Settlement Agreement Between
The State of Maryland and the United States Department of Justice

FINAL MONITOR’S REPORT
For the Baltimore City Juvenile Justice Center (BCJJC)

Submitted by

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August 16, 2010
Introduction

On June 29, 2005, the State of Maryland entered into a Settlement Agreement with the United States Department of Justice concerning the conditions of confinement at the Cheltenham Youth Facility (CYF) and the Charles H. Hickey, Jr. School (Hickey), two juvenile detention centers operated by the Maryland Department of Juvenile Services (DJS). A Monitoring Team was appointed to review, assess and report independently on the State’s implementation of and compliance with the Settlement Agreement (the Agreement). In June, 2007, the State and the Department of Justice amended the Agreement to include the Baltimore City Juvenile Justice Center (BCJJC).

The initial one-year timeline was extended twice to ensure the full reform of the conditions covered by the Agreement. Most recently, the Agreement’s timeline was extended until June 30, 2011 to ensure the full reform of facility conditions related to incident reporting and behavior management. The June 2010 Monitor’s Report discussed the State’s progress toward substantial compliance with the remaining 4 of the original 29 provisions. At that time, the State had sustained substantial compliance on two of the remaining 4 provisions, which were subsequently dropped from continued monitoring. This report discusses the State’s accomplishments with regard to the final two provisions, which have also now been in substantial compliance for 6-months.

The reader is referred to the previous six Monitor’s Reports for an in-depth discussion of the State of Maryland’s reform effort at BCJJC. This report discusses only the final two provisions. Using the numbering system from the Agreement, both provisions are provided, verbatim, followed by a compliance rating for the period, a discussion of the Monitor’s findings and the evidentiary basis for the Monitor’s conclusions. As agreed jointly by the Parties, “substantial compliance” means:

...substantial compliance with all components of the rated provision. Non-compliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance does not constitute failure to maintain sustained compliance. At the same time, temporary compliance during a period of sustained non-compliance does not constitute compliance. The standards against which compliance are assessed are those that are constitutionally required and required by Federal statute. Adherence to best practice is not required to achieve compliance with the Agreement.
<table>
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<tr>
<th>¶ III.B-1.i</th>
<th>Protection from Youth-on-Youth Violence. The State shall take all reasonable measures to assure that youth are protected from violence by other youth.</th>
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<tr>
<td>Compliance Rating</td>
<td><strong>Substantial Compliance (as of February 15, 2010)</strong></td>
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| Discussion | The State’s reform effort focused on improving the conditions of confinement at the BCJJC such that youth were better protected from harm by staff, from themselves, and at the hands of other youth. This provision focuses on the latter outcome—the extent to which youth are better protected from violence by other youth (i.e., assaults, fights, or group disturbances).  

As shown in the figure on the last page of this document, after much volatility throughout much of the term of the Agreement, the rate of youth-on-youth assault has recently taken on a stable downward trend. ¹ In fact, since the beginning of 2010, the rate has decreased steadily and is now approximately 50% lower than just eight months ago. The stability of this trend suggests that the changes made to facility operations and practices have now taken hold and can be expected to endure over time, given proper internal oversight.  

Overall, the facility has done an excellent job of reducing the risk of harm faced by youth housed at the BCJJC. A detention facility of this size, with this type of physical plant and that incarcerates youth with serious criminal histories and very complicated needs will always be difficult to manage. However, the procedures and practices put in place through this reform effort have significantly improved the security of the facility, and the safety of the youth and staff who live and work there. |
| Recommendations | The State has sustained substantial compliance with this provision for at least six months. |
| Evidentiary Basis | ¹ DJS StateStat, November 2008-July 2010  
  · Interviews with Superintendent, Assistant Superintendent, Shift Commanders, Superintendents and line staff |

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¹ The DJS Research and Evaluation Unit calculates the rate of various serious incidents as the *rate per number of youth days* which neutralizes the impact of fluctuations in the size of the facility’s population.
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| Discussion        | The development and implementation of an effective behavior management program is one of the key strategies for reducing youth violence. Behavior management encompasses all of the facility’s tactics for shaping youth’s behavior—its system for awarding incentives; consequences for breaking facility rules; immediate responses to youth violence; and strategies for keeping youth occupied with pro-social activities. Throughout all of these, case management, education and mental health staff should be involved to ensure consistency and increasing support for youth who struggle to comply with facility rules.  

**Point/Level System**  
The basic structure of the current point/level system meets the requirements of this provision—youth are able to earn up to 100 points per day and as points accumulate, youth are promoted to a higher level that is associated with greater privileges. Point deductions, or fines, are issued when youth do not follow facility rules. Direct care staff and teachers consistently implement the program as it was designed. The facility’s Youth Advocate reports that he receives few complaints from youth about the system. Those that are received are quickly and fairly rectified.  

Although simple in concept, the system is actually quite complex, which may account for difficulty the facility originally experienced in implementing the system and the continued oversight that is needed to ensure that the program functions as designed. Awarding so many points across so many domains and then deducting points in response to rule violations means that staff must conduct complicated calculations that are difficult to do in one’s head. Even the addition of calculators on each unit has not been sufficient to stem the tide of small, mechanical errors in tabulating and carrying the youths’ points forward each day.  

Two support staff have been necessary to ensure the accuracy of the point sheets. While they do an excellent job—totals are corrected in short order
and thus errors do not compound over time—the need for daily oversight at this level makes the program unnecessarily cumbersome. It is highly recommended that the BCJJC simplify its point/level system. That said, the facility has fully implemented the current system, which is largely responsible for the increased safety of the environment.

**Guarded Care Plans**
Case management and mental health staff are involved in the behavior management of certain youth with serious behavioral and mental health problems, through the development of Guarded Care Plans (GCPs). The concept of the GCP reflects the requirements of this provision related to mental health consultation. They are used to support youth whose behavior is escalating and non-responsive to the point/level system, and are also used to aid in the transition of youth exiting the Intensive Services Unit (ISU). The plans discuss the youth’s triggers for aggressive behavior and set realistic and measurable goals in various areas (e.g., behavior, education, and mental health). Incentives for complying with the plan are established and delivered as promised.

**Seclusion**
While the facility is not permitted by State law to use disciplinary isolation, youth may be confined to their rooms when they represent a legitimate safety threat to other youth or staff (e.g., immediately following a fight). The period in seclusion is used to de-escalate the youth so that he may be safely returned to the general population. In order to prevent an over-reliance on the use of seclusion, staff must seek authorization from an Administrator to place a youth in seclusion. Staff are also required to collaborate with Mental Health staff when determining whether a youth is prepared to be released from seclusion. This is an excellent practice.

To assess the practices surrounding the use of seclusion at BCJJC, I reviewed approximately 12 seclusion records for youth involved in serious institutional misconduct from in June/July 2010. Consistently, these documents revealed that youth were monitored closely while they were in their rooms; they were visited by medical staff several times during their stay; and their readiness for release was monitored closely by the Shift Commanders. Less serious errors related to documentation were noted (e.g., release time on Observation Form not matching the log book; medical missing an occasional welfare check) and should be watched closely to ensure that the overall integrity of the process is not compromised.

Increasingly, staff manage to de-escalate youth effectively without the use of locked-door seclusion. In March 2010, seclusion was used 110 times,
compared to only 57 uses in July 2010. Further, the time youth spend in seclusion has been greatly reduced. In the early stages of the Agreement, it was not uncommon for youth to spend 24 to 48 hours in locked-door seclusion. By contrast, between March and July 2010, only 15% of the seclusion episodes lasted more than 12 hours.

Court Reports
In response to a historical lack of consequences in the facility’s approach to behavior management, a system was devised to inform the Court of the youth’s behavior while housed at BCJJC. Prior to all scheduled court hearings, facility case managers prepare a one-page summary of the youth’s behavior while in custody that includes the youth’s total points, level, involvement in institutional misconduct, participation in education and programming, and contact with parents. These reports are well-designed and capture the salient facts needed for a Judge to assess the youth’s behavior while at BCJJC.

Under the guidance of the Case Manager Supervisor, the process was implemented in November 2009. It has been implemented consistently throughout that time. In recent months, the reports have become even more individualized, discussing the youth’s performance in the point/level program and the types of behaviors that have caused him to lose points.

Intensive Services Unit (ISU)
As noted in previous Monitors’ Reports, a significant number of youth-on-youth assaults at BCJJC involve a rather small proportion of youth. Even when fully implemented, the point/level system is not sufficiently persuasive for some youth to refrain from violence. To address the harms caused by these youth, the State developed a segregated, highly-structured unit to provide intensive programming and to limit youth’s movement and access to potential victims. All services, including education, are brought to the unit. Any staff may refer a youth to the ISU; admission is determined by a committee that reviews the youth’s facility record and is ultimately approved by the Superintendent. ISU staff were hand-picked and the esteem of the ISU was enhanced by the administration’s formal recognition of the ISU staff’s expertise.

The ISU has been fully-implemented since mid-February 2010. Since my last visit in May, 2010, the admission process was further refined to ensure more immediate responsiveness to youth’s violent behavior. While slight modifications to the program will always be necessary to respond to the changing needs of youth and staff, the ISU appears to be an essential tool for reducing the level of youth-on-youth violence at the BCJJC.
**Programming**

Limiting youth’s idle time is one of the most effective behavior management strategies available. The State has embraced this philosophy and now provides a rich array of programs to ensure that the youths’ idle time is kept to a minimum.

In addition to indoor and outdoor recreation, youth at BCJJC also received programming from the following groups:

- Boys & Girls Club;
- Boy Scouts;
- Community Law in Action (CLIA);
- Aggression Replacement Training (ART), substance abuse education, and psychoeducational groups run by Hope Health staff;
- Structured activity time in the facility’s game room;
- Case Managers’ groups on a variety of topics;
- Leadership Groups;
- Current Events Groups; and
- Arts & Crafts Groups.

In total, all units receive between 18 and 20 hours of structured programming each week, in addition to 30 hours of education services. The increases in programming are supported by a 24-hour schedule that is followed consistently across all units (although at times, the documentation of youth activities in the Unit Log book could be improved). The amount and variety of programming now available to youth at BCJJC is remarkable and exceeds contemporary standards of care in juvenile facilities.

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<tr>
<th>Recommendations</th>
<th>The State has been in substantial compliance with this provision for at least six months.</th>
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| Evidentiary Basis | • *BCJJC Student Handbook*  
|                   | • Behavior Management Point Logs for 3 units, June and July 2010  
|                   | • Guarded Care Plans for 4 youth, written May, June and July 2010  
|                   | • Interviews with Assistant Superintendents, Youth Advocate, Case Manager Supervisor, and representatives from Hope Health  
|                   | • Seclusion records, n=12, randomly selected from those occurring in June and July 2010  
|                   | • Court reports, June and July 2010  
|                   | • ISU Program Description  
|                   | • Unit Schedules for units 21, 30, 31, 32, 33, 40 and 41  
|                   | • Unit Log Books, units ISU, 32 and 41, July and August 2010 |
BCJJC Rates of Violence, 12-Month Trend

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