CENTER POPULATION DURING 2010

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	109	100	43	82	0

As detailed in the chart on the previous page, DJS detention centers continued to be overcrowded during 2010. Lack of available treatment resources for vulnerable youth in Maryland remains a leading contributor to the overpopulation problem. Youth continue to wait in large numbers at detention centers for a treatment bed to become available.

The Hickey School was overcrowded at various points during 2010 even though the chart on the previous page indicates Hickey was under capacity throughout the year. This is because the facility capacity data does not take cottage closings and fluctuations in available beds into account. A 23-bed unit was closed during the second and third quarter of the year leaving a maximum of 86 available beds. During the period of unit closure, Hickey housed up to 99 youth. On one occasion, 12 boys slept in plastic boat beds placed on the floor. Hickey's rated capacity was 72 youth as of early 2011.

(1) Overcrowding at Cheltenham Youth Facility (CYF)

Cheltenham Youth Facility, a detention center in Prince George's County, is the most overcrowded DJS-run facility in the State. Two of the three cottages at CYF remain chronically overcrowded. The two cottages, Rennie and Henry, which house the older, bigger and more challenging youth, each continue to hold 60% more youth than stated DJS capacity allows. Both cottages have frequently been 100% over capacity. In recent months two youths sleep in almost every cell – one in a metal frame bed and one on a plastic boat bed placed on the floor. The chart below illustrates the extent of current overcrowding at CYF.

CHELTENHAM YOUTH FACILITY (CYF) BY UNIT on January 21, 2011	YOUTH COUNT	(DJS-SET) RATED CAPACITY
Rennie Cottage	38 (+60%)	24
Henry Cottage	39 (+61%)	24
Infirmary	3	14
Cornish Cottage	23	24
Total Youth in Detention	48	--
Total Youth Pending Placement	55 (53%)	n/a
Re-Direct (closed since February of 2010)	0	24
Shelter Care Program (closed since February of 2010)	0	5
Total Youth at CYF	103	115

Source: DJS ASSIST database and daily population spreadsheet for January 21, 2011

Even though the cottages are clearly overcrowded, DJS could actually add 10% more youth at CYF and still claim to be within their current self-set overall capacity rating. This is because the Department continues to utilize the 115 youth capacity set for CYF before the closure of the ReDirect and Shelter programs in February 2010. The chart on the previous page demonstrates that the individual residential cottages can be recorded as chronically crowded (approximately 60% over set capacity) while the faulty “total” data seeks to show the facility well within population capacity guidelines. This is because the unchanged rated capacity figure of 115 youth fails to take into account the loss of two separate residential units outside the main fence which housed a total of 29 youth.

Overpopulation affects many aspects of operations at CYF. Safety and security, adequate staffing, a sanitary living area, sufficient programming and daily recreation are currently compromised.

There were instances during 2010 when youth were left locked in cells because of insufficient staff coverage. Staff have also failed to provide sufficient programming and recreation to occupy youth outside of school hours. The floors of cells in the cottages are often strewn with trash left from food consumed in the cells. The discolored floors and walls of the cottages, including individual cells, need to be professionally steam-cleaned to rid surfaces, corners and ridges of years of built-up grime. Cell windows and metal frames need to be cleaned out and the interior edges of windows properly cleaned to rid them of rust stains. The administration building, the school, the cafeteria and the infirmary are now routinely professionally cleaned. The cottages need to be as well.

In addition, the furniture used by youth in the cottages is aged, broken, torn and potentially dangerous. Random broken furniture parts could be used as weapons. Contraband is easily hidden in the torn cushions of chairs and sofas.

The Department should ensure that each youth resident at CYF is housed in his own cell and that the cottages are thoroughly cleaned and have suitable furniture.

Plans for new construction to replace the Cheltenham facility are years from fruition and are dependent on funding. In the meantime, the Department should prioritize the mitigation of overcrowding at CYF. The rated capacity should be lowered so that it is in accord with the Department’s own individualized rated capacity figures for the three residential units which remain open.

(2) Overpopulation and Youth Awaiting Treatment (Pending Placement)

One of the major contributing factors to overpopulation in DJS detention centers is the long waiting period youth spend in detention after they are adjudicated. Typically, fully half the youth population at BCJJC, Cheltenham and the Hickey School consists of youth waiting in pending placement status. Wait time is not applied toward mandated treatment time, regardless of how long a youth spends in the detention center. Many youth are waiting to be placed in non-hardware secure programs and could safely wait in the community with enhanced DJS support and supervision (as provided to youth in the Violence Prevention Initiative [VPI] program). Some youth could also be offered temporary foster home placement

with intensive therapy perhaps in collaboration with the Maryland Department of Human Resources (DHR). Detention centers should always be the choice of last resort as they do not offer individualized treatment and are a drain on budgetary resources.

As with detention criteria and time limits, pending placement time limits have also been addressed in other states by promulgation and enforcement of strict statutory criteria and limits on the length of time youth may be held in detention while they are waiting for placement.

The chart on page 7 shows 53% of youth at CYF (Cheltenham) on January 21, 2011, were in pending placement status. This statistic exemplifies the contribution made to overpopulation by a severe lack of available treatment beds for Maryland youth. On the same day, there were 121 youth in detention at the Baltimore City Juvenile Justice Center (BCJJC) and 50 of those youth were waiting for placement. In sum, 41% of the youth in BCJJC and 53% percent of the youth in CYF would not have needed to be in those institutions on that day if treatment beds were available.

Throughout 2010, between 40% and 60% of youth at both CYF and BCJJC were waiting for a treatment bed. Any youth at these facilities who qualifies for non-secure treatment placement should wait elsewhere with support and not languish in the expensive, maximum security environment of a detention center.

If solutions to the pending placement crisis were found, overcrowding would cease to be a problem in current DJS facilities. Unfortunately, the planned 48-bed treatment center at Cheltenham has been postponed indefinitely due to budget constraints, while a 72-bed detention center remains on-track. More appropriate community based alternatives to placement in detention should be developed so that the State does not have to pay more than necessary for youth care and supervision. Expanding day and evening reporting centers would be a sensible step in the right direction. Evidence-based treatment slots should also continue to be increased.

The charts on the following pages contain detailed data on the pending placement issue with facility-specific comparisons between 2009 and 2010.

Pending Placement at BCJJC - 2009/2010

BCJJC 2009

BCJJC	Youth in Pending Placement – January to December 2009
60 days and over	Total = 109 youths
Pending Placement in Detail	60, 60, 61, 62, 62, 62, 63, 63, 63, 64, 64, 65, 65, 66, 66, 66, 66, 66, 66, 67, 67, 67, 68, 68, 68, 69, 69, 70, 70, 71, 71, 73, 73, 73, 73, 74, 75, 75, 76, 80, 81, 82, 82, 84, 84, 85, 85, 87, 88 92, 94, 95, 95, 97, 98, 99, 99, 102, 102, 102, 103, 106, 106, 106, 108, 110, 111, 112, 113, 114, 115, 116, 116, 117, 119, 126, 128, 129, 131, 134, 134, 135, 135, 136, 140, 142, 144, 144, 148, 149, 150, 150, 154, 155, 155, 157, 162, 163, 165, 173, 174, 175, 176, 181, 184, 204, 210 and 222 days

BCJJC total youth entries for 2009: 3022 youth

BCJJC 2010

BCJJC	Youth in Pending Placement – January to December 2010
60 days and over	Total = 182 youths
Pending Placement in Detail	60, 61, 61, 61, 61, 61, 61, 62, 62, 62, 62, 63, 63, 63, 63, 63, 64, 64, 64, 65, 65, 65, 65, 66, 66, 66, 66, 66, 66, 66, 67, 67, 67, 67, 67, 68, 68, 68, 69, 69, 69, 70, 70, 70, 70, 70, 70, 70, 71, 71, 71, 71, 71, 71, 71, 71, 73, 73, 74, 75, 76, 76, 76, 77, 77, 77, 77, 78, 78, 78, 78, 78, 79, 79, 79, 80, 80, 80, 82, 82, 84, 84, 84, 84, 84, 84, 85, 85, 85, 85, 85, 86, 86, 88, 89, 89, 89, 90, 90, 91, 91, 91, 92, 92, 92, 94, 94, 94, 96, 96, 96, 97, 98, 99, 99, 101, 102, 102, 103, 104, 105, 105, 106, 106, 106, 106, 107, 108, 108, 111, 112, 115, 115, 117, 117, 117, 118, 118, 119, 119, 120, 121, 122, 124, 125, 126, 127, 129, 129, 130, 130, 131, 133, 139, 140, 143, 144, 144, 145, 146, 147, 147, 150, 150, 154, 155, 157, 158, 163, 164, 166, 167, 171, 174, 175, 176, 181, 202, 204, 210 and 212 days

BCJJC total youth entries for 2010: 2607 youth

Pending Placement at CYF - 2009/2010

CYF 2009

CYF	Youth in Pending Placement – January to December 2009
60 days and over	Total = 78 youths
Pending Placement in Detail	61, 61, 61, 62, 62, 63, 63, 64, 64, 64, 64, 66, 67, 68, 69, 69, 69, 70, 70, 70, 70, 70, 72, 72, 73, 73, 73, 75, 77, 77, 81, 81, 82, 83, 85, 85, 85, 85, 85, 86, 86, 88, 90, 91, 92, 93, 94, 99, 101, 104, 104, 106, 110, 111, 112, 112, 117, 120, 126, 127, 127, 128, 130, 131, 135, 136, 139, 143, 145, 145, 148, 151, 161, 163, 167, 168, 184 and 194 days

CYF total youth entries for 2009: 2856 youth

CYF 2010

CYF	Youth in Pending Placement – January to December 2010
60 days and over	Total = 94 youths
Pending Placement in Detail	61, 62, 62, 62, 62, 62, 63, 64, 64, 65, 65, 65, 65, 66, 66, 67, 67, 67, 67, 67, 68, 68, 68, 68, 69, 69, 69, 69, 70, 70, 70, 71, 72, 72, 72, 75, 76, 76, 77, 78, 78, 80, 81, 81, 81, 82, 82, 82, 82, 85, 88, 88, 89, 89, 91, 91, 91, 94, 94, 97, 99, 100, 101, 101, 101, 102, 107, 107, 110, 113, 113, 117, 117, 123, 124, 126, 127, 131, 134, 135, 136, 136, 138, 139, 143, 145, 145, 145, 148, 157, 163, 167, 168 and 209 days

CYF total youth entries during 2010: 2400 youth

Pending Placement at Hickey – 2009/2010

Hickey 2009

Hickey	Youth in Pending Placement – January to December 2009
60 days and over	Total = 61 youths
Pending Placement in Detail	60, 61, 62, 63, 63, 66, 66, 66, 67, 67, 69, 70, 70, 70, 71, 75, 76, 77, 78, 79, 81, 83, 84, 84, 84, 85, 88, 91, 92, 93, 95, 95, 97, 98, 102, 104, 105, 105, 106, 106, 108, 109, 113, 118, 118, 119, 120, 122, 125, 127, 132, 134, 139, 140, 142, 155, 160, 176, 186, 190 and 311 days

Hickey total youth entries during 2009: 1510 youth

Hickey 2010

Hickey	Youth in Long-Stay Pending Placement – January to December 2010
60 days and over	Total = 77 youths
Pending Placement in Detail	61, 62, 62, 63, 63, 63, 63, 64, 64, 65, 66, 66, 66, 67, 67, 69, 70, 71, 71, 72, 72, 72, 72, 73, 74, 74, 75, 76, 77, 78, 78, 79, 79, 79, 80, 81, 82, 83, 84, 86, 87, 88, 88, 89, 90, 90, 92, 92, 92, 93, 95, 96, 96, 97, 98, 98, 99, 100, 102, 102, 106, 107, 108, 108, 109, 118, 118, 119, 120, 122, 125, 134, 150, 154, 174, 190, and 222 days

Hickey total youth entries during 2010: 1367 youth

Pending Placement at Waxter – 2009/2010

Waxter 2009

Waxter	Youth in Pending Placement – January to December 2009
60 days and over	Total = 18 youths
Pending Placement in Detail	60, 61, 63, 65, 69, 72, 74, 75, 77, 85, 87, 93, 101, 110, 111, 113, 133 and 175 days

Waxter total youth entries for 2009: 805 youth

Waxter 2010

Waxter	Youth in Pending Placement – January to December 2010
60 days and over	Total = 10 youths
Pending Placement in Detail	67, 75, 83, 89, 90, 101, 110, 111, 112 and 175 days

Waxter total youth entries for 2010: 691 youth

Pending Placement at Noyes – 2009/2010

Noyes 2009

Noyes	Youth in Pending Placement – January to December 2009
60 days and over	Total = 28 youths
Pending Placement in Detail	61, 63, 69, 69, 70, 71, 72, 73, 73, 73, 75, 78, 80, 84, 85, 85, 86, 90, 94, 102, 103, 104, 105, 110, 112, 115, 124 and 181 days

Noyes total youth entries for 2009: 1029 youth

Noyes 2010

Noyes	Youth in Pending Placement – January to December 2010
60 days and over	Total = 22 youths
Pending Placement in Detail	61, 61, 62, 62, 63, 63, 68, 68, 70, 70, 71, 81, 84, 85, 86, 90, 95, 102, 104, 140, 149 and 181 days

Noyes total youth entries for 2010: 1004 youth

(3) Alternatives to Detention and Evidence Based Services

Youth Enrolled in Detention Alternative Programs (State-Wide)

Detention Alternatives	November 2009	November 2010
Shelter	39	31 (-20%)
Evening Reporting (including PACT/Baltimore City)	70	30 (-57%)
Community Detention/ Electronic Monitoring	564	536 (-5%)

(a) Shelters

The Department should support the provision of more shelter beds throughout the State. For example, the shelter at CYF could be re-opened. When youth are placed in DJS custody, the court may stipulate that a youth is eligible to be held in a shelter. However, shelter beds are rarely available. Youth must then be placed in a detention center such as CYF, BCJJC, or Waxter instead.

(b) Day and Evening Reporting Centers

The PACT Center¹ in Baltimore City has been recognized by the Federal Office of Juvenile Justice and Delinquency Prevention as an effective strategy to reduce detention numbers.

Independent research data supports the PACT program. Of the 400 youth served over the past three years (many of whom were judged to be “high risk”), 98% appeared for their scheduled court hearings and 92% did not re-offend while participating in the program. 99% of the youth served in PACT are African American.² The center has helped to reduce racial disparity in detention.

¹ PACT Center: Pre-Adjudication Coordination and Transition Center.

² See http://www.cclp.org/documents/DMC/DMC_eNews_015.pdf

As an alternative to detention, reporting centers save money. Expanding reporting centers would also ease overcrowding at Cheltenham, BCJJC, Waxter, Noyes and Hickey. Currently, there are no evening reporting centers for female youth anywhere in Maryland.

The Department has property available that might be used as reporting centers. The building that housed the Mount Clare group home is empty and belongs to DJS. The William Donald Schaefer House (WDSH) facility and the physical plant formerly used by the Maryland Youth Residence Center are considerably underutilized. All or part of these Baltimore City facilities could be used to house day and evening reporting centers for girls and boys.

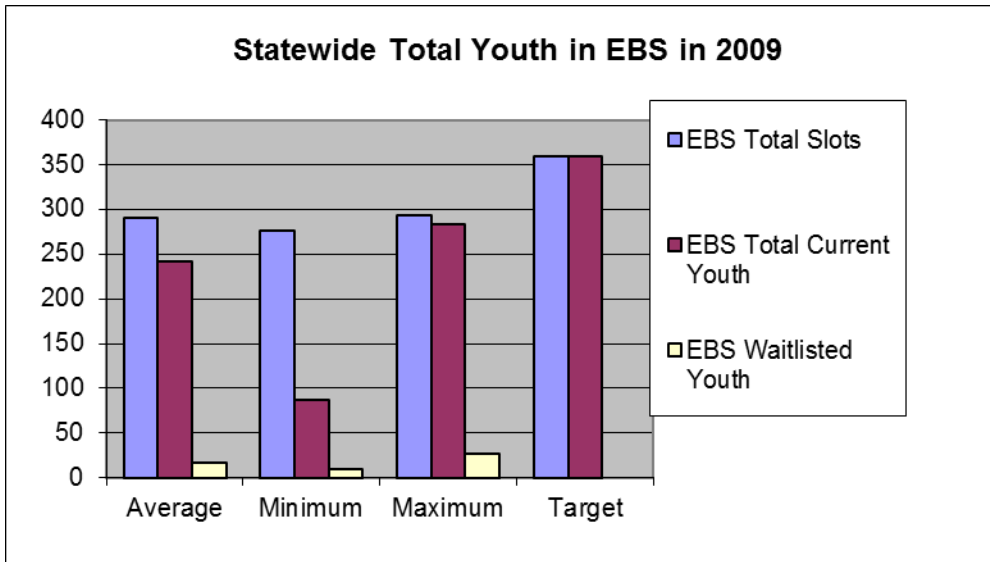
(c) Evidence Based Services (EBS)

The Department utilizes community based and family-focused services such as Multi-Systemic Therapy (MST) and Functional Family Therapy (FFT). These programs are supported by evidence that shows that they work. Presently, these services are only provided to youth who would otherwise be going to a long-term placement (typically for a year or longer). The EBS therapy programs last for a period of months rather than years and are considerably less expensive than residential placement, especially out-of-state placement. The Department should expand the use of these proven programs. The Department also should ensure comprehensive follow-up services are provided to youth who complete these therapy programs.

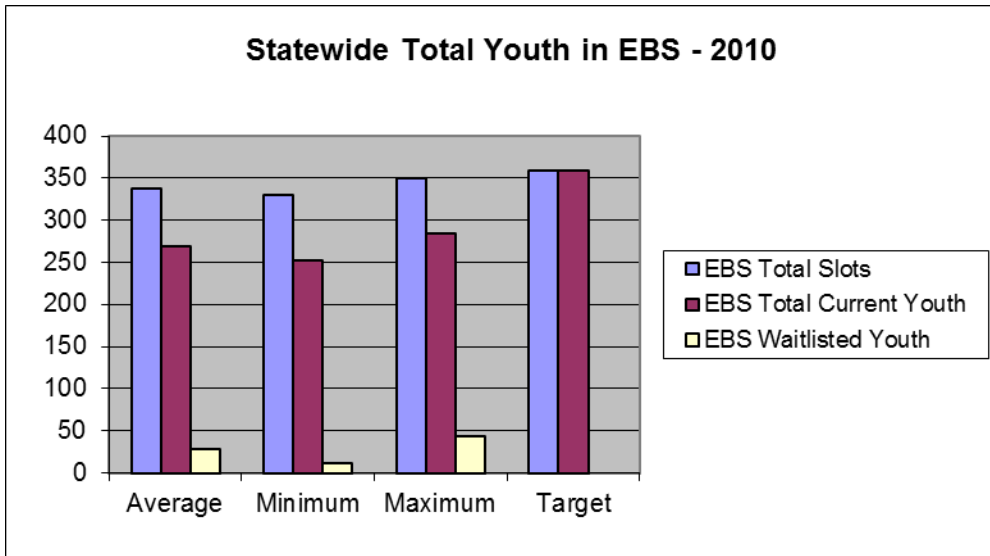
The use of Evidence Based Services (EBS) by DJS increased during 2010. Total slots rose from an average of 290 in 2009 to 337 in 2010. The department is to be commended for this achievement. However, the average number of youth on waiting lists also rose from 17 in 2009 to 29 in 2010. The Department should continue to widen and deepen the provision of evidence based therapeutic services to youth and families in Maryland.

The charts on the following page detail delivery of evidence based services by DJS during 2009 and 2010.

DJS Funded Evidence Based Community Programs 2009 – 2010



Source: Maryland State Stat - Department of Juvenile Services EBS



Source: Maryland State Stat - Department of Juvenile Services EBS

B. Safety and Security

(1) Baltimore City Juvenile Justice Center

There were significant reductions in all areas of incident reporting at BCJJC in 2010. Much of this improvement is due to the implementation of the Intensive Services Unit which was designed to address behaviors of challenging youth. The current administration is also working to reduce the use of metal handcuffs. So far in January, 2011, handcuffs have been used only 8 times.

Incident Categories	2009	2010
1. Youth on Youth Assault	684	462
2. Youth on Youth Assault with Injury	454	257
3. Youth on Staff Assault	76	50
4. Alleged Youth on Staff Assault with Injury	25	13
5. Group Disturbances (injury/property destruction)	136	38
6. Group Disturbances (without injury/destruction)	32	13
7. Restraints	1006	675
8. Restraints with handcuffs	247 (24%)	180 (26%)
9. Contraband	79	49
10. Suicide Ideation, Gesture, Attempt or Behavior	43	18
TOTAL INCIDENT REPORTS	1776	1213

(2) Cheltenham (CYF)

The accuracy of incident data for CYF 2010 is in doubt as there is evidence to suggest that not all incidents were reported as required. A DJS Quality Improvement Report issued on December 22, 2010 found CYF to be in “non-performance” status on incident reporting, noting that “incident reports at CYF were difficult to assess as they could not all be confidently found.”³ In addition, as noted in the JJMU reports for the first and third quarter of 2010, CYF staff were not accurately reporting seclusions.

Incident Categories	2009	2010
1. Youth on Youth Assault	223	221
2. Youth on Youth Assault with Injury	116	108
3. Youth on Staff Assault	32	11
4. Alleged Youth on Staff Assault with Injury	15	2
5. Group Disturbances (injury/property destruction)	15	12
6. Group Disturbances (without injury/destruction)	8	3
7. Restraints	267	298
8. Restraints with handcuffs	23	20
9. Contraband	12	22
10. Suicide Ideation, Gesture, Attempt or Behavior	74	44
TOTAL INCIDENT REPORTS	649	637

³ See DJS Quality Improvement Report <http://www.djs.state.md.us/quality-assurance/qir-cheltenham.pdf>

(3) Hickey

Incident reports at Hickey are up in many important areas, however, use of metal handcuffs during restraints is down.

Incident Categories	2009	2010
1. Youth on Youth Assault	176	184
2. Youth on Youth Assault with Injury	98	111
3. Youth on Staff Assault	18	20
4. Alleged Youth on Staff Assault with Injury	9	9
5. Group Disturbances (injury/property destruction)	2	8
6. Group Disturbances (without injury/destruction)	3	2
7. Restraints	180	196
8. Restraints with handcuffs	9	6
9. Contraband	34	31
10. Suicide Ideation, Gesture, Attempt or Behavior	64	109
TOTAL INCIDENT REPORTS	649	795

(4) Noyes

Incident reports at Noyes tend to be fairly low, considering the dual challenges of overpopulation and coed housing.

Incident Categories	2009	2010
1. Youth on Youth Assault	139	129
2. Youth on Youth Assault with Injury	106	95
3. Youth on Staff Assault	38	19
4. Alleged Youth on Staff Assault with Injury	15	4
5. Group Disturbances (injury/property destruction)	8	5
6. Group Disturbances (without injury/destruction)	3	1
7. Restraints	173	181
8. Restraints with handcuffs	28	24
9. Contraband	13	4
10. Suicide Ideation, Gesture, Attempt or Behavior	37	37
TOTAL INCIDENT REPORTS	456	383

(5) Waxter

Incident report numbers for 2009 could not be verified on the incident data base because of discrepancies in reporting from the facility. Numbers for 2010 are for detention only and do not include incident reports from the secure committed program. However, interviews with the administration and staff support the indication that reportable incidents have increased significantly. Increases may be attributed, in part, to the presence of particularly difficult youth and to training and policy changes that resulted in increased incident reporting. Increased reporting also may have resulted from the installation of surveillance cameras.

Incident Categories	2009	2010
1. Youth on Youth Assault		90
2. Youth on Youth Assault with Injury		48
3. Youth on Staff Assault		39
4. Alleged Youth on Staff Assault with Injury		18
5. Group Disturbances (injury/property destruction)		6
6. Group Disturbances (without injury/destruction)		3
7. Restraints		217
8. Restraints with handcuffs		31
9. Contraband		22
10. Suicide Ideation, Gesture, Attempt or Behavior		52
TOTAL INCIDENT REPORTS		543

c. Services for Girls

Gross disparities still exist in the provision of services to girls in the juvenile justice system in Maryland. Girls continue to be disproportionately affected by lack of DJS resources and by a lack of therapeutic treatment. The majority of girls in DJS custody have been abused or neglected and need comprehensive, individualized treatment.

There is a dearth of alternatives to detention for girls, including a shortage of available shelter beds. There are no evening reporting centers and few community-based programs for girls in the state. The only remaining DJS-licensed shelter for girls is Graff, in far western Maryland.

Female youth in detention experienced overcrowding, staff shortages and the inadequacy of the physical plants at Waxter and Noyes. There are no plans to replace Waxter until at least 2020.

The Department should move the committed program for girls out of the Waxter detention facility and into a more appropriate setting. Waxter should only be used to provide secure housing for girls in detention and pending placement. This recommendation would have several advantages. Waxter administrators could focus solely on operating a detention center rather than attempting to operate two programs out of one facility. The move would bring the Department into compliance with State law which prohibits comingling of detained and committed youth. The layout of the physical plant makes it impossible for the two programs to completely avoid contact.

Girls in the committed care program would benefit from living in a less chaotic environment. The detention program is necessarily designed for short-term stays. Giving committed girls their own facility would allow them to focus on long-term educational and vocational goals.

Finally, opening the committed care wing to detention services would ease overcrowding at both Noyes and Waxter. There are several possible locations for the committed girls program. Funds should be found to provide appropriate housing and rehabilitative programming for girls.

The Department should develop a girls' services unit at DJS headquarters and the legislature should again consider and pass a statute requiring parity between girls and boys services in Maryland.

D. Cheltenham Youth Facility

A JJMU Special Report was issued addressing safety and security concerns and the death of a staff member at the Cheltenham Youth Facility in February 2010. The report included a conclusion that the staff member's death "was a tragic event resulting from multiple systemic security failures at Cheltenham." The complete report can be found at:

http://www.oag.state.md.us/JJMU/reports/100610_Cheltenham_Special_Report.pdf

The DJS response to the Special Report on CYF can be found at:

http://www.oag.state.md.us/JJMU/reports/100610_DJS_Response_Cheltenham_Special_Report.pdf

Cheltenham Youth Facility continues to be plagued by overcrowded conditions. Two boys are housed in every cell in old, decrepit and dirty residential cottages. These problems and others at Cheltenham are detailed in the section on overpopulation and in the facility update on Cheltenham.

At the end of 2010, some of the short term recommendations contained in the JJMU Special Report have been addressed by the Department. However, none of the long term recommendations have been acted upon. This section of the Annual Report will detail the Department's actions in relation to JJMU recommendations in the JJMU Special Report.

Direct care staff at CYF are now adequately supplied with radios – a critical security and safety need - and the new superintendent, hired in August 2010, has instituted tighter entrance and exit security protocols.

There are still no security cameras in the school classrooms. Some panic buttons have been installed in the school. There is a plan to have a cadre of residential advisers assigned exclusively to the school (and reporting to the principal), however, this plan has yet to reach fruition. The additional residential advisers are needed to ensure efficient running of school activities, including the supervision of teachers and youth during one-on-one or small group instruction. The presence of school-based residential advisers would also mitigate the need for direct care staff from the cottages to supervise youth in the school.

The Department is instituting a comprehensive, facility-specific key control policy for CYF and plans to replace old lock barrels to ensure against the use of unauthorized keys.

Personal distress alarms have not been provided to staff. The Department holds that the hardware for such a system would be cost-prohibitive and an ill-advised use of budgetary resources, given plans to replace the CYF physical plant within a few years. The Department maintains that personal alarm system hardware will be built into the new CYF physical plant.

In other related developments, the Murphy Cottage (which housed the ReDirect program at CYF) is being partially utilized by DJS trainers. There are plans to construct a permanent sentry post on the driveway approaching CYF. The shelter facility in the old superintendent's house outside the fence remains closed. The Department has long said that the CYF fence was to be camera covered but the fence still does not have security cameras. The metal detector at the gatehouse has been repaired and was working at year's end.

Long term recommendations included the hiring of additional staff. Though the Department is attempting to hire direct care workers, the facility continues to struggle with shortages during daytime shifts. Overtime hours remain high and mandatory overtime continues to be enforced. Basic staff compensation rates remain below those offered to workers elsewhere in the Mid-Atlantic region and at adult facilities around the State.

The finding, noted in the safety and security section of this report, that staff at CYF are not reporting all aggressive incidents and seclusions of youth as required is disturbing and cause for great concern.

In addition, CYF lacks a program to address the needs of the most challenging youth. The facility urgently needs a program that provides comprehensive and individualized attention to youth involved in aggressive incidents. Following a series of group disturbances in December of 2010 and January of 2011, education hours were curtailed by splitting CYF youth into groups and limiting the number of youth allowed in the school building at any one time. Youth now attend school only half a day.

The Department should consider an intensive services program similar to the successful Intensive Services Unit initiative at BCJJC. There has been a significant reduction in serious group incidents since that program came on line.

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THE MARYLAND DEPARTMENT OF EDUCATION AT DJS FACILITIES

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JJMU ANNUAL REPORT FOR 2010

Individual Facility Update

Alfred D. Noyes Children's Center

The Alfred D. Noyes Children's Center (Noyes) is a State owned and operated detention facility located in Montgomery County. Noyes is comprised of three units for males and one unit for females. According to DJS StateStat information, Noyes can accommodate up to 57 youth.

Overcrowding was a major concern at Noyes in 2010. Although numbers indicate Noyes exceeded DJS rated population of the facility on only a few days, raw numbers do not take into account that rated capacity at Noyes is based on housing at least two residents in every sleeping room. This practice is unacceptable by modern standards. Additionally, the rated capacity does not take into account the mixed population. Since boys and girls cannot be housed on the same unit, sometimes the girls' unit is over capacity while the boys' units are not crowded. The stress of overpopulation on facility capacity was alleviated to some extent by converting one of the former girls' units to a third boys' unit.

Improvements to the physical plant are currently underway. Cleaning and painting are ongoing. New furniture has been ordered and tile floors have been replaced. The administration has completed a new handbook and a new behavior modification program which emphasizes achievement in education, and recreational programs have been increased.

Allegany County Girls Group Home

Allegany County Girls Group Home (AAGH) provides a safe and healthy home-like environment for adolescent females and accesses community resources for education, mental health, and medical services. ACGGH is a valuable resource for young women in Maryland though it has been underutilized.

Referral shortages challenge the potential to maintain the quality of services provided and the facility has frequently been at less than its capacity of 9 youth throughout 2009 and 2010. Because of the overwhelming need for effective residential treatment resources for young women in Maryland, the Department should be proactive in supporting the programming at the Allegany County Girls Group Home.

Aunt CC's Harbor House Shelter

Aunt CC's Harbor House is operated by the North American Family Institute (NAFI) and licensed by the Department of Juvenile Services. The facility is an emergency shelter and functions as an alternative to detention - a placement for youth who require temporary care.

Male youth at low risk of offending and between the ages of 11 and 17 are referred by both DJS and the Department of Social Services. The average length of stay is 30 days. Residents are provided group and individual clinical services, life skills education, and post release clinical services.

The shelter is well appointed and the facility continued to be a safe environment for youth in residence during 2010.

Baltimore City Juvenile Justice Center

Baltimore City Juvenile Justice Center (BCJJC) is a 144-bed facility for boys. In late 2007, two 12-bed units were closed, making the maximum current capacity 120 youth. It is located in the juvenile justice complex that includes courts and youth services in downtown Baltimore City, Maryland.

When it opened in October 2003, BCJJC was intended to serve youth for short stays awaiting court dates. The facility was not designed to house youth for waiting periods of more than 30 days and the physical design is very poor – each unit is two-tiered with half the beds in the upper area.

In 2010, the population increased from a monthly average of 113 in 2009 to 118. There were 2607 youth admitted into the facility during 2010. The facility population exceeded the rated capacity (of 120) on 189 days. When the rated capacity is exceeded, some youth must sleep on the floor of the visiting room on boats. Boats are plastic shells which hold a mattress and which are placed directly on the floor. Sleeping on the floor in boats is unsanitary.

Population numbers at BCJJC were swollen by the large number (forty to sixty percent) of youth who are adjudicated but who are not sent to their treatment placements for long periods of time. These “pending placement” youth would be in treatment centers if slots were available. Youth should be moved more quickly to their treatment placements.

There are still concerns about disproportional minority representation. More than 97% of youth admitted to BCJJC in 2010 were African-American.

The level of violence has been reduced significantly. During 2010, the administration implemented a new program (ISU) to provide intensive services to the most difficult to manage youth. The ISU was established to serve those youth who must be temporarily removed from the general population. DJS also opened a step-down or transition unit for ISU youth to help them transition back into the general population. The ISU/Transition program, along with other behavior modification efforts, has been successful.

BCJJC was released from Federal CRIPA monitoring in August of 2010. The Department announced that BCJJC was in full compliance with all the requirements of the CRIPA Settlement Agreement between DJS and the United States Department of Justice. Conditions at the facility were monitored since June of 2007. Compliance with all provisions for a period of more than six months means that the provisions of the Settlement Agreement will

no longer be monitored by the federally mandated monitoring team. The Agreement previously also included monitoring of conditions at the Hickey and Cheltenham facilities. Those facilities were released from CRIPA compliance monitoring in 2008.

Charles H. Hickey, Jr., School for Boys

The Charles H. Hickey, Jr., School (Hickey) is a cottage style secure detention facility located in Baltimore County, Maryland. The Maryland State Department of Education (MSDE) utilizes several modular buildings to provide education services to youth at the facility.

Overpopulation continues to be a concern at Hickey. When a cottage was closed, the population exceeded available bed capacity on 83 days in 2010.

Reports of aggressive incidents at Hickey have increased during 2010. In September, two youths overpowered a kitchen staff who was driving them from the kitchen to their cottage and escaped by driving through the locked gate of the facility. The JJMU issued a Special Report on the escape which can be found at:

http://www.oag.state.md.us/JJMU/reports/HickeySpecialReport_11_10.pdf

The DJS Response to the JJMU escape report can be found at:

http://www.oag.state.md.us/JJMU/reports/HickeyEscapeResponse_12_03_2010.pdf

During the 2nd quarter of 2010, the Maryland State Department of Education conducted an investigation into allegations concerning education services at Hickey. They found that youth housed on the infirmary had not been provided adequate special education services.

Cheltenham Youth Facility

Cheltenham Youth Facility (CYF) in Prince George's County is operated by DJS and serves young men from 12 to 18 years old. The facility includes three separate components. The detention component at CYF consists of youth awaiting trial, adjudication or committed placement. The ReDirect program, a short-term program for committed youth housed in Murphy Cottage, remains closed following the death of a staff member in February 2010. The third component at CYF is a small group home shelter program for youth under court supervision who do not require secure confinement. The shelter has also been closed since February. The Shelter and ReDirect units are located outside the security fence on the CYF campus.

The JJMU report on CYF for the third quarter of 2010 noted ongoing crowded conditions in the three remaining CYF residential cottages. This crowding has not been alleviated. As of January 2011, cottages with a DJS-rated population capacity of 24 youth continue to be filled with close to fifty youth. The Department continues to utilize the 115 youth rated capacity that was used when the units outside the security fence were open and housing 29 youth.

Using the Department's own rated capacity figure and subtracting the 29 youth no longer housed outside the fence results in an amended rated capacity of 86. The more realistic (though still high) youth population capacity figure of 86 has been exceeded every day since the February 2010 closing of the external units. When asked to lower the population capacity rating, the Department replied that they can house up to 148 youth at CYF.

The three remaining CYF cottages are dilapidated with flooring edged with years of ingrained grime. Youth are housed two to a cell by having the second youth sleep on a plastic boat bed placed on the floor.

The population overflow is, in part, due to a lack of adequate in-State services and alternatives to detention for youth. Between 40% and 50% of youth at CYF at any time are waiting for a transfer elsewhere to begin treatment. The Department describes these youth as in "pending placement" status.

There were a number of group disturbances at CYF in December 2010 and January 2011. Youth movement to the education building was staggered in January for safety and security reasons, resulting in less education time for residents. The population was divided into two groups, and each group goes to school just a half day.

While the Intensive Services Unit (ISU) and Transition Unit at the Baltimore City Juvenile Justice Center have helped drive serious group disturbances down by 75% (in 2010 as compared with 2009), DJS has yet to implement a similar appropriate and comprehensive program to address youth needs at CYF.

As detailed in the JJMU first and third quarter reports for 2010, youth at CYF were held for longer than permitted periods in social separation (de facto seclusion). The Department could develop a program at CYF similar to the ISU at BCJJC. Such a program would provide comprehensive and individualized behavioral health treatment and education services to youth most in need of intensive services.

CYF has a wide range of after-school activities available but youth are rarely able to participate in these activities. Youth spend many hours sitting idly on the cottages. Staff do not appear to be actively engaged in activities with the youths.

A new Superintendent took charge at CYF during the third quarter of 2010. He has instituted tighter security protocols, ensured provision of basic equipment such as radios for staff and is instituting a number of staffing and operational changes.

At a time of State-wide shortage of shelter beds, the shelter at CYF remains closed – it should be expanded, fitted with a sprinkler system and re-opened as soon as possible.

Graff Center for Girls

The Graff Shelter for Girls is operated by San Mar Children's Home, Inc. (San Mar). It is a 12-bed facility serving young girls. It is located in rural Washington County, Maryland. San Mar also provides a therapeutic group home for girls and treatment foster care program for boys. The Maryland Department of Health and Mental Hygiene (DHMH) licenses San Mar to treat youth with psychiatric diagnoses. The Department of Juvenile Services licenses Graff to serve youth referred by either DJS or the Department of Social Services. Residents may stay at the facility for up to 90 days.

Graff is a clean and well-maintained facility. Staff provide a home-like and nurturing environment. Youth say their experience at the facility is positive. The shelter is in compliance with standards and provides appropriate services to the residents. The Graff Shelter should be fully utilized as it is an essential resource for vulnerable youth in Maryland.

Haddon Group Home for Boys

Haddon Group Home for Boys was closed in 2010.

J. DeWeese Carter Children's Center

Population at the J. DeWeese Carter Center (Carter) remained at or below the rated capacity of 15 youth throughout the year. The administration and staff continue to improve the program. New vocational opportunities have been added through the MSDE operated school. The outdoor basketball court was resurfaced. Youth continue to receive excellent medical care, mental health and social work services.

Staff and administration continue to provide a wide variety of programs to youth, including alcohol and drug abuse groups, Town Hall meetings with the Superintendent, Aggression Replacement Therapy, access to religious activities and art and recreation activities.

Carter provides a model that illustrates how good services can be provided in a facility that is not overcrowded. The administration and staff at Carter take advantage of every opportunity to provide assessment of needs and appropriate treatment to youth, even though the typical length of stay is very short.

Karma Academy - Randallstown

The Karma Academy is an 8-bed unlocked, staff-secure, privately managed residential program for boys. The home is located in a suburban community that sits on the Baltimore and Carroll County lines. Karma is licensed by the Maryland Department of Juvenile Services and operated by KHI Services, Inc. The home is spacious, clean, and well maintained by the youth and staff. The large backyard offers a scenic view and is used for outdoor recreation and group activities.

On average, it takes youth between 6 and 9 months to successfully complete the Karma program. Most youth complete the program successfully.

Karma Academy – Rockville

Karma Academy – Rockville was closed in 2010.

Kent Youth Boys’ Group Home

The Kent Youth Boys’ Group Home is licensed by DJS, located in Chestertown, and operated by Kent Youth, Inc. Founded in 1971 as a local alternative to institutional or out-of-state placement of Eastern Shore youth, the house provides a comfortable, home-like environment for 10 adjudicated boys aged 14 to 18.

Throughout 2010 the Kent Youth program continued to provide excellent care. Kent Youth is an essential resource in helping to redirect children who might otherwise become more deeply involved with the juvenile justice system.

Lower Eastern Shore Children’s Center

The Lower Eastern Shore Children’s Center (LESCC) in Salisbury is a 24-bed maximum-security detention facility housing male and female youth awaiting adjudication or placement. This DJS-run facility opened in 2003. Youth are separated into three housing pods according to gender and security considerations.

At times throughout 2010, the youth population at LESCC was over rated capacity. The youth population at LESCC should be capped at 18 male and 6 female youth, which is the stated capacity as determined by DJS.

During 2010, DJS permitted LESCC to fill staff vacancies. This is a great improvement over recent years when the facility suffered significant staffing challenges. Overall staffing levels have increased at LESCC. However, vacation and sick leave, family leave, and training time, along with unplanned staff call outs, mean that more staff are needed to reduce overtime and staff burnout.

Aggressive incident numbers remained low throughout 2010. LESCC continued to remain a safe and secure environment for youth. The facility is well-managed and continues to perform as a model facility. Staff demonstrate ownership and responsibility by volunteering to organize extra activities that greatly enhance program opportunities for youth.

The Department upgraded the antiquated and inadequate surveillance system at LESCC, adding six cameras and installing a state of the art digital recording system.

Morningstar Youth Academy

Morningstar Youth Academy is a privately run residential camp serving up to 40 boys. The facility is licensed by DJS as a large group home with a substance abuse treatment component. It is located in rural Dorchester County. There is a private alternative school on grounds for residents.

The program focus is substance abuse, along with behavioral, relational, self-esteem, and mental health concerns. Morningstar utilizes a cognitive behavioral approach and partners with Eastern Shore Psychological Services to provide behavioral health therapy. Morningstar also provides Functional Family Therapy (FFT) to youth and their families. Equine Assisted Therapy is available onsite as well.

The facility buildings are aged and in poor condition. A full time maintenance person was recently hired to help in maintaining and upgrading the physical plant.

Though there were physical plant challenges during 2010, Morningstar continued to remain a safe and therapeutic environment for youth. The facility was under-utilized throughout 2010.

Silver Oak Academy (Rite of Passage)

The Silver Oak Academy (SOA) is a staff secure residential program owned and operated by Rite of Passage, Inc. The Maryland Department of Juvenile Services licenses the facility to house up to 48 boys. The program opened on July 6, 2009. The facility is located in northern Carroll County in Keymar, Maryland, on the grounds of the former Bowling Brook Academy. SOA reached full capacity early in 2010, and has remained at its rated capacity throughout the year.

SOA now appears to be reporting incidents as required. During the 2nd Quarter, there was a severe outbreak of salmonella in the facility in which 21 youth and 7 staff were quarantined. This incident was not properly reported in the DJS data base. A number of incidents of restraint which resulted in child abuse reports were improperly documented. At the end of the year, SOA has almost completely eliminated the use of physical restraint, and has abandoned the Refocus behavior modification program.

The school at SOA was found to be non-compliant with numerous COMAR regulations, including educational and vocational programs, during an investigation by MSDE in June. The school was placed on intensive monitoring. SOA reached compliance and was removed from intensive monitoring on January 10, 2011.

During the fall, the SOA football team participated in both at home and away games with other private school teams around the state. Youth enjoy and excel in the athletic programs that are offered at SOA.

Victor Cullen Center

The Victor Cullen Center is a 48-bed secure facility operated by the Department of Juvenile Services. Victor Cullen is a 6 to 9 month treatment program for adjudicated males between the ages of 14 and 19. The facility is near Sabillasville, in rural Frederick County.

The facility downsized to 36 youth residents following a riot and escape in May of 2009, but returned to 48 youth during 2010.

The facility is required to house a social worker, a group life manager, and two direct care staffers on each cottage. However, because of social worker vacancies, two of the four cottages do not have a dedicated social worker. Two therapists are stretched in trying to provide services to all four cottages, making it difficult for residents to receive sufficient therapy sessions. The Department should hire additional clinical staff.

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.

There are no security cameras in the school at Victor Cullen. Security cameras enhance safety and security and serve as a valuable training and investigatory aid.

The Annie E. Casey Foundation facilitated a visit by Missouri Model experts to Victor Cullen. The Missouri Model focus is on rehabilitation with State facilities replaced by a network of small group homes providing individualized treatment. The Department is investigating the possible applicability of the Missouri Model at Victor Cullen.

Thomas J. S. Waxter Children's Center

Thomas J. S. Waxter Children's Center (Waxter) is a State owned and operated detention/residential treatment facility in Laurel, Maryland. The facility is comprised of a detention unit (detention and pending placement), an honors unit, and a long-term committed program. According to the Superintendent, the current maximum population capacity is 34, including 8 in the committed program.

The committed program has been operating at its rated capacity of eight for several months. Girls are scheduled to spend six months in the program. During the 1st quarter, the program was moved to the B wing. This move provided more appropriate space for the operation of a long-term program, and more appropriately separated these girls from the girls in detention. The move has proven to be beneficial for both residents and staff. Many improvements have been made to the housing unit, including steam cleaning and painting, new furniture, brightly colored bedding and towels, new TV with cable access and other new equipment. Everyone who works in the secure program has received gender responsive training. Since January, 2010, nine girls have graduated from the secure program. Of this group, six are doing well, two have been AWOL, and only one has become involved in new criminal charges. The Department should endeavor to closely follow outcomes to validate the

effectiveness of this program.

The living area for girls in detention and pending placement has also seen significant improvement. There is an honors unit for girls in detention who do especially well, and those girls receive special privileges. There is still a high level of violence and physical restraint at Waxter, mostly among girls in detention. However, seclusion is rarely used. Cameras are now operational throughout the facility. Several staff have been fired as a result of abuse that was documented on camera.

During the year, the DJS/OIG issued a report that found the physician who provides ob/gyn services to the girls at Waxter had violated DJS standards of appropriate conduct. Girls continue to refuse to be examined by this individual and have not been provided with alternative services to meet their medical needs.

The Way Home – Mountain Manor

The Way Home is a 15-bed, non-secure group home for girls who are committed to the Department of Juvenile Services. It is located within the Mountain Manor complex of therapeutic programs in West Baltimore. The girls in residence go out during the day to local public schools.

The Way Home offers a gender-appropriate, comfortable and therapeutic environment to troubled girls. The program benefits from its location on the grounds of Mountain Manor, which offers a wide variety of inpatient and outpatient mental health services. The Department should endeavor to maintain the program at optimum capacity.

Western Maryland Children's Center

The Western Maryland Children's Center is a State owned and operated detention facility located in Washington County, just outside of Hagerstown. WMCC is designed to accommodate a total of 24 youth in two 6 bed pods and one 12 bed pod. At present only males are housed at the facility.

The behavior management program at WMCC provides incentives for youth to manage their behavior. Youth report that the system is fair. Youth also report that they are well treated by staff at WMCC.

WMCC was over-populated for more than half of the days in the third quarter of 2010. When this occurs youth must sleep in day rooms on the pods. This creates a potentially dangerous situation, especially when staff must respond to a distress call and there are not enough rooms to secure youth under supervision.

DJS installed razor security wiring around areas of the outdoor recreation area where youth could potentially gain a hand hold and escape from the facility.

One of the most notable challenges at Western Maryland Children's Center this year involved residents with mental health conditions (e.g. ADHD, Bi-Polar disorder, ODD). Throughout the year, two such youth were involved in 41 (or 24%) of all 171 reported incidents.⁴ These incidents included refusal to follow staff directive or participate in activities, or arguing with or threatening other residents or staff. The youth attempted to cause major disruptions such as setting off the sprinklers, slamming a door repeatedly with the intent to break it, or flooding the pod. In a few cases, these youth assaulted staff or other youth, and were also victims of assault by other residents. These young men continuously struggled to succeed in the behavior management program. A DJS Quality Improvement Report (issued in October 2010) included an examination over a three-month span of instances where behavior (point) levels were lowered due to misbehavior. The sampling indicated that the three most challenging students (who lost behavior level points multiple times per week), "...have documented social, emotional, special education, and psychological needs."⁵ It is reasonable to conclude that some incidents involving youth with significant behavioral health challenges may have been prevented if more intensive mental health services were provided.

William Donald Schaefer House

William Donald Schaefer House (WDSH) is a 90-day residential substance-abuse treatment program for up to 20 boys aged 14 to 18. The home is located near Druid Hill Park in Northeast Baltimore City. The facility is operated by the Maryland Department of Juvenile Services.

WDSH has been downsized to a capacity of six youth since November of 2009. There were only four youth in the program during the third quarter of 2010.

While the recent capacity at WDSH has been kept to six youth, 14 additional youth could be receiving treatment at the facility. The physical plant is in good condition, yet has been operated under capacity for a year while there is a shortage of committed care programs in the state. It is unclear why the Department has not optimized utilization of WDSH.

During 2010, staffers from WDSH were transferred to the Baltimore City Juvenile Justice Center to augment staffing in the detention component.

The Department should utilize available treatment slots at WDSH or come up with a plan for an alternative full utilization of the facility. WDSH could be used as a day or evening reporting center for male and female youth. Currently there are no reporting centers for girls, although the Baltimore City reporting center for boys has been recognized as a model program by the Federal government. The facility would also be appropriate to house a day school for girls or boys.

⁴ Department of Juvenile Services ASSIST Incident Reporting database.

⁵ See page 38 of the DJS QI Report on WMCC <http://www.djs.state.md.us/quality-assurance/qir-wmcc.pdf>

Youth Centers

The DJS Youth Centers provide commitment care services to male youth in four separate facilities:

- **Green Ridge** serves youth in three separate programs: Mountain Quest, a 90-day intensive adventure based treatment impact program; Revelations, a substance abuse program; and a therapeutic program lasting an average of six to eight months.
- **Savage Mountain** youth population was temporarily reduced in May 2009 from 36 to 12 beds so that staff could be transferred to help provide coverage at the Victor Cullen Center. All DJS Youth Centers continue to send staff to Victor Cullen. The capacity at Savage Mountain was increased in September 2009 and now serves 36 youth in a six to nine month treatment program.
- **Backbone Mountain** serves 48 youth. There are 32 to 38 beds dedicated to a six to eight month treatment program, while 10 to 16 beds are dedicated to youth in the college program.
- **Meadow Mountain** serves 40 youth and specializes in treatment of addictions in a 6 to 9 month program.

Despite population challenges, the Youth Centers continue to maintain a high standard of youth care. Green Ridge is especially noteworthy in regard to quality of services delivered to youth.

Youth Center administrators have worked diligently on physical plant upgrades and to tighten up youth supervision practices to ensure safety and security.

Because the Centers have significant numbers of staff with many years of service, longer earned vacation time in addition to sick time, family leave, increased training requirements and call outs lead to challenges in staffing shifts when staff are not available for duty.

Western Maryland staff in conjunction with DJS staff from around the State developed a pre-placement program called Treatment Orientation Program (TOP) at the DJS detention centers. Youth slated for the Youth Centers or Victor Cullen may enroll in the program, which could reduce the time required to complete the treatment program. Youth complete a workbook and maintain contact with designated staff at the receiving Center. The TOP program is a creative step in helping youth feel that they are not doing “dead time” in detention, and also possibly reducing problematic acting out while awaiting a placement opening.

The Maryland Department of Education at DJS Facilities

The Maryland State Department of Education (MSDE) took over education services at the Western Maryland Children's Center during 2010.

Currently, MSDE manages education services at four detention facilities: the Baltimore City Juvenile Justice Center, the Charles H. Hickey, Jr., School, the Lower Eastern Shore Children's Center and the J. DeWeese Carter Center. The Victor Cullen Center, a treatment facility in Frederick County, also includes a school which is managed by MSDE.

Plans for the MSDE transfer of education services at other DJS detention and treatment centers during FY 2012 include the Thomas J.S. Waxter Center in Laurel, the Alfred D. Noyes Children's Center in Rockville and the William Donald Schaefer House, a treatment facility in Baltimore City.

In FY 2013, education services at Cheltenham Youth Facility, a detention center in Prince George's County, and the four DJS Youth Centers in Western Maryland will also come under MSDE jurisdiction. The timetable outlined above has been agreed to by both DJS and MSDE, however, the transfer is dependent upon allocation of state funding as expected.

The Juvenile Justice Monitoring Unit in 2010

1. The Monitor's Function

The Juvenile Justice Monitoring Unit investigates and reports on conditions at 22 Maryland Department of Juvenile Services facilities per *Md. State Govt. Code Ann. §6-404 (2009 Replacement Volume)*.

The facilities monitored by JJMU include 8 DJS-operated detention centers, 7 DJS-operated committed care programs⁶, 2 shelters, 1 privately-operated committed care program, and 7 group homes.⁷ Reports of the Unit's evaluations are issued on a quarterly basis and address the following issues:

- Treatment of and services to youth, including:
 - whether their needs are being met in compliance with State law;
 - whether their rights are being upheld;
 - whether they are being abused;
- Physical conditions of the facility;
- Adequacy of staffing; and
- Effectiveness of the child advocacy grievance process and DJS monitoring process.

Monitors make unannounced visits to facilities, visiting between one and four times per month, depending on current challenges at the facility. During these visits they inspect the physical plant, interview youth and staff, observe school classes, and review documents including seclusion reports, activity logs, medical records, school records, and staffing charts.

Monitors also review the DJS Incident Reporting and ASSIST Databases to follow up on incidents in facilities, particularly those involving alleged staff on youth violence, youth on youth violence, group disturbances or injuries. They review DJS Investigative Reports for incidents that prompt formal investigations and review all grievances filed by youth. Monitors participate in multi-agency meetings called to discuss reports of alleged child abuse or neglect in facilities.

Twice yearly Monitors incorporate their findings into Individual Facility Reports. In addition, when a serious and immediate threat to youth and/or staff safety is identified (e.g., fire safety code violations, escapes, or serious staffing or operational issues), the Juvenile Justice Monitoring Unit may issue a Special Report.

Monitors attend Facility Advisory Board meetings, which include community leaders and advocates, and report their findings to the Boards. JJMU also attends meetings of the State Advisory Board on Juvenile Justice.

⁶ The Thomas J.S. Waxter Center for girls includes both detention and committed care programs in one facility.

⁷ An additional group home and another shelter will be added in early 2011

During 2010, JJMU staff members included a Director and five full-time Monitors. An Assistant Attorney General provided legal advice to the Unit.

2. Activities and Accomplishments in 2010

In calendar year 2010, our staff made 451 monitoring visits and produced 75 monitoring reports. These included the 2009 Annual Report published in January of 2010 in addition to 24 individual facility reports covering the first quarter and 23 facility reports covering the third quarter of 2010.

During 2010, the unit also published a comprehensive systemic report on overcrowding at DJS facilities and two Special Reports: one concerning issues surrounding the death of a DJS staff member at Cheltenham Youth Facility (CYF) and another concentrating on issues related to an escape from the Charles H. Hickey, Jr., School (Hickey). The 2010 reports and all previous reports of the Juvenile Justice Monitoring Unit are available via link on our website at www.oag.state.md.us/jjmu.

Over the course of the past year, the Juvenile Justice Monitoring Unit worked with a variety of other state and local agencies and youth-serving organizations to improve the quality of services for Maryland youth. The agencies and organizations included the Maryland State Advisory Board for Juvenile Services and various facility advisory boards; Maryland State's Attorneys' Offices and the Maryland Office of the Public Defender; the Maryland Disability Law Center; the Montgomery County Commission on Juvenile Justice; and Baltimore City CASA.

Appendix A

History of the Juvenile Justice Monitoring Unit

In 1999, the Maryland Department of Juvenile Justice (precursor to the Maryland Department of Juvenile Services/DJS) received national media coverage over the treatment of youth in its boot camps facilities. A Task Force investigation concluded that the Department lacked oversight and recommended creation of an external monitoring agency to report to the Governor and members of the General Assembly on conditions in DJS facilities as well as on the safety and treatment of youth in DJS custody. As a result, the Office of the Independent Monitor was established in 2000.

Legislation to codify the Office of the Independent Juvenile Justice Monitor was passed into law in 2002. The Independent Juvenile Justice Monitor was originally housed in the Governor's Office of Children, Youth, and Families. In 2006, the Monitoring unit was moved to the Office of the Attorney General and was renamed the Juvenile Justice Monitoring Unit (JJMU).

Appendix B

JJMU Staff

During 2010, the staff at the Juvenile Justice Monitoring Unit (JJMU) included a Director, five Monitors, and an Assistant Attorney General who served as Counsel to the Unit. Our staff members are experienced professionals with a broad range of educational qualifications, substantive knowledge and practical skills including juvenile programming, special education, civil rights law and juvenile legal representation, counseling, casework, and program operations and management.

Nick Moroney is acting director at JJMU. He joined the Unit in February 2008 and continues to monitor facilities including Cheltenham Youth Facility (CYF). For several years before he joined JJMU, Mr. Moroney taught in an alternative public school for troubled youth. Prior to teaching, he worked as an editor and writer on issues affecting vulnerable populations in Maryland and Washington, D.C. He holds a Master's Degree from Georgetown University.

José Saavedra joined JJMU in August 2010. Prior to joining the Unit, Mr. Saavedra worked on juvenile justice reform issues with youth in local communities and was Juvenile Justice Network Coordinator with a national non-profit organization. Mr. Saavedra also founded an after-school program for youth believed "hardest-to-reach." He holds a Master's Degree in Public Policy from American University.

Timothy Snyder joined the Unit in 2001 after many years of working directly with troubled youth and their families. Previously, for eleven years, he served as Director of the New Dominion School in Maryland, an adventure-based residential treatment program for troubled youth. He also worked in direct care and family services at New Dominion School in Virginia. In private practice, Mr. Snyder consulted with numerous families experiencing difficulties with their children. He holds an M.A. in Pastoral Counseling (special emphasis in marriage and family counseling) from LaSalle University and a B.A. from Guilford College (Sociology).

Sharon Street has served as Assistant Attorney General for the Juvenile Justice Monitoring Unit since August of 2006. She has also worked as an Assistant Attorney General in the Environmental Crimes Unit and the Correctional Litigation Division and as a Staff Attorney with the Division of Pretrial Detention and Services. Ms. Street began her legal career at the law firm of Brown, Goldstein and Levy. She received her J.D. degree from the University of Maryland School of Law and her undergraduate degree from the University of Delaware.

Tanya Suggs joined the Juvenile Justice Monitoring Unit in 2007. She holds a B.S. degree from Morgan State University and an M.S. in Criminal Justice from Boston University. Prior to coming to JJMU, Ms. Suggs worked for six years as a Case Manager and Activities Coordinator for families and at-risk youth. Ms. Suggs also interned at a number of juvenile justice agencies. Ms. Suggs resigned from JJMU in January of 2011 to take a position with the Federal Government.

Marlana Valdez joined the Juvenile Justice Monitoring Unit as Director in 2007 after a 25-year career as a practicing attorney, professor, and management consultant. She started her career practicing family and children's law and served as General Counsel of the Texas Juvenile Probation Commission. For nearly two decades she taught family and children's law on the faculties at American University, George Washington University, and Georgetown University. In 2003, Ms. Valdez formed a management consulting firm, specializing in helping clients improve organizational performance and manage change. She completed a post-graduate program in Organization Development at Georgetown University and received both her J.D. and B.S. (Speech Communication) degrees from the University of Texas at Austin. Ms. Valdez is a Fellow at Georgetown University's Center for Juvenile Justice Reform and is active in the Coalition for Juvenile Justice. Ms. Valdez resigned from JJMU in October of 2010 to take a position with The American Bar Association.

Claudia Wright is senior monitor at JJMU and has been with the Unit since January of 2007. Ms. Wright began her career as a public defender, serving as Chief of the Juvenile Division of the Public Defender's Office in Jacksonville, Florida. She later litigated major class action cases for the American Civil Liberties Union National Prison Project, including cases challenging conditions of confinement for children in training schools, jails and detention centers. She was lead counsel on *Bobby M. v. Chiles*, which was the catalyst for reform of the juvenile justice system in Florida. Ms. Wright was a founder of Florida State University's first juvenile law clinic and founded Gator TeamChild, a multi-disciplinary juvenile law clinic at the University of Florida. Her article, "Re-Thinking Juvenile Justice - Using the IEP Concept to Create a New Juvenile Justice Paradigm", appeared in the Fall 2007 issue of *The Link*, a publication of the Child Welfare League of America.

Appendix C

Facility Monitoring Responsibilities

<ul style="list-style-type: none"> • Baltimore City Juvenile Justice Center • Charles H. Hickey School • J. DeWeese Carter Children's Center • Kent Youth Boys Group Home • The Way Home - Mountain Manor • Thomas J.S. Waxter Children's Center 	<p>Claudia Wright: (410) 576-6597, cwright@oag.state.md.us</p>
<ul style="list-style-type: none"> • Cheltenham Youth Facility • Silver Oak Academy • One Love Group Home⁸ • Liberty House Shelter⁹ 	<p>Nick Moroney: (410) 952-1986, nmoroney@oag.state.md.us</p>
<ul style="list-style-type: none"> • Backbone Mountain Youth Center • Green Ridge Youth Center • Lower Easter Shore Children's Center (LESCC) • Meadow Mountain Youth Center • Morningstar Youth Academy • Savage Mountain Youth Center • Victor Cullen Center 	<p>Tim Snyder: (410) 591-6166, tsnyder@oag.state.md.us</p>
<ul style="list-style-type: none"> • Alfred B. Noyes Children's Center • Allegany Girls Group Home • Aunt CC's Harbor House Shelter • Graff Shelter for Girls • Karma Academy for Boys Randallstown • William Donald Schaefer House • Western Maryland Children's Center 	<p>José Saavedra: (410) 576-6953, jsaavedra@oag.state.md.us</p>
<p>Nick Moroney Acting Director (410) 576-6599 nmoroney@oag.state.md.us</p>	

⁸ As of February 2011

⁹ As of March 2011