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Lt. GovernorLarry Hogan
GovernorSam Abed
Secretary

Date: March 10, 2022
Bill # / Title: HB 1255 Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training
Position: Letter of Information

The Department of Juvenile Services (DJS or department) is providing information on HB 1255, and supports the Sponsor’s amendment.

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

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

The 2017 Task Force on Restraint and Seclusion², which informed many of the changes contained in HB 1255, did not contemplate the security considerations of DJS detention and residential programs, including the need to prevent escapes. As a public safety agency, DJS must prioritize the safety and security of our facilities, the public, and the young people within our care.

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

- ✓ Extensive Monitoring and Reporting of DJS use of seclusion and restraints:
 - Juvenile Justice Monitoring Unit (JJMU) monitors all DJS facilities and issues quarterly reports, which contain detailed information on incidents of both restraint and seclusion in each DJS facility.
 - The DJS Performance Report³, posted on the website, reports the utilization of all DJS initiatives, including the use of time out period and restraints.
 - Amendments in HB0139⁴ - Correctional Education - Juvenile Services Education Program and Correction Education Teachers require JSEP to report on the use of seclusion and restraints.

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

Amendment

On page 3, after line 12 insert:

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

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

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

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

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

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

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