

V10A
Department of Juvenile Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 07</u> <u>Actual</u>	<u>FY 08</u> <u>Working</u>	<u>FY 09</u> <u>Allowance</u>	<u>FY 08-09</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$238,520	\$232,691	\$265,499	\$32,808	14.1%
Special Fund	4,143	337	203	-134	-39.7%
Federal Fund	10,529	14,737	11,689	-3,048	-20.7%
Reimbursable Fund	<u>3,262</u>	<u>449</u>	<u>449</u>	<u>0</u>	<u>0.0%</u>
Total Funds	\$256,454	\$248,213	\$277,840	\$29,627	11.9%

- The fiscal 2009 budget includes just under \$27.1 million in general fund deficiencies primarily for per diem residential placements, overtime, and costs associated with the start-up and fiscal 2008 operation of Victor Cullen. Of this amount, just over \$8.8 million is attributable to fiscal 2007 general fund for payables rolled-over into fiscal 2008.
- The fiscal 2009 budget increases \$29.6 million (11.9%) over fiscal 2008. When adjusted for health insurance and Other Post Employment Benefits liability costs, this growth falls to \$13.3 million, or 5.6%. Other adjustments accounting for one-time costs and deficiencies moderate this growth still further.

Personnel Data

	<u>FY 07</u> <u>Actual</u>	<u>FY 08</u> <u>Working</u>	<u>FY 09</u> <u>Allowance</u>	<u>FY 08-09</u> <u>Change</u>
Regular Positions	2,079.85	2,236.85	2,296.65	59.80
Contractual FTEs	<u>121.37</u>	<u>210.75</u>	<u>109.25</u>	<u>-101.50</u>
Total Personnel	2,201.22	2,447.60	2,405.90	-41.70

Vacancy Data: Regular Positions

Turnover, Excluding New Positions	115.06	5.01%
Positions Vacant as of 12/31/07	166.15	7.43%

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

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- The fiscal 2009 budget includes 75 full-time equivalent (FTE) new positions, all contractual conversions.
- Offsetting these new positions are 15.2 FTE position abolitions made by the Board of Public Works in January 2008 to reflect actions taken during the 2007 special session.

Analysis in Brief

Major Trends

Informal Supervision Caseload Falls in Fiscal 2007: Between fiscal 2006 and 2007, youth in pre-court supervision fell although there is some confusion as to the size of the fall.

Pending Placement: Youth pending placement (adjudicated delinquent and awaiting a committed placement) remain at the same level in the first half of fiscal 2008 as in fiscal 2007. However, the mix of pending placements is moving away from the use of secure detention.

Committed Residential Placements: The number of youth in committed residential placements appears to have stabilized, but out-of-state placements continue to rise reflecting gaps in in-state programming.

Issues

Facilities Master Plan: The current Administration is proposing an ambitious capital program. However, the Department of Juvenile Services (DJS) still has no approved facilities master plan. A revised facilities master plan has been submitted to the Department of Budget and Management but has not yet been submitted to the legislature. While there has long been agreement about the need to replace many of the department's antiquated facilities, how much capacity the department needs and the specific types of residential programming to be offered has yet to be fully articulated.

Bowling Brook Revisited: The status of DJS youth removed from Bowling Brook in January 2007 will be provided.

Recommended Actions

	<u>Funds</u>	<u>Positions</u>
1. Reduce funding for management studies.	\$ 250,000	
2. Reduce fiscal 2009 operating expenditures based on the availability of encumbered prior year funds.	750,000	

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3.	Reduce funding and delete positions at the Maryland Youth Residence Center.	1,000,000	28.0
4.	Delete funding for additional structured rehabilitative programming at the Hickey School and Cheltenham.	300,000	
5.	Reduce funding for the Global Positioning System initiative.	379,000	
6.	Delete funds for the expansion of Operation Safe Kids.	650,000	
	Total Reductions	\$ 3,329,000	28.0

Updates

Civil Rights of Institutionalized Person Act Investigations: Three DJS facilities are currently under the Civil Rights of Institutionalized Person Act (CRIPA) oversight: Hickey School, Cheltenham, and Baltimore City Juvenile Justice Center. Progress is being made at each facility, and the department anticipates that all facilities will be free of CRIPA oversight effective July 1, 2008.

Gang Prevention Funding: The fiscal 2007 operating and capital budgets provided just under \$4.7 million in funding for gang prevention grants. To date, just under \$4.0 million has been approved for award by the Legislative Policy Committee.

Joint Chairmen’s Report Request Status: At the time of writing, the department had yet to submit any of the reports requested in the 2007 *Joint Chairmen’s Report*.

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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 and Restorative Services Operations.

The Leadership Support area is essentially headquarters operations that provide guidance and centralized services to the other part of the agency. It consists of two areas:

- **Office of the Secretary;** and
- **Departmental Support** which includes such functions as human resources, capital planning, property management, procurement, information technology (IT), professional development and training; and professional responsibility and accountability (for example, audits, professional standards, and quality assurance).

The Restorative Services Operations area consists of programs delivering services to youth:

- **Health Services** which both provides and oversees the delivery of somatic and mental health, substance abuse, and nutrition services to DJS youth;
- **Residential Operations**, including private and State residential facilities as well as related services; and
- **Community Services Supervision**, including intake, probation, aftercare, and community detention utilizing a regional configuration with field offices throughout the State.

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

Maryland Juvenile Arrest Data

Exhibit 1 presents certain Maryland juvenile arrest data for calendar 2002 through 2006. The data uses distinctions found in the *Uniform Crime Reports*. Part 1 arrests are those for murder, manslaughter, rape, robbery, felonious assault, breaking or entering, larceny-theft, motor vehicle theft, and arson. Part 2 arrests are all other arrests and include such things as vandalism, drug abuse violations, weapons offenses, and fraud. The exhibit also distinguishes Part 1 arrests between violent and serious property crimes.

**Exhibit 1
Juvenile Arrest Data (Age 10 through 17) – Maryland
Calendar 2002-2006**

	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>Annual % Change 2002-06</u>	<u>Annual % Change 2005-06</u>
Total Arrests	46,503	50,741	51,649	49,849	50,153	1.9%	0.6%
Arrest Rate	7,301	7,886	8,027	7,779	7,922	2.1%	1.8%
Part 1 Arrests	14,526	15,582	15,910	15,036	15,764	2.1%	4.8%
Part 1 Arrest Rate	2,281	2,422	2,473	2,347	2,490	2.2%	6.1%
Part 1 Arrests:							
a. Violent Crimes	3,081	3,199	3,285	3,213	3,732	4.9%	16.2%
Violent Crime Rate	484	497	511	501	590	5.1%	17.6%
b. Property Crimes	11,445	12,383	12,625	11,823	12,032	1.3%	1.8%
Property Crime Rate	1,797	1,924	1,962	1,845	1,901	1.4%	3.0%
Part 2 Arrests	31,977	35,159	35,739	34,813	34,389	1.8%	-1.2%
Part 2 Arrest Rate	5,020	5,464	5,554	5,433	5,432	2.0%	0.0%

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

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

After seeing short-term (2004 through 2005) and long-term (2001 through 2005) trends improving, data for the period 2002 through 2006 is the reverse, with almost all trends worsening. While some explanation for this trend is the smaller age cohort in 2006, that is only part of the

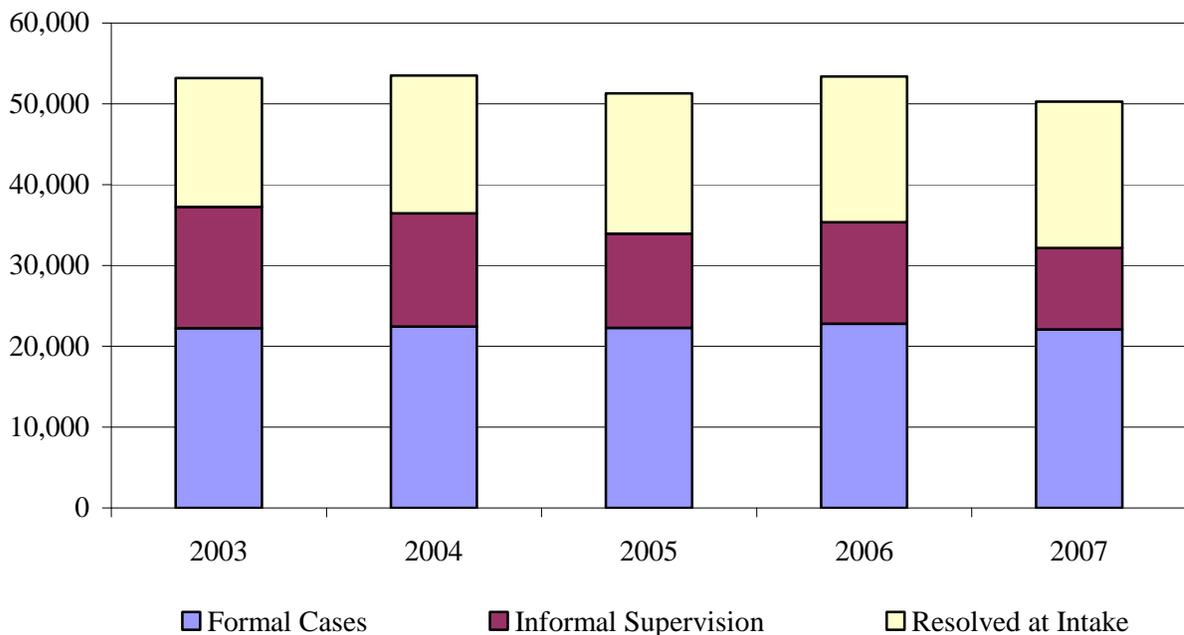
answer. Of particular note is the significant increase between 2005 and 2006 in violent crime. This increase is derived almost entirely from a sharp jump in arrests for robbery.

DJS Complaint Totals and Complaint Disposition

DJS handled 51,157 total complaints in fiscal 2007, of which DJS had jurisdiction in 50,310 cases, a decline of 6% over fiscal 2006. **Exhibit 2** provides details on disposition for those cases for which the complaint disposition was known:

- Formal cases, those complaints determined by an intake officer as requiring formal court action in order to protect the public and ensure offender accountability, are virtually unchanged over the five-year period, although they fell 3.2% between fiscal 2006 and 2007.

Exhibit 2
Department of Juvenile Services Complaint Disposition
Fiscal 2003-2007



Note: In fiscal 2003 through 2007, the Department of Juvenile Services (DJS) was not able to confirm the complaint disposition of 308, 192, 167, 126, and 23 complaints, respectively. Data are only for those cases in which DJS had jurisdiction.

Source: Department of Juvenile Services

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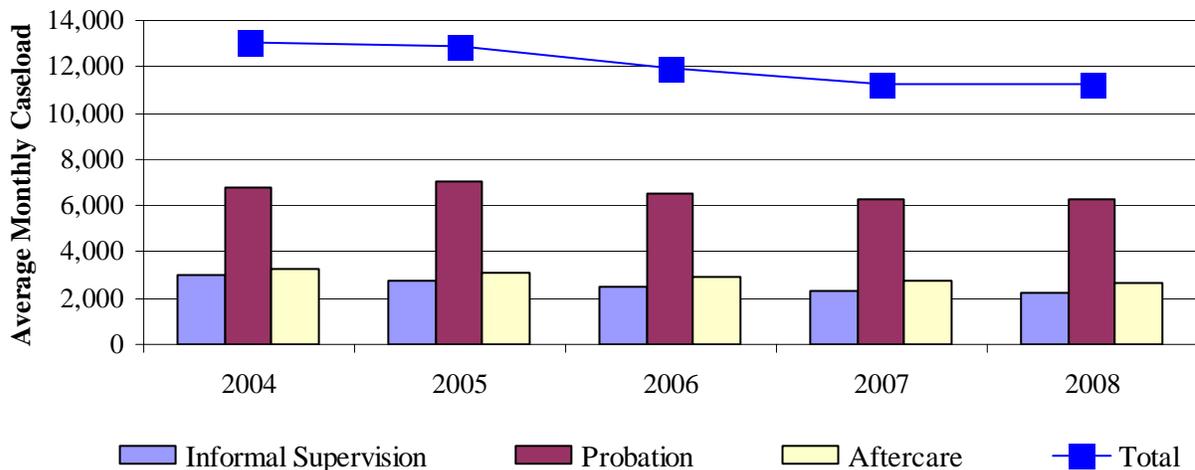
- Complaints resolved at intake, those complaints determined by an intake officer to require no further intervention by DJS or the court to protect the public or help the youth, remain relatively flat from fiscal 2006 to 2007.
- The trend in complaints resolved through informal supervision is marked with a 20% decline between fiscal 2006 and 2007. Informal supervision occurs when an intake officer determines that the youth, or the youth’s family, is required to seek assistance in preventing further legal violations, but where the youth does not require and/or may not benefit from judicial intervention or long-term formal supervision. The department is unsure if the degree of decline is as severe as shown in the data, citing discrepancies between this and another data source. However, both data sources do show a decrease in pre-court supervision.

Placement Trends

Non-residential Placement Trends

As shown in **Exhibit 3**, the average monthly caseload in informal supervision has fallen in recent years (consistent with the data shown in Exhibit 2). Probation (court-authorized supervision) and aftercare (post-residential placement programming) caseloads are also falling. The data from the first six months of fiscal 2008 point to some stabilization in terms of program utilization.

Exhibit 3
Department of Juvenile Services
Various Non-residential Placement Trends
Fiscal 2004-2008



Note: Fiscal 2008 data are through December 2007.

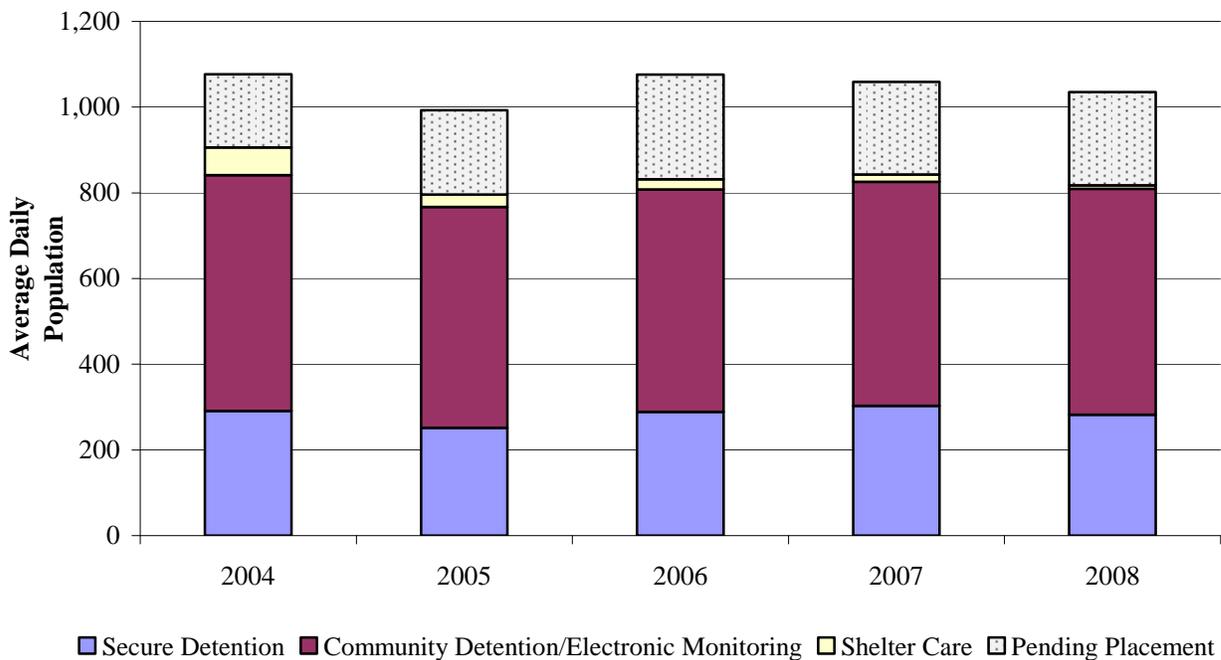
Source: Department of Juvenile Services; Department of Legislative Services

Pre-adjudication/Pending Placement Trends

Exhibit 4 details average daily population (ADP) trends for DJS’s more intensive pre-adjudication programs (including non-residential community detention/electronic monitoring) as well as the pending placement population (youth who have been adjudicated delinquent and are held in secure detention, community detention usually in combination with electronic monitoring, or shelter care pending a permanent committed placement). A number of points may be made from this chart:

- The utilization of secure detention through the first half of fiscal 2008 has declined by 7% over fiscal 2007. Utilization is generally flat between fiscal 2004 and 2008 to date.

**Exhibit 4
Various Pre-adjudication and Pending Placement Data
Fiscal 2004-2008**



Note: Fiscal 2008 data are through December 2007. Prior to fiscal 2005, shelter care data did not distinguish between pre-adjudication and pending placement status. Pending placement data can include placement in shelter care, community detention/electronic monitoring, or secure detention.

Source: Department of Juvenile Services; Department of Legislative Services

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- Shelter care utilization appears to fall sharply over the period under consideration. However, that is somewhat misleading, as prior to fiscal 2005, DJS did not distinguish its use of shelter care between pre-adjudication and pending placement. Now that distinction is made. Taken together, pre-adjudication and pending placement utilization of shelter care are actually increasing, particularly for youth pending placement.
- The use of community detention/electronic monitoring has shown little change in recent years, although the department has always trumpeted the success of the program. Interestingly, the department seems to be utilizing this type of programming more in recent months, and additional use of electronic monitoring (although with different technology and for a different population) is a fiscal 2009 initiative discussed further below.
- Pending placement trends in the first half of fiscal 2008 continue to be at the same level seen in fiscal 2007. As shown in **Exhibit 5**, pending placement numbers have fallen from the spike seen in fiscal 2006 due to fewer placements to residential per diem commitments through budget constraints and the closure of committed programming at the Hickey School. What is beginning to change in fiscal 2008 is the mix of pending placements, with fewer youth pending placement in secure detention and more in shelter care. Average-length-of-stay (ALOS) for youth in secure detention pending placement in fiscal 2007 (44 days) continues to be almost twice that of the 25 days that remains the articulated goal for ALOS. It remains to be seen how much difference a fully operational Victor Cullen will have on secure detention ALOS as programming at that facility is designed for youth with more complex needs, youth that are typically more difficult to place.

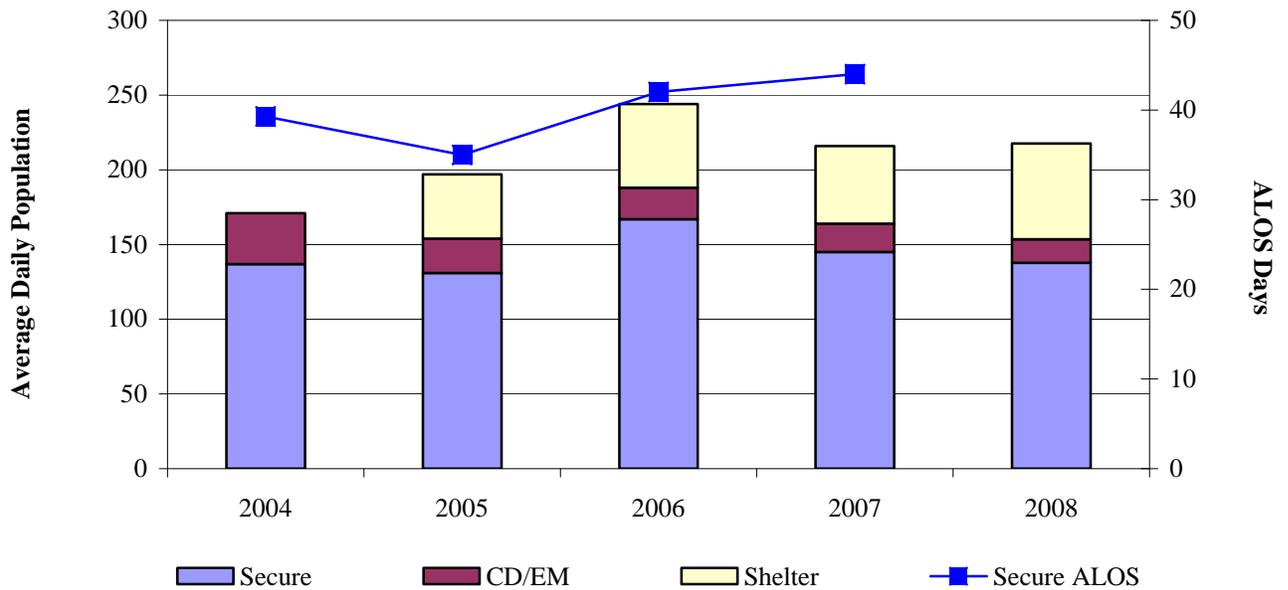
Committed Residential Population Trends

As shown in **Exhibit 6**, through the first half of fiscal 2008, the ADP of youth in committed residential programs is slightly lower than fiscal 2007 (just under 900 compared to 934). Certainly, ADP levels since fiscal 2006 appear to have stabilized at a level significantly lower than fiscal 2004 and 2005.

The exhibit also illustrates that in recent years there has been almost annual shifts in policy toward service delivery for this population.

- With the State takeover of programming at the Hickey School, only one major residential committed program is now operated by a private contractor at a State-owned facility – O’Farrell.
- The closure of the Hickey School committed programming is also evident in the fiscal 2006 and 2007 data with regard to State-run programming. However, between fiscal 2007 and 2008, the re-opening of Victor Cullen sees an up-tick in State-run programming.

**Exhibit 5
Department of Juvenile Services Pending Placement Population
Fiscal 2004-2008**

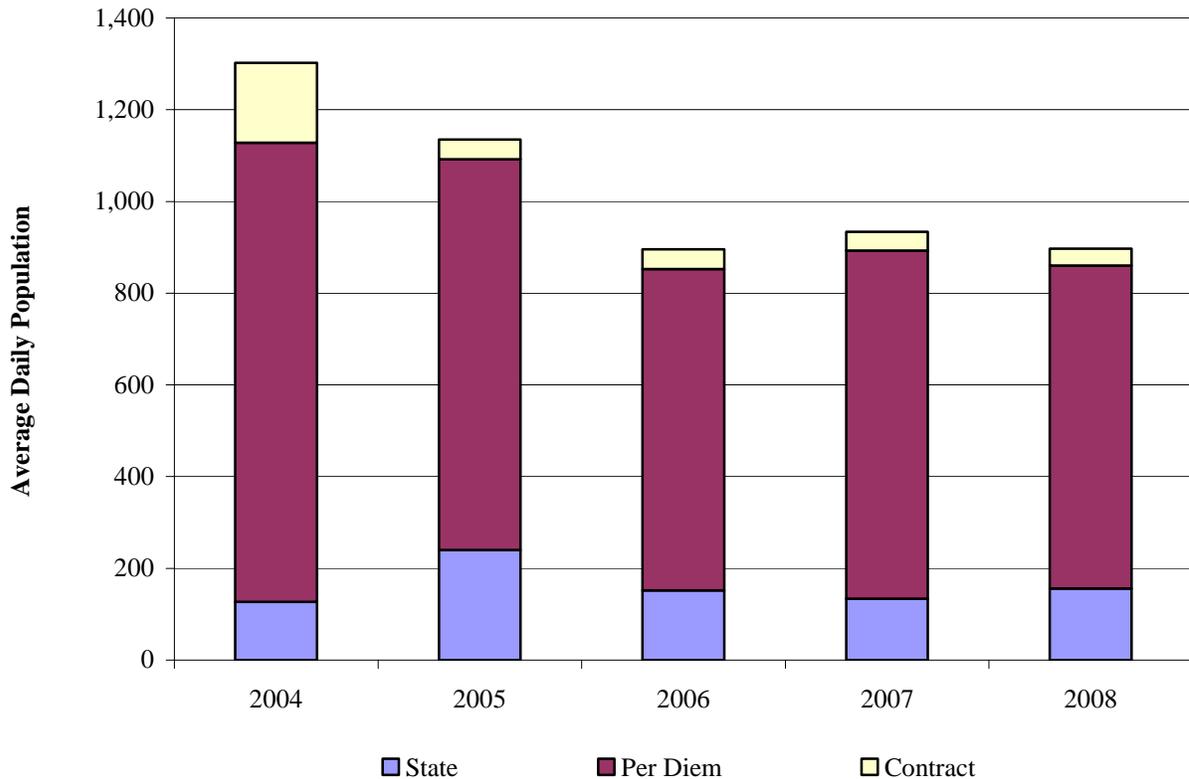


ALOS: average-length-of-stay
CD/EM: community detention/electronic monitoring

Note: Fiscal 2008 data through December 2007.

Source: Department of Juvenile Services

Exhibit 6
Committed Residential Populations Average Daily Population
Fiscal 2004-2008



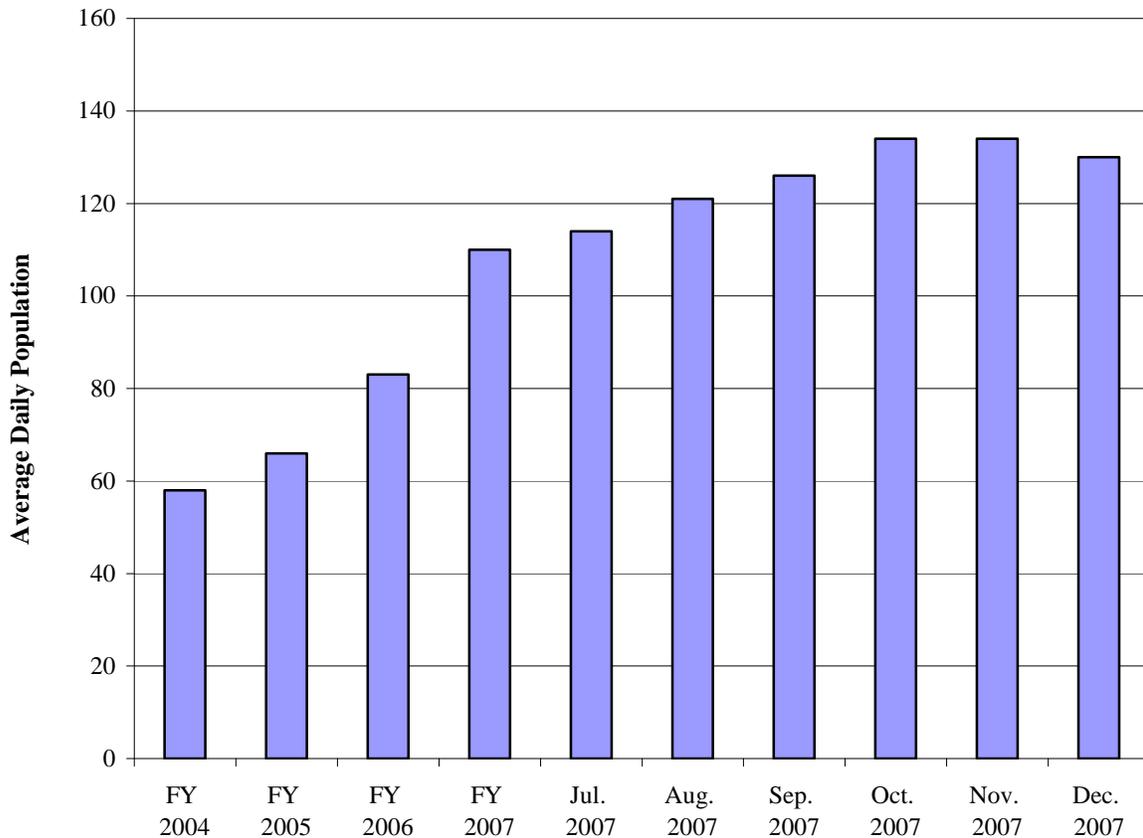
Note: Fiscal 2008 data are through December 2007. Compared to prior year analyses, data for all years now includes average daily population for drug treatment. These data had previously been excluded because of concerns about their reliability.

Source: Department of Juvenile Services; Department of Legislative Services

- The majority of youth committed to residential placements, 78% in fiscal 2008, continue to be placed in private per diem facilities (a mix of foster care, group homes, residential treatment centers, and more secure out-of-state facilities). Although the use of private per diem placements in fiscal 2008 is down almost a third compared to fiscal 2004, these placements continue to place a tremendous pressure on the department's budget. While the State is moving toward taking more direct responsibility for this population, it is still heavily reliant on private providers.

- DJS is also increasingly reliant on out-of-state placements. As shown in **Exhibit 7**, the department’s use of such placements continues to rise. On any given day, there are now more than double the number of youth placed out-of-state than in fiscal 2004. In the past six months, despite the re-opening of Victor Cullen, utilization of out-of-state placement continues to rise. Between fiscal 2004 and 2008, all of this increase relates to the lack of more secure programming for male youth in the State since the closure of committed programming at the Hickey School.

Exhibit 7
Out-of-state Committed Residential Populations (Average Daily Population)
Fiscal 2004 – December 2007



Source: Department of Juvenile Services; Department of Legislative Services

Recidivism Rates

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

Exhibit 8
Recidivism Rates to the Juvenile Justice and Criminal Justice System for Youth Released from Residential Placements within Two and Three Years
Fiscal 2002-2005

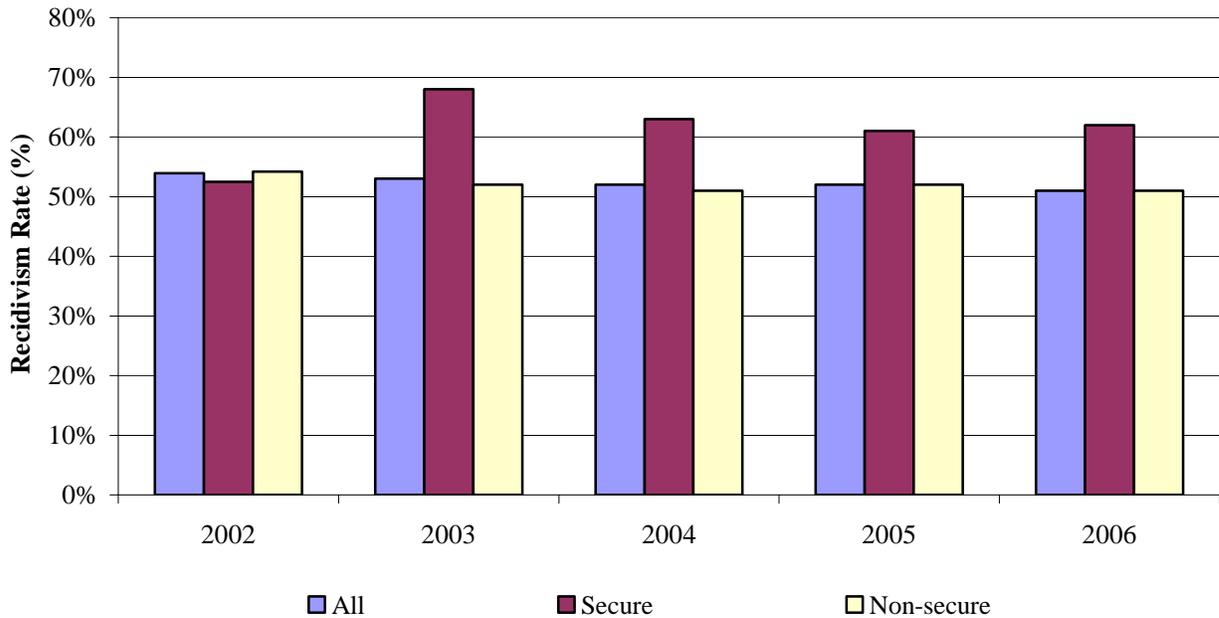
	Fiscal 2002		Fiscal 2003		Fiscal 2004		Fiscal 2005	
	<u>2 Years</u>	<u>3 Years</u>						
Re-referral Juvenile/Criminal	70	76	64	73	66	72	67	
Re-adjudication/Conviction	45	62	43	59	36	48	38	
Re-commitment/Incarceration	29	44	27	43	25	37	27	

Source: Department of Juvenile Services; Department of Legislative Services

Overall, recidivism rates are mixed. As shown in exhibit 8:

- long-term trends for recidivism after two years of release (fiscal 2002 to 2005) and three years of release (fiscal 2002 to 2004) show improvement;
- shorter-term trends for recidivism after two years of release (fiscal 2004 to 2005) worsen; and
- looking only at one-year trends for the most recent years, as shown in **Exhibit 9**, recidivism within one year of release from a residential program in terms of re-referral/arrest is virtually unchanged from fiscal 2005 to 2006. Recidivism from secure programs (which made up 20% of the releases in fiscal 2002 down to 5% in fiscal 2006) is up over the four-year period although down from a high in fiscal 2003. The deepest end one-year recidivism rates (re-commitment/incarceration) are increasing, up to 14% for the fiscal 2006 cohort compared to 11% for the fiscal 2004 cohort.

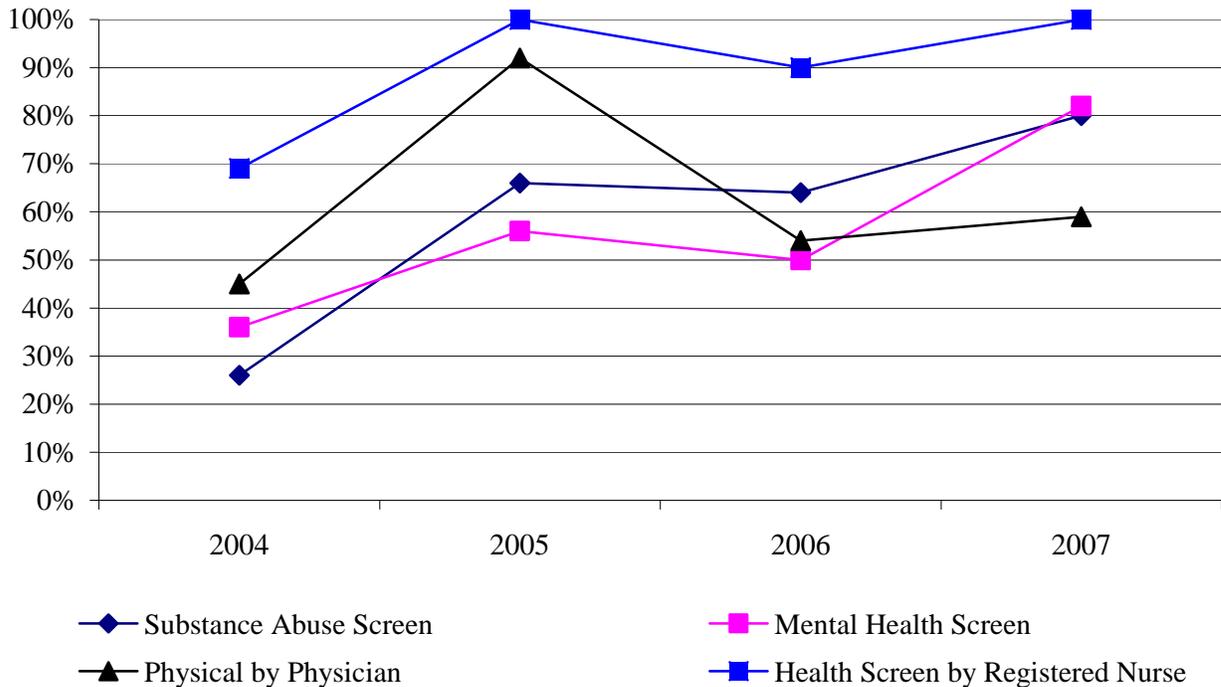
Exhibit 9
Re-referrals to Adult or Juvenile System within
One Year of Release from a Residential Placement
Fiscal 2002-2006



Source: Department of Juvenile Services

Looking at other outcomes around which the State has made significant investments, there is progress if not yet to the extent that the State would like. Consider, for example, data in **Exhibit 10**, concerning various health screenings. Every youth entering a State-run residential placement (either a secure detention or a committed residential facility operated by the State) is supposed to be screened for mental health, substance abuse, and physical issues. As shown in the exhibit, youth in fiscal 2007 are getting required screenings at a higher rate than in fiscal 2004, although the State is still not meeting its goal of 100% screenings (a goal that has been in place for several years).

Exhibit 10
Physical and Behavioral Health Screenings at DJS-Operated Facilities
Fiscal 2004-2007



Note: The data for fiscal 2007 are different from that shown in the Governor’s budget books due to a computational difference. The budget books understate actual levels of screening.

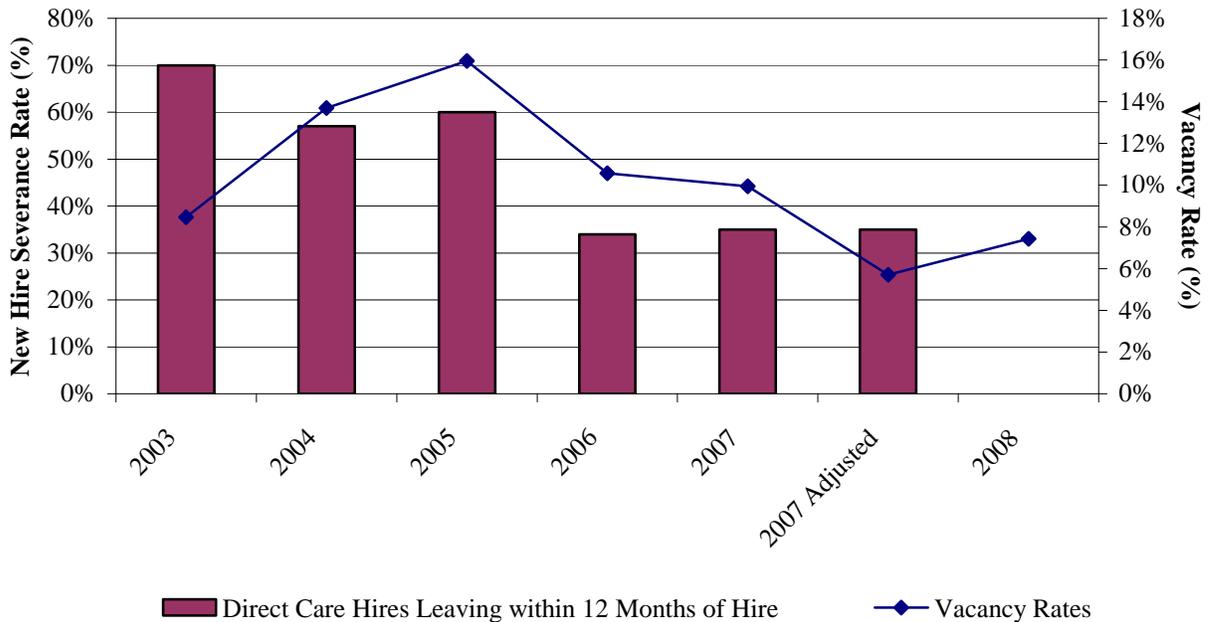
Source: Department of Juvenile Services

Staffing Issues

One of the key problems for DJS in recent years has been attracting and retaining staff. However, as shown in **Exhibit 11**, the encouraging staffing trends noted in the 2007 session continue.

- Vacancy rates in recent years are lower than historical levels. Fiscal 2007 end-of-year vacancy rates are distorted primarily by new positions created by the Board of Public Works (BPW) for staff at Victor Cullen. Absent the Victor Cullen positions, the vacancy rate was below 6% in fiscal 2007.
- The up-tick in the fiscal 2008 vacancy rate is partly due to the phase-in of operations at Victory Cullen in terms of the number of youth served (rising gradually to a maximum of 48).

**Exhibit 11
Department of Juvenile Services – Various Staffing Trends
Fiscal 2004-2008**



Note: Vacancy rates are as of the end of the fiscal year, except for fiscal 2007 adjusted, which is the vacancy rate absent vacancies at Victor Cullen, and fiscal 2008 where vacancy rates are for December 31, 2007.

Source: Department of Juvenile Services

- The percent of new direct care hires (regular and contractual employees) leaving within 12 months, while still high at one-third, is certainly much better than in fiscal 2003 when only one-third were staying for 12 months. Yet, even this level of turnover strains programming by limiting continuity and is expensive given the level of training provided to direct care employees. The department believes that increasing regular employment rather than contractual employment has been a prime reason for lower turnover. This explanation is borne out in data that shows, unsurprisingly, turnover among direct care contractual staff in fiscal 2007 at 39% versus 12% for regular staff and 37% for other contractual staff versus 19% for other regular staff. It also underscores why past over-reliance on contractual employment, while expedient, was not a sound policy. The 75 new positions in the department’s fiscal 2009 allowance are all contractual conversions.

In terms of meeting caseload standards (which vary by type of service being provided and also by facility) the department is making progress.

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- For community case managers, the department was staffing at 93% of the total required to fully meet standards in fiscal 2007, continuing an upward trend.
- For residential direct care staff, the department was staffing at 85% of the total required to fully meet standards in fiscal 2007, up from 71% in fiscal 2006.

Staffing remains an issue for the department in terms of retention, attracting staff with higher education levels (for example, the department has tried to attract workers with associate's degrees by hiring at the highest step level allowed) and training. The department's use of overtime is still significant because of the need to maintain staffing levels. However, on balance progress is being made.

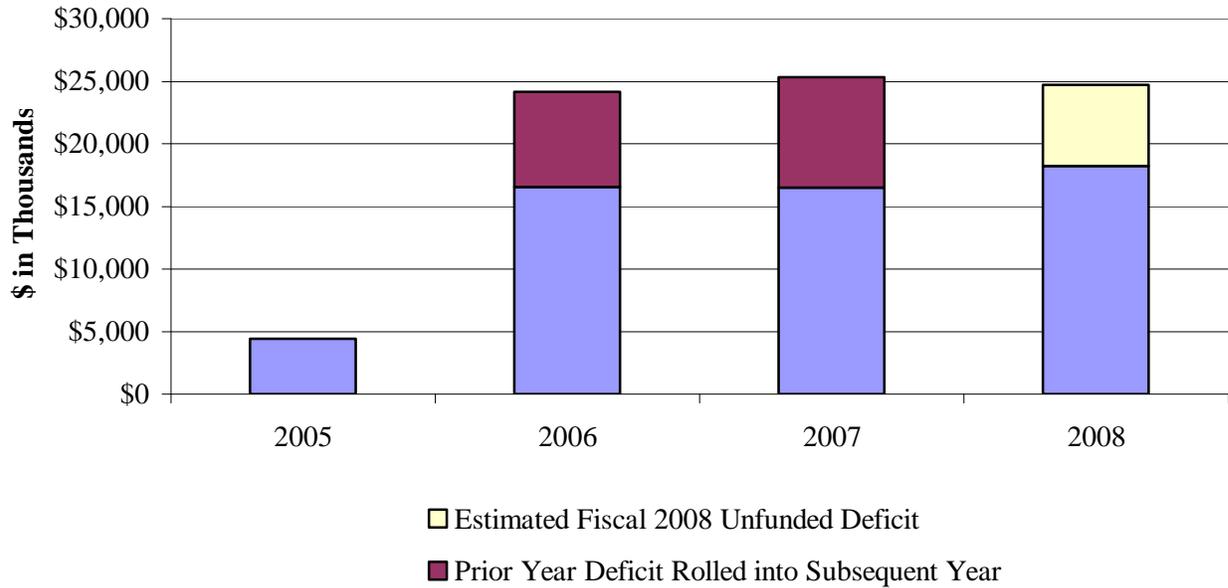
Fiscal 2008 Actions

Proposed Deficiency

As has become a habit in recent years, there is a sizeable fiscal 2008 deficiency appropriation for the department (see **Exhibit 12**). The various individual items are summarized in **Exhibit 13**. A number of points can be made from the exhibits.

- The underfunding of residential per diem placements in the fiscal 2008 was known last year and expected.
- Overtime payments are typically higher than budgeted in this department. However, in many years, the department is able to backfill for higher overtime costs through underutilized regular salaries. The most recent analysis from the department for the first six months of fiscal 2008 shows that a limited amount of funding from regular salaries is available but that overtime expenditures outpace this "surplus." Although sometimes perceived as a "slush fund," use of unexpended salary to meet overtime needs is a common practice at State facilities facing above average turnover. However, as turnover is reduced, funds from other services are required.
- A significant amount of the deficiency relates to the re-opening of Victor Cullen (discussed further below).
- A significant portion of the available fiscal 2008 deficiency appropriation is required to meet fiscal 2007 unprovided-for general payables rolled into fiscal 2008. Some of this carry-over is readily identified in the fiscal 2008 deficiencies (residential per diems and Victor Cullen), but just over \$2.4 million in fiscal 2007 unprovided-for payables is not and will simply reduce the overall amount of funding available.

Exhibit 12
Department of Juvenile Services Deficiency Appropriations
Fiscal 2005-2008 Deficiencies



Source: Department of Budget and Management; Department of Legislative Services

Exhibit 13
Department of Juvenile Services
Fiscal 2008 Deficiencies

<u>Unit</u>	<u>Item</u>	<u>General Fund</u>	<u>Special Fund</u>
Fiscal 2007 Deficiencies Rolled into Fiscal 2008			
Residential Operations	Residential per diems rolled over into fiscal 2008	\$4,212,364	
Various	Miscellaneous expenses	2,419,567	
Victor Cullen	Start-up and operational costs	2,196,018	
Subtotal		\$8,827,949	
Fiscal 2008 Deficiencies			
Departmental Support	Gang prevention grants		\$138,001
Residential Operations	Underfunding of residential per diems	\$11,805,636	
Facilities	Overtime	3,935,000	
Health Services	Overtime	240,000	
Community Services	Overtime	225,000	
Victor Cullen	Start-up and operational costs	4,445,982	
Unaccounted for Fiscal 2007	Unprovided-for Payables	-2,419,567	
Subtotal		\$18,232,051	\$138,001
Total		\$27,060,000	\$138,001

Source: Department of Budget and Management; Department of Legislative Services

- Even with the additional deficiency appropriations, the department is still likely to run deficiencies in such areas as residential per-diems, non-residential per diems, overtime, and costs associated with the re-opening of Victor Cullen. The Department of Legislative Services (DLS) estimates these deficits could total \$6 million.

Impact of Cost Containment

In July 2007, BPW reduced the department’s fiscal 2008 budget by \$1.245 million. The various cost containment actions included:

- a 10% reduction in contractual employment (\$477,400);

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- reductions to vehicle operations totaling 11% (\$258,413);
- the abolition of 1 full-time equivalent (FTE) management position at headquarters (\$44,846); and
- a variety of operating reductions, notably \$375,000 for a security contract at the Hickey School (the department taking over that responsibility).

Governor’s Proposed Budget

As shown in **Exhibit 14**, the Governor’s fiscal 2009 budget for DJS shows an increase of just over \$29.6 million (11.9%). However, that increase is misleading. For example, the impact of the budgeting of employee and retiree health insurance and Other Post Employment Benefits (OPEB) liability costs in fiscal 2008 and 2009 serves to overstate growth. Absent just these influences, proposed expenditure growth is just under \$13.3 million (5.6%). This is just one of the various influences that color the change in the department’s budget. A more thorough analysis of growth is provided below.

Exhibit 14
Governor’s Proposed Budget
Department of Juvenile Services
(\$ in Thousands)

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
2008 Working Appropriation	\$232,691	\$337	\$14,737	\$449	\$248,213
2009 Governor’s Allowance	<u>265,499</u>	<u>203</u>	<u>11,689</u>	<u>449</u>	<u>277,840</u>
Amount Change	\$32,808	-\$134	-\$3,048	\$0	\$29,627
Percent Change	14.1%	-39.7%	-20.7%		11.9%

Where It Goes:

Personnel Expenses excluding Victor Cullen	\$22,346
Employee and retiree health insurance: pay-as-you-go costs.....	\$7,599
Health insurance: reduce long-term Other Post Employment Benefits liability	7,031
Overtime.....	3,791
New positions (75 full-time equivalent (FTE); contractual conversions)	3,137
Regular earnings.....	2,308
Social Security contributions.....	715
Workers’ compensation premium assessment.....	680

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Where It Goes:

Retirement contributions	126
Other fringe benefit adjustments	-49
Savings from abolished positions (15.2 FTE)	-1,016
Turnover adjustment.....	-1,976
Victor Cullen	-\$2,929
Annualization and normal growth in personnel costs	2,531
Medical care contracts and medical supplies	270
Food.....	200
Other contractual services	193
Various supplies, materials, and equipment.....	169
Miscellaneous operating expenses (communications, travel, utilities, equipment repair, etc.).....	167
Substance abuse services from Washington County	135
Contractual employment	55
One-time office equipment expenditures	-390
Maryland State Department of Education budgeted start-up and operating costs.....	-1,800
Department of General Services (building work) start-up costs	-4,459
Major Programmatic Changes (Excluding Victor Cullen)	\$13,357
Residential per diems (aligning to actual)	10,110
Early intervention and prevention programming (aligning to actual spending; previously budgeted in the Interagency Fund)	1,232
Global Positioning System tracking contractual expenses.....	915
Expansion of Operation Safe Kids	650
Structured rehabilitative programming at Cheltenham, Baltimore City Juvenile Justice Center, and Hickey School.....	450
Miscellaneous (Excluding Victor Cullen)	-\$3,051
Capital lease payments to the Treasurer.....	444
Fuel and utility costs.....	348
Training to maintain compliance with Civil Rights of Institutionalized Persons Act (CRIPA) standards	250
Advertising expenditures.....	125
Rent	97
Equipment repair	70
Communications expenses	45
Management contracts (CRIPA and Major Information Technology project IV&V)	-235
Vehicles and associated costs.....	-236
Insurance	-557

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Where It Goes:

Data processing	-604
Computer equipment (switch to lease-purchase financing)	-740
Building repairs and maintenance	-850
Contractual employment	-1,208
Other	-96
Total	\$29,627

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

Personnel Changes

Other than employee and retiree health insurance and OPEB liability costs, major personnel changes include:

- A significant increase in overtime. This increase brings the estimate of overtime earnings closer to recent actual expenditures. As noted above, although the staffing resources available to the department are closer to meeting its staffing standards, the department must continue to rely on overtime to meet those standards. It should also be noted that information provided in the Management for Results concerning estimated compliance with residential staffing standards in fiscal 2009 (93%) is inaccurate. Staffing plans are currently being reviewed by the department in order to determine accurate data.
- There are 75 FTE new regular positions in the budget. These positions are all contractual conversions. Funding for contractual employment falls over the most recent actual, but not to the extent that might be expected based on the number of new positions.
- BPW actions in January 2008 abolished 15.2 FTE positions (non-direct care vacant positions) to reflect reductions made in the 2007 special session.
- The budgeted turnover increases from 3.4% in fiscal 2008 to 5.0% in fiscal 2009, a reduction of almost \$2 million. Although the turnover rate in fiscal 2008 was always going to be lower than supported by vacancy rates, the department's overtime budget was underfunded. The fiscal 2009 budget seeks to strike a better balance between turnover expectancy, vacancy levels, and actual salary needs.

Victor Cullen

Almost immediately after the 2007 session, DJS moved to re-open Victor Cullen as a secure State-operated treatment facility. The 48-bed program is designed for male youth who have been resistant to prior interventions and typically have substance abuse and conduct issues. However,

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because of an accommodation reached between the Administration and the local community, the facility does not serve sex offenders or anybody arrested for a violent crime (which is one explanation why the number of out-of-state placements has continued to increase despite the opening of this facility). Operations at the facility will ramp up throughout fiscal 2008 (a maximum population of 12 youth served on July 1, 2007; 24 on November 1, 2007; 36 on February 1, 2008; and 48 on April 1, 2008). Education is to be provided by the Maryland State Department of Education (MSDE).

The June 2007 cost estimate for start-up costs and fiscal 2008 operations was \$20.2 million. As shown in **Exhibit 15**, the most recent projection is that start-up and fiscal 2008 operating costs will total \$18.4 million. Much of that reduction is due to the use of lease-purchase agreements to finance equipment and information technology expenditures at the facility and lower than anticipated MSDE costs.

Exhibit 15
Victor Cullen
Start-up and Fiscal 2008 Operating Costs and Fund Sources

<u>Item</u>	<u>Projected Costs</u>	<u>Fund Source</u>				<u>Surplus/Deficiency</u>
		<u>DJS FY 2007 Budget</u>	<u>DJS FY 2008 Budget</u>	<u>FY 2008 Deficiency</u>	<u>DGS Funds</u>	
Operating Expenses						
DJS Operating Costs	\$5,767,261	\$2,200,000	\$389,538	\$2,800,000		-\$377,723
MSDE Operating Costs	488,000	800,000				312,000
Equipment Lease Payments	291,247		291,247			0
Subtotal operating	\$6,546,508	\$3,000,000	\$680,785	\$2,800,000		-\$65,723
One-time Start-up Costs						
Buildings (roof replacement, boiler work, etc.)	\$9,585,258		\$4,458,753	\$3,342,000	\$812,200	-\$972,305
Information Technology	460,417		650,000			189,583
Furniture and Equipment	816,208		400,000			-416,208
MSDE	997,000		1,000,000	500,000		503,000
Subtotal One-time Start-up Costs	\$11,858,883	\$0	\$6,508,753	\$3,842,000	\$812,200	-\$695,930
Total	\$18,405,391	\$3,000,000	\$7,189,538	\$6,642,000	\$812,200	-\$761,653

DJS: Department of Juvenile Services
MSDE: Maryland State Department of Education
DGS: Department of General Services

Source: Department of Juvenile Services; Department of Legislative Services

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Funding is drawn from a variety of sources: the department's fiscal 2007 \$3 million appropriation for Victor Cullen; its fiscal 2008 budget (primarily provided in a fiscal 2008 supplemental appropriation), a portion of the department's proposed fiscal 2008 deficiency, and the Department of General Services funds. Based on current projections, available funding appears to be just over \$750,000 below projected costs.

The decline in expenditures for Victor Cullen in fiscal 2009 is due to the removal of numerous one-time start-up expenses. Fiscal 2009 operational expenses are estimated to be almost \$6.2 million exclusive of MSDE operating expenditures. Adding in education costs, this translates to an annual average cost per youth of \$150,000.

Major Programmatic Changes (Excluding Victor Cullen)

Residential Per Diems

The largest increase in funding in the fiscal 2009 budget is for residential per diems. As shown in **Exhibit 16**, fiscal 2008 funding for this programming was underbudgeted, requiring the deficiency appropriations noted above. The fiscal 2009 increase more closely aligns the available budget to projected spending than in any of the department's recent budgets. Even so, DJS could still be facing a budget deficit, albeit a small one (\$2.9 million), for residential per diem expenditures.

As also shown in the exhibit, one of the key issues for the department, and a major contributor to recent deficits, has been a failure to collect federal Title IV-E funds. Title IV-E funds may be attained for eligible room-and-board expenses for certain youth placed in out-of-home settings. At issue is the fact that federal regulations for IV-E recoveries require specific language to be included in the judicial orders and determinations (court orders) relating to the removal of the youth from their homes. That language relates to efforts to keep the youth in the home and stating that is it contrary to the welfare of the child to remain in the home.

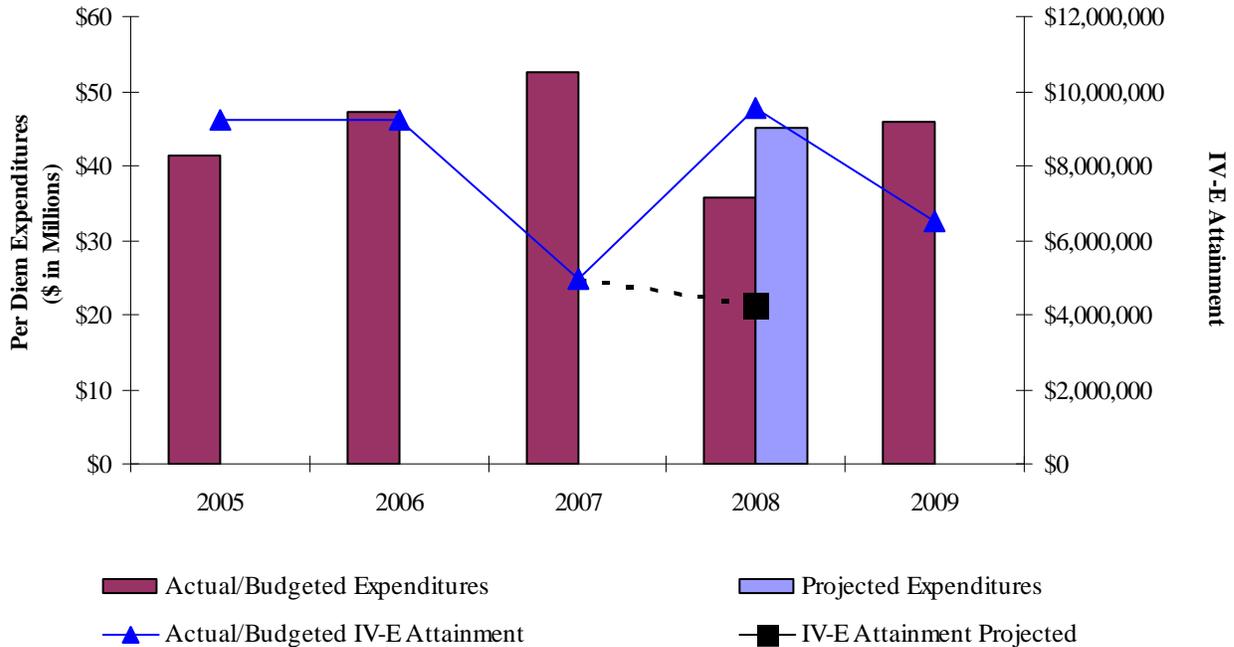
Specifically, DJS felt that the language included in the court orders was often insufficient for it to claim federal funds. DJS has been working with the Judiciary to resolve this problem, but results appear to have varied from jurisdiction to jurisdiction. To date, two years after this problem was first identified, IV-E attainment remains low. Additionally, as also noted in DJS's most recent audit (see **Appendix 2**), IV-E eligibility determinations have sometimes not been conducted in a timely manner, further inhibiting federal claims.

Non-residential Programming

Additional funding is provided for a variety of non-residential programming in fiscal 2009:

- Funding for non-residential programming increases by just over \$1.2 million. This change is a matter of accounting, not new money. Specifically, this increase is for early intervention and prevention programming (vocational education, diversion programs, etc.) that in the past several years has bounced back and forth between DJS' budget and the Interagency Fund.

Exhibit 16
Department of Juvenile Services – Residential Per Diem Placements
Actual, Budgeted, and Projected Expenditures
Fiscal 2005-2009



IV-E: Title IV-E Funds

Source: Department of Juvenile Services; Department of Legislative Services

The spending is included in DJS’ fiscal 2007 actuals as reimbursable funds but is not yet reflected in fiscal 2008. A budget amendment is in process to move the money into DJS’ budget for fiscal 2008. In fiscal 2009, the funding returns to the DJS budget as general funds.

However, here again, the latest data from the department indicates that not only is the fiscal 2008 budget for non-residential programming insufficient, but fiscal 2009 funding may still be \$1.4 million below projected spending levels.

The department has shown a commitment to evidence-based practices (EBPs) that show promise for youthful offenders: multi-systemic therapy, functional family therapy, and multi-dimensional treatment foster care. The department currently funds this kind of programming in three areas: Prince George’s and Baltimore counties and Southern Maryland at a cost of \$900,000. The department indicates that it will be expanding this programming by 107 slots in fiscal 2009 at a cost of \$950,000.

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However, the budget does not explicitly support this expansion. DJS indicates the expansion will be funded by reducing the length of stay in residential placements, using more effective placement tools to divert youth from residential placements, and also diverting funds from existing non-residential contracts that are not considered to be performing adequately.

- Global Positioning System (GPS) tracking. The department intends to use GPS equipment to track an additional 200 to 250 youth who, in the opinion of the department, are at-risk of committing or becoming victims of violent crime. The GPS equipment differs from existing electronic monitoring equipment in that if the current electronic monitoring device is disabled, the department does not know the last whereabouts of the youth.
- Operation Safe Kids. The budget includes an additional \$650,000 for this violence prevention program currently operating in Baltimore City with a plan to expand to Prince George's County. Originally funded through a federal grant awarded to Baltimore City, the program offers community-based case management to 120 juvenile offenders. Additional services include substance abuse treatment, mental health treatment, educational advocacy, and employment assistance.

The fiscal 2009 funding is billed as program expansion as the department was funding the program at \$650,000 in fiscal 2008. However, it should be noted that this program was not specifically identified for funding in fiscal 2008. Rather, the department notes that it re-directed other contract funds to support the program. This is a strange argument to make since the department appears to be running deficits in fiscal 2008 even with the proposed deficiencies. Taking on funding for additional programming at such a time is questionable. It also illustrates the issues that arise when local governments are awarded finite federal grants and appear unwilling or unable to step-up and fund those programs when those grants expire. Further, while DJS considers Operation Safe Kids a promising practice, it is not an evidence-based practice. The department was unable to provide recidivism data for the program.

- Structured rehabilitative programming at the three Civil Rights Institutionalized Person Act (CRIPA) detention facilities. This programming is designed to engage youth in constructive activities throughout the day.

Miscellaneous

The department's budget includes changes in a variety of other categories. Notable changes from fiscal 2008 include:

- Higher capital lease payments. Some of this actually relates to Victor Cullen, but another major increase relates to the department utilizing lease-purchase agreements to buy computer equipment.

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- Lower costs associated with management contracts, including no funding for independent CRIPA oversight as the department hopes to exit from CRIPA settlement agreements by June 30, 2008 (see Update 1 for more detail).
- Lower funding for building repairs. According to the department, there is still significant unmet need at its facilities, but the fiscal 2009 budget simply does not accommodate the level of activity funded in fiscal 2008.

Budget Summary: An Alternative View of Growth

The fiscal 2009 budget comes much closer to adequately funding DJS not only in the current fiscal year but also in fiscal 2009. While the department still appears to face underfunding in fiscal 2008 (\$6.0 million) in residential and non-residential per diem placements, overtime costs, and Victor Cullen operating and start-up costs, and in fiscal 2009 (\$4.3 million) in residential and non-residential per diem placements, the overall level of underfunding is small by the department's historical standards.

However, a note of caution must be added. In the fiscal 2008 budget, the department has moved forward with the development of new programming that was either not assumed, or certainly not considered at the level of spending that ultimately is taking place, during budget deliberations. The fiscal 2009 budget also contains similar assumptions of new program development that is not explicitly funded in the budget, relying instead on savings from other programs. This is hauntingly familiar for this agency. While not contemplated on the same scale as done previously, this kind of program expansion through hoped for savings is what prompted the recent trend in deficiencies.

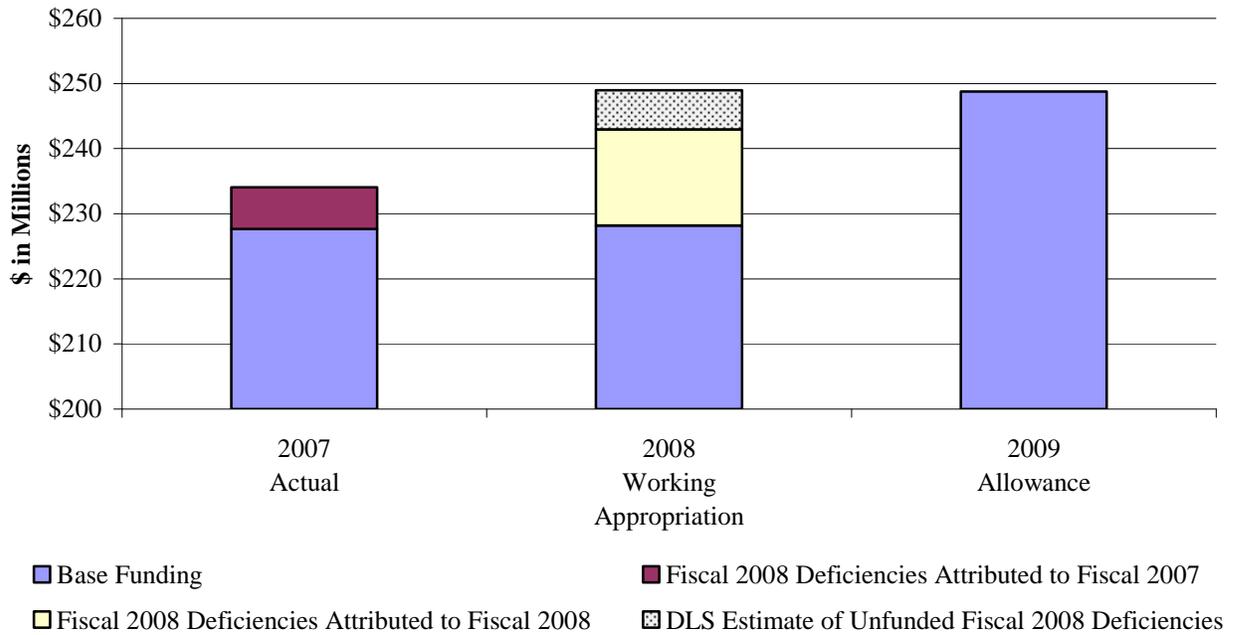
In terms of budget growth, **Exhibit 17** offers an alternative view of growth. The chart compares fiscal 2007, 2008, and 2009 based on the following assumptions:

- base funding excludes employee and retiree health insurance and OPEB liability costs;
- deficiency appropriations are applied to the appropriate fiscal year;
- identifiable one-time expenditures are removed from base funding and deficiency appropriations; and
- increases that are the result of accounting changes rather than new funding are discounted.

Under these assumptions, the growth of over \$29.6 million, or 11.9%, shown in Exhibit 14, may be seen in a different perspective. Specifically:

- Absent any estimate of additional underfunding in the fiscal 2008 budget, budget growth between fiscal 2008 and 2009 is a modest \$4.6 million (1.9%).

**Exhibit 17
Department of Juvenile Services Funding – An Alternative View
Fiscal 2007-2009**



DLS: Department of Legislative Services

Note: See text for a full explanation of assumptions used in the exhibit.

Source: Department of Legislative Services; Department of Budget and Management

- If the DLS estimate of fiscal 2008 underfunding is taken into consideration, the fiscal 2009 budget is actually \$1.4 million below the fiscal 2008 estimate (a decline of 0.6%). Under this scenario, DJS’s budget struggles, while not as severe as recent years, appear to be far from over.

Issues

1. Facilities Master Plan

In the 1999 session, concerned that DJS had no facilities master plan, the budget committees adopted committee narrative requesting the development of such a plan. Since that time, while the department has completed several facilities master plans, none has been approved by the Department of Budget and Management (DBM). The last facilities master plan delivered to the legislature, in January 2006, was based around two principles. Specifically:

- Designing programming around four regions and enhancing regional control of that programming.
- Expanding State-contracted and State-operated bed capacity to reduce reliance on residential per diems. Overall, an increase of 236 beds was proposed. Detention beds would fall while all other types of beds expanded. The key change was the addition of 210 beds for committed care, including the development of capacity for traditionally hard-to-place youth. The intent is for these additional beds to ease the State's pending placement problem and reduce reliance on private per diem residential placements. Clearly, an additional benefit at this time would also be to reduce the number of youth being served in out-of-state placements.

The January 2006 plan was never formally approved by DBM, and the appointment of a new Secretary under a newly-elected Governor inevitably prompted questions of whether that plan reflected the principles of the new Administration.

Joint Chairmen's Report (JCR) narrative requested DJS to submit an evaluation of the January 2006 facilities master plan by September 1, 2007. Additionally, Chapter 498 of 2007, which established certain limits on the size of new State-operated committed facilities, restrictions on shared space in detention and committed facilities that are housed on the same grounds, as well as guidance on the establishment of service regions – required the department to submit a revised facilities master plan reflecting changes made by the Act to DBM by November 1, 2007. Given the overlapping nature of these different requests, it was agreed that the department should simply meet the statutory deadline established by Chapter 498.

The department ultimately submitted a revised facilities master plan to DBM at the end of January 2008. At the time of writing, DBM was giving the plan a long look, and the revised plan had not been submitted to the legislature for review.

Fiscal 2009 Capital Improvement Program

The fiscal 2009 *Capital Improvement Program* (CIP) represents a significant investment in DJS-operated facilities. Specifically, the five-year CIP includes:

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- funding for the planning, construction, and equipping of a new secure treatment center and a separate 48-bed detention facility at Cheltenham;
- funding for the planning, construction, and equipping of a new detention facility at the Hickey School;
- funding for the planning and construction of a new secure treatment facility in the Baltimore region; and
- funding for the planning of a new detention facility at Waxter for female juvenile offenders.

The fiscal 2009 capital budget includes funding for the planning of the two facilities at Cheltenham.

Discussion

Without a facilities master plan, it is impossible to properly evaluate how the projects proposed in the CIP meet the needs of the department. To be sure, the replacement of detention facilities at Cheltenham, the Hickey School, and Waxter are hard to argue with given the antiquated state of those facilities. The addition of State-operated secure committed capacity perhaps raises the policy question of who is better able to serve this population (private vendors versus State-operated facilities), but again, the need for secure treatment beds is hard to argue against given the number of youth currently being sent out-of-state for this type of programming and also the continuing number of youth in pending placement who appear to need this type of programming.

What remains unclear includes:

- What the overall capacity of detention and committed treatment facilities looks like at the State level, regionally, and ultimately at the individual facility level and the specific mix of facilities required.

To properly answer this question requires both an understanding of how the Administration intends to serve certain populations (for example, the pending placement population) and also confidence in the risk assessment and placement tools used to determine the appropriate placement of youth throughout the various points in the system.

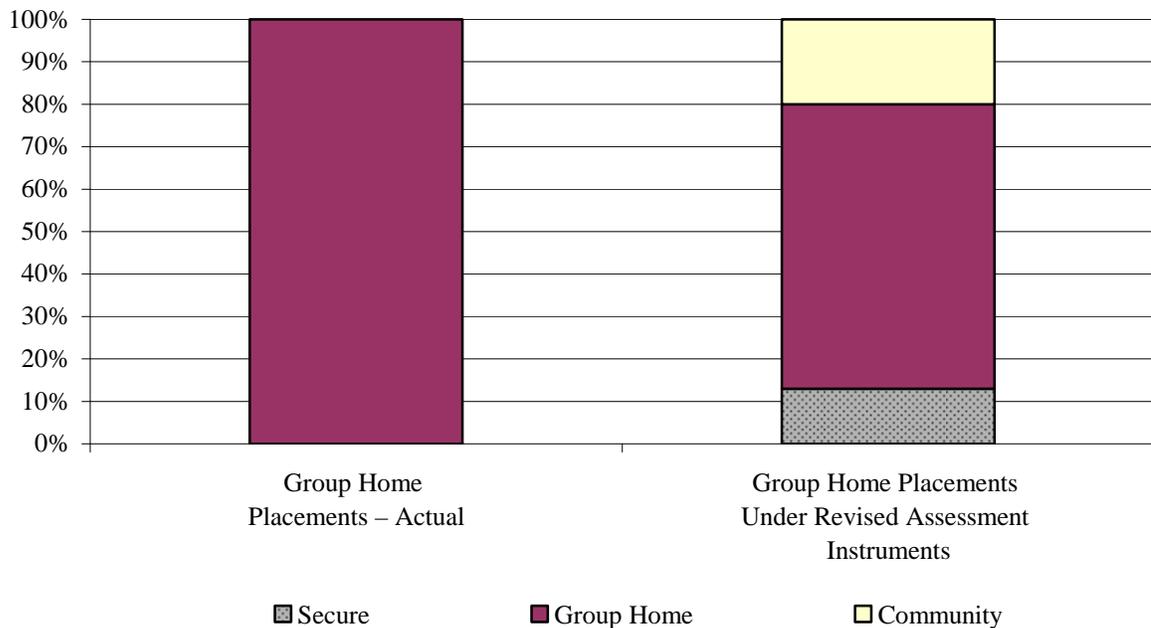
This latter issue is further complicated by the fact that the current Administration, for example, is in the process of replacing both the detention risk assessment instrument and the committed placement risk instrument previously used (which were themselves relatively recent replacements of previously used instruments). This can have serious implications for the kinds of facilities for which that the department needs to plan.

For example, utilizing the Washington State Juvenile Court Assessment tool, the department recently reviewed 94 youth of the 303 youth in group homes at the time of the review to

determine if they were appropriately placed. This instrument collects historical and current data around 11 domains (criminal history, demographics, educational record, recreational activities, employment, relationships, family history, substance abuse, mental health, behavior, and aggression) and classifies youth accordingly. The results of the review were significant:

- 71% of the youth were classified as high-risk. Given the historically high recidivism rates for group homes as compared to other more “deep-end” placements, it would appear that many youth are not suited to this type of placement.
- Combining the high-risk scores with criminal risk scores, the department would see the need for different types of treatment options for youth that would otherwise be sent to group homes. As shown in **Exhibit 18**, the re-evaluation of youth has implications for both facilities and also the need for community-based non-residential programming.

Exhibit 18
Assessment of Placement Decisions for Selected Group Home Youth Using the Washington State Juvenile Court Assessment Tool



Source: Department of Juvenile Services

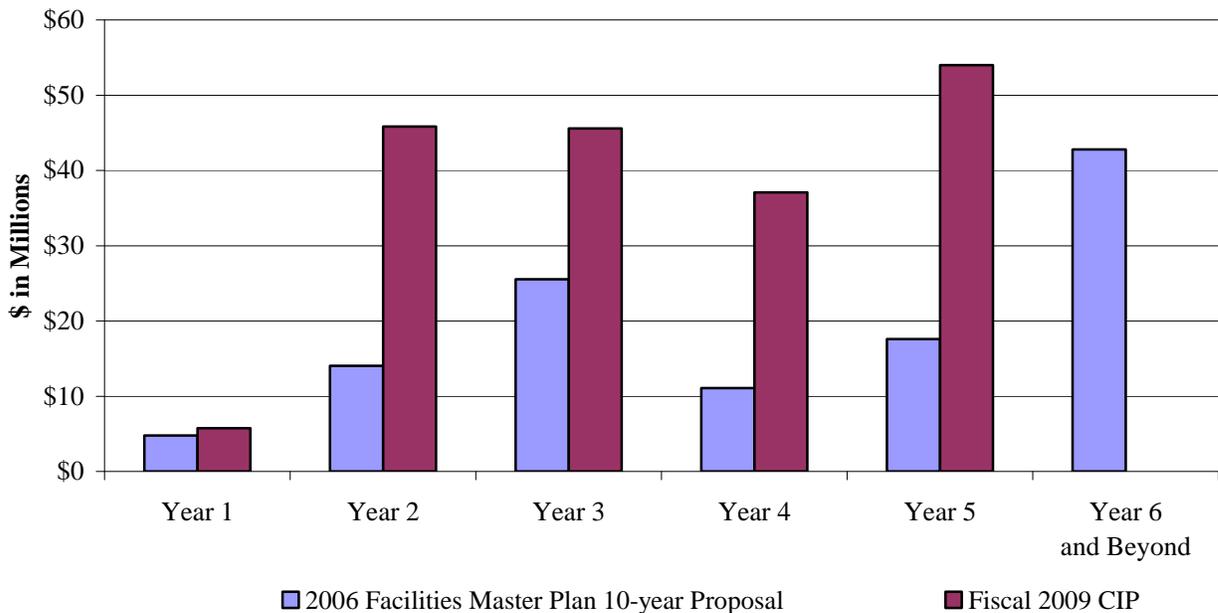
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Of course, the other aspect to this question is that caseworkers must be trained to properly utilize the risk assessment tools, they must follow the results generated by the tools (something the department indicates has been a problem), and judges must also have confidence in the tools and follow the decisions indicated by those tools in their decision making.

- Total cost and scope of the plan. As noted in prior analyses, the facilities master plan submitted in January 2006 was a 10-year proposal that called for the replacement of 11 facilities and major renovations to 4 others. Total costs were estimated at just under \$116 million. DLS had previously questioned the validity of the cost estimates in that plan based simply on recent construction projects undertaken by DJS as well as prior estimates to replace some of its aging facilities.

Even after allowing for the fact that the 2006 plan estimates have not been inflated, as demonstrated in **Exhibit 19**, funding for the far fewer projects enumerated in the fiscal 2009 CIP (over \$188 million) will dwarf that envisaged in the 2006 plan for all 15 projects.

Exhibit 19
Department of Juvenile Services Capital Spending
Fiscal 2009 CIP and January 2006 Facilities Master Plan



CIP: *Capital Improvement Program*

Source: Department of Juvenile Services 2006 Facilities Master Plan as submitted by DSG, Inc.; Department of Budget and Management; Department of Legislative Services

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- The role of State-operated versus privately operated facilities. In recent years in Maryland, the juvenile justice area has seen examples of good and poor operation of facilities by both the State and contractors. However, the current Administration appears committed to State operations of facilities (as shown for example in its decision to operate rather than contract for operations at Victor Cullen).
- Project phasing. To properly assess what projects the State should be prioritizing is also dependant on how populations are to be treated. For example, the Administration has spoken about the possibility of a separate facility for the secure pending placement population (and it would be expected that some amount of secure programming for the pending placement population will remain even with the development of additional secure treatment capacity as some youth will require placement in specialized facilities that Maryland is unlikely to develop (for example, fire-setters) or unwilling to develop (secure sex offender treatment).

Further, it is hard to judge the priority of proposed projects until the full scope of projects is reported. For example, the proposed 48-bed detention facility at Cheltenham is to replace a facility that at the time of writing was averaging 44 youth in secure detention (with daily highs of 57 detained youth), 29 youth pending placement, as well as an impact committed program and shelter care outside of the fence. That the secure treatment center planned for Cheltenham is scheduled to precede the detention facility certainly seems to be logical in that presumably some of the pending placement population will be served in that center. It is unclear how this works in the case of the Hickey School, however, where replacement of the secure detention facility is phased ahead of additional treatment capacity for the Baltimore region (which would presumably also serve to reduce pending placement at the Baltimore City Juvenile Justice Center (BCJJC)).

- The Baltimore City Juvenile Justice Center. BCJJC clearly does not fit the smaller facility model that the current Administration appears to be pursuing both in its detention facilities and, as now required by law, committed facilities. Further, the renovations to the educational space that were previously such a high priority continue not to be planned in the CIP.
- Gender-specific programming. Waxter is the only facility in the State currently providing secure committed programming for females. It also houses a detained female population, as do two other detention facilities (Noyes and the Lower Eastern Shore), although females are co-mingled with males. The CIP calls for the replacement of Waxter with a detention facility. It is unclear what the department plans for the small committed population.
- Regionalization. The 2006 facilities master plan called for regional programming developed around four regions. Chapter 498 called for the use of at least four regions. The department still utilizes five regions (although one region is functionally split into two). The actual number of regions identified in the approved facilities master plan will obviously shape the type and capacity of programming required in each region and what kind of exceptions to regional placement can be expected.

Summary

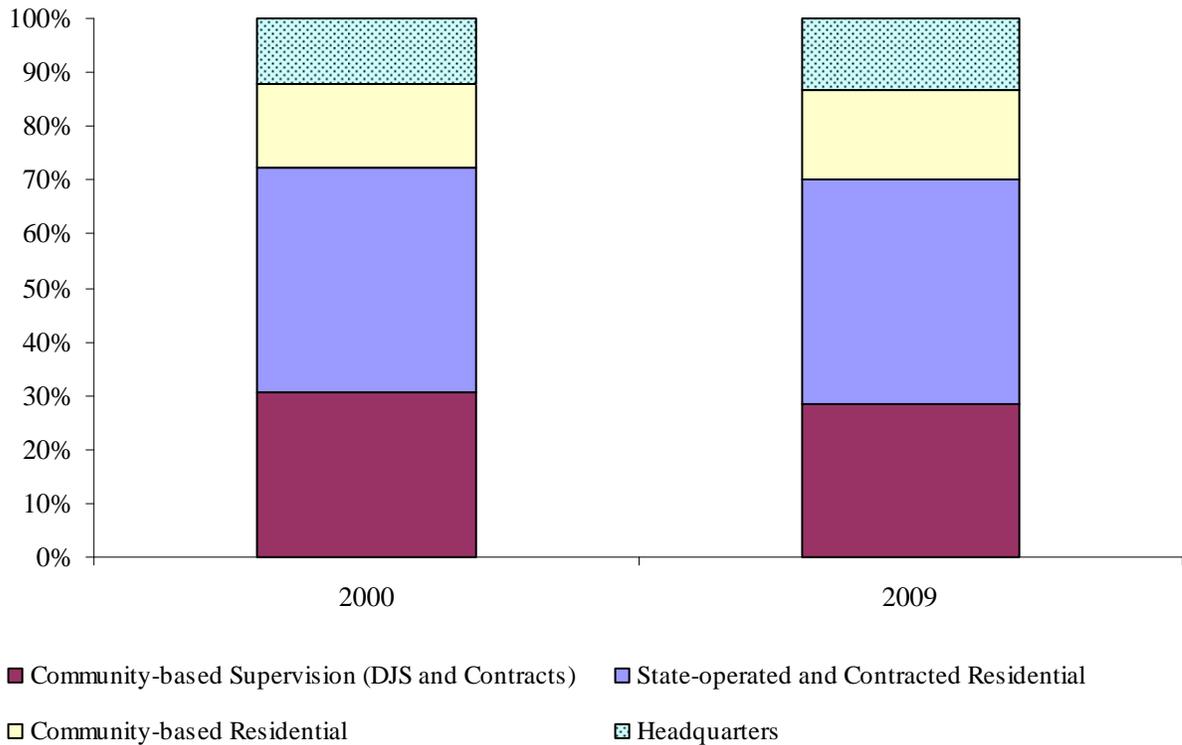
Ultimately, it is to be expected that a facilities master plan, as developed by the department and approved by DBM, will answer these questions and more. At that point, the legislature will need to determine if that is the path down which it wishes to tread. It is also a decision with potentially significant ramifications as the expansion of State-operated residential capacity will result in the prioritization of State dollars toward operating that capacity.

For some juvenile justice advocates, this is not a direction that they wish the system to go in, preferring instead for much more community-based non-residential capacity. Yet, this is not the direction in which the department has moved in the past decade. Rather, more is being spent on youth in detention and deep-end residential placements. Consider **Exhibit 20** which compares DJS's budget in fiscal 2000 to that proposed in fiscal 2009. The fiscal 2000 budget is the budget immediately prior to the department's opening of BCJJC and the Western Maryland and Lower Eastern Shore detention centers. As shown in the exhibit:

- State-operated and contractual residential spending as a percentage of the department's overall budget is the same in fiscal 2000 as in fiscal 2009 (42.0%), having increased at 7.1% annually (the same as the department's budget as a whole). That the level of spending on this type of programming is the same percentage of the department's budget is surprising given that the population served in secure detention is virtually unchanged, and the population served in State-operated and contractual committed residential programming has fallen by 72.0%. The bulk of these resources are now focused on detained youth compared to fiscal 2000. This additional funding has translated into less overcrowding at most facilities and improved access to health services. Further, this does not include the funding for education at many facilities now budgeted in MSDE.
- The reduction of State-operated and contracted committed capacity has spurred the growth in community residential per diem placements which have grown by 8% annually in order to back-fill the decline in State-operated and contracted committed residential capacity.
- The amount spent on community-based supervision (including intake, informal supervision, probation, and aftercare) provided by DJS and private providers has increased by only 6.2% annually and is now only 28.0% of the department's budget compared to 31.0% in fiscal 2000.
- Spending on headquarters operations (excluding centrally provided services to facilities) has grown the strongest between fiscal 2000 and 2009, 8.3%.

In other words, despite all of the efforts and initiatives of administrations over the past decade involving non-residential community programming, the basic spending patterns of the department remain the same: geared primarily toward youth in detention and deep-end residential placement. The implementation of a CIP that replaces secure detention facilities and adds more deep-end treatment capacity will make it difficult to change this trend.

**Exhibit 20
Department of Juvenile Services
Fiscal 2000 and 2009 Spending Plans**



DJS: Department of Juvenile Services

Source: Department of Legislative Services; Department of Budget and Management

2. Bowling Brook Revisited

On January 23, 2007, a DJS-committed youth placed at Bowling Brook Preparatory School died after being restrained by staff. Soon after this incident, the department removed all of its youth from the facility and subsequently closed it.

At the time of closure, it was noted that based on case dispositions, many of the youth appeared to have been kept at the facility longer than was appropriate. In all, 80% of the DJS youth at Bowling Brook Preparatory School at the time of closure were either released (*i.e.*, their cases were closed) or placed in the community with a variety of services being provided, while the remaining

20% were placed in an alternative residential program (primarily the DJS-operated youth centers) or were sent to secure detention pending placement.

Almost one year after closure, what is the status of those youth? As shown in **Exhibit 21**, which is drawn from caseworker summary data provided by DJS, 44 (66%) of the youth removed from Bowling Brook are still under the purview of DJS, the majority in some kind of community supervision or community-based program or are in the adult system facing adult charges.

Exhibit 21
Current Status of DJS Youth Removed from Bowling Brook Preparatory School

<u>Original Court Disposition</u>	<u>Currently in Residential Placement/ Jail/Adult Charges</u>	<u>Case Still Open/ Community Placement</u>	<u>Case Closed</u>	<u>Case Closed Unsuccessfully</u>
Residential	2	8	4	
Community Placement/Case Closed	17	17	18	3
Total	19	25	19	3

DJS: Department of Juvenile Services

Source: Department of Legislative Services; Department of Juvenile Services

While the current status of youth removed from Bowling Brook Preparatory School is readily available, at this time the department is not able to accurately determine recidivism rates of youth removed from Bowling Brook Preparatory School. As shown in **Exhibit 22**:

- Based on caseworker summaries submitted by DJS to DLS, at least 25 youth could be identified as being re-referred to the juvenile or adult system.
- It should be noted that since no data was formally obtained from the adult system, it was impossible to identify deeper penetration into the adult system other than noting from caseworker reports that the youth had been arrested.

Exhibit 22
Bowling Brook Preparatory School
Various Recidivism Rates
(Percent and Number of Youth)

	Recidivism Rate for Youth Removed from Bowling Brook at Closure – (DLS Analysis of Caseworker Notes <u>Compiled by DJS</u>)	Fiscal 2006 Recidivism Rate One Year After Release – Adult and <u>Juvenile System (DJS)</u>
Re-referral Juvenile/Criminal	38% (25)	47% (55)
Re-adjudication/Conviction		19% (22)
Re-Commitment/ Incarceration		15% (17)
	N=66	N=116

Bowling Brook: Bowling Brook Preparatory School
DJS: Department of Juvenile Services

Source: Department of Legislative Services; Department of Juvenile Services

- While the data compiled from the caseworker summaries is incomplete and not for a full year, at this time the recidivism rate does appear to be slightly lower compared to fiscal 2006 Bowling Brook Preparatory School releases.
- It should also be noted that of the 25 youth identified in the caseworker summaries as having subsequent contact with either the adult or juvenile system, 17 are identified as being in the adult system. Adult charges range from third degree burglary and controlled dangerous substance possession to rape.
- Interestingly, this level of subsequent contact with the adult system is consistent with data for the fiscal 2006 cohort but is noticeably higher than for the fiscal 2004 cohort for example. This is another indicator that perhaps points to the change in program effectiveness at Bowling Brook Preparatory School that accompanied the growth in the program’s size.

In summary, the recidivism data at this time is somewhat encouraging as compared to data from fiscal 2006, but the extent of entry into the adult system is disturbing. Following-on from the department’s analysis of group home placement under the new Washington State Juvenile Court Assessment tool noted above, it may well be that some of the youth were inappropriately placed in the first place or were inappropriately placed on closure when no specific assessment tool was used.

Recommended Actions

	<u>Amount Reduction</u>		<u>Position Reduction</u>
<p>1. Reduce funding for management studies. The Department of Juvenile Services has contracted with the University of Maryland, Baltimore to provide technical assistance and planning of an Interagency Child and Family Strategic Planning Process to improve collaboration, communication, and information-sharing among the four child-serving cabinet agencies (Health and Mental Hygiene, Human Resources, Juvenile Services, and Education). Current funding takes this process through June 2008 with the development of a final plan with action steps. Additional funding is proposed to translate this plan into the implementation policy, budget, and legislative proposals for the 2009 session. This reduction still leaves \$250,000 for that part of the process.</p>	\$ 250,000	GF	
<p>2. Reduce fiscal 2009 operating expenditures based on the availability of encumbered prior year funds. In fiscal 2007, the legislature approved over \$4.6 million in operating and capital funding to be awarded for gang prevention grants. To date, the department has awarded all but \$750,000 of these funds. If these funds remain unawarded, as a one-time cost containment measure, the remaining funds can be used to back-fill a reduction in fiscal 2009 operating expenditures.</p>	750,000	GF	
<p>3. Reduce funding and delete positions at the Maryland Youth Residence Center (MYRC). MYRC is a shelter program in Baltimore City. The Department of Juvenile Services (DJS) has been scaling back operations at MYRC during fiscal 2008 because of the inadequacy of the physical plant. By December 2007, DJS had no youth at the facility although the electronic monitoring (EM) program remains housed there. Renovating the facility for occupation by youth will be extremely expensive.</p>	1,000,000	GF	28.0

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Simply installing a sprinkler system will cost \$1.8 million. The reduction still provides DJS with over \$900,000 for operating expenses to continue housing the EM program at the facility (at least temporarily) as well as to support alternative programming for youth that would otherwise be served at the facility.

- | | | | |
|----|--|---------|----|
| 4. | Delete funding for additional structured rehabilitative programming at the Hickey School and Cheltenham. Funding was added to all three facilities currently under federal Civil Rights of Institutionalized Persons Act (CRIPA) oversight. In the latest CRIPA independent monitor reports, the Hickey School and Cheltenham are almost in complete compliance with requirements imposed upon them. Funding is retained for the development of this programming at the Baltimore City Juvenile Justice Center (BCJJC). BCJJC, which came under CRIPA oversight after the Hickey School and Cheltenham, is in less compliance than the other two facilities. | 300,000 | GF |
| 5. | Reduce funding for the Global Positioning System initiative. The reduction still leaves \$544,000 to serve 150 youth under this initiative rather than the 250 planned by the department. | 379,000 | GF |
| 6. | Delete funds for the expansion of Operation Safe Kids. Operation Safe Kids is a Baltimore City program originally funded through a multi-year federal grant. The department assumed responsibility for the program in fiscal 2008 after the federal funding expired. This program, while a promising practice, is not an evidence-based practice. The department is placing an emphasis on using evidence-based practices in its programming. Expansion of this programming should come only when the program has been validated as an evidence-based practice. | 650,000 | GF |

Total General Fund Reductions

\$ 3,329,000

28.0

Updates

1. Civil Rights of Institutionalized Persons Act Investigations

Cheltenham and the Hickey School

On August 30, 2002, the U.S. Department of Justice Civil Rights Division informed then Governor Parris N. Glendening that the U.S. Department of Justice (DOJ) was investigating conditions at Cheltenham and the Hickey School. The focus of the investigation was the physical safety of residents; medical and mental health care and education; and whether or not the care provided at those facilities involved systemic violations of the Constitution or federal law. DOJ investigators conducted inspections of the Hickey School and Cheltenham facilities between April and June 2003 and issued a findings letter in April 2004. In June 2005, the State and DOJ entered into an agreement concerning the CRIPA investigation.

The CRIPA agreement calls for a series of improvements in a number of programmatic and physical areas. The agreement is in effect for three years, and the burden is on the State to ensure compliance with the agreement.

Part of the agreement calls for DJS to pay for an independent evaluation of the State's CRIPA response. Since the agreement calls for additional investment in certain programmatic areas, but neither quantifies what those investments should be, nor makes an assessment of the impact of the significant investments and program changes made by the State at the Hickey School and Cheltenham since the initial DOJ investigation took place in 2003, such an independent evaluation is important to providing insight into the department's progress in meeting DOJ's concerns.

The most recent report from the independent evaluation team was for the period July 1 through December 31, 2007. The findings of that report are summarized in **Exhibit 23**:

**Exhibit 23
CRIPA Hickey School and Cheltenham
Overall Compliance, by Substantive Area**

<u>Substantive Area</u>	<u>Total Provisions</u>	<u>Substantial Compliance</u>		<u>Partial Compliance</u>		<u>Non-compliance</u>	
		<u>Hickey School</u>	<u>CYF</u>	<u>Hickey School</u>	<u>CYF</u>	<u>Hickey School</u>	<u>CYF</u>
Protection from Harm	17	14	8	3	9	0	0
Suicide Prevention	9	9	9	0	0	0	0
Mental Health	10	8	8	2	2	0	0
Medical	5	3	3	2	2	0	0
Special Education	8	8	8	0	0	0	0
Fire Safety	1	1	1	0	0	0	0
Total Facility – Level	50	43	37	7	13	0	0
		86%	74%	14%	26%	0%	0%
Mental Health	1	1		0		0	
Medical	1	1		0		0	
Quality Assurance	4	2		2		0	
Total Agency – Level	6	4		2		0	
		67%		33%		0%	

CYF: Cheltenham Youth Facility
CRIPA: Civil Rights of Institutionalized Person Act

Source: Settlement Agreement between the State of Maryland and the *United States Department of Justice Fifth Monitor's Report*

Baltimore City Juvenile Justice Center

During the 2005 interim, it was announced that BCJJC was also subject to a CRIPA investigation. In August 2006, DOJ released the finding of its investigation. Findings were grouped around three broad areas:

- ***Inadequate Protection from Harm:*** The investigation revealed inadequate protection from youth-on-youth violence including an inadequate behavior management plan and environmental security hazards and inadequate protection from risks of suicide including environmental suicide risks and inadequate suicide watch and seclusion monitoring.

- **Inadequate Mental Health Care:** The investigation revealed inadequate mental health screenings and assessments; inadequate mental health treatment and case management; inadequate communication and recordkeeping; and inadequate confidentiality safeguards.
- **Inadequate Educational Instruction of Youth with Disabilities:** The investigation revealed inadequate access to special education and inadequate development of individualized education plans.

The most recent report from the independent evaluation team for BCCJC was also for the period July 1 through December 31, 2007. The findings of that report are summarized in **Exhibit 24**.

Exhibit 24
CRIPA BCJJC
Overall Compliance, by Substantive Area

<u>Substantive Area</u>	<u>Total Provisions</u>	<u>Substantial Compliance</u>	<u>Partial Compliance</u>	<u>Non-compliance</u>
Protection from Harm	7	2	5	0
Suicide Prevention	7	4	3	0
Mental Health	6	4	2	0
Special Education	5	1	2	2
Quality Assurance	4	2	2	0
Total	29	13 45%	14 48%	2 7%

CRIPA: Civil Rights of Institutionalized Person Act
BCJJC: Baltimore City Juvenile Justice Center

Source: Settlement Agreement between the State of Maryland and the *United States Department of Justice First Monitor's Report*

DJS anticipates that the three facilities will have resolved CRIPA issues by July 1, 2008.

2. Gang Prevention Funding

The fiscal 2007 operating and capital budgets included \$4 million in the Rainy Day Fund restricted to operating and capital funding targeted to the prevention of gangs and gang activities, plus an additional \$647,414 in general obligation (GO) bond financing. This funding was restricted/added to the fiscal 2007 budget by the legislature. In so doing, the legislature established that the funding

VI0A – Department of Juvenile Services

was to be administered by DJS, although grants are to be approved by the Legislative Policy Committee (LPC) prior to award. Other restrictions also applied.

In correspondence to the budget committees in July 2006, DJS and the Governor’s Office for Children (GOC) indicated that they intended to combine the DJS funding with other delinquency prevention funding in GOC and award it under the rubric of gang reduction plans being developed by Local Management Boards as provided for under Chapter 445 of 2006.

In the 2007 interim, DJS submitted separate requests to LPC to award \$3.25 million in gang prevention operating grants and \$647,414 in capital grants funded through GO bonds. At this point, \$750,000 in funding remains to be awarded.

3. *Joint Chairmen’s Report Request Status*

The 2007 JCR included a number of requests for reports from DJS. At the time of writing, as shown in **Exhibit 25**, the department has not delivered any of the reports.

**Exhibit 25
Department of Juvenile Services
Fiscal 2008 JCR Item Status**

<u>JCR Item</u>	<u>Due Date</u>	<u>Status</u>
Maximization of federal Medicaid claims for behavioral health assessments and other mental health services	November 1, 2007	Delivered for review by DBM January 29, 2008
Evaluation of community-based sex offender programming	Not specified (dependant on grant funding)	Still seeking grant funding
Evaluation of Facilities Master Plan	September 1, 2007, subsequently moved to November 1, 2007, per Chapter 498 of 2007	Submitted to DBM January 22, 2008
Education programming for Extended Diagnosis and Initial Treatment youth at RICA-Southern Maryland	October 1, 2007	Solution proposed by DJS still under review by the Prince George’s County Board of Education

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<u>JCR Item</u>	<u>Due Date</u>	<u>Status</u>
Caseload Management System IV&V summary	Not specified (dependant on timing of IV&V)	DJS recently submitted a request to DBM to perform an IV&V on the department's case management system (ASSIST)

JCR: *Joint Chairmen's Report*

DBM: Department of Budget and Management

DJS: Department of Juvenile Services

ASSIST: Automated Statewide Support and Information System

Source: Department of Juvenile Services

Current and Prior Year Budgets

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

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2007					
Legislative Appropriation	\$214,442	\$143	\$15,007	\$306	\$229,898
Deficiency Appropriation	24,088	0	676	0	24,764
Budget Amendments	261	4,240	0	2,956	7,457
Reversions and Cancellations	-271	-240	-5,154	0	-5,665
Actual Expenditures	\$238,520	\$4,143	\$10,529	\$3,262	\$256,454
Fiscal 2008					
Legislative Appropriation	\$231,853	\$203	\$14,737	\$449	\$247,242
Cost Containment	-1,245	0	0	0	-1,245
Budget Amendments	2,083	134	0	0	2,216
Working Appropriation	\$232,691	\$337	\$14,737	\$449	\$248,213

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

Fiscal 2007

The fiscal 2007 legislative appropriation for DJJ was increased by almost \$26.6 million. This increase was derived as follows:

- Deficiency appropriations added almost \$24.8 million (over \$24.0 million general funds and almost \$700,000 federal funds) to the legislative appropriation. Details of the general fund deficiencies are provided in **Exhibit 26**.

Exhibit 26
Department of Juvenile Services
Fiscal 2007 General Fund Deficiencies

<u>Unit</u>	<u>Item</u>	<u>Amount</u>
Fiscal 2006 General Fund Payables Rolled into Fiscal 2007		
Community Services	Residential per diem placements	\$4,945,000
Western Region	Residential per diem placements and other expenses	1,545,000
Departmental Support	Various information technology improvements, training expenses, and other expenditures	455,000
Health Services	Medical and food services and behavioral assessments	447,000
Youth Centers	Health services and other expenses	208,000
Subtotal		\$7,600,000
Fiscal 2007 Deficiencies		
Community Services	Residential per diem placements	\$5,285,000
Facilities	Regular and contractual salaries and overtime	4,280,000
Western Region	Residential per diem placements	2,095,000
Departmental Support	Facility repair and maintenance	1,000,000
Western Region	Higher than budgeted contract expenses for O’Farrell Youth Center and Sykesville structured shelter care	913,260
Facilities	Higher than budgeted utility costs	700,000
Hickey School	Supplemental security services	567,203
Health Services	Medications	417,000
Western Region	Back-filling of reduction of federal substance abuse prevention and treatment block grant funding	324,000
Cheltenham	Behavioral health services	276,000
Community Services	Community-based juvenile sex offender treatment	246,000
Community Services	Operating grants to non-traditional community service providers in Baltimore City	230,000

V10A – Department of Juvenile Services

<u>Unit</u>	<u>Item</u>	<u>Amount</u>
Departmental Support	Overtime and other expenses related to investigations at Bowling Brook Preparatory School	120,000
Community Services	Replacement server for community detention electronic monitoring programs	35,000
Subtotal		\$16,488,463
Total		\$24,088,463

Source: Department of Legislative Services; Department of Budget and Management

- Budget amendments added a little under \$7.5 million to the legislative appropriation. Specifically:
 - General fund budget amendments added \$261,000. This was derived from increases of just over \$1.9 million representing the department’s share of the fiscal 2007 cost-of-living adjustment (COLA) originally budgeted in DBM, plus \$286,000 in annual salary reviews (ASR) and other salary adjustments partially offset by just over \$1.9 million in cost containment reductions taken by BPW in February 2007, and \$28,000 as DJS’s share of the statewide salary study.
 - Special fund budget amendments increased the legislative appropriation by \$4.24 million. Of this amount \$4.0 million represented a transfer from the Revenue Stabilization Account. The fiscal 2007 operating budget authorized the transfer of these funds to DJS for grants to limit gang-related activities. Ultimately, none of these funds were spent in fiscal 2007, and DJS encumbered the full amount. To date, in fiscal 2008, \$3.25 million of these grants have been made. An additional amendment for \$240,000 represented a Casey foundation grant to assist DJS in developing alternatives to juvenile detention.
 - Reimbursable fund budget amendments increased the legislative appropriation by just under \$3.0 million. The major increases were in two amendments: \$1.3 million from the Major Information Technology Development Project Fund to implement a statewide education technology program; and just over \$1.2 million from the Interagency Fund to provide grants targeted to at-risk youth. The remaining amendments, primarily grants from the Governor’s Office of Crime Control and Prevention, included \$200,000 to upgrade information technology at juvenile drug courts, \$130,000 to open evening reporting centers, \$37,000 for enhanced security at Cheltenham, \$33,000 for hand-held language translators, and \$25,000 for trauma training.

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- Reversions and cancellations trimmed just under \$5.7 million from the increase to the legislative appropriation made by deficiencies and budget amendments. General fund reversions totaled \$271,000. Of the cancellations, almost \$5.2 million were federal funds, virtually all of that being federal IV-E funds. Attainment of those funds was much lower than anticipated and was one of the contributory factors to DJS's fiscal 2007 deficit.

Fiscal 2008

To date, the fiscal 2008 legislative appropriation has been increased by \$971,000. General funds increase \$838,000, a combination of:

- \$1.245 million in cost containment actions taken by BPW in July 2007; and
- an increase of almost \$2.1 million representing DJS's share of the fiscal 2008 COLA that was originally budgeted in DBM.

A special fund amendment of \$134,000 accounts for the remaining change. This amendment represented grant funding from the Family League of Baltimore for start-up and one-time costs associated with the opening of a day and evening reporting center in Baltimore City.

Audit Findings

Audit Period for Last Audit:	November 1, 2002 – July 31, 2006
Issue Date:	July 2007
Number of Findings:	16
Number of Repeat Findings:	12
% of Repeat Findings:	75%
Rating: (if applicable)	n/a

- Finding 1:** DJS needs to continue its efforts with the Judiciary to ensure that individual court decisions contain the requisite language necessary to enable the State to recover Title IV-E funding. DJS agreed with the finding and the recommendation for remediation (see earlier discussion for more detail).
- Finding 2:** **Title IV-E eligibility determinations were not always completed promptly, resulting in a loss of federal revenues to the State. DJS agreed with the finding and the recommendation for remediation.**
- Finding 3:** Procedures for controlling and accounting for collections at two locations were insufficient. DJS agreed with the finding and recommendations for remediation.
- Finding 4:** **Adequate internal controls and record keeping procedures had not been established for accounts receivable. DJS agreed with the finding and recommendations for remediation.**
- Finding 5:** DJS did not always comply with certain regulations and provisions of the law relating to the collection of delinquent accounts. DJS agreed with the finding and recommendations for remediation.
- Finding 6:** Controls over the issuance of corporate purchasing cards were inadequate, and certain required documentation was not always maintained. DJS disagreed that controls over the issuance of purchasing cards were inadequate although the department agreed with that part of the finding regarding documentation and the recommendation for remediation.
- Finding 7:** Proper internal controls were not established over critical functions on the State’s Financial Management Information System. DJS agreed with the finding and recommendations for remediation.
- Finding 8:** Employee access to critical automated systems was not adequately controlled. DJS agreed with the finding and recommendations for remediation.

- Finding 9:** DJS’ internal network was not properly protected from security risks. DJS agreed with most aspects of this finding and the recommendations for remediation. However, the department did not agree with that part of the finding concerning third-party access to the network arguing that third-party entity networks are routed away from any access to the internal network.
- Finding 10:** Administration and monitoring of critical network devices need improvement. DJS agreed with two aspects of this finding and the recommendations for remediation. However, the department did not agree with that part of the finding concerning the number of individuals with access to critical network devices arguing that the level of access was required to maintain reliable service levels.
- Finding 11:** DJS did not adequately secure its web access to two sensitive applications. DJS agreed with the finding and the recommendation for remediation.
- Finding 12:** Network and database accounts and related passwords were not adequately controlled, and certain system activities were not monitored. DJS agreed with the finding and the recommendation for remediation.
- Finding 13:** DJS did not have a complete information technology disaster recovery plan. DJS agreed with the finding and recommendations for remediation.
- Finding 14:** Critical documents were not adequately reviewed, and there was a lack of control over procedures for removing employees from the payroll. DJS agreed with the finding and recommendations for remediation.
- Finding 15:** Physical inventories of equipment were not conducted at required intervals, and record keeping for property was deficient. DJS agreed with the finding and recommendations for remediation.
- Finding 16:** Certain transactions were not recorded or accounted for in accordance with General Accounting Division requirements. DJS agreed with the finding and recommendations for remediation.

*Bold denotes item repeated in full or part from preceding audit report.

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

<u>Object/Fund</u>	<u>FY07 Actual</u>	<u>FY08 Working Appropriation</u>	<u>FY09 Allowance</u>	<u>FY08-FY09 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	2079.85	2236.85	2296.65	59.80	2.7%
02 Contractual	121.37	210.75	109.25	-101.50	-48.2%
Total Positions	2201.22	2447.60	2405.90	-41.70	-1.7%
Objects					
01 Salaries and Wages	\$ 128,334,298	\$ 129,972,795	\$ 154,841,972	\$ 24,869,177	19.1%
02 Technical and Spec. Fees	4,156,246	4,374,203	3,111,753	-1,262,450	-28.9%
03 Communication	2,790,129	2,691,961	2,782,709	90,748	3.4%
04 Travel	1,135,040	710,900	739,900	29,000	4.1%
06 Fuel and Utilities	4,003,388	3,470,081	3,845,268	375,187	10.8%
07 Motor Vehicles	2,231,826	1,880,831	1,644,452	-236,379	-12.6%
08 Contractual Services	100,454,187	86,574,111	98,098,229	11,524,118	13.3%
09 Supplies and Materials	5,577,831	5,503,840	5,904,875	401,035	7.3%
10 Equipment – Replacement	1,013,845	1,085,000	351,000	-734,000	-67.6%
11 Equipment – Additional	1,466,746	2,948,407	2,435,714	-512,693	-17.4%
12 Grants, Subsidies, and Contributions	279,323	358,000	358,000	0	0%
13 Fixed Charges	4,989,897	4,184,391	3,726,377	-458,014	-10.9%
14 Land and Structures	21,284	4,458,753	0	-4,458,753	-100.0%
Total Objects	\$ 256,454,040	\$ 248,213,273	\$ 277,840,249	\$ 29,626,976	11.9%
Funds					
01 General Fund	\$ 238,520,045	\$ 232,690,794	\$ 265,498,931	\$ 32,808,137	14.1%
03 Special Fund	4,142,637	336,500	203,000	-133,500	-39.7%
05 Federal Fund	10,529,144	14,736,979	11,689,318	-3,047,661	-20.7%
09 Reimbursable Fund	3,262,214	449,000	449,000	0	0%
Total Funds	\$ 256,454,040	\$ 248,213,273	\$ 277,840,249	\$ 29,626,976	11.9%

Note: The fiscal 2008 appropriation does not include deficiencies.

**Fiscal Summary
Department of Juvenile Services**

<u>Program/Unit</u>	<u>FY07 Actual</u>	<u>FY08 Wrk Approp</u>	<u>FY09 Allowance</u>	<u>Change</u>	<u>FY08-FY09 % Change</u>
01 Office of the Secretary	\$ 2,572,559	\$ 2,935,345	\$ 2,002,469	-\$ 932,876	-31.8%
02 Departmental Support	29,253,531	32,093,296	32,726,485	633,189	2.0%
01 Residential Services	85,453,812	71,794,360	89,623,668	17,829,308	24.8%
02 Admissions	20,795,580	22,656,498	23,791,545	1,135,047	5.0%
03 Community Justice Supervision	62,213,100	57,361,581	63,380,831	6,019,250	10.5%
03 Western Region	56,165,458	61,372,193	66,315,251	4,943,058	8.1%
Total Expenditures	\$ 256,454,040	\$ 248,213,273	\$ 277,840,249	\$ 29,626,976	11.9%
General Fund	\$ 238,520,045	\$ 232,690,794	\$ 265,498,931	\$ 32,808,137	14.1%
Special Fund	4,142,637	336,500	203,000	-133,500	-39.7%
Federal Fund	10,529,144	14,736,979	11,689,318	-3,047,661	-20.7%
Total Appropriations	\$ 253,191,826	\$ 247,764,273	\$ 277,391,249	\$ 29,626,976	12.0%
Reimbursable Fund	\$ 3,262,214	\$ 449,000	\$ 449,000	\$ 0	0%
Total Funds	\$ 256,454,040	\$ 248,213,273	\$ 277,840,249	\$ 29,626,976	11.9%

Note: The fiscal 2008 appropriation does not include deficiencies.