

V10A
Department of Juvenile Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 12</u> <u>Actual</u>	<u>FY 13</u> <u>Working</u>	<u>FY 14</u> <u>Allowance</u>	<u>FY 13-14</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$269,179	\$262,115	\$280,606	\$18,491	7.1%
Contingent & Back of Bill Reductions	0	0	-261	-261	
Adjusted General Fund	\$269,179	\$262,115	\$280,345	\$18,230	7.0%
Special Fund	4,668	3,310	4,439	1,129	34.1%
Adjusted Special Fund	\$4,668	\$3,310	\$4,439	\$1,129	34.1%
Federal Fund	11,792	8,347	8,133	-213	-2.6%
Contingent & Back of Bill Reductions	0	0	-2	-2	
Adjusted Federal Fund	\$11,792	\$8,347	\$8,131	-\$215	-2.6%
Reimbursable Fund	581	69	148	78	113.0%
Adjusted Reimbursable Fund	\$581	\$69	\$148	\$78	113.0%
Adjusted Grand Total	\$286,220	\$273,842	\$293,063	\$19,222	7.0%

- The Department of Juvenile Services (DJS) budget includes approximately \$9.1 million in fiscal 2013 deficiency appropriations for residential per diems, including \$8.0 million in general funds and \$1.1 million in special funds. This increases the fiscal 2013 appropriation for residential per diems to nearly \$56.9 million, a \$475,000 increase over fiscal 2012 actual spending. The fiscal 2014 allowance includes approximately \$62.5 million for this purpose.
- The fiscal 2014 allowance for the department reflects an increase of nearly \$19.2 million, or 7.0%, when compared with the fiscal 2013 working appropriation. The majority of the increase, approximately 75.9%, is attributable to additional funding provided for residential per diems, which increases by approximately \$14.8 million, not accounting for the deficiency appropriation. This increase is offset by a nearly \$1.3 million reduction in funding for evidence based services and other nonresidential programs.

Note: Numbers may not sum to total due to rounding.

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- The special fund appropriation increases by a net \$1.1 million. DJS received approximately \$700,000 in Budget Restoration Funds for the cost-of-living adjustment in fiscal 2013, which is funded via general funds in the fiscal 2014 allowance. This decrease is offset by a \$1.8 million revenue increase generated from Local Education Agency reimbursements. HB 102 (Budget Reconciliation and Financing Act of 2013) includes a provision to expand these reimbursements to youth who are held in DJS detention facilities. Current law only applies to youth committed to residential treatment facilities. The majority of this revenue will be passed through to the Maryland State Department of Education (MSDE), which as of fiscal 2014, has assumed responsibility for providing education services in all DJS facilities. As such, there is a \$1.5 million contingent general fund reduction in the MSDE allowance to reflect the impact of this measure.
- The federal fund appropriation decreases by approximately \$215,000. A \$722,000 increase in funding for anticipated federal grants is offset by a reduction in federal funding associated with the provision of education services at DJS facilities. These funds are transferred to MSDE in the fiscal 2014 allowance in compliance with statutory requirements.

Personnel Data

	FY 12 <u>Actual</u>	FY 13 <u>Working</u>	FY 14 <u>Allowance</u>	FY 13-14 <u>Change</u>
Regular Positions	2,140.05	2,109.05	2,077.05	-32.00
Contractual FTEs	<u>168.35</u>	<u>145.61</u>	<u>169.76</u>	<u>24.15</u>
Total Personnel	2,308.40	2,254.66	2,246.81	-7.85

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	121.51	5.85%
Positions and Percentage Vacant as of 12/31/12	199.00	9.44%

- DJS loses a total of 32.0 regular positions in the fiscal 2014 allowance. These positions are associated with the transfer to MSDE of education services for youth at the department’s four youth camps in Western Maryland. With the transfer of the youth camps, the statutory requirement to have MSDE provide education services in all DJS facilities by fiscal 2014 is fulfilled.
- The department gains an additional 24.15 contractual full-time equivalents (FTE) in fiscal 2014. These FTEs are utilized by DJS as part of the hiring process for direct care staff. Due to ongoing issues with staff retention and high vacancy rates, in October 2010, DJS implemented a system for hiring direct care staff via FTE while the staff completes training and is acclimated to working in DJS’ facilities. After completing six months of employment, the contractual is converted to fill vacant regular positions.

- The budgeted turnover rate for the department in fiscal 2014 is 5.85%, requiring 121.5 positions to remain vacant. Currently, the department has 199.0 positions vacant, creating a vacancy rate of 9.44% and an excess of 77.5 positions.

Analysis in Brief

Major Trends

Maryland Juvenile Arrest Data: Total arrests declined for the sixth consecutive year, falling to slightly more than 35,000 arrests in calendar 2011. Violent crime arrests fell by nearly 25.0% between calendar 2010 and 2011, the most significant reduction experienced in recent years.

DJS Complaint Totals and Complaint Disposition: DJS handled less than 40,000 complaints for the second consecutive fiscal year. The nearly 33,000 complaints in fiscal 2012 reflect a 9.6% reduction compared with fiscal 2011. Formal caseloads, those where DJS believes court intervention is required, remained relatively steady in fiscal 2012. The proportion of formal cases has increased consistently, however, since fiscal 2010, representing 47.8% of all complaint dispositions in fiscal 2012. Cases resolved at intake and the informal caseload fell by 15.4% and 5.1%, respectively.

Placement Trends: The overall population of pre-adjudication and pending placement youth has fallen in recent years, particularly since fiscal 2009. In fiscal 2012, 1,031 youth were either in an alternative to detention program or in a detention facility, a 6.0% reduction from fiscal 2011. The utilization of secure detention for pre-adjudicated youth increased by 5.4% between fiscal 2011 and 2012, to an average daily population of 263 youth. The use of alternatives to detention has declined by 22.3% since fiscal 2009, with the fiscal 2012 average daily population (ADP) returning to fiscal 2006 levels (610 youth). The fiscal 2012 ADP for youth pending placement was 158, a more than 20.0% reduction from fiscal 2011 and the lowest pending placement population in the past decade. The population of youth in committed residential placements rose slightly in fiscal 2012 (2.6%), as the department increased its efforts to move youth into committed residential programs more quickly. The population of youth committed to out-of-state residential placements has been increasing since fiscal 2010, although the majority of youth still remain committed to privately operated, in-state programs.

Recidivism Rates: Overall, there has been little fluctuation in the longer term recidivism (three-year) rates since fiscal 2007. Approximately 76.0% of juveniles were re-arrested, 47.0% were re-adjudicated, and 41.0% were recommitted within three years of release, although for youth released in fiscal 2009, the re-adjudication and recommitment rates declined slightly. Overall recidivism within one year of release from a residential program in terms of re-referral/arrest improved significantly, falling from 56.2% in fiscal 2010 to 45.3% in fiscal 2011. The one-year recommitment/incarceration rate also improved between fiscal 2010 and 2011, falling by two percentage points to 12.3%.

Issues

Services for Female Offenders: In February 2012, as required by Chapters 290 and 291 of 2011, DJS completed a statistical analysis of its female population at every decision point in the juvenile justice system and created an inventory of the current services available to girls. The population evaluation provided a snapshot consistent with national trends, suggesting that the typical girl in the juvenile system is a low-level offender, who is often low-risk, but high-need. Girls are significantly more likely to have family and mental health issues and have a history of abuse/neglect. Although the inventory created by the department demonstrates that services are available in each region for the female population, DJS has not conducted a formal gap analysis to evaluate how well those services actually address the needs of the population. In addition, the department has yet to fulfill budget language from the fiscal 2013 operating budget requiring submission of a report to supplement the first girls' services analysis. **DJS should explain the reason for the lengthy delay in submission of the *Girls' Services Implementation Plan and Report on Placement Disparities* and when the report will be submitted to the budget committees. The Department of Legislative Services (DLS) is concerned that the submitted report will not include a full gap analysis for both residential and community based gender-specific services. As such, DLS recommends budget language withholding funds until such an analysis is conducted.**

Developing a New Evaluation Process for Adjudicated Youth to Address Long-standing Quality Concerns: DJS is responsible for conducting comprehensive evaluations of adjudicated youth in order to assist the courts in determining the appropriate treatment needs and out-of-home placement needs. Under the existing process, DJS contracts with multiple private vendors to provide these evaluations; however, the quality has been a concern for many years. As such, the department is implementing a process of conducting internal evaluations through the use of multi-disciplinary assessment teams. Concerns with the new process include difficulty in hiring mental health staff and in achieving appropriate buy-in from other stakeholders, such as the courts. **DJS should comment on the department's intentions if staffing for the mental health positions continues to be a concern. The department should also be prepared to further discuss the steps taken to brief the other stakeholders, most notably the Judiciary, on the new evaluation process. DLS recommends that \$100,000 withheld in the fiscal 2013 budget be released, as well as committee narrative requesting DJS submit a report on the impact of the new evaluation process and how often court decisions match the recommendations of the assessment team.**

Ongoing Capacity and Other Capital Related Concerns (DJS' Stalled Capital Program and Potential Solutions): DJS desperately needs for there to be progress made in addressing capacity issues for both its detention and committed populations. Statute requires the department to operate a secure juvenile detention facility in each of its six regions. All of the regions currently have a secure detention facility for male youth, except the Southern Region. DJS has determined that the current, State-owned Thomas J. S. Waxter site in Anne Arundel County is a suitable location for the new facility and has deferred design of the Southern Region detention facility until a new Waxter facility for detained females can be constructed on the grounds of the vacant O'Farrell Center. To address concerns with the committed capacity, the department has completed a Statement of Need process to expand capacity at the Silver Oak Academy by an additional 48 beds. The fiscal 2014 capital budget

also provides for an additional 10 months to identify a site for the Baltimore Regional Treatment Center.

Addressing the Youth Charged as Adult Population: Chapter 416 of 2012 required DJS to report to the General Assembly on the manner in which the department would move toward ensuring that youth charged as adults can be detained in juvenile detention facilities. In total, 771 youth were admitted to adult detention facilities during calendar 2011. The majority of youth were admitted because their charges automatically excluded them from the jurisdiction of the juvenile court. Approximately half of the population was 17 years old at the time of admission. Under current circumstances, the department’s ability to detain the youth charged as adult population in its juvenile detention facilities is hampered by its ongoing capacity issues. Until the department is able to better utilize alternative to detention programming, thus reducing the use of secure detention, and treatment bed capacity is expanded, via State construction and/or private provider expansion, it will be difficult for DJS to identify the detention capacity necessary to accommodate an additional 771 admissions annually. **DJS should provide the committees with an update on the implementation of the Juvenile Detention Alternatives Initiative, the potential expansion of Silver Oak Academy, and ultimately the ability to accommodate the youth charged as adult population in its facilities.**

Recommended Actions

Funds

- | | | |
|----|--|-------------------|
| 1. | Add language to delete funding for contractual employment. | |
| 2. | Add language withholding funds until a gap analysis of residential and community-based gender-specific services is submitted. | |
| 3. | Adopt committee narrative requesting a report on the impact of the new internal evaluation process and related outcome measures. | |
| 4. | Add language withholding funds until a report is submitted on improving the hiring process for direct care staff and facility culture. | |
| 5. | Delete funding for unspecified federal grants. | \$ 721,528 |
| | Total Reductions | \$ 721,528 |

Updates

Transfer of Education Services at DJS Facilities to the Maryland State Department of Education: Chapter 148 of 2012, the Fiscal 2013 Operating Budget, required MSDE to assume responsibility for providing education services at the Thomas J. S. Waxter Children’s Center, the William Donald Schaefer House, and the Alfred D. Noyes Children’s Center over the course of the fiscal year. The fiscal 2014 allowance includes a reduction of nearly \$3 million and 32 positions to reflect the annualized transfer of these three facilities, as well as the transfer of the four remaining youth camp facilities in Western Maryland. This effectively fulfills the statutory requirement to have MSDE provide education services in all DJS facilities by the start of fiscal 2014.

Use of Secure Detention: DJS is in the process of completing a statewide analysis on the use of secure detention. To date, the department has submitted its findings for Baltimore City and Prince George’s County. The report analyzing data for the remainder of the State is to be submitted to the legislature by June 15, 2013. The preliminary findings from Baltimore City and Prince George’s County identify up to eight pathways for youth to enter secure detention. In addition, it appears that a significant portion of youth in secure detention are not given a validated risk assessment to assist in determining the need for secure detention, and for those youth who do receive the risk assessment, it is often not adhered to when making detention utilization decisions. As a result, it appears that secure detention in Maryland’s juvenile justice system is overutilized, and if sufficient resources were made available and detention decision policies were more aligned with risk assessment findings, it is likely that the department could significantly reduce the secure detention population and effectively monitor youth in the community.

V10A
Department of Juvenile Services

Operating Budget Analysis

Program Description

Functionally, the Department of Juvenile Services (DJS) is broken down into two major areas:

- **Leadership Support** which is essentially headquarters operations that provide guidance and centralized services to the other part of the agency. It consists of two areas:
 - Office of the Secretary; and
 - Departmental Support, which includes such functions as human resources, capital planning, property management, procurement, information technology, professional development and training, and professional responsibility and accountability (for example, audits, professional standards, and quality assurance).
- **Residential, Community, and Regional Operations** which incorporates the actual delivery of services to youth in community and residential settings. A leadership division provides direction to regional operations and programs that are organized around six regions:
 - Baltimore City;
 - Central (Baltimore, Carroll, Harford, and Howard counties);
 - Western (Allegany, Frederick, Garrett, and Washington counties);
 - Eastern (Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties);
 - Southern (Anne Arundel, Calvert, Charles, and St. Mary's counties); and
 - Metro (Montgomery and Prince George's counties).

The key goals of the department are public safety, juvenile offender accountability, and the development of a level of competency in juvenile offenders to reduce the risk of recidivism.

Performance Analysis: Managing for Results

1. Maryland Juvenile Arrest Data

Exhibit 1 presents Maryland juvenile arrest data for calendar 2007 through 2011. The data uses distinctions found in the *Uniform Crime Reports*. Part 1 arrests are those for murder, manslaughter, rape, robbery, felonious assault, breaking or entering, larceny theft, motor vehicle theft, and arson. Part 2 arrests are all other arrests including offenses such as vandalism, drug abuse violations, weapons offenses, and fraud. The exhibit also distinguishes Part 1 arrests between violent and serious property crimes.

Exhibit 1							
Juvenile Arrest Data (Age 10-17)							
Calendar 2007-2011							
	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>Annual % Change 2007-2011</u>	<u>Annual % Change 2010-2011</u>
Total Arrests	47,952	47,632	41,425	39,642	35,219	-7.4%	-11.2%
Arrest Rate	7,681	7,839	6,892	6,377	5,733	-7.1%	-10.1%
Part 1 Arrests	15,457	16,075	14,223	12,626	11,096	-8.0%	-12.1%
Part 1 Arrest Rate	2,476	2,646	2,366	2,031	1,806	-7.6%	-11.1%
Part 1 Arrests:							
a. Violent Crimes	3,504	3,655	3,215	2,953	2,227	-10.7%	-24.6%
Violent Crime Rate	561	602	535	475	363	-10.4%	-23.7%
b. Property Crimes	11,953	12,420	11,008	9,673	8,869	-7.2%	-8.3%
Property Crime Rate	1,915	2,044	1,832	1,556	1,444	-6.8%	-7.2%
Part 2 Arrests	32,495	31,557	27,202	27,016	24,123	-7.2%	-10.7%
Part 2 Arrest Rate	5,205	5,193	4,526	4,346	3,927	-6.8%	-9.7%

Note: Rates are per 100,000 juveniles, age 10 through 17.

Source: Department of Legislative Services; *U.S. Census*; *Uniform Crime Reports*

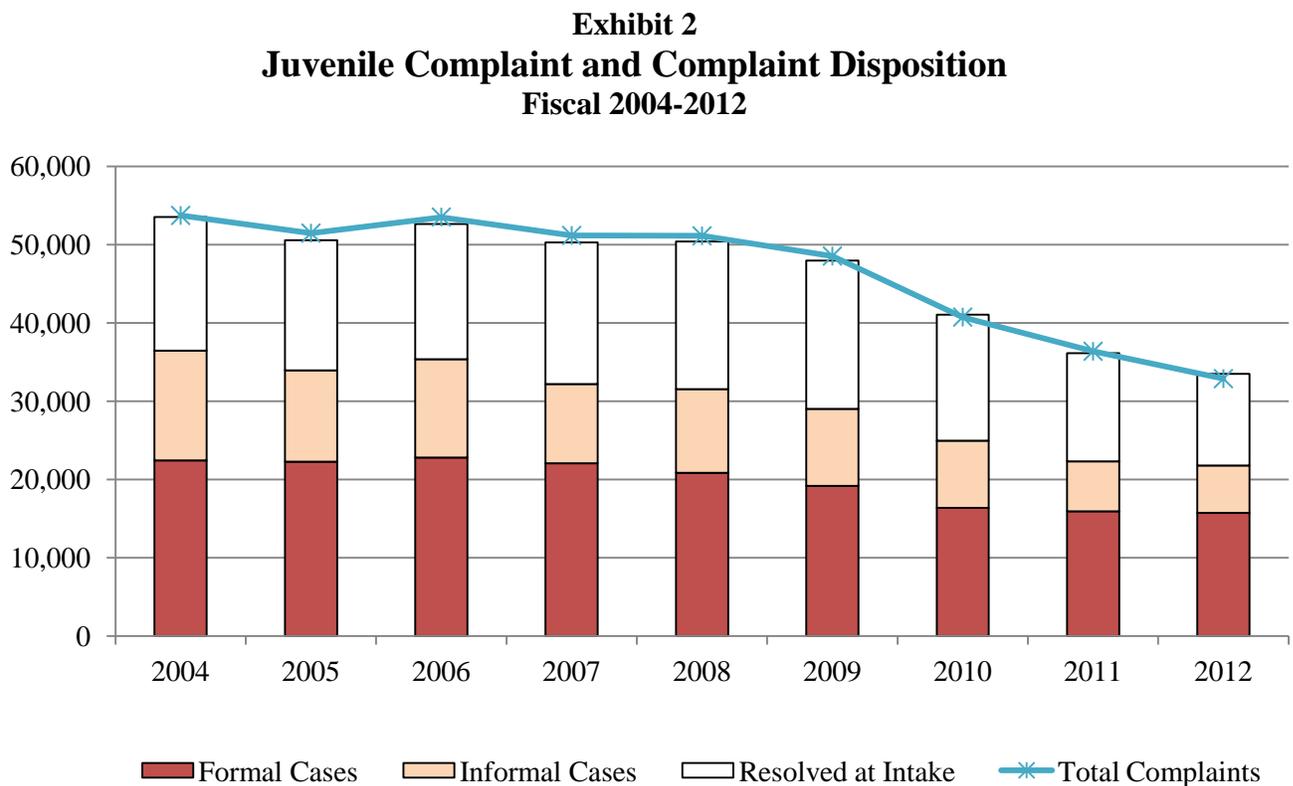
Total arrests declined for the sixth consecutive year, falling to slightly more than 35,000 arrests in calendar 2011. This reflects a 29.8% reduction from the most recent peak of 50,153 arrests in calendar 2006, and a 26.6% reduction over the five-year period shown in the exhibit. Between calendar 2007 and 2011, total arrests decline on average by 7.4% each year, and the arrest rate per 100,000 juveniles between the ages of 10 and 17 also declines on average by 7.1% each year. The Part 1 arrest rate decreases by 8.0% on average per year since 2007, with the violent crime arrest rate declining more rapidly than property crime arrest rate (10.4% versus 6.8% on average per year).

Violent crime arrests fell by nearly 25.0% between calendar 2010 and 2011, the most significant reduction experienced in recent years. The number of Part 2 arrests also saw a significant decrease in calendar 2011, falling 10.7%, as opposed to the 0.7% decline experienced in the previous year. Although the number of property crimes continued to fall, declining 8.3% between 2010 and 2011, this is not as significant a reduction as seen in previous years; between calendar 2009 and 2010, for example, property crime arrests declined by 12.1%.

2. DJS Complaint Totals and Complaint Disposition

Mirroring the trends in juvenile arrests, **Exhibit 2** shows the total number of complaints received by DJS in recent years and the dispositions of those cases. As shown in the exhibit:

- The total number of complaints continues to decline significantly. DJS handled less than 40,000 complaints for the second consecutive fiscal year. The nearly 33,000 complaints in fiscal 2012 reflect a 9.6% reduction compared with fiscal 2011, and a 38.6% reduction from the most recent peak of approximately 53,500 complaints in fiscal 2006.



Source: Department of Juvenile Services StateStat

- All types of complaint dispositions continued to decline in fiscal 2012 as a result of fewer total complaints referred to the department. Cases resolved at intake and those that require some form of intervention but do not rise to the level of court intervention (the informal caseload) fell by 15.4 and 5.1%, respectively. Similarly, these cases continue to account for a smaller proportion of the total caseload, representing 35.6 and 18.6% of total complaint dispositions.
- Formal caseloads, those where DJS believes court intervention is required, remained relatively steady in fiscal 2012, with only a 1.2% decrease in the total number of formalized cases. The rate of formal cases has increased consistently, however, since fiscal 2010. As a percent of total case dispositions, formal caseloads accounted for the majority of dispositions in fiscal 2012, increasing from 43.8 to 47.8%. A review by DJS of the past three years of intake data shows that the increase in proportion is attributable to more misdemeanor complaints that are formally petitioned. DJS believes this is consistent with the increased use of the department's Maryland Comprehensive Assessment and Service Planning risk assessment tool, which guides case-forwarding decisions and takes into account social history risks in addition to delinquent history.

3. Placement Trends

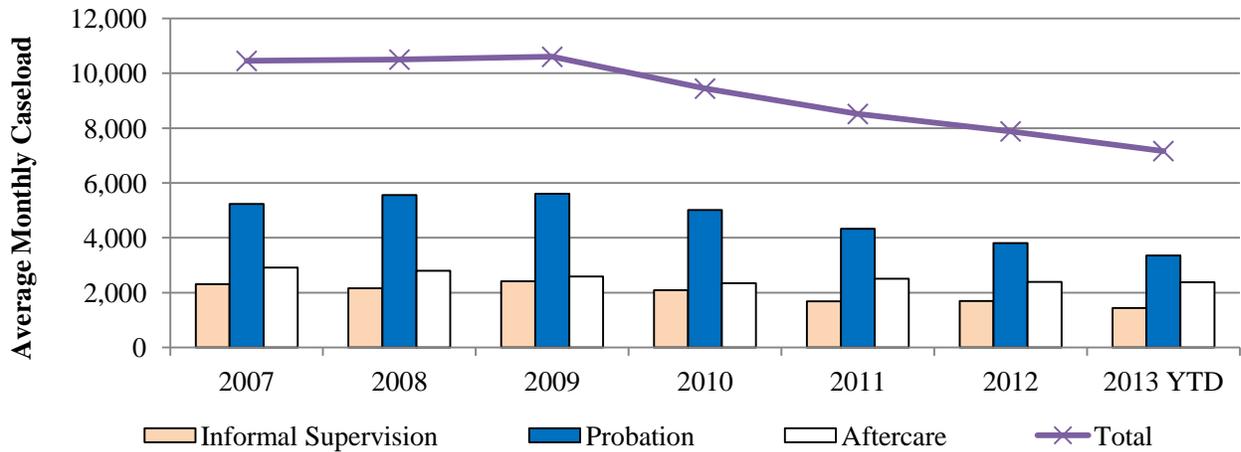
Nonresidential Placement Trends

As shown in **Exhibit 3**, fiscal 2012 and 2013 year-to-date data reflects a continued drop in overall nonresidential placements. This drop largely reflects a continued decline in the number of referrals for probation, which fell by 12.0% between fiscal 2011 and 2012. Since the most recent peak in fiscal 2009, nonresidential placements have fallen 32.4%, with the most notable drop being among the probation and informal supervision populations which each declined by approximately 40.0%. Data from the first five months of fiscal 2013 shows a continuing decline in these populations, with the informal caseload declining slightly more than the probation population (14.8 and 12.0%, respectively). There was also a 4.9% decline in the average monthly aftercare caseload, returning to the fiscal 2010 level of approximately 2,400 cases per month. Year-to-date data for fiscal 2013 shows this population is expected to remain relatively stable.

Pre-adjudication/Pending Placement Trends

Exhibit 4 details average daily population (ADP) trends for youth who are in either pre-adjudication or pending placement status. This population includes youth who are provided services as an alternative to detention, are awaiting adjudication in secure detention, and those who are pending placement in a secure detention facility (youth who have been adjudicated delinquent and are held in secure detention pending a permanent committed placement). Alternatives to detention primarily include shelter care, evening reporting center participation, and community detention/electronic monitoring.

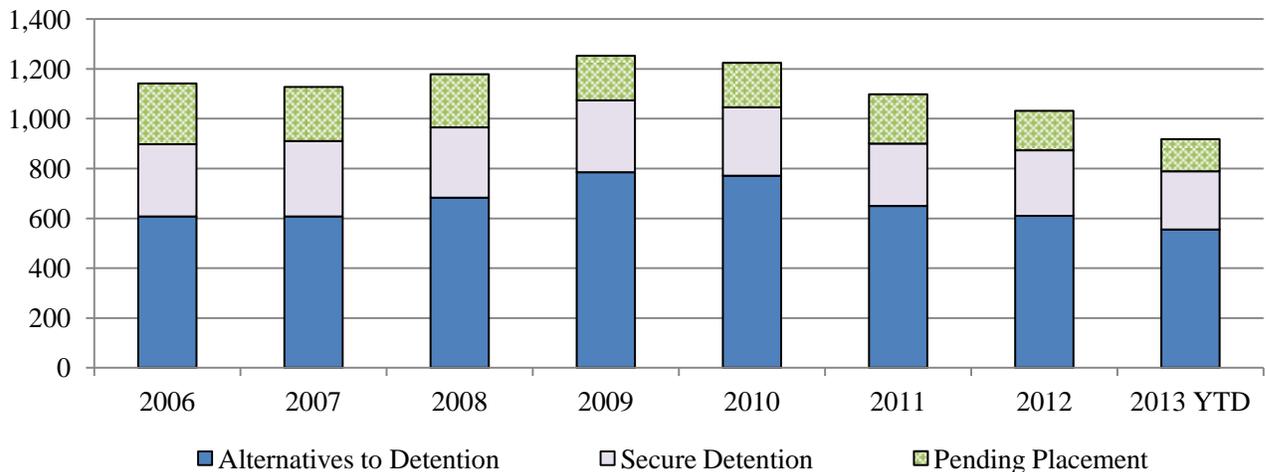
Exhibit 3
Nonresidential Caseload Trends
Fiscal 2007-2013 Year-to-date



Note: Fiscal 2013 data is through November 2012.

Source: Department of Juvenile Services StateStat

Exhibit 4
Pre-adjudication and Pending Placement Population
Average Daily Population
Fiscal 2006-2013 Year-to-date



Note: Fiscal 2013 data is through November 2012.

Source: Department of Juvenile Services StateStat

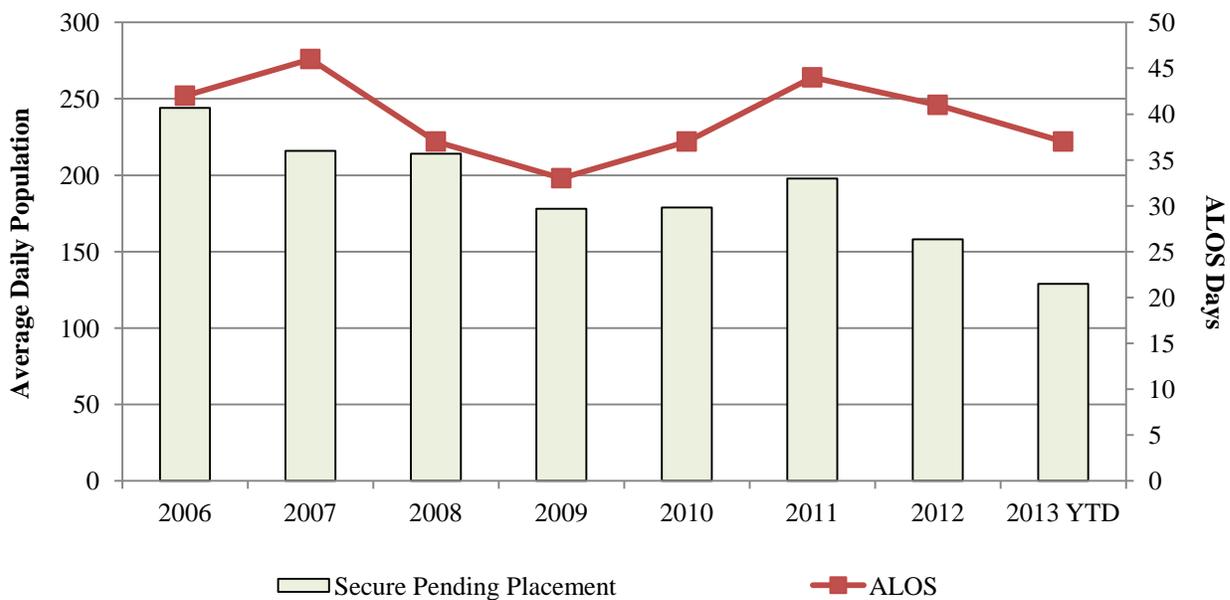
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As seen in the exhibit:

- The overall population of pre-adjudication and pending placement youth has fallen in recent years, particularly since fiscal 2009. In fiscal 2012, 1,031 youth were either in an alternative to detention program or in a detention facility, a 6.0% reduction from fiscal 2011. Youth who are provided community-based services as an alternative to detention account for nearly 60.0% of the total population.
- The utilization of secure detention for pre-adjudicated youth increased by 5.4% between fiscal 2011 and 2012, after declining 9.5% the previous year. Data from the first five months of fiscal 2013, however, suggests that the increase is not being continued. Fiscal 2013 year-to-date data shows an 11.4% decline compared with fiscal 2012, and an average daily population of 233 youth. If sustainable, this would be the lowest population of pre-adjudicated youth held in secure detention in the past decade.
- The use of alternatives to detention peaked in fiscal 2009 and has since declined by 22.3%, with the fiscal 2012 population returning to fiscal 2006 levels. Fiscal 2013 year-to-date data indicates that the downward trend will continue, with an ADP of 555 youth participating in alternative to detention programming in the first five months of the fiscal year. Nearly 84.0% of the youth who participated in alternatives to detention in fiscal 2012 were on community detention/electronic monitoring.
- As a percentage of the total population of youth either in an alternative to detention program or in secure detention (pre-adjudication and pending placement), the alternative to detention population held steady at 59.0% in fiscal 2012. The pre-adjudication population in secure detention increased from 23.0% in fiscal 2011 to 26.0% in fiscal 2012. This is likely the result of detention policies and practices that detain relatively moderate risk youth who could otherwise successfully participate in an alternative to detention program and are too quick to remove a youth from an alternative to detention program back into detention. Studies completed by the department on the use of secure detention in Baltimore City and Prince George's County show that a majority of youth in detention are there for policy-driven reasons, and not necessarily risk. If sufficient resources were made available and detention decision policies were more aligned with risk assessment findings, it is likely that the department could significantly reduce the secure detention population and effectively monitor youth in the community. Additional information on the report findings is provided in the Updates section of this analysis.
- The pending placement population represents 38.0% of the total population in DJS detention facilities, a significant reduction from representing 44.0% of the population in fiscal 2011. The fiscal 2012 ADP for youth pending placement was 158, a more than 20.0% reduction from fiscal 2011 and the lowest pending placement population in the past decade. Data from the first five months of fiscal 2013 shows the pending placement population continuing to decline by 11.2% to an ADP of 129 youth.

- As shown in **Exhibit 5**, increases in the secure pending placement population are closely linked with trends in the average length of stay (ALOS). Between fiscal 2009 and 2011, when the ALOS for pending placement youth increased by 33.3%, the ADP increased by 11.1%. In fiscal 2012, however, the ALOS for pending placement youth declined by 6.8%, and the population declined by 20.1%. This trend appears to continue in fiscal 2013.

Exhibit 5
Pending Placement Population
Average Daily Population and Length of Stay
Fiscal 2006-2013 Year-to-date



ALOS: average length of stay

Note: Fiscal 2013 data is through November 2012.

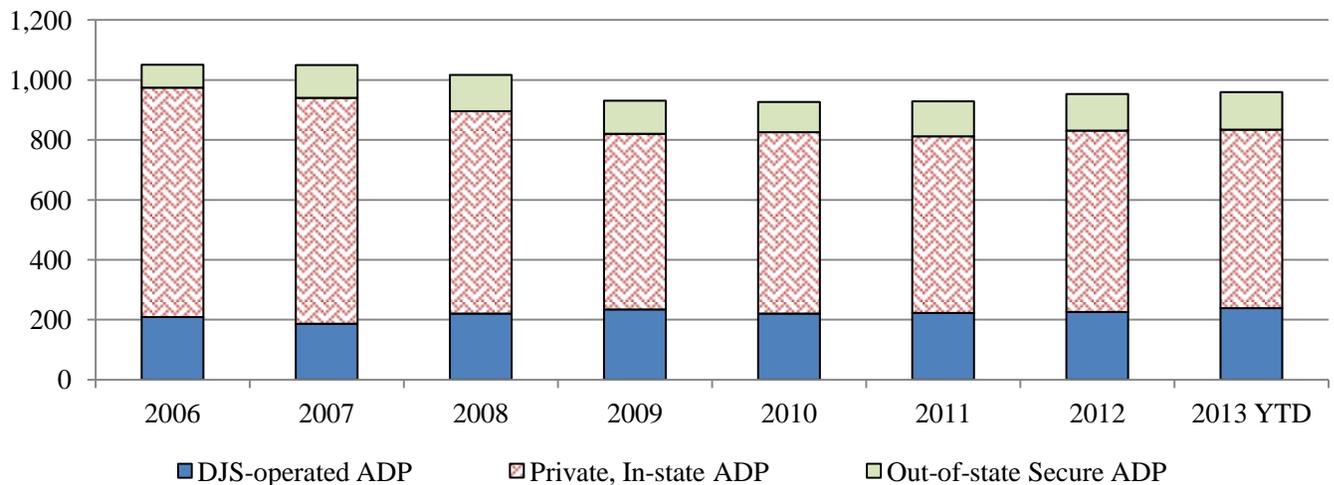
Source: Department of Juvenile Services StateStat

- DJS has implemented a variety of policy and procedural changes in an attempt to reduce the ALOS and, subsequently, the pending placement population. Most notably, these include the following: implementation of a 60-day Review Process, which requires the deputy director for programs to conduct an administrative review of all cases pending placement over 60 days to address system issues, provider issues, and staff accountability; and enactment of the department’s continuum of care legislation (Chapter 198 of 2012), creating a Central Review Committee and permitting DJS to efficiently re-place a youth in a committed program if the initial placement fails, without necessarily returning to detention or having an additional court hearing.

Committed Residential Population Trends

As shown in **Exhibit 6**, the ADP of youth in all types of committed residential programs declined significantly in fiscal 2009, falling by 11.4% from the recent high of 1,051 in fiscal 2006. Between fiscal 2009 and 2011, the committed residential population remained relatively stable, with an ADP of approximately 928 youth. The population rose slightly in fiscal 2012 (2.6%), as the department increased its efforts to move youth into committed residential programs more quickly. Preliminary fiscal 2013 data reflects a continued increase, which is consistent with the reduction in the pending placement population seen in the previous exhibits.

Exhibit 6
Committed Residential Population
 Fiscal 2006-2013 Year-to-date



ADP: average daily population

Note: Fiscal 2013 data is through November 2012.

Source: Department of Juvenile Services StateStat

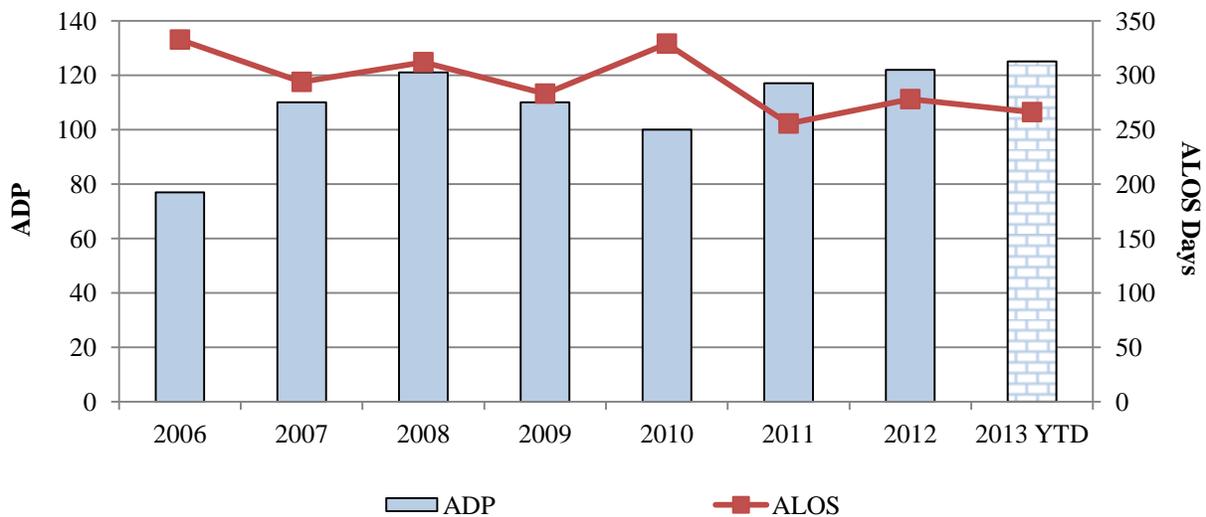
Of all youth in committed residential placements, slightly less than 90.0% remain in-state, although that percentage has been decreasing over the past seven fiscal years. Youth committed to out-of-state residential programs represented 7.3% of the total committed population in fiscal 2006. By fiscal 2012, out-of-state placements accounted for 12.8%. Youth committed to DJS-operated residential programs accounted for 23.7% of all placements in fiscal 2012, and the final 63.5% of the population remained in-state but was committed to a private per diem facility.

Most youth committed to in-state residential placements, 72.8% in fiscal 2012 and 71.5% to date in fiscal 2013, continue to be placed in private per diem facilities (a mix of foster care, group homes, substance abuse and mental health treatment programs, residential treatment centers, and staff secure facilities). The use of in-state private per diem ADP declined 23.1% between fiscal 2006 and

2011 to 588 youth. At the same time, the number of youth in DJS residential facilities increased 6.6%. Both populations increased slightly in fiscal 2012; year-to-date data for fiscal 2013 shows the population of youth in DJS-operated placements continuing to increase by 5.3% to an ADP of 238 youth, while the number of youth in private, in-state placements declines by 1.4%.

The department was successful in fiscal 2009 and 2010 in reducing out-of-state placements. As shown in **Exhibit 7**, out-of-state placements declined 17.4% between fiscal 2008 and 2010. Since fiscal 2010, however, the ADP for out-of-state placements has increased steadily, rising to 122 youth placed out of state in fiscal 2012. The trend continues upward in fiscal 2013, with DJS averaging 125 youth in out-of-home placements in the first five months of the fiscal year. The department has adopted a philosophy that, although placement in an in-state, DJS-operated committed program is ideal, it is preferable for a youth to receive treatment in any appropriate committed program versus being held in secure detention while pending placement. As such, the out-of-state population continues to increase as beds become available because the availability of in-state capacity (State-operated or private) is severely inadequate. These capacity concerns are further addressed in the Issues section of this analysis.

Exhibit 7
Out-of-state Committed Residential Population
Average Daily Population and Length of Stay
Fiscal 2006-2013 Year-to-date



ADP: average daily population
 ALOS: average length of stay

Note: Fiscal 2013 data is through November 2012.

Source: Department of Juvenile Services StateStat

4. Recidivism Rates

Exhibit 8 presents recidivism rates for youth released from residential placements within two and three years. Recidivism is only one measure of the impact of a residential placement on a youth; however, it is a widely used measure. Recidivism includes returns to both the juvenile and adult criminal justice system and represents the fuller picture of recidivism for those older youth who age out of the juvenile justice system. Data reflects the most serious subsequent penetration of the juvenile or criminal system by a youth.

Exhibit 8
Recidivism Rates to the Juvenile Justice and Criminal Justice System for Youth Released from Residential Placements within Two and Three Years of Release
Fiscal 2007-2010 (%)

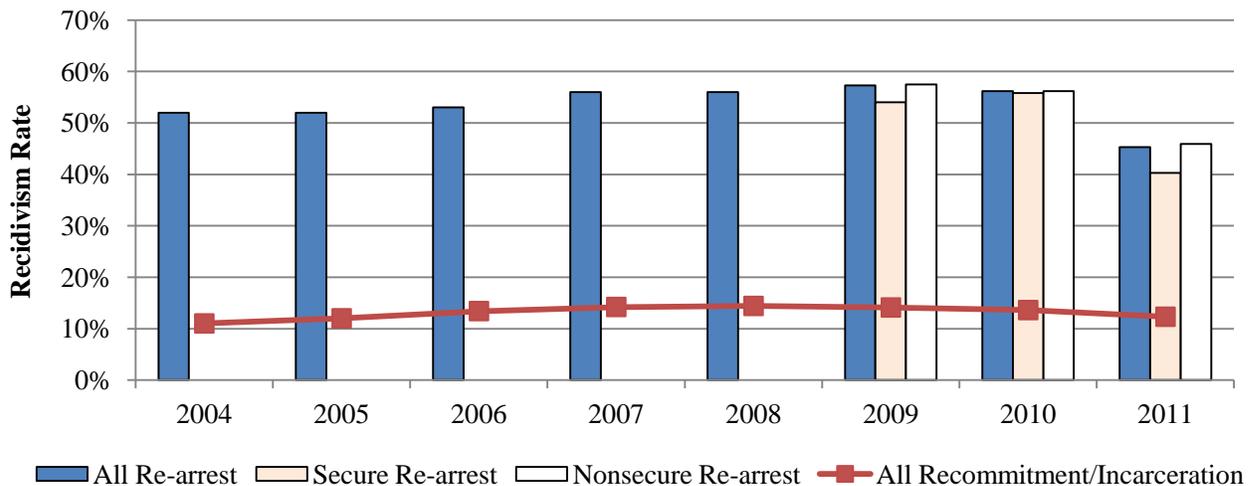
	2007		2008		2009		2010	
	<u>2 Years</u>	<u>3 Years</u>						
Re-arrest Juvenile/Adult	70	76	70	74	70	76	70	
Re-adjudication/Conviction	37	47	37	47	35	46	36	
Recommitment/Incarceration	30	41	30	41	28	39	29	

Source: Department of Juvenile Services; Department of Legislative Services

Overall, there has been little fluctuation in the longer term recidivism (three-year) rates since fiscal 2007. Approximately 76% of juveniles were re-arrested, 47% were re-adjudicated, and 41% were recommitted within three years of release, although for youth released in fiscal 2009, the re-adjudication and recommitment rates declined slightly. In fiscal 2008, the three-year re-arrest rate returned to the fiscal 2006 level of 74%, while the re-adjudication and recommitment rates remained at the elevated fiscal 2007 level. Two-year trends mirrored the three-year trends, although the re-adjudication and recommitment rates did improve in fiscal 2009. The two percentage point decline proved unsustainable; however, and the recidivism rates increased slightly for fiscal 2010 releases.

As seen in **Exhibit 9**, overall recidivism within one year of release from a residential program in terms of re-referral/arrest improved significantly, falling from 56.2% in fiscal 2010 to 45.3% in fiscal 2011. The one-year recommitment/incarceration rate also improved between fiscal 2010 and 2011, falling by two percentage points to 12.3%. In refining the department’s Data Resource Guide and recidivism data, DJS has altered the way it calculates the secure versus non-secure re-arrest rate. As such, this data is not available for releases that occurred prior to fiscal 2009. Youth released from secure programs in fiscal 2011 accounted for 9.3% of all releases and had a re-arrest rate of 40.3% within one year of release. Releasing relatively small numbers of youth from a program can generate wide fluctuations in the recidivism rate, but the fiscal 2011 data does reflect a dramatic improvement over fiscal 2009 and 2010, when the secure re-arrest rate was 54.0 and 55.8%, respectively. In a similar trend, a total of 625 youth released in fiscal 2011 were re-arrested within one year of release from non-secure programming, reflecting a re-arrest rate of 45.9%, and a significant decline from the 57.5 and 56.2% re-arrest rates for fiscal 2009 and 2010 releases.

Exhibit 9
Referrals to Adult or Juvenile System
Within One Year of Release from a Residential Placement
Fiscal 2004-2011



Source: Department of Juvenile Services

Fiscal 2013 Actions

Proposed Deficiency

The fiscal 2014 allowance includes approximately \$9.1 million in fiscal 2013 deficiency appropriations for residential per diems, including \$8.0 million in general funds and \$1.1 million in special funds. This increases the fiscal 2013 appropriation for residential per diems to nearly \$56.9 million, a \$475,000 increase over fiscal 2012 actual spending. Projections based on placement data from the first five months of fiscal 2013 indicate that this appropriation is in line with anticipated expenditures. The allowance provides approximately \$62.5 million for this purpose in fiscal 2014.

Section 25 Position Reductions

Section 25 of Chapter 1 of the First Special Session of 2012 (the Budget Reconciliation and Financing Act of 2012) required the Governor to abolish at least 100 vacant positions as of January 1, 2013, saving at least \$6 million in general funds. This agency's share of the reduction was 2 positions and \$432,520 in general funds. The annualized salary savings due to the abolition of these positions is expected to be \$156,248 in general funds.

Proposed Budget

As seen in **Exhibit 10**, the Governor’s fiscal 2014 allowance increases by nearly \$19.2 million, or 7.0%.

**Exhibit 10
Proposed Budget
Department of Juvenile Services
(\$ in Thousands)**

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
2013 Working Appropriation	\$262,115	\$3,310	\$8,347	\$69	\$273,842
2014 Allowance	<u>280,606</u>	<u>4,439</u>	<u>8,133</u>	<u>148</u>	<u>293,327</u>
Amount Change	\$18,491	\$1,129	-\$213	\$78	\$19,485
Percent Change	7.1%	34.1%	-2.6%	113.0%	7.1%
 Contingent Reduction	 -\$261	 \$0	 -\$2	 \$0	 -\$263
Adjusted Change	\$18,230	\$1,129	-\$215	\$78	\$19,222
Adjusted Percent Change	7.0%	34.1%	-2.6%	113.0%	7.0%

Where It Goes:

Personnel Expenses

Transfer of 32 positions to MSDE for operation of youth camp education services	-\$2,617
Increments and other compensation	-179
Overtime	878
Employee and retiree health insurance, net of across-the-board reduction	1,506
Employee retirement	2,409
Workers’ compensation premium assessment.....	1,292
Turnover adjustments	-2,058
Other fringe benefit adjustments	-410
Contractual full-time equivalent employment.....	1,015

Programmatic Changes

Residential per diems	14,783
Increased nonpublic placement pass-through revenue from Local Education Agency reimbursements	1,676
Mental health evaluation contracts	382

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Where It Goes:

Evidence based services	-531
Nonresidential programming.....	-743

Other Changes

Medical care costs budgeted in line with prior year actual expenditures	788
Increased federal grant funding	722
Implementation of Safe Measures computer programming to enhance reporting capabilities of ASSIST	250
Nonpersonnel expenditure reduction due to transfer of education services to MSDE.....	-321
Other.....	380

Total **\$19,222**

ASSIST: Automated Statewide Support and Information Systems Tool

MSDE: Maryland State Department of Education

Note: Numbers may not sum to total due to rounding.

Personnel Expenses and Staffing Deficiencies

Regular position personnel expenses increase by a net \$821,000 in fiscal 2014. DJS loses a total of 32.0 regular position and \$2.6 million in associated funding. These positions are associated with the transfer of education services for youth at the department’s four youth camps in Western Maryland to the Maryland State Department of Education (MSDE). With the transfer of the youth camps, the statutory requirement to have MSDE provide education services in all DJS facilities by fiscal 2014 is fulfilled. Employee increments also decline slightly to reflect the annualized loss of funds from positions transferred to MSDE during fiscal 2013. Employee and retiree health insurance costs increase by approximately \$1.5 million. Contribution rates for the regular employees, teachers, State Police, and Law Enforcement Officers pension plans increase in fiscal 2014. The \$2.4 million rate increase is attributable to underattaining investment returns, adjusting actuarial assumptions, and increasing the reinvestment of savings achieved in the 2011 pension reform.

The department also receives slightly more than \$1.0 million to fund an additional 24.15 contractual full-time equivalents (FTE). These FTEs are utilized by DJS as part of the hiring process for direct care staff. Due to ongoing issues with staff retention and high vacancy rates, in October 2010, DJS implemented a system for hiring direct care staff via FTE while the staff completes training and is acclimated to working in DJS’ facilities. After completing six months of employment, the contractual is converted to fill vacant regular positions.

When combining the regular positions and contractual FTEs, DJS is able to maintain roughly a 93.0% fill rate for facility direct care staff; however, the department still has a 9.4% vacancy rate for regular positions, with the majority being related to facility operations. In fact, the actual fill rate for regular positions only has been above 10.0% since January 2011. Utilizing contractual positions to improve the hiring process appears to be an acceptable strategy; however, the goal should be to fill

existing regular position vacancies. **As such, the Department of Legislative Services (DLS) recommends deleting the 24.15 additional contractual FTEs and associated funding provided in the fiscal 2014 allowance. DJS should increase its efforts to convert existing contractual staff to regular positions.**

It is clear that staffing continues to be an ongoing issue for the department, particularly with regard to the recruitment and retention of facility direct care staff. In the fiscal 2013 operating analysis, DLS noted that DJS had completed an analysis of residential staffing needs, identifying the need for 173 additional direct care positions. The identified need, by region, is shown in **Exhibit 11**.

Exhibit 11
Department of Juvenile Services
Staffing Deficiencies by Facility

<u>Facility</u>	<u>Staffing Deficit (FTE)</u>
Baltimore City Juvenile Justice Center	14.50
Cheltenham Youth Facility	20.71
Charles H. Hickey School	9.56
Victor Cullen Center	8.74
Alfred D. Noyes Children’s Center	22.72
Meadow Mountain Youth Center	17.37
Green Ridge Youth Center	11.57
Backbone Mountain Youth Center	8.57
Savage Mountain Youth Center	5.67
Thomas J. S. Waxter Children’s Center	7.78
Western Maryland Children’s Center	15.49
Lower Eastern Shore Children’s Center	18.83
J. DeWeese Carter Children’s Center	10.59
William Donald Schaefer House	0.42
Total	172.52

FTE: full-time equivalent

Source: Department of Juvenile Services

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During the 2012 interim, DJS also completed a study of staffing needs for community case management positions. The findings of this study were submitted to the legislature on September 26, 2012. The year-long study, conducted by the National Council on Crime and Delinquency, identified an excess of nearly 40 positions within the community case management function. **Exhibit 12** compares the staffing need versus allocation by region. To a certain extent, the study findings and excess positions are the result of the lower community caseloads experienced in recent years. If caseloads were to increase, additional positions would be required. As a result of the study findings, DJS proposed to reallocate 39 positions to fill 6 psychologist/social worker positions needed to staff the new multi-disciplinary assessment teams used to conduct evaluations for making placement recommendations, retain 10 excess community case management positions to address fluctuations in the population, and use the remaining 22 positions to address the shortfalls identified in the residential staffing analysis. In the fiscal 2014 allowance, 2 of the excess positions have been abolished under Section 25 of Chapter 1 of the First Special Session of 2012, leaving 20 positions to address the direct care staffing shortfalls.

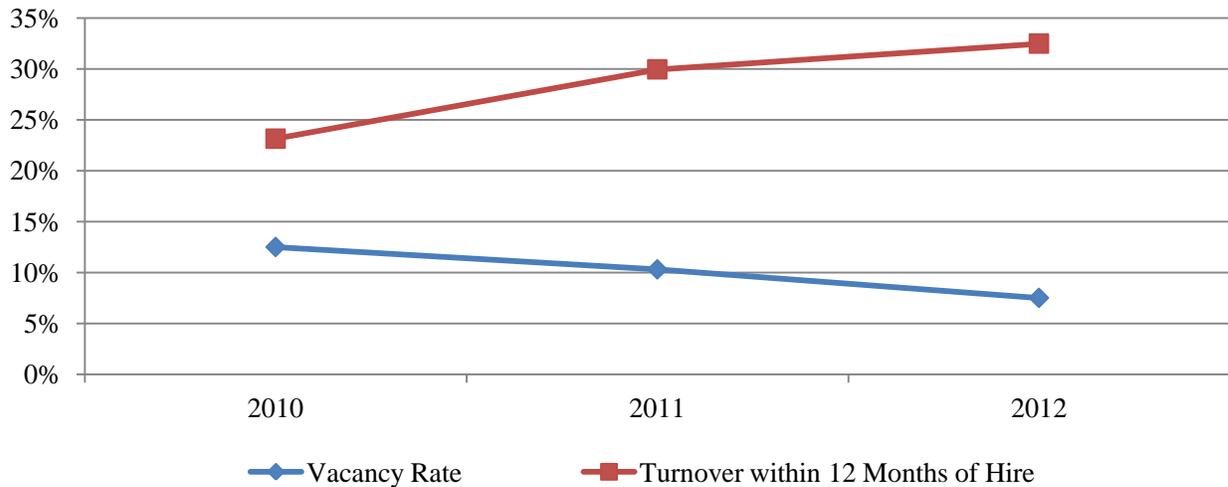
Exhibit 12
Community Case Management Staffing Need vs. Appropriation

<u>Region</u>	<u>Staffing Need</u>	<u>Staffing Appropriation</u>	<u>Difference</u>
Baltimore City	99.8	111.5	11.7
Central	64.5	79.5	15.0
Eastern	34.7	40.0	5.3
Metro	89.7	88.5	-1.2
Southern	61.2	64.0	2.8
Western	22.8	29.0	6.2
Total	372.7	412.5	39.8

Source: *Department of Juvenile Services Workload Study Report*; Department of Legislative Services

The combined results of the staffing analyses leave a residential staffing shortfall of 153 positions; however, providing DJS with additional positions is difficult to justify given the fiscal condition of the State and the department's ongoing struggles retaining the existing direct care staff. **Exhibit 13** provides an illustration of the issue, showing the vacancy rate and 12-month turnover rate for facility direct care staff. DJS has been able to improve recruitment by implementing a system for hiring direct care staff via contractual employment while the staff completes training and is acclimated to working in DJS' facilities. After completing 6 months of employment, the FTE is converted to fill vacant regular positions. This has resulted in a reduction in the vacancy rate from 12.5% in fiscal 2010 to 7.5% in fiscal 2012. The department's primary staffing issue continues to be with the immediate retention of these employees. The percent of mandated direct care staff that leave DJS service within one year of the hire date has increased steadily for the past three fiscal years. Approximately 32.5% of mandated direct care staff left employment within one year of being hired in fiscal 2012, compared to 23.1% in fiscal 2010.

Exhibit 13
Facility Direct Care Staff
Vacancy Rate vs. Turnover Rate
Fiscal 2010-2012



Source: Department of Juvenile Services

To better understand these retention issues, DJS had the University of Maryland, School of Social Work’s Institute for Innovation and Implementation administer an anonymous employee survey and complete an analysis of the findings. The survey generated low participation, primarily due to staff concerns about anonymity and confidentiality. Unfortunately, the low participation limits the validity of the responses and the conclusions of the analysis. Most demographic indicators also had to be removed from the survey in order to increase participation. The result is an inability to evaluate individual facility operations, specific types of employees, etc.

Limitations aside, the results suggest the following concerns:

- dissatisfaction with salary levels and benefits and did not feel that the compensation is on par with the level of education/training required for the position and the level of responsibility;
- distress with working in a dangerous environment, although the survey revealed a general opinion that training is made a priority by the department and DJS is perceived as being committed to maintaining safety;
- insufficient staff to complete required work and a high expectation of working overtime and double shifts;
- lack of opportunity for advancement and recognition of hard work; and

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- difficulty finding time for family responsibilities.

The results of the survey revealed that among the participating employees, there were significant turnover intentions; however, the majority of respondents also said they cared about the fate of the agency, were willing to put in a lot of effort to help the agency, and would be interested in other positions within the department. People who indicated they were considering leaving their current position expressed strong feelings of stress, low morale, cynicism for change, and work-life conflicts.

With the poor response rate, it is difficult to know whether the sample was truly representative of the entire direct care workforce; however, it does appear that a number of concerns expressed by participants relate to cultural issues within the department and not just compensation. The study makes the following recommendations to improve employee retention within DJS facilities:

- increase efforts to fully staff facilities;
- shorten the hiring process;
- provide better compensation, particularly with regard to the employee pension;
- provide better training, specifically in the areas of stress reduction and safety;
- create leadership development training for managers; and
- improve employee recognition/rewards and opportunities for professional development and advancement.

DJS should provide a response to the findings and recommendations included in the employee survey study, in addition to explaining any steps taken to address the staffing concerns, particularly with regard to the cultural issues. In addition, DLS recommends DJS consult with the Department of Public Safety and Correctional Services (DPSCS) on potential modifications to the hiring process and other methods for improving employee retention. In recent years, DPSCS has managed to significantly improve employee recruitment and retention, in addition to improving agency culture.

Funds were withheld pending receipt of the staffing survey results. Upon concurrence of the budget committees, DLS will prepare a letter allowing those funds to be released after the budget hearings.

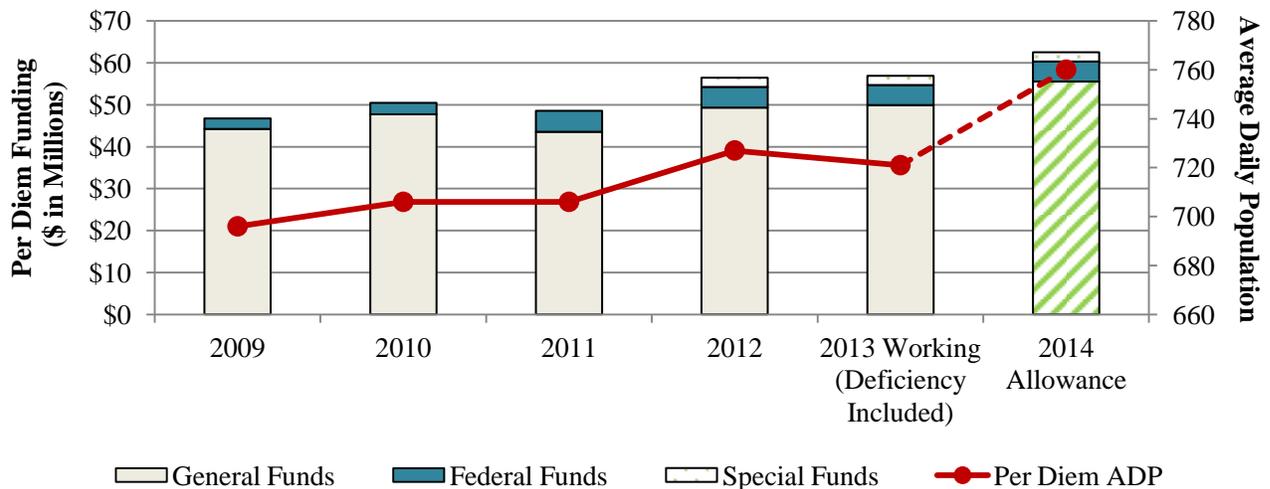
Programmatic Changes

In total, fiscal 2014 funding for residential and community-based programs increases by a net \$14.7 million, accounting for 76.6% of the total budget growth. General fund spending increases by a net 20.3%, or \$13.6 million, to \$80.5 million when compared with fiscal 2013. The special fund allowance reflects a net \$1.1 million increase, largely due to additional revenue available from Local Education Agency reimbursements. Once the deficiency for residential per diems is accounted for, the net effect on the general fund allowance is growth of \$5.6 million, and the fiscal 2014 special fund allowance is in line with the fiscal 2013 appropriation and fiscal 2012 actual expenditures. There is no change in the amount of federal funds provided for residential and community-based programs, approximately \$4.8 million.

Residential Per Diems

Exhibit 14 provides funding and population detail for residential per diem placements since fiscal 2009. The fiscal 2013 working appropriation is approximately \$56.9 million, with the \$9.1 million deficiency appropriation, and reflects an increase of approximately \$475,000 above fiscal 2012 actual expenditures. This level of funding is consistent with the per diem ADP, which actually declines by six youth, based on data from the first five months of the fiscal year. DJS consistently receives at least \$2.2 million in special fund revenue from local education agency reimbursements for youth in private committed programs. The \$1.1 million special fund deficiency appropriation brings the fiscal 2013 special fund working appropriation in line with fiscal 2012 and 2014.

Exhibit 14
Residential Per Diem Placement Funding and Per Diem Average Daily Population
Fiscal 2009-2014



ADP: average daily population

Source: Governor’s Fiscal 2014 Allowance, Department of Juvenile Services

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The fiscal 2014 allowance provides a nearly \$14.8 million increase for residential per diems, increasing funding to approximately \$62.5 million. Once the fiscal 2013 deficiency appropriation is accounted for, actual growth is approximately \$5.6 million. Included in the allowance is a 2.5% provider rate increase, providing an additional \$1.3 million. The allowance also estimates an increase in the committed ADP of approximately 39 youth.

Nonpublic Placements

The fiscal 2014 allowance includes approximately \$1.7 million in additional special fund revenue resulting from the expansion of a provision to allow DJS to collect reimbursement from local education agencies for youth in committed programs who are receiving nonpublic education services. HB 102 (Budget Reconciliation and Financing Act of 2013) expands the eligible population to include youth who are in DJS detention facilities. Current statute only applies to youth in committed programs. As of fiscal 2014, MSDE is responsible for operating the education programs in all DJS facilities, including detention. As such, the MSDE allowance includes a nearly \$1.5 million contingent general fund reduction to reflect the anticipated revenue and the special fund revenue in the DJS allowance will be passed through as reimbursable funds to MSDE.

Community and Evidence Based Programming and Services

The fiscal 2014 allowance reflects a slight increase (\$382,000) for mental health evaluations. This largely reflects increases in vendor rates and an effort to align the budget with actual expenditures. As discussed in the Issues section of this analysis, DJS is in the process of implementing a new system for conducting evaluations internally. Under the current process, there is a lack of standardization in how the evaluation is conducted and the product that is generated. In addition, there is a significant amount of redundancy, as private providers are often conducting their own evaluations, even if a DJS evaluation has already been completed. To the extent that the internal process is successful, funding for contractual evaluations should decline; however, DJS has experienced considerable obstacles in hiring the staff necessary to conduct the internal evaluations. As such, the fiscal 2014 allowance continues to fund the existing mental health evaluation contracts. According to the department, to the extent that savings are identified in fiscal 2014 as a result of internal evaluations, the excess funding will be diverted to other behavioral health programs.

Funding for evidence based services (EBS) declines by approximately \$531,000 in fiscal 2014; however, the actual number of EBS slots remains consistent at 299. The reduced funding reflects a shift away from the use of Multi-Systemic Therapy (MST) to focus predominantly on Functional Family Therapy (FFT). According to the department, youth participating in FFT have produced better outcomes in comparison to MST for less cost. This is consistent with the EBS outcome analysis provided in the fiscal 2013 operating analysis for the department.

Funding for nonresidential programming also decreases by a net \$743,000 in the allowance. This is largely reflective of the department's efforts to align the budget with existing contracts.

Other Changes

Consistent with the department's attempt to budget in line with prior year actual expenditures, medical care costs increase by approximately \$788,000. The allowance also includes an additional \$722,000 as a placeholder for federal grant funding. In prior years, this had reflected funding from the federal Continuum of Opportunity Reentry Program (CORP) in Baltimore City; however, fiscal 2013 was the final year of funding for that grant. The CORP program emphasizes intensive case management, education and employment, and community involvement. No additional general funds have been provided in fiscal 2014 to supplement the CORP services. According to DJS, the most effective CORP services (*e.g.*, intensive case management) can be provided with existing resources and staff.

The allowance also includes an additional \$250,000 in general funds to support implementation of Safe Measures, a computer application that enhances the reporting capabilities of DJS' data infrastructure in order to improve case manager performance by providing more real-time data analysis and case specific status updates.

These increases are offset by a \$321,000 reduction reflective of the nonpersonnel costs that are transferred to MSDE for assumption of education services at the remaining DJS facilities.

Issues

1. Services for Female Offenders

In February 2012, as required by Chapters 290 and 291 of 2011, DJS completed a statistical analysis of its female population at every decision point in the juvenile justice system and created an inventory of the current services available to girls.

Based on the statistical analysis conducted, utilizing data from fiscal 2006 through 2010, the number of intakes declined for the entire population, but the decline for male intake cases was greater than for female cases. Females were more likely to have their cases resolved at intake, while the most common decision for males was a formal petition. Fewer pre-adjudication females were admitted to secure detention, as opposed to the male population which saw an increase over the five-year period. Out-of-home pending placement admissions increased for both genders during the five-year period, although the increase was slightly higher for the female population. Male placements into residential treatment saw a greater decrease than residential placements for females.

In looking at the population of committed youth, the data also revealed that, since fiscal 2008, females were most likely to have a misdemeanor as their most serious offense, as opposed to the male population which had an equal percentage of admissions for felonies and misdemeanors. The most common offense for females since fiscal 2008 was second degree assault (misdemeanor). For males, assault and narcotics were equal in fiscal 2008, and since fiscal 2009, narcotics has been most common. Variance also exists among the evaluated needs of the populations. The female population was more likely to have high family-related and mental health needs, while the male population had a slightly higher substance abuse need. The female population was also much more likely to have a history of physical/sexual abuse, and slightly more likely to have a history of neglect. Males had a higher percentage of serious incidences while in out-of-home placement, suggesting a more aggressive population, and females had lower rates of recidivism.

The inventory of community services reveals that all six regions offer at least one program for girls only. The Central Region offers the most programs overall, and the majority of these programs offer services for both girls and boys. The Eastern Shore Region offers the most programs for girls only, and the second most total programs. The Metro Region offers the most limited services, with only one program for girls only. To help address the lack of alternative to detention programs, specifically, DJS expanded access to day and evening reporting centers for girls in Baltimore City and in Montgomery and Prince George's counties. In addition, all regions provide community detention, with the possibility of electronic or global positioning system (GPS) monitoring, to both male and female youth. DJS also operates gender responsive (girls') probation groups in four of the six regions, and approximately one-quarter of evidence based programming slots are utilized by the female population.

As a supplement to the February 2012 *Report on Female Offenders*, language in the fiscal 2013 operating budget required the department to conduct a gap analysis of gender-specific services, address existing gender-based placement disparities, and continue to develop a plan for implementing appropriate and adequate services to specifically address the needs of the female

population. The report was to be submitted by December 1, 2012. To date, the report has not been provided.

DJS should explain the reason for the lengthy delay in submission of the *Girls' Services Implementation Plan and Report on Placement Disparities* and when the report will be submitted to the budget committees. DLS is concerned that the submitted report will not include a full gap analysis for both residential and community based gender-specific services. As such, DLS recommends budget language withholding funds until such an analysis is conducted.

2. Developing a New Evaluation Process for Adjudicated Youth to Address Long-standing Quality Concerns

DJS is responsible for conducting comprehensive evaluations of adjudicated youth in order to assist the courts in determining the appropriate treatment needs of the youth and out-of-home placement needs that maximize community safety. The evaluations should identify the myriad of needs a youth might have, including behavioral health needs, school performance/behavior problems, familial/domestic issues, somatic/developmental health needs, and financial limitations. They also aid in differentiating the needs in order to determine what services will best address the youth's demands and to develop an appropriate treatment plan.

Background

Under the existing process, DJS contracts with multiple private vendors to provide various psychological, psycho-social, and psychiatric evaluations for adjudicated youth. The quality of the evaluations, or lack thereof, has been a concern for many years. In the fiscal 2007 operating budget analysis for the department, DLS noted that, based on feedback from the director of Behavioral Health Services, the Judiciary, and the Department of Health and Mental Hygiene, the psychiatric and psychological assessments being conducted were insubstantial and insufficient and the competence of some vendors was questioned. In response to those concerns, additional funding was provided in fiscal 2007 to increase the minimum standards for the vendors/evaluations in order to achieve better quality evaluations. Unfortunately, the increased funding did not improve the overall quality and consistency of the evaluations, as similar concerns were echoed in the fiscal 2008 analysis and again in the fiscal 2013 analysis.

New Evaluation Process

To address the issue, DJS has developed a plan to shift away from private vendors and conduct the evaluations internally, with the hope that in-house operations will provide for better communication, accountability, standardization, and quality assurance. DJS will be placing multi-disciplinary assessment teams in each of the existing detention centers. Each team will include psychologists, social workers, educational specialists, nurses/physicians/psychiatrists, case managers, and local resource specialists. The team would be responsible for creating a collaborative report for the courts and providing a proposed treatment plan and placement recommendation. The three largest

detention facilities (C. Hickey School, Baltimore City Juvenile Justice Center, and Cheltenham Youth Facility) will have two teams each, based on the number of evaluations completed in fiscal 2012 and workload expectations. The remaining four detention facilities will each have one team. Youth who remain in the community and are likely to be considered for out-of-home placement will be evaluated by the team in the facility closest to the youth or at a local DJS office.

Creating the new assessment teams requires the psychologists and social workers to be employees of the department. All other components are pre-existing positions within the DJS workforce. DJS is utilizing existing vacant positions and converting those positions into the professional staff required to administer the program. In total, the program required the reclassification of six positions to provide for three additional psychologists, two psychologist associates, and one social worker.

Concerns

The timeline for complete implementation of the new process is anticipated to be April 2013; however, DJS has encountered significant difficulties in filling the mental health positions associated with the assessment teams. The department began recruitment for the psychological positions in July 2012; however, only 1 position has been filled as of January 2013. In fact, DJS has made offers to multiple candidates who have declined the position. Filling mental health vacancies is an issue that is faced by many other State agencies, including the State's psychiatric hospitals. In addition, with the implementation of the national healthcare expansion, demand for mental health clinicians is expected to increase, making recruitment even more difficult. Having psychological staff as departmental employees is the key component to the implementation of the assessment teams. It is not clear how the process will be impacted by the ongoing hiring difficulties.

Another concern, in addition to the staffing issue, is whether or not the department has achieved appropriate buy-in from other stakeholders, namely the courts and the private vendors who provide committed residential placements. Due to the lack of confidence in the current evaluations, it is not uncommon for the courts to request an evaluation separate from the one provided by DJS, and also for a private provider to conduct an evaluation prior to accepting a youth into placement. This results in the inefficient use of resources, redundant efforts, and a lengthy process for placing a youth in residential treatment. Acceptance of the new evaluation process from the courts and the provider community is imperative to improving the placement process.

According to DJS, outreach on the issue has been conducted, and the department has received positive feedback on the concept. Meetings were conducted in the 2012 interim with in-state and out-of-state residential providers, as well as judges and juvenile masters around the State, primarily to review the new continuum of care legislation, but also to discuss the concept of the new internal assessment teams. Consultation with representatives from the Judiciary and the Judicial Institute, however, suggest that the courts have little knowledge of the proposal and were not in a position to provide a recommendation of support for the change until the process is fully operational.

DJS should comment on the department's intentions if staffing for the mental health positions continues to be a concern. The department should also be prepared to further discuss

the steps taken to brief the other stakeholders, most notably the Judiciary, on the new evaluation process. DLS recommends committee narrative requesting a report on the impact of the new evaluation process and how often court decisions match the recommendations of the assessment team.

Funds were withheld pending receipt of the department's report on the new evaluation process. Upon the concurrence of the budget committees, DLS will prepare a letter allowing those funds to be released after the budget hearings.

3. Ongoing Capacity and Other Capital Related Concerns (DJS' Stalled Capital Program and Potential Solutions)

DJS must provide adequate residential facilities to address three populations: (1) community residential facilities; (2) secure detention facilities; and (3) secure commitment facilities. To date, however, the department has struggled to make any progress toward completing the projects in its capital program, which has exacerbated the ongoing capacity issues that exist with both the detention and committed populations.

Detention Facilities

Statute requires DJS to operate a secure juvenile detention facility in each of its six regions. The regional model, established in 2008, was designed to improve coordination among the department and local public safety entities and government agencies, in addition to community-based providers. The regional model also serves to keep youth closer to home. All of the regions currently have a secure detention facility for male youth, except the Southern Region, which consists of Anne Arundel, Calvert, Charles, and St. Mary's counties. Male youth from the Southern Region counties are currently held at the Cheltenham Youth Facility (CYF) in Prince George's County.

After significant delays due to the development of a project labor agreement, the construction of a new 72-bed detention center on the grounds of Cheltenham for male youth in the Metro Region is scheduled to begin in November 2013. The department is currently in the final stages of the design development phase. The Maryland Consolidated Capital Bond Loan (MCCBL) of 2013 includes nearly \$21.4 million in general obligation bonds to complete design and begin construction in fiscal 2014. If construction begins as scheduled, it is anticipated that the project will be complete by November 2015 (fiscal 2016).

Depending on the detention population trends in the next few years, it is possible that the existing CYF facility will have to continue operation even after completion of the new detention center in order to continue to accommodate youth from the Southern Region. The MCCBL of 2010 provided a total of \$4.65 million to fund the acquisition and preliminary design costs associated with constructing a new detention facility for the Southern Region. Language added to the MCCBL of 2010 restricted the authorization for acquisition and design funds until DJS and the Department of General Services (DGS) submitted a report providing information on the site selection process for a detention center in the Southern Maryland Region. The language was modified in the MCCBL of 2012 to urge the departments to select a site for the facility by September 1, 2012, and submit a report

to the budget committees detailing the site selection process and proposed location no later than September 30, 2012.

Over the course of two years, DJS considered a total of 121 sites throughout Anne Arundel (38 sites), Calvert (10 sites), Charles (48 sites), and St. Mary's (25 sites) counties. The department evaluated each site based on seven criteria: acreage; topography; environmental concerns; cost; proximity to dense residential or industrial use; contaminated soil/hazardous waste; and utility infrastructure. The majority of sites were rejected due to a lack of buildable acreage and/or public water and sewer.

In July 2012, DJS submitted a report to the General Assembly identifying 2510 Aurora Lane, Waldorf (Charles County), Maryland, 20601 as the site that most comprehensively satisfies the identified selection criteria. This property is located in the Acton Lane Industrial Park and has a recommended value of \$1,535,000, based on the appraisal provided by DGS. Based on the information provided in three appraisals, the Acton Lane property substantially met all but one of the identified selection criteria. The only criterion that the property did not wholly meet was with regard to the site's proximity to dense residential or industrial use. Of concern was the residential development that borders the property to the north, the White Oak Village community. In addition, Charles County expressed clear opposition to selecting the Acton Lane site and requested DJS to continue to pursue other options. The county also raised an additional concern regarding the utility infrastructure at the site, noting the potential for inadequate sewage pumping.

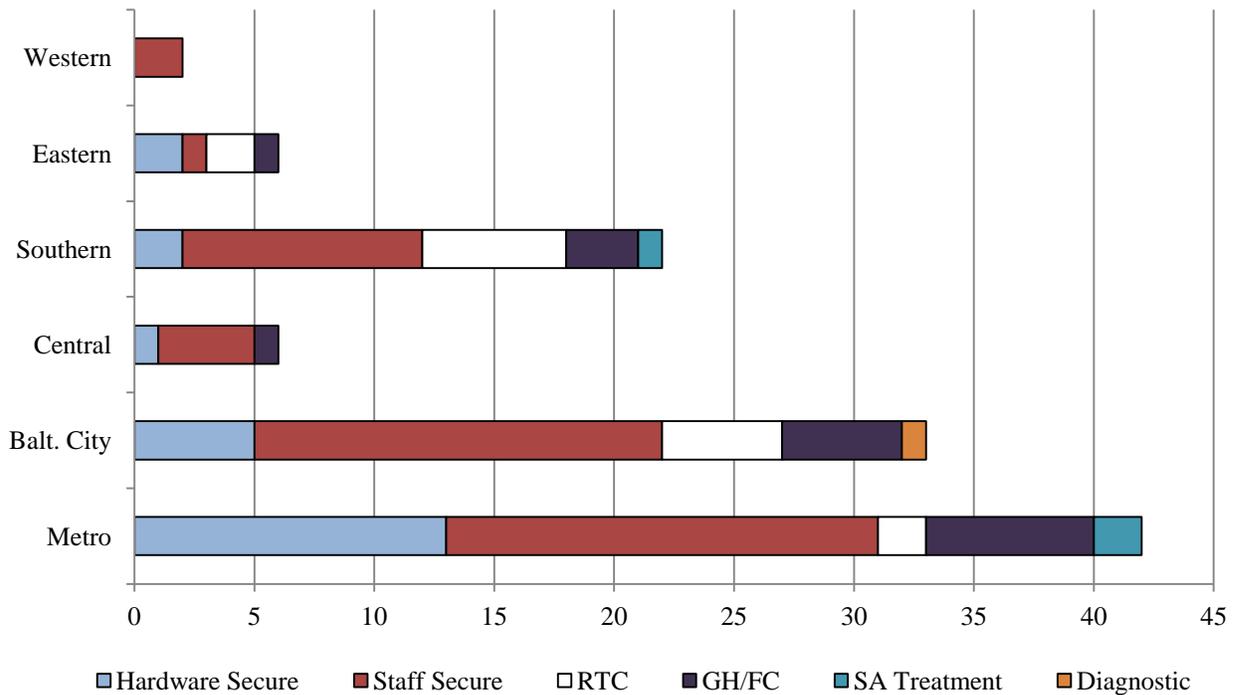
As a result of the concerns expressed regarding the chosen property and the overarching difficulties experienced in identifying an acceptable site, the Governor's five-year *Capital Improvement Program* de-authorizes the 2010 authorization and delays funding for the design of the Southern Regional Children's Center until fiscal 2017. DJS has determined that the current, State-owned Thomas J. S. Waxter site in Anne Arundel County is a suitable location for the new facility. As such, the MCCBL of 2013 also includes nearly \$1.7 million in general obligation bonds to fund the preliminary design of a replacement female detention center on the grounds of the vacant Thomas O'Farrell Center in Carroll County. Once the New Thomas J. S. Waxter Children's Center is completed in June 2017 (fiscal 2018), construction of the new detention facility for the Southern Region can begin.

Residential Committed Placements

The lack of available committed residential placements continues to place pressure on the capacity of DJS' aging detention facilities. The pending placement population declined in fiscal 2012 as a result of the department's efforts to more efficiently identify and place youth in appropriate residential programming, regardless of whether that meant sending the youth to an out-of-state placement. The department's evaluations on the use of secure detention in Baltimore City and Prince George's County revealed that approximately 22.0 and 39.0% of youth, respectively, in pending placement status during the study period were the result of a failed committed placement. DJS is optimistic that the enactment of Chapter 198 of 2012, which provided the department the authority to directly transfer a youth from one committed placement to another without having to return to a detention facility in a pending placement status, will also have a positive impact on the pending placement population.

Despite these efforts, as of September 2012, DJS had an ADP of 123 youth in its detention facilities pending placement in a residential program, accounting for 32.8% of the total detention population. **Exhibit 15** shows a snapshot of the pending placement population for September 12, 2012, delineated by the type of program for which the youth is pending placement and the youth’s region.

Exhibit 15
Committed Capacity Need for Pending Placement Youth
September 12, 2012



FC: Foster Care
 GH: Group Home
 RTC: Residential Treatment Center
 SA: Substance Abuse

Source: Department of Juvenile Services

According to the department, during the 2012 summer, waiting lists existed for nearly every type of staff or hardware-secure placement, regardless of whether it is a State-run or private program, in-state or out-of-state. Although this has improved, wait lists still exist at Victor Cullen (State-run, hardware secure) and some of the frequently used out-of-state staff and hardware-secure providers. As seen in the exhibit, the greatest need is for staff and hardware secure bed space primarily for youth in the Metro and Baltimore City regions.

State-run Treatment Facilities

DJS has two capital projects in its facilities master plan to address the need for additional committed capacity. The fiscal 2013 capital budget provided \$3.0 million in general obligation bond funding for the acquisition of property to site a new Baltimore Regional Treatment Center. Restrictive language was added to the appropriation allowing the department until December 31, 2012, to seek a site for the facility, after which the funds are only available to fund design of a treatment facility in the Metro Region on the grounds of the Cheltenham Youth Facility. DJS has yet to identify a site for the Baltimore Regional Treatment Center. To date, a total of 58 sites have been evaluated, with no site significantly meeting the site selection criteria.

The fiscal 2014 capital budget amends the restrictive language for the Baltimore Regional Treatment Center to provide DJS with additional time, until October 1, 2013, to identify a site for the facility. If a site has not been identified by then, instead of funding the new Cheltenham Treatment Center, the funds would be restricted for the purpose of constructing or renovating a facility for housing the youth charged as adult population. This language is part of a broader agreement among various stakeholders to address concerns regarding the youth charged as adult population and the construction of a new youth detention facility in Baltimore City. According to DJS, the department has reengaged the Baltimore City Mayor's Office to assist in identifying an appropriate site for the DJS treatment facility. Regardless of whether the facility is built in the Baltimore or Metro region, the department is multiple years away from having additional State-run committed capacity available. Without additional committed residential capacity, the pending placement issue cannot be resolved.

Silver Oak Academy Expansion

To provide treatment capacity relief in the more immediate future, DJS has submitted a Statement of Need seeking additional committed capacity from already licensed private providers in the State. The department received expression of interest letters from five vendors; however, after additional follow-up with each vendor, Silver Oak Academy was the only respondent. As a result of completing the Statement of Need process, DJS brought a contract modification before the Board of Public Works on January 2, 2013, to provide a 48-bed expansion at the Silver Oak Academy, increasing the total capacity of the program to 96 male youth. The expansion, which DJS intends to implement gradually, would nearly eliminate the need for staff secure beds statewide, based on the September 2012 data. The need would be reduced from approximately 52 beds to 4 beds.

The item was ultimately deferred at the January 2 meeting, pending further review by the department and input from the legislature.

4. Addressing the Youth Charged as Adult Population

Chapter 416 of 2012 required DJS to report to the General Assembly on the manner in which the department would move toward ensuring that youth charged as adults can be detained in juvenile detention facilities. The report was submitted to the legislature on December 14, 2012.

Current Law Impacting the Youth Charged as Adult Population

Typically, youth who are aged 17 years or below who are alleged to have committed a delinquent act and are determined to require secure detention are held in juvenile detention facilities. Current statute does allow for some exceptions.

Automatically Excluded from Juvenile Jurisdiction

The juvenile court does not have jurisdiction over:

- a child at least 16 years old alleged to have violated certain traffic or boating laws;
- a child at least 16 years old alleged to have committed certain violent crimes, as identified by §3-8A-03(d) of the Courts and Judicial Proceedings Article;
- a child at least 14 years old alleged to have done an act which, if committed by an adult, would be a crime punishable by death or life imprisonment; and
- a child who has previously been convicted as an adult of a felony and subsequently alleged to have committed an act that would be a felony if committed by an adult.

Juvenile Court Waives Jurisdiction to the Adult Court

Youth may be detained in an adult detention facility if the juvenile court waives its jurisdiction to the adult court. This can only occur if:

- the child is 15 years or older; or
- is under the age of 15, but is charged with committing an act that, if committed by an adult, would be punishable by death or life imprisonment.

The court must conduct a waiver hearing prior to the adjudicatory hearing and conclude that a preponderance of the evidence presented at the hearing determines that the child is an unfit subject for juvenile rehabilitative measures.

Courtesy Holds

Maryland law allows the adult court the opportunity to order a courtesy hold, where the youth is held in juvenile detention pending a decision on the transfer of jurisdiction between the adult and juvenile court. The review of whether to order a courtesy hold can occur at many points in the criminal proceeding, including at bail review, a preliminary hearing, or pending a transfer determination by the courts.

Adult Court “Reverse Waives” Jurisdiction to the Juvenile Court

An adult court can transfer an eligible case to juvenile court prior to trial or plea entry if:

- the accused child was at least 14 but not 18 years old when the alleged crime was committed;
- the alleged crime is excluded from the juvenile court jurisdiction; and
- the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

In some instances, however, the adult court is completely prohibited from transferring a case to juvenile court. This applies to youth who have already had a reverse waiver and been adjudicated delinquent, have already been convicted as an adult in an unrelated case, or the alleged crime is first degree murder and the child was age 16 or older at the time the crime was committed.

Statewide Snapshot of the Youth Charged as Adult Population

Exhibit 16 provides a statewide summary of the youth who were admitted to adult detention facilities between January 1 and December 31, 2011. In total, 771 youth were admitted during the calendar year, with 29.8% of the population admitted in Baltimore City. Prince George’s County had the second highest admissions, accounting for 22.3% of the population, followed by Baltimore County (13.4%). The majority of youth, approximately 64.7%, were admitted to adult detention facilities because their charges automatically excluded them from the jurisdiction of the juvenile court. Approximately half of the population (50.2%) was 17 years old at the time of admission, while less than 12.0% was below the age of 16.

DJS is in the middle of conducting a statewide assessment on the utilization of secure detention for juvenile offenders. To date, the department has completed analyses for Baltimore City and Prince George’s County. This data shows that for Baltimore City, there were 27 placements for youth with adult court involvement, representing just 5.0% of all placements, and creating an ADP of 25.2 youth. These youth had an average length of stay of over 60 days, compared to 19.1 days for all types of placements. Most of the placements in the juvenile facility occurred after the adult proceedings had been completed and, therefore, the youth’s actual ALOS in a detention facility was considerably longer.

DJS’ Ability to Absorb the Youth Charged as Adult Population

Under current circumstances, the department’s ability to detain the youth charged as adult population in its juvenile detention facilities is hampered by its ongoing capacity issues. DJS has reengaged the Annie E. Casey Foundation to implement the Juvenile Detention Alternatives Initiative (JDAI) in Baltimore City, with the intent to expand to Prince George’s County in January 2013. An increase in the use of alternatives to detention (ATD) could assist in reducing the pre-adjudication detention population; however, the department’s secure detention analysis shows that Baltimore City currently detains youth at a much higher rate than other comparable JDAI locations and that violations from ATD programs are a significant cause for the current detention population.

Exhibit 16
Maryland Youth Admitted to Adult Facilities
Calendar 2011

<u>Admissions by County</u>	<u>Number of Youth</u>
Allegany	1
Anne Arundel	61
Baltimore City	230
Baltimore County	103
Calvert	5
Caroline	0
Carroll	4
Cecil	12
Charles	20
Dorchester	11
Frederick	6
Garrett	0
Harford	8
Howard	15
Kent	0
Montgomery	54
Prince George's	172
Queen Anne's	2
St. Mary's	7
Somerset	14
Talbot	0
Washington	16
Wicomico	21
Worcester	9
Total	771
<u>Admissions by Court Classification</u>	
Waived to Criminal Court	86
Automatically Excluded	499
Unknown	186
Total	771
<u>Admissions by Age</u>	
13	2
14	10
15	78
16	287
17	387
18	4
No Age	3
Total	771

Source: *Department of Juvenile Services: Overview of the Youth Charged as Adult Population*; statistics furnished by the Governor's Office of Crime Control and Prevention based on data from State and local detention facilities

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In addition, the department's ability to accommodate the youth charged as adult population is also hindered by the consistent population of youth who are in detention while pending placement in a committed residential program. Historically, Maryland has a severe lack of treatment bed capacity. DJS has taken steps that have had some impact on lowering the pending placement population, including implementation of the new continuum of care legislation and creation of a 60-day review process for pending placement youth who have languished in detention; however, without the creation of additional treatment capacity, it will be difficult for the department to significantly reduce, let alone eliminate, the pending placement population from its current level.

Ultimately, until JDAI is established in multiple jurisdictions and successfully implemented and treatment bed capacity is expanded, via State construction and/or private provider expansion, it will be difficult for DJS to identify the detention capacity necessary to accommodate an additional 771 admissions annually. Furthermore, even if adequate detention space became available, it is likely that in many instances this youth population would receive treatment services within the juvenile system, as well. DJS lacks the appropriate or adequate treatment capacity to provide services to the youth charged as adult population, which tend to be deeper end youth.

To that extent, the department's efforts to expand Silver Oak Academy from 48 to 96 beds would provide some immediate relief for the pending placement population. In addition, the MCCBL of 2013 includes language that provides DJS until October 2013 to identify a site for the Baltimore Regional Treatment Center or the \$3 million acquisition appropriation is restricted for the sole purpose of renovating or constructing a facility for the youth charged as adult population. If DJS is able to comply with this language, it would take multiple years for the capacity to be available, but it would place the department in a much better position to accommodate the youth charged as adult population. To the extent that the DJS population in secure detention is reduced through the impact of the new continuum of care legislation or the identification of additional treatment capacity, it is also possible that the youth charged as adult population could gradually be absorbed through informal encouragement to the courts to increase the use of courtesy holds and/or the waiver process.

DJS should provide the committees with an update on the implementation of JDAI, the potential expansion of Silver Oak Academy, and ultimately the ability to accommodate the youth charged as adult population in its facilities.

Recommended Actions

1. Add the following language:

Provided that the general fund appropriation for the Department of Juvenile Services is reduced by \$1,015,279. This reduction should be allocated across the programs within the department.

Explanation: This language eliminates funding for 24.15 new contractual full-time equivalents (FTE) based on the department’s inability to convert existing contractual FTEs to fill vacant regular positions and address ongoing facility direct care staffing issues. The Department of Juvenile Services currently has a 9.4% vacancy rate for regular positions, but a fiscal 2014 budgeted turnover rate of 5.8%.

2. Add the following language to the general fund appropriation:

. provided that \$100,000 of this appropriation made for the purpose of providing departmental support may not be expended until the Department of Juvenile Services conducts a thorough gap analysis of residential and community-based gender-specific services and submits the findings to the budget committees. The analysis should compare the current service array to the identified needs of the offender population and assess whether the services are sufficient to meet the needs of all youth, and girls specifically. To the extent that gaps in the available services are identified, the report should also include a proposed action plan for addressing those gaps. The report shall be submitted by December 1, 2013, 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: This language withholds funds until the Department of Juvenile Services (DJS) conducts a gap analysis of residential and community-based services, with particular attention paid to services addressing the female offender population. Disparities among the genders continue to exist at almost every decision point in the juvenile justice system, including the available services to address the unique needs of the female population. DJS has conducted a statistical analysis of the population and created an inventory of available services. This report takes the next step by requiring the department to compare whether the identified needs are being met by the services currently available. The report is to be submitted no later than December 1, 2013.

Information Request	Author	Due Date
Residential and community-based services gap analysis	DJS	December 1, 2013

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3. Adopt the following narrative:

Impact of the Internal Evaluation Process and Related Outcome Measures: It is in the intent of the budget committees that the Department of Juvenile Services (DJS) submit a report on the operational and fiscal impact of the new multi-disciplinary assessment teams used to conduct internal mental health evaluations. If successful, the new evaluation process could improve the quality of mental health evaluations, eliminate duplication of efforts among DJS, the Judiciary, and private residential providers, and impact the pending placement population. To date, however, the new process has yet to be implemented, and DJS is encountering obstacles in hiring the necessary mental health staff. This report will provide the budget committees with an update on how the implementation has progressed over the next 10 months and should also provide the committees with outcome data showing how often placement decisions made by the courts are in line with the recommendations of the assessment teams. The report should be submitted to the budget committees by October 15, 2013.

Information Request	Author	Due Date
Impact of the internal evaluation process and related outcome measures	DJS	October 15, 2013

4. Add the following language to the general fund appropriation:

, provided that \$100,000 of this appropriation may not be expended until the Department of Juvenile Services (DJS) consults with the Department of Public Safety and Correctional Services (DPSCS) on ways to improve facility culture and expedite the hiring process for direct care staff. DJS and DPSCS should jointly submit a report to the budget committees outlining the recommendations of DPSCS and a plan for implementation. The report shall be submitted by October 1, 2013, 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: Facility direct care staffing continues to be a major issue for DJS. A recently completed survey of existing staff cited a number of issues contributing to the poor retention rates. A number of the issues related to problems with facility culture and morale, but the survey also noted the lengthy hiring process as a deterrent to recruitment of quality staff. Due to the similarities in facility operations, this language requires DJS to consult with DPSCS to identify potential solutions for expediting the hiring process and improving employee morale. The report is to be submitted to the budget committees no later than October 1, 2013.

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Information Request	Authors	Due Date
Report on improving facility culture and expediting the hiring process	DJS DPSCS	October 1, 2013

	<u>Amount Reduction</u>
5. Delete funding for unspecified federal grants. The Department of Juvenile Services can process a budget amendment when/if actual grant funding materializes.	\$ 721,528 FF
Total Federal Fund Reductions	\$ 721,528

Updates

1. Transfer of Education Services at DJS Facilities to the Maryland State Department of Education

Fiscal 2013 budget language restricted funding and positions in DJS associated with providing education services at the Alfred D. Noyes Children’s Center, the William Donald Schaefer House (WDSH), and the Thomas J. S. Waxter Children’s Center and transferring control of these programs to MSDE in fiscal 2013. The language also expressed the intent of the General Assembly that general and special funds and positions associated with the remaining DJS education programs (Backbone Mountain Youth Center, Green Ridge Youth Center, Meadow Mountain Youth Center, and Savage Mountain Youth Center) be included in MSDE’s fiscal 2014 budget.

In a letter dated August 28, 2012, MSDE notified the joint chairmen that education programs at Waxter and the associated general and special funds of \$734,240 were transferred to MSDE, effective August 22, 2012, prior to the required date of October 3, 2012. Accelerating the transfer creates advantages with the recruitment and selection of new staff. Education programs at WDSH were transferred on October 3, 2012, along with \$171,993. The assumption date for Noyes was January 9, 2013, with MSDE classes officially starting on January 14, 2013. A budget amendment will be submitted to reflect the prorated funding associated with the transfer. In total, MSDE retained 9 of 22 DJS teachers/educational employees once the transfers were complete.

Education programs at the remaining youth camps are scheduled for transfer on July 1, 2013. The fiscal 2014 allowance includes a reduction of nearly \$3 million and 32 positions to reflect the annualized transfer of these three facilities, as well as the transfer of the four remaining youth camp facilities in Western Maryland. This effectively fulfills the statutory requirement to have MSDE provide education services in all DJS facilities by the start of fiscal 2014.

2. Use of Secure Detention

DJS is in the process of completing a statewide analysis on the use of secure detention. To date, the department has provided its findings for Baltimore City and Prince George’s County to the legislature. The report analyzing data for the remainder of the state is to be submitted by June 15, 2013.

The preliminary analysis from Baltimore City and Prince George’s County identify up to eight potential pathways for youth to enter secure detention, including:

- **Adult Court Involvement** – placement in a juvenile detention center occurs after the resolution or the waiver down of an adult charge, or a courtesy hold while an adult charge is addressed;

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- **Alternatives to Detention Sanctions and Violations** – placement in detention follows noncompliance with the supervision terms of an ATD, either as a violation or a short-term sanction;
- **Court Hearings** – placement in detention results from a court hearing and is not related to a new complaint, an ATD violation, a formal violation of probation/aftercare, a writ/warrant, or an interstate compact (pathway identified for Prince George’s County only);
- **Interstate Compact** – detention is a courtesy placement related to pending delinquency matters in another state or in the District of Columbia (pathway identified for Prince George’s County only);
- **New Complaints** – placement in detention is the result of a new complaint;
- **Other Writs and Warrants** – placement results from a writ or warrant and is not related to a new juvenile, ATD, or supervision violation at the time of placement;
- **Other Violations and Sanctions** – placement in detention is the result of a violation or sanction related to supervision (probation, aftercare, Violence Prevention Initiative, and court-order community-based programs) and not involving a new offense or an ATD violation/sanction; and
- **Post-disposition Pending Placement** – placement in detention occurs at disposition or following a failed committed placement for youth who are awaiting a new placement (these youth were not detained immediately pre-disposition).

The key findings are similar for both jurisdictions. In both studies, the population of youth in secure detention was disproportionately male and African American. In addition, most youth in secure detention were already under some form of DJS supervision at the time of placement. It appears that the majority of detention resources are utilized for pre-adjudicated youth; however, post-disposition pending placement youth continue to account for a disproportionate portion of the detention population. This appears to be a more severe issue in Baltimore City than in Prince George’s County.

Most notably, the majority of youth in secure detention are there for reasons other than commission of a violent offense. It appears that a significant portion of youth in secure detention is not given a validated risk assessment to assist in determining the need for secure detention. For those youth who do receive the risk assessment, it is often not adhered to when making detention utilization decisions. In Baltimore City, 58.6% of youth included in the secure detention study were determined to be high-risk and meet the risk assessment criteria for detention. In Prince George’s County, the high-risk population was only 36.0% of the population residing in detention.

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In both jurisdictions, local policy and discretionary overrides often determine whether a youth is placed in secure detention. As a result, it appears that secure detention in Maryland’s juvenile justice system is overutilized, and if sufficient resources were made available and detention decision policies were more aligned with risk assessment findings, it is likely that the department could significantly reduce the secure detention population and effectively monitor youth in the community.

Current and Prior Year Budgets

**Current and Prior Year Budgets
Department of Juvenile Services
(\$ in Thousands)**

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2012					
Legislative Appropriation	\$257,477	\$481	\$10,478	\$8	\$268,444
Deficiency Appropriation	11,497	3,100	250	0	14,847
Budget Amendments	218	1,100	3,768	677	5,763
Reversions and Cancellations	-12	-13	-2,704	-104	-2,834
Actual Expenditures	\$269,179	\$4,668	\$11,792	\$581	\$286,220
Fiscal 2013					
Legislative Appropriation	\$262,963	\$2,669	\$8,330	\$69	\$274,031
Budget Amendments	-848	641	17	0	-189
Working Appropriation	\$262,115	\$3,310	\$8,347	\$69	\$273,842

Note: Numbers may not sum to total due to rounding.

Fiscal 2012

General fund expenditures for fiscal 2012 totaled approximately \$269.2 million.

- Deficiency appropriations increased the legislative appropriation by nearly \$11.5 million. The majority, approximately \$5.6 million, was used to fund residential per diems. An additional \$3.7 million was provided for personnel-related expenses, including employee overtime and contractual employment. Finally, approximately \$2.2 million was provided to fund a variety of facility maintenance and repair projects throughout the department.
- Budget amendments provided a net increase of approximately \$218,000. A \$1.6 million increase from the reallocation of the one-time employee bonus originally budgeted within the Department of Budget and Management was offset by a \$1.4 million reduction from the transfer of the education program at CYF to MSDE.
- The agency reverted approximately \$12,000 at the end of the fiscal year due to an accounting error.

Special fund expenditures for fiscal 2012 totaled nearly \$4.7 million, an increase of \$4.2 million from the legislative appropriation.

- The department received \$3.1 million in special fund deficiency appropriations for residential per diems. The special fund revenue was available as a result of Chapter 397 of 2011, which allowed DJS to bill Local Education Authorities for educational services provided to committed youth in State supervised care.
- Budget amendments further increased the appropriation by \$1.1 million. An additional \$600,000 was provided to align the appropriation for educational services in line with actual revenue collected via Chapter 397 of 2011. Approximately \$500,000 was also provided from Verizon through the Schools and Libraries Universal Service Support Mechanism program for security upgrades and enhancements.
- The agency cancelled approximately \$13,000 at the end of fiscal 2012 due to less special fund revenue available for juvenile incentives.

Fiscal 2012 federal fund spending totaled approximately \$11.8 million, an increase of approximately \$1.3 million from the legislative appropriation.

- One federal fund deficiency appropriation provided \$250,000 to support residential per diem expenditures.
- Budget amendments increased the appropriation by a net \$3.8 million, primarily due to a \$3.1 million grant from the U.S. Department of Labor for the Continuum of Opportunity

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Reentry Program and Services initiative, which provides 400 youth in Baltimore City with educational and employment opportunities. In addition, \$700,000 in grant funding was provided to support the statewide Violence Prevention Initiative and a six-month residential Conservation Corps program in the Western Region. This additional grant funding, along with a nearly \$23,000 increase to reflect the reallocation of the one-time employee bonus, was slightly offset by a \$127,000 reduction due to the transfer of education services at CYF to MSDE.

- DJS cancelled approximately \$2.7 million in federal funds at the close of fiscal 2012 due to delays in implementation of the Continuum of Opportunity Reentry Programs and Services grant project and shortfalls in Title IV-E attainment.

Reimbursable fund expenditures totaled \$581,000, an increase of \$573,000. Budget amendments provided approximately \$677,000 in funding from grants from the Governor's Office of Crime Control and Prevention. These grants support a variety of programs, including expansion of the Violence Prevention Initiative, the Seven Challenges Care Program, community-based alternatives to detention, *etc.* The increase was offset by the cancellation of \$104,000 in reimbursable funding due to delays in implementing grant projects.

Fiscal 2013

The fiscal 2013 general fund working appropriation is approximately \$848,000 less than the legislative appropriation. This reflects the transfer of funds to MSDE for the assumption of education services at Waxter and WDSH.

The fiscal 2013 special fund working appropriation reflects a net \$641,000 increase over the legislative appropriation. This reflects the distribution of \$699,000 in Budget Restoration Funds for the partial year cost-of-living adjustment, effective January 1, 2013, offset by a \$58,000 reduction due to the transfer of funds to MSDE for the assumption of education services at Waxter and WDSH.

The fiscal 2013 federal fund working appropriation reflects a \$17,000 increase over the legislative appropriation. This reflects distribution of the partial year cost-of-living adjustment, effective January 1, 2013.

**Object/Fund Difference Report
Department of Juvenile Services**

<u>Object/Fund</u>	<u>FY 12 Actual</u>	<u>FY 13 Working Appropriation</u>	<u>FY 14 Allowance</u>	<u>FY 13 - FY 14 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	2,140.05	2,109.05	2,077.05	-32.00	-1.5%
02 Contractual	168.35	145.61	169.76	24.15	16.6%
Total Positions	2,308.40	2,254.66	2,246.81	-7.85	-0.3%
Objects					
01 Salaries and Wages	\$ 152,547,630	\$ 156,932,315	\$ 158,016,766	\$ 1,084,451	0.7%
02 Technical and Spec. Fees	5,458,538	3,960,199	4,975,478	1,015,279	25.6%
03 Communication	1,755,785	2,459,918	2,498,207	38,289	1.6%
04 Travel	1,011,385	896,414	1,037,645	141,231	15.8%
06 Fuel and Utilities	4,193,844	4,451,815	4,259,519	-192,296	-4.3%
07 Motor Vehicles	2,001,989	1,874,634	1,936,482	61,848	3.3%
08 Contractual Services	104,626,015	91,253,322	104,895,959	13,642,637	15.0%
09 Supplies and Materials	7,756,948	6,423,334	7,704,267	1,280,933	19.9%
10 Equipment – Replacement	1,172,040	393,640	466,553	72,913	18.5%
11 Equipment – Additional	1,325,001	932,786	845,298	-87,488	-9.4%
12 Grants, Subsidies, and Contributions	1,044,035	500,359	2,860,904	2,360,545	471.8%
13 Fixed Charges	3,324,776	3,762,787	3,829,455	66,668	1.8%
14 Land and Structures	2,063	0	0	0	0.0%
Total Objects	\$ 286,220,049	\$ 273,841,523	\$ 293,326,533	\$ 19,485,010	7.1%
Funds					
01 General Fund	\$ 269,179,478	\$ 262,115,208	\$ 280,606,454	\$ 18,491,246	7.1%
03 Special Fund	4,667,903	3,310,467	4,439,053	1,128,586	34.1%
05 Federal Fund	11,791,822	8,346,562	8,133,455	-213,107	-2.6%
09 Reimbursable Fund	580,846	69,286	147,571	78,285	113.0%
Total Funds	\$ 286,220,049	\$ 273,841,523	\$ 293,326,533	\$ 19,485,010	7.1%

Note: The fiscal 2013 appropriation does not include deficiencies. The fiscal 2014 allowance does not include contingent reductions.

**Fiscal Summary
Department of Juvenile Services**

<u>Program/Unit</u>	<u>FY 12 Actual</u>	<u>FY 13 Wrk Approp</u>	<u>FY 14 Allowance</u>	<u>Change</u>	<u>FY 13 - FY 14 % Change</u>
01 Office of the Secretary	\$ 4,366,471	\$ 3,921,340	\$ 3,707,983	-\$ 213,357	-5.4%
01 Departmental Support	21,285,350	24,211,725	24,349,741	138,016	0.6%
01 Residential Services	9,088,780	4,844,012	5,340,221	496,209	10.2%
01 Baltimore City Region Administrative	3,732,677	3,335,744	3,775,933	440,189	13.2%
02 Baltimore City Region Community Services	41,079,212	39,508,274	42,469,411	2,961,137	7.5%
03 Baltimore City Region State Operated Residential	22,165,754	21,464,194	23,023,790	1,559,596	7.3%
01 Central Region Administrative	1,554,205	1,680,534	1,962,790	282,256	16.8%
02 Central Region Community Services	21,498,411	20,252,464	21,868,258	1,615,794	8.0%
03 Central Region State Operated Residential	15,224,346	14,739,074	15,292,211	553,137	3.8%
01 Western Region Administrative	2,176,156	2,223,721	2,240,494	16,773	0.8%
02 Western Region Community Services	8,297,047	9,260,320	8,842,540	-417,780	-4.5%
03 Western Region State Operated Residential	29,751,773	29,532,648	30,103,162	570,514	1.9%
01 Eastern Region Administrative	1,315,188	1,205,462	1,353,595	148,133	12.3%
02 Eastern Region Community Services	13,080,291	12,654,792	14,085,276	1,430,484	11.3%
03 Eastern Region State Operated Residential	6,899,639	6,813,929	7,315,055	501,126	7.4%
01 Southern Region Administrative	568,169	594,290	638,583	44,293	7.5%
02 Southern Region Community Services	16,008,094	14,899,437	16,988,459	2,089,022	14.0%
03 Southern Region State Operated Residential	7,262,387	7,152,778	7,972,744	819,966	11.5%
01 Metro Region Administrative	1,249,716	1,443,931	1,383,609	-60,322	-4.2%
02 Metro Region Community Services	33,871,455	29,080,532	35,223,181	6,142,649	21.1%
03 Metro Region State Operated Residential	25,744,928	25,022,322	25,389,497	367,175	1.5%
Total Expenditures	\$ 286,220,049	\$ 273,841,523	\$ 293,326,533	\$ 19,485,010	7.1%
General Fund	\$ 269,179,478	\$ 262,115,208	\$ 280,606,454	\$ 18,491,246	7.1%
Special Fund	4,667,903	3,310,467	4,439,053	1,128,586	34.1%
Federal Fund	11,791,822	8,346,562	8,133,455	-213,107	-2.6%
Total Appropriations	\$ 285,639,203	\$ 273,772,237	\$ 293,178,962	\$ 19,406,725	7.1%
Reimbursable Fund	\$ 580,846	\$ 69,286	\$ 147,571	\$ 78,285	113.0%
Total Funds	\$ 286,220,049	\$ 273,841,523	\$ 293,326,533	\$ 19,485,010	7.1%

Note: The fiscal 2013 appropriation does not include deficiencies. The fiscal 2014 allowance does not include contingent reductions.