

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 543

(Senator Frosh, *et al.*)

Judicial Proceedings

Judiciary

Department of Juvenile Services - Facilities and Reform Progress Reporting

This emergency bill limits to three years the term of any agreement or contract that the Department of Juvenile Services (DJS) may enter into for the operation of the Charles H. Hickey, Jr. School and requires DJS to operate the facility by July 1, 2007. In addition, DJS must prepare a Facilities Master Plan, submit a series of reports and recommendations, and adopt regulations for its programs and facilities that are consistent with existing State standards.

Fiscal Summary

State Effect: The FY 2005 State budget includes \$500,000 in general funds to contract for a DJS Facilities Master Plan. General fund expenditures could also increase in FY 2005 to conduct an analysis of race data. Future year expenditure increases would reflect strategies and needs identified in the required reports.

Local Effect: Local expenditures could increase minimally to aid with race-related data collection efforts required in the bill. Local revenues would not be affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill declares that it is the intent of the General Assembly that children in the juvenile services system are served by programming that meets the following principles:

- the safety of the community and the children is ensured;
- services are delivered regionally;
- detention and commitment facilities do not contain more than 48 children;
- detention and commitment facilities are geographically and operationally separate and distinct; and
- children awaiting disposition are not held with children who are awaiting placement after disposition.

A Facilities Master Plan that is consistent with these principles must be submitted by DJS by January 15, 2006. As part of the development of the plan, an initial report must be submitted by December 31, 2004. The final Facilities Master Plan must implement the ideal service delivery system as identified in the initial report.

DJS, with the assistance and cooperation of the Maryland State Department of Education (MSDE) and the Department of Health and Mental Hygiene (DHMH), must provide the following reports to the Governor and the General Assembly by December 31, 2004:

- a feasibility study of the maximum utilization of community-based services that will act as effective alternatives for youths who have historically been placed in secure detention. The plan must also provide for the development of family-centered aftercare plans;
- a joint recommendation with MSDE on how to provide an equal and adequate education to all youths isolated from customary community educational services;
- a joint assessment with DHMH of the costs and actions necessary to implement the three-year plan for enhanced mental health services;
- an identification and evaluation of appropriate somatic health, mental health, substance abuse, and nutrition services for youths in the juvenile justice system;
- a joint recommendation with DHMH on how to provide appropriate health care to youths in the juvenile justice system;
- a report on efforts to identify and reduce disproportionate minority confinement. In order to complete the report, DJS must collaborate with local jurisdictions to collect offense data, analyze risk assessment procedures in each jurisdiction, and identify the causes of the disproportionality as well as alternatives for reducing it; and

- a management plan for evaluating staff functions and needs, and for improving staff recruitment.

The regulations that DJS must adopt for its programs and facilities must be consistent with existing State standards applying to private child residential programs and facilities. The regulations must meet all of the requirements of Chapter 396 of 2002.

Current Law: DJS acts as the central administrative department for juvenile diagnostic, training, detention, and rehabilitation institutions. DJS may establish and operate the facilities that are necessary to diagnose, care for, train, educate, and properly rehabilitate children who need these services. DJS is authorized to contract for the operation of facilities and is not required to operate facilities. The term of a contract that DJS may enter into for the operation of the Charles H. Hickey, Jr. School is not specifically limited by statute, but procurement officers generally tend to limit service contracts to five years.

DJS is required to adopt a standard of conduct for its employees and adopt regulations that require programs operated or contracted by DJS to meet certain standards and provide specific services (Chapter 396 of 2002).

Background: The Governor proposed a comprehensive reform of DJS during his campaign and upon entering office. Some of the specific reforms suggested by the Governor included:

- an expansion of juvenile drug courts;
- an MSDE takeover of educational services at commitment facilities used by DJS;
- a more formalized transition process for educating youths after they leave residential placements;
- a statewide truancy prevention plan;
- an increase in the number of mental health counselors;
- an emphasis on minority justice and the development of racially neutral assessment tools;
- various management reforms, including a focus on wraparound services, improvements to information technology, and upgrades to staff training;

- the downsizing of juvenile facilities; and
- the addition of a secure youth facility for juveniles who have been transferred to the adult justice system to ensure that minors are not housed with adult offenders.

Funding for some of these initiatives has been included in the fiscal 2004 and 2005 budgets proposed by the Governor. The fiscal 2004 State budget includes a total of \$2 million for the expansion of juvenile drug courts, the implementation of management reforms, the addition of new mental health counselors, and the creation of an Office of Minority Justice Services within DJS. The Baltimore City Juvenile Justice Center was also opened in fall 2003 at an estimated fiscal 2004 cost of \$7.1 million. The fiscal 2005 State budget includes approximately \$5.5 million for MSDE to assume control of educational services at the Charles H. Hickey, Jr. School.

Even with the increased attention and resources, problems at DJS and at juvenile detention and commitment facilities have continued over the last year. In particular, reports of abuses at the Charles H. Hickey, Jr. School and Cheltenham Youth Facility have repeatedly caught the attention of the Office of the Independent Juvenile Justice Monitor (OIJJM) within the Office for Children, Youth, and Families. OIJJM has cited numerous problems – including child abuse, violence, overcrowding, a lack of appropriate services, and understaffing – at the institutions. Hickey School is currently run by a private vendor, but the contract with the vendor is set to expire March 31. DJS has issued a Request for Proposals (RFP) for the operation of Hickey beginning July 1, 2004, with the current vendor operating the program until then. Proposals were due February 9. Unlike Hickey, Cheltenham is operated by DJS. Through the opening of the Baltimore City Juvenile Justice Center, DJS has been able to close three of seven cottages at Cheltenham. DJS is also redesigning the facility in order to provide more mental health and addictions services.

The U.S. Department of Justice is currently investigating conditions at Hickey and Cheltenham. The investigation, which began in August 2002, is focusing on the physical safety of residents at the facilities, as well as the health and educational services provided at the facilities.

State Expenditures: Many of the bill's reporting requirements are central to stated DJS reform plans and could be performed with existing resources. There are several components of the bill, however, that could involve significant costs for the State. In addition, the costs of implementing some of the strategies identified in the required reports would be significant.

Facilities Master Plan

The fiscal 2005 State budget includes \$500,000 for DJS to contract for a Facilities Master Plan. DJS advises that this amount is sufficient to contract for the required plan.

Collecting Data on Minority Confinement

The bill requires a report on the efforts taken to identify and reduce disproportionate minority confinement and requires specific data collection and analysis efforts by the State and local jurisdictions. It is unclear at this point how much of the required data could be collected easily from existing sources and how much would require substantial new efforts. Additionally, the type of analysis described in the bill could require the aid of a private consultant.

Other Potential Costs

Although the other reports required by the bill could most likely be prepared by DJS and cooperating agencies with existing resources, some of the reports could lead to very significant future costs. For example, a recommendation from DJS and MSDE about providing an equal and adequate education for committed youths could involve substantial upgrades to the existing educational programs at juvenile facilities. The fiscal 2005 State budget includes \$5.5 million for MSDE to assume control of the education function at Hickey alone, approximately \$3.5 million more than what is being spent in fiscal 2004. The management plan required of DJS must include strategies for increasing the professional qualifications of DJS workers, which would presumably lead to higher salary levels.

Local Expenditures: Local jurisdictions would be required to collaborate with DJS to collect juvenile offense data by race, offense, and zip code. Jurisdictions that do not currently collect this information in a format that could be used by DJS could incur additional burdens to comply with the requirement.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Legislative Services

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