

V00A
Department of Juvenile Services

Executive Summary

The Department of Juvenile Services (DJS) is responsible for managing, supervising, and treating youth who are involved in the juvenile justice system in Maryland. DJS does this by providing needs assessment, intake, detention, probation, commitment, and aftercare services.

Operating Budget Data

(\$ in Thousands)

	<u>FY 18</u> <u>Actual</u>	<u>FY 19</u> <u>Working</u>	<u>FY 20</u> <u>Allowance</u>	<u>FY 19-20</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$257,998	\$264,203	\$260,301	-\$3,903	-1.5%
Adjustments	0	1,225	4,273	3,048	
Adjusted General Fund	\$257,998	\$265,428	\$264,573	-\$855	-0.3%
Special Fund	3,265	3,616	3,040	-577	-15.9%
Adjustments	0	0	0	0	
Adjusted Special Fund	\$3,265	\$3,616	\$3,040	-\$577	-15.9%
Federal Fund	4,599	5,316	4,495	-821	-15.4%
Adjustments	0	10	37	28	
Adjusted Federal Fund	\$4,599	\$5,326	\$4,532	-\$794	-14.9%
Reimbursable Fund	18	45	0	-45	-100.0%
Adjustments	0	0	0	0	
Adjusted Reimbursable Fund	\$18	\$45	\$0	-\$45	-100.0%
Adjusted Grand Total	\$265,880	\$274,416	\$272,145	-\$2,270	-0.8%

Note: The fiscal 2019 appropriation includes deficiencies, a one-time \$500 bonus, and general salary increases. The fiscal 2020 allowance includes general salary increases.

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

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- Not accounting for across-the-board adjustments for employee compensation, the fiscal 2020 allowance is largely budgeted in line with fiscal 2018 actual expenditures, based on consistent declines among nearly every facet of the department’s population. Approximately \$8.5 million in funding reductions for residential and nonresidential programming and services account for the net decrease across every fund type. This decrease is somewhat mitigated by increased funding for personnel expenses and information technology services.

Personnel Data

	<u>FY 18 Actual</u>	<u>FY 19 Working</u>	<u>FY 20 Allowance</u>	<u>FY 19-20 Change</u>
Regular Positions	1,987.05	1,987.05	1,987.05	0.00
Contractual FTEs	<u>215.38</u>	<u>147.50</u>	<u>130.00</u>	<u>-17.50</u>
Total Personnel	2,202.43	2,134.55	2,117.05	-17.50

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	143.75	7.52%
Positions and Percentage Vacant as of 12/31/18	208.35	10.49%

- The decrease of 17.5 contractual full-time equivalents in fiscal 2020 reflects efforts by the department to better align its administrative function needs with actual utilization.
- Although current vacancies exceed budgeted turnover by 65 positions, it appears that the majority of the vacancies are not among direct care staff, as recruitment of these positions has improved in recent years due to compensation enhancements. A closer look at staffing data does suggest that retention among direct care staff continues to be problematic.

Key Observations

- ***Fewer Youth Involved in the Juvenile Justice System but Increasingly More Violent:*** Nearly every aspect of the juvenile justice system has seen historically significant population declines. In fiscal 2018, DJS had less than 20,000 youth referred to the department, and the total population of youth held in secure detention remained under 300 for the fourth year. Approximately 56% fewer youth are being treated out-of-home compared to five years ago, and recidivism rates have continued to decline. At the same time, the proportion of the population that is involved in the juvenile justice system for crimes of violence has been increasing. More than half of new commitments in fiscal 2018 were identified as high risk. This has resulted in a more difficult to manage population within DJS facilities, as is evidenced by the increase in assaults, escapes, and group disturbances.

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- ***Adult Court Involved Youth Contribute to Slight Increases in the Overall Detention Population:*** Statutory changes in fiscal 2015 resulted in an increase in the number of youth awaiting action from the adult court system placed in DJS detention facilities. In fiscal 2018, that population averaged 116 youth, with the majority located in Baltimore City. While this population increase does not currently pose capacity concerns for the department, these youth do have considerably longer average lengths of stay compared to other DJS detention populations, with average stays exceeding 124 days in fiscal 2018, compared to 20 days for preadjudicated youth who start in the juvenile system.
- ***Despite Increased Attention Given to Diversion Programs, the Proportion of Youth Placed in Alternatives to Detention Is Decreasing:*** Compared to fiscal 2015, the percentage of youth placed in alternative to detention programs instead of secure detention has decreased from 65% to 59% in fiscal 2018. DJS currently does not report any data to indicate how outcomes for youth who participate in these programs compare to youth held in secure detention.
- ***Funding Is Not Provided in the Fiscal 2020 Capital Budget for DJS Projects:*** The fiscal 2019 *Capital Improvement Program* had planned to fund three capital projects for the department in fiscal 2020; however, schedule delays have resulted in funding for two projects being deferred by one year, and the third project has been removed entirely due to potential scope changes. DJS also indicates that there are no significant building modifications planned for funding in its operating budget, as had been the department’s practice in recent years.

Operating Budget Recommended Actions

1. Add language restricting funds pending submission of a performance and outcomes analysis of youth in alternative to detention programming.

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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 functions such as human resources, capital planning, property management, procurement, information technology (IT), 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 Shows Continued Overall Decline but Increasing Violence

Exhibit 1 presents Maryland juvenile arrest data for calendar 2012 through 2016. The data uses distinctions found in the *Uniform Crime Reports*. Part I arrests are those for murder, manslaughter, rape, robbery, felonious assault, breaking and entering, larceny theft, motor vehicle theft, and arson. Part II arrests are all other arrests, including offenses such as vandalism, drug abuse violations, weapon offenses, and fraud. The exhibit also distinguishes Part I arrests between violent and serious property crimes.

Exhibit 1
Juvenile Arrest Data (Ages 10 to 17)
Calendar 2012-2016

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>% Change 2012-2016</u>	<u>% Change 2015-2016</u>
Total Arrests	29,987	28,048	24,230	22,497	20,807	-30.6%	-7.5%
Arrest Rate	4,922	4,639	4,000	3,722	3,434	-30.2%	-7.7%
Part I Arrests	9,397	8,905	8,379	7,391	7,201	-23.4%	-2.6%
Part I Arrest Rate	1,542	1,473	1,383	1,223	1,188	-22.9%	-2.8%
Part I Arrests:							
Violent Crimes	1,900	2,064	2,089	2,099	2,069	8.9%	-1.4%
Violent Crime Rate	312	341	345	347	342	9.5%	-1.6%
Property Crimes	7,497	6,841	6,290	5,292	5,132	-31.5%	-3.0%
Property Crime Rate	1,231	1,131	1,038	876	847	-31.2%	-3.3%
Part II Arrests	20,590	19,143	15,851	15,106	13,682	-33.6%	-9.4%
Part II Arrest Rate	3,379	3,166	2,617	2,499	2,258	-33.2%	-9.6%

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

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

Total arrests continue to decline dramatically. This is consistent with trends seen nationally, not just in Maryland. Juvenile arrests peaked, both at a national level and in Maryland, in 1996, with 2.7 million and nearly 54,000 youth arrested, respectively. The past two decades, however, have seen arrest rates reach historically low levels. Compared to the number of youth arrested a decade ago, the 20,807 arrests in Maryland in calendar 2016 are 58.3% below calendar 2005. Total juvenile arrests have now been consistently below 30,000 since calendar 2012, with the most recent year-over-year change showing a decrease of 7.5%. Accounting for any changes to the statewide juvenile population (all youth ages 10 through 17), which has fallen by 0.5% over the five-year period shown in Exhibit 1, the juvenile arrest rate per 100,000 youth has decreased 30.2% since calendar 2012.

Despite the overall decreases in both Part I and Part II arrests, the occurrence of violent crime is increasing. Part I arrests, which consist of more serious crimes, have fallen overall, decreasing by 23.4% since calendar 2012 and 2.6% between calendar 2015 and 2016. This decrease over the past five years is driven by a 31.5% decline in arrests for property crimes. Since calendar 2012, the number of arrests for crimes of violence actually increased by nearly 9%, and the juvenile violent crime arrest rate increased by 9.5%. Calendar 2016 is the fourth consecutive year with a year-over-year increase in the number of violent crime arrests. Proportionally, violent crime arrests now account for approximately 10.0% of all arrests compared to only 6.4% in calendar 2005.

This trend of a smaller but increasingly more violent population is mirrored in other population data throughout the juvenile justice system. As is further addressed in the Issues section of this analysis, the impact is a higher risk and more difficult to manage population in DJS facilities.

2. DJS Complaint Totals and Complaint Disposition

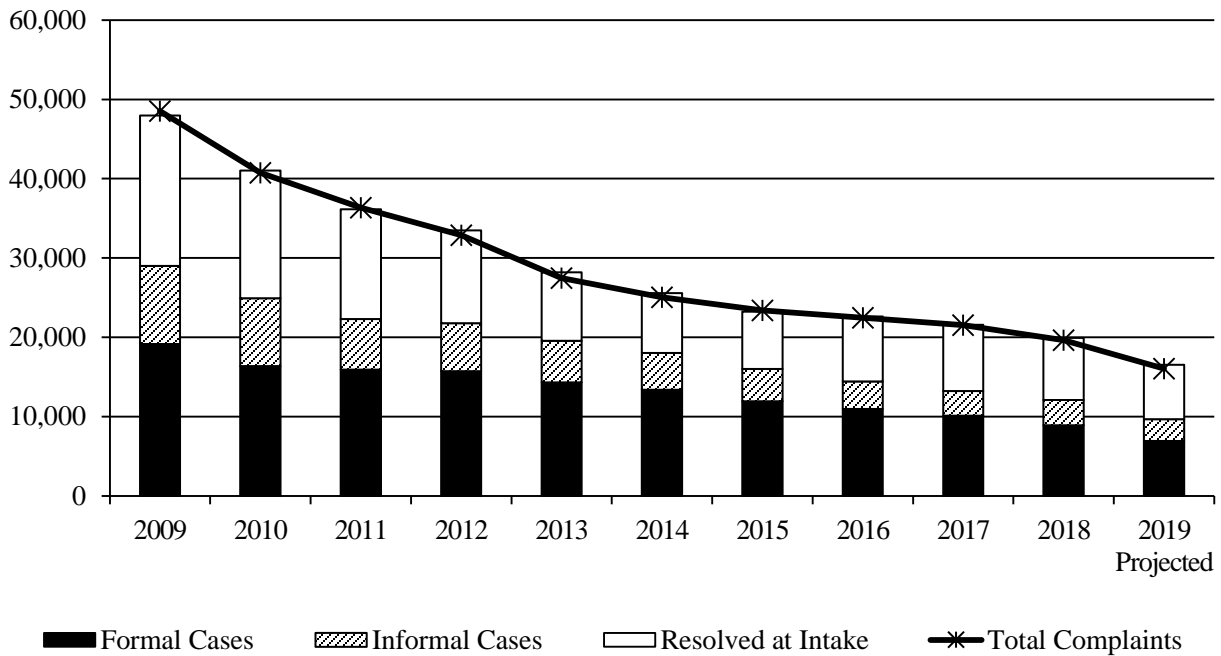
Exhibit 2 illustrates the dramatic decrease in the total number of complaints received by DJS over the past decade and the disposition of those cases. As shown in the exhibit:

- DJS received slightly more than 19,600 complaints in fiscal 2018, equating to a nearly 9.0% decrease from the previous year. Compared to the peak in fiscal 2004, when DJS handled over 53,000 complaints, total complaints have fallen by 63%. Fiscal 2019 projections, using data through November 2018, suggest that the downward trend is continuing at an even more rapid pace, estimating only 16,030 complaints to be received in the current fiscal year.
- The percentage of complaints that did not require court intervention continued to increase, with 56.2% of the cases received in fiscal 2018 either resolved at intake (39.9%) or referred for informal intervention (16.3%), compared to 53.3% in fiscal 2017. Approximately 7,800 complaints were resolved at intake in fiscal 2018, compared to nearly 18,900 in fiscal 2009. Proportionally, these cases are at their highest point in the past 15 years. Similarly, the number of informal case dispositions has fallen by 67.5% over the past decade to approximately 3,200 cases in fiscal 2018. Despite recent increases, informal dispositions have not returned to the historic proportions experienced prior to fiscal 2010 when these cases accounted for more than 20% of all dispositions.

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- The formal caseload, cases where court intervention is required, accounts for 45.3% of all complaints received in fiscal 2018. The 12.1% decrease experienced in fiscal 2018 reduced total formal cases to approximately 8,900, nearly 53.6% less than the number of formal complaints received a decade ago. Of those cases receiving a formal recommendation for court intervention in fiscal 2018, approximately 26.0% received a probation disposition, and 10% received a committed disposition. These percentages have remained relatively consistent for the past five years, despite declines in commitments to DJS and the percentage of cases dismissed.
- In fiscal 2018, 74.0% of total complaints received were for male youth, with 26.0% accounted for by female youth. Approximately 71% of total complaints received were for youth of color.
- Approximately 12.0% of all intake cases in fiscal 2018 were for crimes of violence, compared to 8.5% in 2011, the first year DJS published its Data Resource Guide.

**Exhibit 2
Juvenile Complaint and Complaint Disposition
Fiscal 2009-2019 Projected**

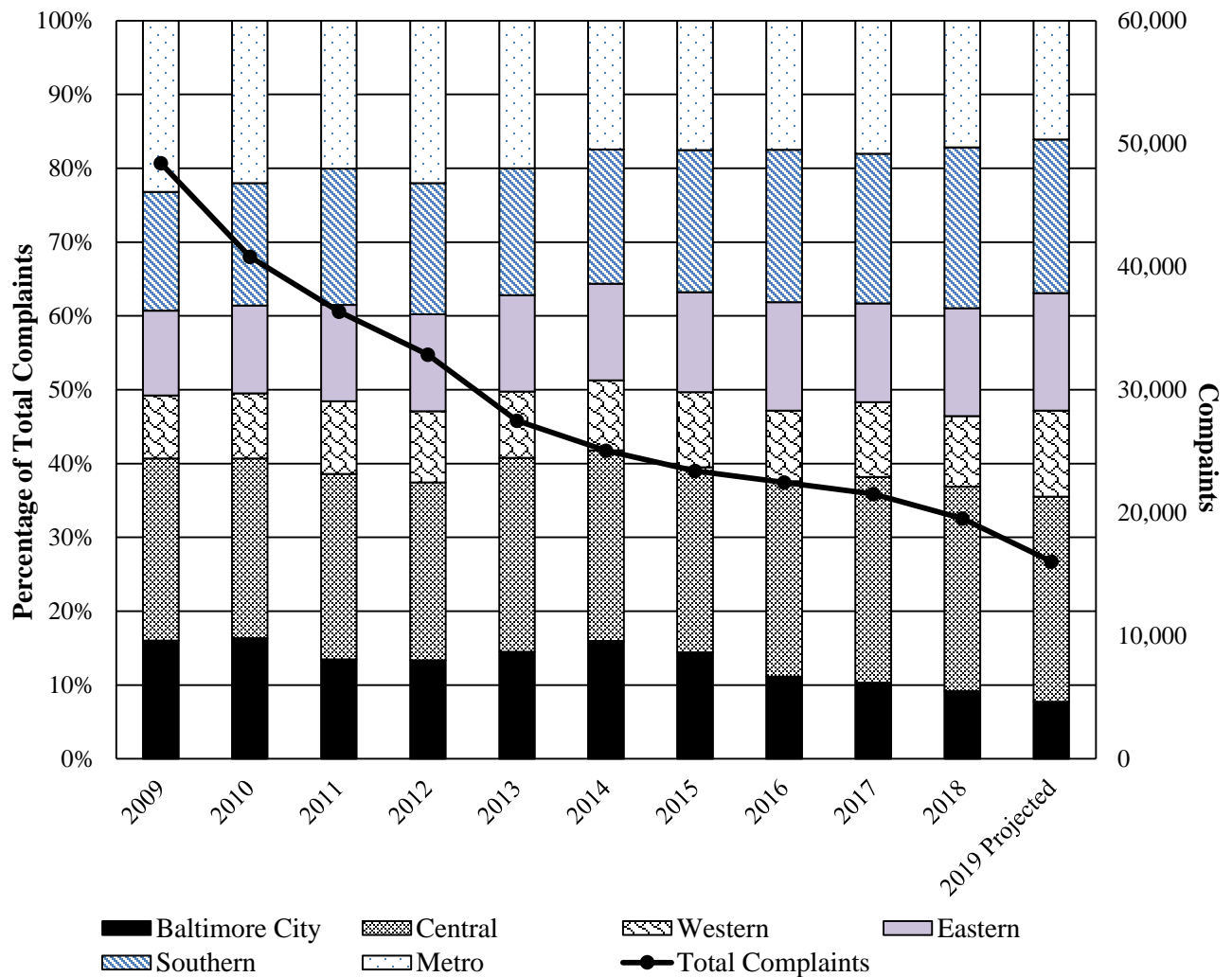


Note: Total complaints typically vary from the sum of those resolved at intake and the informal and formal caseload. The difference relates to jurisdictional issues or when a decision is not recorded. Fiscal 2019 projections are based on data reported through November 2018.

Source: Department of Juvenile Services

Exhibit 3 shows regional complaint data as a percentage of total complaints received. Complaints from the central and southern regions account for 50.0% of all complaints received in fiscal 2018 (28.0% and 22.0%, respectively). This reflects a 2% increase for the southern region. Complaints in Baltimore City, as a proportion of all complaints received, have fallen steadily from 16% of all complaints in fiscal 2014 to 9% in fiscal 2018.

Exhibit 3
Juvenile Complaints by Region
Fiscal 2009-2019 Projected



Note: Fiscal 2019 projections are based on data reported through November 2018.

Source: Department of Juvenile Services

Despite youth in Baltimore City accounting for less than 10% of all complaints received, these youth account for nearly 25% of the total number of youth committed to DJS in fiscal 2018. According to the department, Baltimore City intake receives more serious complaints than any other jurisdictions in the State, as demonstrated by the 30% of complaints received for crimes of violence compared to 10% for the rest of the State. As such, more cases are petitioned to the court, which results in a higher rate of commitment.

DJS is making organizational changes to its intake and community supervision functions, which will now report directly to the Secretary of Juvenile Services, in order to better focus resources and attention given for these units, along with better ensuring that a more consistent and unified statewide approach is being applied to intake operations. **The department should brief the budget committees on this reorganization, the anticipated operational changes, and expected impacts to youth involved in the juvenile justice system.**

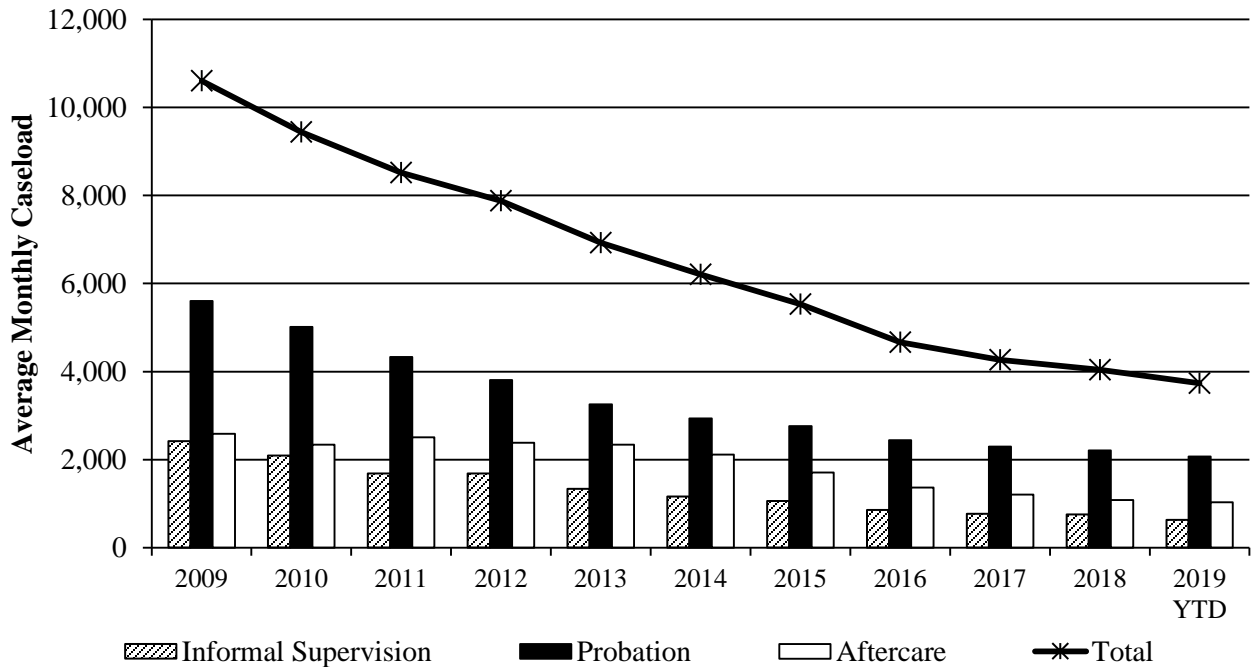
Placement Trends

3. Nonresidential Placement Trends

The nonresidential placement population includes youth who are receiving informal supervision, are on probation, or are in aftercare programming. Informal (or pre-court) supervision is an agreement between DJS and a youth and family to enter into counseling and/or DJS monitoring without court involvement. Youth on probation are receiving court-ordered supervision in the community that requires the youth to meet court-ordered probation conditions, which may include school attendance, employment, community service, restitution, counseling, *etc.* Aftercare programming provides supervision and individualized treatment services to youth in the community following discharge from a residential program.

As shown in **Exhibit 4**, nonresidential caseloads have been in decline since fiscal 2009, and 2019 year-to-date data suggests that this trend will continue. Over the past decade, the average monthly caseload for nonresidential placements has fallen by over 6,500 cases, or nearly 62%, with the greatest reduction occurring among the informal supervision cases. In fiscal 2018, average monthly nonresidential caseloads for all case types totaled 4,044 cases. This reflects a 5.2% decrease from the previous year. Year-to-date data for fiscal 2019 suggests caseloads have declined below 4,000 to an average of 3,733 nonresidential cases per month.

**Exhibit 4
Nonresidential Caseload Trends
Fiscal 2009-2019 YTD**



YTD: year to date

Note: Fiscal 2019 data is through November 2018. Aftercare caseloads include youth in residential and community-based programs.

Source: Department of Juvenile Services

Probation cases continue to account for an increasing proportion of the nonresidential caseload, making up about 55% of the average monthly caseload in fiscal 2018. Over the past decade, DJS has been utilizing informal supervision less, as proportionally these cases have decreased from 23% of total caseloads in fiscal 2009 to 17% in fiscal 2018. Recently, aftercare cases have accounted for less of the total nonresidential population as well, having accounted for 34% of the total caseload in fiscal 2014 and falling to 27% in 2018.

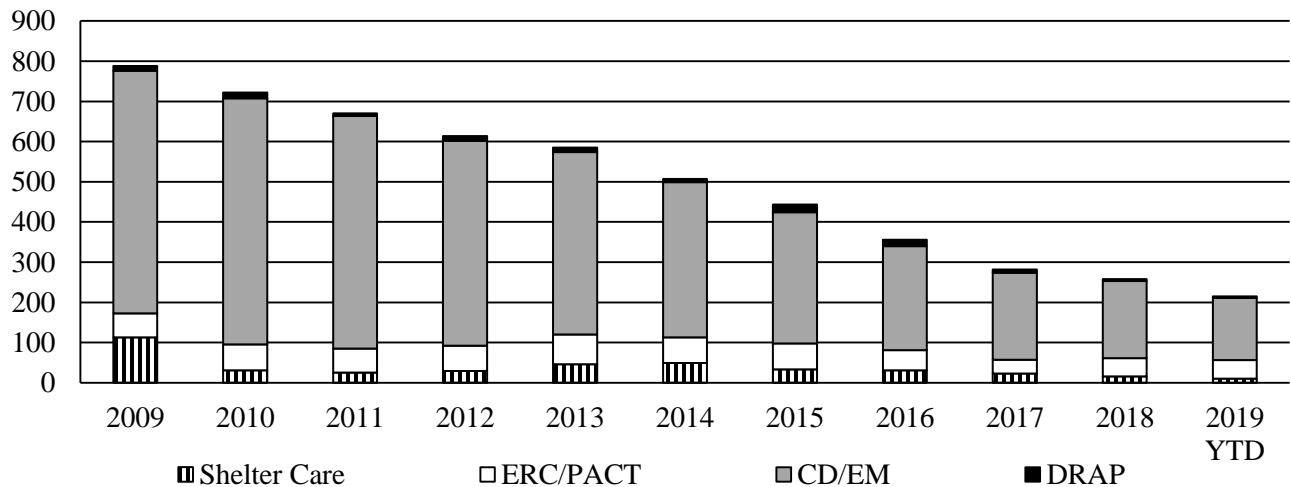
The department has continued to assess its community supervision and case management staff to account for the declining populations but to also enhance the nonresidential services provided to DJS youth, in particular those services that support transition back to the community. An analysis of fiscal 2018 community supervision workloads suggest that this function is staffed at 123% of its need, an increase over the 113% staffing level in fiscal 2017.

4. Secure Detention and Pending Placement Trends

Youth who are in either pre-adjudication or pending placement status include those youth who receive services in the community as an alternative to detention (ATD), those who are awaiting adjudication in secure detention, or 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).

ATD programming primarily includes shelter care, day and evening reporting center (ERC) participation, and community detention/electronic monitoring. DJS also partners with private providers in Baltimore City to utilize additional alternative programs, such as the Pre-adjudication Coordination and Transition Center and the Detention Reduction Advocacy Program. **Exhibit 5** shows population trends by type of ATD since fiscal 2009.

Exhibit 5
Alternative to Detention Programming
By Type of Program
Fiscal 2009-2019 YTD



CD/EM: Community Detention/Electronic Monitoring
 DRAP: Detention Reduction Advocacy Program
 ERC/PACT: Evening Reporting Center/Pre-adjudication Coordination and Transition Center
 YTD: year to date

Note: Fiscal 2019 data is through November 2018.

Source: Department of Juvenile Services

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- Over the past decade, like all other aspects of the DJS population, the use of ATDs has been steadily declining. Between fiscal 2009 and 2018, the population of youth in ATD programming decreased by 67% to an average daily population (ADP) of 259 youth. In the past year, the use of ATDs has fallen by 8.2%. Fiscal 2019 year-to-date data indicates that the downward trend will continue, with an ADP of 215 youth participating in ATD programming in the first five months of the fiscal year.
- Approximately 74% of youth who participate in ATD programming were on community detention/electronic monitoring in fiscal 2018, compared to 77% in fiscal 2017. Participation in an ERC was the only population to experience an increase in fiscal 2018 and 2019 year to date. DJS received a funding increase in the fiscal 2019 budget to open an additional ERC on the Eastern Shore; however, that contract has not yet been procured. It is anticipated that the program will be operational by the end of the current fiscal year.
- As a percentage of the total population of youth either in an ATD program or in secure detention (pre-adjudication and pending placement), the ATD population accounted for 59% in fiscal 2018. This calculation excludes the population of youth who are detained in a DJS facility pending action from the adult court system. Preliminary data from fiscal 2019 indicates that this population continues to decrease to 54% of the overall population. In comparison, ATD youth accounted for 65% of the total detention population as recently as fiscal 2015. While this trend seems at odds with recent efforts by the department and advocacy community to increase the number of youth treated and monitored in the community without the use of secure detention, it could also be reflective of the increase in higher risk and more violent youth making up more of the core population within the system. Even within the ATD population, youth appear to be increasingly violent, with crimes of violence accounting for 30% of all ATD admissions in fiscal 2018, compared to 23% in fiscal 2011.
- What is currently lacking in the data reported by DJS is how the individual ATD programs are performing and the outcomes of the youth who participate in a detention diversion program versus those placed in secure detention. **DJS should comment on whether this type of data and analysis are available and if not, the possibility of conducting such a study. The Department of Legislative Services (DLS) recommends restricting funds pending submission of an ATD performance and outcome analysis.**

Exhibit 6 shows the population trends for all youth held in DJS detention facilities since fiscal 2009. This includes pre-adjudicated youth in secure detention, those who are pending placement in a committed program, and those youth whose detention is authorized by the adult court system. As seen in the exhibit:

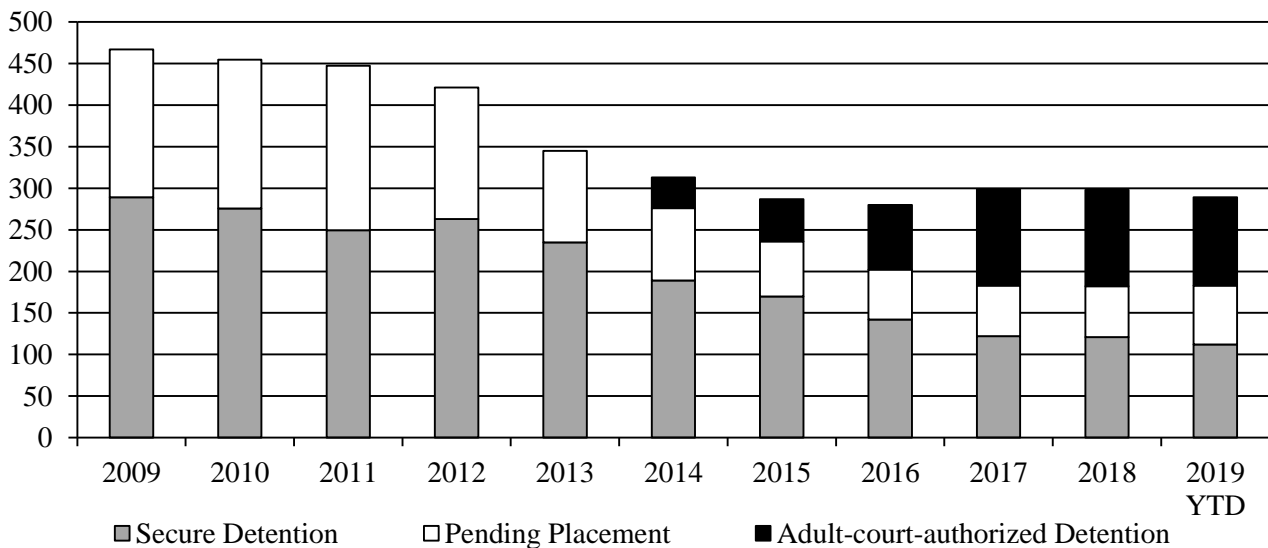
- The overall population of youth in DJS detention facilities has declined significantly since fiscal 2009, when the population of pre-adjudicated and pending placement youth was 467 children. In fiscal 2018, the ADP of 298 youth includes 116 individuals awaiting action from the adult courts. Excluding this population, there were approximately 285 fewer youth detained in DJS facilities in fiscal 2018 compared to a decade ago, reflecting a 61% decrease since fiscal 2009. Comparing year-over-year change, the detention population held steady

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between fiscal 2017 and 2018, maintaining its 7% increase over the fiscal 2016 population. This increase has been entirely attributable to the growth in the adult-court-authorized detention population. Preliminary fiscal 2019 data indicates a slight decline in the total ADP to 289 youth, a 3% decrease.

- The ADP of pre-adjudicated youth held in secure detention fell below 150 for the first time in more than a decade in fiscal 2016 and that continues through the fiscal 2019 projections. The ADP of 121 youth held in secure detention while awaiting action from the juvenile court system in fiscal 2018 is consistent with the fiscal 2017 ADP. Preliminary fiscal 2019 data reflects a pre-adjudication ADP of 112 youth, an approximate decrease of 7% from fiscal 2018.
- The pending placement population has been relatively stable in recent years, with an ADP of 61 youth in fiscal 2018. Over the past decade, pending placement youth accounted for as much as 43% of the detention population. In fiscal 2018, however, the proportion of detained youth pending placement was approximately 33%. Data from the first six months of fiscal 2019 indicates an increase in the population to an ADP of 71 youth. This is largely attributable to a department-enforced limit in the capacity of youth committed to the Victor Cullen Center (VCC) following a significant group disturbance at the facility in April 2018.

**Exhibit 6
Average Daily Population of Youth in
Department of Juvenile Services Detention Facilities
Fiscal 2009-2019 YTD**



YTD: year to date

Note: Fiscal 2019 data is through November 2018.

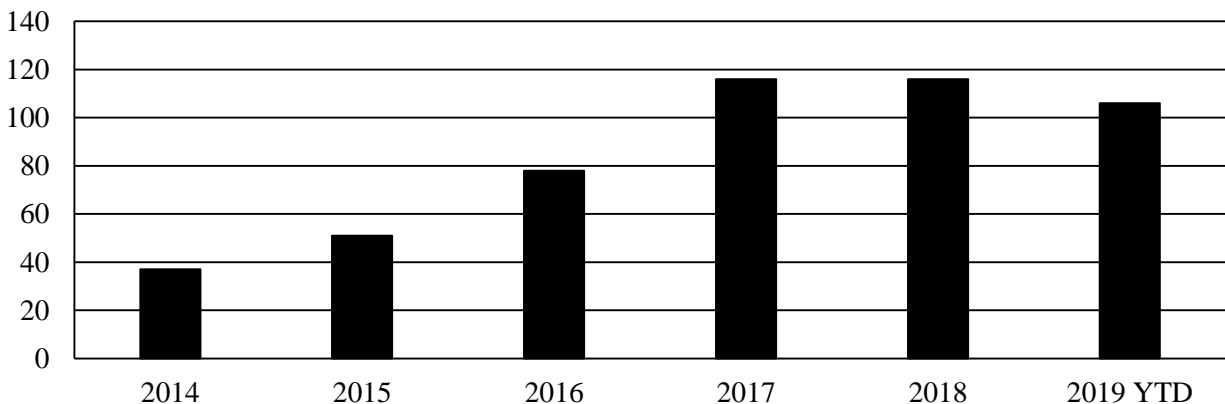
Source: Department of Juvenile Services

5. Adult-court-authorized Detention Population Trends

In fiscal 2014, DJS entered into an agreement with Baltimore City to have the department house qualified juveniles who have been charged as adults and who would otherwise be held in the city’s adult pretrial detention center. During the 2015 session, the law regarding pre-transfer detention for youth charged as adults was amended to create a presumption that youth charged as adults should be held in a juvenile detention facility. Effective October 1, 2015, the court must order a youth charged as an adult who is eligible for transfer to the juvenile system to be held in a juvenile detention facility while pending that transfer decision unless (1) the youth is released on bail, recognizance, or other pretrial condition; (2) there is no capacity in the secure juvenile facility; or (3) the court finds that detention in a secure juvenile facility would pose a risk of harm to the child or others and states the reasons for the finding on the record.

As seen in **Exhibit 7**, the adult-court-authorized detention population has increased significantly in the past five years. In fiscal 2014, DJS had an ADP of 37 youth charged as adults held in its facilities. That number increased to an ADP of 116 youth in fiscal 2018, an increase of over 210%. Given the significant decreases in other DJS detention populations, the department has been able to absorb this increase; however, the total detention ADP for fiscal 2018 did maintain the slight increase in ADP that first began in fiscal 2017. That was the first increase in the detention population in over a decade. The growth in ADP has been due solely to the substantial growth in the adult-court-authorized detention ADP outpacing these other population reductions. Preliminary data for fiscal 2019 does indicate a slight decrease in the adult court population, as well as the total detention population.

Exhibit 7
Adult-court-authorized Detention
Average Daily Population
Fiscal 2014-2019 YTD



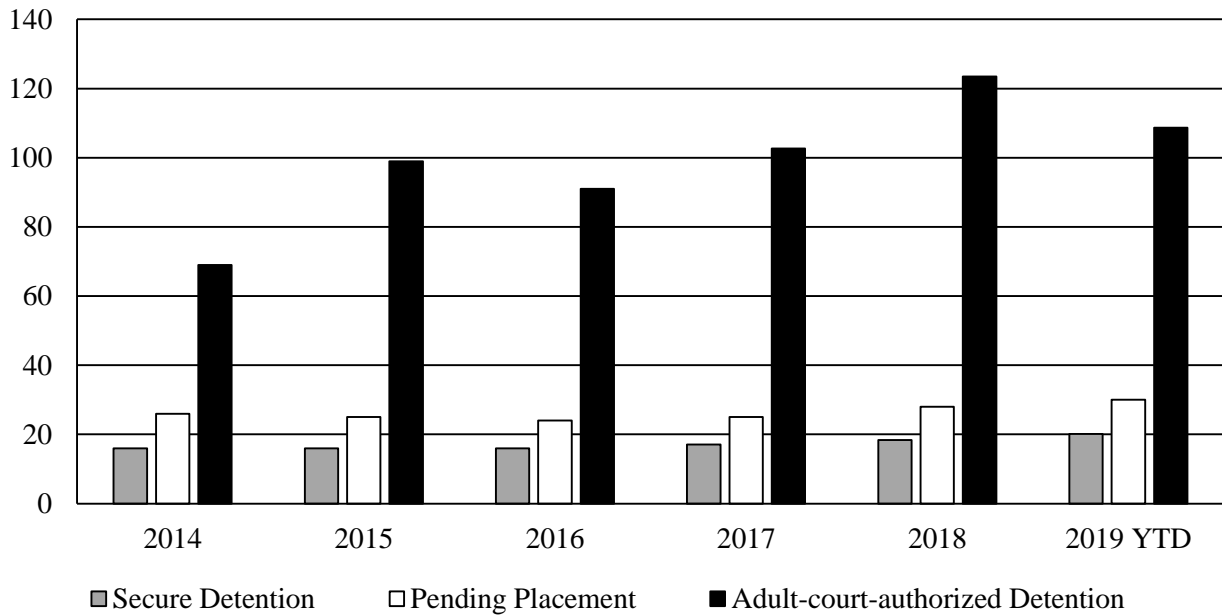
YTD: year to date

Note: Fiscal 2019 data is through November 2018.

Source: Department of Juvenile Services

A significant driver in the increased ADP for these youth is the much longer average length of stay (ALOS), as evidenced in **Exhibit 8**. The ALOS for a youth in secure (pre-adjudication) detention has been consistently under 20 days for the past five fiscal years. With improvements to the pending placement population through the continuum of care process, DJS lowered the ALOS for pending placement youth to 24 days in fiscal 2016. That ALOS increased to 28 days in fiscal 2018 due to the limited capacity at VCC in response to the April 2018 incident and the temporary closure of the Savage Mountain Youth Center (SMYC) while it was being upgraded to a hardware secure facility. Even with this slight increase, the ALOS for the adult-court-authorized detention population remains in stark contrast. The ALOS for these youth exceeded the 100-day mark in fiscal 2017 at 103 days and continued to increase to a peak of 124 days in fiscal 2018. Data through the first five months of fiscal 2019 shows a slight reduction to 109 days, which is more than three times longer than other populations.

Exhibit 8
Average Length of Stay for Youth in DJS Detention Facilities
Fiscal 2014-2019 YTD



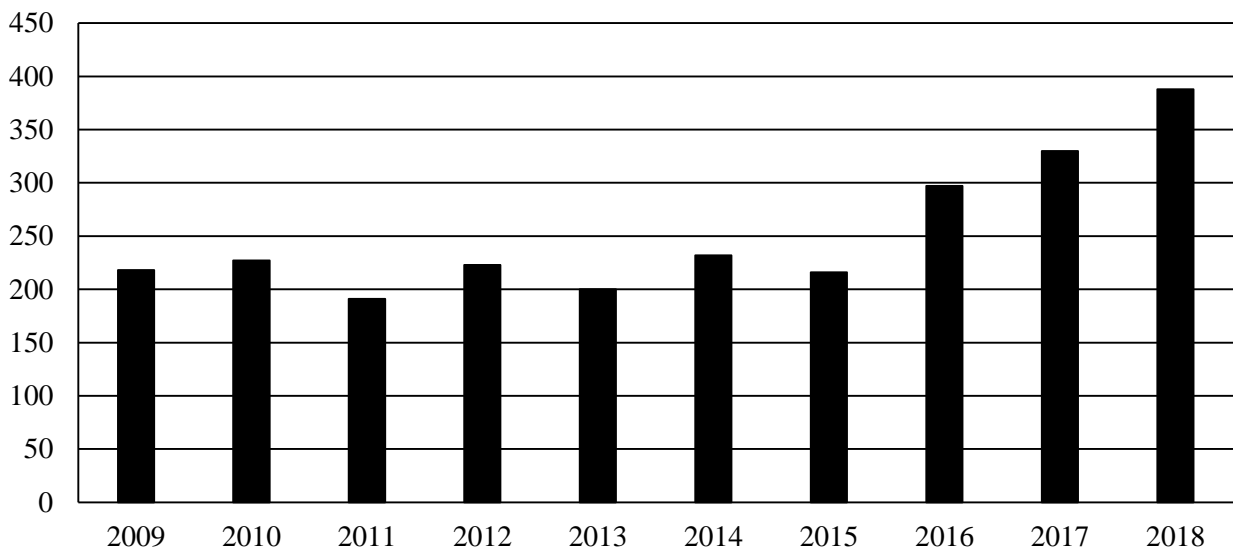
DJS: Department of Juvenile Services
 YTD: year to date

Note: Fiscal 2019 data is through November 2018.

Source: Department of Juvenile Services

As perceptions regarding the best way to consider and treat this population have shifted in recent years, DJS has seen a significant increase in the number of cases that have been transferred to juvenile court, regardless of whether the youth was previously detained in a DJS facility. **Exhibit 9** highlights the 78% increase experienced over the past decade. Of the 388 cases transferred to juvenile court in fiscal 2018, 40.0% ultimately received a committed disposition, with an additional 40.5% of cases given probation. **DJS should comment on how the 388 cases waived down to juvenile court compare to the entire potential universe of youth initially charged in the adult court system. The department should also be prepared to discuss how operations and populations might be impacted if all youth originated in the juvenile court system.**

Exhibit 9
Cases Transferred to Juvenile Court
Fiscal 2009-2018



Source: Department of Juvenile Services

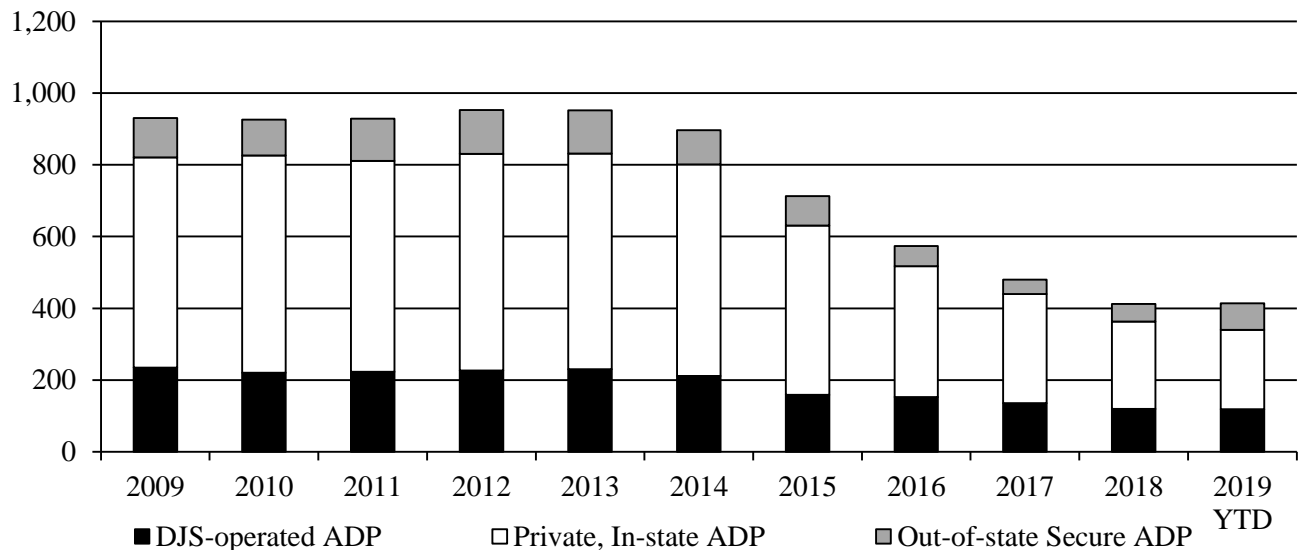
5. Committed Population Trends

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. 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 youth 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. As such, DJS also contracts with private in-state as well as out-of-state vendors to provide services to committed youth.

Exhibit 10 illustrates the ADP of youth in all types of committed residential programs. The out-of-home committed population continued to decline in fiscal 2018, falling by 67 youth, which equates to a nearly 14% reduction. Compared to the most recent high of 952 youth placed out of home in fiscal 2013, the ADP has fallen by nearly 60%. In fiscal 2018, an ADP of 412 youth was in committed residential programs. Data through the first five months of fiscal 2019 shows a slight increase to an ADP of 414 youth.

Exhibit 10
Committed Residential Population
Fiscal 2009-2019 YTD



ADP: average daily population
DJS: Department of Juvenile Services
YTD: year to date

Note: Fiscal 2019 data is through November 2018.

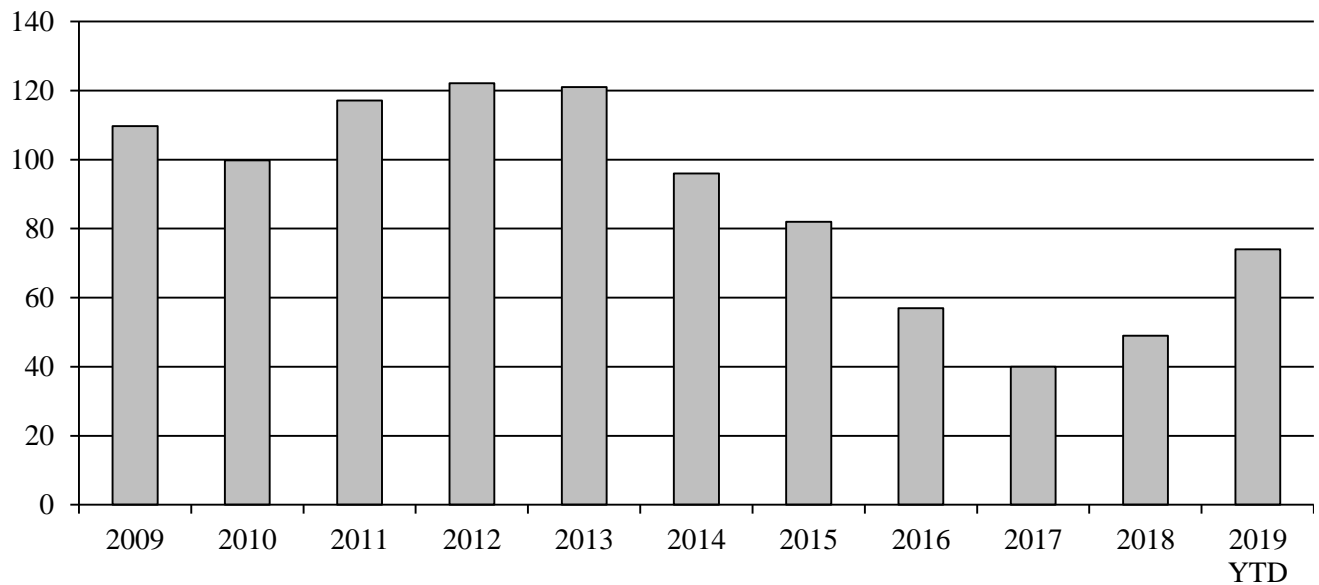
Source: Department of Juvenile Services

Of all youth in committed residential placements, approximately 88% remained in state in fiscal 2018. Approximately 69% of those youth are committed to 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). These placements have accounted for a declining percentage of the in-state committed population since fiscal 2015, when nearly 75% of youth were placed in private committed programs. In fiscal 2018, nearly 33% of the population received treatment services at a State-run facility.

Exhibit 11 provides detail on the population of youth who are committed to a treatment program outside of Maryland. This population had proportionally been in decline since fiscal 2012, falling to a record low ADP of 40 youth in fiscal 2017, due to overall population decreases experienced throughout the department. That trend reversed in fiscal 2018 due to shifts in State-run facility operations. Fiscal 2019 year-to-date data shows the out-of-state population accounting for 18% of all youth committed out-of-home, and the ADP increasing to 74 youth, compared to 49 in fiscal 2018. This increase is attributable to the temporary closure of SMYC in September 2017 for renovations and a significant group disturbance at VCC that subsequently limited the capacity of youth treated at that facility from 48 to 12 beds. As of January 2019, the capacity at VCC has been increased to 30 youth, and SMYC has reopened as a Level III, hardware secure program. This should ultimately result in a reduction in the number of youth committed to out-of-state treatment.

Exhibit 11
Out-of-state Committed Residential Population
Average Daily Population
Fiscal 2009-2019 YTD



YTD: year to date

Note: Fiscal 2019 data is through November 2018.

Source: Department of Juvenile Services

6. Strategic Reentry

With the overall population declines experienced across the juvenile justice system, particularly among youth placed in out-of-home detention or treatment, DJS has found itself in a position to increase its focus improving its community supervision function, including the provision of aftercare and reentry services. Effective transition from residential out-of-home placement back into the community is imperative to a youth's success. Youth who are released from commitment face numerous challenges in returning to daily life, such as re-enrolling in school or accessing needed somatic or behavioral health services. In fiscal 2016, DJS adopted a Strategic Re-Entry Plan designed to achieve the following goals:

- reduce recidivism by providing supervision to all youth returning home from committed care;
- engage families of committed youth at all key case planning decision points;
- connect all committed youth needing educational services to local education resources;
- connect all youth to local employment services and resources; and
- connect all youth in need of behavioral or somatic health services to local resources to provide continuity of care.

Under the plan, the reentry process is managed by a team of regional reentry specialists who oversee each youth's return to the community. A reentry staffing meeting is held 45 days prior to release from an out-of-home placement. During this meeting, the youth's housing plan, educational and occupational needs, ongoing behavioral/somatic health service requirements, and family relationships are reviewed. Families of committed youth are invited and encouraged to participate in the reentry planning process. After the youth has been in the community for 30 days, a DJS reentry specialist follows up with the youth and family to assure that the youth has accessed all needed services, has successfully enrolled in school, and remains in stable and suitable housing. The outcomes of the follow-up visit are documented and reported to the department.

During the 2018 session, the budget committees requested that DJS begin to report its strategic reentry performance measures in its Managing for Results data submission. **Exhibit 12** compares the fiscal 2017 and 2018 actual data for the five defined measures.

Exhibit 12
Department of Juvenile Services
Strategic Reentry Performance Measures
Fiscal 2017-2018

<u>Measure</u>	<u>2017</u> <u>Actual</u>	<u>2018</u> <u>Actual</u>
Percent of committed youth with identified behavioral health needs connected with service providers 30 days from discharge	85.1%	71.4%
Percent of families of committed youth who felt informed during their child's commitment and reentry process	96.6	93.2
Percent of committed youth seeking employment who are employed within 30 days of discharge	21.1	14.5
Percent of youth released from DJS committed facilities who took part in career development programming during placement	83.0	81.0
Percent of families of committed youth attending youth reentry planning meetings	72.4	75.5

DJS: Department of Juvenile Services

Source: Fiscal 2020 Managing for Results

These performance measures are still relatively new. The true indication of the impact of these reentry services will continue to be reported recidivism. These initial indicators suggest a positive impact from the clearly established quality assurance system in place to ensure the services once the youth is in the community; however, there are some notable declines in performance between fiscal 2017 and 2018. **DJS should brief the committees on the continued implementation of its Strategic Reentry initiatives, efforts taken to improve all community supervision services, and reasons for the overall decline in performance between fiscal 2017 and 2018.**

7. Recidivism Rates

Exhibit 13 provides 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 13
Recidivism Rates to the Juvenile Justice and Criminal Justice System for Youth Released from Residential Placements within Two and Three Years of Release
Fiscal 2013-2016

	2013		2014		2015		2016	
	<u>2 Years</u>	<u>3 Years</u>	<u>2 Years</u>	<u>3 Years</u>	<u>2 Years</u>	<u>3 Years</u>	<u>2 Years</u>	<u>3 Years</u>
Re-arrest Juvenile/Adult	62	70	62	68	61	67	60	
Re-adjudication/Conviction	33	39	32	34	30	35	29	
Recommitment/Incarceration	27	33	25	26	23	29	23	

Note: Beginning with fiscal 2012 data, the Department of Juvenile Services refined its recidivism methodology to include only misdemeanor and felony offenses toward the recidivism count.

Source: Department of Juvenile Services; Department of Legislative Services

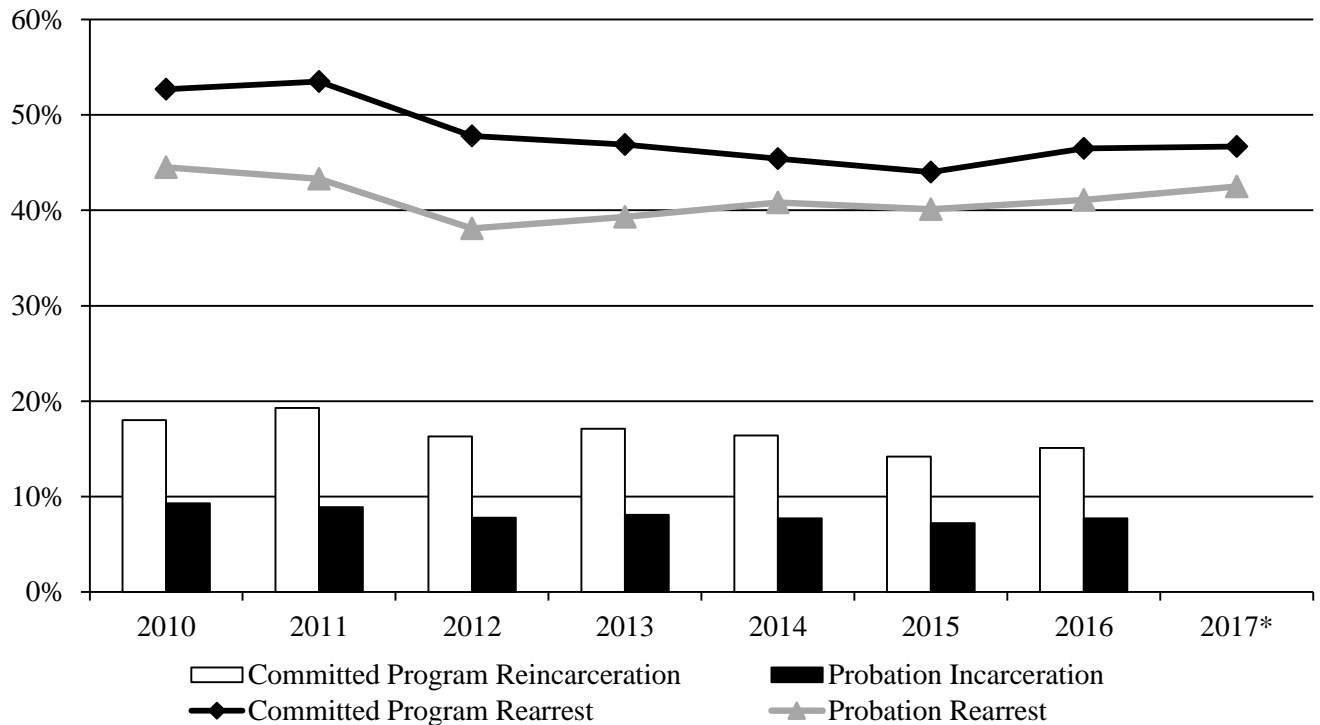
Beginning with fiscal 2012 releases, DJS has revised its recidivism methodology. First, the date used to report the event is now based on the date of offense (for juvenile offenses) or arrest (for adult charges), rather than the date of any resulting court decision or placement. In addition, recidivism data now only includes misdemeanor and felony offenses. Technical violations, citations, and other nondelinquent referrals are no longer counted. As a result of these changes, recidivism data prior to fiscal 2012 is no longer comparable.

Over the four years reflected in Exhibit 13, all facets of the two-year recidivism rates have experienced a decrease, with the rate of recommitment/incarceration falling by 4% and holding steady at 23% of fiscal 2015 and 2016 releases recommitted within two years of release. Three-year recidivism rates also declined between fiscal 2013 and 2015, with 67% of youth rearrested, 35% reconvicted, and 29% recommitted within three years of release, compared to 70%, 39%, and 33%, respectively.

Exhibit 14 illustrates the percentage of youth who are rearrested or incarcerated within 12 months of being released from a committed residential program or receiving services in the community via probation or a committed community placement. For the purpose of analyzing long-term trends, DJS recalculated one-year recidivism rates beginning with fiscal 2010 releases. Recidivism for the probation cohort is measured from the disposition date, as opposed to the release date for youth in committed residential placements. In addition, since youth on probation or in a community placement were not previously placed in a committed out-of-home program, the

incarceration rate reflects the first commitment to an out-of-home placement or incarceration in the adult system.

Exhibit 14
One-year Recidivism Rate for Committed Program Releases and
Probation Placements
Fiscal 2010-2017



*One-year reincarceration data is not available for 2017 releases due to a high number of youth with cases still pending action from the adult court system.

Source: Department of Juvenile Services, *Fiscal 2018 Data Resource Guide*

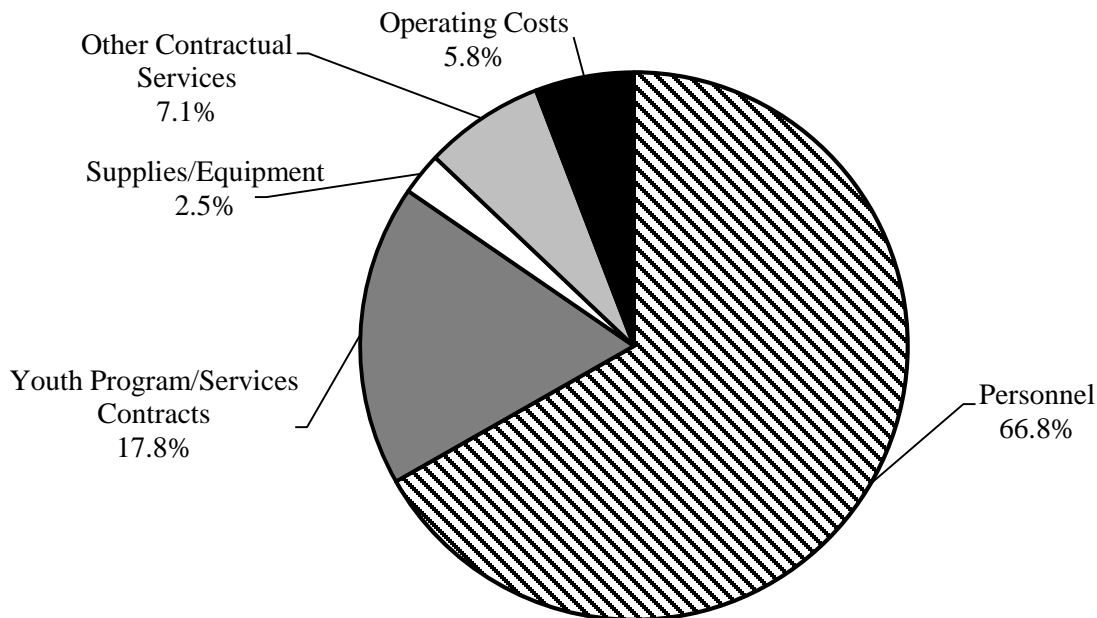
In comparison to the recent peak in fiscal 2011, one-year recidivism rates for both rearrest and reincarceration of committed youth or those on probation are still relatively lower. However, after experiencing three consecutive years of decline, from fiscal 2013 through 2015, both reported recidivism rates for committed youth increased in fiscal 2016, with 47% of committed youth rearrested within one year of release and 15% recommitted. Similarly, recidivism rates for youth on probation also increased in fiscal 2016. The fiscal 2017 rearrest rates show a continued increase for both populations. **DJS should comment on what is driving the increase in recidivism in fiscal 2016 and 2017 and whether this shift in the trend is anticipated to continue in the future.**

Fiscal 2020 Allowance

Overview of Agency Spending

The fiscal 2020 allowance for DJS is approximately \$272.1 million, 97.2% of which is general funds. **Exhibit 15** illustrates the department’s fiscal 2020 spending by major object group.

Exhibit 15
Fiscal 2020 Allowance
Spending by Major Object Group



Source: Fiscal 2020 Allowance

DJS is heavily reliant on staff to operate its 13 facilities and 32 offices in order to fulfill its mission and provide necessary services to system-involved youth. As such, personnel costs are the department’s largest expense, accounting for approximately 66.8% of the total budget, or \$181.7 million. DJS, with nearly 2,000 employees, is one of the six largest executive branch agencies and accounts for approximately 4% of the total executive workforce.

Despite the sizable staff and facility complement, the department provides a significant portion of its youth services through contracted vendors. These include residential and nonresidential programming, psychological evaluations, evidence-based programming, foreign language

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interpretation, medical and behavioral health support, *etc.* In fiscal 2020, spending for these services totals \$48.5 million and accounts for approximately 18% of the total budget.

Facility operating expenses, supply and material purchases, and various other contracts in support of operating the facilities and the department account for the remaining 15%, or roughly \$42 million, of the department’s fiscal 2020 operating budget.

Proposed Budget Change

Exhibit 16 provides detail on how the fiscal 2020 allowance decreases by nearly \$2.3 million, or 0.8%, when compared to the fiscal 2019 working appropriation. Although general funds account for the largest dollar change (-\$855,000), they only fall by a net 0.3%. Less funding in fiscal 2020 for youth programming and services is largely offset by significant increases in personnel expenses associated with statewide employee compensation enhancements and increased budgeted funding for services provided to DJS by the Department of Information Technology. Special and federal fund reductions reflect fewer anticipated reimbursements from local education agencies and Medicaid due to projected population decreases in comparison to the fiscal 2019 budget. Fiscal 2020 funding is largely budgeted in line with actual revenues received in fiscal 2018.

**Exhibit 16
Proposed Budget
Department of Juvenile Services
(\$ in Thousands)**

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2018 Actual	\$257,998	\$3,265	\$4,599	\$18	\$265,880
Fiscal 2019 Working Appropriation	265,428	3,616	5,326	45	274,416
Fiscal 2020 Allowance	<u>264,573</u>	<u>3,040</u>	<u>4,532</u>	<u>0</u>	<u>272,145</u>
Fiscal 2019-2020 Amount Change	-\$855	-\$577	-\$794	-\$45	-\$2,270
Fiscal 2019-2020 Percent Change	-0.3%	-15.9%	-14.9%	-100.0%	-0.8%

Where It Goes:

Personnel Expenses

General salary increase	\$4,145
Workers’ compensation premium assessment	2,333
Employee retirement.....	1,147
Overtime increase to accommodate fiscal 2019 and 2020 salary enhancements.....	675
Increments and other compensation.....	392
Other fringe benefit adjustments.....	9
Turnover adjustments	-470

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Where It Goes:

Contractual employment decreases to realign spending with actual administrative FTE needs	-444
Fiscal 2019 one-time \$500 bonus	-1,069
Employee and retiree health insurance	-3,065
Programmatic and Population Driven Changes	
Medical care costs increase due to population demands and contractually required provider rates	756
Evening reporting centers	-28
Evaluations	-34
Evidence-based services programming declines based on lower utilization	-155
Other direct care programs and services	-218
Food and medical supplies decline due to population decreases	-278
Behavioral health services budgeted in line with fiscal 2018 actual expenditures	-700
Interpreter services reduced due to population declines and departmental efforts to lower costs through utilization of statewide contracts	-841
Non-residential programming budgeted in line with fiscal 2018 actual expenditures based on population projections	-1,697
Residential per diems budgeted in line with fiscal 2018 actual expenditures based on population projections	-4,830
Other Changes	
DoIT Services allocation	2,918
Building repairs and maintenance increases associated with aging facilities	317
Acquisition of the lease costs for the education trailers at the Hickey School	162
Fuel and utilities (approx. \$331,000 above Fiscal 2018 actual)	124
Garage rent increases due to relocation of DJS headquarters	88
Other	-11
Data processing equipment replacements based on planned schedule	-257
Cheltenham janitorial services budgeted in line with actual expenditures	-513
Statewide realignment of telecommunication and IT funding	-726
Total	-\$2,270

DJS: Department of Juvenile Services
DoIT: Department of Information Technology
FTE: full-time equivalent
IT: Information Technology

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

Personnel Expenses and Staffing Issues

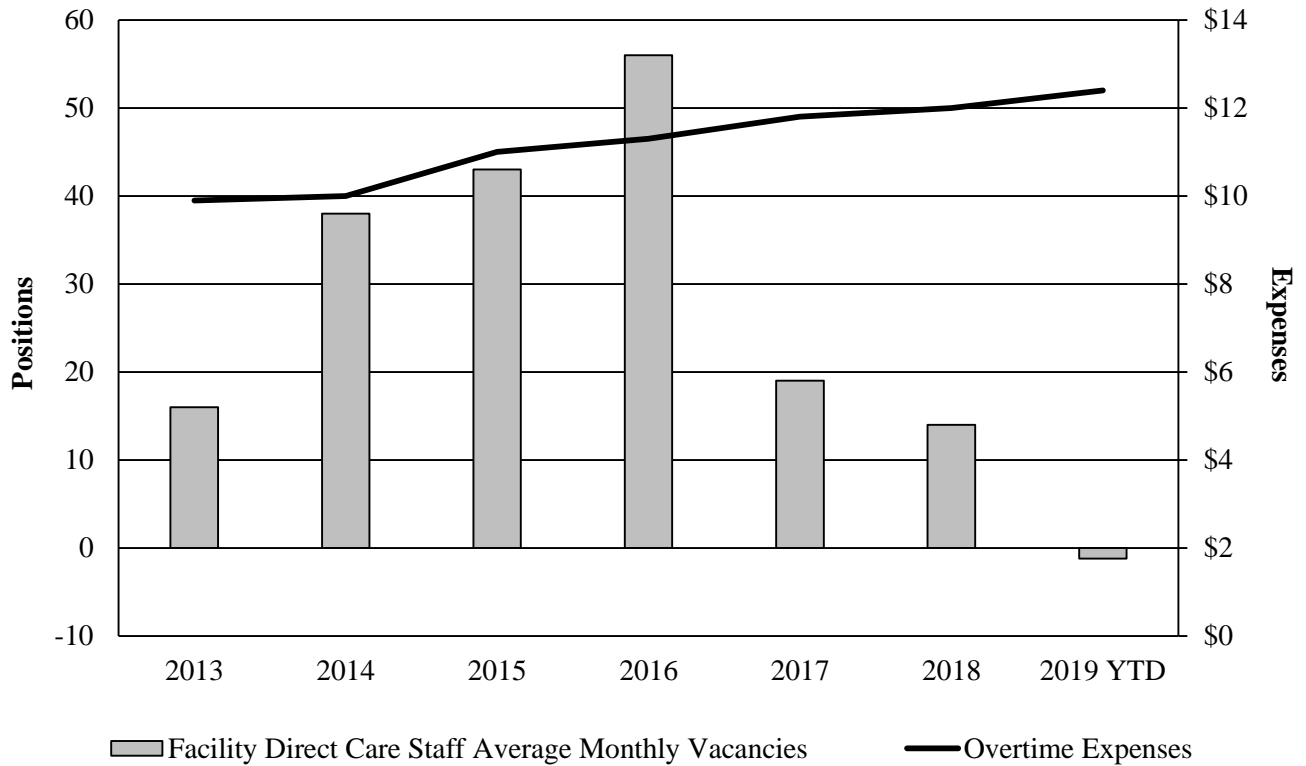
Personnel expenses increase by a net \$3.7 million after accounting for fiscal 2019 and 2020 compensation enhancements for all State employees. Funding for employee overtime increases by approximately \$675,000, providing a total of \$13.1 million to account for the budgeted salary enhancements.

Vacancies and Staffing

At the close of calendar 2018, DJS had 208 regular positions vacant, approximately 10.5% of its total personnel complement. This reflects a negligible increase from a year ago, when the vacancy rate was approximately 10.2%. The current vacancy rate is approximately 65 positions more than what will be required to meet a fairly high budgeted turnover rate of 7.5% in fiscal 2020. High vacancy rates, particularly among facility direct care employees, have a number of negative consequences for the department, including increased overtime expenses and employee morale issues.

In looking at the data presented in **Exhibit 17**, it would appear that the high number of vacancies within the department may not be among direct care staff (resident advisor and community supervision positions). The average monthly vacancies for facility direct care staff have fallen considerably since fiscal 2016, with fiscal 2019 year-to-date data suggesting current staffing levels are below the budgeted turnover rate. Data as of December 1, 2018, shows direct care positions having a 5.64% vacancy rate, while all other positions are providing an offset with a 10.71% vacancy rate. Despite this improvement in direct care vacancy rates, budgeted overtime continues to increase, having grown nearly 16% since fiscal 2016. This is attributable to the department's authorized position count for direct care staff being less than what is needed to adequately manage the population in DJS facilities. The most recent analysis provided by DJS identifies the need for over 100 additional direct care positions.

Exhibit 17
Department of Juvenile Services
Facility Direct Care Staff Vacancies and Overtime Expenditures
Fiscal 2013-2019 YTD
(\$ in Millions)



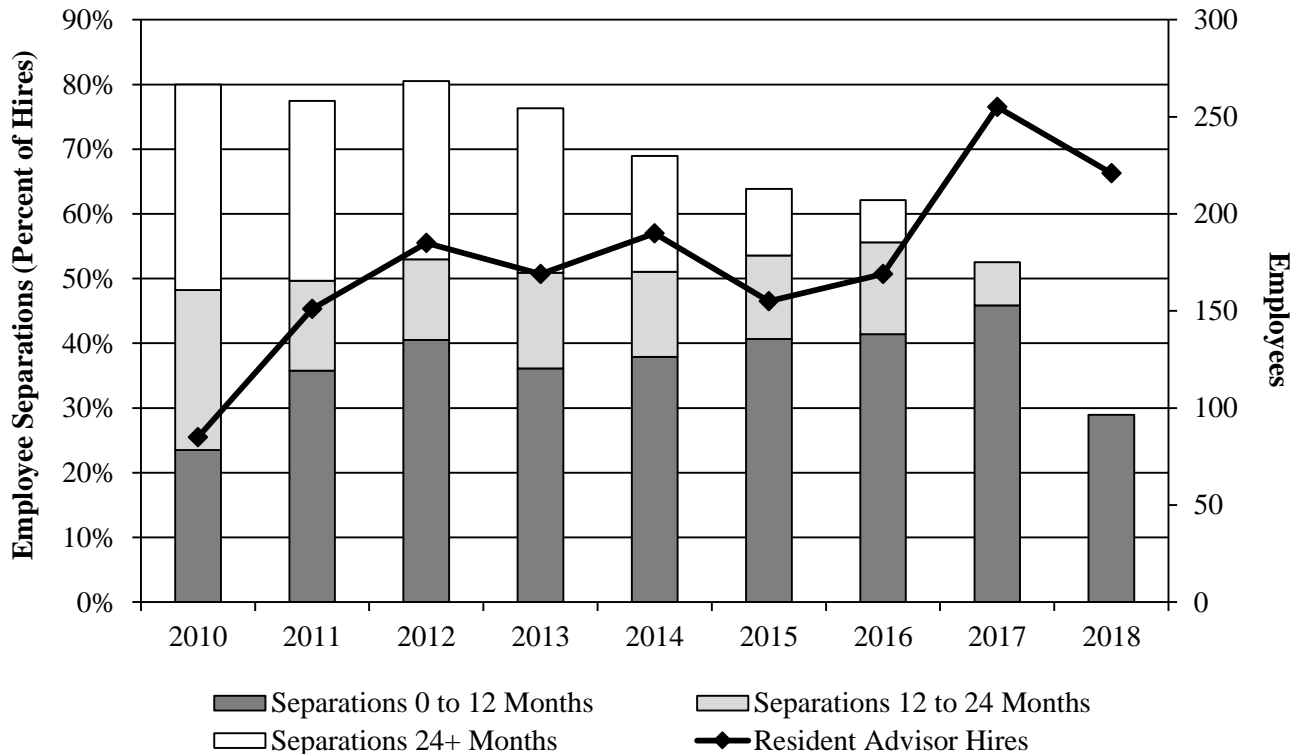
YTD: year to date

Note: Fiscal 2019 year-to-date reflects data available through November 2018.

Source: Department of Juvenile Services

The staffing data presented in **Exhibit 18**, which compares the number of resident advisor positions hired each year to the percent leaving DJS service within 12 and 24 months, further suggests that DJS is improving its staffing. Through improvements in advertising and outreach coupled with streamlining the hiring process, DJS has greatly improved its ability to recruit. Over the past decade, the number of new hires increased 160%. New resident advisor hiring peaked at 255 in fiscal 2017 but remained above average in 2018 as well. It appears that improving the compensation levels for direct care positions has had the desired impact on recruitment. DJS received funding to implement an increase to the base salaries for facility direct care staff in an effort to improve hiring and retention in fiscal 2015 and 2016. The resident advisor position base salary now starts at \$37,280.

**Exhibit 18
Direct Care Facility Staff
Employee Hires vs. Separations within 12 and 24 Months
Fiscal 2010-2018**



Source: Department of Juvenile Services

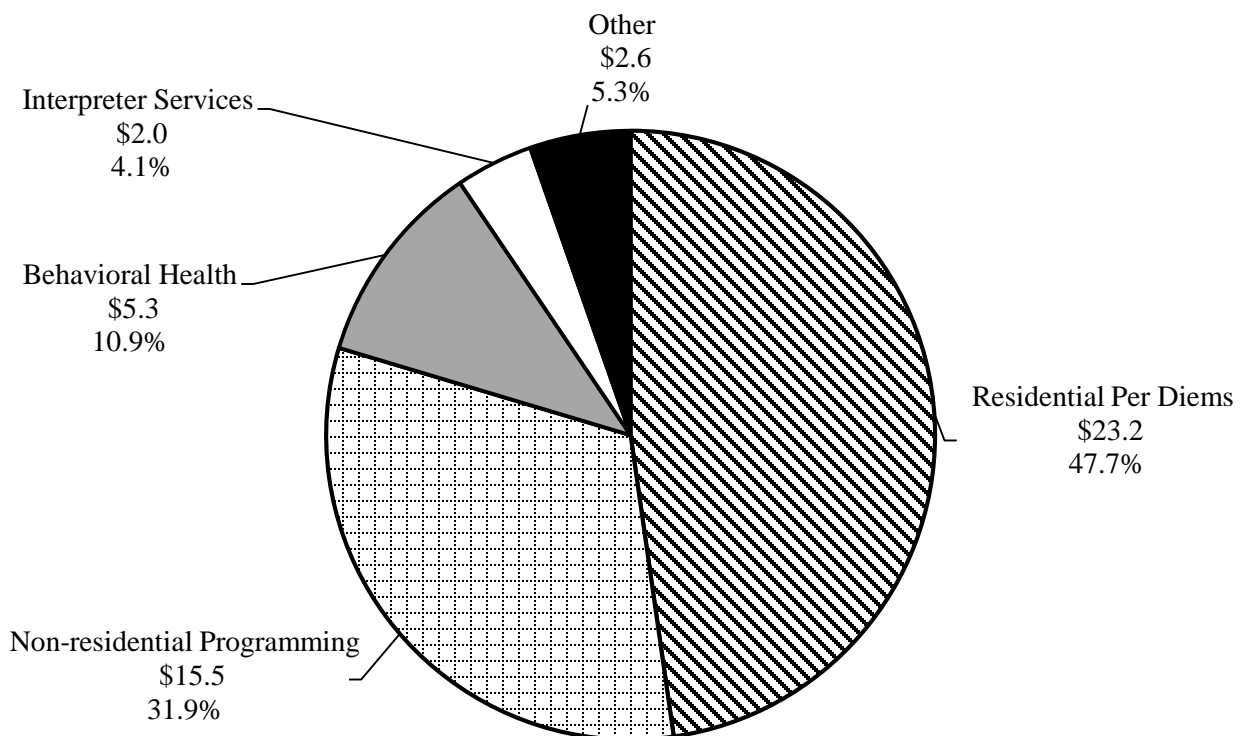
Of ongoing concern is the department’s ability to retain new employees. On average, since fiscal 2010, 37% of new hires left DJS employment within one year of being hired. Fiscal 2017 saw the highest percentage in the past eight years, with 46% of employees leaving within 12 months. Of the 85 people hired in fiscal 2010, only 20% are still employed by the department. **With the improvements in hiring, DJS should comment on what is now being done to improve retention among direct care staff.**

Programmatic and Population Driven Changes

As shown in Exhibit 15, a considerable portion of the department’s operating budget is dedicated to the provision of programming and services provided to youth through private vendors. The fiscal 2020 allowance provides \$48.5 million for these contracts, primarily with general funds. **Exhibit 19** provides additional detail on how those services are accounted for in the budget. Funding

for contractual services outside of residential per diems accounts for approximately 52%, or \$25.4 million, of the total programming budget. All of these areas experience a decrease in funding in fiscal 2020, primarily due to anticipated population declines and budgeted amounts based on prior year actual expenditures.

Exhibit 19
Department of Juvenile Services
Programmatic Spending by Type
Fiscal 2020 Allowance
(\$ in Millions)

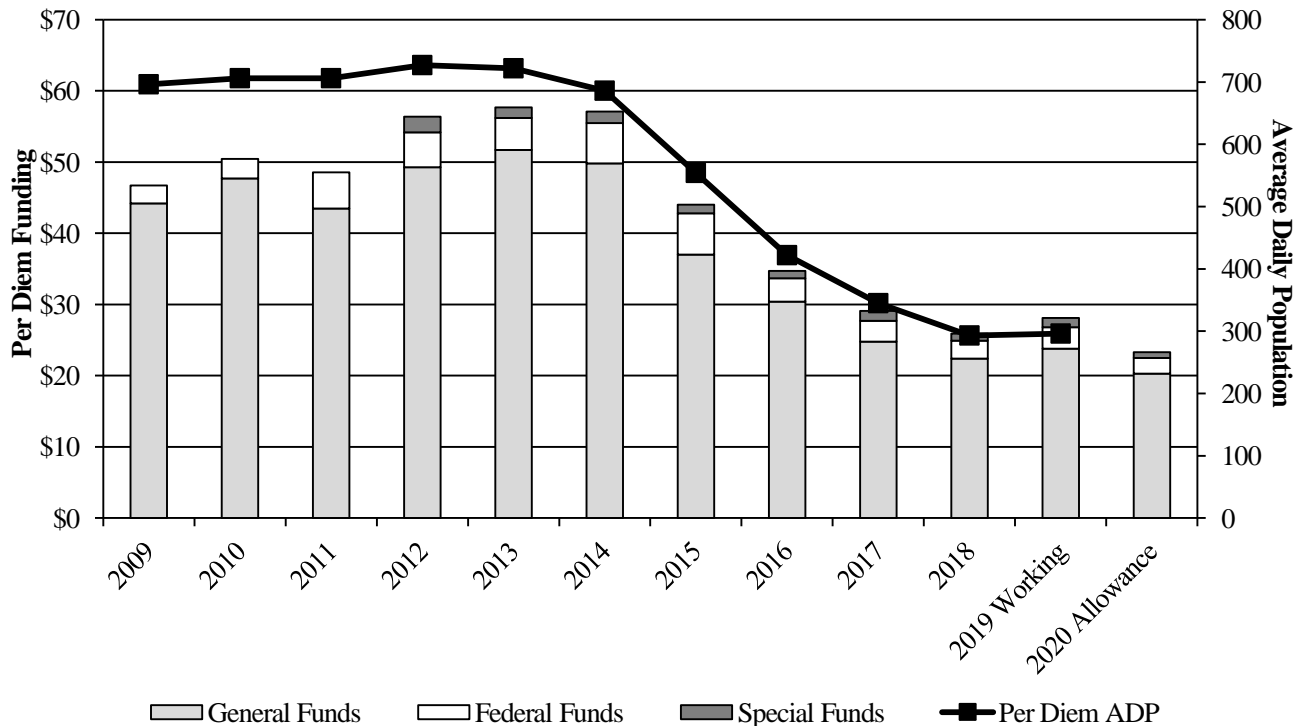


Source: Governor’s Fiscal 2020 Budget Books; Department of Juvenile Services

Nearly half of the funding for programming and services contracts supports residential per diem costs, including education expenses. Residential per diems actually represent the largest funding decrease in the allowance, as the population of youth in committed out-of-home care continues to decline. The fiscal 2020 allowance for these per diems is based on a budgeted ADP of 226 youth, compared to 245 youth in fiscal 2019. Budgeted ADP does differ from the reported facility ADP discussed earlier in this analysis but still provides an appropriate point of reference as to funding trends and requirements.

Exhibit 20 illustrates how funding for residential per diems has changed since fiscal 2009, particularly noting the nearly 60% reduction since fiscal 2013, as the actual population of youth in out-of-home private placements decreased by over 425 youth. The \$23.2 million included in the allowance is budgeted relatively in line with the \$25.8 million actually spent in fiscal 2018 but does assume some continued decline in the population. The allowance for residential per diems is approximately \$4.8 million below the fiscal 2019 working appropriation. In recent years, DJS has reverted sizable amounts of funding budgeted for per diems at the close of the fiscal year. Assuming that there are no unforeseen increases in the committed population, it is likely that the department will again have \$3 million to \$5 million available for reversion at the close of fiscal 2019. It does not appear that that will be as likely at the close of fiscal 2020, as the rate of decline appears to be slowing and the allowance is budgeted below the most recent actual spending.

Exhibit 20
Department of Juvenile Services
Residential Per Diem Funding and Population Trends
Fiscal 2009-2020
(\$ in Millions)



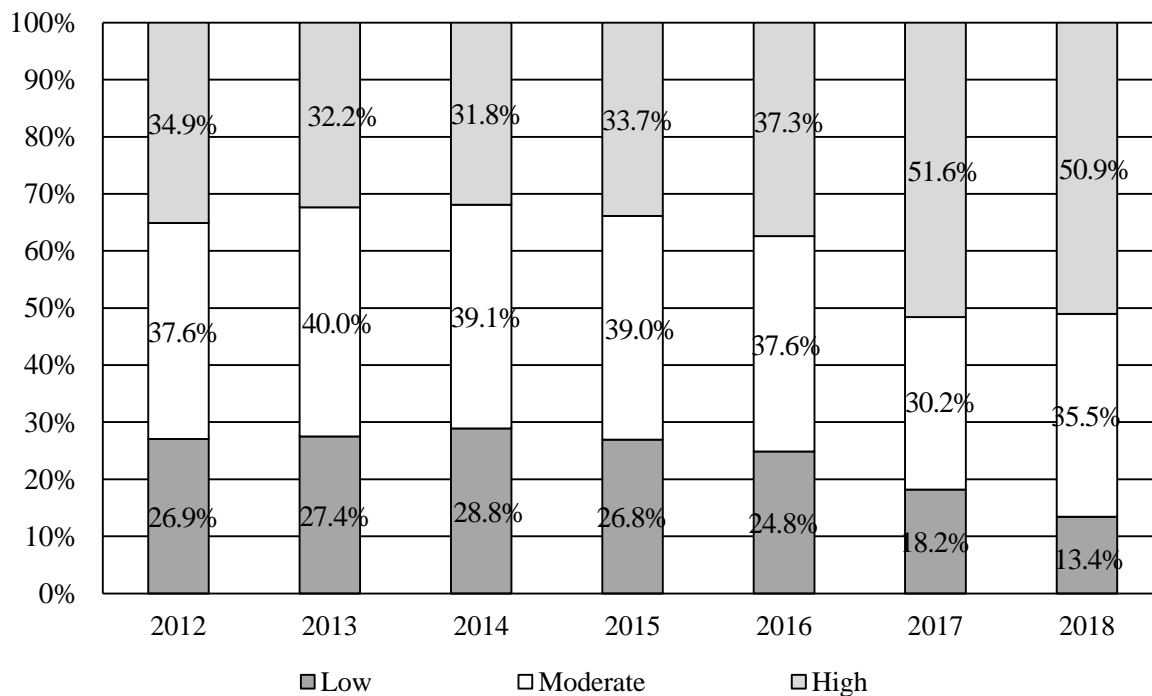
Source: Department of Juvenile Services

Issues

1. As the Proportion of Higher Risk Youth Involved in the Juvenile Justice System Increases, so Do the Number of Incidences at DJS Facilities

As shown in the previously discussed population analysis, youth in the juvenile justice system are becoming increasingly more violent. **Exhibit 21** illustrates how the proportion of newly committed youth who were identified as low risk by the department’s validated risk assessment tool decreased by half between fiscal 2012 and 2018, from 26.9 to 13.4%. At the same time, the percent identified as high risk increased from 34.9 to 50.9%. This is resulting in a shift in the population of youth managed within the department’s facilities and is raising some safety and security concerns.

Exhibit 21
Department of Juvenile Services
New Commitments by Assessed MCASP Risk Level
Fiscal 2012-2018

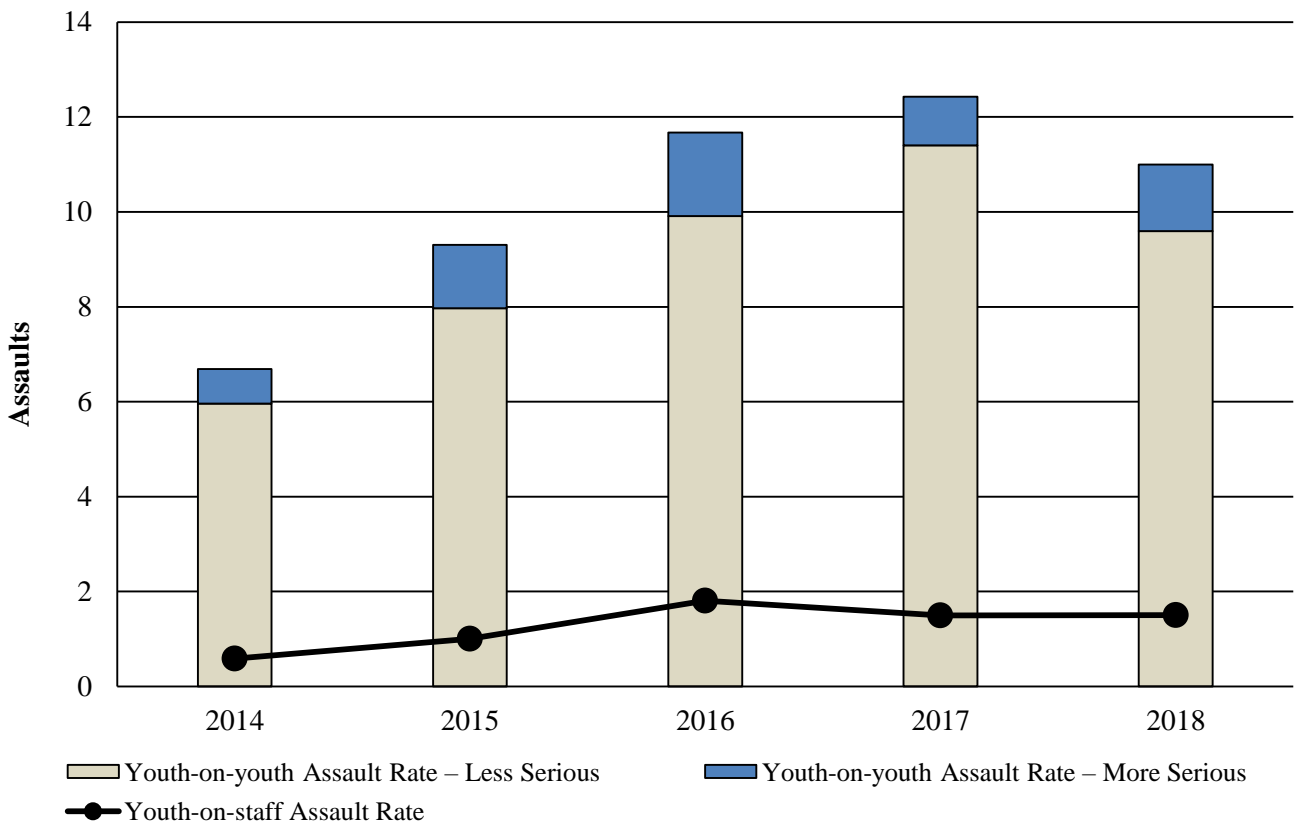


MCASP: Maryland Comprehensive Assessment and Treatment Planning

Source: Department of Juvenile Services

Exhibit 22 compares the average quarterly rate of assault per 100 youth for assaults on youth and staff. The youth-on-staff assault rate more than doubled between fiscal 2014 and 2016 and has held steady at a rate of 1.5 assaults per quarter for both fiscal 2017 and 2018. While the majority of youth-on-youth assaults are of a less serious nature, requiring on-grounds medical treatment, the frequency of both more and less serious assaults has increased over the past five years. The more serious assault rate more than doubled to a quarterly rate of 1.8 assaults per 100 youth in fiscal 2016 and has since declined slightly to a rate of 1.4 assaults. This is still well above the 0.7 assault rate from fiscal 2014. The less serious assault rate experienced a similar trend, increasing from an average quarterly rate of 6.0 assaults in fiscal 2012 to 11.4 assaults in fiscal 2017, before declining to 9.6 assaults per quarter in fiscal 2018.

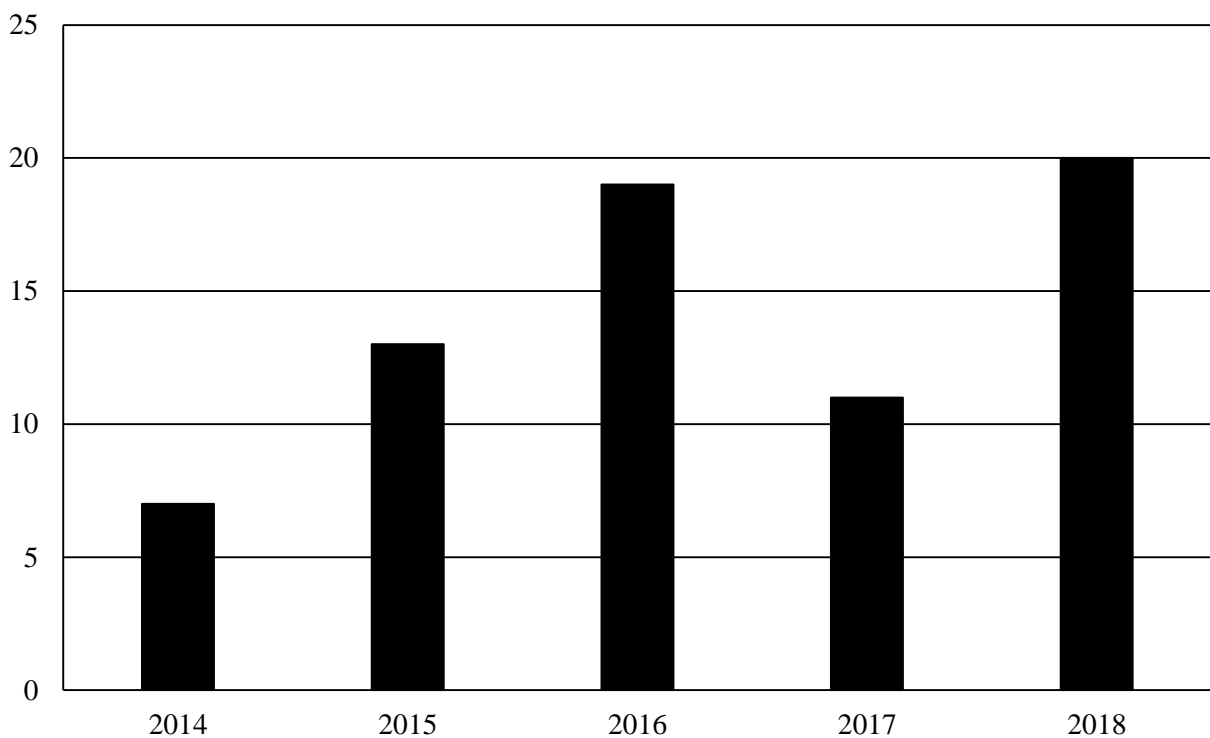
Exhibit 22
Department of Juvenile Services
Average Quarterly Assault Rates
Fiscal 2014-2018



Source: Department of Juvenile Services

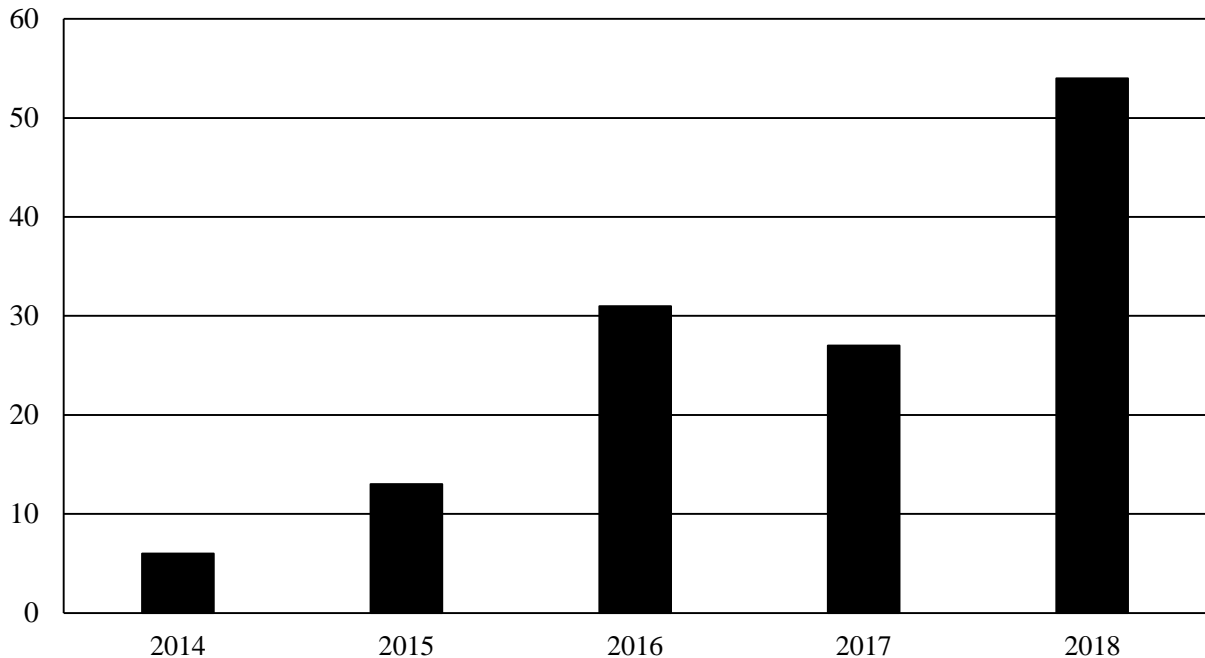
Exhibits 23 and 24 show how the department has also experienced an increase in the number of group disturbances within DJS facilities and in the number of youth who escape. For both these measures, fiscal 2018 saw a significant increase over the prior year. Escapes increased from 11 to 20, the highest number in the five-year period shown in the exhibit. Group disturbances also doubled from the year prior, with 54 reported incidences.

Exhibit 23
Department of Juvenile Services
Youth Escapes from Facilities
Fiscal 2014-2018



Source: Department of Juvenile Services

Exhibit 24
Department of Juvenile Services
Group Disturbances in Facilities
Fiscal 2014-2018



Source: Department of Juvenile Services

The most significant group disturbance occurred in April 2018 at VCC, which required police intervention and resulted in several DJS staff requiring hospital transport and treatment. Immediately following the group disturbance, the department ejected several youth and halted new admissions in an effort to regain and maintain safety at the facility. Since then, new leadership has been established at the facility, and the department is in the process of retraining staff in program interventions that focus on developing positive relationships with youth, along with proper implementation of department policies and procedures to establish a more positive culture among youth and staff. As has been previously discussed, this incident had a notable impact on DJS operations and contributed to an increase in the pending placement and out-of-state committed populations.

DJS should provide observations on how the shift in risk level of the juvenile justice population is impacting facility operations and what the department is doing to manage a more violent population. Specifically, DJS should comment on the increased frequency of assaults, escapes, and group disturbances and what is being done to improve the safety and security of DJS staff, youth, and facilities. Finally, the department should brief the committees on the changes made at VCC and what has been done to ensure that a similar situation does not occur again at VCC or any other facility.

2. DJS Receives No Capital Funding in Fiscal 2020 Budget

For the second year in a row, the Governor’s capital budget provides no funding for DJS capital projects. Although the fiscal 2020 *Capital Improvement Program* (CIP) plans funding for six different projects over the next five years, three of the projects that had anticipated funding in fiscal 2020 are either delayed or deleted from the CIP. **Exhibit 25** provides detail on the proposed capital funding for the department through fiscal 2024.

Exhibit 25
Department of Juvenile Services
Capital Improvement Program
Fiscal 2020-2024
(\$ in Millions)

Projects	Prior Auth.	2020 Request	2021 Est.	2022 Est.	2023 Est.	2024 Est.	Beyond CIP	Total Cost
New Female Detention Center	\$9.19	\$0.00	\$19.36	\$30.68	\$8.52	\$0.00	\$0.00	\$67.75
BCJJC Education Expansion	0.76	0.00	7.41	0.00	0.00	0.00	0.00	8.17
Hickey School Detention Center Replacement	0.00	0.00	2.90	3.55	14.69	25.71	41.52	88.37
Hickey School Combined Services Building					1.07	10.00	9.58	20.65
CYDC Combined Services Building					1.05	8.53	8.31	17.89
Noyes Children Center Replacement						2.60	76.52	79.12
Total	\$9.95	\$0.00	\$29.67	\$34.23	\$25.33	\$46.84	\$135.94	\$281.96
Fund Source								
GO Bonds	\$9.95	\$0.00	\$29.67	\$34.23	\$25.33	\$46.84	\$135.94	\$281.96

BCJJC: Baltimore City Juvenile Justice Center
 CIP: *Capital Improvement Program*
 CYDC: Cheltenham Youth Detention Center
 GO: general obligation

Source: Governor’s Fiscal 2020 *Capital Improvement Program*

Projects Not Funded in Fiscal 2020

The fiscal 2019 CIP had planned to fund three projects in fiscal 2020. Continued funding for a new female detention center on the grounds of the former Thomas O’Farrell Center and a renovation of the Baltimore City Juvenile Justice Center to expand space used for providing education services is delayed in the fiscal 2020 CIP by one year. These projects are both struggling to get beyond the design phase, thus resulting in delays in the need for construction funds. The third project, to replace existing facilities at the Meadow Mountain Youth Center, has been deleted from the CIP entirely while DJS reconsiders the scope and justification for the project.

New Female Detention Center

DJS initially received over \$20 million in prior general obligation (GO) bond authorizations to design and construct a new 48-bed female detention center in Carroll County in order to consolidate female detention services from the Alfred D. Noyes Children’s Center in Montgomery County and the Thomas J.S. Waxter Center in Anne Arundel County. The current female detention facilities have severe programmatic and security deficiencies and renovation would not be economical. A replacement for the entire Noyes facility is actually programmed in the out-years of the fiscal 2020 CIP. The new detention center will include space for youth housing, health, food service, education, and recreation. In addition, the project includes design and construction of water and sewer utilities provided by the Maryland Environmental Service (MES) through a separate capital project.

The total cost of the project is \$67.8 million, an increase of approximately \$7.0 million from when the project was first funded in fiscal 2014. This does not include any funding authorized to MES for the water and sewer utilities project. Although nearly \$20.2 million had been previously authorized for the project, current authorizations only total \$9.2 million, as funds have been reduced in recent years due to significant delays in obtaining property easements necessary to provide water and sewer utilities to the facility. DJS has continued working with the Department of General Services (DGS) and MES to provide the necessary connections; however, concerns raised by the property owners are still being addressed, essentially bringing the project to a standstill until a resolution is achieved. Little progress has been made on the project, although the DJS did fund the demolition of the remaining O’Farrell Center structures due to a fire at the facility in May 2018.

Baltimore City Juvenile Justice Center (BCJJC) Education Expansion

Serious education space deficiencies within BCJJC have resulted in the use of the staff break room, visitation room, records storage room, and a bulk storage room to provide education services. The existing facility is too small and improperly configured to comply with Maryland State Department of Education regulations. The fiscal 2019 CIP had initially anticipated approximately \$1.6 million in GO bonds in fiscal 2020 to begin construction on the renovation of the second floor of the facility to expand educational programming space. Several changes to the project design have resulted in delays in the design schedule. The fiscal 2020 CIP pushes construction funding for the entire project to fiscal 2021, estimating that DJS will need \$7.2 million for construction and approximately \$184,000 for equipment. A total of \$758,000 had previously been authorized for design. The total estimated cost

of the project is \$8.2 million, a \$1.2 million increase from the fiscal 2019 CIP but a \$4 million decrease from the original project proposal.

The design of this project has gone through many iterations since it was first proposed by the department as a new three-story building located across the street from the existing facility, connected by a pedestrian walkway above street level. The most recent design change, contributing to the funding delays to fiscal 2021, is the recently identified need for an emergency evacuation site to assemble staff and youth in the event of an emergency situation requiring offsite transport. This is now being located in a place that had previously been planned for a 15 to 20 space parking lot. The current timeline for this project is to begin construction in February 2020, with anticipated project completion by February 2021.

Funding Facility Improvements through the Operating Budget

During the 2018 session, it was noted that DJS had been utilizing operating budget savings generated from lower than anticipated populations to fund significant improvements to its facilities outside of the capital budget or the DJS Facilities Renewal program. Most notably, approximately \$4.5 million was spent between fiscal 2016 and 2018 to upgrade SMYC to a hardware secure facility. The scope of the project included a new fence, gatehouse, intrusion system, electrical upgrade, putting down blacktop around the campus, and replacing the heating and air conditioning in the gym. Due to the construction at the facility, the center was closed to all youth from September 2017 to December 2018. In addition, following the group disturbance at VCC in April 2018, DJS funded the construction of a new administration building in order to locate facility management closer to youth and staff. Although the cost of this project was less than \$300,000 total and may be warranted, it still represents a significant and unplanned modification to the department's building complement.

In response to a 2018 *Joint Chairmen's Report* request, DJS was asked to identify any capital needs not addressed through the department's Facility Master Plan (FMP), along with any facility renewal and lifecycle management projects. The report submitted by the department in September 2018 indicated that the current FMP was adequate and the department could not identify any specific capital improvement needs beyond the facilities renewal request developed in conjunction with DGS. The fiscal 2020 operating budget includes \$1.5 million for routine maintenance, which is approximately \$300,000 higher than the fiscal 2019 working appropriation. DJS has indicated that this increase is the result of the general aging of its facilities and does not reflect any special capital projects. Approximately \$2.5 million was spent in fiscal 2018, largely because of the aforementioned and unplanned projects at SMYC and VCC.

DJS should provide the committees with an update on its capital program, including progress made on the two projects not receiving funding in the capital budget. The department should also be prepared to discuss how upgrading SMYC to a hardware secure facility and the construction of the new administration building at VCC will improve operations at those facilities and management of the committed population throughout the department.

Operating Budget Recommended Actions

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

, provided that \$100,000 of this appropriation made for the purpose of providing administrative support may not be expended until the Department of Juvenile Services (DJS) submits a performance measure and outcomes analysis to the budget committees for youth who participate in alternatives to detention (ATD) and other diversion programs intended to avoid the need for out-of-home placements for DJS involved youth. The analysis should specifically evaluate all existing diversion programs, providing measurable data to determine whether participation in those programs is successful. The report should also evaluate how the disposition, treatment, and recidivism outcomes for youth who participate in ATD programming compare with those placed in secure detention. The report shall be submitted by December 30, 2019, 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: Despite increased attention given to enhancing the use of diversion programs, the proportion of youth placed in alternatives to detention (ATD) is decreasing. Compared to fiscal 2015, the percentage of youth placed in ATD programs instead of secure detention has decreased from 65 to 59% in fiscal 2018. The Department of Juvenile Services (DJS) currently does not report any data to indicate how outcomes for youth who participate in these programs compare to youth held in secure detention. This language restricts funds in the fiscal 2020 budget until the department submits such an evaluation.

Information Request	Author	Due Date
Alternative to detention performance report	DJS	December 30, 2019

V00A – Department of Juvenile Services

Appendix 1
Current and Prior Year Budgets
Department of Juvenile Services
(\$ in Thousands)

	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>Reimb.</u> <u>Fund</u>	<u>Total</u>
Fiscal 2018					
Legislative Appropriation	\$272,907	\$3,239	\$4,821	\$234	\$281,201
Deficiency/Withdrawn Appropriation	-1,989	0	-33	0	-2,023
Cost Containment	-4,501	0	0	0	-4,501
Budget Amendments	-31	35	0	0	4
Reversions and Cancellations	-8,388	-9	-189	-217	-8,802
Actual Expenditures	\$257,998	\$3,265	\$4,599	\$18	\$265,880
Fiscal 2019					
Legislative Appropriation	\$262,527	\$3,616	\$5,306	\$45	\$271,495
Budget Amendments	1,676	0	10	0	1,687
Working Appropriation	\$264,203	\$3,616	\$5,316	\$45	\$273,181

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. Numbers may not sum to total due to rounding.

Fiscal 2018

In fiscal 2018, the Department of Juvenile Services (DJS) spent a total of \$265.9 million, reflecting a reduction of approximately 5.4%, or \$15.3 million, from the legislative appropriation.

General fund spending totaled nearly \$258.0 million, accounting for 97% of total spending. Although the department received a deficiency appropriation increasing general funds by \$516,251 to reflect the realignment of information technology positions, total general fund spending in fiscal 2018 was actually \$14.9 million less than the legislative appropriation. This was primarily due to a \$4.5 million cost containment reduction to better align per diem payments with actual population demands, a net \$2.5 million reduction in funding for health insurance based on actual spending, and nearly \$8.4 million in reverted funds. DJS reverted general funds at the close of the fiscal year primarily due to a higher than budgeted vacancy rate and lower than anticipated populations, resulting in the need for less spending on contractual programming for residential and nonresidential services.

Special, federal, and reimbursable fund spending at the close of the fiscal year was largely in line with the legislative appropriation. Special funds increased by \$35,000 to recognize additional revenues received from local education agencies. Federal funds were reduced slightly via a withdrawn appropriation reducing health insurance funds by \$33,000 to better align with actual spending. At the close of the fiscal year, the agency canceled approximately \$9,000 in unused special funds from a grant for the Green Cadet Job Readiness program, \$189,000 in federal funds for Americans with Disabilities Amendments Act compliance, and \$217,000 in reimbursable funds due to reduced grant expenditures.

Fiscal 2019

The fiscal 2019 working appropriation reflects an increase of approximately \$1.7 million above the legislative appropriation. This increase is attributable to two budget amendments that allocate \$1.2 million in general funds and \$10,224 in federal funds for the fiscal 2019 cost-of-living increase and transfer \$473,274 in general funds from the Reserve Fund to provide DJS with funding for a 3% provider rate increase.

**Appendix 2
Object/Fund Difference Report
Department of Juvenile Services**

<u>Object/Fund</u>	<u>FY 18 Actual</u>	<u>FY 19 Working Appropriation</u>	<u>FY 20 Allowance</u>	<u>FY 19 - FY 20 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1,987.05	1,987.05	1,987.05	0.00	0%
02 Contractual	215.38	147.50	130.00	-17.50	-11.9%
Total Positions	2,202.43	2,134.55	2,117.05	-17.50	-0.8%
Objects					
01 Salaries and Wages	\$ 163,286,429	\$ 170,575,930	\$ 171,598,006	\$ 1,022,076	0.6%
02 Technical and Spec. Fees	8,115,620	6,237,514	5,793,584	-443,930	-7.1%
03 Communication	2,326,795	2,134,307	1,289,297	-845,010	-39.6%
04 Travel	979,407	783,337	933,805	150,468	19.2%
06 Fuel and Utilities	4,713,925	4,921,355	5,045,078	123,723	2.5%
07 Motor Vehicles	1,803,636	1,470,510	1,578,493	107,983	7.3%
08 Contractual Services	67,195,749	72,604,765	67,774,481	-4,830,284	-6.7%
09 Supplies and Materials	6,126,122	6,709,459	6,358,493	-350,966	-5.2%
10 Equipment – Replacement	550,211	668,898	289,778	-379,120	-56.7%
11 Equipment – Additional	568,245	110,600	164,339	53,739	48.6%
12 Grants, Subsidies, and Contributions	2,960,442	2,765,362	2,734,565	-30,797	-1.1%
13 Fixed Charges	3,867,102	3,911,506	4,131,573	220,067	5.6%
14 Land and Structures	3,386,643	287,520	143,760	-143,760	-50.0%
Total Objects	\$ 265,880,326	\$ 273,181,063	\$ 267,835,252	-\$ 5,345,811	-2.0%
Funds					
01 General Fund	\$ 257,998,145	\$ 264,203,207	\$ 260,300,570	-\$ 3,902,637	-1.5%
03 Special Fund	3,265,238	3,616,109	3,039,551	-576,558	-15.9%
05 Federal Fund	4,599,376	5,316,490	4,495,131	-821,359	-15.4%
09 Reimbursable Fund	17,567	45,257	0	-45,257	-100.0%
Total Funds	\$ 265,880,326	\$ 273,181,063	\$ 267,835,252	-\$ 5,345,811	-2.0%

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.

**Appendix 3
Fiscal Summary
Department of Juvenile Services**

<u>Program/Unit</u>	<u>FY 18 Actual</u>	<u>FY 19 Wrk Approp</u>	<u>FY 20 Allowance</u>	<u>Change</u>	<u>FY 19 - FY 20 % Change</u>
01 Office of the Secretary	\$ 4,327,885	\$ 4,060,585	\$ 4,275,151	\$ 214,566	5.3%
02 Departmental Support	24,977,037	24,836,648	28,180,796	3,344,148	13.5%
01 Residential Operations	5,425,691	5,558,302	5,554,876	-3,426	-0.1%
01 Baltimore City Region Operations	52,723,810	54,594,772	52,695,487	-1,899,285	-3.5%
01 Central Region Operations	35,556,792	35,686,425	34,701,756	-984,669	-2.8%
01 Western Region Operations	52,330,692	49,637,970	50,124,676	486,706	1.0%
01 Eastern Region Operations	18,883,469	20,140,825	19,585,454	-555,371	-2.8%
01 Southern Region Operations	21,720,172	23,947,142	21,881,335	-2,065,807	-8.6%
01 Metro Region Operations	49,934,778	54,718,394	50,835,721	-3,882,673	-7.1%
Total Expenditures	\$ 265,880,326	\$ 273,181,063	\$ 267,835,252	-\$ 5,345,811	-2.0%
General Fund	\$ 257,998,145	\$ 264,203,207	\$ 260,300,570	-\$ 3,902,637	-1.5%
Special Fund	3,265,238	3,616,109	3,039,551	-576,558	-15.9%
Federal Fund	4,599,376	5,316,490	4,495,131	-821,359	-15.4%
Total Appropriations	\$ 265,862,759	\$ 273,135,806	\$ 267,835,252	-\$ 5,300,554	-1.9%
Reimbursable Fund	\$ 17,567	\$ 45,257	\$ 0	-\$ 45,257	-100.0%
Total Funds	\$ 265,880,326	\$ 273,181,063	\$ 267,835,252	-\$ 5,345,811	-2.0%

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases..