

MARYLAND DEPARTMENT OF JUVENILE SERVICES

RESPONSE TO DEPARTMENT OF LEGISLATIVE SERVICES ANALYSIS AND RECOMMENDATIONS

**HOUSE PUBLIC SAFETY AND ADMINISTRATION SUBCOMMITTEE
FEBRUARY 18, 2016**

**SENATE PUBLIC SAFETY, TRANSPORTATION AND ENVIRONMENT SUBCOMMITTEE
FEBRUARY 22, 2016**



Recommended Actions

- | | <u>Amount
Reduction</u> | |
|---|------------------------------------|----|
| 1. Reduce funding for contractual evaluations in line with fiscal 2016 budgeted amount. | \$ 201,000 | GF |

Agency Response: DJS Agrees

2. Add the following section:

SECTION XX. AND BE IT FURTHER ENACTED, That \$100,000 of the general fund appropriation within the Department of Juvenile Services (DJS) and \$100,000 of the general fund appropriation within the Juvenile Services Education (JSE) unit of the Maryland State Department of Education (MSDE) may not be expended until:

A. DJS and MSDE jointly submit a report to the budget committees on:

- 1) The advancements made toward addressing the following concerns with DJS education services:
 - a) lack of postsecondary, vocational, and work opportunities;
 - b) grouping classes by living unit as opposed to skill level;
 - c) high vacancy rates and turnover for facility staff and a lack of a substitute system;
 - d) space limitations due to the physical plant and age of the DJS facilities;
 - e) adherence to students' Individualized Education Programs (IEP); and
 - f) recordkeeping and transition services between DJS facility schools and local school systems.
- 2) The mechanisms for ensuring proper communication between MSDE, DJS, and local school systems, particularly when a lack of services has been identified or a complaint has been lodged.
- 3) A detailed accounting of how the additional resources provided in the fiscal 2017 allowance have been utilized and the impact those resources have had on the delivery of education services.
- 4) The development of measures evaluating the performance of the JSE program, to include but not be limited to the following measures:
 - a) average length of time to transition student records between a JSE school and a local school system;
 - b) teacher vacancy rates and length of tenure;

- c) contacts with local school system liaisons to support student transition into the community;
- d) students participating in postsecondary opportunities and vocational opportunities; and
- e) the number of classroom hours canceled due to the unavailability of a teacher or substitute.

Provided that the report shall be submitted to the budget committees no later than November 15, 2016, with follow-up reports submitted biannually; and

- B. Data for the identified performance measures shall be included in the Department of Juvenile Services annual Managing for Results performance measure submission beginning with the fiscal 2018 allowance submitted in January 2017.

The budget committees shall have 45 days to review and comment from the date of each submission. It is the intent of the budget committees that \$50,000 be released to each agency upon receipt and approval of the November 2016 report. The remaining \$50,000 shall be released from each agency upon satisfactory submission of the performance measure data with the fiscal 2018 allowance. 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: Concerns have been raised questioning whether MSDE is providing the appropriate level of services to students in DJS facilities, particularly to students with special education needs. This language requires DJS and MSDE to work jointly to report on a regular basis to the budget committees regarding progress made toward addressing the deficiencies in the provision of education services to youth in DJS facilities. It also requires the development of performance measures to evaluate how well the program is functioning, as opposed to only evaluating student performance. The report is due by November 15, 2016, and every six months, thereafter.

Information Request	Authors	Due Date
Improving education services for DJS youth and proposed performance measures	MSDE DJS	November 15, 2016 and biannually, thereafter
Juvenile Services Education program performance measure data	MSDE DJS	January 2017 and annually, thereafter

Agency Response: DJS agrees with the recommendation for a joint report with MSDE. However, we disagree with the recommendation that the performance measures should be in the DJS MFR. We believe it is more appropriate for the measures to be reported in the MSDE MFR.

Total General Fund Reductions **\$ 201,000**

Agency Responses:

Non-Residential Placement Trends: DJS should comment on how the current caseloads for each of these nonresidential populations compare to staffing ratios and workload for community supervision and case management staff. In addition, the department should discuss efforts to improve reentry programming and transition services for youth returning from out-of-home placement.

Agency Response: DJS uses a workload analysis tool to establish appropriate staffing levels and effectively manage community supervision and case management staff. The workload tool is based on the number of field staff needed to conduct intakes and investigations and to supervise youth on probation or community aftercare in accordance with departmental policy, procedures, and practice. As populations have declined, DJS has repurposed eighty three (83) case management positions to address identified shortages in operations (facility direct care, behavioral health, etc.). The Department has also lost sixteen (16) case management positions in recent years to cost containment initiatives.

DJS is committed to improving re-entry programming and transition services for the youth we serve. To that end, DJS has recently completed a Re-entry Strategic Plan¹ that emphasizes DJS, family, and community service provider engagement to increase communication among those most essential to a youth's success during the placement and community re-entry process. To support implementation of the Re-entry Strategic Plan, six existing case management positions have been identified to serve as Regional Re-entry Specialists. The Regional Re-entry Specialists will serve as liaisons between case management staff, local schools, and community resources to fully implement the Re-entry Strategic Plan.

Secure Detention and Pending Placement Trends: DJS should update the committees on the status of the proposed legislation and the potential operational and fiscal impacts that would result if the legislation is not successful.

Agency Response: SB 81 "Juvenile Law - Continuum of Care - Repeal of Termination Date" had a hearing on January 21, 2016 in the Senate Judicial Proceedings Committee. Although there was broad support from stakeholders including the Maryland Judiciary, the Office of the Public Defender (OPD) is attempting to forward amendments to the current statutory framework that would have a substantial operational impact. DJS is continuing to discuss these amendments with the OPD and other stakeholders. As of the date of this response, the Senate Judicial Proceedings Committee has not voted on SB 81.

¹ Maryland Department of Juvenile Services Strategic Re-entry Plan, December 2015, <http://www.djs.maryland.gov/docs/publications/DJS%20Re-entry%20Strategic%20Plan%20Dec%2030%202015.pdf>

Adult Court Authorized Detention Population Trends: DJS should discuss its future population projections for the adult court authorized detention population and the impact this population has on capacity and facility operations. The department should also comment on whether this population requires unique services, and if so, whether those services are being provided.

Agency Response: Pursuant to Chapter 412, 2014 Laws of Maryland, DJS and the Governor's Office of Crime Control and Prevention prepares a yearly youth charged as adult population forecast.² The forecast projects an increase in the youth charged as adult population. To date, DJS has absorbed this population with little impact on facility capacity and general operations. There are many external factors, such as legislation, police policies, and judicial practices that can have a material impact on this population. For example, there are several legislative proposals relating to youth charged as adults this session that could have a significant impact on both detention and committed populations.

The youth charged as adult population tend to have longer lengths of stay in detention compared to youth detained under juvenile court procedures. The longer lengths of stay impact the available detention capacity as well as education programming and behavioral health services.

Committed Population Trends: DJS should comment on its decision to increase the security level at Savage Mountain Youth Center and the impact this change will have on departmental operations and services provided to committed youth.

Agency Response: Increasing the security level at Savage Mountain Youth Center will strengthen the DJS continuum of care and provide more services to youth in Maryland, thereby reducing the number of youth requiring out-of-state placements. The four Western Maryland Youth Centers lack any barriers to prevent escapes, and three of the four centers have dormitory housing for youth. Youth ejected from the Youth Centers due to acts of aggression and attempted escapes require a higher level of security and are frequently placed at the only DJS hardware secure facility, the Victor Cullen Center. The addition of a security fence and the ability to separate youth in individual rooms will allow DJS to manage a more aggressive population at the Savage Mountain Youth Center without having to utilize hardware secure capacity or out-of-state placements. DJS is promoting reforms that are directed at serving low risk youth in the community and utilizing committed out-of-home placements to provide treatment services for those youth found to be a risk to community safety. These efforts are consistent with the Developmental Approach to Juvenile Justice Reform and coupled with

² Juveniles Charged as Adults and Held in Adult Detention Facilities: Trend Analysis and Population Projections, November 30, 2015, <http://www.djs.maryland.gov/docs/publications/Juveniles%20Charged%20as%20Adults%20Population%20Forecast%202015.pdf>

community supervision reforms, the increased security at the Savage Mountain youth center will provide additional capacity to serve youth with more behavioral challenges.

Juvenile Services Education Needs Improvement: DLS recommends budget language requiring MSDE and DJS to submit biannual monitoring reports to the budget committees on the advancements made toward addressing the concerns raised in this issue, the level of communication between the agencies and with local school systems, and how the additional resources provided in the fiscal 2017 allowance will be utilized. In addition, DLS recommends MSDE and DJS develop measures evaluating the performance of the program, in addition to student performance.

Agency Response: DJS agrees with the recommendation to submit a joint report with MSDE on the advancement of educational services. The Department also agrees with the development of performance measures. However, to the extent that the measures are developed, they should be reported and required in the MFR document for MSDE and not DJS.

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Assumed Reversions: DLS recommends DJS revert the entire \$9.7 million in inappropriately encumbered fiscal 2015 funds.

Agency Response: DJS will revert the \$9.7 million referenced in the OLA Report on fiscal year 2015 closing.

Personnel Expense and Staffing Issues: DJS should comment on how the loss of the two IT positions will impact departmental operations.

Agency Response: The IT Functional Analyst position targeted for transfer to DoIT will be restored to the DJS budget. DJS has also requested that the second position, IT Systems Tech Specialist, be restored to the agency budget. While this position carries an IT classification, the location of the position and the related function are with the DJS Budget/Finance Unit. This position functions as the data integration specialist for fiscal tracking, monitoring and reporting.

Personnel Expense and Staffing Issues: DJS should comment on whether the increased vacancies and overtime costs experienced in fiscal 2015 were an anomaly or the start of a growing trend.

Agency Response: DJS does not believe that the increased vacancy rate in fiscal 2015 is a growing trend. Multiple factors impact the vacancy number. First, the improving economy in Maryland results in more opportunities for applicants. In addition, DJS continues to struggle with staff retention. In comparing fiscal 2015 and 2014 merit employee data, separations increased by 11.3% (236 vs 212). The increased separations, in combination with a 23.8% decrease in new hires (83 vs 109) result in the higher fiscal 2015 vacancy rate. DJS has increased our efforts in recruitment and believes the vacancy rate will be lowered in fiscal 2016/2017.

Residential Per Diems: The Department of Legislative Services (DLS) would anticipate DJS to revert as much as \$10.0 million in general funds at the close of fiscal 2016, unless some portion of this funding is required to support increased overtime expenses for facility staff due to the previously discussed staffing issues.

Agency Response: As noted in the analysis, the population of committed youth has declined. The current population and projections for the remainder of FY 2016 indicate that DJS will spend less on this population than was anticipated in the original FY 2016 budget calculations. DJS does anticipate the need to use a portion of this funding to support overtime expenditures. To the extent that the population does not materially change from projections, DJS would revert remaining funds.

Residential Per Diems: DJS should comment on whether there are any indicators suggesting the downward trends will continue or if populations are expected to increase in the near future.

Agency Response: The committed populations are at historic lows. It is unrealistic to assume that the downward trend can continue without a “bottom.” There are also external factors beyond DJS control that can have a material impact on this population. The challenge for DJS is to develop a budget that weighs both factors and allows for uninterrupted continuation of placements based on the identified treatment needs of youth and not on the availability of funds.

DJS tracks expenditures for youth in residential per diem placements using paid invoices. Very recent data indicates a flattening of the average daily population (ADP) using this measure. This data in conjunction with the expectation that the youth charged as adult population in our detention facilities will begin to filter into the committed population lead us to believe the numbers will stabilize and potentially rise in the future.

Mental Health Evaluations: DLS recommends reducing funding for contractual evaluation in line with anticipated fiscal 2016 expenditures.

Agency Response: DJS agrees with the recommendation.

Closing of William Donald Schaefer House: DJS should discuss the decision to close WDSH in fiscal 2015, including the timeline for closure and how this will impact facility staff and youth participants, as well as available drug treatment and other committed bed space throughout the department.

Agency Response: Due to declines in the committed population, DJS has made the decision to close WDSH in fiscal 2017. The closure of the WDSH will not reduce services for Maryland youth, but will create efficiency in the system. DJS will transition the drug treatment program from WDSH to a youth camp in Western Maryland. Additionally, DJS is committed to working with current staff to transfer them to other positions within the DJS system.

DJS plans to relocate the substance abuse program at Schaefer to Meadow Mountain Youth Center by July 1, 2016. Meadow Mountain has an operational capacity of forty (40) beds and will be able to accommodate the Schaefer population which had an ADP of twelve (12) in FY15. Clinical positions will be transferred to Meadow Mountain Youth Center to provide the required level of substance abuse services.

Juvenile Services Education Needs Improvement: DLS recommends budget language requiring MSDE and DJS to submit biannual monitoring reports to the budget committees on the advancements made toward addressing the concerns raised in this issue, the level of communication between the agencies and with local school systems, and how the additional resources provided in the fiscal 2017 allowance have been utilized. In addition, DLS recommends MSDE and DJS develop measures evaluating the performance of the program, in addition to student performance. Example measures could include average length of time to transition student records between a JSE school and a local school; teacher vacancy rates and length of tenure; contacts with local school system liaisons to support student transition into the community; students participating in postsecondary opportunities, *etc.*

Agency Response: DJS agrees with the recommendation to submit a joint report with MSDE on the advancement of educational services. DJS also agrees with the development of performance measures. However, to the extent that the measures are developed, they should be reported and required in the MFR document for MSDE and not DJS.