

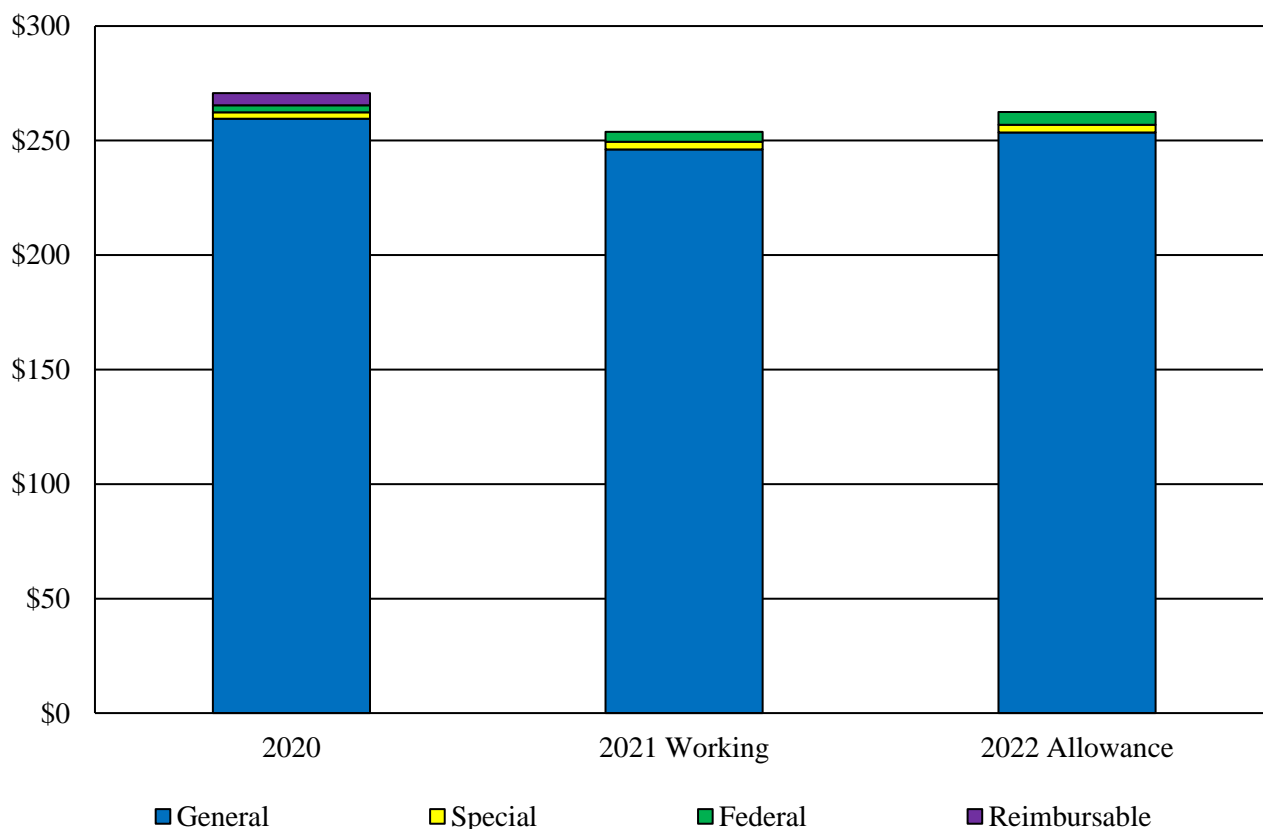
V00A
Department of Juvenile Services

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 2022 Budget Increases \$8.6 Million, or 3.4%, to \$262.5 Million
(\$ in Millions)**



Note: The fiscal 2021 appropriation includes deficiencies, planned reversions, and a general salary increase. The fiscal 2022 allowance includes contingent reductions and annualization of the fiscal 2021 general salary increase.

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- Increased personnel expenditures drive the department’s budget growth in fiscal 2022 but are somewhat offset by decreases to youth per diem funding.
- DJS received \$5.3 million in federal Coronavirus Aid, Relief, and Economic Security Act funding, reflected as reimbursable funds provided through the Maryland Department of Health.

Key Observations

- ***Juvenile Population Levels Dropped Significantly:*** Complaints are projected to decline by 49.6% between fiscal 2020 and 2021, primarily driven by the closure of schools. Detained and committed populations have likewise declined due to the drop in referrals, as well as efforts by the juvenile justice system to divert youth.
- ***Direct Care Staff Vacancies Improve:*** Vacancies among community and residential direct care staff have improved over the past several years. Improvements to the departmental vacancy rates have generated overtime expenditure savings in the fiscal 2021 budget.
- ***Impact of COVID-19 in DJS Facilities:*** Since the onset of the COVID-19 pandemic in March 2020, DJS has made efforts to provide the public with regular updates regarding the prevalence of the virus within its facilities and among youth and staff. DJS has also begun the process of vaccinating its youth and staff. As of February 12, 2021, the department has received 200 doses of the Moderna COVID-19 vaccine, and 190 of these doses have been administered.
- ***Baltimore City Strategic Partnership:*** In December 2019, DJS announced a new partnership aimed at reducing youth violence in Baltimore City. Because of the COVID-19 pandemic, the partners were required to turn their attention to addressing the continuity of services. Programming under this partnership is expected to be funded utilizing available resources currently within DJS’ budget. These programs are not explicitly budgeted, however, and so it is not clear from where the available funding is coming.

Operating Budget Recommended Actions

1. Add language restricting funds pending the submission of a report on the Baltimore City Strategic Partnership.

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Operating Budget Analysis

Program Description

The Department of Juvenile Services (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, which are broadly divided into two categories: (1) administration and support; and (2) residential, community, and regional operations.

Administration and Support is the centralized leadership of the department and provides various departmentwide services. It consists of two areas:

- Office of the Secretary; and
- Departmental Services, which includes research and evaluation, information technology, budget services, general services, capital planning, human resources, and professional development and training.

Residential, Community, and Regional Operations is the more regionally focused part of the department, which provides services to youth in community and residential settings. Programming and operations are organized around six regions:

- Baltimore City;
- Central Region (Baltimore, Carroll, Harford, and Howard counties);
- Western Region (Allegany, Frederick, Garrett, and Washington counties);
- Eastern Region (Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, and Worcester counties);
- Southern Region (Anne Arundel, Calvert, Charles, and St. Mary’s counties); and
- Metro Region (Montgomery and Prince George’s counties).

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

1. Complaints and Dispositions Drop Significantly Due to COVID-19

Juvenile Arrest Trends

Juvenile arrest trends for calendar 2015 to 2019 are shown in **Exhibit 1**. Overall arrest trends are categorized by Part I and Part II offenses. Part I offenses are subdivided into violent crimes (murder, rape, robbery, and assault) and property crimes (burglary, larceny, motor vehicle theft, and arson). All other crimes reported in the *Uniform Crime Report* are considered Part II offenses.

Exhibit 1
Juvenile Arrest Trends
Calendar 2015-2019

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>% Change 2015-2019</u>	<u>% Change 2018-2019</u>
Total Arrests	22,497	20,807	21,158	18,577	18,822	-16.3%	1.3%
Arrest Rate	3,722	3,434	3,362	3,034	3,221	-13.5%	6.2%
Part I Arrests	7,391	7,201	7,503	5,739	5,968	-19.3%	4.0%
Part I Arrest Rate	1,223	1,188	1,192	937	1,021	-16.5%	9.0%
Part I Arrests:							
a. Violent Crimes	2,099	2,069	2,261	1,935	2,015	-4.0%	4.1%
Violent Crime Rate	347	342	359	316	345	-0.7%	9.1%
b. Property Crimes	5,292	5,132	5,242	3,804	3,953	-25.3%	3.9%
Property Crime Rate	876	847	833	621	676	-22.7%	8.9%
Part II Arrests	15,106	13,682	13,655	12,838	12,854	-14.9%	0.1%
Part II Arrest Rate	2,499	2,258	2,170	2,097	2,199	-12.0%	4.9%

Note: Rates are per 100,000 juveniles, ages 10 through 17.

Source: 2019 *Uniform Crime Report*; U.S. Census Bureau; Department of Juvenile Services

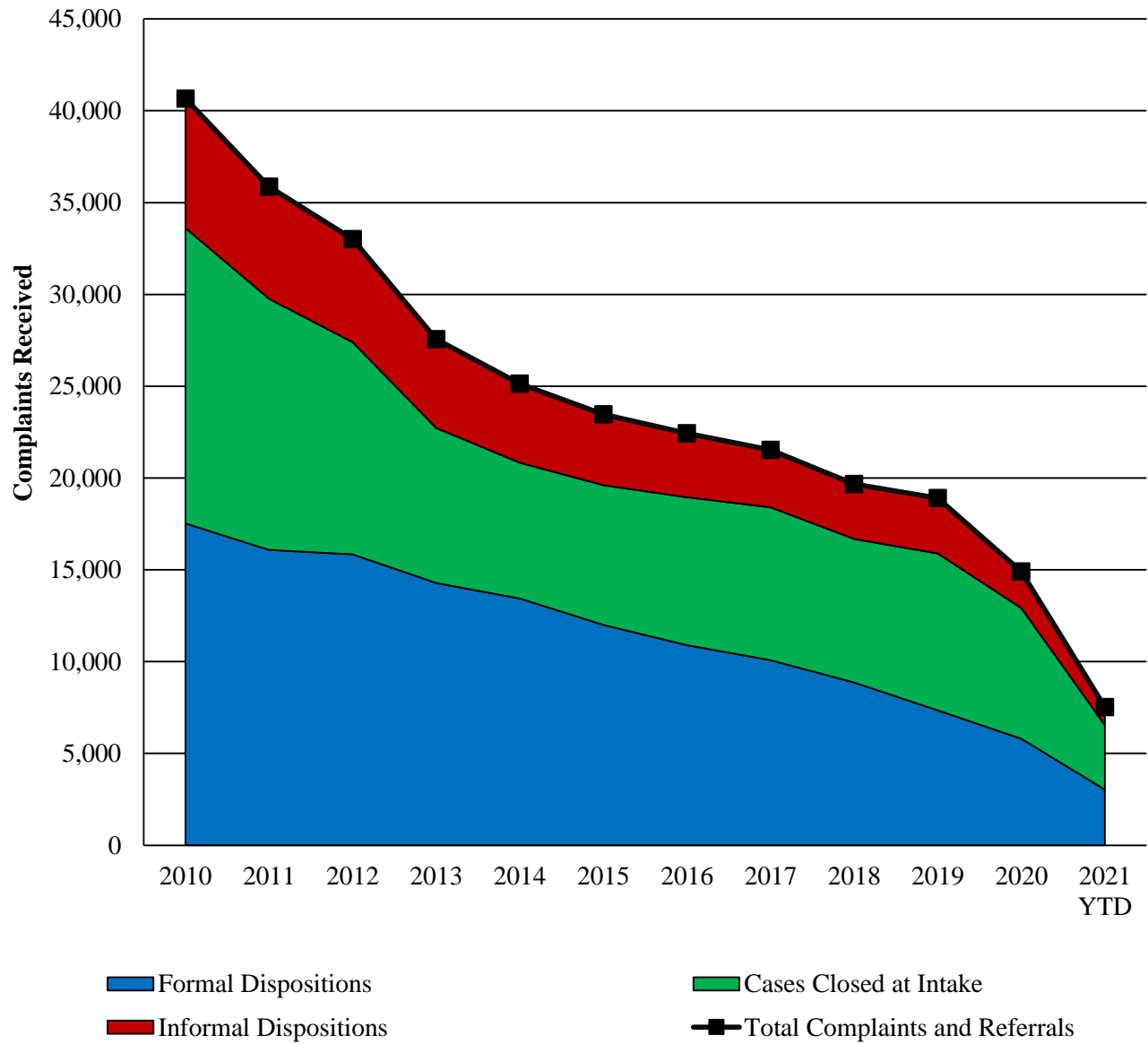
Total juvenile arrests over the past five years are down 16.3%, led primarily by the 25.3% drop in the property crime rate. The violent crime rate, however, remains relatively unchanged during this period. That said, despite the five-year decline, juvenile arrests are up across the board when looking at the change from calendar 2018 to 2019. The juvenile arrest rate is up 6.2% in calendar 2019, which is driven primarily by Part I arrests.

Complaints and Dispositions Drop with Onset of COVID-19

Exhibit 2 displays the total number of complaints received by DJS over the past decade and complaint dispositions. Key trends to note are as follows:

- The number of complaints closed at intake has become a larger percentage of all complaint decisions, rising from approximately 39.5% to 47.7% between fiscal 2010 and 2020. Proportionally, this is at its highest rate in a decade.
- The number of cases referred to informal interventions fell to 1,998 in fiscal 2020 and accounted for 13.4% of all dispositions. This reflects a modest decrease from fiscal 2010, when informal cases accounted for 17.0% of dispositions.
- Formal cases refer to those that require court intervention. These cases accounted for 38.9% of all dispositions in fiscal 2020. Over the past decade, the number of formal cases has fallen by 63.7% from fiscal 2009 and 17.4% from fiscal 2018 to 7,349 cases in fiscal 2019.
- Fiscal 2020 represents the second 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 but raises concerns about why formal decisions are being minimized while juvenile crime rates are increasing (as shown in Exhibit 1).
- Fiscal 2021 year to date (YTD) shows a substantial decline in all disposition categories. Based on January 2021 data, complaints are projected to decrease by 49.6% from fiscal 2020. This is likely driven by the closure of schools. Annually, the number of referrals and detained youth dip slightly in July, August, and September during students’ summer vacation. Likewise, the number of complaints to DJS have remained suppressed since the closure of schools on March 16, 2020.

Exhibit 2
Complaints and Dispositions
Fiscal 2010-2021 YTD



YTD: year to date

Source: Department of Juvenile Services

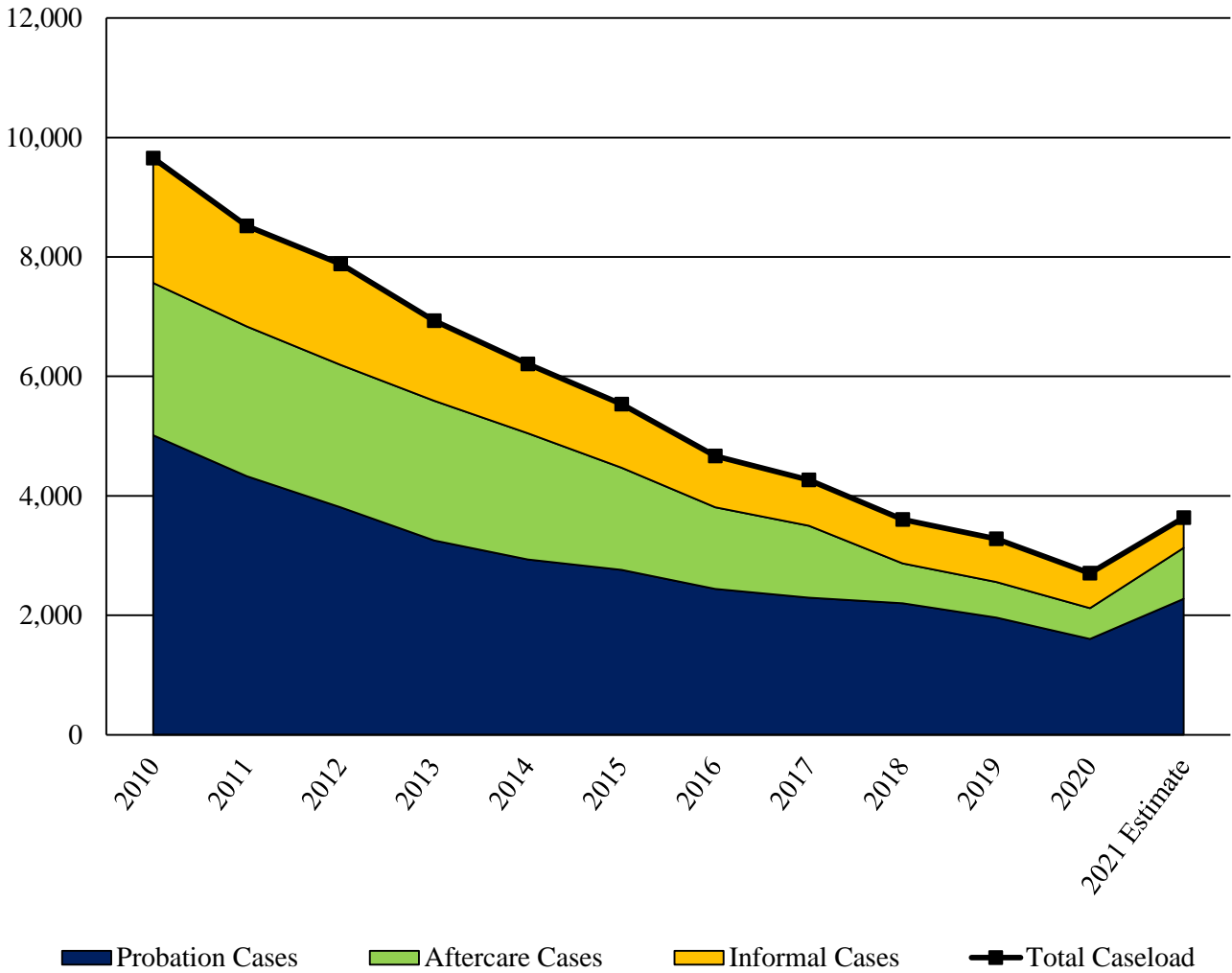
2. Nonresidential Population Trends

The nonresidential placement population includes youth who are receiving informal supervision, are on probation, or are 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 3**. Consistent with the overall decline in complaints, the department's nonresidential caseload trends have similarly declined over the past decade, as well as since the start of the pandemic. Between fiscal 2010 and 2020, the total nonresidential caseload has dropped 72.3%. In fiscal 2020, probation cases accounted for 59.3% of caseloads, aftercare cases for 19.0%, and informal cases for 21.6%. YTD data for fiscal 2021 suggests that caseloads will begin to increase, particularly as the pandemic heightens efforts to divert youth from residential placements.

**Exhibit 3
Nonresidential Caseloads
Fiscal 2010-2021 YTD**



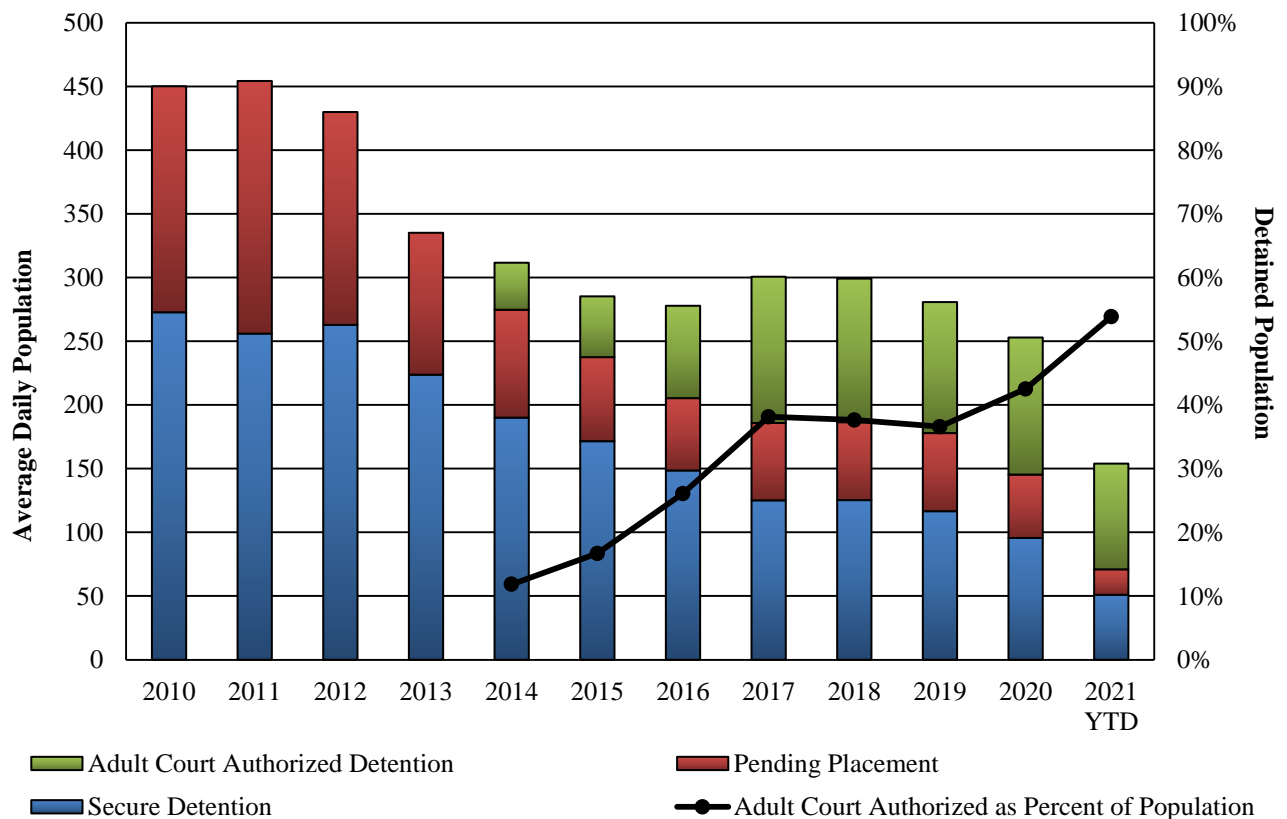
YTD: year to date

Source: Department of Juvenile Services

3. Secure Detention Population Trends

The detained average daily population (ADP) consists of three populations: (1) the secured detention population; (2) the secured pending placement population; and (3) the adult court authorized detention population (or “adult court population”). In recent years, the total detained population had shown signs of relative stability, prior to the onset of the pandemic. Whereas the detained ADP totaled 280 youth in fiscal 2019, ADP fell to 253 in fiscal 2020, and then to 154 in fiscal 2021 YTD. At the same time, 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 53.9% of the detained population – the highest proportion since entering DJS’ custody in fiscal 2014.

Exhibit 4
Detained Population
Average Daily Population and Percentage of Adult Court Authorized
Fiscal 2010-2021 YTD



YTD: year to date

Source: Department of Juvenile Services

In addition to the drop in referrals to DJS, changes in the Judiciary’s operations have yielded reductions in both the detained and committed populations. On April 13, 2020, Chief Judge Mary Ellen Barbera issued an order directing local courts to find alternatives to detaining juveniles in facilities in order to minimize their risk of contracting COVID-19. This order formalized DJS’ practice of minimizing youth interaction with the juvenile system, as well as their pivot toward community, rather than residential, programming during the pandemic. In many ways, these efforts were ongoing prior to the issuance of this order. The Judiciary is currently in Phase II of its reopening plan, which allows for limited juvenile cases to be heard, such as juvenile detention hearings, adjudications with an agreed-to plea and/or proffer, arraignments and first appearances, and other matters which can be handled remotely or without testimony.

Adult Court Population Becomes a Larger Portion of Detained Population

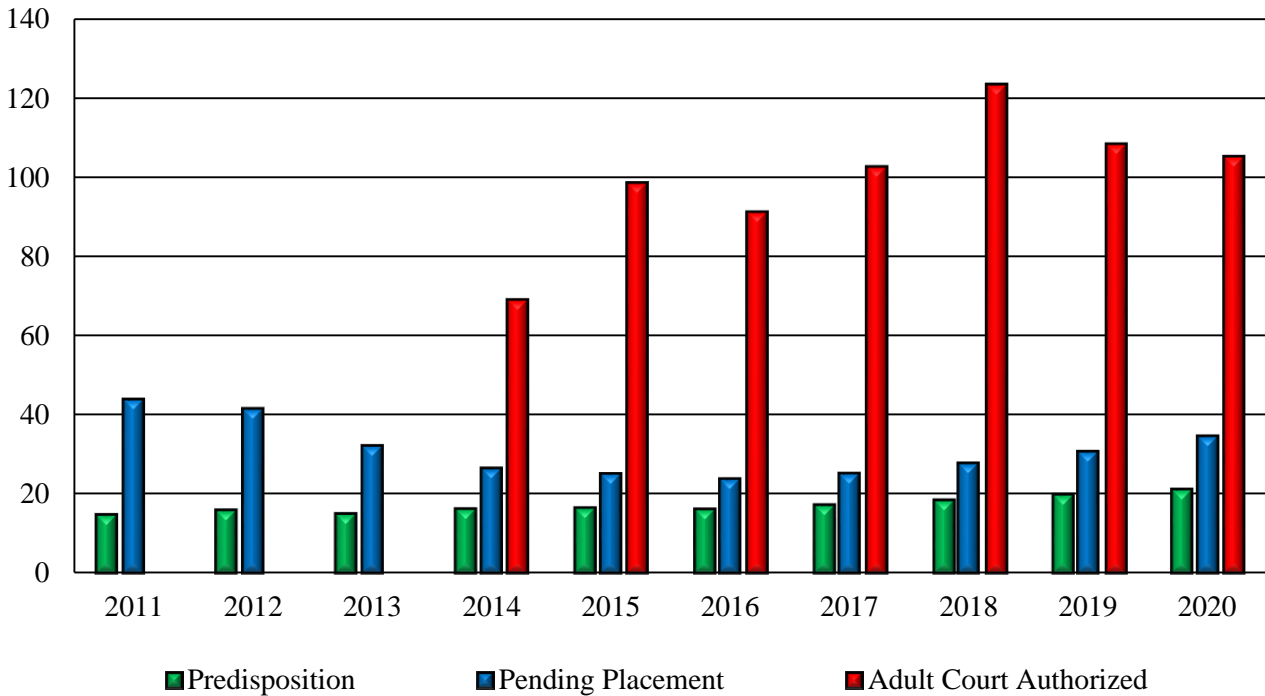
In fiscal 2014, DJS began to divert youth charged as adults from adult detention to juvenile detention, per an agreement with Baltimore City. This agreement was codified and expanded statewide with the enactment of Chapter 69 of 2015, which requires a court to order a youth charged as an adult to be held in juvenile detention pending transfer if that youth is eligible to be transferred to the juvenile system.

The reauthorization and reform of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) mandates that youth held in adult facilities and adult authorized youth be moved to juvenile detention centers by December 21, 2021. As shown in **Exhibit 5**, in fiscal 2020, the average length of stay (ALOS) for the adult authorized population was already 105 days, approximately five times that of predisposition youth and three times that of youth pending placement. While DJS has largely been fulfilling this mandate already, this may have a still undetermined impact on the youth ALOS and court operations.

As previously shown, the adult court population accounts for 53.9% of the total detained population, the highest percentage since DJS gained custody of these youth in fiscal 2014. As the length of stay remains significantly higher than their non-adult court counterparts, these youth will remain a higher percentage of the DJS total detained population.

DJS should comment on the impact of the JJDP on the ALOS for the adult authorized population, and the impact on the department’s facility operations and capital program.

Exhibit 5
Average Length of Stay by Placement
Fiscal 2011-2020



Source: Department of Juvenile Services

4. Committed Residential Population Trends

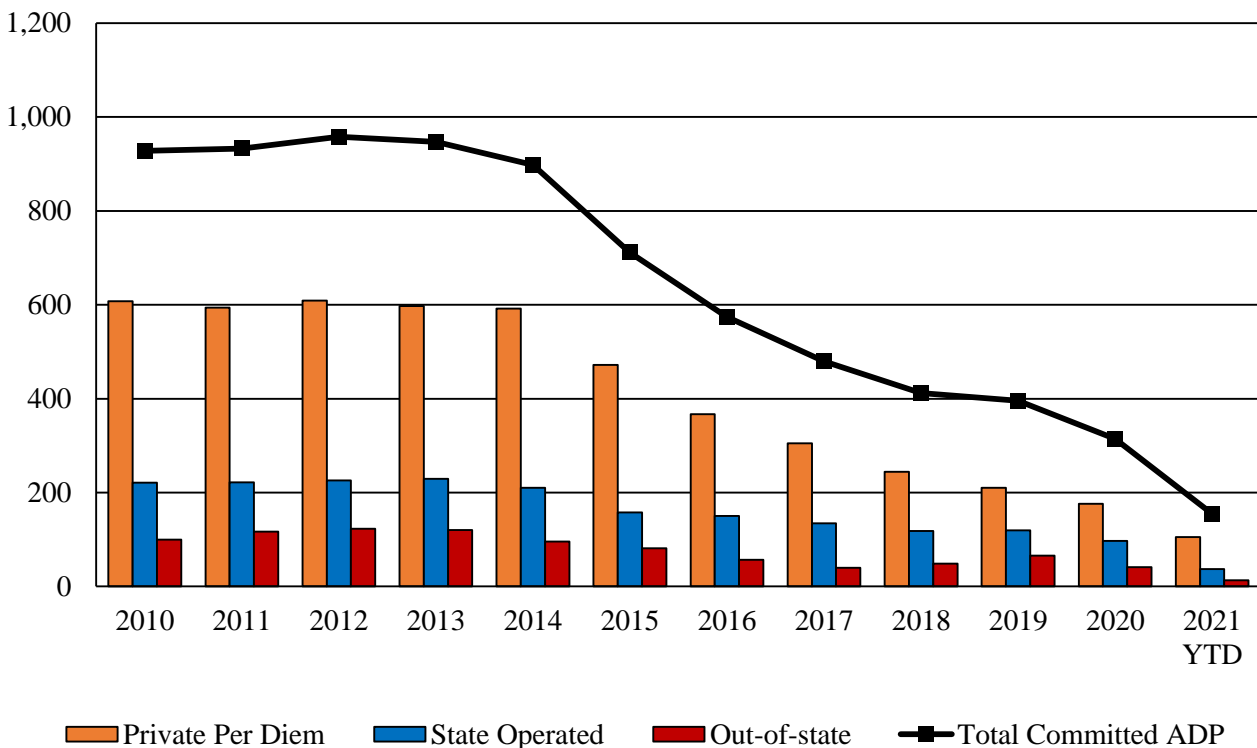
DJS has established three levels of residential program placements based largely on the level of program restrictiveness:

- 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 youth 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 2011 and 2021 YTD; consistent with the overall DJS population trend, the committed residential ADP continued to decline in fiscal 2019. The committed ADP declined by 81 youth, or 20.5%, between fiscal 2019 and 2020. The fiscal 2021 YTD ADP continues to drop further, falling to 155 youth, which is less than half the fiscal 2020 ADP of 314 youth.

Exhibit 6
Committed Residential Average Daily Population
Fiscal 2011-2021 YTD



ADP: average daily population
YTD: year to date

Source: Department of Juvenile Services

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State-operated placements are programs at facilities that are operated and owned by DJS. This population saw only a small change in ADP, decreasing from 120 to 97 youth in fiscal 2020.

Per diem placements are programs operated by private providers, and the State pays for only the number of days a youth is actually placed in the program. The private per diem ADP decreased by 34 youth, or 16.3%, between fiscal 2019 and 2020.

The out-of-state ADP dropped by 25 youth, or 37.9% in fiscal 2020. Out-of-state placements accounted for 13.1% of the department's total committed ADP in fiscal 2020. During the pandemic, DJS has made efforts to bring youth back in-state; the fiscal 2021 YTD ADP for out-of-state youth is just 13.

5. Strategic Reentry Measures and Recidivism

In fiscal 2016, DJS adopted the Strategic Re-entry 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 schools, 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 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 visit are documented and reported to the department, as shown in **Exhibit 7**.

Exhibit 7
Strategic Reentry Plan Performance Measures
Department of Juvenile Services
Fiscal 2017-2020

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

DJS: Department of Juvenile Services

Source: Fiscal 2021 Managing for Results

Youth recidivism rates have remained relatively constant, as detailed in **Exhibit 8**. The rearrest rate within two years of release remained level at 61% for youth released in fiscal 2018; the readjudication rate fell from 32% to 28% between the fiscal 2014 and 2018 cohorts; the recommitment rate fell from 25% in fiscal 2014 to 19% in fiscal 2018. The stability of the rearrest rates suggests that policing practices continue to rearrest youth at a steady 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.

The rearrest rate within three years of release increased from 66% in fiscal 2016 to 67% in fiscal 2017, though it remains relatively unchanged since fiscal 2014; the readjudication rate remained level at 35% between fiscal 2016 and 2017. The recommitment rate fell from 27% in fiscal 2016 to 23% in fiscal 2017. The relative stability of these recidivism metrics is noteworthy when considering the decline in two-year recidivism rates and raises the question as to why these positive trends have not extended to three-year recidivism rates.

Exhibit 8
Youth Recidivism Rates within Two and Three Years of Release
Fiscal 2014-2018

	<u>2014</u>		<u>2015</u>		<u>2016</u>		<u>2017</u>		<u>2018</u>	
	Two Years	Three Years	Two Years	Three Years	Two Years	Three Years	Two Years	Three Years	Two Years	Three Years
Rearrest Juvenile/ Adult	62	68	61	67	60	66	62	67	61	-
Readjudication/ Conviction	32	34	30	35	30	35	31	35	28	-
Recommitment/ Incarceration	25	26	23	28	24	27	21	23	19	-

Source: Department of Juvenile Services

Fiscal 2020

DJS received \$5.3 million in federal Coronavirus Aid, Relief, and Economic Security Act funding, reflected as reimbursable funds provided through the Maryland Department of Health (MDH), which it used primarily for three purposes: (1) salary enhancements to residential direct care staff to reflect additional supervisory duties of youth due to the closure of schools; (2) the acquisition of portable bathroom facilities to accommodate greater social distancing of youth; and (3) contracts for sanitation companies to regularly clean departmental facilities. Funding for direct care staff is expected to continue into fiscal 2021.

Fiscal 2021

Cost Containment

At its July 1, 2020 meeting, the Board of Public Works approved a package of cost containment actions in response to the COVID-19 pandemic. This included \$15.4 million in reductions to DJS’ fiscal 2021 legislative appropriation, which was achieved by the following:

- realigning the per diem funding appropriation with additional population declines. This action generated \$6.3 million in savings. This represents 33% of the initial per diem legislative appropriation; by the end of fiscal 2020, the residential population decreased 44% from its

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prepandemic levels. For more information regarding the historical trends in per diem funding, refer to the Proposed Budget section of this analysis;

- shifting community-based treatment to services eligible under Title IV-E, as permitted by the federal Family First Prevention Services Act, yielding \$2.6 million in savings;
- aligning nonsalary facility operating expenses and support services with fiscal 2019 actual spending levels, yielding \$2.9 million in savings;
- eliminating 16.5 vacant case management positions, generating \$1.1 million in savings;
- reducing nonresidential contracts in alignment with strategic reforms, generating \$854,000 in savings; and
- closing the J. DeWeese Carter Center and Meadow Mountain Youth Center (MMYC), and realigning staff and resources, yielding \$875,000 and \$490,000 in savings, respectively.

DJS has explained that the strategic reforms contributing to the reductions in residential programming allow youth to graduate from the programs more quickly, so as not to be in residential placements longer than needed. **DJS should provide the committees with details regarding these strategic reforms, what it entails, and how it has allowed youth to graduate programming within the system more quickly.**

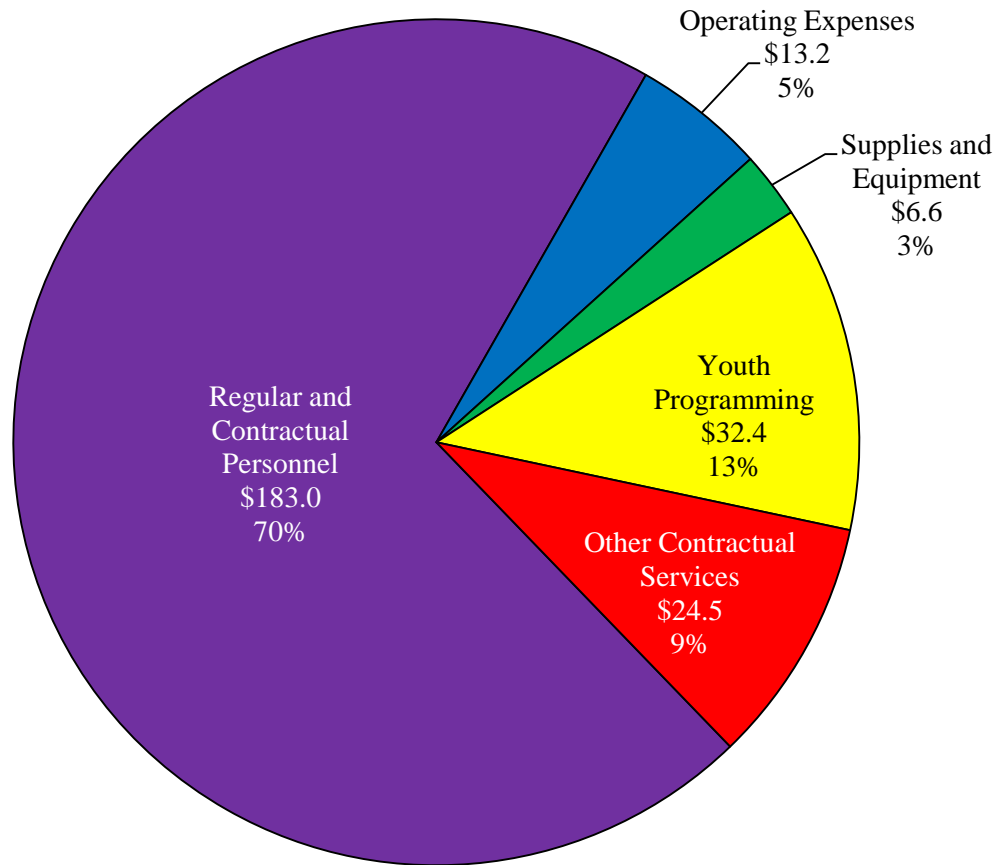
Planned Reversions

There is \$4.0 million in planned general fund reversions in fiscal 2021 to align with current departmental needs. This includes \$3.7 million in reversions of overtime expenditures due to improved vacancy rates and \$312,815 in reversions related to declining residential per diem expenditures.

Fiscal 2022 Overview of Agency Spending

DJS receives \$262.5 million in the Governor’s fiscal 2022 allowance. **Exhibit 9** shows how the department’s allowance is broken down by object.

Exhibit 9
Overview of Agency Spending
Fiscal 2022 Allowance
(\$ in Millions)



Source: Fiscal 2022 Governor’s Allowance

Approximately 70% 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 their facilities and the rehabilitative programming for the youth who move through the DJS system. With nearly 2,000 regular positions, DJS is one of the largest agencies in the Executive Branch.

Youth programming, including purchase of care services and youth education programming, accounts for approximately 13%, or \$32.4 million, of the fiscal 2022 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 is discussed later in this

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analysis, these costs have fluctuated 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%).

Proposed Budget Change

DJS’ budget increases by \$8.6 million in fiscal 2022. **Exhibit 10** provides additional detail on the factors driving this change.

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

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimbursable Fund</u>	<u>Total</u>
Fiscal 2020 Actual	\$259,560	\$2,782	\$3,127	\$5,253	\$270,723
Fiscal 2021 Working Appropriation	246,180	3,278	4,363	0	253,821
Fiscal 2022 Allowance	<u>253,579</u>	<u>3,361</u>	<u>5,529</u>	<u>0</u>	<u>262,470</u>
Fiscal 2021-2022 Amount Change	\$7,399	\$84	\$1,166	\$0	\$8,649
Fiscal 2021-2022 Percent Change	3.0%	2.6%	26.7%	0.0%	3.4%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Employee and retiree health insurance.....					\$4,997
Net impact of annualized 2% fiscal 2021 general salary increase					1,404
Regular earnings.....					1,035
Overtime earnings, net of fiscal 2021 reversions					1,012
Turnover adjustments.....					674
Unemployment compensation.....					307
Fiscal 2022 annual salary review					163
Other fringe benefit adjustments					38
Accrued leave payout.....					-455
Workers’ compensation premium assessment					-1,612

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Where It Goes:	<u>Change</u>
Population Driven Adjustments	
Food services.....	-549
Medical care contracts.....	-1,663
Per diem expenditures, including education per diems, net of fiscal 2021 reversions.....	-5,519
Other Changes	
Technical adjustment to budget intergovernmental agreements in the proper subobject.....	9,917
Utilities: electricity, water, sewage, fuel.....	435
Equipment repairs and rentals.....	283
Departmental vehicle expenditures.....	63
Printing and publications.....	26
Telecommunication expenditures.....	-4
Uniform expenditures to better align with actual expenditures.....	-198
Other.....	-325
Technical and special fees to align with loss of 12 contractual positions.....	-690
Termination of contracts with University of Maryland for operations to be done within the department.....	-691
Total	\$8,649

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

Funding Growth for Intergovernmental Agreements Unclear

Funding for intergovernmental agreements increases by \$9.9 million in the fiscal 2022 allowance. Discussions with DJS and the Department of Budget and Management have made clear that this is not necessarily an increase in funding but rather the realignment of funding into its proper place in the department’s budget. It is not clear, however, how much funding is included in the current year working appropriation for this purpose, and how it differs from the fiscal 2022 allowance.

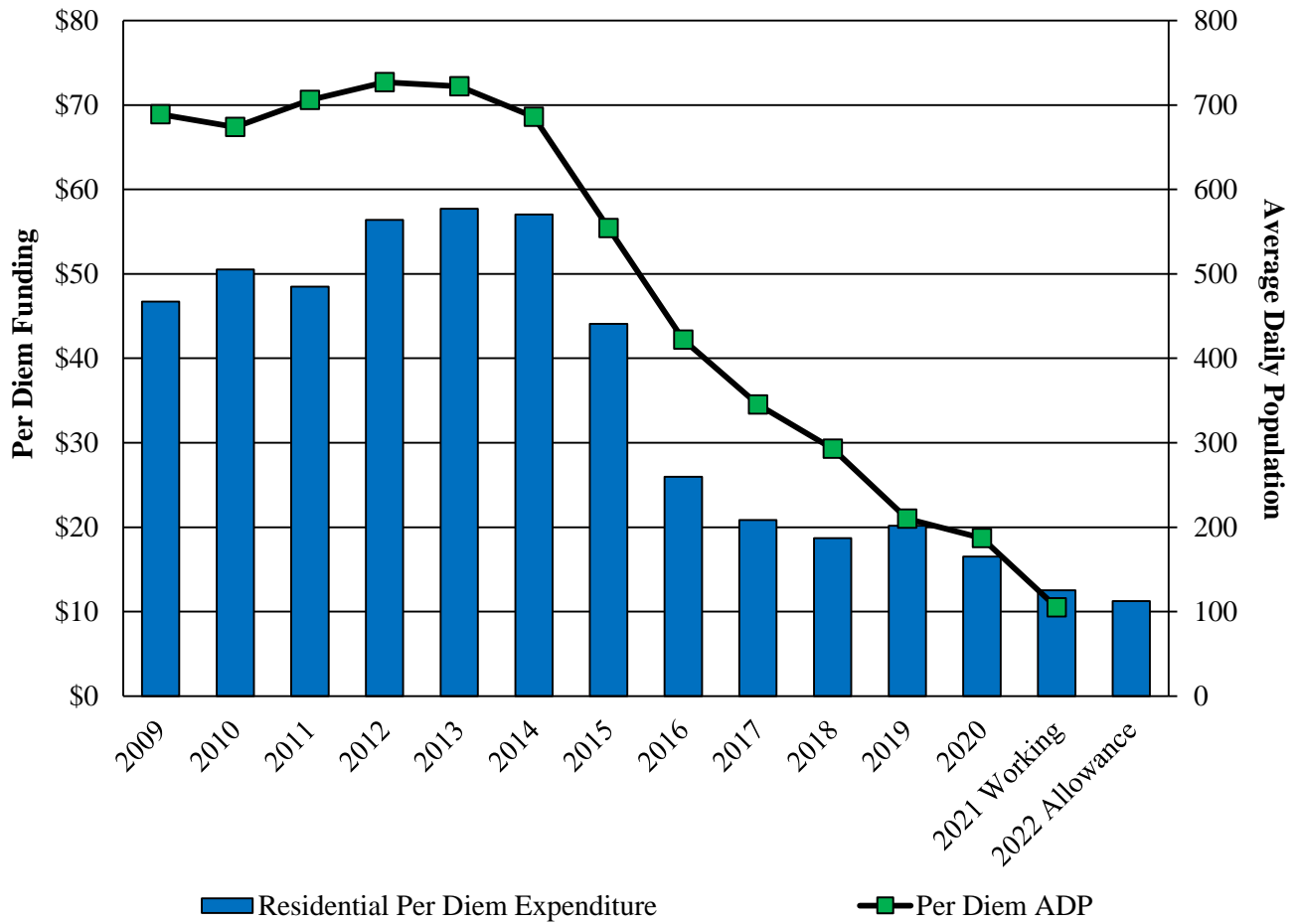
DJS should provide the budget committees with a reconciliation of funding budgeted in subobject 0885 for intergovernmental agreements in fiscal 2020, 2021, and 2022.

Programmatic Funding Is Consistent with Population Trends

Consistent with the pandemic-driven population trends, the committed residential ADP has continued to decline in fiscal 2021. The YTD ADP for fiscal 2021 is currently 105, which is 44% below that of fiscal 2020. As the DJS per diem population has continued to drop, the department’s funding for per diem programming has accordingly declined. This trend is highlighted in **Exhibit 11**. Per diem funding continues to decline in the fiscal 2022 allowance, decreasing 10% from fiscal 2021 to \$11.2 million. While the population has consistently declined for nearly a decade, the Department of Legislative Services (DLS) had originally expected that the rate of population decline was slowing. The pandemic, however, forced DJS to consider ways to further decrease their residential population

in order to mitigate the spread of COVID-19. This is largely driven by two previously discussed factors: (1) fewer youth referrals, primarily due to the closure of schools; and (2) limitations to the Judiciary’s resumption of adjudication hearings to mitigate the spread of the virus.

Exhibit 11
Residential Per Diem Funding vs. Per Diem ADP
Fiscal 2009-2022
(\$ in Millions)



ADP: average daily population

Source: Department of Juvenile Services; Governor’s Fiscal 2022 Allowance

Personnel Data

	<u>FY 20</u> <u>Actual</u>	<u>FY 21</u> <u>Working</u>	<u>FY 22</u> <u>Allowance</u>	<u>FY 21-22</u> <u>Change</u>
Regular Positions	2,012.05	1,995.55	1,995.55	0.00
Contractual FTEs	<u>130.00</u>	<u>110.30</u>	<u>98.30</u>	<u>-12.00</u>
Total Personnel	2,142.05	2,105.85	2,093.85	-12.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	131.91	6.61%
Positions and Percentage Vacant as of 12/31/20	119.85	5.72%
Vacancies Below Turnover	12.06	

Direct Care Vacancies Drop Significantly

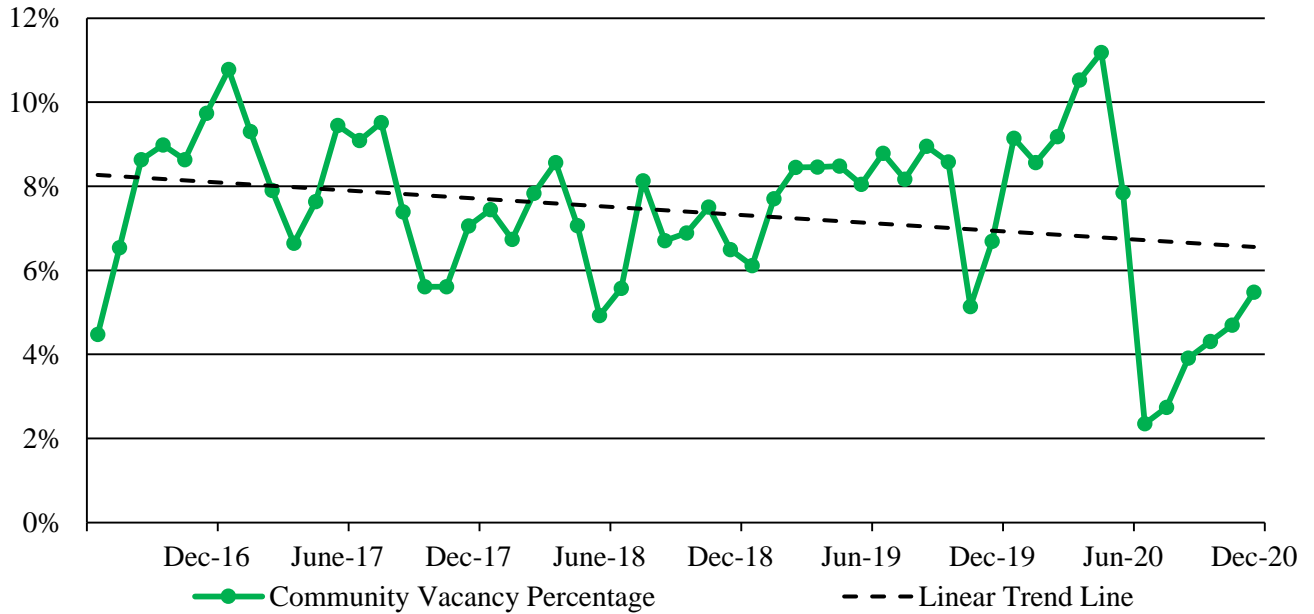
One area that has historically been of concern is DJS’ ability to maintain adequate staffing levels within its facilities. As evidenced in the Personnel Data table, the department currently has a vacancy rate of 5.72%, well below its budgeted turnover rate. **Exhibit 12** shows the monthly vacancy rates for community and facility direct care staff between July 2016 and December 2020; because of the volatility of monthly vacancy rates, a linear trend line is provided to more smoothly show the overall trend.

Community direct care staff vacancies have remained relatively steady, though the linear trend line does show an overall decline of roughly 2 percentage points. Residential direct care staff vacancies, on the other hand, have significantly improved over the past four years. Whereas residential staff vacancies were 16.6% in July 2016, they were just 3.8% in December 2021. The trend line indicates a roughly 13 percentage point decrease in residential direct care vacancies over the past four years.

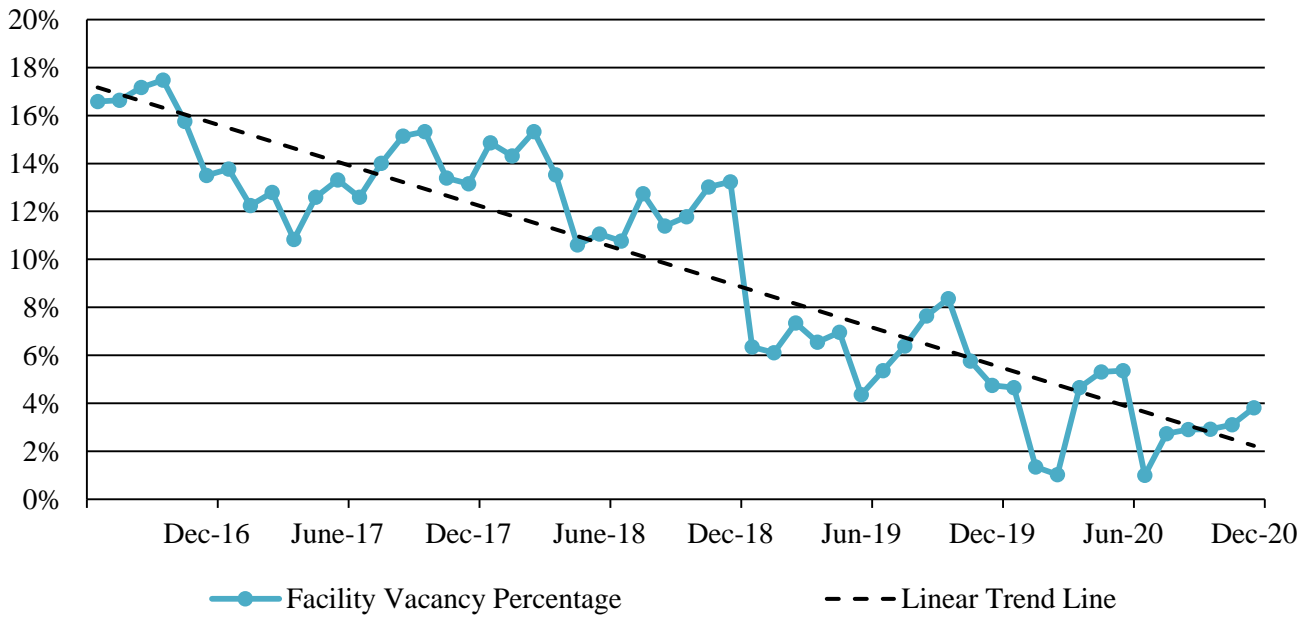
As discussed previously, the Administration also has a planned reversion of \$3.7 million in fiscal 2021 overtime funding to further align its overtime expenditures with departmental needs. Still, it is worth noting that overtime expenditures increase in fiscal 2022, despite the declining vacancies. The fiscal 2022 allowance provides \$10.7 million for departmental overtime, an increase of \$1.0 million from the current year working appropriation when accounting for the planned reversion. This funding would likely provide the department the necessary room in its overtime expenditures if vacancies or youth populations begin to increase again. Conversely, regular earnings increase by approximately \$1.0 million, as longer employee tenures are compensated at higher rates.

Exhibit 12
Monthly Vacancies for Direct Care Staff
July 2016 to December 2020

Community Direct Care Staff



Residential Direct Care Staff

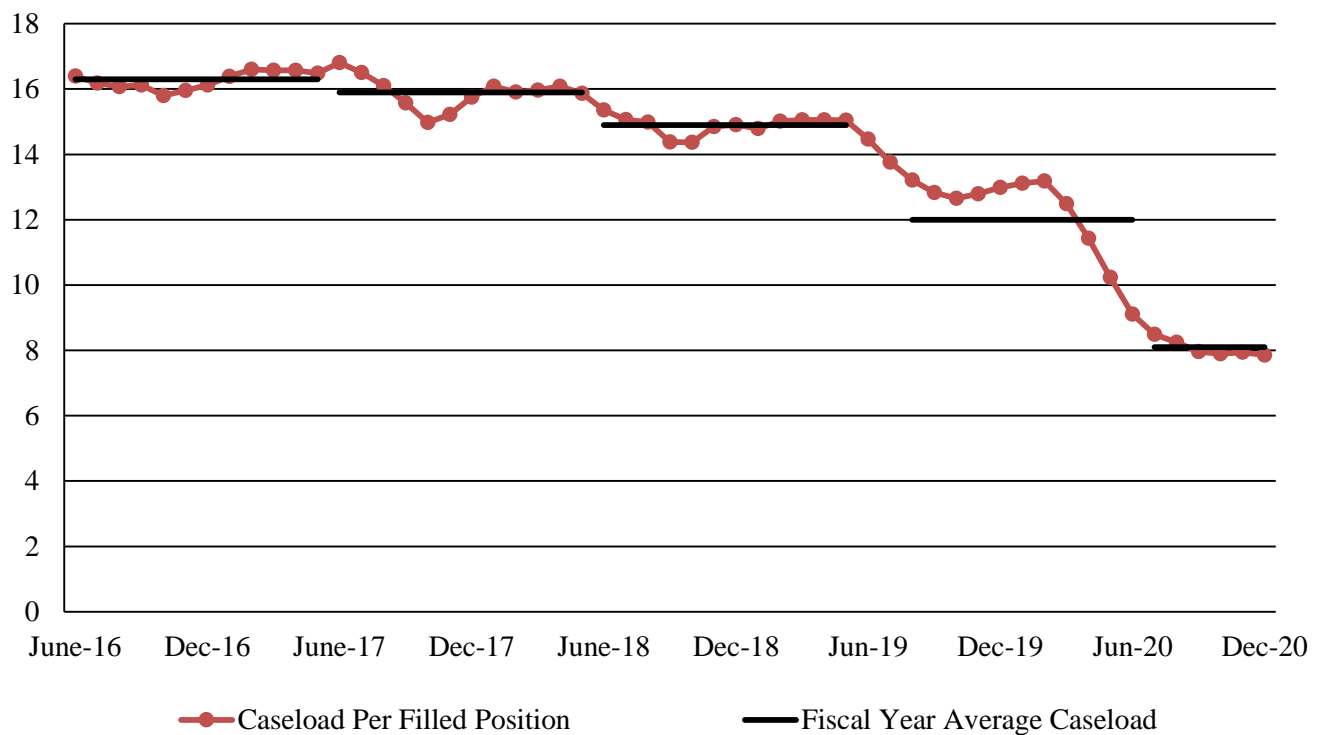


Source: Department of Juvenile Services Performance Report – December 2020; Department of Legislative Services

Community Supervision Caseload Trends

Exhibit 13 below shows the monthly caseload trends for community direct care staff. Caseloads fell 19.5% from 16.2 cases per community supervisor in July 2016 to 13.2 cases in February 2020. The caseload then dropped off significantly in March 2020, coinciding with the start of the pandemic. During this time, complaints and referrals to DJS fell considerably, likely due to the closure of schools, as shown in Exhibit 1.

Exhibit 13
Community Supervision Caseloads
 Department of Juvenile Services
 July 2016 to December 2020



Note: For this exhibit, caseloads are equal to total caseload count for community supervision programming divided by the number of filled community direct care staff positions for each month.

Source: *Department of Juvenile Services Performance Report – December 2020*; Department of Legislative Services

As of December 2020, the caseload is 8.1 cases per community direct care staff, less than half the average caseload in fiscal 2017. This is due to two factors: (1) the continued decline of the department’s youth population; and (2) the previously discussed improvements to staff retention. Additionally, in its Managing for Results submission, DJS reported that 17.6% of staff left their job within six months of entry-level training in fiscal 2020; this is the lowest separation rate since fiscal 2016.

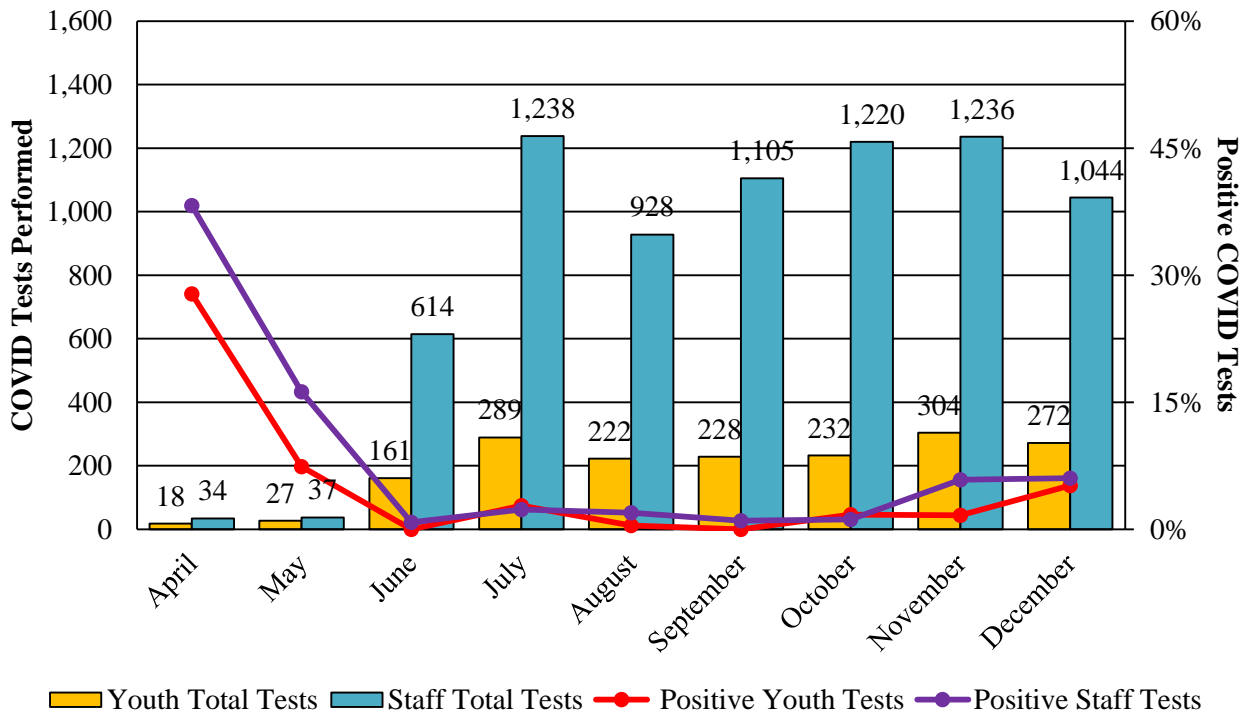
Issues

1. Impact of COVID-19 in DJS Facilities

COVID-19 Cases among Youth and Staff

Since the onset of the COVID-19 pandemic in March 2020, DJS has made efforts to provide the public with regular updates regarding the prevalence of the virus within its facilities and among youth and staff. Currently, DJS provides universal testing to the detained and committed populations; tests are performed in the following instances: (1) when a youth is symptomatic; (2) prior to any youth transfer; (3) upon admission into the DJS system; and (4) as directed by the department’s medical staff. The department posts weekly summaries of the number of cases among youth and staff, as well as the number of tests performed. **Exhibit 14** shows the number of tests performed each month on youth and staff, as well as the percent of positive tests for each.

Exhibit 14
Cases of COVID-19 among Staff and Youth
Calendar 2020



Source: Department of Juvenile Services

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It is worth noting that testing operations did take several months for the department to implement. During April and May 2020, DJS performed an average of 23 tests on youth and 36 tests on staff. The atypically high percentage of positive cases for these months is a function of the relatively low number of tests performed. As the department’s testing operations continued, the percentage of positive cases has fallen to less than 7% each month.

As of February 8, 2021, DJS reports that 1,974 tests have been performed on youth at departmental facilities. Of that total, 41 youth tested positive, and all have since recovered. At the same time, 255 staff tested positive, and 238 have since recovered.

Vaccination Plans

DJS has begun the process of vaccinating its youth and staff. As of February 12, 2021, the department has received 200 doses of the Moderna COVID-19 vaccine, and 190 of these doses have been administered. **Exhibit 15** provides detail on the DJS’ vaccine rollout, in accordance with MDH and Centers for Disease Control guidelines. Per MDH, the State is currently in Phase 1C of the vaccine rollout.

Exhibit 15 COVID-19 Vaccine Priority Department of Juvenile Services

<u>Phase</u>	<u>Eligible Groups</u>
1A	Somatic Health Staff Transportation Unit Recreational Staff Building Security Staff
1B	Youth Age 18 Years and Over Facility Case Managers Behavioral Health Staff Dietary Staff
1C	Maintenance Staff Information Technology Personnel Training Staff Community Detention Staff Intake Staff Juvenile Justice Monitoring Unit Staff

Source: Department of Juvenile Services

DJS should update the committees on its vaccination efforts, and provide the committees with the percentage of eligible youth and facility staff that have received vaccinations to date.

Changes to Departmental Operations

Since the onset of the pandemic, DJS has modified how it manages its youth populations in order to mitigate the spread of COVID-19. Youth have been broken into smaller groups, and additional temporary bathroom facilities has been acquired to allow youth to bathe without concern for cross contaminations. All facilities are cleaned daily by a contracted company. For youth in community programming, community direct care staff performed virtual and telephone-based supervision of youth.

At the end of April 2020, DJS temporarily closed two facilities: the Garrett Children’s Center (formerly the Savage Mountain Youth Center); and the J. DeWeese Carter Youth Facility (Carter). Youth located at the Garrett Children’s Center were transferred to the Victor Cullen Center to mitigate the spread of COVID-19 among youth and staff. Youth located at Carter were transferred to the Lower Eastern Shore Detention Center after a food vendor suspended services during the pandemic.

As previously discussed, DJS closed the Carter and MMYC facilities at the end of fiscal 2020. Programming at Carter was transferred to the Mountain View facility on the Backbone Mountain Youth Center (BMYC) campus, where a total of three youth were relocated and the female youth have dedicated buildings, staff, and services. Programming at MMYC will be moved to nearby Green Ridge Youth Center and BMYC, with a total of seven youth relocated among the two facilities to best meet their programmatic needs. In order to mitigate the spread of COVID-19, DJS began to manage youth in smaller groups with dedicated dormitory and bathroom facilities. As such, staff formerly at Carter and MMYC were retained and relocated to other facilities to bolster the department’s capacity to implement these operational changes.

2. Baltimore City Strategic Partnership

In December 2019, DJS announced a new 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 Police Department (BPD), DJS will align and coordinate case management resources to more effectively and appropriately intervene in youth juvenile cases within the city. The budget committees restricted funds in the fiscal 2021 budget pending the submission of a report detailing DJS’ plan for implementing this strategic partnership. This report was due on December 31, 2020, but was not submitted until February 16, 2021. In the *Report on the Baltimore City Strategic Partnership*, DJS notes that the partners began meeting in January 2020 to develop new policies and procedures to encourage collaboration.

The report explains that, because of the COVID-19 pandemic, the partners were required to turn their attention to addressing the continuity of services. Still, the partnership identified several strategic actions:

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- ***DJS Dedication Leadership:*** Departmental leadership has been assigned to coordinate efforts in Baltimore City.
- ***DJS Regional Services Delivery Model:*** The department has begun to align community-based services with BPD’s districts to more easily identify troubled youth and provide them with the necessary support.
- ***Increased Access to Informal Juvenile Interventions:*** DJS, in coordination with the State Attorney’s Office, is developing a process to provide informal pre-court supervision in cases that would not result in formal adjudication, with the goal being to limit the number of youth who come into contact with the juvenile justice system.
- ***Establish an Emerging Adult Unit in Baltimore City:*** DJS is working with the Department of Public Safety and Correctional Services and Roca to develop an Emerging Adult Unit. This unit would be comprised of case managers who supervise and support older youth who are considered high-risk.
- ***Expand DJS Police Liaison Unit:*** DJS will coordinate with BPD to place community case managers within the Western, Southern, and Southeastern District Intelligence Centers. The department is able to utilize current staff without the need for additional resources.
- ***Increase Baltimore City Evidence-based Services:*** In coordination with the University of Maryland School of Social Work, DJS is developing a continuum of evidence-based services in Baltimore City to be used by child placing agencies, such as DJS and the Department of Human Services.
- ***Increased Access to Voluntary Services:*** DJS has expanded its efforts to reach out to youth and their families while waiting for court actions to connect them with necessary programming such as food banks or school reenrollment.
- ***Partnership with the Baltimore City Family League:*** The Baltimore City Family League receives funding from the Governor’s Office of Crime Prevention, Youth, and Victim Services. DJS has coordinated with the Family League to refer youth to community partners who can provide support services.

As noted above, the partnership is still in its early stages, hampered somewhat by the COVID-19 pandemic. To that end, DJS notes that performance metrics and other data are not yet available. Given the degree of concern within the General Assembly related to crime in Baltimore City, future data reports on the success of this partnership would be insightful.

Additionally, the General Assembly has raised questions about how the aforementioned programs are budgeted. In recent years, DJS has been able to adapt its operations to the changing needs of the department (such as the reduction of out-of-state placements), by utilizing available funding and

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other resources already present within its budget. While this allows the department to more nimbly make operational and programmatic changes, it comes at the expense of fiscal transparency. This is the case with the DJS Police Liaison Unit, for example: it is able to utilize existing resources to fulfill its programmatic goals and pass no additional costs onto the State. The level of funding utilized, however, is not reported in the budget, and so it is not clear if this program is funded at the expense of others.

The Department of Legislative Services (DLS) recommends the committees adopt language restricting funds pending the submission of a one-year update detailing the operations of the Strategic Partnership, and the associated programmatic expenditures.

As stated, the *Report on the Baltimore City Strategic Partnership* was submitted in response to the *2020 Joint Chairmen’s Report*, albeit several months late. **DLS recommends the budget committees approve the release of the funds restricted in the fiscal 2021 working appropriation.**

Operating Budget Recommended Actions

1. Add the following language to the general fund appropriation:

, provided that \$250,000 of this appropriation made for the purpose of providing administrative support may not be expended until the Department of Juvenile Services (DJS) submits a report detailing updates on the operations of the Baltimore City Strategic Partnership to the budget committees. This report shall:

- (1) identify the entities participating in this partnership and the respective role and responsibilities of each;
- (2) detail the processing of cases under this partnership;
- (3) identify performance measures demonstrating the efficacy of this partnership and provide relevant performance data;
- (4) comment on how the partnership will impact juvenile caseloads; and
- (5) identify the funding associated with this partnership in DJS’ fiscal 2021 and 2022 budgets.

The report shall be submitted by December 31, 2021, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: Governor Lawrence J. Hogan, Jr. and DJS announced the new Baltimore City Strategic Partnership in December 2019 with the goal to improve early intervention efforts for low-offending youth. Because of the COVID-19 pandemic, progress in developing this partnership has been impeded. This language requests a one-year update on the operations of this partnership, its impact on juvenile caseloads, relevant performance data, and the amount of departmental funds directed toward partnership programming.

Information Request	Author	Due Date
Update on the Baltimore City Strategic Partnership	DJS	December 31, 2021

Appendix 1
2020 Joint Chairmen’s Report Responses from Agency

The 2020 *Joint Chairmen’s Report* (JCR) requested that the Department of Juvenile Services (DJS) prepare one report. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Report on the Baltimore City Strategic Partnership:*** The budget committees restricted funds pending the submission of a report detailing DJS operations related to the Baltimore City Strategic Partnership. The department identified several actions to improve youth programming in Baltimore City, but the COVID-19 pandemic has impeded the partnership’s progress. Further discussion of this report can be found in the Issues section of this analysis.

**Appendix 2
Object/Fund Difference Report
Department of Juvenile Services**

<u>Object/Fund</u>	<u>FY 20 Actual</u>	<u>FY 21 Working Appropriation</u>	<u>FY 22 Allowance</u>	<u>FY 21 - FY 22 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	2,012.05	1,995.55	1,995.55	0.00	0%
02 Contractual	235.00	110.30	98.30	-12.00	-10.9%
Total Positions	2,247.05	2,105.85	2,093.85	-12.00	-0.6%
Objects					
01 Salaries and Wages	\$ 179,250,246	\$ 177,062,138	\$ 179,370,920	\$ 2,308,782	1.3%
02 Technical and Spec. Fees	5,700,725	4,270,374	3,580,446	-689,928	-16.2%
03 Communication	1,241,166	1,280,220	1,276,697	-3,523	-0.3%
04 Travel	929,116	763,798	739,896	-23,902	-3.1%
06 Fuel and Utilities	4,524,393	4,373,168	4,807,890	434,722	9.9%
07 Motor Vehicles	1,240,245	1,248,478	1,311,384	62,906	5.0%
08 Contractual Services	63,993,343	55,389,631	56,933,039	1,543,408	2.8%
09 Supplies and Materials	6,196,597	5,426,613	5,265,701	-160,912	-3.0%
10 Equipment – Replacement	412,912	189,326	0	-189,326	-100.0%
11 Equipment – Additional	474,807	31,935	21,816	-10,119	-31.7%
12 Grants, Subsidies, and Contributions	2,377,385	2,580,975	2,559,891	-21,084	-0.8%
13 Fixed Charges	4,201,899	3,912,459	3,742,835	-169,624	-4.3%
14 Land and Structures	179,803	0	0	0	0.0%
Total Objects	\$ 270,722,637	\$ 256,529,115	\$ 259,610,515	\$ 3,081,400	1.2%
Funds					
01 General Fund	\$ 259,560,291	\$ 248,907,639	\$ 250,744,434	\$ 1,836,795	0.7%
03 Special Fund	2,781,984	3,277,526	3,361,353	83,827	2.6%
05 Federal Fund	3,127,484	4,343,950	5,504,728	1,160,778	26.7%
09 Reimbursable Fund	5,252,878	0	0	0	0.0%
Total Funds	\$ 270,722,637	\$ 256,529,115	\$ 259,610,515	\$ 3,081,400	1.2%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.

**Appendix 3
Fiscal Summary
Department of Juvenile Services**

<u>Program/Unit</u>	<u>FY 20 Actual</u>	<u>FY 21 Wrk Approp</u>	<u>FY 22 Allowance</u>	<u>Change</u>	<u>FY 21 - FY 22 % Change</u>
01 Office of the Secretary	\$ 5,065,419	\$ 4,845,473	\$ 5,485,645	\$ 640,172	13.2%
01 Departmental Support	28,337,453	26,551,198	27,169,947	618,749	2.3%
01 Residential Services	5,395,445	5,448,385	5,719,838	271,453	5.0%
01 Baltimore City Region Operations	50,204,449	50,164,144	50,935,020	770,876	1.5%
01 Central Region Administrative	34,962,666	32,671,289	34,128,147	1,456,858	4.5%
01 Western Region Administrative	53,077,586	50,084,196	51,448,002	1,363,806	2.7%
01 Eastern Region Administrative	19,650,931	18,159,582	16,973,983	-1,185,599	-6.5%
01 Southern Region Administrative	23,445,642	20,832,606	20,823,888	-8,718	0%
01 Metro Region Administrative	50,583,046	47,772,242	46,926,045	-846,197	-1.8%
Total Expenditures	\$ 270,722,637	\$ 256,529,115	\$ 259,610,515	\$ 3,081,400	1.2%
General Fund	\$ 259,560,291	\$ 248,907,639	\$ 250,744,434	\$ 1,836,795	0.7%
Special Fund	2,781,984	3,277,526	3,361,353	83,827	2.6%
Federal Fund	3,127,484	4,343,950	5,504,728	1,160,778	26.7%
Total Appropriations	\$ 265,469,759	\$ 256,529,115	\$ 259,610,515	\$ 3,081,400	1.2%
Reimbursable Fund	\$ 5,252,878	\$ 0	\$ 0	\$ 0	0.0%
Total Funds	\$ 270,722,637	\$ 256,529,115	\$ 259,610,515	\$ 3,081,400	1.2%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.