Review of the Office of the Juvenile Justice Monitor’s (OJJM) Reports from July 2003 through May 22, 2006

The Office of the Juvenile Justice Monitor (OJJM) was instituted in Maryland as a response to continuing concerns about dangerous conditions in the state’s juvenile justice facilities. Since the establishment of the office, regular visits have shown persistent and serious failings that threaten the safety and well-being of youth.

Once again, a quarterly report, individual facility reports, and special incident reports produced by Maryland’s OJJM indicate many of the kinds of problems highlighted by the OJJM since July 2003 remain uncorrected. Reported conditions present a “very serious concern for the safety and security of youth.”

The OJJM reports describe youth living in squalor, sometimes lacking basic necessities such as soap, in facilities that are “dirty, unkempt, and marked in places with gang graffiti” and infested with insects and rodents.

Although the OJJM has the ability to be the “eyes and ears” necessary to safeguard youth, the position lacks the requisite power to effectuate necessary change. The Department of Juvenile Services has the ultimate responsibility for the well-being of youth in their physical and legal custody. The Monitor’s most recent reports demonstrate that DJS is failing to meet its obligations.

Violence

Violence (measured by youth-on-youth incidents, staff-on-youth incidents, and use of force incidents) has been and continues to be a significant problem at numerous juvenile justice facilities, particularly at the Baltimore City Juvenile Justice Center, The Hickey School in Baltimore County, and the Waxter Facility in Laurel.

- During the months from April to June 2003 at Hickey, one youth suffered a broken jaw after being attacked by another youth with a stick; another youth received several stitches in his head after several youth assaulted him with a wooden chessboard; three youths assaulted another individual, requiring 30 stitches to his face.

Moreover, staff attitudes have reportedly been a key component of the violent atmosphere at facilities. The OJJM observed that “staff have demonstrated a
deplorable example for youth, including swearing at fellow staff and at youth, allowing fighting to take place on the unit, engaging in abusive behavior in assaulting youth, and generally demonstrating a street, thug-like demeanor."

**Staffing**

Staff shortages and inadequately trained staff are key problems that foster uncontrolled violence and use of seclusion. Understaffing has been a persistent and pervasive problem for the last 2½ years, according to the 10 reports, which in the aggregate show staffing problems have failed to get sustained corrective action from the DJS administration. While some steps have been made to decrease shortages, the latest quarterly report (Oct. – Dec. 2005) makes clear that the problem is still present. Although the Department's stated goal is to provide staff to youth ratios of 1:8, facilities report ratios as high as 1:20.

When there are staffing shortages, not only are youth subjected to both youth-on-youth and staff-on-youth violence, they also lose access to educational and recreational programs, as these activities are curtailed.

To alleviate shortages, staff members are often forced to work “16 hour shifts as many as three days out of five, often back-to-back double shifts, with only eight hours between 32 hours of work.” Staff fatigue and stress directly hinder their ability to respond effectively to the needs of the youth in their care.

**Overcrowding**

Review of the OJMJ reports have shown that at various times from 2003 to the present, facilities were both overcrowded and understaffed:

- Youth sleeping in bathroom stalls. As recently as March of this year, Lower Eastern Shore Children’s Center was so overcrowded, youth were forced to sleep in bathroom stalls. The monitor observed that the pillow and head of a youth were at the base of the toilet. During this time, two staff members were assigned to supervise 31 youth.

- In 2004, the OJMJ reported that Baltimore City Juvenile Justice Center had 106 youths, while the facility was only appropriately staffed for 48 youths.

- In January of this year, the OJMJ reported that at Noyes, "due to single staff coverage of units housing up to 21 residents, an environment has been created that cannot ensure the safety and security of youth or staff." The facility, designed to accommodate 58 youths, has had populations as high as 72. As a result, during a sample coverage period, the OJMJ observed that the 7:30 am to 3:00 p.m. shift was single staffed almost 60% of the time, and the 3:00 p.m. to 11:00 p.m. shift was single staffed almost 55% of the time.

- Similarly, in 2004 the Wexford Facility in Laurel, Maryland experienced staff to youth ratios of 1:18 and 1:20.

- Although the Department of Justice’s April 2004 Report highlighted the staffing shortages at Cheltenham (indicating that staff to youth ratios were as low as 1:20 during the day and 1:60 during the night), the latest quarterly OJMJ report continues to report staffing shortages at this facility.

- Youth sleeping on the floor. In January of this year, the OJMJ reported that Western Maryland Children’s Center, a facility with 24 beds, has been filled 50% over capacity, with 36 youths, resulting in some youth being forced to sleep on the floor.

**Inappropriate Use of Seclusion**

The latest OJMJ reports demonstrate that facilities continue inappropriately to place youth in seclusion and leave them there unsupervised for extended periods of time. Staff members fail to maintain seclusion log books, making it difficult to identify the scope of the problem and avoiding individual culpability.

Despite being consistently warned over the years by the OJMJ to stop their abusive use of seclusion, the Baltimore City Juvenile Justice Center has shown no clear improvement. The facility had an average of 172 incidents per month from July-December 2005.

- A Special Report of the OJMJ in March of 2005 indicated that at the Baltimore City Juvenile Justice Center, a youth had been kept in seclusion for nearly five days.

- Youth have been placed in seclusion for two to four days at a time at Cheltenham and Hickey.

- Youth have been placed in seclusion for two to three days at a time at Lower Eastern Shore Children’s Center.
Suicide Risks

Despite repeated warnings by the OJJM that desks, stools, beds, handrails, and vitreous bathroom fixtures pose serious suicide risks at numerous facilities, little has been done over the years to remedy the problem.

♦ The OJJM reported 52 suicide incidents at Hickey in 2005. Although the number of incidents declined from the first half of the year to the second, the number of suicide incidents remained steady throughout the second half of the year, despite a decrease in the youth population.

♦ Seven youths attempt suicide at Lower Eastern Shore. Despite repeated warnings in nearly every quarterly report from the end of 2003 through 2004, the Lower Eastern Shore Children’s Center continues to maintain conditions with significant suicide risks. As a result, the Oct. – Dec. 2004 report indicated that seven youths had attempted suicide. Notably, the facility only has 24 beds. Glaringly, even after these attempts, the Jul. – Sept. 2005 report indicated that no decision had been given regarding replacing the porcelain sinks and toilets with stainless steel ones, and the Oct. – Dec. 2005 report indicated that "youth have damaged the porcelain toilets and sinks in attempt to use the broken pieces as weapons."

♦ Notwithstanding the fact that several youth have threatened and/or attempted suicide by hanging themselves from second tier handrails, ceiling vents, etc., and the fact that the OJJM has repeatedly warned that handrails, ceiling vents, furniture, and vitreous fixtures posed suicide risks, the latest OJJM reports indicate that conditions at Baltimore City Juvenile Justice Center, Hickey, and Western Maryland Children’s Center continue to pose significant suicide risks for their youth.

Pending Placement

A large number of adjudicated youth are waiting for months in DJS detention facilities for placement in residential treatment centers. "Pending placement" is a temporary stop-gap, while the Department secures final placement. It is not intended and unquestionably unlawful to go beyond 30 days. Time spent in pending placement is "dead time." Youth who have identifiable and severe behavioral health and mental health issues receive no treatment and no access to educational or rehabilitative services.

According to the latest quarterly OJJM report:

♦ Youth have been sitting in pending placement for over 180 days. On December 20, 2005, of the 15 youths at Noyes pending placement, nearly 75% of them had lengths of stay exceeding 30 days, some exceeding four and six months.

♦ Similar problems exist at other facilities.

- In the July-Sept. 2005 quarterly report, the OJJM reported that five detention youth at the Baltimore City Juvenile Justice Center had been in the facility for over 90 days, with two reporting lengths of stay of approximately three months and one with a length of stay of approximately four months.

- In the April-June 2005 quarterly report, the OJJM reported that youth awaiting placement at the Western Maryland Children’s Center have stayed many months.

- In the Jan.-Mar. 2005 quarterly report, the OJJM reported that 25% of the youth at the Maryland Youth Residence Center (a facility for boys while they await a court hearing or placement in an other residence) had been there for more than 30 days, four youth were placed there for more than 60 days, two were placed for more than 100 days, and one was placed for over 200 days.

♦ According to DJS’ monthly population report, the pending placement population has nearly doubled over the last few years. The average monthly residential pending placement population in April 2006 was 210, whereas the same average for March 2005 was 110. With the exception of the Carter facility, none of the DJS facilities has shown any marked improvement in decreasing the number of their pending population, when comparing January 2002 to the present.

♦ African American youth are disproportionately represented in pending placement populations. A 2001 study conducted by the Annie E. Casey Foundation, the Department of Juvenile Justice and the National Center on Institutions and Alternatives, found that nearly 80% of the pending placement population in Maryland was youth of color. African American youth alone comprised 71% of those pending placement—more than three times the number of white youth. Youth of color were more likely to be sentenced to juvenile correctional facilities while white youth were more likely to go to scarcer “therapeutic” programs.