



Maryland Department of  
**Juvenile Services**  
Treating ● Supporting ● Protecting

**July 30, 2010**

**DJS Response**

DJS appreciates the opportunity to respond to the JJMU's 2<sup>nd</sup> Quarter Report. We especially appreciate the concerns of the JJMU and take seriously the care and needs of the youth in our facilities. Though there was a recent population increase at some facilities, DJS facilities did not experience chronic and severe overcrowding or any of the negative consequences that may be associated with overpopulation described in the report. Each of the DJS detention centers identified as overcrowded in the JJMU Report continued to operate safely despite temporary increases in the number of youth detained in the facilities by juvenile courts.

Youth safety is always paramount to the Department; DJS provides here extensive data in this Response demonstrating that the facilities did not experience any significant increase on any measures associated with safety and security. The data points to consistently good management by DJS of the facilities including during periods of temporary population increases. Many measures of safety and security actually declined during the 2<sup>nd</sup> quarter in the four identified facilities, and all youth detained in the facilities continued to receive a range of services according to their needs.

Measures of youth safety have consistently improved over time, including during the 2<sup>nd</sup> quarter, and do not correlate with increases in population. Management steps taken by DJS effectively dealt with temporary population increases at all the facilities and youth continued to be detained safely.

The research cited in the JJMU Report as evidence of the harmful effects of crowding, though solid in its foundation, is not focused on temporary population increases that may be experienced in juvenile detention centers.<sup>1</sup> We understand the JJMU's concerns, however these research articles concern increased levels of violence and other negative effects of severe, chronic and long-term overcrowding in federal and state prisons that incarcerate adult inmates for prolonged periods of time. DJS facilities, which have

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<sup>1</sup> The quotations from research articles that cite more harmful effects of crowding on "younger inmates" are not relevant to DJS facilities. The "younger inmates" referenced in the articles are younger compared to other inmates in adult federal and state prison systems.

average lengths of stay of around 14 days, did not experience any such adverse impacts during the periods of short term and comparatively very modest population increases.<sup>2</sup>

The JJMU Report also cites a federal class action lawsuit as evidence that crowding means there is “not enough of anything else required to meet minimum standards of decency.”<sup>3</sup> This lawsuit was brought on behalf of children held at a Mississippi juvenile detention facility under “squalid conditions and horrific physical and emotional abuse that violated their civil rights.”<sup>4</sup> We think the JJMU would agree that DJS facilities, even in times of high population, have nothing in common with these kinds of conditions.

We do agree that proactive steps are the best kind to take in controlling population. DJS is not simply reactive in addressing detention population increases but currently employs multiple strategies that are widely considered model practices for protecting public safety while avoiding unnecessary detention admissions. DJS has been decidedly proactive by spearheading the use of approaches that have led to positive change and a track record of success, including:

- DJS initiated the development and full implementation of a Detention Risk Assessment Instrument (DRAI) statewide. As a result, for the first time, Maryland’s juvenile services agency is utilizing objective criteria to make informed decisions about detention admissions. The DRAI was developed with the participation and collaboration of law enforcement, juvenile courts, public defenders, and community stakeholders in each local jurisdiction throughout Maryland.
- DJS conducts ongoing review of youth in detention facilities and works with our juvenile justice system partners to expedite length of stay in detention for pre-adjudicated youth. The average length of stay in detention facilities statewide was just 13.8 days in CY 2009 2<sup>nd</sup> quarter and 13.6 days in CY 2010 2<sup>nd</sup> quarter.
- DJS reformed case processing, substantially decreasing the average amount of time that youth spend in detention facilities waiting for placement in treatment programs since 2007. The average length of stay for post-adjudicated youth has increased in the last few months and the Department is very actively identifying and addressing contributing issues.

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<sup>2</sup> Literature on the effects of crowding in juvenile facilities typically defines crowding as a substantial and prolonged increase in the number of youth detained above the rated capacity of a facility. For example, see Burrell, S. (1998). *The Human Impact of Crowding in Juvenile Detention*. Journal of Juvenile Justice and Detention Services, pp. 42-48, which explains, “... we met kids who spent as much as 20 hours a day in their rooms because of crowding... this was a 64-room facility that often housed more than 200 youth.” Even at their peak populations, DJS facilities do not experience anything like this situation.

<sup>3</sup> JJMU 2<sup>nd</sup> Quarter 2010 Report p. 8.

<sup>4</sup> See description of conditions that gave rise to D.W., et al. v. Harrison County, Miss., available at <http://www.splcenter.org/get-informed/case-docket/dw-et-al-v-harrison-county-miss>

- DJS implemented nationally recognized Evidence-based Services for effective treatment in the community for delinquent youth at risk for out-of-home placement, achieving a more than 300% increase in the number of EBS slots available to delinquent youth since 2007. In the jurisdictions in which the four facilities identified in the JJMU Report are located, for example, the Evidence-based Services provided to youth and families by DJS include Functional Family Therapy (FFT), Multi-Systemic Therapy (MST), and Multi-disciplinary Treatment Foster Care (MTFC), with continued expansion of these services on target for implementation in FY 2011.
- DJS supported the full implementation of the Juvenile Detention Alternatives Initiative (JDAI), a nationally recognized approach to eliminating unnecessary detention without compromising public safety. As the JJMU Report indicates, DJS is currently expanding JDAI to Prince George's County by working with the juvenile court, Offices of the Public Defender and State's Attorney and community groups.
- DJS significantly improved conditions of confinement in its detention facilities by adding structured youth activities and behavior management programs, and increasing mental health, somatic health and education services.
- DJS recognizes that some of the state's juvenile facilities are outdated and have needed replacement for many years. DJS sought and was granted approval in the FY 10 legislative session to construct two state-of-the-art juvenile facilities, one to replace the Cheltenham Youth Facility in Prince George's County, and a new facility in Southern Maryland. DJS will continue to seek funding for construction of new detention and treatment facilities in other areas of the state.

In order to assuage any concerns the JJMU may have, DJS provides the following comprehensive data and statistical analysis demonstrating the safe operation of the four facilities identified in the JJMU Report:

**Data Showing Stable or Decreased Rate<sup>5</sup> of Facility Incidents (Youth Injuries, Youth-on-Youth Assault, Youth-on-Staff Assault, and Group Disturbance) From 1<sup>st</sup> Quarter 2008 to 2<sup>nd</sup> Quarter 2010 for BCJJC, Cheltenham, Hickey and Noyes<sup>6</sup>**

**Rate of Non-Sports Related Injury**

	1st Qtr '08	2nd Qtr '08	3rd Qtr '08	4th Qtr '08	1st Qtr '09	2nd Qtr '09	3rd Qtr '09	4th Qtr '09	1st Qtr '10	2nd Qtr '10
BCJJC	1.07	1.20	1.25	1.20	1.68	1.81	1.37	0.88	0.92	0.83
Cheltenham	0.83	1.05	0.52	0.57	0.31	0.43	0.36	0.26	0.32	0.39
Noyes	1.70	2.00	0.89	1.25	1.06	0.89	0.91	0.57	0.62	0.61
Hickey	1.64	1.54	1.25	0.86	0.62	0.67	0.48	0.39	0.59	0.72

**Rate of Youth on Youth Assault**

	1st Qtr '08	2nd Qtr '08	3rd Qtr '08	4th Qtr '08	1st Qtr '09	2nd Qtr '09	3rd Qtr '09	4th Qtr '09	1st Qtr '10	2nd Qtr '10
BCJJC	1.50	1.58	1.30	1.55	1.83	1.98	1.63	1.16	1.41	1.20
Cheltenham	0.51	0.71	0.65	0.88	0.50	0.73	0.47	0.32	0.49	0.58

<sup>5</sup> The incident rate refers to a standard method of calculation measuring the number of incidents per 100 youth days. Incident rates allow for valid comparison across facilities of different size and within facilities to account for fluctuation in youth population over time. The rate is calculated as follows: (incidents x 100) / (days in month x population). For example, a rate of 0.5 would mean that a youth in detention for 100 days would expect to have ½ incident, or one incident every 200 days.

<sup>6</sup> DJS requires the use of very stringent standards for reporting incidents in its facilities. The term “assault” for example covers a wide range of youth behavior, from mild disruption not atypical in other settings such as schools, to fights. Therefore while DJS takes seriously and addresses any instance of assault, the rate of “assaults” does not indicate that all of the incidents were serious fights.

Noyes	1.29	1.35	0.89	1.17	0.79	0.85	0.82	0.52	0.64	0.59
Hickey	1.13	1.15	1.19	0.78	0.64	0.70	0.60	0.48	0.56	0.67

### Rate of Youth on Staff Assault

	1st Qtr '08	2nd Qtr '08	3rd Qtr '08	4th Qtr '08	1st Qtr '09	2nd Qtr '09	3rd Qtr '09	4th Qtr '09	1st Qtr '10	2nd Qtr '10
BCJJC	0.27	0.24	0.47	0.22	0.18	0.19	0.22	0.14	0.15	0.14
Cheltenham	0.11	0.09	0.08	0.07	0.08	0.10	0.06	0.06	0.02	0.02
Noyes	0.18	0.59	0.21	0.42	0.41	0.18	0.09	0.16	0.17	0.21
Hickey	0.20	0.15	0.17	0.13	0.08	0.04	0.09	0.04	0.03	0.03

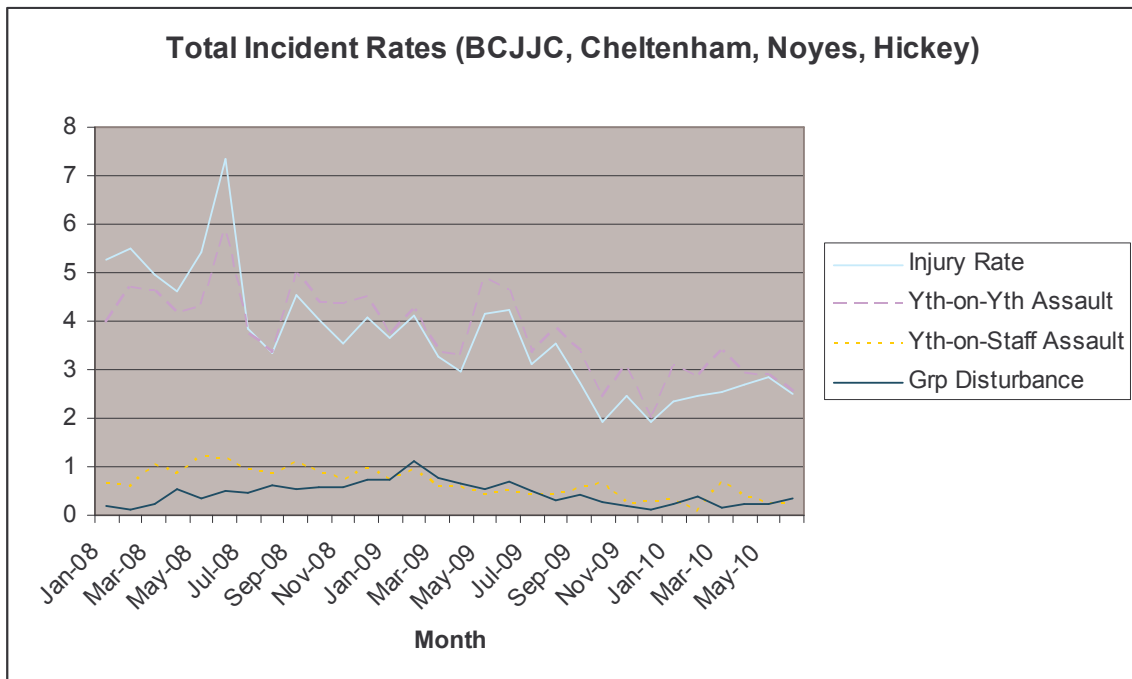
### Rate of Group Disturbance

	1st Qtr '08	2nd Qtr '08	3rd Qtr '08	4th Qtr '08	1st Qtr '09	2nd Qtr '09	3rd Qtr '09	4th Qtr '09	1st Qtr '10	2nd Qtr '10
BCJJC	0.11	0.16	0.24	0.37	0.77	0.42	0.32	0.13	0.20	0.19
Cheltenham	0.00	0.02	0.05	0.03	0.03	0.10	0.03	0.02	0.03	0.05
Noyes	0.00	0.20	0.11	0.11	0.04	0.08	0.06	0.04	0.02	0.00
Hickey	0.07	0.08	0.13	0.12	0.03	0.04	0.00	0.00	0.01	0.01

### Statistical Examination of Facility Residential Population and Facility Incidents (Injuries, Youth-on-Youth Assault, Youth-on-Staff Assault, and Group Disturbances) for BCJJC, Cheltenham, Hickey and Noyes Over 30 Months Showing No Positive Correlation between Youth Population and Number or Rate of Incidents

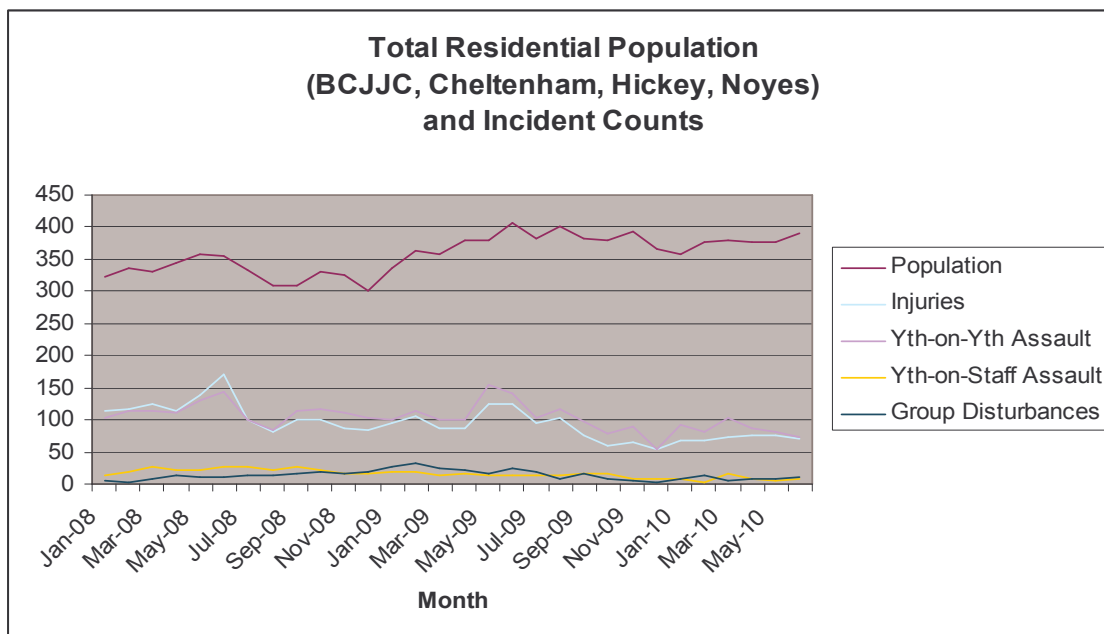
DJS examined the relationship between the residential population and the count of four incident types (injuries, youth-on-youth assault, youth-on-staff assault, and group disturbance) across four facilities (BCJJC, Cheltenham, Noyes, and Hickey) and by individual facility.

Between January 2008 and June 2010 the analysis shows a downward trend in incident rates across all four facilities:



While the number of incidents trended downward during this 30-month period, the residential population fluctuated or exhibited short-term slight upward trends. Therefore, correlation analysis was conducted and revealed a statistically significant *inverse* relationship between the size of the residential population and the occurrence of incidents in the aggregate and in two facilities. That is, in some cases there is a negative correlation between population and incidents: the higher the population, the lower the number of incidents.

There was never a positive correlation. Therefore at no time in any facility was a population increase associated with an increase in incidents.



Statistically significant inverse correlation coefficients were found between:

- Total population (BCJJC, Cheltenham, Hickey and Noyes) and the total number of youth-on-staff assaults;
- BCJJC population and the number of group disturbances; and
- Hickey population and the number of injuries, youth-on-staff incidents, and group disturbances.

The average daily population of the facilities was actually at or below the facilities’ rated capacity for the majority of days in the 2<sup>nd</sup> quarter covered by the JJMU Report. In fact Maryland’s rate of juvenile incarceration is among the lowest in the country - it ranks seventh best among all states in maintaining low incarceration rates of juveniles.<sup>7</sup>

In summary, as the data provided in this Response demonstrates, DJS facilities did not experience violent incidents as a result of short-term population increases; the Department made successful efforts to reduce facility populations as we appreciated that the JJMU pointed out in their report; and the facilities complied with the Department’s own standards identified by the JJMU Report as applicable to the findings, including condition of the physical plant, sanitation, youth safety, youth needs, and staffing.<sup>8</sup>

<sup>7</sup> The rate is the number of juvenile offenders in custody in residential placements per 100,000 juveniles age 10 through the upper age of original juvenile court jurisdiction in each state. See Sickmund, M., Sladky, T.J., and Kang, W. (2005). *Census of Juveniles in Residential Placement Databook*. Online. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>

<sup>8</sup> DJS Standards for Juvenile Detention Facilities are referenced in the JJMU Report p. 9.

**Responses specific to the facilities identified in the JJMU Report follow:**

**Alfred E. Noyes Children's Center**

Although the population did reach a high of 70 on two days during the 2<sup>nd</sup> quarter, there were no operational problems attributable to the temporary increase in any of the areas identified.

Condition of the physical plant:

- There were no issues related to lighting, plumbing or ventilation
- All youth have storage space for personal belongings and hygiene in a housing unit closet including those youth sleeping on “boats” (boats are movable beds that consist of mattresses placed on preformed resin forms that are stackable when not in use.) Personal belongings and hygiene supplies for all youth, regardless if they sleep in a room or in a boat, are always secured in a closet and retrieved as needed

Sanitation:

- There were no issues with vermin or insects
- Food is not prepared at Noyes, so the increase in population has no bearing on the amount or quality of food served to youth
- Laundry is done throughout the day, including during the night shift, to ensure there is always clean clothing for youth
- There were no issues with laundry equipment
- Linen is professionally laundered off site in addition to laundering on site as needed, so population has no bearing on the availability of clean linen
- The insulated trays used for food service are cleaned and sanitized after each meal using the commercial dish machine in the Montgomery County Public Schools (MCPS) kitchen located next door to Noyes. The assembled trays are inspected at each meal by a Registered Dietitian before being sent to Noyes
- The trays are not placed on the floor in the units
- Food carts are old and therefore may appear worn, but they are not dirty. However new food carts have been purchased

Safety:

- Incidents decreased including during June, the month with the highest average daily population in the 2<sup>nd</sup> quarter
- Incidents remained at a low rate throughout the 2<sup>nd</sup> quarter



- There were no incidents between the youth identified in the JJMU Report who were sleeping in boats
- The 11-year old youth ordered detained by a judge was not involved in any incidents and was under close supervision during all shifts, including the night shift when the youth was sleeping under the direct and constant supervision of staff
- The Maryland State Fire Marshal conducts inspections at Noyes and has issued the facility a current fire inspection certificate; it is available for review in the facility. The Montgomery County Fire Marshal also conducted an inspection at Noyes and also did not raise any concerns or require any corrective action about fire drills or other issues. Noyes conducts fire drills on all shifts, including the third shift, in full compliance with applicable requirements

Youth needs and services:

- Medical appointments were never missed due to population
- Educational classes were never missed due to population
- Population has nothing to do with the amount of food served to youth. Meals are prepared for every youth regardless of the total number of youth in the facility
- DJS requested fresh fruit daily for each housing unit to offer as a snack for youth and the food service vendor for Noyes has started sending the fresh fruit daily, at least two pieces per youth
- The meals provide between 2800-3000 calories daily for each youth and comply with all requirements of the federal Child Nutrition Program for school lunch and school breakfast. The meals are prepared in the MCPS kitchen in the school adjacent to Noyes under the supervision of a Registered Dietician
- In addition to basic services and regular activities, special events during the 2<sup>nd</sup> quarter included:
  - Easter egg hunt
  - Family Day
  - Growing Great Girls group
  - Education Career Day
  - “Learn On Me” mentoring program
  - Field Day and Cook Out
  - Unveiling of mural created by youth

Staffing:

- Noyes was allocated additional direct care positions and applicants have been identified to fill these positions
- Youth always receive the required number of telephone calls. Incentive (extra) telephone calls may have been missed when a case manager was in training or on leave and Noyes will ensure these telephone calls also are consistently provided

## **Baltimore City Juvenile Justice Center**

### **BCJJC is in substantial compliance with all provisions of the Settlement Agreement with the federal Department of Justice relating to conditions of confinement and protecting youth from harm, and is poised to successfully exit from the Agreement in August 2010.**

#### **Staffing:**

- The Department did not alleviate staffing problems at BCJJC by pulling personnel from the William Donald Schaefer House. The Department temporarily re-assigned 3 direct care staff from Schaefer House to BCJJC for a period of 6 months. While this did assist BCJJC, the staffing improvement at BCJJC resulted from the Department's hiring additional direct care staff for the facility.
- The facility maintained appropriate daytime staffing ratios of 1:6 to ensure adequate supervision of youth, including throughout temporary periods of a very slight population increase

#### **Youth needs and services:**

- Mental health, somatic health, educational, recreation, and structured programming – included a Boys Club that operated within the facility – continued throughout the 2<sup>nd</sup> quarter
- The monitor indicates that BCJJC lacks both outdoor recreation and classroom space. DJS agrees that larger open space detention centers are more ideal. However at BCJJC, there is a large and well-equipped gym that provides the youth with recreational activity space plus two outdoor yards with basketball goals that provides outdoor recreation when weather permits. The urban environment in which BCJJC was built does not provide the large outdoor fields that other campuses offer, but the youth there still receive the same amount (or more) of mandated large muscle activity other DJS youth are afforded.
- The school, as the JJMU is aware, recently added not only a classroom but also a testing room. In addition to the self-contained classroom for special education students and an office space where youth receive guidance services, the school has met the classroom space requirements required by the federal monitor and BCJJC's school was released from federal oversight by meeting compliance. In addition, the school rarely, if ever, has more than twelve students in each classroom, providing for more individualized instruction for BCJJC youth
- In addition to basic services and regular activities, special events were organized including:
  - Guest speakers encouraged the youth to engage in positive activities
  - Mothers Day special visitation including dinner for youth and their mother/female guardians. Artwork created by youth was displayed. The

youth presented their mothers/guardians with flowers and mother/son pictures were taken

- Fathers Day Celebration that included dinner for youth and their father/male guardian. Artwork created by youth was displayed. Youth who are themselves fathers received special visits from their children
- July 4<sup>th</sup> cookout

Youth detained outside their region:

- Md. Human Services Article Section 9-238.1(b)(1) requires that DJS may only place youth in a committed facility outside the youth's region if DJS determines this is in the best interest of youth because they require specialized services.

Section 9-238.1(a)(4) requires that DJS deliver services on a regional basis through at least four operational regions. Subsection (b)(1) requires that each region have at least one secure facility used solely for children pending disposition and awaiting placement after disposition.

DJS currently has 6 regions but the facilities that were built in each region do not always have the capacity to hold every youth from that region. Accordingly, occasionally the need arises to place a youth in detention outside the youth's region in order to maintain balanced population levels and maintain safety. There are also going to be exigencies for safety that would cause the Department to move a youth who may be in danger due to gang issues, etc. within their region. For the first time, DJS has completed a GAP Analysis to assess its needs and has developed a Capital Plan that reflects the needs in each region.

**Charles H. Hickey, Jr. School**

**In 2005, Maryland entered into a Settlement Agreement with the federal Department of Justice regarding conditions of confinement at Hickey. Under the current administration, DJS successfully exited from the Settlement Agreement in June 2008 by demonstrating substantial compliance with all provisions of the Agreement including 25 youth safety measures.<sup>9</sup>**

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<sup>9</sup> The Protection from Harm and Suicide Prevention youth safety indicators evaluated include Protection from Abuse; Reporting of Staff Misconduct, Youth-on-Youth Violence and Staff Uses of Force; Health Care Inquiries Regarding Injury; Use of Force; Senior Management Review; Staff Training in Behavior Management, De-Escalation and Crisis Intervention; Behavior Management Program; Structured Rehabilitative Programming; Staffing; Security Systems; Restraint Practices; Seclusion; Due Process; Admission Intake and Orientation; Employment Practices; Classification; Implementation of Suicide Prevention Policy; Suicide Risk Assessments; Mental Health Response to Suicidal Youth; Supervision of Youth At-Risk of Self-Harm; Housing of Youth At-Risk of Self-Harm; Restrictions for Suicidal Youth; Documentation of Suicide Precautions; Access to Emergency Equipment; Suicide and Suicide Attempt Review. DJS was also in substantial compliance with all additional provisions for Mental Health Care, Medical Care, Fire Safety, Special Education, and Quality Assurance.

### Sanitation:

- Sanitation is maintained even if some youth sleep in boats. The boats are stacked for storage without linens during daytime hours
- Linens are professionally laundered at minimum twice each week and more frequently as needed. Linens are stored separately from the boats. Should a youth sleep in the boat for more than one night, he always receives the linens he used and never linens used by any other youth
- The mattress the youth sleeps on is elevated from the floor by the boat it is placed on and the floor is cleaned and sanitized daily.

### Safety:

- Direct care staff may not be assigned exclusively to an intake post when the facility is experiencing a low rate of admissions. At all times however, direct care staff trained in classification and other intake functions are available to conduct the admissions process
- The housing classification system was not discontinued due to population increases. Youth are supervised throughout the night shift. Youth sleeping in boats outside of individual rooms are directly supervised throughout the night shift by direct care staff

### Youth needs and services:

- Regardless of population increases, a comprehensive level of mental health assessment and services continues to be provided to youth at Hickey. Youth receive high quality services that exceed what is typically provided in detention facilities. Services include assessment of mental health and substance abuse issues for all youth entering the facility, individual and group treatment for those identified as requiring those services, psychiatric evaluation and medication treatment, crisis intervention, and training for direct care staff in mental health issues. On many occasions youth with chronic unremitting psychiatric conditions are transferred to Hickey as a result of the stability and treatment capabilities of the mental health clinicians available at the facility
- Mental health, somatic health, educational, recreation, and structured programming continued throughout the 2<sup>nd</sup> quarter
- Not only were all basic services and regular activities continued to be provided, special events were organized including:
  - Intramural sports tournaments
  - Pride life skills and chess programs
  - Weight training
  - Healthier Hickey Walk a Thon
  - Facility swimming pool opened for the season
  - "We Appreciate You" youth/staff program

### Staffing:

- The facility maintained appropriate staffing ratios to ensure adequate supervision of youth, including throughout temporary periods of population increase
- One direct care staff did work one 18-hour shift supervising a youth who was placed in a hospital for short-term treatment. This is extremely rare. Following this shift, the staff returned to work after being off for 26 hours, not after a short break.
- Non direct care staff do not supervise youth in place of Resident Advisors due to staff shortages. The JJMU may have observed youth meeting with their attorney in a room without direct care staff. Direct care staff would not be present in the room during attorney visits for reasons of confidentiality. However direct care staff (all of whom receive Crisis Prevention Management training) remain in close proximity throughout attorney visits. Case managers and other staff may also have been in the area as additional support for youth and because they are not infrequently asked to respond to questions from attorneys

### Cheltenham Youth Facility

**In 2005, Maryland entered into a Settlement Agreement with the federal Department of Justice regarding conditions of confinement at Cheltenham. Under the current administration, DJS successfully exited from the Settlement Agreement in June 2008 by demonstrating substantial compliance with all provisions of the Agreement including 25 youth safety measures.**

### Rated Capacity:

- The facility maintained appropriate staffing ratios to ensure adequate supervision of youth, including throughout temporary periods of population increase
- The capacity for Rennie, Cornish and Henry cottages is incorrectly identified in the JJMU Report. Rennie has 26 single rooms and Henry has 29 single rooms. The actual capacity with two youth sleeping in each room for Rennie is 52, Cornish 42, and Henry 58. DJS regularly reviews compliance with departmental policies and procedures in its detention facilities; a recent review of the facility classification procedure found that youth were being appropriately classified and housed in accord with policy. Minor deficiencies were identified and corrected
- Cheltenham is in compliance with ACA Standard 3-JDF-2c-02 requiring 35 sq. ft. of unencumbered space per youth in bedrooms, as each youth room in the facility's three housing units has 80 sq. ft. of space

### Youth needs and services:

- Regardless of population increases, a comprehensive level of mental health assessment and services continues to be provided to youth at Cheltenham. Youth receive high quality services that exceed what is typically provided in detention facilities. Services include assessment of mental health and substance abuse issues for all youth entering the facility, individual and group treatment for those identified as requiring those services, psychiatric evaluation and medication treatment, crisis intervention, and training for direct care staff in mental health issues. On many occasions, youth with chronic unremitting psychiatric conditions are transferred to Cheltenham as a result of the stability and treatment capabilities of the mental health clinicians available at the facility
- Educational services continue to be provided to all students during temporary population increases. While the typical class size is 12-15 students, the variability in class size during temporary periods of increased population is a common characteristic in detention and all educational staff has been prepared for teaching classes that range in size. Regardless of population, the facility maintains the required ratio of direct care staff supervision in each classroom and instruction is always maintained, including special education and academic remediation services. The increase in class size requires adjustments that are similar to those that would be implemented in public schools.

Each housing cottage is differentiated for educational purposes into two groups. One of the groups serves the needs of students with special education and other intensive remedial needs, while the other group serves students with less intensive academic needs. All students are therefore provided instruction aligned with their academic, transitional, social emotional and functional needs.

In addition, 3 mental health therapists are assigned to the school on a daily basis to provide ongoing counseling and behavioral interventions for students

- Mental health, somatic health, educational, recreation, and structured programming continued throughout the 2<sup>nd</sup> quarter
- Not only were all basic services and regular activities continued to be provided, special events were organized including:
  - Easter egg hunt and baskets
  - Mothers Day - mothers/female guardians received flowers and cards created by youth. Mother/son pictures were taken by facility staff during visitation
  - Campus-wide cookouts on Memorial Day and July 4<sup>th</sup>
  - Sports clinics and basketball games hosted by professional athlete
  - Youth Choir performance
  - NFL football camp was held at the facility. Youth received football instructions from coaches and former players

- Fathers Day – fathers/male guardians received special visits and personalized cards
- Facility swimming pool opened for the season
- Monthly Honors Assembly held at the school
- Monthly Family Day

Safety:

- During the recent increase in population, the rate of incidents including group disturbance was low
- The 2 group disturbances referenced in the JJMU Report were not caused by the temporary population increase. The facility was within required staffing ratio – there were sufficient staff supervising the youth. Despite careful staff supervision, disagreements among youth occasionally do occur in facilities and in other settings. One of the incidents, for example, happened as a result of disagreement during a basketball game. Staff responded quickly and appropriately to de-escalate both incidents.
- The most recent Fire Marshall’s inspection report did not cite any fire safety code violation. Fire drills are conducted in accord with policy and procedure
- Youth with mental health or emotional problems are assessed by licensed mental health and somatic health care professionals. Youth that are assessed as needing intervention receive counseling and may be placed on individualized Guarded Care Plans to ensure they receive appropriate services. Assessment and service delivery for youth with emotional problems continues without interruption regardless of population increases
- During the increase in population, youth received appropriate clothing and bedding, and nutrition, medical, dental, and mental health care, visitation time, exercise and recreation, and educational and programming services. There were no grievances reported by youth relative to the lack of any of these services

Staffing:

- Direct care staff are essential personnel and thus must be properly relieved to ensure the safety and security of residents and staff
- Cheltenham has experienced a steady decline in staff call-outs. The Department is working with the unions to adopt a standard requiring additional notice by direct care staff for call-outs, thus affording the shift commander a larger window to secure relief for staff held over by the previous shift and provide more notice when mandatory overtime is required to ensure adequate coverage
- Additional radios have been ordered and all residential staff has always been able to access radios on all the housing areas

**Solutions to Overcrowding:**

- DJS offers the following clarity on the availability and use of Alternatives to Detention (ATD) for eligible youth:
  - Shelter use - Because length of stay in shelters is often very brief, shelter placement folders in ASSIST may not keep pace with releases. As a result DJS conducts ongoing quality assurance reviews of shelter use. The correct data for shelter use is as follows: Average Daily Population for June 2009 is 57 youth and June 2010 is 41 youth
  - Community Detention/Electronic Monitoring (CD/EM) - CD/EM usage increased from an average daily population (ADP) of 645 in June 2009 to 730 in June 2010. The ADP did not decrease but actually increased over this 12-month period.
- The JJMU Report indicates that 9 youth detained at Cheltenham were ATD eligible and that “The reason for this is not clear.”<sup>10</sup> Multiple factors account for continued detention. DJS Regional Directors conduct reviews of all youth in detention every week. DJS requested from JJMU the names of the 9 youth identified in their Report and conducted additional review of the reasons for their detention. The majority of these youth were not in detention waiting for electronic monitoring or due only to the imposition of a sanction for technical violations, but as a result of court orders. Many of the youth were facing new delinquency charges. A small number of the youth were eligible for release but parents were either unavailable or refusing to accept the youth home. DJS case managers continue to work with parents in these cases, and on a systems level DJS is currently developing an innovative approach to address parent refusals.
- In response to the JJMU’s suggestion that modular temporary housing be purchased for use in times of high population, these modular structures are not secure and are not safe for housing youth requiring secure detention. Ceilings, floors and doors are not made in modular housing to be suitable for sleeping quarters for detained youth.

**Professionalization of Staff:**

- DJS has made significant progress in reducing turnover. Our facility turnover rate (regular and contractual employees) fell from 22.11% in fiscal 2008 to 11.9% in fiscal 2010.
- DJS is in compliance with COMAR as well as it relates to using short-term contractual employees. Our general fund contractual employees represent less than 4% of our workforce. In addition, since 2007 the number of Resident Advisor contractual staff has decreased by 50%.
- While the minimum requirements for a Resident Advisor (RA) are a high school degree/GED and being at least 18 years of age, as a matter of practice DJS rarely hires applicants under the age of 21 and candidates with at least an associates

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<sup>10</sup> JJMU 2<sup>nd</sup> Quarter 2010 Report, p. 26.



degree can start as a Resident Advisor I. Currently we only have one RA in the state who is under the age of 21.

- Per MCTC regulations, Provisional Certification is given when the agency has provided documentation to show that all phases of the hiring process have been completed accurately. Once DJS employees have been provisionally certified they can supervise youth. In order to achieve full certification, they must then complete the full 6 weeks of ELT and On-the-Job Training (OJT) within the next 365 days.
- The Department has established a policy that all newly hired mandated employees be provided with 2 weeks of the most essential training prior to their EOD (entrance on duty) unless there are exigent circumstances.
- MCTC and the Union did agree that these two weeks of essential training would be sufficient to certify Case Managers who are providing coverage for Resident Advisor duties.
- The relief staff has the same training requirements as regular staff: 6 weeks of ELT in order to be fully certified. In addition, they receive 6-weeks of OJT.
- Increased compensation at this time is not feasible due to the State's fiscal crisis. We strongly feel that DJS' Resident Advisors (line staff) conduct themselves professionally and work very hard to not only provide safe supervision but also to model positive behavior. They receive initial and ongoing training for their positions; supervisory feedback on handling incidents and incident reporting which is an additional improvement DJS facilities have made since 2007; in many facilities they now run groups for youth in their care; and there are numerous instances of outstanding performance in staff supervision of youth that make DJS very proud of its workforce.