

VE01
Department of Juvenile Services – Capital

Capital Budget Summary

State-owned Capital Improvement Program
(\$ in Millions)

Projects	Prior Auth.	2023 Request	2024 Est.	2025 Est.	2026 Est.	2027 Est.	Beyond CIP
Baltimore City Juvenile Justice Center – Education Expansion (Baltimore City)	\$3.308	\$10.292	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
Cheltenham Youth Detention Center – Addition for Females (Prince George’s)	0.000	1.623	3.807	12.570	0.000	0.000	0.000
Cheltenham Youth Treatment Center (Prince George’s)	29.620	0.000	44.581	23.814	0.000	0.000	0.000
Charles H. Hickey Jr. School Detention Center (Baltimore)	0.000	0.000	0.000	5.352	5.353	0.000	0.000
Charles H. Hickey Jr. School Combined Services Building (Baltimore)	0.000	0.000	0.000	1.854	0.000	6.368	19.806
Total	\$32.928	\$11.915	\$48.388	\$43.590	\$5.353	\$6.368	\$19.806

Fund Source	Prior Auth.	2023 Request	2024 Est.	2025 Est.	2026 Est.	2027 Est.	Beyond CIP
GO Bonds	\$32.928	\$11.915	\$48.388	\$43.590	\$5.353	\$6.368	\$19.806
Total	\$32.928	\$11.915	\$48.388	\$43.590	\$5.353	\$6.368	\$19.806

CIP: *Capital Improvement Program*
GO: general obligation

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Add the following language:

DEPARTMENT OF JUVENILE SERVICES

VE01

RESIDENTIAL SERVICES

<u>(A)</u>	<u>Cheltenham Youth Treatment Center. Provide funds to complete design, construct, and equip a treatment center for female and male youths at the Cheltenham campus (Prince George’s County).....</u>	<u>69,600,000</u>
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Explanation: This language provides a preauthorization for fiscal 2024 to design, construct, and equip a treatment center for female and male youths at the Cheltenham campus. This preauthorization is needed for the Board of Public Works to approve the construction contract in fiscal 2023.

5. Add a fiscal 2025 preauthorization.

ZF6650	SECTION 14 – Department of Juvenile Services – Cheltenham Youth Treatment Center	\$ 33,800,000
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Add the following language:

DEPARTMENT OF JUVENILE SERVICES

VE01

RESIDENTIAL SERVICES

<u>(A)</u>	<u>Cheltenham Youth Treatment Center. Provide funds to complete design, construct, and equip a treatment center for female and male youths at the Cheltenham campus (Prince George’s County).....</u>	<u>33,800,000</u>
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Explanation: This language provides a preauthorization for fiscal 2025 to design, construct, and equip a treatment center for female and male youths at the Cheltenham campus. This preauthorization is needed for the Board of Public Works to approve the construction contract in fiscal 2023.

Total Deauthorization GO Bonds Reductions	\$15,000,000
Total Preauthorization (Fiscal 2024) Additions	\$69,600,000
Total Preauthorization (Fiscal 2025) Additions	\$33,800,000

Performance Measures and Outputs

The Department of Juvenile Services (DJS) provides individualized care and treatment to youth under the age of 18 who violate criminal law, are likely to violate that law, or are likely to endanger themselves or others. This responsibility is carried out through residential and nonresidential care programs. The State’s capital program addresses the facilities in which the residential programs are provided, which include:

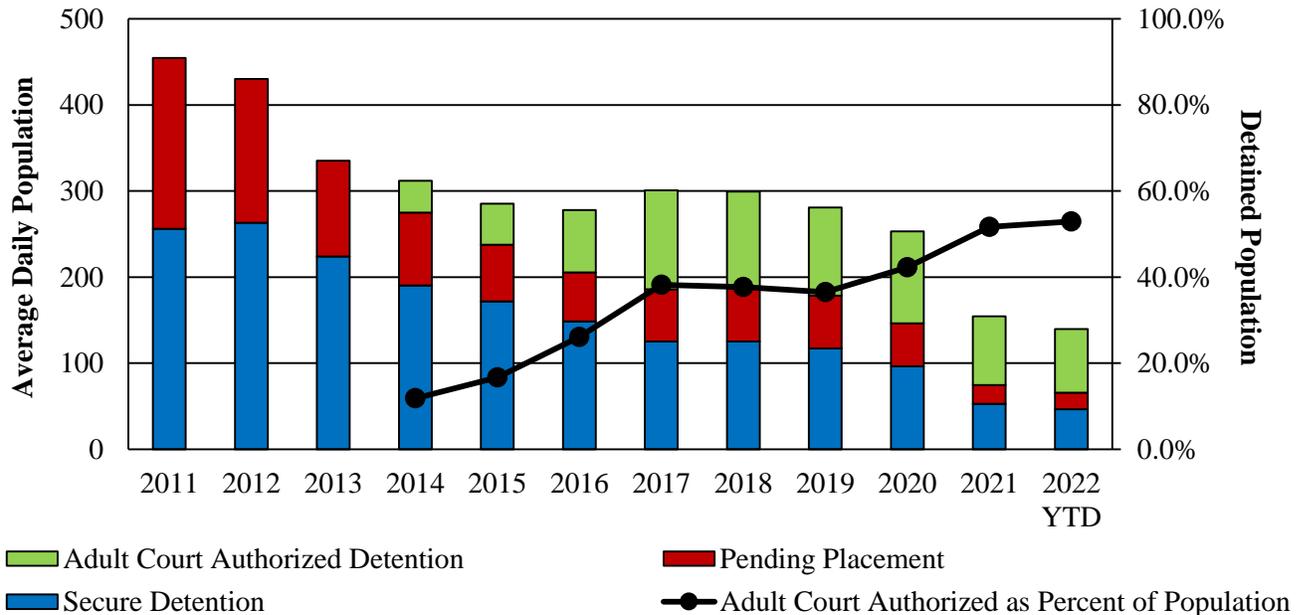
- community residential facilities, such as group homes, which are programs designed to prevent youth from being placed in a secure residential facility or to facilitate the return of previously institutionalized youth to the community;
- secure detention facilities, which hold youth who have been authorized for emergency detention by a DJS intake officer, have been accused of an offense that would be a crime if committed by an adult, or have been ordered detained by a court. These facilities also hold youth who have been adjudicated delinquent and pending placement to a committed program; and
- secure committed facilities, which hold youth who are entrusted to the department for long-term treatment in a secure setting.

Secure Detention Population Trends

The detained average daily population (ADP) consists of three populations: (1) the predisposition secured detention population; (2) the secured pending placement population; and (3) the adult court authorized detention population (or “adult court population”). In fiscal 2014, DJS began to divert youth charged as adults from adult detention to juvenile detention, per an agreement with Baltimore City. This agreement was codified and expanded statewide with the enactment of Chapter 69 of 2015, which requires a court to order a youth charged as an adult to be held in juvenile detention pending transfer if that youth is eligible to be transferred to the juvenile system.

In recent years, the total detained population had shown signs of relative stability, prior to the onset of the COVID-19 pandemic. Whereas the detained ADP totaled 280 youth in fiscal 2019, ADP fell to 253 in fiscal 2020, 155 in fiscal 2021, and then to 140 in fiscal 2022 year to date (YTD). At the same time, the adult court population has become a larger percentage of the overall detained ADP with each year, as seen in **Exhibit 1**. The adult court population now accounts for 52.9% of the detained population – the highest proportion since entering DJS’ custody in fiscal 2014. This is the second year in a row that the adult court population has made up over half of the detained population.

**Exhibit 1
Detained Population
Average Daily Population and Percent of Adult Court Authorized
Fiscal 2011-2022 YTD**



YTD: year to date

Note: Fiscal 2022 data reflects the first six months of the fiscal year.

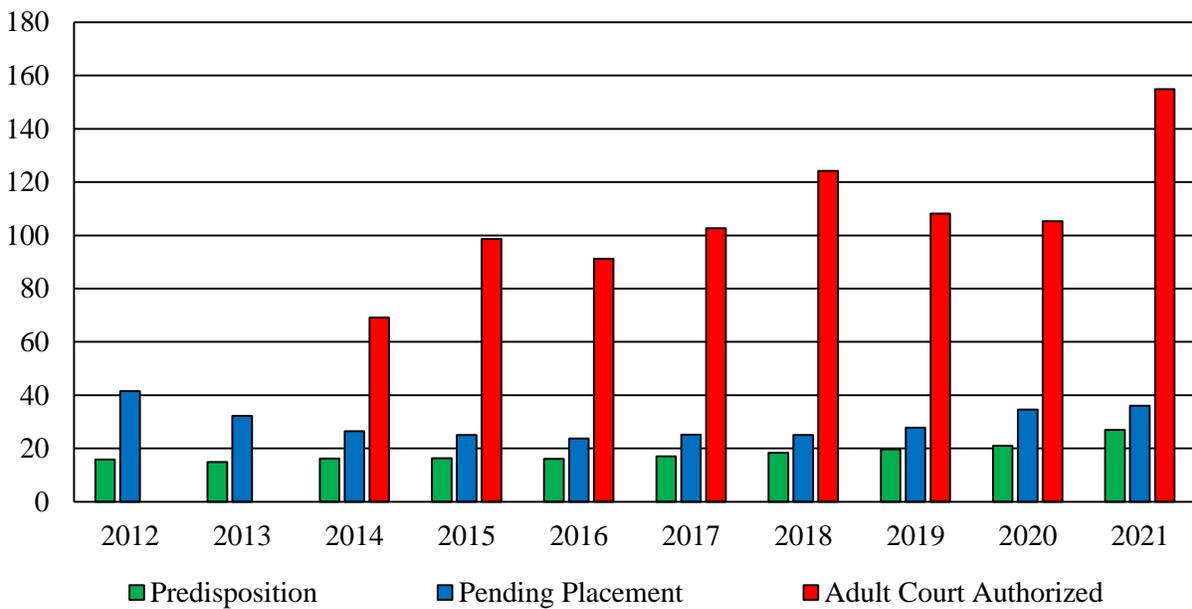
Source: Department of Juvenile Services

In addition to the drop in referrals to DJS, changes in the Judiciary’s operations have yielded reductions in both the detained and committed populations compared with prepandemic figures. On April 13, 2020, then Chief Judge Mary Ellen Barbera issued an order directing local courts to find alternatives to detaining juveniles in facilities to minimize their risk of contracting COVID-19. This order formalized DJS’ practice of minimizing youth interaction with the juvenile court system, as well as their pivot toward community rather than residential programming during the pandemic. The Judiciary has operated in various phases of its reopening plan, including fully operational. It is currently in Phase III, having reverted from fully operational on December 29, 2021, in response to the Omicron variant surge. In this phase, there is priority scheduling for juveniles meeting certain conditions. One such group is individuals turning 21 within 90 days of the beginning of the phase. Limited juvenile cases can be heard, including, but not limited to, juvenile expungements and all matters that are contested and/or require testimony.

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Though the ADP of the detained population has decreased compared with fiscal 2019 or prepandemic levels, the average length of stay (ALOS) for the secure detention, pending placement, and adult court authorized populations have increased since that time. As shown in **Exhibit 2**, the ALOS for the predisposition population increased 37.0% between fiscal 2019 and 2021. The ALOS for the pending placement population increased 29.5% in the same period, and the ALOS for the adult court authorized population increased 43.2%.

Exhibit 2
Average Length of Stay by Placement
Fiscal 2012-2021



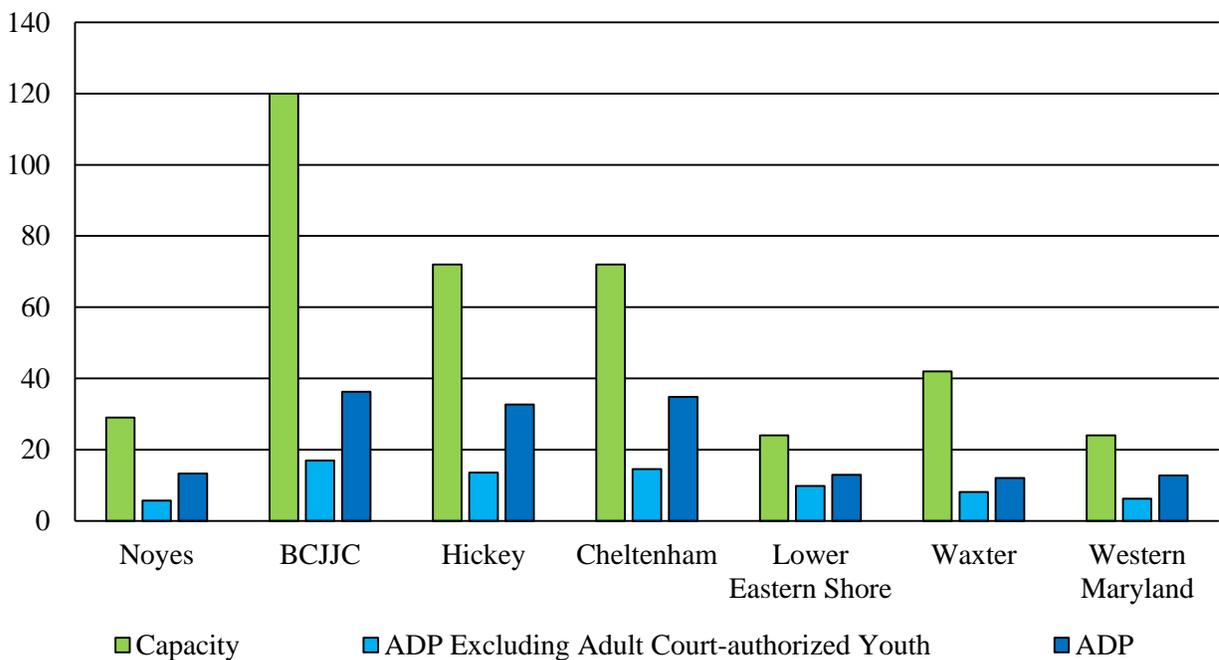
Source: Department of Juvenile Services

In addition to court restrictions potentially increasing the ALOS of detained populations, the adult court authorized ALOS may have been impacted by the reauthorization and reform of the federal Juvenile Justice and Delinquency Prevention Act (JJDP). The JJDP mandates that youth held in adult facilities and adult court authorized youth be moved to juvenile detention centers by December 21, 2021 (the middle of fiscal 2022). Though DJS was largely fulfilling the mandate prior to December 2021, the ALOS for the adult court authorized population was 154.9 days in fiscal 2021, more than five and a half times that of predisposition youth and over four times that of youth pending placement. The previous high point for this figure was 124.2 days in fiscal 2018.

Exhibit 3 compares the rated capacity of DJS’s detention facilities to its fiscal 2021 ADP. Overall, the detention ADP was 154.6 in fiscal 2021. This is 228.4 youth below the department’s rated capacity of 383 youths. Excluding adult court authorized youth, the detained ADP was 74.7 in

fiscal 2021. Despite its significantly higher ALOS, the adult court population has not necessarily resulted in capacity concerns within the department’s detention facilities. The department’s detention facilities were at 43.6% capacity in fiscal 2021, on average. The Lower Eastern Shore Children’s Center operated the closest to capacity, with total detained ADP of 53.8% in fiscal 2021 and 40.8% when excluding adult court authorized youth.

Exhibit 3
Department of Juvenile Services Detention Facilities
Rated Capacity versus ADP
Fiscal 2021



ADP: average daily population
 BCJJC: Baltimore City Juvenile Justice Center
 Cheltenham: Cheltenham Youth Detention Center
 Hickey: Charles H. Hickey, Jr. School
 Lower Eastern Shore: Lower Eastern Shore Children’s Center
 Noyes: Alfred D. Noyes Children’s Center
 Waxter: Thomas J.S. Waxter Children’s Center
 Western Maryland: Western Maryland Children’s Center

Source: *Department of Juvenile Services Fiscal 2021 Data Resource Guide*

Committed Residential Population Trends

DJS has established three levels of residential program placements based largely on the level of program restrictiveness:

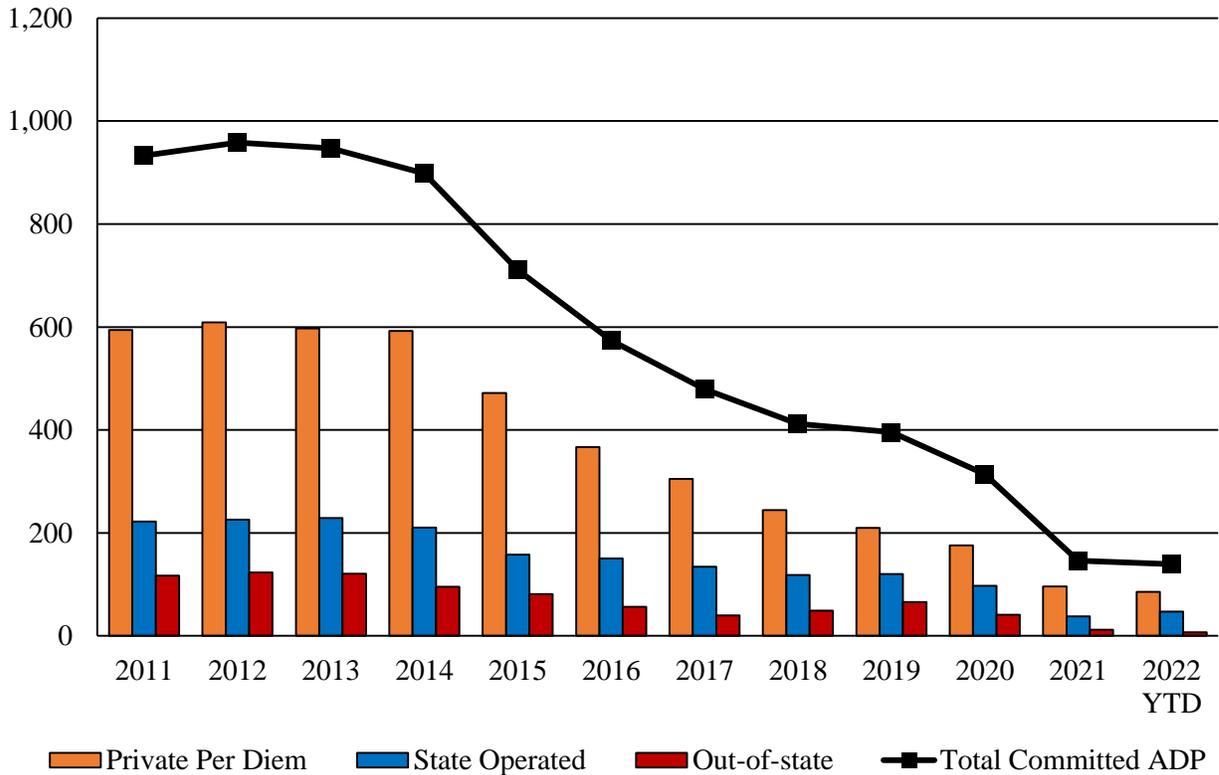
- Level I includes all programs where youth reside in a community setting and attend community schools;
- Level II includes programs where educational programming is provided on grounds, and youth movement and freedom is restricted primarily by staff monitoring or supervision; and
- Level III programs provide the highest level of security by augmenting staff supervision with physical attributes of the facility, *e.g.*, locks, bars, and fences.

State-run committed residential facilities do not provide adequate capacity to accommodate the number of youths requiring out-of-home placements nor do they provide the full complement of programming required to address the variety of treatment needs for the committed population. To that end, DJS contracts with private in-state and out-of-state vendors to provide services to committed youth. DJS also contracted with private providers to operate programs in State-owned facilities until fiscal 2010, when the last of these contracts was discontinued.

Exhibit 4 shows the committed residential ADP for each of the possible committed placements between fiscal 2011 and 2022 YTD. Consistent with the overall DJS population trend, the committed residential ADP continued to decline in fiscal 2020. The committed ADP declined by about 168 youth, or 53.5%, between fiscal 2020 and 2021. The fiscal 2022 YTD ADP continues to drop another 4.8% to 139.3 youth.

State-operated placements are programs at facilities that are operated and owned by DJS. This population saw a 61.0% decrease in fiscal 2021, with the number of youths falling from 97.4 to 38. Per diem placements are programs operated by private providers, and the State pays for only the number of days that a youth is actually placed in the program. The private per diem ADP decreased by 79.7 youth, or 45.3%, between fiscal 2020 and 2021. The out-of-state ADP dropped by 29 youth, or 70.2%, in fiscal 2021. Out-of-state placements accounted for just 8.3% of the department's total committed ADP in fiscal 2021. During the pandemic, DJS has made efforts to reduce the number of placements made out-of-state; the fiscal 2022 YTD ADP for out-of-state youth is only 7.

Exhibit 4
Committed Residential ADP
Fiscal 2011-2022 YTD



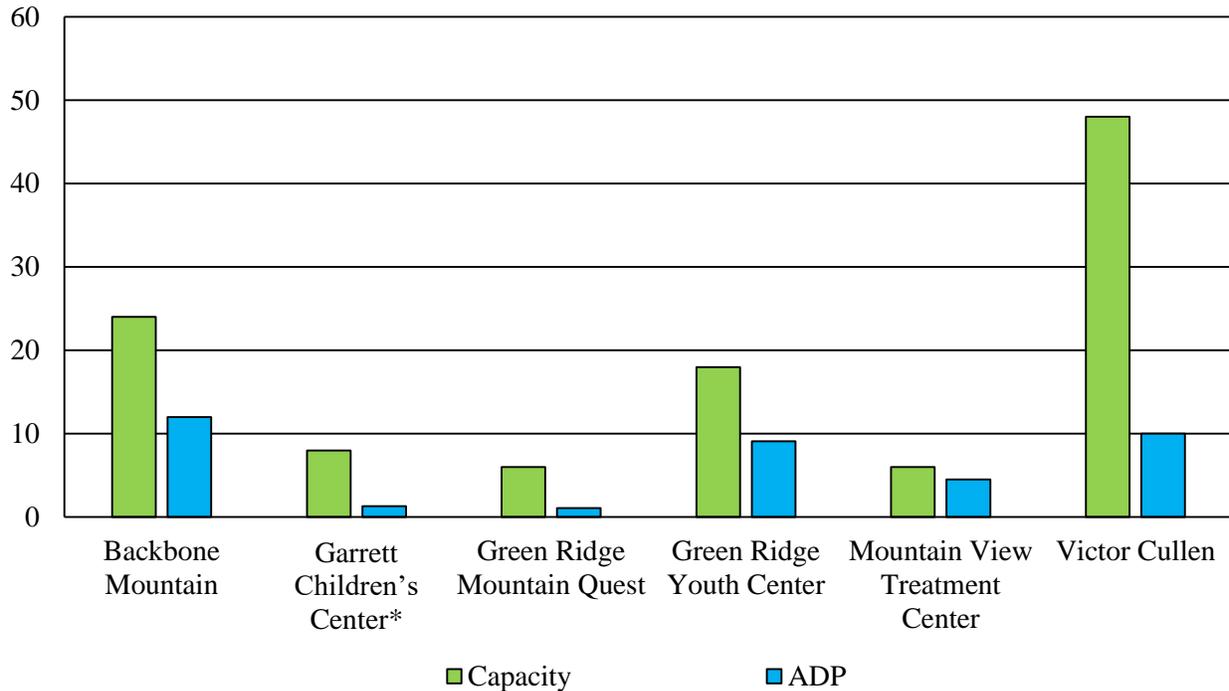
ADP: average daily population
 YTD: year to date

Note: Fiscal 2022 data reflects the first six months of the fiscal year.

Source: Department of Juvenile Services

As of fiscal 2021, the ADP for State-run committed facilities were 38 youth, a 61.0% decrease from the previous fiscal year. All DJS secure committed facilities continue to operate under capacity, as shown in **Exhibit 5**. The residential committed population accounted for 38.5% of total committed capacity in fiscal 2021. Data for the Silver Oak Academy is not reflected in the exhibit as the facility is now under the group home classification due to its program certification.

**Exhibit 5
Department of Juvenile Services Committed Facilities
Rated Capacity versus ADP
Fiscal 2021**



ADP: average daily population

*This program was temporarily closed during fiscal 2021. When ongoing renovations are complete, capacity will increase from 8 to 24.

Source: *Department of Juvenile Services Fiscal 2021 Data Resource Guide*

New Facility Realignment Plan

On November 17, 2021, DJS announced a new facility realignment plan. The plan proposes to close two treatment facilities and two detention facilities and expand the population served on the Cheltenham campus. Cheltenham's campus will be enhanced through an addition to the existing detention facility and through the construction of a new treatment center. DJS anticipates that the realignment will result in operational budget savings and align capital facility planning with population needs, including a smaller female detained youth population. As the Cheltenham campus is centrally located in the State, the department expects staff recruitment opportunities to increase and that youth who are detained or committed would be closer to their families.

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By the end of fiscal 2022, the Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County will be closed, and its detained female population moved to the Alfred D. Noyes Children’s Center (Noyes). Noyes is a secure detention center that currently serves male and female youth waiting to go to court or to be placed in a treatment facility. As part of the facility realignment plan, male youth currently placed at Noyes will be moved to the Cheltenham Youth Detention Center (CYDC), a 72-bed detention center for male youth in Prince George’s County. Noyes, located in Montgomery County, will then have an only female population. The department reports that existing staff would be disbursed to Noyes, the Baltimore City Juvenile Justice Center (BCJJ), CYDC, and the Charles H. Hickey, Jr. School detention center.

The realignment results in the cancellation of the New Female Detention Center (NFDC) project. NFDC was a planned 48-bed detention center to be located on the Cheltenham campus after a failed attempt to locate the facility on the grounds of the former Thomas O’Farrell Center in Carroll County. Accordingly, design of NFDC was halted in fall 2021, and NFDC has been deleted from the 2022 *Capital Improvement Program (CIP)*. Instead, the department intends to construct a 24-bed addition to CYDC to accommodate female youth. Further discussion of the Cheltenham Youth Detention Center – Addition for Females can be found in the Summary of Fiscal 2023 Funded State-owned Projects portion of this analysis. When this addition is complete, as soon as fiscal 2028, the female population of Noyes would be relocated to CYDC, and the Noyes facility would be closed.

Cheltenham Youth Treatment Center

In addition to the realignment of female detention space, the department intends to construct a new treatment facility that will serve both female and male youth on the site of the now canceled NFDC. The new Cheltenham Youth Treatment Center (CYTC) is programmed as a 48-bed facility that increases the availability of secure residential treatment in the State.

Authorization for this project comes in the form of an amendment to the fiscal 2022 general obligation (GO) bond authorization made for the purpose of starting the construction phase of the now canceled NFDC project. The proposed amendment would allow funds previously authorized for NFDC to instead be used for the CYTC project. The plan is to reengage the design team to adapt the current NFDC schematic design to the new CYTC. The Department of Budget and Management (DBM) intends to expedite its review of the revised Part I and Part II program plan, which is required before any contracts for the project can be presented to the Board of Public Works (BPW) for approval. In addition, the design effort may not be reinitiated until the amendment altering the use of the prior authorized funds is approved by the General Assembly in the fiscal 2023 capital budget bill, which is not effective until June 1, 2022. The project schedule communicated by DBM would start construction in January 2023, which the Department of Legislative Services (DLS) believes is too aggressive given the time it will take to renegotiate with the existing design team, complete 100% construction documents to the revised project scope, and then bid and award a construction contract through BPW approval and notice to proceed to the winning contractor. Currently, \$20.3 million of the \$23.4 million fiscal 2022 authorization that is to be amended remains available and unencumbered to support the CYTC project. DLS recommends that these prior authorized funds be reduced to leave just over \$8.4 million to complete design and allow for the construction contract, including any contracts to begin

the demolition of existing buildings on the site and site development to be bid and awarded perhaps as early as March 2023.

DLS recommends that the budget committees approve the amendment to the prior authorization and provide funding for CYTC instead of NFDC. DLS recommends that the amount authorized for CYTC be reduced by \$15.0 million, which will provide sufficient funds to complete design based on a revised project scope and to allow construction for CYTC to commence in the later portion of fiscal 2023. DLS further recommends adding budget bill language to preauthorize \$69.6 million in GO bond funding in fiscal 2024 and \$33.8 million in fiscal 2025 to ensure that BPW would be able to approve a construction contract for CYTC in fiscal 2023.

Once CYTC is complete, scheduled for fiscal 2025, DJS will close the Green Ridge Youth Center in Allegany County and the Mountain View Treatment Center in Garrett County. The Green Ridge Youth Center is an 18-bed treatment facility for male youth, and the Mountain View Treatment Center is a 6-bed facility for female youth.

DJS should comment on its plans for staff working at the Green Ridge Youth Center and the Mountain View Treatment Center when these facilities are closed.

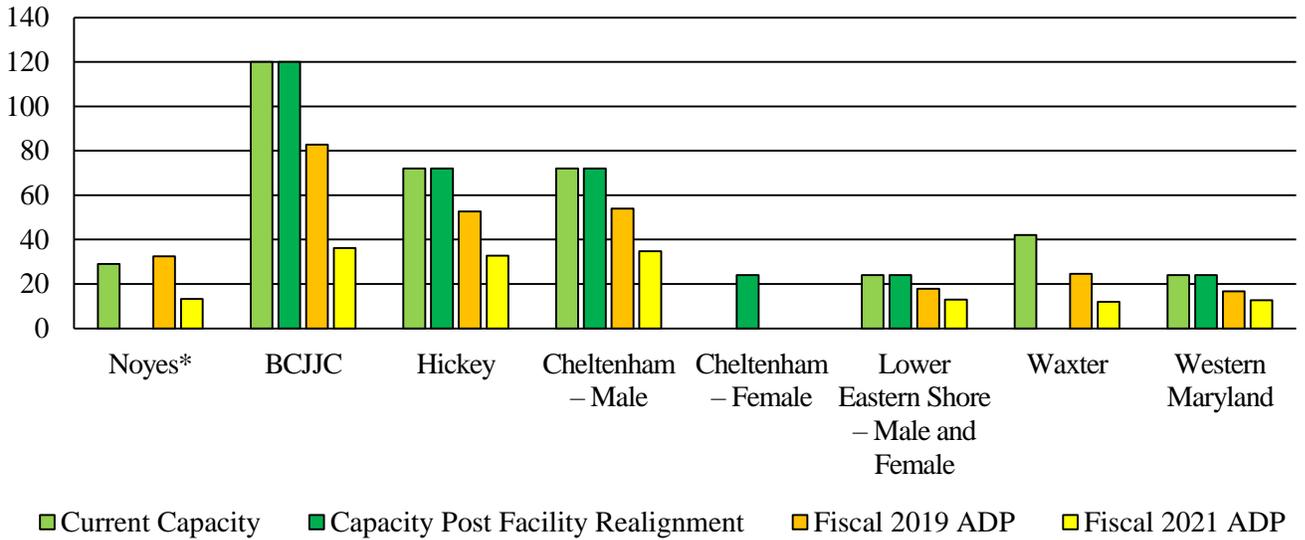
Changed Statewide Capacity and Future ADP

Implementing the department’s facility realignment plan will decrease the capacity of the detention facilities and increase the capacity of the committed facilities, as shown in **Exhibit 6**. Bed space will decrease from 383 to 336 in the detention facilities once the Waxter and Noyes facilities have been closed and the Cheltenham addition for female youth has been completed. Though the ADP across these facilities was 154.6 in fiscal 2021, it was 280.8 in fiscal 2019 prior to the onset of the COVID-19 pandemic. In fiscal 2019, the detention bed capacity was 411, so the ADP was 68.3% of total capacity. If the detention population were to return to its fiscal 2019 ADP once the facility realignment plan was finished, the ADP would be 83.6% of statewide capacity.

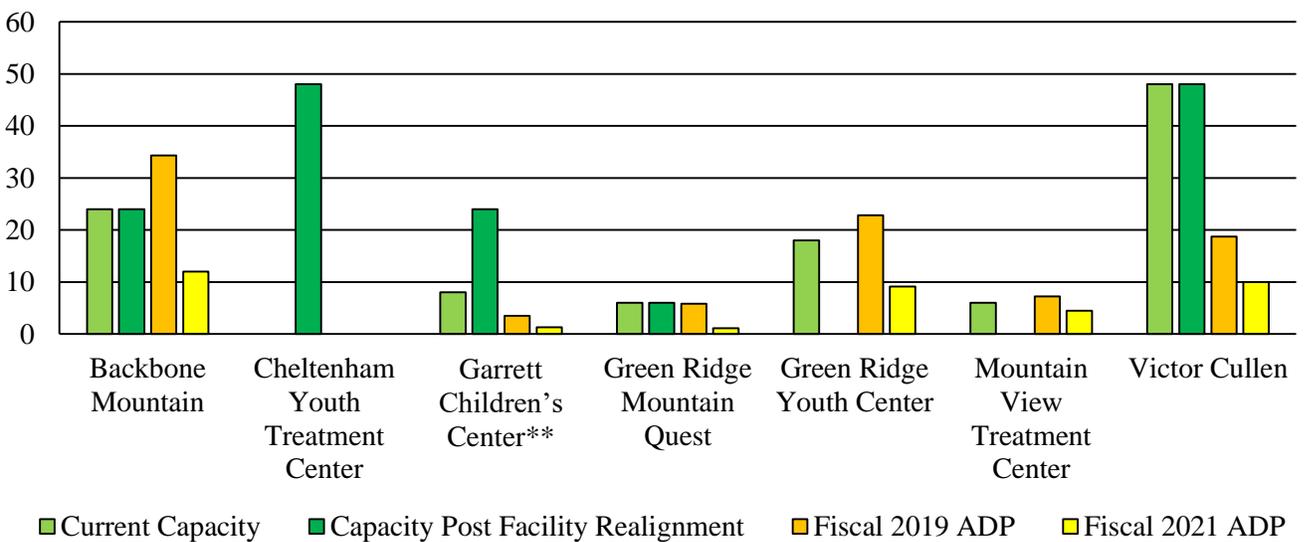
Exhibit 6 also shows the capacity changes for committed facilities. While current capacity of the committed facilities is 110, bed space will increase to 150 once the Green Ridge Youth Center and Mountain View Treatment Center have been closed and CYTC opens. This also assumes that the renovations to the Garrett Children’s Center are completed, increasing the facility’s capacity from 8 to 24 males.

**Exhibit 6
Department of Juvenile Services Facilities
Rated Capacity Changes versus Recent ADP**

Detention Facilities



Committed Facilities



ADP: average daily population

BCJJC: Baltimore City Juvenile Justice Center

* The Noyes population is currently male and female but will become entirely female as part of the realignment plan before closing.

** This assumes that the renovations to Garrett Children's Center, which will increase capacity to 24, will be completed.

Source: *Department of Juvenile Services Fiscal 2021 Data Resource Guide*

Summary of Fiscal 2023 Funded State-owned Projects

DJS receives \$11.9 million in GO bonds in fiscal 2023 to complete construction of the expansion of education facilities at BCJJC, and to begin design of an addition for female youths at CYDC.

BCJJC – Education Expansion

DJS had previously received a total of \$3.3 million in GO bonds to fund the design and construction phases of this project. The existing administrative area within BCJJC will be renovated to provide space for expanded educational programming and administrative services. The current educational programming space is too small and poorly configured to conform to MSDE regulations. When the current facility was constructed, DJS regulations required youth to receive four hours of education each day. Chapter 535 of 2004 expanded this requirement to six hours each day, which in turn increased the amount of space needed. The current facility lacks a sufficient number of classrooms, and the classrooms currently in the facility are well below the departmental standard size of 600 net square feet (NSF). The current BCJJC facility will be expanded by constructing a building addition onsite, adjacent to the facility, which is currently used as a parking lot. The expansion will be located within the secure perimeter of BCJJC and will be accessed by an enclosed walkway on the ground level.

The project has undergone several design changes since being initially proposed by the department. Originally, the new education space was planned as a three-story building located across the street from the current facility and connected by a pedestrian overpass. The original plan was scrapped after it was decided to locate the education center on the second floor of the center with an addition to be built adjacent to the current structure. These project design changes delayed construction funding. The 2018 CIP programmed construction to commence in fiscal 2020 and be completed in fiscal 2021. However, due to scope changes, the 2019 CIP deferred the construction and equipment funding to fiscal 2021. The 2020 CIP further delayed the start of construction to fiscal 2022, and construction has since been delayed to the start of fiscal 2023.

The fiscal 2023 capital budget bill provides \$10.3 million of GO bond funds to complete the funding for this project, for a total cost of \$13.6 million. Construction is set to begin in July 2022 and is anticipated to last for 12 months.

CYDC – Addition for Females

The fiscal 2023 budget includes \$1.6 million to start the design phase of an addition to the existing CYDC to house female youth in Prince George’s County. This 24-bed addition – part of the facility realignment plan discussed in the Issues section of this analysis – will be 8,789 NSF and would bring CYDC’s total capacity to 96 youth. As a detention center, this facility will house youth awaiting a court disposition or awaiting post-disposition placement.

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Female detention services are currently provided by Noyes in Montgomery County, Waxter in Anne Arundel County, and the Lower Eastern Shore Children’s Center located in Wicomico County. The addition for females would consolidate these services from the Noyes and Waxter detention centers, which have programmatic and security deficiencies and are planned to be closed. The Lower Eastern Shore Children’s Center, with a capacity of 18 male and 6 females, would continue to serve female youth as well.

As stated, the addition will have a 24-bed capacity. Assuming that the facility realignment plan is fully implemented, this will leave the statewide capacity of female detention centers at 30 when the program is completed, as shown in Exhibit 6. While this is well above the fiscal 2021 detained female ADP of 17.3, it is lower than the fiscal 2020 and 2019 ADPs, which were 35.2 and 30.5, respectively. The statewide capacity in fiscal 2021 was 55. As youth often wait in detention facilities to be placed in treatment centers, increasing treatment capacity within the State may help to reduce ADPs for female detained youth statewide in the future.

DJS should comment on its anticipated needs for bedspace for detained female youth through fiscal 2025 when construction is expected to conclude for this project and CYTC.

The project is estimated to cost \$18.0 million. The fiscal 2023 capital budget bill provides \$1.5 million in GO bonds to begin design in July 2022. Design is anticipated to last 16 months. Construction is set to begin in March 2024 and anticipated to last for 18 months.

Operating Budget Impact Statement

**Executive’s Operating Budget Impact Statement – State-owned Projects
Fiscal 2023-2027
(\$ in Millions)**

	2023	2024	2025	2026	2027
Baltimore City Juvenile Justice Center – Education Expansion					
Estimated Operating Cost	\$0.000	\$0.103	\$0.120	\$0.124	\$0.127
Estimated Staffing	0.0	0.0	0.0	0.0	0.0
Cheltenham Youth Detention Center – Addition for Females					
Estimated Operating Cost	\$0.000	\$0.000	\$0.043	\$0.146	\$0.150
Estimated Staffing	0.0	0.0	0.0	0.0	0.0
Total Operating Impact					
Estimated Operating Cost	\$0.000	\$0.103	\$0.163	\$0.270	\$0.277
Estimated Staffing	0.0	0.0	0.0	0.0	0.0

Summary of Other Projects in the Capital Improvement Program

The 2022 CIP includes funding for three out-year projects:

- ***CYTC (Prince George’s County):*** This project proposes to construct a new 48-bed treatment center to serve female and male youth on the same campus as CYDC. It will also include the construction of a facility maintenance and storage building and the demolition of 10 vacant buildings on the Cheltenham property. Fiscal 2023 capital budget bill language proposes to transfer \$29.6 million in GO bond funding that was previously authorized for NFDC to this project for design and construction purposes. The project cost is expected to total \$98.0 million. Further discussion of this project can be found in the Issues section of this analysis.
- ***Charles H. Hickey Jr. School Detention Center (Baltimore County):*** This project proposes to construct a new detention center on the Charles H. Hickey, Jr. School’s Pratt Campus, which is currently unused. This facility will include space for housing, visitation, staff training, education, somatic and behavioral health, and recreation for 72 youth. The current facility has significant configuration problems, resulting in security and programming concerns. Design funds are expected to be provided in fiscal 2025, and the project cost is expected to total \$127.5 million.
- ***Charles H. Hickey Jr. School Combined Services Building (Baltimore County):*** This project proposes to build a new combined services building and regional warehouse at the Charles H. Hickey Jr. School. This facility would be the central storage site for equipment and supplies to DJS facilities located in the nearby region. The total project cost is \$28.0 million with design funds provided in fiscal 2025.

The 2022 CIP has removed funding for Noyes. This project was deleted to align with the current facility realignment plan, discussed further in the Issues section of this analysis.

Projects Removed from CIP

One project is removed from the 2022 CIP, a proposed new Alfred D. Noyes Children’s Center on the grounds of the existing center, as shown in **Exhibit 7**. The facility realignment plan proposes closing the existing center in fiscal 2025.

Exhibit 7

Projects Removed from the Capital Improvement Program

<u>Project</u>	<u>Description</u>	<u>Reason for Deletion</u>
Alfred D. Noyes Children’s Center	Construct a 48-bed detention center to replace an aging facility with programmatic and security deficiencies.	DJS’s facilities realignment plan does not include a new children’s center at the Alfred D. Noyes facility.

DJS: Department of Juvenile Services

Source: Department of Budget and Management, 2022 *Capital Improvement Program*
