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**DEPARTMENT
OF
JUVENILE SERVICES**

**RESPONSE TO DEPARTMENT OF
LEGISLATIVE SERVICES
ANALYSIS AND RECOMMENDATIONS**

**HOUSE PUBLIC SAFETY AND ADMINISTRATION SUBCOMMITTEE
January 30, 2019**

**SENATE PUBLIC SAFETY, TRANSPORTATION AND ENVIRONMENT SUBCOMMITTEE
January 31, 2019**

Introduction

The Department of Juvenile Services (department or DJS) continues to implement reforms and initiatives that are consistent with the developmental approach to juvenile justice, which takes into account the scientific research on the unique attributes of the adolescent brain. The department strives to strike the appropriate balance between holding youth accountable for their actions while not unnecessarily pushing youth deeper into the justice system.

The department has successfully forwarded initiatives that reserve our highest-level interventions for those youth who pose a risk to public safety and aim to provide a continuum of services to support youth in the community. Additionally, the department continues to implement a strong system of quality assurance and accountability to ensure that reforms are implemented in a manner to achieve desired outcomes.

To implement the developmental approach, the department focused on enhancing community supervision and intake practices, implementing initiatives with an emphasis on equity and fairness, and operating facilities that safely and securely treat youth.

Reforming the Justice System to Ensure Fair and Equitable Outcomes for Maryland's Youth

- **Identifying Low-Risk Youth with Behavioral Health Needs at the “Front Door” and Referring them to Appropriate Services in the Community**
 - The Behavioral Health Diversion Initiative (BHDI) works to assess youth at intake (i.e. the “front door” of the juvenile justice system) and link youth with behavioral health needs and their families to community services.
 - BHDI is operational at intake in Wicomico County and Baltimore City, and has recently expanded to three new counties (Prince Georges, Montgomery, and Carrol) during the fall of 2018.

- **Reducing Over-Use of Incarceration for Youth Who Commit Technical Probation Violations in the Community Through a System of Graduated Responses and Incentives**
 - Implemented in July 2015, the Accountability and Incentive Management Initiative (AIM) created a standardized and structured decision-making process for DJS case managers to use when a youth commits a technical violation of their probation order, such as missing appointments or curfew times.
 - AIM seeks to:
 - Reduce incarceration of low level youth for technical violations of probation; and
 - Mitigate racial and ethnic disparities in the juvenile justice system by structuring the decision making of case workers.

- **Providing an Alternative to Incarceration for High Need Youth in Baltimore**
 - The Baltimore City Evening Reporting Center Program (ERC) provides after school/evening programming to youth in lieu of detention. The ERC provides innovative youth focused programming to include art therapy, clay works, substance abuse education, dialogue circles, yoga and tutoring, arts and crafts, and community based field trips.
 - Since September 2018, the Department has successfully transitioned the program into a new renovated space; expanded programming to serve female youth; and extended programming to include Baltimore County youth.

- **Increasing Success Rates of Youth Re-Entering the Community after Completing Out-of-Home Treatment Programs**
 - The Strategic Reentry Initiative focuses on comprehensive planning and oversight to ensure youth are equipped to successfully transition to the community.
 - The Strategic Reentry Initiative emphasizes DJS, family, and community service provider engagement and interaction.
 - DJS created re-entry coordinator positions in each of the six regions to serve as regional liaisons between case management staff, families, local schools, and community resources.

Improving Customer Service by Empowering Families

- **Implementing a “Peer Support” Network to Help Families Currently Involved in the System**
 - Currently, the department is in the initial stages of implementing a network of family peer support specialists who will help DJS youth and families connect to services and navigate the juvenile justice process.
 - The Family Peer Support Initiative will be implemented in five jurisdictions: Anne Arundel County; Baltimore City; Baltimore County; Prince George’s County; and Wicomico County.

- **Enhancing Valuable Family Connection Opportunities in DJS Facilities to Empower Families as Change Agents for their Children**
 - To enhance the visitation opportunities for youth residing in DJS’s secure facilities, the Office of Family Engagement developed and distributed detailed instructions on specific visitation activities to all 13 DJS facilities. These “tool kits” are used by facility staff to set up structured pro-social family activities such as yoga and classes on how to budget family expenses. In FY 18, over 1,000 families participated in over 100 events in DJS facilities.

- **Revising Department Policies to Remove Unnecessary Barriers to Family Participation in the System**
 - To enhance visitation at DJS facilities, DJS now permits youth to have visitation sessions with individuals outside of the immediate family who have a positive and supportive influence.
 - The Office of Family Engagement improved policies and procedures to require that DJS staff interact and collaborate with parents and caregivers when developing and implementing treatment service plans.

- The Office of Family Engagement has also revised standard form letters and communications provided to families to better ensure open communication that is clear, concise and sets appropriate expectations.

Developing Inter-Agency Partnerships to Better Serve and Supervise DJS Youth

- **Partnering with the Department of Human Resources, the Courts, and Georgetown University to Implement the Crossover Youth Practice Model**
 - The Crossover Youth Practice Model is designed to address the unique needs of youth who fluctuate between and are known to the child welfare and juvenile justice systems.
 - CYPM is a Collaboration with Georgetown University and includes stakeholders from DJS, DSS, Courts, Law Enforcement, CASA, Child’s Counsel, State’s Attorney’s, and Community Partners.
 - CYPM is currently operational in Prince Georges and Montgomery Counties.
 - DJS and DHS have jointly funded an expansion of this program to include the following counties: Carrol, Harford, Howard, Frederick, Washington, Allegany, Baltimore, and Baltimore City.
- **Partnering with the Baltimore County Police Department to Improve Supervision of DJS Youth in the Community**
 - The joint effort known as the CYCLE program in Baltimore County is an innovative collaboration between DJS and the Baltimore County Police Department. The goal is to improve police and youth relationships while enhancing public safety.
 - CYCLE brings together DJS staff and Baltimore County Police Officers to conduct joint community curfew checks in the evening to ensure youth are compliant with the terms of their intensive level supervision.

Tackling the Opioid Crisis through Awareness and Training

- **DJS’s Opioid Overdose Awareness Conferences**
 - DJS hosted statewide meetings in 2017 and 2018 to educate approximately 400 staff on the extent of the opioid overdose crisis in Maryland. DJS worked closely with MEMA and MDH to develop the agenda and recruit experts to speak at the events.
- **Narcan Kit Distribution and Training**
 - The DJS medical director trained and certified over 200 DJS staff Statewide to administer Narcan.
 - Narcan kits are available in every DJS facility and community office statewide.
 - DJS health staff are authorized to provide training and Narcan kits to families of opioid dependent youth who are returning to the community.

- **Identifying Youth at Intake Who May Be At-Risk of Opiate Use**
 - DJS’s intake screening tool has been enhanced to identify youth who have access to opiates (e.g. painkillers) or using opiates in the community.

Making DJS Facilities Safer and More Effective

- **Federal Auditing under the Prison Rape Elimination Act (PREA)**
 - All 13 DJS-operated facilities have been independently audited by the U.S. Department of Justice and found fully compliant with Prison Rape Elimination Act standards (PREA).
- **Implemented Training for Community and Facility Staff to Better Serve Youth Suffering from Trauma which include:**
 - Social Skills Training and Aggression Replacement Techniques (START), an evidence based aggression replacement program.
 - Mental Health First Aid, a training for direct care staff to recognize the signs of mental health distress in a youth so that a referral can be made to a mental health professional for intervention.
 - Trauma Addictions mental Health and Recover (TAMAR), a treatment model based on trauma informed care.
 - Positive Behavioral Interventions and Supports (PBIS), a behavior management system used in public schools in Maryland and throughout the U.S., in DJS committed facilities.
- **Achieving Accreditation from the American Correctional Association - Juvenile Standards**
 - Over one hundred policies have been developed or modified to bring DJS into compliance with American Correctional Association Juvenile Standards, which reflect nationally recognized best practices.
 - The Victor Cullen Youth Center was accredited by the ACA in January 2019. The remaining hardware secure facilities, DeWeese Carter Center and Savage Mountain Youth Center, will be audited beginning in 2019.

Recommended Actions

Add the following language to the general fund appropriation: provided that \$100,000 of this appropriation made for the purpose of providing administrative support may not be expended until the Department of Juvenile Services (DJS) submits a performance measure and outcomes analysis to the budget committees for youth who participate in alternatives to detention (ATD) and other diversion programs intended to avoid the need for out-of-home placements for DJS involved youth. The analysis should specifically evaluate all existing diversion programs, providing measurable data to determine whether participation in those programs is successful. The report should also evaluate how the disposition, treatment, and recidivism outcomes for youth who participate in ATD programming compare with those placed in secure detention. The report shall be submitted by December 30, 2019, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: Despite increased attention given to enhancing the use of diversion programs, the proportion of youth placed in alternatives to detention (ATD) is decreasing. Compared to fiscal 2015, the percentage of youth placed in ATD programs instead of secure detention has decreased from 65 to 59% in fiscal 2018. The Department of Juvenile Services (DJS) currently does not report any data to indicate how outcomes for youth who participate in these programs compare to youth held in secure detention. This language restricts funds in the fiscal 2020 budget until the department submits such an evaluation.

Information Request

Alternative to detention performance report

Author DJS

Due Date December 30, 2019

Response:

DJS agrees with recommendation with modifications to the report content. Specifically, the department is unable to provide data and outcomes for all diversion programs. The department suggests that “diversion” is removed from the narrative and rather require the department to provide available data related to informal pre-adjudication supervision.

Additionally, detention and ATD outcomes are not comparable. Detention is only permitted when necessary to protect the youth or public, and to ensure a youth appears for court. Therefore, if a youth is placed on an ATD, the measures of success relate to whether the youth appears for court and doesn’t re-offend while placed on an ATD. DJS would request the report narrative to require that DJS provide data and outcomes related to the re-offense rate and failure to appear rate for youth while placed into an ATD program.

Requests for Comment

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DJS is making organizational changes to its intake and community supervision functions, which will now report directly to the Secretary of Juvenile Services, in order to better focus resources and attention given for these units, along with better ensuring that a more consistent and unified statewide approach is being applied to intake operations. **The department should brief the budget committees on this reorganization, the anticipated operational changes, and expected impacts to youth involved in the juvenile justice system.**

The Department strategically made changes to the agency’s organizational structure to direct more resources and leadership to the front door of the juvenile justice system. To accomplish this goal, in December 2017 a new position, Executive Director of Pre-Adjudication Services and Reform, was created and the existing Executive Director of Community Services was moved out of the Operations division. Both these positions were reorganized to report directly to the Secretary. This change resulted in two separate community based units – one that focuses on pre-adjudication supervision and the other that focuses on post-adjudication supervision.

The Office of Pre-Adjudication Services and Reform

The Office of Pre-Adjudication Services and Reform contains the statewide intake, community detention, and reform and equity operations of six (6) Department of Juvenile Services regions and 33 field offices across Maryland. The Office is comprised of (6) regional intake Directors, the Director of reform and equity, and the

Director of community detention operations. The Office of Pre-Adjudication Services and Reform is charged with enhancing implementation of major agency initiatives and improving outcomes for youth.

The Office is responsible for:

- *Managing and monitoring a uniform statewide approach for the review of intake complaints, and to make certain appropriate assessments and review are conducted to promote the best interest of the child and public safety;*
- *The Community Detention Operations including Community Detention, GPS Monitoring, Baltimore City & Prince George's Evening Reporting Centers; and,*
- *Statewide reform and equity initiatives implemented at all levels of the juvenile justice system.*

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What is currently lacking in the data reported by DJS is how the individual ATD programs are performing and the outcomes of the youth who participate in a detention diversion program versus those placed in secure detention. **DJS should comment on whether this type of data and analysis are available and if not, the possibility of conducting such a study. The Department of Legislative Services (DLS) recommends restricting funds pending submission of an ATD performance and outcome analysis.**

Currently, the Department reports the overall public safety related success rate for Community Detention/Electronic Monitoring (CD/EM) in the MFR. CD/EM is the main DJS program providing an alternative to detention. The percent of youth who have no new charges while on CD/EM has remained constant at around 94% over the past few years. There is no comparable rate for detention, as youth are incarcerated. DJS also internally tracks the number of CD/EM cases that return to detention, but this is not considered a program failure, but rather a way to manage youth along a continuum of services without risk to public safety.

The Department will continue to evaluate the effectiveness of ATD programs and reports to the General Assembly as requested in this analysis.

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As perceptions regarding the best way to consider and treat this population have shifted in recent years, DJS has seen a significant increase in the number of cases that have been transferred to juvenile court, regardless of whether the youth was previously detained in a DJS facility. Exhibit 9 highlights the 78% increase experienced over the past decade. Of the 388 cases transferred to juvenile court in fiscal 2018, 40.0% ultimately received a committed disposition, with an additional 40.5% of cases given probation. **DJS should comment on how the 388 cases waived down to juvenile court compare to the entire potential universe of youth initially charged in the adult court system. The department should also be prepared to discuss how operations and populations might be impacted if all youth originated in the juvenile court system.**

The Department does not have access to the entire potential universe of youth initially charged in the adult court system. Although, many youth charged as adults are held in a juvenile detention facility and many are transferred back to the juvenile system, it is not representative of the entire universe. There are youth charged as adults released on bail or incarcerated in an adult detention facility pending their transfer hearing, and ultimately some of those youth remain in the adult system post-transfer. These youth would not have contact with the juvenile justice system and therefore would not be known to the department.

If all youth charged with a delinquent act originate in the juvenile court system, the most significant impact would be related to case processing time frames. Currently, youth charged as adults detained in a juvenile detention facility pending a transfer hearing (the hearing to determine if they youth's case will be adjudicated in the adult or juvenile system) have much longer lengths of stay than youth charged as juveniles. In FY 2018, the statewide average length of stay (ALOS) for a youth charged as an adult in juvenile detention was 124.2 days. Compared to in FY 2018, the statewide average length of stay in detention for a youth charged in the juvenile system awaiting adjudication was 18.3 days. The extreme difference in the length of stay is attributed to the strict statutory timeframes that exist in the juvenile system. If all youth cases originated in the juvenile system, it is anticipated cases would be resolved in a more efficient manner.

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These performance measures are still relatively new. The true indication of the impact of these reentry services will continue to be reported recidivism. These initial indicators suggest a positive impact from the clearly established quality assurance system in place to ensure the services once the youth is in the community; however, there are some notable declines in performance between fiscal 2017 and 2018. **DJS should brief the committees on the continued implementation of its Strategic Reentry initiatives, efforts taken to improve all community supervision services, and reasons for the overall decline in performance between fiscal 2017 and 2018.**

The DJS Re-Entry Strategic initiative continues to provide structure and accountability for discharge planning, and post-discharge service provision. DJS is pleased that the rate of families participating in planning meetings continues to increase, since this is a key part of its Family Engagement focus. For measures that declined, data from post-discharge checklists are being analyzed to identify opportunities for increasing success. Specifically, an analysis of cases where connections to services were not made will identify gaps in service availability, and in potential improvements to the DJS aftercare processes and procedures. On the whole, the structure put into place by the initiative continues to provide value

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In comparison to the recent peak in fiscal 2011, one-year recidivism rates for both rearrest and reincarceration of committed youth or those on probation are still relatively lower. However, after experiencing three consecutive years of decline, from fiscal 2013 through 2015, both reported recidivism rates for committed youth increased in fiscal 2016, with 47% of committed youth rearrested within one year of release and 15% recommitted. Similarly, recidivism rates for youth on probation also increased in fiscal 2016. The fiscal 2017 rearrest rates show a continued increase for both populations. **DJS should comment on what is driving the increase in recidivism in fiscal 2016 and 2017 and whether this shift in the trend is anticipated to continue in the future.**

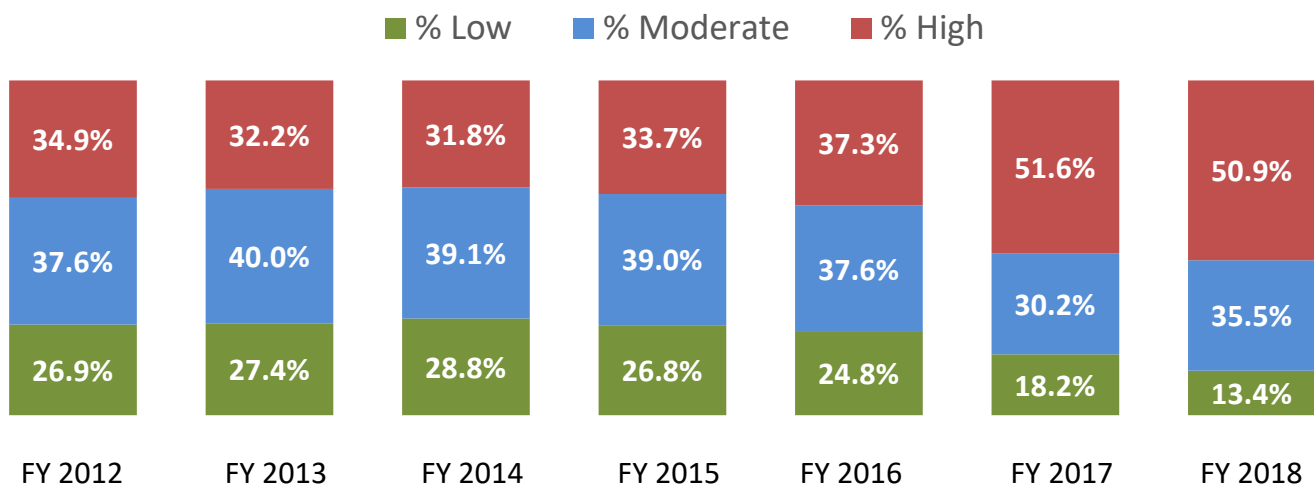
Several initiatives are putting upward pressure on the recidivism rate. The upward pressure relates to initiatives that are focused on reducing the population of youth who pose a low risk of recidivism while also welcoming youth who pose the greatest risk of re-offending. The department's re-organization of the front end of the system, coupled with the implementation of AIM, have decreased the proportion of youth who are

least likely to reoffend while increasing the proportion of the population most likely to reoffend. The crossover youth practice model and behavior health diversion initiative are also aimed at identifying youth in need of services but who do not pose a high risk to community safety, and referring them to the system that best meets their needs without pushing them deeper into the criminal justice system.

The net impact is shown in the graph below wherein youth who pose the lowest risk of reoffending are a shrinking proportion of our population while youth who pose the highest risk of reoffending are an increasing proportion of our population.

DJS will continue to seek to engage with youth who pose the highest risk of reoffending. The highest risk youth should receive the most attention even though it may have a negative impact on our performance measures. The fact that recidivism rates are generally flat in spite of the increased numbers of high risk youth speaks well of DJS's reentry strategic.

New Commitments by Assessed MCASP Risk Level FY2012 – FY2018



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Of ongoing concern is the department's ability to retain new employees. On average, since fiscal 2010, 37% of new hires left DJS employment within one year of being hired. Fiscal 2017 saw the highest percentage in the past eight years, with 46% of employees leaving within 12 months. Of the 85 people hired in fiscal 2010, only 20% are still employed by the department. With the improvements in hiring, **DJS should comment on what is now being done to improve retention among direct care staff.**

The Department has intentionally focused on improving staff culture to improve retention. Several initiatives and strategies have been implemented, from improving retirement benefits to using restorative justice practices to mitigate conflict. These efforts are listed below.

- **CORS**
DJS advocated to include several residential staff classifications in the Correctional Officers' Retirement System (CORS). It is anticipated, the retirement benefits will assist with retention and place DJS on a more even playing field with the adult system.
- **Psychological Assessments**
DJS employs licensed psychologists to interview and administer a standardized assessment tool (Inwald Personality Inventory-2 - IPI-2). The IPI-2 was designed specifically for screening public safety positions and has collected data to develop its validity. The interview includes structured questions addressing previous behavioral health treatment and substance use history, criminal background, employment history, and situational scenarios that the applicant may encounter in the DJS employment setting. Best practice supports the use of a standardized assessment tool with a structured interview. We are also currently developing procedures to collect follow-up data to correlate the behavioral health interview results with staff retention and satisfactory work performance.
- **Educational Assistance Policy**
The department recently developed a policy to provide educational assistance to eligible employees interested in furthering their formal education through specific courses, or a certification/degree program. Any employee receiving educational assistance under this policy must (i) maintain employment with DJS through the duration of the applicable course of study, and (ii) continue employment with DJS for a minimum of 12 months following completion of that course of study.
- **Job Shadowing**
DJS has allotted approximately two weeks prior to attending Entry Level Training (ELT) for new hires to shadow experienced staff in a juvenile facility. This experience should acquaint staff who previously were unfamiliar with juvenile facility operations to their new position. By exposing them to the facility prior to investing in ELT, we reduce the number of staff who discover they cannot work in this environment or this population.
- **Reduction in Vacancies**
DJS has worked diligently to improve the environment in the facilities so that staff have greater job satisfaction. We have greatly reduced the number of vacancies in the facilities which improved scheduling for direct care staff. Reducing the number of vacancies also permits annual and personal leave to be planned and approved. In addition, fewer vacancies means more experienced staff working in the facilities. This should decrease individual stress levels, increase reliance on co-workers, and reduce the workload.
- **Training**
The department has focused on supporting staff through providing additional training, mentoring and skill building beyond requirements for new and senior staff. Superintendents are working closely with the training unit to ensure staff and supervisor training is adequate for the position. Administrative teams provide training for staff who have interest in career advancement.

- **Employee Recognition**

The department implemented the STARR program to provide coaching, training and recognition to staff who implement established practices with youth. Some examples of monthly recognition are employee of the month, potlucks, and special parking spots. Supervisors encourage staff on a daily basis through “kudos cards” to reinforce positive performance. Supervisors are correcting staff through teachable moments and providing feedback on ways to improve performance. Additionally, the department created staff suggestion boxes in each facility for anonymous feedback.

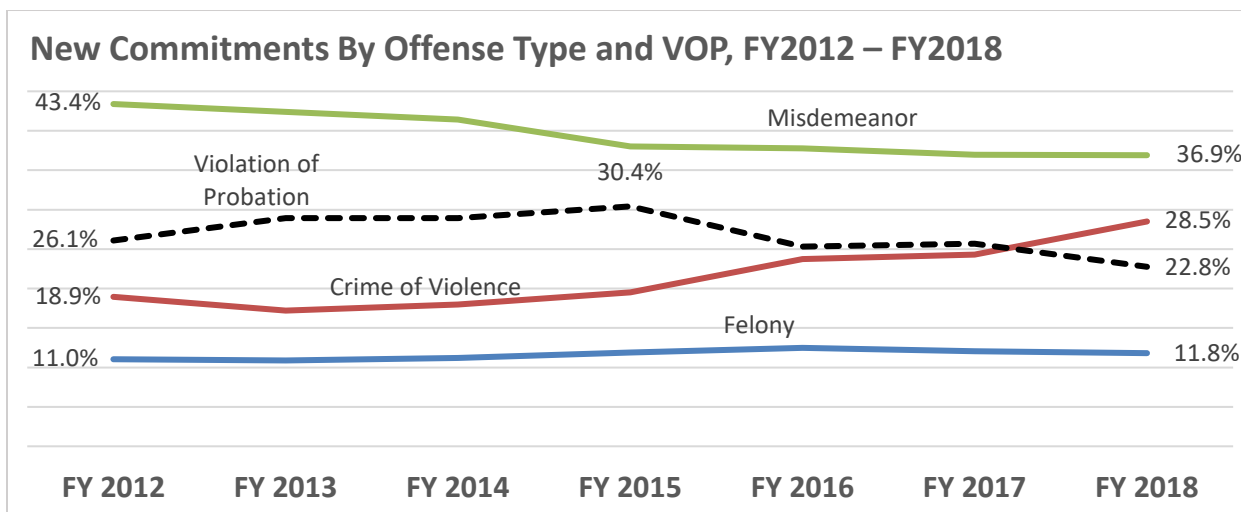
- **Community Conferencing**

Superintendents utilize restorative justice practices to improve staff-to-staff and youth-to-staff relationships and resolve conflict.

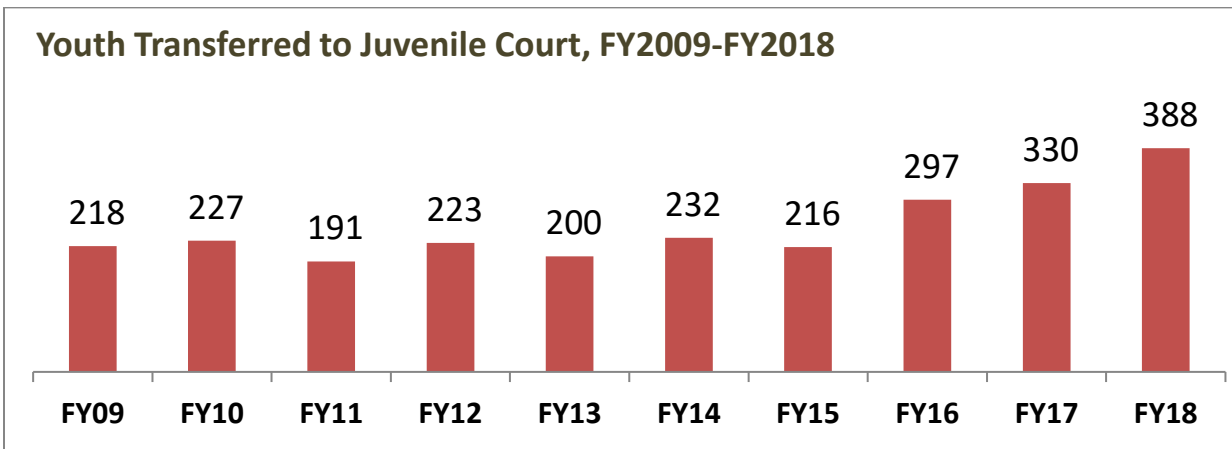
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DJS should provide observations on how the shift in risk level of the juvenile justice population is impacting facility operations and what the department is doing to manage a more violent population. Specifically, DJS should comment on the increased frequency of assaults, escapes, and group disturbances and what is being done to improve the safety and security of DJS staff, youth, and facilities. Finally, the department should brief the committees on the changes made at VCC and what has been done to ensure that a similar situation does not occur again at VCC or any other facility.

DJS has experienced an increase in the proportion of youth who were adjudicated for a crime of violence as shown in the following graph. This is occurring because we are constraining the number of youth who are committed for a technical violation, which is a strategy to limit low level misdemeanor cases that start on community supervision from moving into the deep end of the system via a technical violation. It is also being influenced by the increasing number of youth charged as adults that are being transferred back to the juvenile system.



Youth Transferred to Juvenile Court, FY2009-FY2018



DJS detention facilities are statutorily reserved for youth that are a risk to public safety or themselves, and our committed facilities are meant to serve youth who require a secure setting to receive their treatment services. Additionally, the data indicates that DJS is serving higher risk kids. It is anticipated that facilities will experience incidents, however, it is the executive level review and response that maintains the overall safety and security of youth and staff in the facility. DJS investigates all incidents involving youth and staff in facilities through the Department's Office of Inspector General. Oftentimes these investigations reveal that several incidents are caused by one individual which may account for the increases overall, but is not indicative of any alarming trend.

DJS is committed to providing our staff with the tools to maintain a safe and secure facility. DJS enhanced the physical security features at both the Victor Cullen Center and the Savage Mountain Youth Center to address the needs of our current population and implemented an array of additional programs for youth.

DJS has also implemented the following training for all facility staff to better serve youth:

- ✓ *START – Social Skills Training & Aggression Replacement Techniques*
- ✓ *Mental Health First Aid*
- ✓ *TAMAR – Trauma Addictions Mental Health & Recover*
- ✓ *PBIS – Positive Behavior Intervention and Supports*

At Victor Cullen Youth Center, the Department engaged in a comprehensive review of the programmatic, administrative and security needs of the facility. As a result of that review, DJS has appointed new leadership at the facility, increased programming and opportunities for pro-social youth engagement, and provided additional training, supports and resources for the staff at Victor Cullen. These efforts have resulted in an improved culture at the facility and a more safe and secure environment for our youth and staff. Additionally, the process of achieving ACA accreditation resulted in increased oversight, policy revision, and adherence to national best practices.

DJS should provide the committees with an update on its capital program, including progress made on the two projects not receiving funding in the capital budget. The department should also be prepared to discuss how upgrading SMYC to a hardware secure facility and the construction of the new administration building at VCC will improve operations at those facilities and management of the committed population throughout the department.

Capital Program Update

- *The BCJJC Education Project - DJS recently submitted the last round of responses to the questions/clarifications relating to the BCJJC Education Expansion Project Facility Program Part II to the new DGS Project Manager. The Part I Facility Program was approved by DBM on October 5, 2018.*
- *New Female Detention Center - At this time, DGS Real Estate is in the process of gathering land appraisals to be utilized for future right-of-way easements, and considering water and sewer utility alternatives.*

Hardware Facility Upgrades

- *Savage Mountain Youth Center - The re-opening of the Savage Mountain Youth Center as a hardware secure facility provides additional in-state options for youth requiring this level of court-ordered care. The hardware secure program at Savage Mountain fills an important gap in the DJS continuum of services, as it functions as an additional option to the Victor Cullen Center and an alternative to out-of-state placement.*
- *Victor Cullen Center –DJS has made significant changes to enhance security and improve the culture at the facility. Specifically, a new administration building is being placed closer to where youth and staff are located and will enhance administrative supervision of the facility operation.*