

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

Senate Bill 333 (Senator Haines, *et al.*)
 Judicial Proceedings

State Juvenile Justice Disciplinary and Grievance Advisory Commission

This bill creates a 12-member State Juvenile Justice Disciplinary and Grievance Advisory Commission, independent from the Department of Juvenile Justice (DJJ), to inform and advise the Secretary of Juvenile Justice on issues regarding the care and supervision of children under the jurisdiction of DJJ.

Fiscal Summary

State Effect: General fund expenditures would increase by an estimated \$268,400 in FY 2003 for the State Juvenile Justice Disciplinary and Grievance Advisory Commission staff. Future year expenditures reflect annualization, salary increases, employee turnover, and inflation. No effect on revenues.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	268,400	322,500	336,600	351,600	367,500
Net Effect	(\$268,400)	(\$322,500)	(\$336,600)	(\$351,600)	(\$367,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Any additional travel expenses required for representatives of local governments who are appointed to an area advocacy board could be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The commission consists of members with specified qualifications appointed by the Governor and the chairman of each of the five area advocacy boards, also established by this bill. The commission members will serve three-year staggered terms. The responsibilities of the commission include monitoring all facilities of DJJ by: (1) receiving all reports of disciplinary actions taken against and grievances filed by children in the facilities of the department; (2) conducting public hearings; (3) performing site visits and on-site inspections of facilities; and (4) accessing relevant information concerning children under the department's jurisdiction.

The commission must employ a full-time executive director, two administrative assistants, and three commission monitors. The commission monitors are each assigned to monitor specific facilities and programs of the commission and report monthly to the commission on all monitoring activities. Commission monitors are required under the bill to determine whether the needs of children under the jurisdiction of the department are being met in compliance with State law, that their rights are being upheld, and that they are not being abused. Additionally, the commission monitors are required to act immediately to inform the Secretary of Juvenile Justice when there is a need to initiate actions with authorities to remedy any immediate threat to a child.

The bill also requires the chairman of the commission to appoint a five-member area advocacy board in each of the five State regions that are identified by DJJ for the purpose of administering intake, detention, probation, and aftercare for delinquent children. Each board is required to review quarterly reports from the commission monitors to determine whether there is a pattern of abuse, neglect, failure to follow procedures, inappropriate disciplinary action, or other systemic failings within the facilities or programming of the department. Following this review, the board is then required to forward copies of the commission monitors' reports with a report of the board's findings to the chairman of the commission and to the Secretary of the department.

Salaries and expenses necessary for the work of the commission shall be as provided in the State budget. The commission must report annually to the Governor, the General Assembly, the Chief Judge of the Court of Appeals, and the Secretary of Juvenile Justice.

The bill also requires DJJ to adopt a policy for addressing disciplinary actions and grievances within its facilities. DJJ must cooperate with the commission, by providing the commission, the commission monitors, and area advocacy boards access to all facilities, reports, and records necessary to monitor the department's activities.

Current Law: There is no board or commission that provides oversight of DJJ and informs and advises the Secretary of Juvenile Justice on issues regarding the care and

supervision of children under the jurisdiction of DJJ. Under current law, the primary oversight of the department's facilities is internal. The department employs child advocates to work on behalf of children under the jurisdiction of the department to ensure that their needs are being met and their rights are being upheld. The child advocates work for the department.

The bill proposes a review process for juvenile grievances similar to that which already exists. The child advocates have many of the same responsibilities as the commission monitors; however, the commission monitors would be employed by the commission and not by the department.

Background: This bill addresses issues that arose prior to the 2000 session regarding the functioning and oversight of the juvenile justice system in the State. During late 1999, there were allegations of mismanagement and abuse directed at the department, particularly with regard to the department's operation of juvenile boot camps.

In 1996, Maryland initiated one of the nation's largest boot camp programs for juvenile offenders, called the Leadership Challenge. Until 1999, the department operated three Leadership Challenge boot camp programs in the State at the Savage Mountain Youth Center, the Backbone Mountain Youth Center, and the Meadow Mountain Youth Center.

These programs were closed by Governor Glendening in December of 1999, subsequent to a four-part series of articles in the *Baltimore Sun* that reported on numerous incidents of physical violence and abuse by boot camp employees against juvenile offenders. The *Baltimore Sun* articles prompted Governor Glendening to appoint a seven-member special task force to report within a week on conditions and activities at the three boot camps.

On December 15, 1999, the special task force released a report with findings that the boot camp guards engaged in routine and often brutal beatings of the juvenile offenders. Alleged abuses included youth supervisors punching and kicking juvenile offenders, at times throwing them to the ground, and in one case, a 16-year-old boy's wrist was fractured. Investigations into the allegations of physical abuse resulted in the placing of 14 youth supervisors on administrative leave, the firing of seven of the suspended youth supervisors for "excessive force," and the charging of one youth supervisor with two counts of child abuse and two counts of second-degree assault.

In addition, the report of the task force led to the removal of DJJ's Secretary and Deputy Secretary. A new management team replaced the ousted team and established the Office of Professional Responsibility and Accountability (OPRA) "for the purpose of ensuring that DJJ employees and private service providers perform their duties and responsibilities

in accordance with professional standards and practices, applicable law, rules of conduct, regulations, policy, procedure, and written directives.”

OPRA has four units, one of which is the Investigations and Child Advocacy Unit. This unit is charged with investigating allegations of abuse or misconduct and assisting juveniles who express a desire to initiate a grievance. These functions will be carried out through scheduled and unscheduled site visits, inspections of case files, and interviews with juveniles, staff, volunteers, victims, clients, parents or guardians, and organizational and community representatives.

The five State regions identified by DJJ for the purpose of administering intake, detention, probation, and aftercare for delinquent children are: (1) Baltimore City; (2) Baltimore, Carroll, Harford, and Howard counties; (3) Allegany, Frederick, Garrett, Montgomery, and Washington counties; (4) Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, and Worcester counties; and (5) Anne Arundel, Calvert, Charles, Prince George’s, and St. Mary’s counties.

State Fiscal Effect: General fund expenditures could increase by an estimated \$268,416 in fiscal 2003, which accounts for the bill’s October 1, 2002 effective date. This estimate reflects the cost of hiring an executive director, two administrative assistants, and three commission monitors as specified in the bill. It includes salaries, fringe benefits, communications, travel, one-time equipment purchases, and rental space.

Salaries and Fringe Benefits	\$217,296
Office Equipment	27,022
Ongoing Operating Expenses	<u>24,098</u>
Total FY 2003 State Expenditures	\$268,416

Future year expenditures reflect: (1) full salaries with a 2.5% increase in fiscal 2003 and a 3.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

DJJ could adopt the required disciplinary policy using existing budgeted resources.

Additional Information

Prior Introductions: SB 537 of 2001 was not reported out of the Senate Judicial Proceedings Committee, and the cross file, HB 7 of 2001 was not reported out of the

House Judiciary Committee. In 2000, HB 1088 passed the House but was not reported out of the Senate Judicial Proceedings Committee.

Cross File: Although not identical as a cross file, HB 967 (House Judiciary Committee) is identical.

Information Source(s): Department of Juvenile Justice, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2002
lsc/cer

Analysis by: Anne E. Gawthrop

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510