

Boyd K. Rutherford  
Lt. GovernorLarry Hogan  
GovernorSam Abed  
Secretary

**Date:** March 2, 2022  
**Bill # / Title:** SB 705 Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training  
**Position:** Letter of Information

The Department of Juvenile Services (DJS or department) is providing information on SB 705, and supports the Sponsor's amendment.

In 2021, the Maryland General Assembly passed legislation (SB0497/CH0147)<sup>1</sup> that established the Juvenile Services Education Program (JSEP) board. On July 1, 2022, the JSEP will oversee and provide educational programming to all juveniles placed in DJS-operated detention and residential facilities.

### **Unique safety risks exist within DJS detention and residential settings that distinguish the Juvenile Services Education Program from other public agencies and nonpublic schools.**

The 2017 Task Force on Restraint and Seclusion<sup>2</sup>, which informed many of the changes contained in SB 705, did not contemplate the security considerations of DJS detention and residential programs, including the need to prevent escapes. As a public safety agency, DJS must prioritize the safety and security of our facilities, the public, and the young people within our care.

### **Safeguards are currently in place, including multiple reporting requirements and independent oversight of restraint and seclusion practices occurring in DJS-operated facilities.**

- ✓ Extensive Monitoring and Reporting of DJS use of seclusion and restraints:
  - Juvenile Justice Monitoring Unit (JJMU) monitors all DJS facilities and issues quarterly reports, which contain detailed information on incidents of both restraint and seclusion in each DJS facility.
  - The DJS Performance Report<sup>3</sup>, posted on the website, reports the utilization of all DJS initiatives, including the use of time out period and restraints.
  - Amendments in HB0139<sup>4</sup> - Correctional Education - Juvenile Services Education Program and Correction Education Teachers require JSEP to report on the use of seclusion and restraints.

The proposed amendment maintains the safety and security of detention and committed facilities, while ensuring all reporting regarding utilization is shared with the State Board.

### **Amendment**

On page 3, after line 12 insert:

**“(A) THIS SECTION DOES NOT APPLY TO THE JUVENILE SERVICES EDUCATION PROGRAM.”;**

in lines 13, 15, and 22, strike **“(A)”**, **“(B)”**, and **“(C)”**, respectively, and substitute **“(B)”**, **“(C)”**, and **“(D)”**, respectively; and in line 29 strike **“(D)”** and substitute **“(E)”**.

On page 5, in line 1, strike **“(D)”** and substitute **“(E)”**.

<sup>1</sup> <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0497/?ys=2021rs>

<sup>2</sup> <https://marylandpublicschools.org/programs/Pages/TFRS/index.aspx>

<sup>3</sup> <https://djs.maryland.gov/Documents/publications/DJS-Performance-Report-December-2021.pdf>

<sup>4</sup> <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0139>