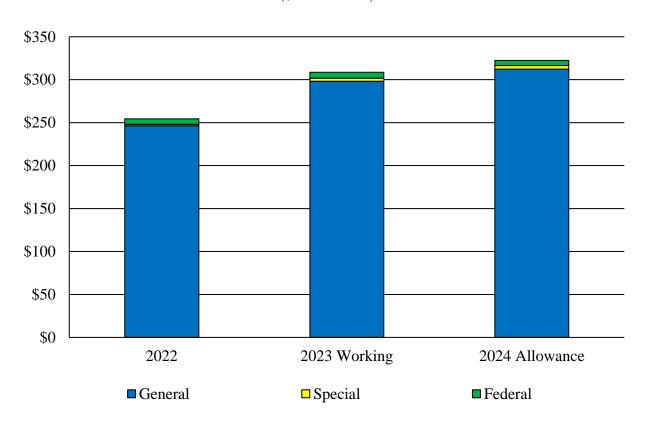
V00A Department of Juvenile Services

Executive Summary

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

Operating Budget Summary

Fiscal 2024 Budget Increases \$13.8 Million, or 4.5%, to \$322.4 Million (\$ in Millions)



Note: The fiscal 2023 working appropriation includes deficiency appropriations including this agency's share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

• Most (61.3%) of the growth in fiscal 2024 is attributable to personnel salary enhancements. This growth is somewhat offset by decreased expenditures for youth per diem funding.

For further information contact: Madelyn C. Miller

Key Observations

- Some Juvenile Population Levels Rise, Most Stay Below Their Prepandemic Levels: Though DJS received 51.9% more complaints in fiscal 2022 compared to fiscal 2021, the number of complaints in fiscal 2022 was still 27.6% lower than in fiscal 2020. Fiscal 2023 year-to-date (YTD) data suggests the detained population is increasing over pandemic-era lows, but the committed population has yet to experience a similar increase.
- **Programmatic Funding Adjusts for the Size of Current Populations:** Funds provided for per diem purposes decrease from the working appropriation but remain higher than in fiscal 2022.
- **DJS Vacancies Have Increased, Including Among Direct Care Staff:** Community direct care staff vacancies have increased 1.5 percentage points since the start of fiscal 2022 to 13.7% in December 2022. Residential direct care staff vacancies have also increased since the start of fiscal 2022, with the rate increasing 5.2 percentage points since then.
- DJS Will Likely Have Excess General Funds in Fiscal 2023: In the fiscal 2022 closeout, DJS reverted approximately \$12.6 million in general funds associated with position vacancies. The Department of Legislative Services (DLS) estimates that the department will again revert funds for this purpose.
- **DJS Receives No Capital Funding:** Though the fiscal 2023 Capital Improvement Program (CIP) included fiscal 2024 funds for three projects, all are delayed. One project has been removed from the CIP as the department reconsiders its justification and scope. One facility was temporarily closed in fiscal 2023 and has yet to reopen.

Operating Budget Recommended Actions

1. Concur with Governor's allowance.

Updates

• DJS and Roca Baltimore, LLC Operations in Fiscal 2023: A memorandum of understanding (MOU) was set between DJS and Roca. Funds from DJS will support Roca's general operations in Baltimore City and to deliver trainings to Roca's criminal justice partners, including DJS and local law enforcement agencies. Roca submits monthly statistical performance reports to DJS' Office of Research and Evaluation.

V00A Department of Juvenile Services

Operating Budget Analysis

Program Description

DJS is an executive agency tasked with supervising and treating youth involved in Maryland's juvenile justice system. The department oversees youth from the point of referral, through the adjudication process, to reentry into society. DJS consists of several units that are broadly divided into two categories: (1) administration and support; and (2) community and facility operations.

The Office of the Secretary and Departmental Support make up the centralized leadership of the department and provide various departmentwide services. Departmental Support includes research and evaluation, information technology (IT), budget services, general services, capital planning, human resources, and professional development and training.

Community and Facility Operations is the more regionally focused part of the department, which provides services to youth in community and residential settings. It consists of three programs: (1) Community Operations Administration and Support; (2) Facility Operations Administration and Support; and (3) the Juvenile Services Education Program (JSEP). Programming and operations are organized around eight regions:

- Region 1 (Dorchester, Somerset, Wicomico, and Worcester counties);
- Region 2 (Caroline, Cecil, Kent, Queen Anne's, and Talbot counties);
- Region 3 (Baltimore and Harford counties);
- Region 4 (Allegany, Garrett, and Washington counties);
- Region 5 (Anne Arundel, Carroll, and Howard counties);
- Region 6 (Frederick and Montgomery counties);
- Region 7 (Calvert, Charles, Prince George's, and St. Mary's counties); and
- Region 8 (Baltimore City).

The department's stated goals are to ensure the safety of the public and of youth, reduce recidivism rates of supervised and committed youth, and reduce youth involvement with the juvenile justice system through diversion efforts and partnerships with law enforcement.

Performance Analysis: Managing for Results

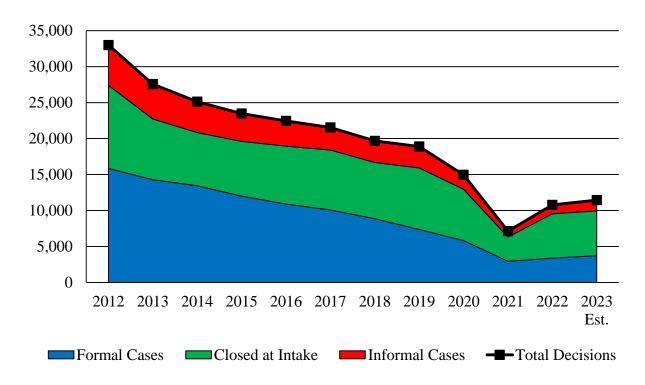
Juvenile arrest data typically included in this analysis is sourced from the *Uniform Crime Report* (UCR). Issues arising with compiling the document have delayed the Department of State Police's ability to publish the 2021 UCR. As such, juvenile arrest data is not available for analysis at this time.

1. Complaints Rose Over Their Pandemic-era Low

Exhibit 1 displays the total number of complaints received by DJS over the past decade and complaint dispositions. Key trends are as follows:

- Though DJS received 10,782 complaints in fiscal 2022, a 51.9% increase from the previous year, fiscal 2021 represented a historic low. Compared to fiscal 2020, the number of complaints in fiscal 2022 was 27.6% lower.
- A larger percentage of the complaints received in fiscal 2022 did not require court intervention compared to the prior year. Approximately 68.8% of cases received in fiscal 2022 were either resolved at intake (57.1%) or referred for informal intervention (11.4%), compared with 58.7% in fiscal 2021. The number of complaints closed at intake has become a larger percentage of all complaint decisions, rising from approximately 35.0% to 57.1% between fiscal 2012 and 2022. This figure has grown from fiscal 2021 when it was 47.2%. The number of cases referred to informal interventions rose to 1,234 in fiscal 2022 and accounted for 11.4% of all dispositions. This reflects a modest decrease from fiscal 2012, when informal cases accounted for 17.0% of dispositions. The department attributes the rise in the share of cases diverted from formal court processing in part to the implementation of its Intake Decision Tool (IDT). The department started using the IDT in July 2020 to identify a youth's risk along with their strengths and service needs.
- Formal cases refer to those that require court intervention. The 3,390 formal cases accounted for 31.4% of all dispositions in fiscal 2022. Though these cases rose 15% from fiscal 2021, these cases have fallen 78.6% compared with fiscal 2012.
- Fiscal 2022 represents the fourth year that the number of cases closed at intake exceeded the number formally referred to the State Attorney's Office. This is consistent with the department's efforts to minimize youth interactions with the criminal justice system.
- Fiscal 2023 YTD data suggest that there could be a small increase in all cases compared to fiscal 2022. Based on data through December 2022, complaints are projected to increase 6.2% from fiscal 2022. This could be an underestimation as the YTD data includes July, August, and September, months that typically have fewer referrals due to students' summer vacations. This estimated increase would still represent a 23.4% decrease from the fiscal 2020 level.

Exhibit 1 Complaints by Dispositions Fiscal 2012-2023 Est.



Note: Fiscal 2023 estimate is based on data from the first six months of the fiscal year.

Source: Department of Juvenile Services; Department of Legislative Services

2. Nonresidential Population Trends

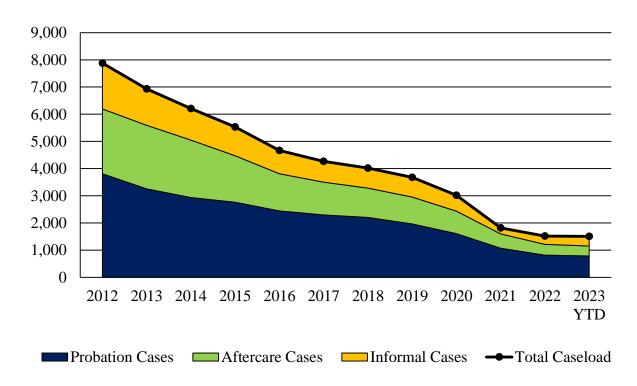
The nonresidential placement population includes youth who are receiving informal supervision, on probation, or in aftercare programming. There are three types of nonresidential populations:

- Informal, or pre-court, supervision is an agreement between DJS and a youth and their family to enter into counseling and/or DJS monitoring. The youth can avoid court involvement.
- Youth on probation receive court-ordered supervision in the community that requires the youth to meet court-ordered probation conditions, which may include school attendance, employment, community service, restitution, counseling, etc.

• Aftercare programming provides supervision and individualized treatment services to youth in the community following discharge from a residential program.

Nonresidential population trends are shown in **Exhibit 2**. Consistent with the overall decline in complaints, the department's nonresidential caseload trends have similarly declined over the past decade. Though complaints rose in fiscal 2022, the nonresidential caseload continued to drop. Between fiscal 2012 and 2022, the total nonresidential caseload has dropped 80.7%. In fiscal 2022, probation cases accounted for 53.7% of caseloads, aftercare cases for 26.2%, and informal cases for 20.1%. YTD data for fiscal 2023 suggests that informal caseloads will begin to increase, particularly as efforts to divert youth from residential placements continue. Probation and aftercare cases are projected to be historically low, consistent with efforts to keep youth from becoming court involved.

Exhibit 2 Nonresidential Caseloads Fiscal 2012-2023 YTD



YTD: year to date

Note: Fiscal 2023 data reflects the first six months of the fiscal year.

Source: Department of Juvenile Services

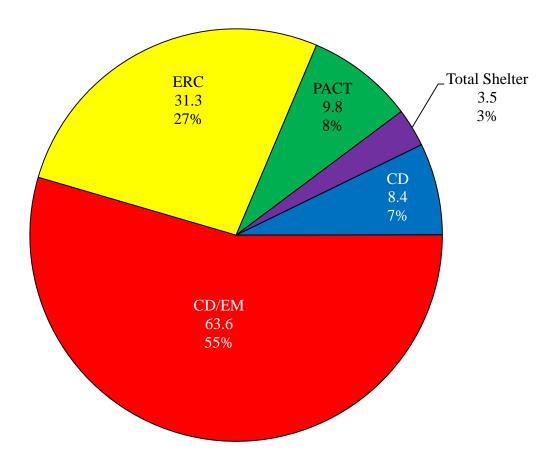
3. Alternatives to Detention Programming and Outcomes

DJS limits the number of youths committed to its facilities by diverting youth to more therapeutic placements when possible, such as to an alternative to detention (ATD) program. When a youth enters the juvenile system, DJS personnel administer the Detention Risk Assessment Instrument (DRAI) to produce a recommendation of whether the youth should be detained, placed in ATD, or released. DRAI determines the youth's risk level based on the severity of their offense, offense history, supervision, and their history of failing to appear for court. DRAI was updated in December 2022. If it is determined that it is in the best interest of the youth to be placed in ATD, they may be placed into one of the following programs:

- Community Detention, with or without Electronic Monitoring: Youth are restricted to stay at home and may only leave for court-ordered or DJS-approved activities (i.e., work, school, etc.). More restrictive forms of community detention include the use of ankle monitors and global positioning system tracking.
- **Evening Reporting Centers (ERC):** Youth are transported to and from ERCs to receive meals, tutoring, counseling, and other services. In addition to DJS-operated ERCs, private providers of ERC programming include the Pre-Adjudication Coordination and Transition Center in Baltimore City; PrideYouth Services in Montgomery County; and Lead for Life, Inc. in Wicomico County.
- **Shelter Care:** Youth are provided shelter beds in cases where the youth is unable to return home (because a parent is unable or refuses to retrieve the youth, for example).

Exhibit 3 shows the number of cases by ATD program category. Electronic monitoring is the most frequently used program, accounting for 77% of the cases in fiscal 2017, 57% in fiscal 2021, and 55% in fiscal 2022.

Exhibit 3
Alternatives to Detention
Average Daily Enrollment by Program
Fiscal 2022



CD: community detention

CD/EM: community detention with electronic monitoring

ERC: Evening Reporting Center

PACT: Pre-Adjudication Coordination and Transition Center

Source: Department of Juvenile Services

4. Secure Detention Population Trends

The detained average daily population (ADP) consists of three populations: (1) the secured detention predisposition population; (2) the secured pending placement population; and (3) the adult court authorized detention population (or "adult court population"). In fiscal 2014, DJS began

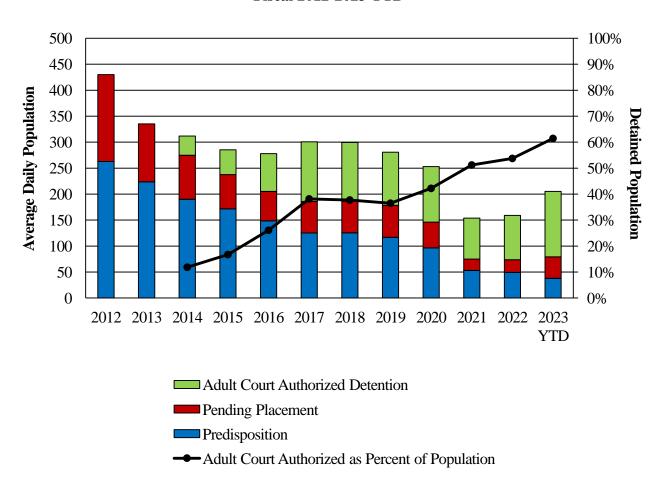
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to divert youth charged as adults from adult detention to juvenile detention, per an agreement with Baltimore City. This agreement was codified and expanded statewide with the enactment of Chapter 69 of 2015, which requires a court to order a youth charged as an adult to be held in juvenile detention pending transfer if that youth is eligible to be transferred to the juvenile system.

Prior to the pandemic's onset, the total detained population had shown signs of stability even as overall complaints declined. The ADP fell from 253 in fiscal 2020 to 154 in fiscal 2021, however. Then, it rose slightly to 159 in fiscal 2022. While overall complaints declined during the pandemic, the operations of the Judiciary also yielded reductions in the detained and committed populations. On April 13, 2020, an order was issued directing local courts to find alternatives to detaining juveniles in facilities to minimize their risk of contracting COVID-19. This order formalized DJS' practice of minimizing youth interaction with the juvenile court system as well as its pivot toward community rather than residential programming during the pandemic.

Since overall complaints rose in fiscal 2022 and are estimated to do so again in fiscal 2023, and the courts have been fully operational during fiscal 2023, the ADP has risen to 205 in fiscal 2023 YTD. While the predisposition population is at a low of 38, the pending placement ADP has risen, and the adult court authorized ADP has risen to an all-time high of 126.2. The adult court population has become a larger percentage of the overall detained ADP with each year, as seen in **Exhibit 4**. The adult court population now accounts for 61.4% of the detained population – the highest proportion since DJS assumed responsibility in fiscal 2014. This is the third year in a row that the adult court population has made up over half of the detained population.

Exhibit 4
Detained Population
Average Daily Population and Percent of Adult Court Authorized
Fiscal 2012-2023 YTD



YTD: year to date

Note: Fiscal 2023 data reflects the first six months of the fiscal year.

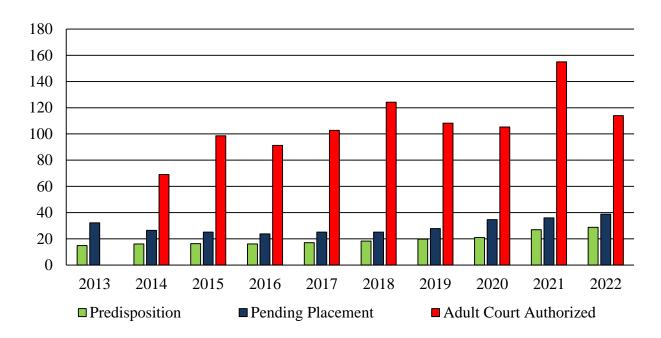
Source: Department of Juvenile Services

Average Length of Stay Remains Elevated

Though the ADP of the detained population has decreased compared with prepandemic levels, the average length of stay (ALOS) for the predisposition, pending placement, and adult court authorized populations all increased in fiscal 2021 compared with fiscal 2019. In fiscal 2022, the ALOS continues to rise for the predisposition and pending placement populations. The adult

court authorized population fell by 26.5% to 114 days. As shown in **Exhibit 5**, the ALOS for the predisposition population increased 6.7% between fiscal 2021 and 2022. The ALOS for the pending placement population increased 7.8% in the same period. Compared with fiscal 2019, the predisposition, pending placement, and adult court authorized levels were 46.1%, 39.6%, and 5.3% higher, respectively.

Exhibit 5
Average Length of Stay by Placement
Fiscal 2013-2022



Source: Department of Juvenile Services

5. Committed Residential Population Trends

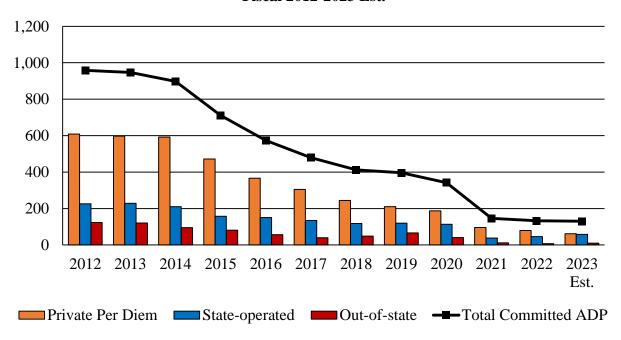
DJS has established three levels of residential program placements based largely on the level of program restrictiveness:

• Level I includes all programs where youth reside in a community setting and attend community schools;

- Level II includes programs where educational programming is provided on grounds, and youth movement and freedom is restricted primarily by staff monitoring or supervision; and
- Level III programs provide the highest level of security by augmenting staff supervision with physical attributes of the facility, *e.g.*, locks, bars, and fences.

State-run committed residential facilities do not provide adequate capacity to accommodate the number of youths requiring out-of-home placements nor do they provide the full complement of programming required to address the variety of treatment needs for the committed population. To that end, DJS contracts with private in-state and out-of-state vendors to provide services to committed youth. DJS also contracted with private providers to operate programs in State-owned facilities until fiscal 2010, when the last of these contracts was discontinued. **Exhibit 6** shows the committed residential ADP for each of the possible committed placements between fiscal 2012 and 2023 YTD.

Exhibit 6 Committed Residential ADP Fiscal 2012-2023 Est.



ADP: average daily population

Note: Fiscal 2023 data reflects the first six months of the fiscal year.

Source: Department of Juvenile Services

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Consistent with the overall DJS population trends, the committed residential ADP continued to decline in fiscal 2020 and 2021. The committed ADP declined further by about 13.6 youth, or 9.3%, between fiscal 2021 and 2022. The fiscal 2023 YTD ADP continues to drop another 2.0% to 130 youth.

State-operated placements are programs at facilities that are operated and owned by DJS. This population saw a 20.3% increase in fiscal 2022, with the number of youths rising from 38 to 45.7.

Per diem placements are programs operated by private providers, and the State pays for only the number of days that a youth is actually placed in the program. The private per diem ADP decreased by 16.9 youth, or 17.6%, between fiscal 2021 and 2022.

The out-of-state ADP dropped by 4.5 youth, or 36.9%, in fiscal 2022. Out-of-state placements accounted for just 5.8% of the department's total committed ADP in fiscal 2022. During the pandemic, DJS has made efforts to bring youth back in State and reduce the number of placements made out of State. Though the fiscal 2023 YTD ADP for out-of-state youth is expected to rise to 9.8, this figure would still be lower than in fiscal 2021 or in the years prior to the pandemic.

6. Strategic Reentry Measures and Recidivism

In fiscal 2016, DJS adopted the Strategic Reentry Plan as the department began to shift its focus toward improving its community supervision function, particularly aftercare and reentry services. As youth leave the juvenile justice system, they face several challenges in joining their communities once again. This includes reenrolling in school, finding work, or addressing somatic or behavioral health needs. DJS established this plan with the intention of achieving the following goals:

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

The reentry process is managed by regional reentry teams who oversee each youth's return to their community. A reentry staffing meeting is held 45 days prior to release from an out-of-home

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placement. During this meeting, the youth's housing plan, educational and occupational needs, ongoing behavioral/somatic health service requirements, and family relationships are reviewed. Families of committed youth are invited and encouraged to participate in the reentry planning process. After the youth has been in the community for 30 days, a DJS reentry specialist follows up with the youth and family to assure that the youth has accessed all needed services, has successfully enrolled in school, and remains in stable and suitable housing. The outcomes of the follow-up visits are documented and reported to the department, as shown in **Exhibit 7**.

Exhibit 7 Strategic Reentry Plan Performance Measures Department of Juvenile Services Fiscal 2017-2022

Strategic Measure	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Committed youth with identified behavioral health needs connected with service providers 30 days from discharge	85.1%	71.4%	84.9%	82.4%	82.0%	83.9%
<u> </u>						
Families of committed youth who felt informed during their child's commitment and reentry process	96.9%	93.2%	94.4%	96.9%	100.0%	81.0%
Committed youth seeking employment who are employed within 30 days of discharge	21.1%	14.5%	14.4%	23.9%	23.3%	46.8%
Youth released from DJS-committed facilities who took part in career development programming during placement	83.0%	81.0%	83.9%	67.7%	70.0%	82.9%
placement	02.070	01.070	02.770	07.770	70.070	02.770
Families of committed youth attending youth reentry planning meetings	72.4%	75.8%	82.4%	86.0%	97.4%	91.7%

DJS: Department of Juvenile Services

Source: Fiscal 2024 Managing for Results

Though three of the measures have improved since fiscal 2021, they were not as stable between fiscal 2021 and 2022 as they had been in the previous year. All but one of the measures experienced a net change of over 5 percentage points. Additionally, compared with fiscal 2017 (the first year of available data), only two measures were improved in fiscal 2022. Compared with fiscal 2021 data, these measures suggest that youth are more engaged in career development programming than in the previous two years. This rise also may be correlated with an increase in the percentage of youth seeking employment who are employed within 30 days of discharge. This measure reached 46.8% in fiscal 2022, the highest level recorded to date. While these measures detail efforts to better ease a youth's transition back into their community, DJS' recidivism measures provide a greater understanding of how many youths return to the juvenile justice system.

Youth recidivism rates have decreased, as detailed in **Exhibit 8**. The rearrest rate within two years of release fell 9.3 percentage points between fiscal 2019 and 2020; the readjudication rate fell from 30.0% to 21.1% between the fiscal 2016 and 2020 cohorts; the recommitment rate fell from 23.7% in fiscal 2016 to 13.2% in fiscal 2020. The decline of the rearrest rates suggests that policing practices are beginning to rearrest youth at a slower rate, while the decline in the readjudication and recommitment rates suggest that the juvenile justice system has been effective in reducing youth involvement in the judicial system. One explanation for why youth are beginning to be rearrested at a slower rate is that total youth arrests decreased in 2020, likely in connection to the pandemic. While there was an almost 45% decline in the number of juvenile arrests between fiscal 2019 and 2020, this data is not yet available for 2021.

Exhibit 8
Youth Recidivism Rates within Two and Three Years of Release
Fiscal 2016-2020

	<u>201</u>	<u>16</u>	<u>20</u>	<u> 17</u>	<u>20</u>	<u>18</u>	<u>20</u>	<u>19</u>	<u>20</u>	<u>20</u>
	Two Years	Three Years	Two Years	Three Years	Two Years	Three Years	Two Years	Three Years	Two Years	Three Years
Rearrest Juvenile/Adult	60.4	65.9	61.4	67.0	60.7	64.1	61.7	66.3	52.4	-
Readjudication/ Conviction	30.0	34.5	29.4	34.7	30.1	32.2	26.7	30.0	21.1	-
Recommitment/ Incarceration	23.7	26.6	19.7	23.2	20.6	22.5	18.7	20.6	13.2	-

Source: Department of Juvenile Services

The rearrest rate within three years increased from 64.1% in fiscal 2018 to 66.3% in fiscal 2019, and the readjudication rate decreased from 32.2% to 30.0% in the same period. The recommitment rate also fell from 22.5% in fiscal 2018 to 20.6% in fiscal 2019. Though the rearrest rate for the 2019 cohort rose compared with the 2018 cohort, the declines in the two-year recidivism metrics extending to the three-year recidivism measures is a positive indicator that fewer youth are returning to the juvenile justice system.

Fiscal 2022

The department reverted or canceled \$15,565,302 in general funds, \$1,665,444 in special funds, and \$3,506,236 in federal funds for a total of \$20,736,982. Most of the general funds (\$12.6 million) that were reverted were due to regular and contractual vacancies. Funds were also reverted for residential per diem costs, nonresidential purchase of care contracts, and residential per diem contracts. For more information, see the Issues section of this analysis.

Fiscal 2024 Overview of Agency Spending

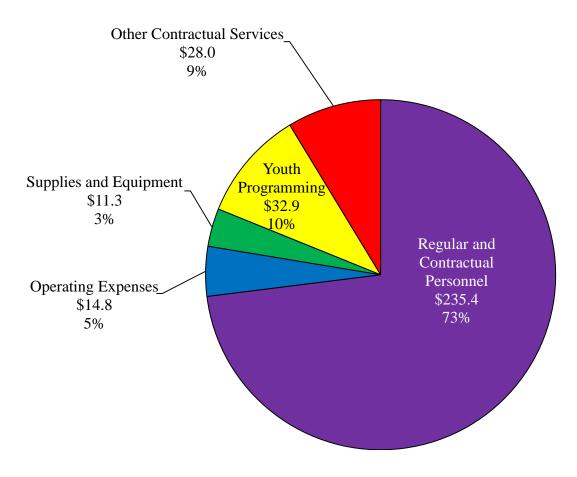
DJS receives \$322.4 million in the Governor's fiscal 2024 allowance. Approximately 73% of the allowance supports DJS' personnel expenses; the department relies on its large workforce to not only support day-to-day operations of its facilities but also to provide security at its facilities and the rehabilitative programming for the youth who move through the DJS system. With about 2,200 regular positions, DJS is one of the largest agencies in the Executive Branch.

Youth programming, including the purchase of care services and youth education programming, accounts for approximately 10%, or \$32.9 million, of the fiscal 2024 allowance. These services are contracted out to private vendors who provide a variety of programs and services, such as language interpretation, mental health evaluations, and behavioral health treatment. As discussed later in this analysis, these costs fluctuate according to the department's population trends. Changes to the department's budget are primarily driven by changes in youth programming expenditures.

The remaining funds, approximately 17% of the total, are allocated toward operating expenses (5%), miscellaneous contractual services (9%), and supplies and equipment-related expenses (3%).

Exhibit 9 shows how the department's allowance is broken down by object.

Exhibit 9
Overview of Agency Spending
Fiscal 2024 Allowance
(\$ in Millions)



Source: Fiscal 2024 Governor's Allowance

Proposed Budget Change

DJS' budget increases by \$13.8 million in fiscal 2024. **Exhibit 10** provides additional detail on the factors driving this change. Much of the increase is attributable to increases in the department's personnel budget (\$8.4 million) as well as various IT projects (\$4.6 million) and utilities (\$1.3 million). Growth is offset by a reduction in per diem expenditures (\$2.2 million) and the removal of grant funds for Roca Baltimore, LLC (\$1.0 million) provided in Supplemental Budget No. 5 of 2022.

Exhibit 10 Proposed Budget Department of Juvenile Services (\$ in Thousands)

<u>'otal</u>
,387
3,637
<u>,409</u>
3,772
4.5%

Where It Goes:	Change
Personnel Expenses	
Reclassification, including step increases for 631 resident advisor positions and a	
bonus for all resident advisor positions hired after November 15, 2022	\$3,577
Annualization of November 2022 4.5% COLA	2,231
Worker's compensation premium assessment	1,548
Employee and retiree health insurance	1,303
Overtime earnings	1,293
Other fringe benefit adjustments	574
Regular earnings	-337
Turnover adjustments	-1,745
Population-driven Adjustments	
Food and food services	317
Medicine and medical care contracts	92
Youth uniforms	32
Per diem expenditures, including education per diems	-2,233
Other Changes	
DoIT services allocation, software contracts, and data processing	3,267
Budgeting MD THINK in line with fiscal 2022 actual expenditures for ongoing	
development of CJAMS	1,336
Utilities: electricity; water; sewage; and fuel	1,283
Reimbursement from local education boards for educational costs of youth	1,273
accounted for in the counties but attending school through MSDE	,
Telecommunications	980
Other	497
Janitorial services and repairs and maintenance of buildings and roads	490

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Where It Goes:	Change
Motor vehicle costs	286
Research and Planning Services interagency agreement with University of	101
Maryland School of Social Work	131
Office supplies	113
Travel	-333
Contractual employment, including the annualization of November 2022	
4.5% COLA and the elimination of 20.5 contractual positions	-546
DGS and Non-DGS rent	-659
Additional funds for Roca Baltimore, LLC as specified in Supplemental Budget	
No. 5 of 2022	-1,000
Total	\$13,772

CJAMS: Child, Juvenile, and Adult Management System

COLA: cost-of-living adjustment DGS: Department of General Services DoIT: Department of Information Technology

MD THINK: Maryland Total Human Services Integrated Network

MSDE: Maryland State Department of Education

Note: Numbers may not sum to total due to rounding. The fiscal 2023 working appropriation includes deficiency appropriations including this agency's share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management.

Case Management Information System Replacement

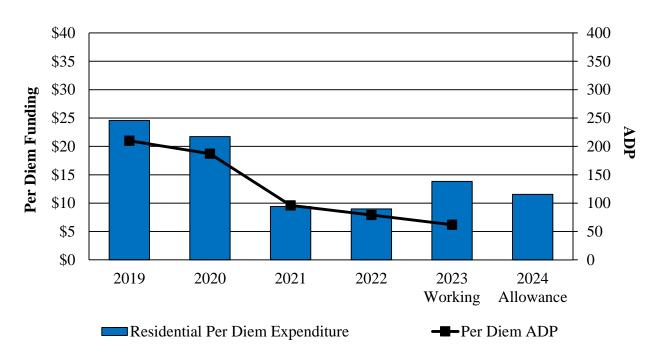
Critical to the department's management capabilities is its case management information system. From calendar 1999 through 2022, DJS used a client database referred to as the Automated Statewide System of Information Support Tools (ASSIST), along with other reporting systems. ASSIST is being replaced in fiscal 2023 by the Child, Juvenile, and Adult Management System (CJAMS). The new case management system is securely hosted on a State government shared platform. Implementation of CJAMS will allow DJS to participate in the Maryland Total Human-services Integrated Network (MD THINK) along with other State agencies including the Maryland Department of Health, the Department of Human Services, and the Maryland Department of Labor. MD THINK will integrate human services systems in the State. The allowance includes an increase of \$1,336,000 for the department's MD THINK contract. The department explains that the fiscal 2023 expenditure is likely underbudgeted but that it will be able to absorb any increases with its existing resources.

DJS should comment on the startup and ongoing costs associated with CJAMS and joining MD THINK. DJS should also comment on how these projects will allow the department to better manage its population and how joining MD THINK will improve interactions with health and human service providers in the State.

Programmatic Funding Decreases

Though some populations have seen growth following the easing of the pandemic, the committed residential ADP continued to decline in fiscal 2022 and is expected to do so again in fiscal 2023. The YTD per diem ADP for fiscal 2023 is currently 62, which is 21.5% below that of fiscal 2022. As the per diem population has continued to drop, the department's funding for per diem programming accordingly declined through fiscal 2022. This trend is highlighted in **Exhibit 11**. Residential per diem funding increases 54.0% in the fiscal 2023 working appropriation, though this amount remains 36.4% lower than what was expended in fiscal 2020. Per diem funding decreases by 16.4% in the fiscal 2024 allowance to \$17.1 million, bringing it closer in line with fiscal 2022 expenditures. Given the continued decline in population and lower funding level in the allowance, it is possible that the working appropriation provides approximately \$2.0 million in excess residential per diem funding.

Exhibit 11
Residential Per Diem Funding versus Per Diem ADP
Fiscal 2019-2024
(\$ in Millions)



ADP: average daily population

Source: Governor's Fiscal 2024 Budget Books: Department of Legislative Services

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While the per diem population has consistently declined for a decade, factors related to the pandemic accelerated the population's decline. DJS was required to consider ways to further decrease their residential population to mitigate the spread of COVID-19. Additionally, the department began to implement the IDT tool in July 2020, diverting additional cases from formal court processing. The closure of schools contributed to fewer youth referrals to DJS, particularly in fiscal 2020 and 2021, and limitations to the Judiciary's resumption of adjudication hearings through most of fiscal 2022 impacted the size of the committed population as well.

Personnel Data

	FY 22 <u>Actual</u>	FY 23 Working	FY 24 <u>Allowance</u>	FY 23-24 Change	
Regular Positions	1,995.55	2,162.95	2,162.95	0.00	
Contractual FTEs	65.75	97.00	<u>76.50</u>	-20.50	
Total Personnel	2,061.30	2,259.95	2,239.45	-20.50	
Vacancy Data: Regular					
Turnover and Necessary Vacancies	s, Excluding				
New Positions		128.26	5.93%		
Positions and Percentage Vacant as	s of 12/31/22	351.50	16.25%		
Vacancies Above Turnover		223.24			

- Though there is no change in the number of regular positions between fiscal 2023 and 2024, some positions move between programs. Vacant positions, including 2 from the Office of the Secretary and 15 from Facility Operations, are moved into the Departmental Support program to provide support services to JSEP.
- Between fiscal 2023 and 2024, DJS removes a net 20.5 contractual positions, including 22.5 resident advisor trainees from the Facility Operations Administration and Support program.

Personnel Expenses and Staffing Issues

Personnel expenses increase by approximately \$8.4 million in fiscal 2024, after accounting for the annualization of the November 2022 4.5% cost-of-living adjustment. Position reclassifications, which add \$3.6 million to the allowance, are the result of an agreement between the State and the American Federation of State, County and Municipal Employees. Step increases will be provided to all 631 positions in the resident advisor series as well as a bonus of \$5,000 over a three-year period for all resident advisor positions hired after November 15, 2022. DJS reports that newly hired resident advisors will earn \$1,500 upon graduation of the Entry Level Training Academy, \$1,500 at the first year of service, and \$2,000 at the third year of service. The

department's overtime allowance increases by \$1.3 million, which brings funding approximately in line with fiscal 2022 actual spending. Regular earnings decline by \$337,000, primarily the result of budgeting vacant positions at base salary. Additionally, the allowance assumes a turnover rate of 5.9%, despite much higher vacancies in order to give the department flexibility in hiring. Though not yet reflected in the fiscal 2024 allowance for DJS, approximately \$1.3 million is budgeted in the Statewide Account within the Department of Budget and Management (DBM) to be transferred to DJS via budget amendment to provide a one-grade increase for all DJS teacher positions.

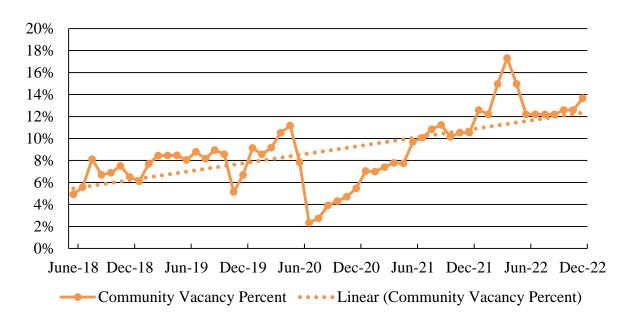
Vacancies and Staffing

At the close of calendar 2022, DJS had 351.5 regular positions vacant, or 16.3%, of its total department, well above its budgeted turnover rate. This reflects an increase from a year ago when the vacancy rate was approximately 12.7%. Of the vacant positions, 64 of them have been vacant for over a year, about 18.2%. High vacancy rates, particularly among facility direct care employees, result in increased overtime expenses and can cause further issues for the department.

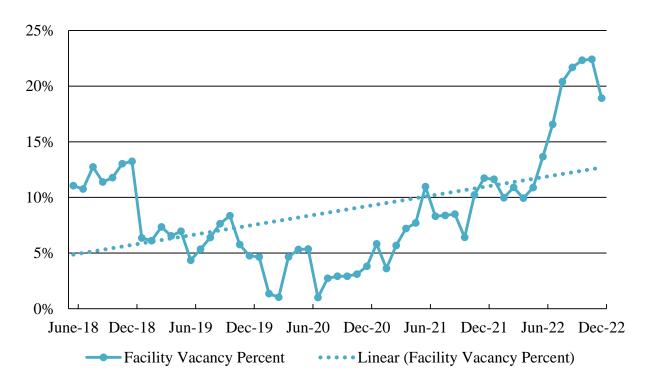
Exhibit 12 shows the monthly vacancy rates for community and facility direct care staff between June 2018 and December 2022; because of the volatility of monthly vacancy rates, a linear trend line is provided to show the overall trend more smoothly.

Exhibit 12 Monthly Vacancies for Direct Care Staff June 2018 to December 2022

Community Direct Care Staff



Residential Direct Care Staff



Source: Department of Juvenile Services Performance Report - December 2022; Department of Legislative Services

Community direct care staff vacancies have increased 1.5 percentage points since the start of fiscal 2023 to 13.7% in December 2022. Over time, the increase in the vacancy rate is more evident; the trend line shows an overall increase of roughly 6 percentage points since July 2017. Residential direct care staff vacancies have also increased since the start of fiscal 2022, with the rate increasing 5.2 percentage points since then. Similar to community direct care staff vacancies, the trend line shows an overall increase of roughly 7 percentage points over the last four years. In the last four years, vacancies of direct care staff were lowest at the start of fiscal 2021.

Hiring direct care staff has improved since earlier in the pandemic. The average number of days to fill vacant positions decreased from 197.1 in fiscal 2021 to 183.3 in fiscal 2022. Additionally, the percent of positions filled on first solicitation has increased from 72.4% in fiscal 2021 to 90.2% in fiscal 2022. The separation rate of new employees increased in fiscal 2022, however. In fiscal 2019, 2020, and 2021, 16.2% to 18.3% of new employees separated within six months of receiving entry-level training. This figure jumped in fiscal 2022 to 30.4%. This explains why vacancies have continued to increase, despite higher hirings.

Issues

1. Staff Vacancies within DJS May Result in Fiscal 2023 Surplus

Closeout Analysis

During fiscal 2022, budget amendments for centrally budgeted salary adjustments and federally funded response pay added \$14.3 million to the agency's legislative appropriation. The fiscal 2022 closeout analysis is provided in **Appendix 2**.

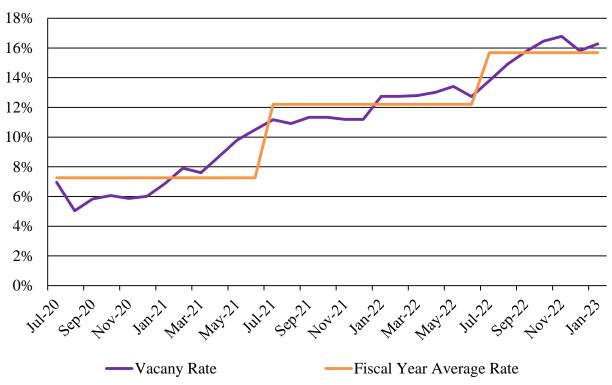
Prior to the end of fiscal 2022, DBM and DJS submitted Budget Amendment 115-22, which reorganized DJS' general funds to cover shortages in the fiscal 2022 legislative appropriation. This amendment increased the expenditure for the following costs: fringe benefits; contractual services costs; communications costs; supplies and materials (including raw foods costs being about \$300,000 higher than budgeted for); and equipment replacement. Spending was also higher than budgeted for replacing and/or updating IT equipment such as servers, surveillance equipment, and desktops and laptops. Some, though not all, of this IT spending was related to the anticipated assumption of JSEP in fiscal 2023. JSEP and its 173.0 associated positions had not yet been transferred from the Maryland State Department of Education (MSDE).

Ultimately, DJS reverted approximately \$15.6 million to the General Fund. Most (\$12.6 million) of these unexpended funds came from unused funding that would have supported regular and contractual personnel. As identified in Exhibit 10 with the MD THINK contract, having some excess general funds allows DJS to properly fund an item at the end of the fiscal year and to manage its resources without requiring deficiency appropriations. However, too much misalignment also disguises the department's intent and capabilities.

Turnover May Be Underestimated in the Working Appropriation

As discussed in the previous section, vacancy rates grew for DJS direct care staff in fiscal 2022, and the departmentwide vacancy rate is currently 16.3%, more than 223 positions above what is needed to meet budgeted turnover. The department's vacancy rate since fiscal 2021 is shown in **Exhibit 13**. Since the start of fiscal 2021, the vacancy rate has grown 9.3 percentage points from 7.0% to 16.3%, with an average vacancy rate of 7.3% in fiscal 2021, 12.2% in fiscal 2022, and 15.7% in fiscal 2023 YTD. Some of the increase in the vacancy rate is attributable to vacant positions that the department gained through the addition of JSEP at the start of fiscal 2023.

Exhibit 13 Departmental Vacancy Rate Fiscal 2021-2023 YTD



YTD: year to date

Note: Vacancy data for the department was not available in November 2021 and December 2021. The fiscal 2022 average rate is calculated using only 10 months of data.

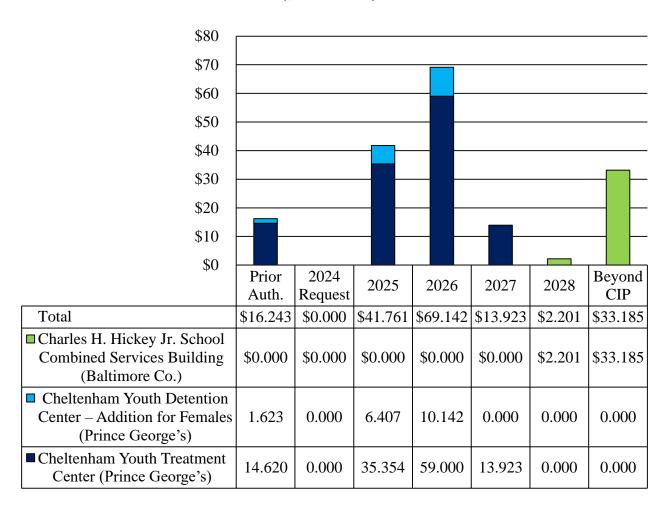
Source: Department of Legislative Services

The department's turnover rate is currently budgeted at a lower level than the vacancy rate in order to encourage hiring. This means that even though the department expects funding all regular positions for the full year in fiscal 2023 would cost \$227.6 million, the working appropriation only contains \$219.0 million. Given that vacancies have so far increased in fiscal 2023, the \$219.0 million figure is likely more than the agency will need. Assuming that DJS can hire enough positions by the end of the fiscal year to bring fiscal 2023 vacancies down to their average fiscal 2022 level of 12.2%, DLS estimates that DJS would need approximately \$205.4 million for its regular positions; the working appropriation would still be overbudgeted by more than \$13.6 million.

2. DJS Receives No Capital Funding in Fiscal 2024 Budget

The Governor's capital budget provides no funding for DJS capital projects. Although the fiscal 2024 CIP plans funding for three different projects over the next five years, two of the projects that had anticipated funding in fiscal 2024 are delayed. **Exhibit 14** provides detail on the proposed capital funding for the department through fiscal 2028.

Exhibit 14
Department of Juvenile Services
Capital Improvement Program
Fiscal 2024-2028
(\$ in Millions)



Note: All funding is general obligation funds.

Source: Governor's Fiscal 2024 Capital Improvement Program

Plans for Housing the Female Population Have Evolved Over Time

The fiscal 2023 CIP had planned to fund two projects in fiscal 2023: the Cheltenham Youth Treatment Center (CYTC); and the Cheltenham Youth Detention Center (CYDC) – Addition for Females. The CYTC will be a new 48-bed treatment center to serve female and male youth on the same campus as CYDC. It will also include the construction of a facility maintenance and storage building and the demolition of 10 vacant buildings on the Cheltenham property. CYDC – Addition for Females will be a 24-bed addition to the existing CYDC. It would bring CYDC's total capacity to 96 youth, and it would help to consolidate the female detention services provided in the State. Both projects remain in the design phase, thus resulting in delays in the need for construction funds.

Before CYDC – Addition for Females was added to the department's capital program in the fiscal 2022 CIP, the department had been planning on building a new 48-bed female detention center on the Cheltenham campus referred to as the New Female Detention Center. When the New Female Detention Center opened, it would consolidate the services provided at the Alfred D. Noyes Children's Center (Noyes) in Montgomery County and the Thomas J. S. Waxter Center (Waxter) in Anne Arundel County. The site of this planned detention center was originally going to be the Thomas O'Farrell Center, located in Carroll County, which had closed in December 2008. The New Female Detention Center site changed to Cheltenham in the fiscal 2021 CIP.

In November 2021, DJS announced a major facility realignment plan. Part of this plan involved adding a new girls detention wing at the Cheltenham Youth Detention facility to open in fiscal 2025 and the closing of Noyes in the same year. The plan also included the closure of Waxter in January 2022 (this date was ultimately pushed back until March 2022).

Temporary Facility Closure

One of the ways that the department addressed its vacancies issue during fall 2022 was by temporarily closing Noyes – a facility for female youth – through the holiday season. Youth living at Noyes were relocated to CYDC and the Victor Cullen Center. Most staff at Noyes were relocated to the Cheltenham campus. This provided the department with greater flexibility in scheduling and overtime use during a time of year when employees are more likely to use leave. However, DJS is only able to do this by housing girls at CYDC, a 72-bed facility for male youth. When the temporary facility closure began, it was the department's intention to reopen Noyes sometime in January 2023. The department reports that it has not yet done so.

DJS should comment on its plans to reopen the Noyes facility for female youth and whether any other temporary facility closures are planned to accommodate the department's staffing needs or for any other reason. DJS should also comment on if there have been any modifications to the facility realignment plan or to the scope of its projects, particularly those relevant to its female youth.

Deferred or Removed Projects

The fiscal 2023 CIP also included two projects that were not scheduled to receive funding until fiscal 2025: the Charles H. Hickey, Jr. School Detention Center; and the Charlies H. Hickey, Jr. School Combined Services Building. The former project proposes to construct a new detention center for 72 male and female youth on the Charles H. Hickey, Jr. School's Pratt Campus, which is currently unused. The latter project proposes to build a new combined services building and regional warehouse at the Charles H. Hickey Jr. School. This facility would be the central storage site for equipment and supplies to DJS facilities located in the nearby region. The proposed Hickey Detention Center project has been deleted from the CIP entirely while DJS reconsiders the scope and justification of the project. Funding for the combined services building design has been deferred to fiscal 2028, due to there being more urgent funding priorities.

3. Baltimore City Strategic Partnership

In December 2019, DJS announced a partnership aimed at reducing youth violence in Baltimore City. Together with the Baltimore City Mayor's Office, the Baltimore City State Attorney's Office, and the Baltimore City Police Department (BPD), the partnership was meant to align and coordinate case management resources to more effectively and appropriately intervene in youth juvenile cases within the city. The budget committees have requested reports in each budget, beginning with fiscal 2021, for DJS to share more about the roles and responsibilities of each partner, to detail operations and associated programmatic expenditures, and to identify performance metrics of the partnership. In the fiscal 2023 budget, the budget committees withheld \$500,000 for a report to be submitted by December 31, 2022.

In its most recent submission from December 2022, DJS reports that collaborative efforts continue but that they are not done through a formal partnership. Instead, the various organizations have stayed connected though several sustained operational initiatives.

Strategic Actions

The stakeholders have continued several strategic actions to reduce youth violence. The following actions have been taken or expanded upon in the last year.

- Expand the DJS Police Liaison Unit: In addition to the DJS staff placed in the BPD Headquarters, DJS community case managers have been placed in the Western, Central, and Eastern District Intelligence Centers since January 2021. DJS has not required additional resources to do this and plans to place an additional liaison to a BPD district in fiscal 2023.
- SideStep Pre-Arrest Diversion Program Piloted in Western District: The SideStep program is a pre-arrest diversion program led by the Mayor's Office of Neighborhood Safety and Engagement. DJS and BPD helped to develop its policies and protocols along

with residents and community organizations in West Baltimore. The pilot began in January 2021, and DJS reports that the program remains in its pilot phase.

- Establish an Emerging Adult Unit in Baltimore City: DJS is working with Roca to develop an emerging adult unit within the DJS community supervision team in Baltimore City. This unit would be comprised of case managers who supervise and support older youth who are considered high risk. Previously, DJS had also identified the Department of Public Safety and Correctional Services (DPSCS) as a collaborator on this project.
- *After Shooting Protocol:* Roca, DJS, BPD, and DPSCS help to connect young people to support and interventions after nonfatal shooting events by working with local hospitals.
- *Group Violence Reduction Strategy (GVRS):* DJS supports the Mayor's GVRS in the Western District and will support additional GVRS sites.
- Warrant Apprehension and Intervention Strategies: DJS and the BPD Warrant Apprehension Task Force continue to communicate daily to identify active juvenile warrants and share information regarding high-risk youth.
- Curfew Visits: DJS and BPD jointly make visits four times per month in selected districts.

Funding

Though DJS does not identify any additional funding directed to the partnership in the most recent year of operations, Roca receives \$2.0 million in fiscal 2023 and 2024 for operations in Baltimore City.

Performance Measures and Impact on Juvenile Caseloads

The report includes data from fiscal 2015 through 2022 to demonstrate how measures typically reported by DJS have changed for youth in Baltimore City. Performance measures specific to the strategic actions are not provided, and the report does not attempt to distinguish between the effects of the partnership and the impacts that the COVID-19 pandemic may have had on caseloads in recent years. Presented data includes overall complaints, complaints by their source, complaints by offense category, and case forwarding decisions. Overall, complaints for Baltimore City youth fell by 77.9% from fiscal 2015 to 2022. A higher proportion of complaints come from adult court transfers in fiscal 2022 than any prior year included. In the same timeframe, police as a complaint source fell by 8.4 percentage points.

With its submission of the Baltimore City Strategic Partnership Report, DJS provided the information requested in the fiscal 2023 budget language. DLS therefore recommends the release of funds.

Operating Budget Recommended Actions

1. Concur with Governor's allowance.

Updates

1. DJS and Roca Funding and Operations

Chapter 596 of 2021 established a mandated annual appropriation of at least \$2.0 million in a general fund grant for Roca Baltimore, LLC. This funding appears in both the fiscal 2023 and 2024 budgets. Roca is a violence prevention program provider that operates in Baltimore City. Supplemental Budget No. 5 of 2022 also provided DJS with \$1.0 million in fiscal 2023 to expand operations outside of Baltimore City. This additional funding is not continued with the fiscal 2024 budget.

DJS and Roca signed an MOU at the start of fiscal 2023 and a purchase order for all the fiscal 2023 funds has since been established. The agreement specifies that funds provided by DJS will be used by Roca for its general operations and to deliver its programs to up to 250 young people in Baltimore at a time. The funding received from Supplemental Budget No. 5 will be used to support Roca's expansion into Baltimore County and to engage up to 50 young people in programming. Finally, a portion of the funds will be used to provide trainings to Roca's criminal justice partners, including DJS and local law enforcement agencies. Roca is also required to submit monthly statistical performance reports to DJS's Office of Research and Evaluation.

The department reports that operations have begun and that it is receiving performance reports from Roca. In the first six months of the agreement, Roca has received 90 referrals from BPD, 2 from DJS, and 38 from other sources. These 130 referrals helped Roca to increase the number of young people that it serves in Baltimore City; over 300 young people participated in the organization's intervention model in 2022. Roca has also provided trainings to over 178 DJS employees in "Rewire CBT," Roca's nonclinical approach to cognitive behavioral therapy. Trainings were also provided to employees of BPD. In the next half of the year, Roca plans to pilot a training program with DJS residential staff who work at the Baltimore City Juvenile Justice Center. Work in Baltimore County was officially launched in October 2022, and Roca has received 5 referrals from DJS. Trainings were also provided to employees of the Baltimore County Police Department (BCPD). In the remaining part of the fiscal year, Roca intends to increase the number of young people it serves in Baltimore County and deliver trainings to DJS and BCPD employees.

Appendix 1 2022 Joint Chairmen's Report Responses from Agency

The 2022 *Joint Chairmen's Report* (JCR) requested that DJS prepare two reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- Adding Educational Outcome Performance Measures: In advance of the Juvenile Services Education Board and Program within DJS assuming the responsibility of implementing education programming from MSDE, the budget committees requested that education outcome performance measures be added to the department's fiscal 2024 Managing for Results submission. The department complied and added the measures that were also previously reported by MSDE. Examples of measures reported include total students served per year, the number of students earning a high school diploma, the number and percentage of students demonstrating academic gains in mathematics and reading, and the number of classroom hours canceled due to unavailability of a teacher or substitute.
- *Update on the Baltimore City Strategic Partnership:* The partnership between DJS, the Baltimore City's Mayor's Office, the Baltimore City's State's Attorney's Office, and BPD was not able to operate as a formal collaborative since March 2020, but the partners have remained engaged through several shared strategies. These strategies include DJS/BPD liaisons, the Western District SideStep Pre-Arrest Diversion Program, case manager trainings, and partnering with violence prevention initiatives. Further discussion of this report can be found in the Issues section of this analysis.

Appendix 2 Department of Juvenile Services Fiscal 2022 Closeout

	General <u>Fund</u>	Special <u>Fund</u>	Federal <u>Fund</u>	<u>Total</u>
Legislative Appropriation	\$250,744,434	\$3,361,353	\$5,504,728	\$259,610,515
Deficiency/Withdrawn Appropriation	1,250,000	0	0	1,250,000
Budget Amendments	10,021,527	0	4,241,864	14,263,391
Reversions and Cancellations	-15,565,302	-1,665,444	-3,506,236	-20,736,982
Actual Expenditures	\$246,450,659	\$1,695,909	\$6,240,356	\$254,386,924

Source: Office of the Comptroller, General Accounting Division; Department of Legislative Services

Appendix 3 Object/Fund Difference Report Department of Juvenile Services

FY 23

Object/Fund	FY 22 <u>Actual</u>	Working Appropriation	FY 24 <u>Allowance</u>	FY 23 - FY 24 Amount Change	Percent <u>Change</u>
Positions					
01 Regular	1,995.55	2,162.95	2,162.95	0.00	0%
02 Contractual	65.75	97.00	76.50	-20.50	-21.1%
Total Positions	2,061.30	2,259.95	2,239.45	-20.50	-0.9%
Objects					
01 Salaries and Wages	\$ 182,511,383	\$ 219,016,303	\$ 231,921,482	\$ 12,905,179	5.9%
02 Technical and Special Fees	1,895,585	4,041,099	3,495,352	-545,747	-13.5%
03 Communication	1,656,126	1,300,997	2,297,186	996,189	76.6%
04 Travel	290,551	914,997	582,040	-332,957	-36.4%
06 Fuel and Utilities	5,362,319	4,415,907	5,699,381	1,283,474	29.1%
07 Motor Vehicles	1,182,553	1,149,315	1,435,561	286,246	24.9%
08 Contractual Services	48,453,618	58,252,191	60,849,982	2,597,791	4.5%
09 Supplies and Materials	5,381,652	6,749,304	7,427,526	678,222	10.0%
10 Equipment – Replacement	1,932,280	402,332	994,118	591,786	147.1%
11 Equipment – Additional	377,136	399,298	614,816	215,518	54.0%
12 Grants, Subsidies, and Contributions	1,400,334	3,068,213	3,299,546	231,333	7.5%
13 Fixed Charges	3,497,932	4,360,109	3,791,851	-568,258	-13.0%
14 Land and Structures	445,454	0	0	0	0.0%
Total Objects	\$ 254,386,923	\$ 304,070,065	\$ 322,408,841	\$ 18,338,776	6.0%
Funds					
01 General Fund	\$ 246,450,658	\$ 293,738,767	\$ 312,365,199	\$ 18,626,432	6.3%
03 Special Fund	1,695,909	3,403,817	4,201,586	797,769	23.4%
05 Federal Fund	6,240,356	6,927,481	5,842,056	-1,085,425	-15.7%
Total Funds	\$ 254,386,923	\$ 304,070,065	\$ 322,408,841	\$ 18,338,776	6.0%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.

Appendix 4
Fiscal Summary
Department of Juvenile Services

Program/Unit	FY 22 <u>Actual</u>	FY 23 Wrk Approp	FY 24 Allowance	Change	FY 23 - FY 24 <u>% Change</u>
01 Office of the Secretary	\$ 9,454,780	\$ 9,573,241	\$ 9,628,173	\$ 54,932	0.6%
02 Departmental Support	37,637,561	35,096,315	43,876,133	8,779,818	25.0%
01 Residential Operations	207,294,582	259,400,509	268,904,535	9,504,026	3.7%
Total Expenditures	\$ 254,386,923	\$ 304,070,065	\$ 322,408,841	\$ 18,338,776	6.0%
General Fund	\$ 246,450,658	\$ 293,738,767	\$ 312,365,199	\$ 18,626,432	6.3%
Special Fund	1,695,909	3,403,817	4,201,586	797,769	23.4%
Federal Fund	6,240,356	6,927,481	5,842,056	-1,085,425	-15.7%
Total Appropriations	\$ 254,386,923	\$ 304,070,065	\$ 322,408,841	\$ 18,338,776	6.0%

Note: The fiscal 2023 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.

V00A - Department of Juvenile Services