



*"Together...ReShaping Young Lives"*

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*Robert L. Ehrlich, Jr.  
Governor*

*Michael S. Steele  
Lt. Governor*

May 25, 2006

*Kenneth C. Montague, Jr.  
Secretary*

Dolores Kozloski, Chair  
Montgomery County Criminal Justice  
Coordinating Commission  
101 Monroe Street  
Rockville, MD 20805

Jeffrey M. Penn, Chair  
Montgomery County Commission on  
Juvenile Justice  
101 Monroe Street  
Rockville, MD 20805

Dear Ms. Kozloski and Mr. Penn:

Thank you for your correspondence to Governor Robert L. Ehrlich, Jr. regarding a substantial increase in the FY 2007 budget for the care and custody of youth in the juvenile justice system, specifically for those youth receiving services in Montgomery County and those housed at the Noyes Children's Center (Noyes). The Governor received your letter and asked that I respond on his behalf.

We appreciate your support of our goal that the DJS should be transformed from "one that just detains young offenders to one that effectively addresses their personal problems and concerns, including mental health and substance abuse." As you know, this movement involves a system of care reform, not only for the Department of Juvenile Services (DJS), but also for all the child-serving agencies in Maryland.

Although we will address the concerns you express about the youth in Montgomery County, we believe all youth are entitled to the absolute best provision of services this Department can provide.

Regarding the findings of the March 10, 2005 Report of the Independent Juvenile Justice Monitor concerning Noyes, DJS carefully reviewed and quickly addressed all of the recommendations.



*(1) Improve the quality of DJS staff overall, and particularly at the juvenile detention facility, by raising salary levels, increasing qualifications, and investing in training.*

During the Ehrlich Administration, several actions have been taken to recruit and retain qualified staff and to improve the quality of staff overall. These include:

- An extensive study of all direct care positions was completed by DJS, in partnership with the Department of Budget and Management (DBM), in 2004. Comparable positions in the District of Columbia, Pennsylvania and New Jersey were evaluated and compared. This resulted in the institution salary level increases averaging 12%, effective July 1, 2004. The new DJS salary levels were above the average of the other jurisdictions studied for both the entry level and maximum salary levels. Although Governor Ehrlich included both increments and cost of living allowances in his budget for every year since the direct care salaries were increased, DJS continues to monitor salaries in the surrounding jurisdictions to ensure that salary levels for direct care staff remain competitive.
- DJS shares Montgomery County Commission's concern about turnover and vacancies in Montgomery County offices and at the Noyes facility. To ensure an adequate pool of candidates, in 2005 DJS implemented a new practice by which the Department now recruits and tests continuously for direct care residential positions instead of annually or bi-annually as had been past practice. To attract qualified candidates, DJS has participated, and will continue to participate, in numerous job fairs. We have also increased the use of electronic recruiting tools. DJS has recently worked with DBM to institute recruitment and retention incentives in areas such as Montgomery County where recruitment and retention is difficult.
- During the Ehrlich Administration, DJS has made a significant and successful investment in training direct care staff. The Maryland Correctional Training Commission (MCTC) establishes regulations and standards for training DJS direct care staff. In January 2003, when Governor Ehrlich took office, DJS was 27% compliant with MCTC requirements for 2002 in-service training. For 2003 and 2004, DJS compliance with training requirements was in the 95% range. Although final records for 2005 are not yet available, we anticipate these records will reflect compliance with MCTC requirements. In addition, DJS has expanded the scope of training opportunities to include additional courses from outside vendors, through colleges and universities, and training opportunities through the National Institute of Corrections. DJS has developed a structure to encourage and support direct care staff to further their formal education. We have also increased opportunities for specialized training designed to meet the needs of youth with increasingly complex needs. DJS' Leadership Institute is identifying its first class to begin in early summer.

- Continuing the partnership with DBM and with the Maryland State Department of Education (MSDE), in 2005, the job specifications of teacher assistants were upgraded to reflect the requirements of the *No Child Left Behind* (NCLB) Act.
- DJS has implemented a plan to bring all current DJS teacher assistants into compliance with NCLB and is working with DBM on an open and continuous recruitment for teacher assistants who meet these new requirements. We have also worked with DBM to adjust salaries to meet the demands of a competitive environment for certified teachers.
- DJS established processes to improve the quality of staff and to ensure that the Department's human resources are utilized most effectively. DJS identified appropriate staffing levels in accordance with national best practices for both facilities and community-based programs and, where necessary, positions were re-allocated to other units within DJS to meet the appropriate standard.
- During the Ehrlich Administration, DJS has improved the quality of direct care staff through changes in the recruitment process. At the start of Governor Ehrlich's Administration, applicants for direct care positions had a personal interview and a drug test prior to hire, in 2004, DJS also required applicants to undergo a mental health evaluation. In 2006, in partnership with the Department of Public Safety and Correctional Services (DPSCS), results from both state and Federal Bureau of Investigation (FBI) background checks are reviewed prior to hire. This process is thorough but time consuming. In order to expedite the hiring process, DJS has increased the staff in the Personnel Office.

*(2) Adequately fund the staff and services that are needed to keep our Juvenile Courts operating effectively.*

The Department of Juvenile Services agrees that the efficient transport of youth to and from Court is important and contributes significantly to the operation of the Juvenile Court. Effective immediately, transportation assets at Noyes fall under Region III operational control and will be scheduled from Region III.

*(3) Stop the warehousing of juveniles pending placement by truly implementing a philosophy of the least restrictive environment, increasing probation services and community-based resources, and, only when appropriate, placing youth in residential treatment programs*

The Department of Juvenile Services is committed to serving youth in the least restrictive environment. Over the years, DJS has encouraged the use of community-based services and developed a variety of non-residential programs for its own use when sufficient and adequate non-residential programs were not readily available in the community. These included counseling contracts, community supervision and advocacy programs, as well as day treatment. Montgomery County has both community

supervision and a day treatment program. Additionally, the use of residential placements has significantly declined over the past six years.

DJS embarked on a long-term effort of increasing non-residential programs and in-home services for its youth in January, 2005. At that time, we dedicated a statewide conference, in conjunction with Anne Arundel Community College, for the purpose of developing more responsive non-residential programming for DJS youth as an alternative to placement. At that conference, presentations were made, to both residential and non-residential providers, concerning the new wraparound services initiative.

In order for DJS to move forward, we instituted a local initiative program funded from the residential per diem budget and to be used for non-residential programming. This program is designed to divert appropriate youth from out-of-home placements. The Department has assigned a budgeted amount to each DJS Area provided the funds are used to divert youth from placement during fiscal year 2006. By March 2005, Area Directors had submitted Per Diem Reduction Strategy Plans that identified populations to be served, specific programs and services to meet the needs of the identified populations, strategies for managing the range of services recommended for each county, and assigned costs. These plans also considered local agreements for existing services that could be tapped for expansion in order to expedite implementation. The plans were reviewed and revised as needed to ensure that they could be done. The Budget Division developed a separate budget code for this initiative to advance procurement, personnel hiring, and eventually payment.

Montgomery County DJS chose in-home services as their initiative to divert 20 youth annually from placement. The initiative targeted youth who are at high risk of placement because of technical violations and service needs, as well as youth who have been discharged from placement with high needs. DJS has sought to expand the agreement through the Montgomery County Collaboration Council to provide intensive wraparound services through Choices, Inc. DJS was in favor of Choices because the provider was successfully serving youth and families as one of two pilot wraparound programs in Maryland (Baltimore City and Montgomery County).

DJS has had success with other in-home and family-oriented services. For example, DJS increased slots with the well regarded Institute for Family Centered Services statewide from 40 slots in fiscal year 2004 to 136 slots in fiscal year 2006 (Area 3, including Montgomery County, increased from 16 slots in fiscal year 2004 to 46 slots in fiscal year 2006).

The actions of the Department indicate a commitment to increased non-residential programming with an emphasis on family involvement.

The Department takes exception with the statement made in the letter:

“... juveniles who really are in need of residential treatment services are frequently returned to the detention facility prior to completing their

treatment program because the State runs out of funding at the end of the fiscal year.”

The Department does not remove youth from residential programs and place them in detention for funding issues. Indeed, this does not happen for any reason unless the service provider has requested a youth’s removal and DJS’ efforts to maintain the youth in the facility have failed.

*(4) Provide for adequate residential treatment programs in Maryland or the nearby region so that the planned closing of the Charles H. Hickey School will not result in either overcrowding at Noyes or the placement of juveniles far from the community.*

The Department is in agreement that resources should be considered, where appropriate, on a regional basis and that Maryland should have adequate bed capacity in-state for its youth. We have begun a pilot project of regionalization with the development of Region 3, which consists of Montgomery, Washington, Garrett, Frederick, Allegany, Carroll and Howard Counties. A primary goal of regionalization is to develop a regionally-based administrative service delivery system to provide quality services to youth within their home region.

DJS is finalizing a Request for Proposal (RFP) for a residential treatment program for youth who are considered to be in need of a secure environment for treatment services and who have co-occurring behavioral health issues. In order to prepare for this solicitation, the Department analyzed the characteristics and needs of the youth who had been placed in the Charles H. Hickey Jr., School’s secure programs and the youth held in pending placement in order to identify youth to be served and the needed services. This RFP will be issued shortly.

Other efforts to serve DJS youth in Maryland are as follows:

- The Department continues to collaborate with the Department of Health and Mental Hygiene (DHMH) in developing a residential treatment center for DJS youth who have co-occurring behavioral health issues and behavior management challenges.
- Two Maryland service providers have increased their average daily population to serve more DJS youth.
- An additional RFP is anticipated to solicit one or more staff secure programs that will be regionally placed.

The Department is fully aware that it is not enough to have beds for youth if the programs serving them cannot show effectiveness and success. Therefore DJS is refining the standards by which programs will be assessed and evaluated through case management, monitoring and outcome measures.

During the process of closing the secure programs at Hickey, the Department notes that the average daily population in detention did not expand. DJS staff at all levels worked diligently to continue to attend to all youth pending placement.

*(5) Do not wait until 2012 to complete the full transfer of responsibility for school programs to the Maryland State Department of Education.*

The Maryland State Department of Education's (MSDE) role in directing the educational program at the Charles H. Hickey, Jr. School reflects the first phase of the Ehrlich-Steele Administration's plan to expand educational services at all DJS facilities. Although the Pratt School and the Thurgood Marshall Academy which served the committed population at Hickey are now closed, MSDE will continue to operate the educational program for detention at Hickey.

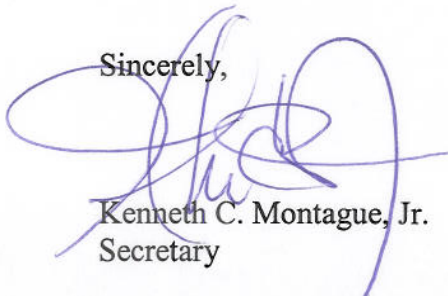
MSDE has continued to have an aggressive schedule for taking over DJS education programs and has assumed operation of the school at the Lower Eastern Shore Children's Center on July 1, 2005, and assumed operation of the school at the Baltimore City Juvenile Justice Center on January 4, 2006. A projected schedule of additional engagement by MSDE is forthcoming.

The educational programs instituted by MSDE include middle and high school academic instruction; pre-GED and GED preparation; intensive instruction in reading and mathematics; special education instruction and services; career exploration and occupational education; a transition/life skills program and media center services/library. As appropriate to the needs of each youth, MSDE and DJS continue to cooperatively plan for the systematic transfer of responsibility for juvenile correctional education programs statewide. Both agencies are collaborating on initiatives in the areas of special education, curriculum and transition services for youth currently in DJS facilities, including the Noyes Children's Center. We anticipate that the next MSDE site will be announced on July 1, 2006.

From a long-term perspective, we have presented Phase Two, the Implementation Plan, of the DJS Facilities Master Plan to the Maryland General Assembly during the 2006 Legislative Session. The Implementation Plan includes assessments of all DJS state facilities along with recommendations for the possible rebuilding and/or realignment of these facilities.

Thank you also for your interest in the Department of Juvenile Services. We appreciate your support.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Montague, Jr.', is written over the typed name and title.

Kenneth C. Montague, Jr.  
Secretary

cc: Governor Robert L. Ehrlich, Jr.  
Douglas M. Duncan, Montgomery County Executive  
The Honorable Charles Barkley  
The Honorable Ida G. Ruben  
The Honorable Brian E. Frosh  
The Honorable Kathleen Dumais  
Delmas Wood, Area Director  
Dennis Nial, Department of Juvenile Services Area III  
Melanie Wenger, Office of Intergovernmental Relations