

**V10A**  
**Department of Juvenile Services**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 08</u> <u>Actual</u>	<u>FY 09</u> <u>Working</u>	<u>FY 10</u> <u>Allowance</u>	<u>FY 09-10</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$266,735	\$255,053	\$266,128	\$11,076	4.3%
Contingent & Back of Bill Reductions	0	0	-3,384	-3,384	
<b>Adjusted General Fund</b>	<b>\$266,735</b>	<b>\$255,053</b>	<b>\$262,745</b>	<b>\$7,692</b>	<b>3.0%</b>
Special Fund	424	203	203	0	
<b>Adjusted Special Fund</b>	<b>\$424</b>	<b>\$203</b>	<b>\$203</b>	<b>\$0</b>	<b>0.0%</b>
Federal Fund	9,449	11,687	10,557	-1,130	-9.7%
<b>Adjusted Federal Fund</b>	<b>\$9,449</b>	<b>\$11,687</b>	<b>\$10,557</b>	<b>-\$1,130</b>	<b>-9.7%</b>
Reimbursable Fund	321	1,284	449	-835	-65.0%
<b>Adjusted Reimbursable Fund</b>	<b>\$321</b>	<b>\$1,284</b>	<b>\$449</b>	<b>-\$835</b>	<b>-65.0%</b>
<b>Adjusted Grand Total</b>	<b>\$276,929</b>	<b>\$268,227</b>	<b>\$273,954</b>	<b>\$5,727</b>	<b>2.1%</b>

- To date, fiscal 2009 cost containment actions have reduced the Department of Juvenile Services' budget by just over \$7.3 million.
- Fiscal 2009 deficiency appropriations total almost \$10.8 million. The Department of Legislative Services estimates that an additional \$5.5 million in deficiency appropriations are needed to adequately fund the department's fiscal 2009 budget. This estimate excludes potential shortfalls of \$14.0 million related to Title IV-E claims from fiscal 2008, 2009, as well as 2010.
- The fiscal 2010 budget (adjusted for known contingent reductions) is just over \$5.7 million, or 2.1%, higher than fiscal 2009. However, if budgeted and anticipated deficiency appropriations (excluding the Title IV-E issues) are considered, base funding for fiscal 2010 is well below fiscal 2009.

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

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***Personnel Data***

	<b><u>FY 08</u></b> <b><u>Actual</u></b>	<b><u>FY 09</u></b> <b><u>Working</u></b>	<b><u>FY 10</u></b> <b><u>Allowance</u></b>	<b><u>FY 09-10</u></b> <b><u>Change</u></b>
Regular Positions	2,221.65	2,271.65	2,267.05	-4.60
Contractual FTEs	<u>157.27</u>	<u>126.10</u>	<u>126.10</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>2,378.92</b>	<b>2,397.75</b>	<b>2,393.15</b>	<b>-4.60</b>

***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	113.81	5.02%
Positions and Percentage Vacant as of 12/31/08	82.00	3.61%

- The fiscal 2010 regular personnel budget reflects the abolition of 4.6 regular positions.
- Additional across-the-board reductions to regular and contractual personnel will bring the personnel complement available to the department back below fiscal 2008 levels.
- As of December 31, 2008, the number of vacant positions was insufficient to meet the budgeted turnover expectancy, indicating that the budget lacks sufficient funds to support the existing staff complement through fiscal 2010.

## ***Analysis in Brief***

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### **Major Trends**

***Use of Secure Detention:*** The use of secure detention for both pre-adjudication and pending placement populations continues to fall.

***Committed Populations:*** Committed populations continue to fall, and out-of-state placements, while still historically high, are also slightly lower.

***Recidivism Rates:*** One-year recidivism rates based on the fiscal 2007 cohort are disappointing in terms of both re-referral/re-arrest rates as well as re-commitment/incarceration. Longer-term recidivism rates are mixed but still discouraging.

### **Issues**

***Regional Variation in Complaint Resolution:*** At the aggregate level, there is marked jurisdictional variation in the likely disposition of a complaint.

***The Need to Right-size Juvenile Drug Courts?:*** Data from the Judiciary’s Office of the Problem-solving Courts indicates significant underutilization of available slots. The office points to issues with referrals and the Office of the Public Defender. In some jurisdictions, the issue may be program size.

***Implementation of Chapter 454 of 2008:*** Chapter 454 of 2008 required residential child care facility licensing agencies to develop statements of need prior to issuing licenses. Implementation of that legislation remains a work in progress.

***Space at the Baltimore City Juvenile Justice Center:*** There has been a long-standing concern about program space at the Baltimore City Juvenile Justice Center (BCJJC). Even though the department has reduced the number of youth being served at the facility, space issues remain.

## Recommended Actions

1. Add language prohibiting funding of re-classifications with one exception.
2. Add language expressing legislative intent concerning information technology upgrades and restricting funding intended for that purpose.
3. Add language conditioning the position reduction in Section 18 to non-direct care positions before any reductions may be made to direct care positions.
4. Add language conditioning the position reduction in Section 22 to non-direct care positions.
5. Adopt narrative requesting information on facility staffing and community caseload standards.

## Updates

***Operation Safe Kids Evaluation:*** Although an evaluation on the efficacy of Operation Safe Kids was inconclusive, program expansion moved ahead in fiscal 2009.

***Civil Rights of Institutionalized Persons Act Investigations:*** During the 2008 interim, the department successfully resolved Civil Rights of Institutionalized Persons Act (CRIPA) investigations at Cheltenham and the Hickey School. After making good initial progress on the outstanding CRIPA investigation at the BCJJC, recent progress has slowed.

**V10A**  
**Department of Juvenile Services**

***Operating Budget Analysis***

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**Program Description**

Functionally, the Department of Juvenile Services (DJS) is broken down into two major areas:

- **Leadership Support** which is essentially headquarters operations that provide guidance and centralized services to the other part of the agency. It consists of two areas:
  - Office of the Secretary; and
  - Departmental Support, which includes such functions as human resources, capital planning, property management, procurement, information technology, professional development and training, and professional responsibility and accountability (for example, audits, professional standards, and quality assurance).
  
- **Residential, Community, and Regional Operations** which incorporates the actual delivery of services to youth in community and residential settings. A leadership division provides direction to regional operations and programs that are organized around six regions:
  - Baltimore City;
  - Central (Baltimore, Carroll, Harford, and Howard counties);
  - Western (Allegany, Frederick, Garrett, and Washington counties);
  - Eastern (Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties);
  - Southern (Anne Arundel, Calvert, Charles, and St. Mary's counties); and
  - Metro (Montgomery and Prince George's counties).

The key goals of the department are public safety, juvenile offender accountability, and the development of a level of competency in juvenile offenders to reduce the risk of recidivism.

## Performance Analysis: Managing for Results

### U.S. and Maryland Juvenile Arrest Data

**Exhibit 1** presents certain Maryland juvenile arrest data for calendar 2003 through 2007. The data uses distinctions found in the *Uniform Crime Reports*. Part 1 arrests are those for murder, manslaughter, rape, robbery, felonious assault, breaking or entering, larceny-theft, motor vehicle theft, and arson. Part 2 arrests are all other arrests and include such things as vandalism, drug abuse violations, weapons offenses, and fraud. The exhibit also distinguishes Part 1 arrests between violent and serious property crimes.

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**Exhibit 1**  
**Maryland: Juvenile Arrest Data (Age 10 through 17)**  
**Calendar 2003-2007**

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>Annual % Change 2003-07</u>	<u>Annual % Change 2006-07</u>
Total Arrests	50,741	51,649	49,849	50,153	47,952	-1.4%	-4.4%
Arrest Rate	7,904	8,027	7,768	7,904	7,694	-0.7%	-2.6%
Part 1 Arrests	15,582	15,910	15,036	15,764	15,457	-0.2%	-1.9%
Part 1 Arrest Rate	2,427	2,473	2,343	2,484	2,480	0.5%	-0.2%
Part 1 Arrests:							
a. Violent Crimes	3,199	3,285	3,213	3,732	3,504	2.3%	-6.1%
Violent Crime Rate	498	511	501	588	562	3.1%	-4.4%
b. Property Crimes	12,383	12,625	11,823	12,032	11,953	-0.9%	-0.7%
Property Crime Rate	1,929	1,962	1,842	1,896	1,918	0.1%	1.2%
Part 2 Arrests	35,159	35,739	34,813	34,389	32,495	-2.0%	-5.5%
Part 2 Arrest Rate	5,476	5,555	5,425	5,419	5,214	-1.2%	-3.8%

Note: Arrest rates are per 100,000 juveniles age 10 through 17.

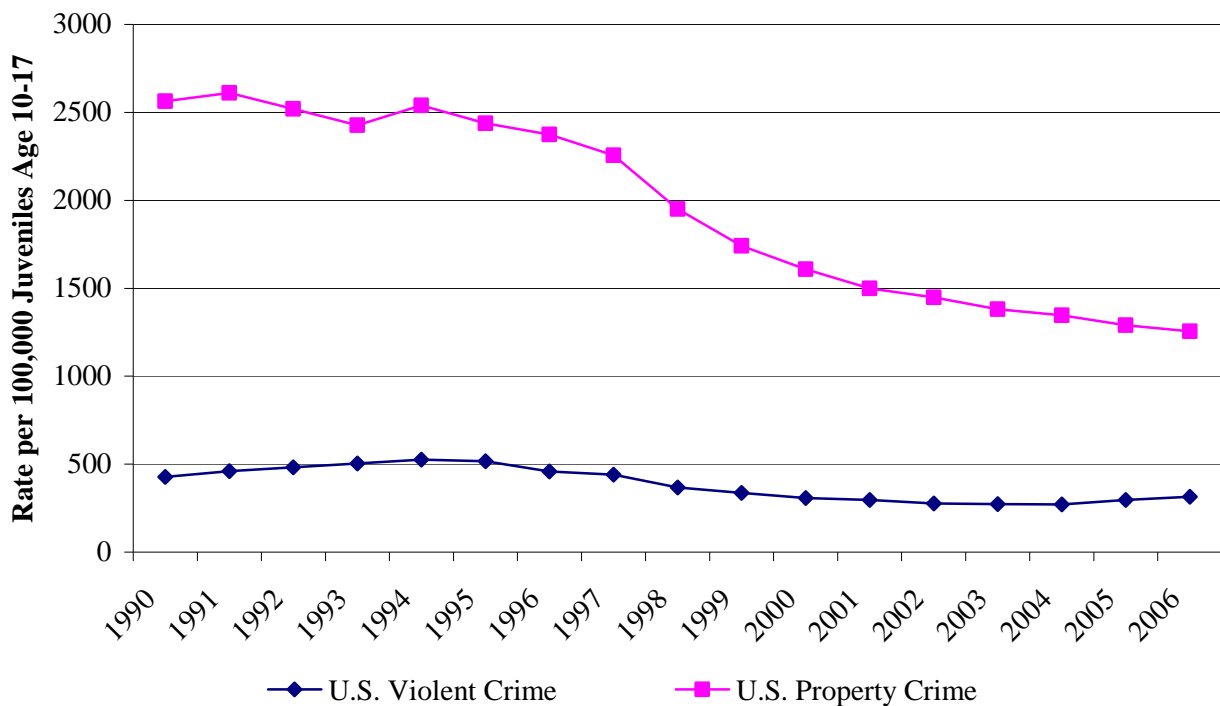
Source: U.S. Census; *Uniform Crime Reports*; Department of Legislative Services

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While long-term trends in this data (2003 through 2007) are mixed, short-term trends (2006 to 2007) are all improving with the exception of the property crime rate which increases slightly. Although Part 1 and violent crime rates are higher in 2007 than in 2003, they fall from 2006. This represents a turnaround from data presented in the 2008 session when almost all trends were worsening.

Data at the national level typically lags one year behind that reported in Maryland. Nevertheless, the trends in Maryland’s juvenile violent and property crime rates are broadly similar to those reported at the national level, as shown in **Exhibit 2**. While violent crime and property rates reported in Exhibit 1 are higher than the national averages shown in Exhibit 2, reporting issues make direct comparisons problematic.

**Exhibit 2**  
**National Juvenile Arrest Data (Age 10 through 17)**  
**Calendar 1990-2006**



Note: Arrest rates are per 100,000 juveniles age 10 through 17.

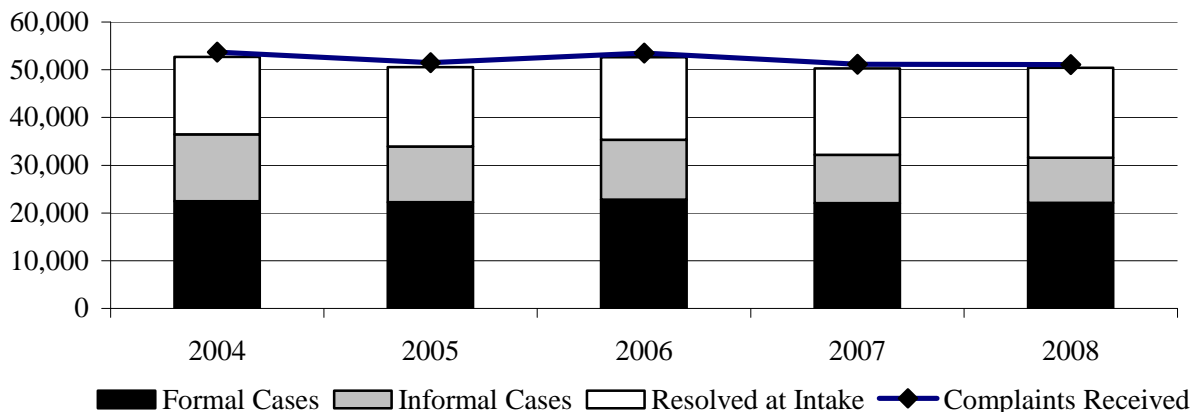
Source: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention; Department of Legislative Services

## DJS Complaint Totals and Complaint Disposition

**Exhibit 3** details the total number of complaints received by DJS in recent years, as well as complaint disposition. As shown in the exhibit:

- The total number of complaints received in fiscal 2008, just over 51,000, is the lowest number for the period shown, although virtually unchanged from fiscal 2007.
- Formal cases, those where DJS believes court intervention is required, increased slightly (0.2%) from fiscal 2007 to 2008. However, over the period shown, regardless of the actual number of complaints, the number of formal cases has remained between 42 to 43% of total case dispositions.
- Cases resolved at intake continue to increase in real and relative terms, a trend that has been true for the entire decade. For example, cases resolved at intake increased by 4.1% in fiscal 2008 over 2007. Conversely, those cases that are considered to require some form of intervention but do not rise to the level of court intervention (the informal caseload), continue to fall both in actual terms (6.6% from fiscal 2007 to 2008) and as a percentage of total complaints.

**Exhibit 3**  
**Department of Juvenile Services Complaint Disposition**  
**Fiscal 2004-2008**



Note: Total complaints typically are 1-2% higher than the sum of those resolved at intake and the informal and formal caseload. The difference relates to jurisdictional issues or when a decision is not recorded. Data is only for those cases in which DJS had jurisdiction.

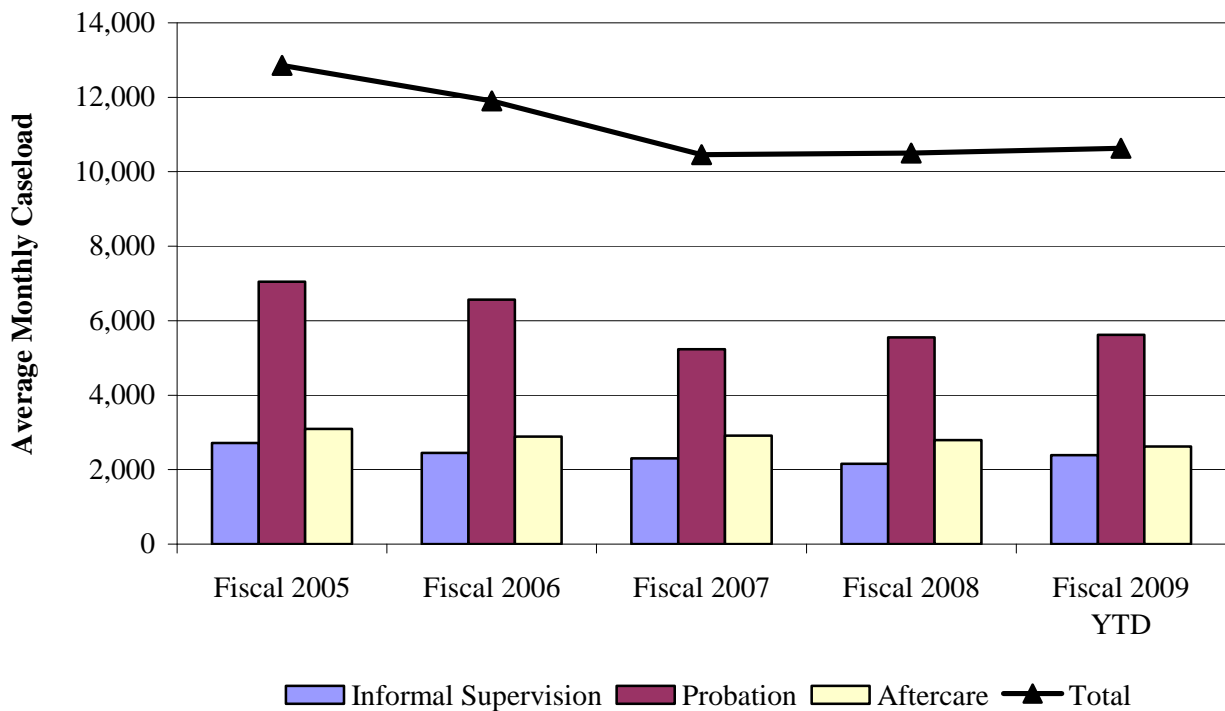
Source: Department of Juvenile Services

## Placement Trends

### Non-residential Placement Trends

As shown in **Exhibit 4**, the average monthly caseload in informal supervision appears to fall in recent years. However, the extent of this change is difficult to gauge as the data presented in the exhibit is drawn from two sources: Managing for Results (MFR) for fiscal 2005 and 2006; and StateStat for fiscal 2007 and beyond. The MFR overstated the extent of probation. Based on the data for fiscal 2007 and beyond, which is considered more reliable, caseloads are flat.

**Exhibit 4**  
**Department of Juvenile Services**  
**Various Non-residential Placement Trends**  
**Fiscal 2005-2009 Year-to-date**



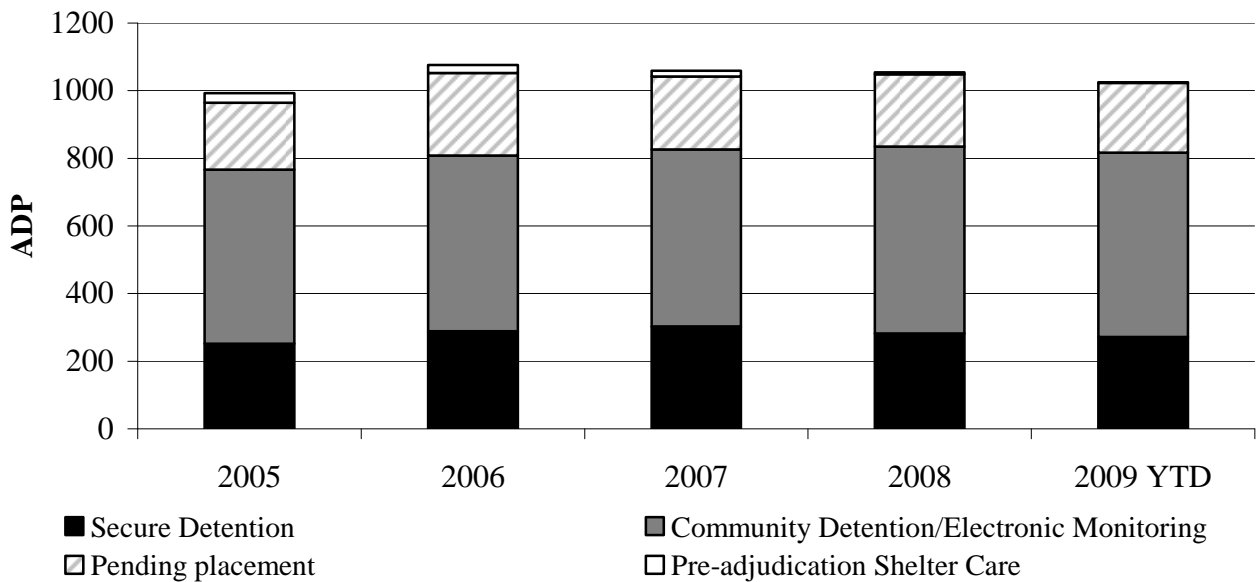
Note: Probation data for fiscal 2005 and 2006 are from a different source than fiscal 2007 and beyond. Fiscal 2009 data is through December 2008.

Source: Department of Juvenile Services; Department of Legislative Services

**Pre-adjudication/Pending Placement Trends**

**Exhibit 5** details average daily population (ADP) trends for DJS’s more intensive pre-adjudication programs (including non-residential community detention/electronic monitoring) as well as the pending placement population (youth who have been adjudicated delinquent and are held in secure detention, community detention usually in combination with electronic monitoring, or shelter care pending a permanent committed placement). A number of points may be made from this chart:

**Exhibit 5  
Various Pre-adjudication and Pending Placement Data  
Fiscal 2005-2009 Year-to-date**



ADP: average daily population

Note: Fiscal 2009 data is through January 2009. Pending placement data can include placement in shelter care, community detention/electronic monitoring, or secure detention.

Source: Department of Juvenile Services; Department of Legislative Services

- The utilization of secure detention through the first half of fiscal 2009 has declined by 4% over fiscal 2008. This is a slower rate of decline than seen between fiscal 2007 and 2008. Utilization of secure detention remains higher in fiscal 2009 than fiscal 2005 (2%). It should be noted that the use of secure detention among African American and Hispanic youth is still disproportionate to the population as a whole. The measure used to indicate this disproportionate use of secure detention among minority youth is the Relative Rate Index (RRI). The RRI for African American youth in cases involving secure detention increased from 2.13 to 2.44 between fiscal 2007 and 2008. The RRI for Hispanic youth

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fell slightly in the same period, from 1.95 to 1.92, but it is still above 1.0 which is the point at which a minority youth is just as likely to be detained as any other youth.

- Shelter care utilization for pre-adjudication youth appears to have been virtually eliminated by the department. However, here again, multiple data issues make shelter care categorizations extremely suspect.
- The use of community detention/electronic monitoring has shown little change in recent years before increasing in fiscal 2008. That increase appears to be sustained in fiscal 2009.
- Pending placement trends, year-to-date in fiscal 2009, show a real if modest decline over fiscal 2008 (3%) although they remain slightly higher for the period shown in the exhibit (1%). As shown in **Exhibit 6**, pending placement numbers have fallen from the spike seen in fiscal 2006 caused by fewer placements to residential per diem commitments through budget constraints and the closure of committed programming at the Hickey School. While the average daily population in pending placement fiscal 2009 year-to-date is still above the fiscal 2005 level, the mix of pending placements has changed significantly, with fewer youth pending placement in secure detention and more in shelter care. Although, again, the same caveat about shelter care data noted above also applies to this observation. Average-length-of-stay (ALOS) for youth in secure detention pending placement in fiscal 2008 (33.5 days) continues to be above the 25 days that remains the articulated goal for ALOS. However, it is the lowest secure pending placement ALOS for the time period shown.

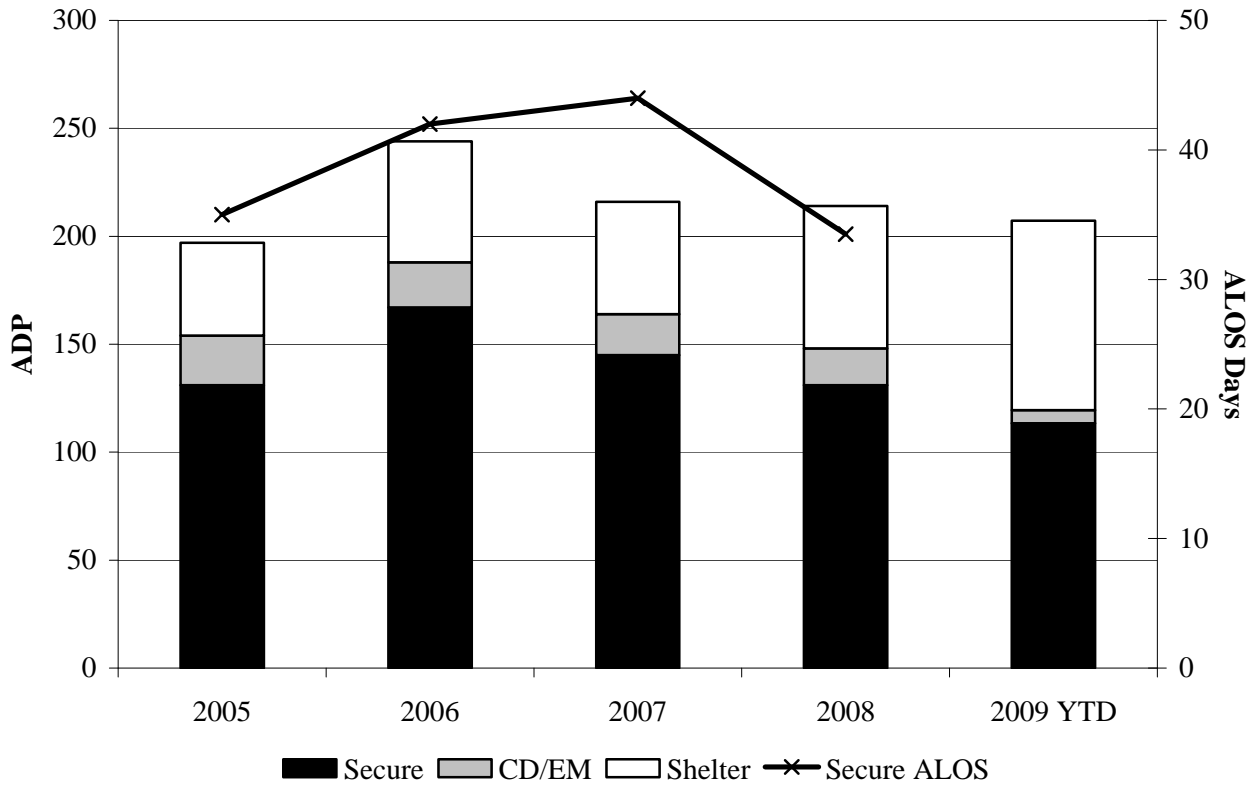
#### **Committed Residential Population Trends**

As shown in **Exhibit 7**, year-to-date in fiscal 2009, the ADP of youth in committed residential programs (966) continues the downward trend evident in recent years. While the 4% rate of decline between fiscal 2008 and 2009 year-to-date is lower than the period as a whole (7%), it maintains the reduced use of committed residential programming seen between fiscal 2007 and 2008.

The exhibit also illustrates that in recent years there has been almost annual shifts in policy toward service delivery for this population.

- The use of contracted programming has essentially been eliminated. The O'Farrell Center was the last major residential committed program operated by a private contractor at a State-owned facility. DJS ended that contract in the fall of 2008. (Mount Clare, a DJS-owned and contracted facility, continues to serve a small number of DJS as well as Department of Human Resources (DHR) youth.)
- State-run programming increases in fiscal 2009 with the re-opening of Victor Cullen. While still below the levels seen in fiscal 2005 (when the State took over the operation of the Hickey school and subsequently eliminated the committed residential programming), the current vision for committed residential programming is to significantly expand State-run programs.

**Exhibit 6**  
**Department of Juvenile Services Pending Placement Population**  
**Fiscal 2005-2009 Year-to-date**

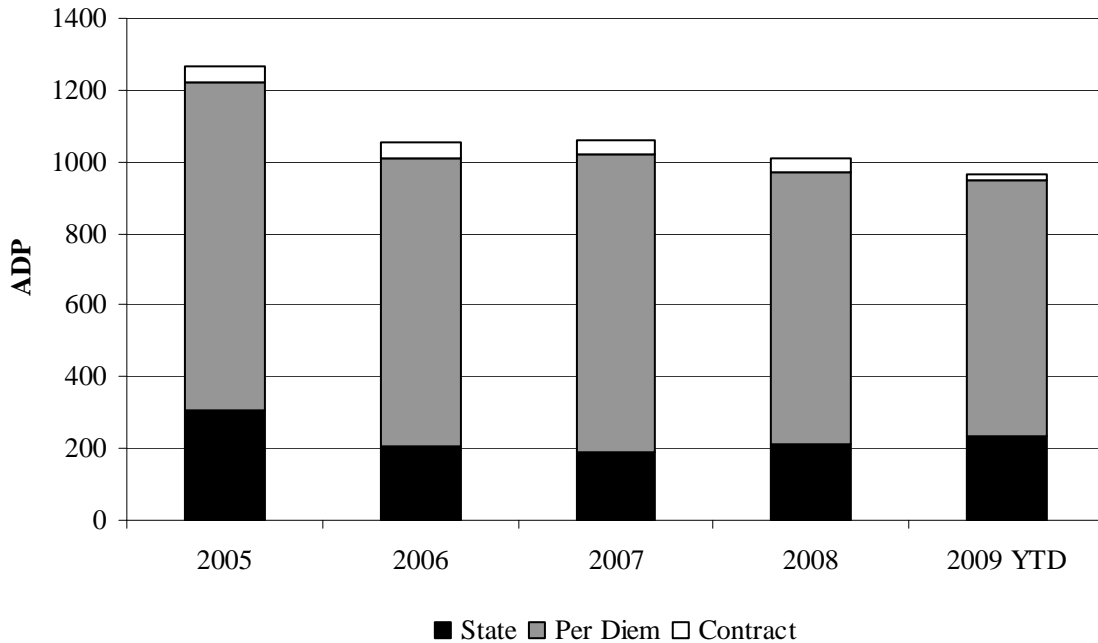


ALOS: average-length-of-stay  
CD/EM: community detention/electronic monitoring

Note: Fiscal 2009 data through January 2009. See text for caveat concerning shelter care utilization.

Source: Department of Juvenile Services

**Exhibit 7**  
**Committed Residential Populations Average Daily Population**  
**Fiscal 2005-2009 Year-to-date**

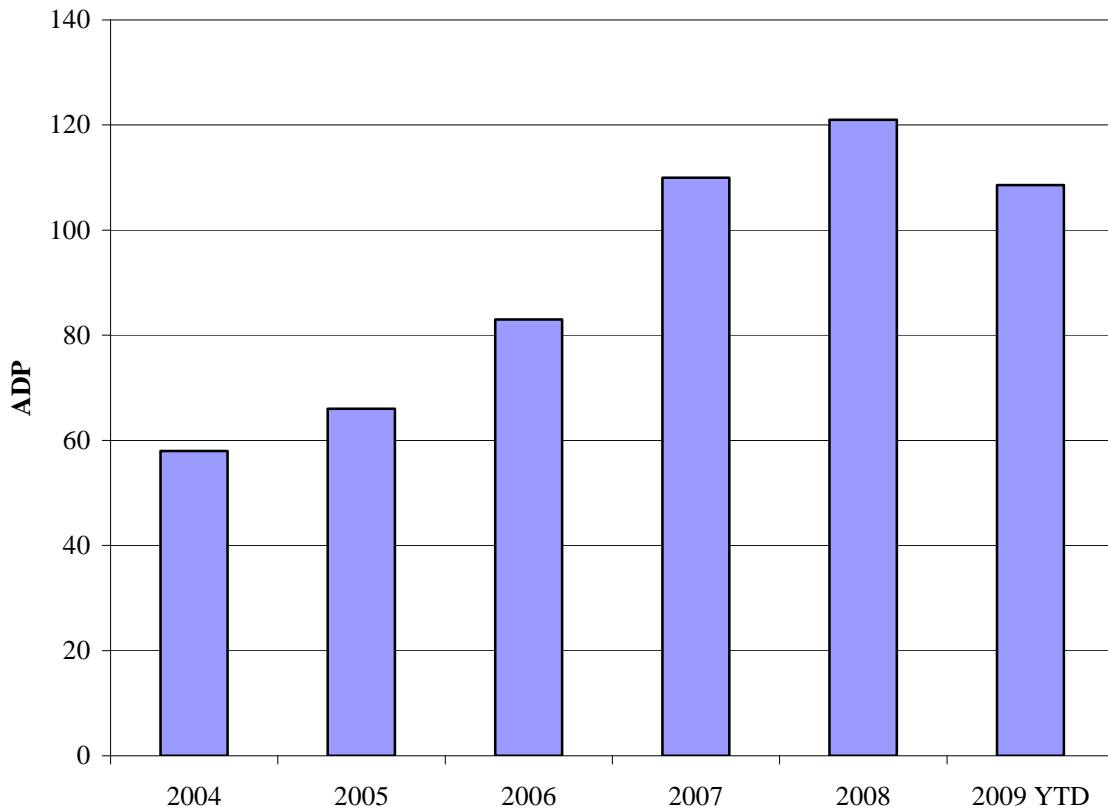


Note: Fiscal 2009 data are through January 2009.

Source: Department of Juvenile Services; Department of Legislative Services

- Most youth committed to residential placements, 74% to date in fiscal 2009, continue to be placed in private per diem facilities (a mix of foster care, group homes, residential treatment centers, and more secure out-of-state facilities). Although the use of private per diem placements in fiscal 2009 continues to fall, the drop is primarily in the placement of DJS youth in in-state Residential Treatment Centers (RTCs). According to DJS and confirmed by the Department of Health and Mental Hygiene, this relates to heightened scrutiny of medical necessity criteria for RTC placement by the Mental Hygiene Administration’s Administrative Services Organization. This has potentially significant implications for DJS’s budget to the extent that these youth are placed in other residential placements as only educational costs of RTC placements are borne by DJS as opposed to the full cost associated with other residential placements.
- DJS remains reliant on out-of-state placements. As shown in **Exhibit 8**, despite the re-opening of Victor Cullen, the department’s use of out-of-state placements in fiscal 2008 was the highest in some years. While still almost twice the level of placements in fiscal 2004, there has been a slight decline in out-of-state placements since

**Exhibit 8**  
**Out-of-state Committed Residential Populations (Average Daily Population)**  
**Fiscal 2004-2009 Year-to-date**



ADP: average daily population

Source: Department of Juvenile Services; Department of Legislative Services

the beginning of fiscal 2009. This appears almost directly attributable to the gradual expansion of programming at Cullen. In any event, it is difficult to see how these numbers will change dramatically in the out-years because the major driver of the increase in out-of-state placements remains the lack of more secure in-state programming for male youth, a deficit caused by the closure of committed programming at the Hickey School.

It should be noted that the ADP at Cullen is still below the planned 48. Despite the rush to open the facility in July 2007 (and the potentially higher costs that were involved because of the truncated procurement process) a variety of issues – delays in the opening of the fourth unit, security enhancements because of an escape, and staffing problems – have prevented the facility from operating at full capacity. The department hopes to have all 48 beds operational by April. However, there are currently 10 resident advisor

vacancies (with 3 positions ready to be filled). A staffing analysis for Victor Cullen has also yet to be completed. Equally troubling is the comment in the recent annual report of the Independent Juvenile Justice Monitor that noted of the 31 youth successfully completing the Victor Cullen program since its opening, 17 (55%) had been re-arrested.

### Recidivism Rates

**Exhibit 9** presents recidivism rates for youth released from residential placements within two and three years. Recidivism is only one measure of the impact of a residential placement on a youth. However, it is a widely used measure. Recidivism includes both the juvenile and adult criminal justice system and represents the fuller picture of recidivism for those older youth who age out of the juvenile justice system. Data reflects the most serious subsequent penetration of the juvenile or criminal system by a youth.

**Exhibit 9**  
**Recidivism Rates to the Juvenile Justice and Criminal Justice System for Youth Released from Residential Placements within Two and Three Years**  
**Fiscal 2003-2006**

	Fiscal 2003		Fiscal 2004		Fiscal 2005		Fiscal 2006	
	<u>2 Years</u>	<u>3 Years</u>	<u>2 Years</u>	<u>3 Years</u>	<u>2 Years</u>	<u>3 Years</u>	<u>2 Years</u>	<u>3 Years</u>
Re-referral Juvenile/Criminal	64	73	66	72	67	74	67	
Re-adjudication/Conviction	43	59	36	48	38	50	40	
Re-commitment/Incarceration	27	43	25	37	29	40	30	

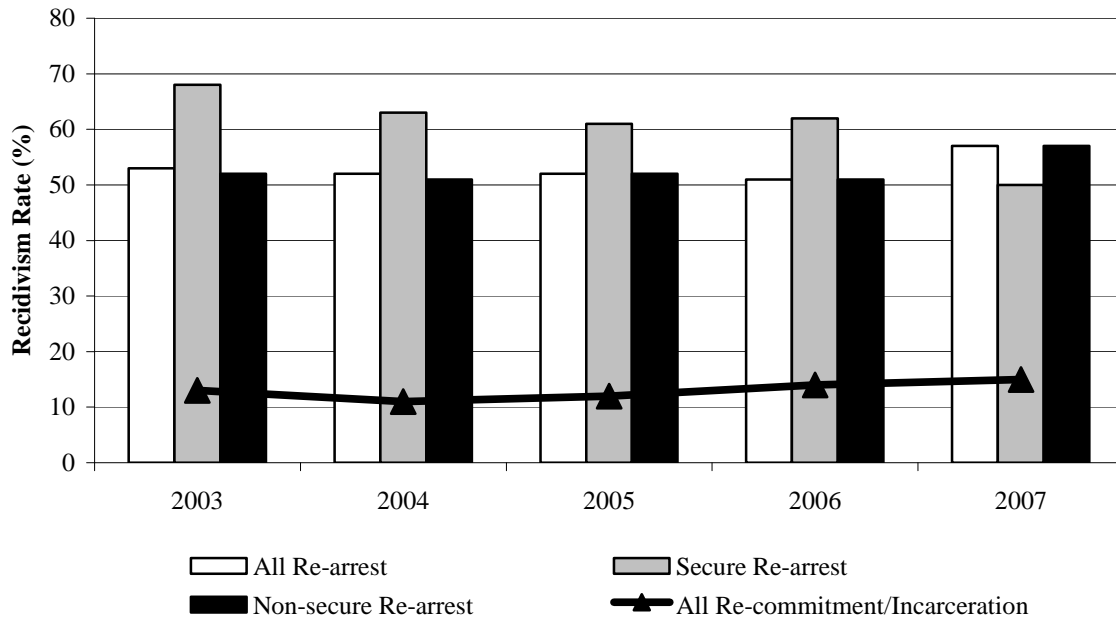
Source: Department of Juvenile Services; Department of Legislative Services

Overall, recidivism rates are mixed. As shown in exhibit 9:

- Long-term trends for recidivism after two years of release (fiscal 2003 to 2006) show higher levels of re-referral/re-arrest and re-commitment/incarceration. Three-year trends (fiscal 2003 to 2005) for re-referral are also higher but re-adjudication/conviction and re-commitment/incarceration rates are lower.
- Shorter-term trends for recidivism after two years of release (fiscal 2005 to 2006) are generally slightly worse.

As shown in **Exhibit 10**, recidivism within one year of release from a residential program in terms of re-referral/arrest is up significantly from fiscal 2006 to 2007, to 57%. Recidivism from secure programs (which made up 7% of the releases in fiscal 2007) actually falls below recidivism from non-secure programs in fiscal 2007. The deepest end one-year recidivism rates (re-commitment/ incarceration) are increasing, up to 15% for the fiscal 2007 cohort, and re-adjudications/convictions also rose sharply for the fiscal 2007, to 23%, almost returning to fiscal 2003 levels. It is unclear what factors contributed to this increase.

**Exhibit 10**  
**Re-referrals to Adult or Juvenile System within**  
**One Year of Release from a Residential Placement**  
**Fiscal 2003-2007**

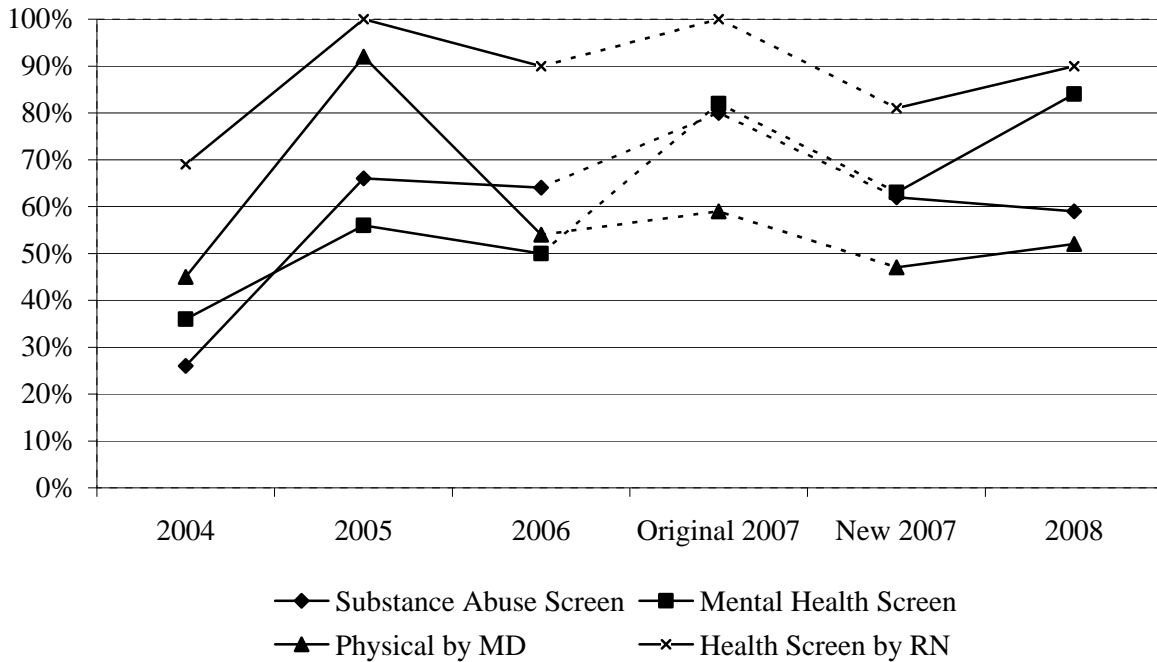


Note: This data reflects a more recent update to that shown in the budget books.

Source: Department of Juvenile Services

Looking at other outcomes around which the State has made significant investments, there is progress if not yet to the extent that the State would like. Consider, for example, data in **Exhibit 11**, concerning various health screenings. Every youth entering a State-run residential placement (either a secure detention or a committed residential facility operated by the State) is supposed to be screened for mental health, substance abuse, and physical issues. As shown in the exhibit, data issues also complicate an analysis of the State’s progress. Impressive gains shown for fiscal 2007 in last year’s MFR data largely evaporate in the fiscal 2007 data reported this year. That casts some doubt on the fiscal 2008 data, although raw data supplied by the department does show increased screening activity except in the area of substance abuse (consistent with the trend shown in Exhibit 11).

**Exhibit 11**  
**Physical and Behavioral Health Screenings at DJS-operated Facilities**  
**Fiscal 2004-2008**



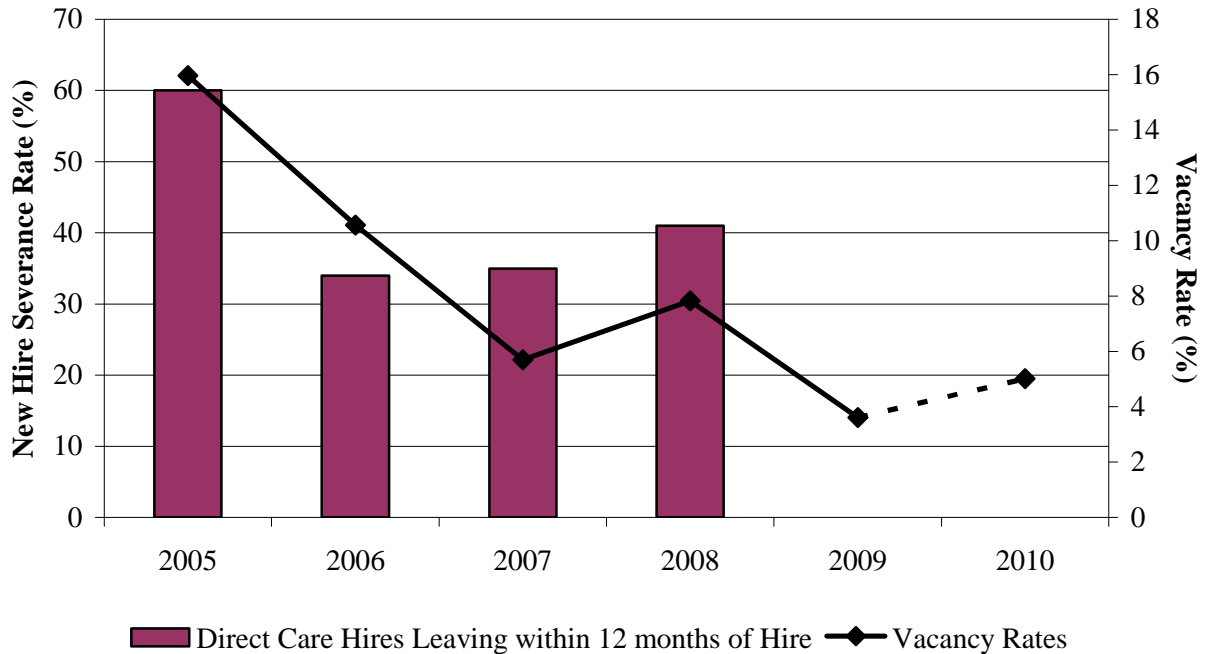
Note: See text for full explanation of data issues.  
 Source: Department of Juvenile Services

### Staffing Issues

One of the key problems for DJS in recent years has been attracting and retaining staff. However, as shown in **Exhibit 12**, the encouraging staffing trends noted in the past two years generally continue:

- Vacancy rates in the department are the lowest for many years. After a slight up-tick in year-end vacancy rates in fiscal 2008, the fiscal 2009 vacancy rate was reported as 3.6% at the end of December 2008. While DJS lost 25 full-time equivalent (FTE) positions (18 FTE administrative and 7 FTE direct care) as part of the Board of Public Works (BPW) cost containment actions in October 2008, unlike many other agencies, DJS has more filled positions in fiscal 2009 than 2008 thanks to the addition of 75 new positions in the fiscal 2009 budget. Indeed, DJS’ success at filling positions has been done in apparent disregard for the budget, resulting in significant deficits in personnel expenditures as discussed below.

**Exhibit 12**  
**Department of Juvenile Services – Various Staffing Trends**  
**Fiscal 2005-2010**



Note: Vacancy rates are as of the end of the fiscal year, except for fiscal 2007 which is the vacancy rate absent vacancies at Victor Cullen, and fiscal 2009 where vacancy rates are for December 31, 2008.

Source: Department of Juvenile Services

- The percent of new direct care hires (regular and contractual employees) leaving within 12 months, grew in fiscal 2008 to 41%, although still much better than fiscal 2005 when only 40% of new hires were staying for 12 months. DJS’ efforts to reduce this turnover, which is costly in terms of training investments, for example, have focused on moving away from an over-reliance on contractual staff. For example, 75 new positions were added in the department’s fiscal 2009 budget for contractual conversions. However, despite these additional positions, DJS continues to use more contractual staff in fiscal 2009 than budgeted in order to meet its staffing needs, particularly at the State-operated facilities.

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- Despite these signs of improvement, a major concern for DJS is that the fiscal 2010 budget includes a turnover rate that will require them to hold open more vacancies to meet that level of turnover than it currently has. This is also before taking into account budget bill language (Section 18) that requires additional position reductions (25 FTEs) and any share of the unallocated Section 22 \$30 million reduction and the planned (but not yet implemented) fiscal 2009 position reduction cut.

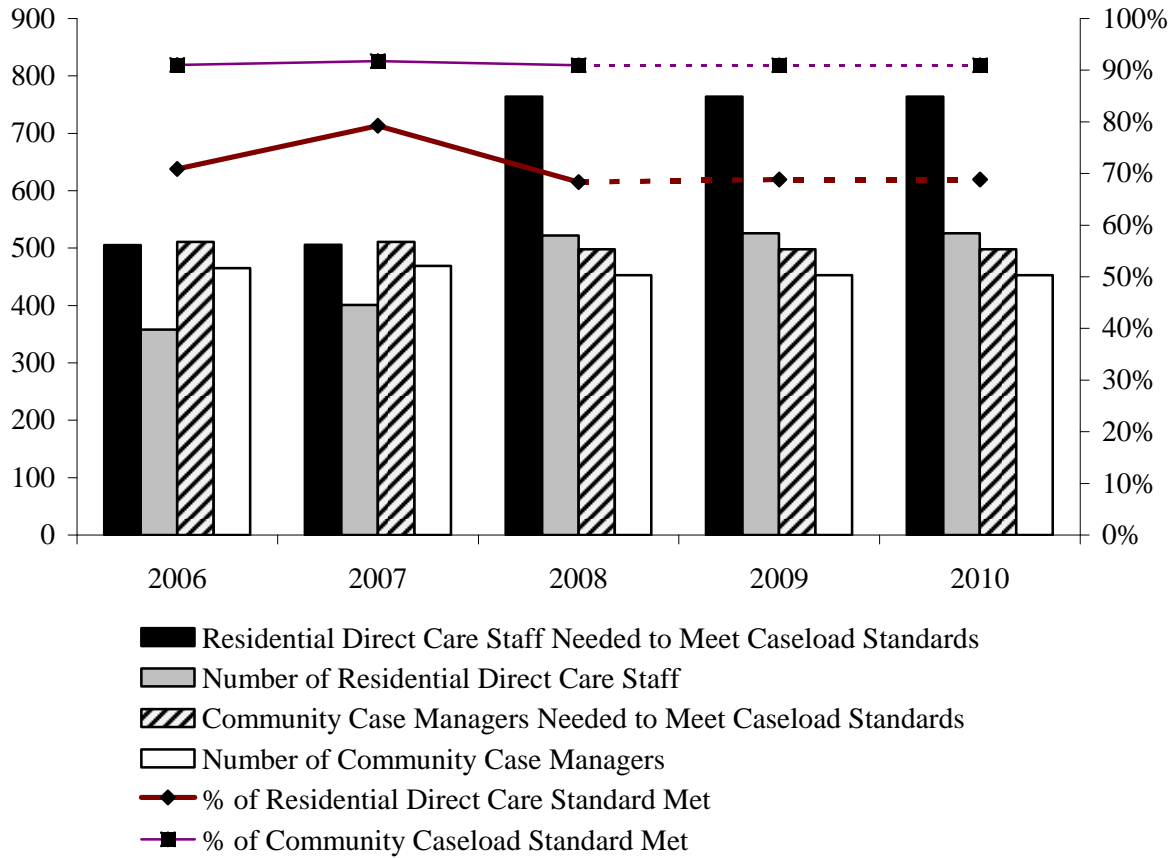
In terms of meeting caseload/staffing standards (which vary by type of service being provided and also by facility) **Exhibit 13** shows:

- little change in the department's goals of fully meeting its community caseload standards, achieving 90% of the standard annually; and
- a deterioration in efforts to meet residential staffing standards, dropping from 80 to 70%, primarily because of recent significant revisions to those standards for fiscal 2008 through 2010.

Given the personnel reductions contained in the budget which effectively reduce DJS's personnel complement in fiscal 2010 to below fiscal 2008 levels (discussed further below) even maintaining current caseload/staffing standards will be difficult.

Further, as noted in the exhibit, the data presented is markedly different from the MFR data, especially for facility staffing levels. **The Department of Legislative Services (DLS) recommends committee narrative be adopted asking DJS to provide complete information on how staffing levels were developed and how it intends to meet those levels given current resources.**

**Exhibit 13**  
**Department of Juvenile Services – Meeting Caseload/Staffing Standards**  
**Fiscal 2006-2010**



Note: This data is different from that reported in the Budget books.

Source: Department of Juvenile Services

## **Fiscal 2009 Actions**

### **Impact of Cost Containment**

To date, DJS' fiscal 2009 budget has been reduced by just over \$7.3 million. This is primarily derived from savings in personnel expenditures as a result of abolishing 25 FTE vacant positions, deleting funding for Other Post Employment Benefits (OPEB) as well as reducing budgeted funding for health insurance costs based on the use of statewide health insurance balances.

Other savings were from reductions in overtime expenditures (\$400,000) and the ending of contractual programming at the O'Farrell Center (\$1,500,000). However, as discussed immediately below, the "savings" from abolished positions and overtime are more than offset by deficiency appropriations for overtime and regular and contractual salary spending that dwarfs the cost containment actions. While considerable effort is spent at StateStat trying to monitor overtime expenditures, for example, the starting-point for this management always seems to represent a significant deficit position rather than the actual budget.

One of the October 2008 BPW cost containment actions was a 1% rate reduction applied to residential placements governed by the Interagency Rate Commission in the Maryland State Department of Education, for example, group homes. For DJS, this should translate into slightly lower expenditures for residential per diem placements. However, no actual reduction was taken to the DJS appropriation. Again, given the significant fiscal 2009 deficiency for residential per diem placements, these savings are ephemeral.

Additional fiscal 2009 cost containment actions that will impact DJS include savings from furloughs, estimated at just under \$1.5 million. Other cost containment actions may also apply but at this point are unknown.

### **Proposed Deficiency**

As has become commonplace, DJS has almost \$10.8 million in fiscal 2009 deficiency appropriations (see **Exhibit 14**). Most of these items are familiar from prior years. One that is not related to the need to back-fill federally funded salaries with general funds because of a lack of federal fund attainment. Specifically, this relates to problems with attaining federal Title IV-E funds. The federal Department of Health and Human Services Administration for Children and Families has determined that under State law, DHR, as the designated single State agency that administers or supervises the administration of the Title IV-E program is precluded from providing supervision of DJS' determination of IV-E eligibility and claims. Thus, Maryland operates two separate Title IV-E programs which contravenes federal rules. Federal fund reimbursement for the last two quarters of fiscal 2008 and thus far in fiscal 2009 has been disallowed. This applies both to salaries charged to the Title IV-E program and placements.

**Exhibit 14**  
**Department of Juvenile Services – Deficiency Appropriations**  
**Fiscal 2009**

<u>Unit</u>	<u>Item</u>	<u>General Fund</u>
<b><u>Fiscal 2009 Deficiencies</u></b>		
Various	Salary funding due to lack of federal fund attainment	\$2,779,320
Regional Community Operations and Facilities	Overtime	2,427,213
Regional Community Operations	Residential per diem placements	2,744,074
Regional Community Operations	Non-residential per diem placements	1,516,489
Facilities	Contractual expenses	1,300,000
<b>Total</b>		<b>\$10,767,096</b>

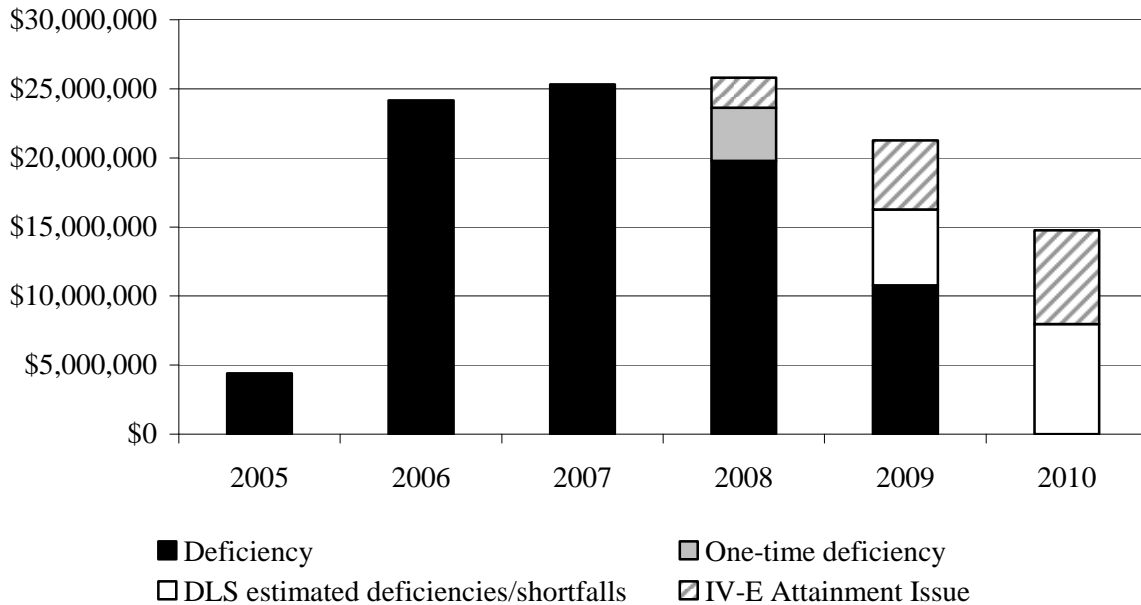
Note: The fiscal 2010 budget bill attributes the \$1,516,489 deficiency to residential placements; DJS has indicated that it intends to apply those funds as shown in the exhibit.

Source: Department of Budget and Management; Department of Juvenile Services

As shown in **Exhibit 15**, DJS has closed fiscal 2008 assuming an estimated \$2.2 million in Title IV-E federal fund attainment based on claims that have been disallowed. The fiscal 2009 budget still assumes over \$5.0 million of Title IV-E attainment for residential per diem placements. The fiscal 2010 budget assumes almost \$6.8 million in Title IV-E attainment to support both salaries and residential per diem placements. (It should be noted, that these estimates are based on the understanding that about \$1.5 million of what is represented in the budget books as Title IV-E attainment is in fact Medicaid reimbursement for eligible rehabilitative services). **DJS should ensure that for fiscal 2011 the budget books accurately reflect federal fund attainment by correct fund source.**

DJS is currently in discussions with the federal government about DJS’ Title IV-E claims and hopefully these potential deficiencies will not materialize. In any event, a relatively straightforward change to Maryland statute should also resolve this issue. At the time of writing, no departmental or other legislation to do this had been introduced. **DLS recommends that this change be added to the Budget Reconciliation and Financing Act of 2009 (BRFA).** The importance of attaining these Title IV-E dollars is underscored by the federal stimulus bill which temporarily raises the federal match for Title IV-E from 50.0% to at least 59.1%. **In the hopes that this dispute with the federal government will be settled in the State’s favor, DLS also recommends adding language to the BRFA requiring any prior and current year recoveries of Title IV-E funds, for which general funds had to be used to support expenditures originally intended to be covered by those IV-E funds, be paid to the general fund.**

**Exhibit 15**  
**Department of Juvenile Services – Deficiency Appropriations**  
**Fiscal 2005-2010**



DLS: Department of Legislative Services

Source: Department of Legislative Services; Department of Juvenile Services

As also shown in Exhibit 15 and detailed in **Exhibit 16**, all things being equal, DJS is staring at additional deficiencies in fiscal 2009. DLS estimates the need for as much as \$5.5 million in additional fiscal 2009 deficiency appropriations. Additional deficiencies for fiscal 2010 will be discussed in more detail.

**Exhibit 16**  
**Department of Juvenile Services – Additional Fiscal 2009 Deficiencies**

<u>Item</u>	<u>Estimated Deficiency</u>
Regular salaries and fringe benefits	\$2,560,000
In-state/Out-of-state travel	400,000
Utilities	500,000
Medical contracts	747,000
Food costs	1,240,000
<b>Total</b>	<b>\$5,447,000</b>

Source: Department of Legislative Services

## **Proposed Budget**

As shown in **Exhibit 17**, DJS' fiscal 2010 budget is just over \$5.7 million, or 2.1%, above the fiscal 2009 working appropriation.

### **Contingent Reductions**

The change shown in Exhibit 17 reflects the following contingent reductions:

- \$624,000 as a result of the elimination of the deferred compensation match;
- \$689,000 in reduced contractual assistance (Section 23 of the budget bill);
- \$795,000 from the abolition of 25 FTE vacant positions (Section 18 of the budget bill); and
- \$1,087,000 from contract savings (Section 24 of the budget bill).

One contingent reduction that might have been expected for DJS is a reduction contingent on legislation freezing residential rates set by the Inter-agency Rates Commission (similar to that found for DHR). If the fiscal 2010 budget actually reflected a rate increase for fiscal 2010, a reduction of something less than \$1 million would be appropriate. However, as discussed, DLS believes that the department's per diem budget for fiscal 2010 is underfunded.

### **Personnel Expenditures**

Personnel expenditures are the largest area of growth in the department, just over \$7 million. The budget includes the abolition of 4.6 FTEs. If the 25.0 FTE reduction contained in Section 18 is added to this figure together with the 25.0 FTE position cut already provided for in fiscal 2009 cost containment actions, DJS stands to lose 73% of the new positions added in the fiscal 2009 legislative appropriation. Other provisions which currently call for additional unspecified position cuts in fiscal 2009 and 2010 could further reduce the impact of the original fiscal 2009 position increase.

Based on the funding available for personnel in the fiscal 2010 budget, some potential strains are evident:

- Budgeted turnover, at just over 5%, requires a vacancy rate above the December 31, 2008 vacancy rate. As noted, the situation is potentially exacerbated by contingent and other possible reductions.
- The fiscal 2010 budget contains no provision for reclassifications. In fiscal 2008 and the current fiscal 2009 budget, as submitted, the DJS budget has not made an allowance for

**Exhibit 17**  
**Proposed Budget**  
**Department of Juvenile Services**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Special Fund</b>	<b>Federal Fund</b>	<b>Reimb. Fund</b>	<b>Total</b>
2009 Working Appropriation	\$255,053	\$203	\$11,687	\$1,284	\$268,227
2010 Allowance	<u>266,128</u>	<u>203</u>	<u>10,557</u>	<u>449</u>	<u>277,337</u>
Amount Change	\$11,076	\$0	-\$1,130	-\$835	\$9,110
Percent Change	4.3%		-9.7%	-65.0%	3.4%
Contingent Reduction	-\$3,384	\$0	\$0	\$0	-\$3,384
Adjusted Change	\$7,692	\$0	-\$1,130	-\$835	\$5,727
Adjusted Percent Change	3.0%	0.0%	-9.7%	-65.0%	2.1%
<b>Where It Goes:</b>					
<b>Personnel Expenses</b>				<b>\$7,917</b>	
Employee and retiree health insurance .....					\$5,333
Retirement contributions.....					1,432
Overtime.....					1,431
Regular earnings .....					756
Workers' compensation premium assessment .....					430
Shift differential .....					154
Other fringe benefit adjustments.....					132
Turnover adjustments.....					-198
Abolished positions (4.6 FTEs).....					-300
Deferred compensation (contingent reduction).....					-624
Reduction of funding for Other Post Employment Benefits' underfunding .....					-629
<b>Other Contingent Reductions</b>				<b>-\$2,571</b>	
Section 23 contractual assistance .....					-689
Section 18 abolition of vacant positions (25.0 FTEs).....					-795
Section 24 contract renegotiations .....					-1,087
<b>Major Programmatic Changes</b>				<b>-\$355</b>	
Expansion of evidence-based practices.....					2,400
Residential per diems .....					-1,120
O'Farrell contract (terminated fiscal 2009).....					-1,635

*V10A – Department of Juvenile Services*

**Where It Goes:**

<b>Facilities</b>	<b>\$2,224</b>	
Medical and hospital care contracts (align closer to most recent actual but still below fiscal 2008 levels) .....		974
Utilities (align to fiscal 2008 actuals) .....		669
Food .....		581
<b>Miscellaneous</b>	<b>-\$1,540</b>	
Telephone (align closer to most recent actual but still below fiscal 2008 levels).....		523
In-state and out-of-state travel (align to fiscal 2008 actual).....		350
Department of Budget and Management paid telecommunications and capital leases....		220
Department of General Services rent .....		-125
Other equipment expenditures .....		-164
Elimination of one-time management contract .....		-250
Replacement equipment (\$0 provided for in allowance) .....		-351
Insurance .....		-357
Capital lease payments.....		-551
Major information technology development project: TAPTS (reimbursable funds) .....		-835
Other .....		52
<b>Total</b>		<b>\$5,727</b>

FTE: full-time equivalent

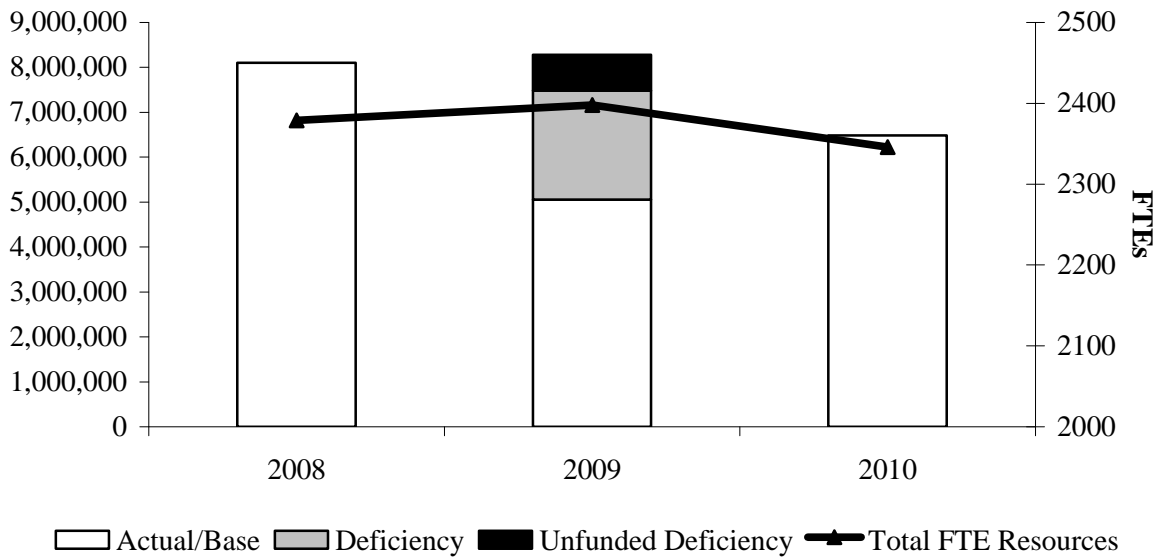
TAPTS: Treatment Assessment, Planning, and Tracking System

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

reclassifications, but in fiscal 2008 expenditures for reclassifications amounted to over \$800,000. A similar amount is anticipated in fiscal 2009. **DLS recommends that budget bill language be added prohibiting the expenditure of funds on reclassifications except on noncompetitive promotions (reflecting performance).**

- Funding available for overtime in fiscal 2010 is almost \$1.8 million below projected fiscal 2009 levels (see **Exhibit 18**). At the same time, budgeted staffing resources are lower in fiscal 2010 than in fiscal 2009 or 2008. As noted, many of the new positions added to the budget in fiscal 2009 have been or are abolished in the fiscal 2010 budget. When contractual assistance is added into this calculation, and again taking into account Back of the Bill reductions, the department has fewer FTE positions available in fiscal 2010 compared to fiscal 2009.

**Exhibit 18**  
**Department of Juvenile Services – Overtime Expenditures**  
**Fiscal 2008-2010**

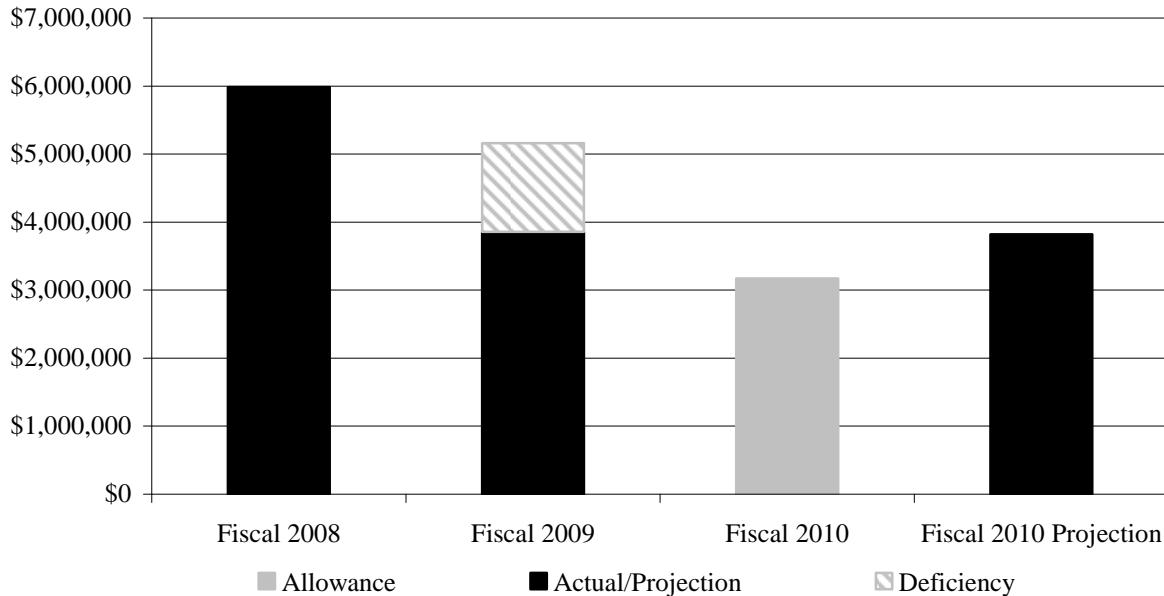


FTE: full-time equivalent

Source: Department of Legislative Services

- As shown in **Exhibit 19**, the fiscal 2010 budget for contractual assistance is over \$2.8 million below fiscal 2008 levels and almost \$2.0 million below fiscal 2009 levels after adding in the fiscal 2009 deficiency. Even assuming that contractual assistance continues at the more modest levels shown to date in the second half of fiscal 2009 as compared to the first half of fiscal 2009, underfunding could total just over \$650,000. One way to control growth in contractual assistance is to cap contractual employment levels. However, if the department decides to address its residential staffing needs under its revised staffing standards, for example, adding contractuels is a likely route and will result in even more underfunding. Adding a cap may prevent underfunding in that budget item but likely will result in a significant increase in overtime. Either the department must accept its resource limitations and live within them, or deficits are to be expected.

**Exhibit 19  
Department of Juvenile Services – Contractual Assistance**



Source: Department of Legislative Services;

**Major Programmatic Changes**

The major change proposed in DJS programming is the continued expansion of evidence-based practices (EBPs) that show promise for youthful offenders including multi-systemic therapy (MST), functional family therapy, and multi-dimensional treatment foster care. In fiscal 2009, the department indicates it intends to fund 399 EBP slots and is looking to expand to 419 slots (this data is substantially different from those included in the budget books, 420 and 519, respectively). DJS estimates that it will spend \$3,315,000 on the 399 EBP slots in fiscal 2009. This funding represents both funding appropriated for that purpose as well as funds diverted from residential per diem placements (\$600,000) and the O’Farrell Center contract (\$600,000). The fiscal 2010 proposed budget for EBPs of just over \$5.7 million represents a \$2.4 million over fiscal 2009.

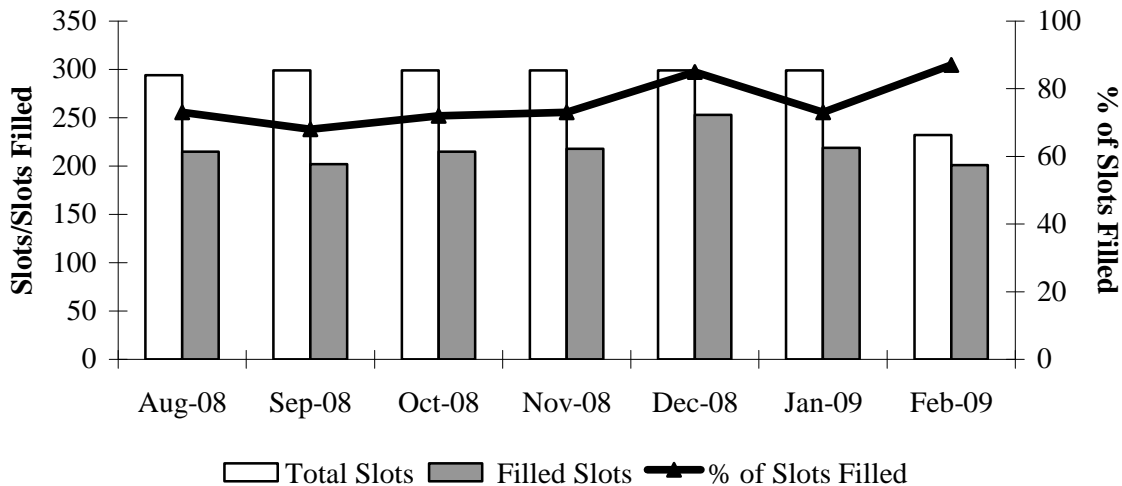
As shown in **Exhibit 20**, the department has been striving to fill the EBP slots that have been made available throughout the current fiscal year. This striving is reinforced by a sharp focus on EBP slot utilization at StateStat. Constant questioning about the slow pace of utilization of EBP slots in Prince George’s County, for example, certainly focused DJS’ efforts to fully utilize those slots. The significant drop in slots in the February 2009 data represents a transition in Baltimore City between EBP vendors based on concern about service quality. This is an important issue. As the department ramps up the use of EBPs, fidelity to the EBP model is crucial if the benefits of the programming that have been seen nationally are to accrue to

Maryland’s youth. It is to the department’s credit that it has maintained focus on program quality and not simply filling slots.

DJS and the Children’s Cabinet have contracted with the Innovations Institute at the University of Maryland to act as an Intermediate Purveyor Organization in the implementation of EBPs. As such, the institute acts as a network partner to providers (including providing training and coaching) as well as having access to all data from the providers to ensure fidelity to program models. For some forms of EBPs, MST in particular, where business and program models are well-established, this is easier than for other EBPs. In any case, that this role is being performed is an important and welcome sign.

To date, the only substantial longitudinal evaluation available to DLS of Maryland-based EBP programming was for MST in Baltimore County. That review was promising in that it showed reductions in criminal justice involvement and substance abuse use for youth who completed MST. Even for those youth who did not complete MST, some residual benefit was shown (consistent with national studies). Re-arrest rates were 34%. This compares well to residential placements, although that is not the appropriate comparison. It is unclear how this compares to other non-residential placements. Unfortunately, data on school performance was difficult to obtain although the indications were of improvement. No data was available on the ability to reduce future residential placements. That is particularly unfortunate because one of the strategies for funding the expansion of EBPs in fiscal 2010 is through reduced funding for residential per diem placements and using funding that previously had been for residential placement at O’Farrell.

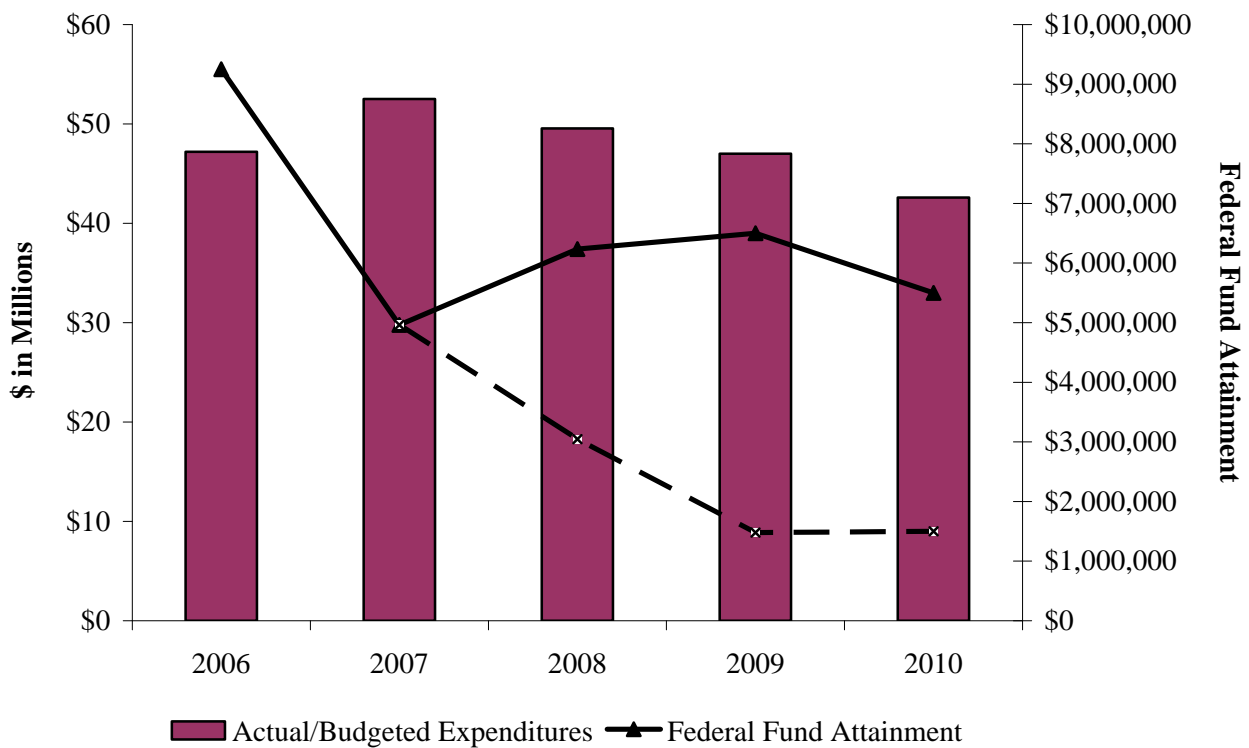
**Exhibit 20**  
**Department of Juvenile Services – Utilization of Evidence-based Practices**



Source: Department of Legislative Services

As shown in **Exhibit 21**, funding for residential per diem placements fell from a high of almost \$53.0 million in fiscal 2007 to just under \$50.0 million in fiscal 2008 (6%). The current projection (after taking into account the fiscal 2009 deficiency) is for a more modest 5% reduction in fiscal 2009. The fiscal 2010 budget shows a decline from fiscal 2009 of 9%. DLS believes that this may be overly aggressive. DLS believes a 6% reduction is more realistic and, assuming federal fund attainment reflecting a resolution of the Title IV-E issue, this results in underfunding of the fiscal 2010 budget by almost \$1.8 million, just over \$1.5 million in general funds.

**Exhibit 21**  
**Department of Juvenile Services – Residential Per Diem Placement Funding**  
**Fiscal 2006-2010**



Source: Department of Legislative Services

Currently, the department seems to be missing the opportunity to maximize federal fund attainment for EBPs, specifically Medicaid, by not adding these services to Maryland’s State Plan. Other states have certainly done this. This is not a new discussion, but there was a reluctance to open up the State Plan to amendment under the prior federal administration. DJS indicates it is now re-investigating the possibility. **DLS recommends adding a provision to the BRFA requiring the State to apply to have these EBPs included as covered services under the State Plan.**

It should also be noted that there is no increase in funding for non-residential per diem placements for which a substantial deficiency was provided in fiscal 2009. Simply level funding these placements in fiscal 2010 would require an additional \$1.5 million.

## **Facilities**

Facility expenditures increase in fiscal 2010. Major changes are to items such as medical and hospital care contracts, utilities, and food that were underfunded in fiscal 2009 and represent an attempt to align to the most recent actuals. However, the budget for food for example, appears to be as much as \$700,000 below revised fiscal 2009 estimates. While the funding for medical and hospital care and utilities are closer to the fiscal 2009 estimates, there is certainly no accounting for any growth in these areas.

## **Miscellaneous Expenses**

The concern about fiscal 2010 underfunding also carries through into miscellaneous expenditures such as travel. Among the consequences of significant out-of-state placements are extremely high out-of-state travel costs, not only for DJS staff who monitor out-of-state placements quarterly, but also to pay for in-state court appearances and quarterly transportation and lodging expenses for parents who want to visit their children at those out-of-state facilities (although relatively few parents avail themselves of the opportunity to visit).

Funding for the Treatment Assessment, Planning, and Tracking System (TAPTS) is not included in the DJS fiscal 2010 budget but, as detailed in **Appendix 2**, is budgeted as expected in the Major Information Technology Development Project Fund. However, as also detailed in Appendix 2, there are numerous issues with the implementation of TAPTS (the very least is apparently another name change), and it is unclear at this time if DoIT intends for it to proceed until significant ongoing enhancements to the Automatic Statewide Support and Information System (ASSIST) are complete.

As shown in Appendix 2, in addition to concerns about the impact of TAPTS on ASSIST, there are issues around dedicated project management and expanding the scope of an existing memorandum of understanding to do this work versus a competitive procurement. Further, these ongoing enhancements to ASSIST have been occurring outside of the Major Information Technology Development Project rubric. **DLS recommends adding budget bill language making any upgrades or enhancements to ASSIST a major information technology development project. DJS submitted an Information Technology Project Request to DoIT for ASSIST upgrades at the end of February. However, there remain significant questions about those upgrades including cost, resource and funding availability, and procurement choice.**

## **Fiscal 2010 Underfunding**

Absent a dramatic change in the management of spending patterns in DJS, either from within or imposed from outside, it is difficult to imagine the department will be able to live within its fiscal 2010 budget. Potential fiscal 2010 underfunding noted above for personnel

expenses, residential and non-residential per diem placements, and food total almost \$8 million exclusive of any issues with Title IV-E attainment. While the federal stimulus offers the opportunity for a temporary increase in federal fund attainment, it is unclear if other federal stimulus grant increases will directly relieve the pressure on the DJS budget.

## **Budget Summary: An Alternative View of Growth**

In last year's analysis, the fiscal 2009 budget appeared to come closer to adequately funding DJS than recent prior budgets. While the analysis was accurate in terms of predicting deficits in residential and non-residential per diem placements, it perhaps understandably did not predict the department's deficiencies relating to Title IV-E. Neither did it foresee the significant overages in personnel expenditures. What can be expected in fiscal 2010? Given the lack of restraint shown by the agency or administration over the management of the agency's budget, it is indeed hard to predict. However, **Exhibit 22**, which offers an alternative view of growth, does not portend well.

The chart compares fiscal 2008, 2009, and 2010 based on the following assumptions:

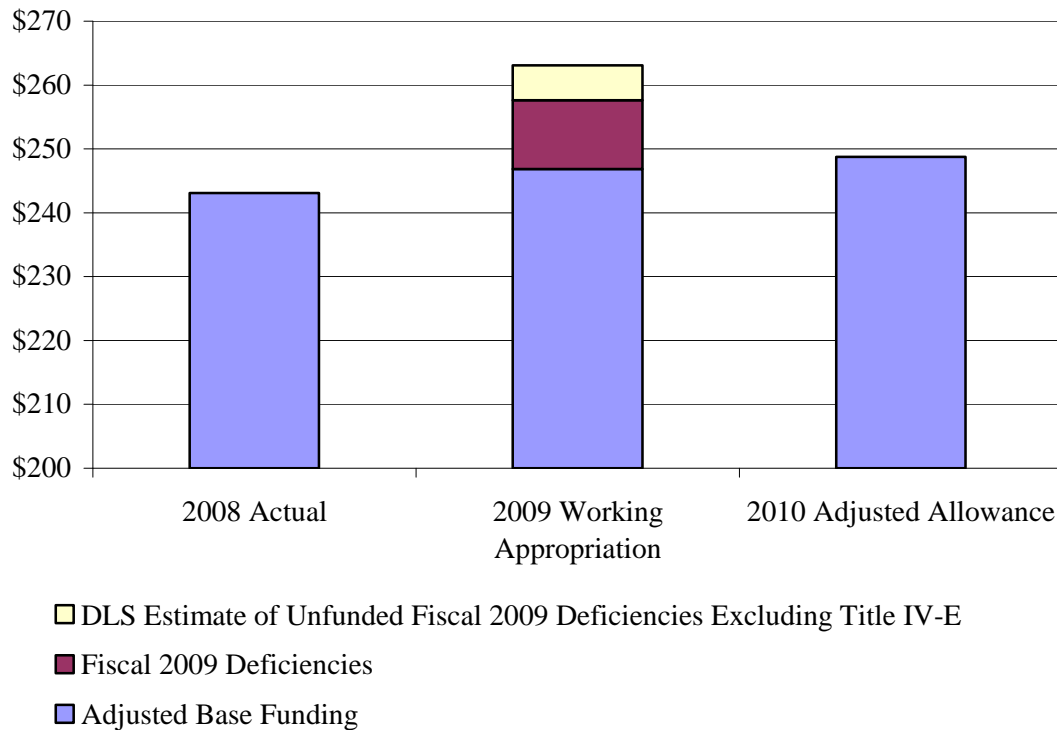
- base funding excludes employee and retiree health insurance, OPEB liability costs, and deferred compensation costs;
- deficiency appropriations are applied to the appropriate fiscal year; and
- major information technology project development costs and other identifiable one-time expenditures are removed from base funding and deficiency appropriations.

Under these assumptions, the growth of over \$5.7 million, or 2.1%, shown in Exhibit 17, may be seen in a different perspective. Specifically:

- absent any estimate of additional underfunding in the fiscal 2009 budget, budget growth between fiscal 2009 and 2010 falls by \$8.9 million, or 3.44%; and
- if the DLS estimate of additional fiscal 2009 underfunding is taken into consideration, the fiscal 2010 budget is almost \$14.4 million, or 5.46%, below the fiscal 2009 estimate.

Under either scenario, DJS's fiscal 2010 budget is significantly underfunded.

**Exhibit 22**  
**Department of Juvenile Services Funding – An Alternative View**  
**Fiscal 2008-2010**  
**(\$ in Millions)**



DLS: Department of Legislative Services

Note: See text for a full explanation of assumptions used in the exhibit.

Source: Department of Legislative Services; Department of Budget and Management

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## Issues

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### 1. Regional Variation in Complaint Resolution

Digging behind the aggregate complaint resolution data presented in Exhibit 3, there is marked jurisdictional variation in the likely disposition of a complaint. **Exhibit 23** presents data that averages five years of complaint disposition information for fiscal 2004 to 2008. As shown:

**Exhibit 23**  
**Complaint Disposition by Jurisdiction**  
**Five-year Average**  
**Fiscal 2004-2008**

	<u>Resolved at Intake</u>	<u>Informal Supervision</u>	<u>Formal Petition</u>	<u>Other</u>
Baltimore City	28.1%	6.3%	64.8%	0.8%
Baltimore	29.2%	15.9%	52.5%	2.3%
Montgomery	27.5%	28.5%	43.5%	0.6%
<b>Statewide Average</b>	<b>33.4%</b>	<b>22.6%</b>	<b>42.3%</b>	<b>1.7%</b>
Cecil	19.7%	36.4%	39.8%	4.1%
Washington	28.0%	31.2%	39.4%	1.4%
Frederick	18.0%	42.3%	38.6%	1.1%
Carroll	32.7%	28.7%	34.9%	3.6%
Somerset	34.1%	29.4%	34.5%	2.1%
Howard	24.9%	37.7%	34.3%	3.1%
Anne Arundel	39.6%	25.3%	34.2%	1.0%
Calvert	33.9%	31.3%	33.7%	1.1%
Harford	39.8%	24.7%	33.2%	2.3%
Prince George's	49.3%	16.9%	32.7%	1.1%
Kent	45.1%	16.8%	32.5%	5.6%
Caroline	39.9%	26.3%	32.2%	1.7%
St. Mary's	33.8%	35.7%	30.1%	0.5%
Allegany	37.7%	31.9%	28.2%	2.2%
Wicomico	54.2%	18.7%	26.2%	1.0%
Queen Anne's	40.7%	27.3%	26.0%	6.0%
Dorchester	46.7%	21.3%	25.3%	6.7%
Charles	15.1%	59.3%	25.0%	0.5%
Talbot	40.4%	30.7%	24.8%	4.1%
Garrett	30.7%	38.2%	21.3%	9.8%
Worcester	40.1%	41.1%	15.6%	3.2%

Note: Out-of-state cases are excluded.

Source: Department of Legislative Services; Department of Juvenile Services

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*V10A – Department of Juvenile Services*

- Baltimore City has a formal petition rate significantly above the statewide average and an informal supervision rate significantly below the statewide average. This likely reflects a combination of factors including inadequate resources available for informal supervision (Baltimore City accounts for 25% of total complaints), the level of offense which can trigger automatic formalization, and parental unwillingness to agree to informal supervision. Cases resolved at intake in the city are actually slightly less than the statewide average.
- Dorchester, Charles, Talbot, Garrett, and Worcester counties all have formalization rates significantly below the statewide average. Dorchester County resolves almost half of its cases at intake, while Charles, Garrett, and Worcester counties utilize informal supervision at a significantly higher rate than the statewide average.
- Other jurisdictions with significantly high levels of complaints resolved at intake include Prince George's, Kent, and Wicomico counties.

Also of interest is the outcome of the formal petition. **Exhibit 24** presents data that averages five years of formal petition dispositions for fiscal 2004 to 2008. Again, there is significant jurisdictional variation:

- Two jurisdictions, Baltimore City and Allegany County, have a significantly higher number of petitions denied by the State's Attorney, dismissed, or closed than the statewide average. This could be due to a lack of resources in the court system or an indication that risk assessment tools used to determine whether cases are formalized are imprecise. Certainly, this data appears to represent that a significant amount of time and effort both in DJS and the court system is poorly utilized. This is particularly true in Baltimore City since that jurisdiction formalizes most cases as opposed to Allegany which does not.
- Three jurisdictions, Charles, Worcester, and Baltimore have a significantly lower number of petitions denied by the State's Attorney, dismissed, or closed than the statewide average. For Charles and Worcester, which tend to formalize fewer cases, this makes sense. Baltimore County, however, formalizes more cases than any jurisdiction except Baltimore City but has the lowest percentage of petitions denied by the State's Attorney, dismissed, or closed. Presumably this speaks to a general desire in that jurisdiction for a significant judicial involvement with juvenile offenders. Indeed, Baltimore County's subsequent commitment and probation rates which are little different from the statewide average but high level of case continuation and setting speaks to that judicial involvement.
- Subsequent commitment rates for formalized petitions also vary widely, with Talbot, St. Mary's, Harford, Washington, and Charles counties having rates significantly higher than the statewide average. These same jurisdictions also have a significantly higher rate of formalized petitions that result in probation. Clearly, in these jurisdictions contact with the judicial system has a much greater likelihood of an intervention.

**Exhibit 24**  
**Disposition of Formal Petitions by Jurisdiction**  
**Five-year Average**  
**Fiscal 2004-2008**

	<u>Petition Denied by SA</u>	<u>Dismissed/ Closed</u>	<u>Denied/Dismissed/ Closed</u>	<u>DJS Committed</u>	<u>Probation</u>	<u>Continued/ Stet</u>	<u>Other</u>
Baltimore City	29.13%	31.42%	<b>60.55%</b>	6.17%	17.77%	6.35%	9.17%
Allegany	27.13%	27.99%	<b>55.12%</b>	5.12%	21.57%	1.08%	17.10%
Kent	14.35%	33.83%	<b>48.18%</b>	10.49%	32.55%	0.43%	8.35%
Dorchester	26.17%	20.07%	<b>46.24%</b>	6.22%	13.96%	12.43%	21.16%
Frederick	14.69%	24.05%	<b>38.74%</b>	10.63%	24.64%	4.43%	21.57%
Talbot	21.91%	16.35%	<b>38.26%</b>	15.30%	37.91%	0.00%	8.52%
Howard	17.20%	20.14%	<b>37.34%</b>	4.63%	24.37%	16.43%	17.24%
<b>Statewide Average</b>	<b>16.96%</b>	<b>18.44%</b>	<b>35.40%</b>	<b>7.97%</b>	<b>23.14%</b>	<b>12.40%</b>	<b>21.09%</b>
Garrett	29.12%	5.88%	<b>35.00%</b>	7.06%	38.24%	2.65%	17.06%
Somerset	16.57%	18.11%	<b>34.68%</b>	7.90%	17.92%	15.80%	23.70%
Cecil	19.59%	14.13%	<b>33.72%</b>	12.05%	20.05%	12.00%	22.18%
Prince George's	7.14%	25.87%	<b>33.01%</b>	7.86%	20.57%	7.76%	30.79%
Queen Anne's	14.53%	18.12%	<b>32.65%</b>	10.94%	24.27%	6.84%	25.30%
Caroline	19.32%	11.99%	<b>31.31%</b>	11.14%	30.61%	8.32%	18.62%
Montgomery	10.00%	21.04%	<b>31.04%</b>	10.44%	27.04%	7.67%	23.81%
St. Mary's	27.14%	1.67%	<b>28.81%</b>	15.16%	34.19%	6.75%	15.09%
Wicomico	24.44%	2.18%	<b>26.63%</b>	7.62%	19.43%	16.10%	30.22%
Harford	12.31%	12.81%	<b>25.12%</b>	13.51%	32.66%	6.00%	22.72%
Carroll	22.94%	2.06%	<b>25.00%</b>	10.68%	31.73%	12.25%	20.33%
Anne Arundel	12.72%	10.89%	<b>23.61%</b>	7.59%	22.32%	16.97%	29.52%
Calvert	16.68%	0.95%	<b>17.63%</b>	7.56%	40.50%	18.11%	16.20%
Washington	9.59%	7.48%	<b>17.07%</b>	12.53%	32.36%	15.89%	22.15%
Charles	10.26%	4.97%	<b>15.22%</b>	23.34%	33.32%	9.94%	18.19%
Worcester	4.28%	8.28%	<b>12.56%</b>	11.74%	35.76%	3.82%	36.12%
Baltimore	4.93%	4.05%	<b>8.98%</b>	5.47%	24.39%	28.56%	32.60%

SA: State's Attorney  
DJS: Department of Juvenile Services

Note: Out-of-state cases are excluded

Source: Department of Legislative Services; Department of Juvenile Services

For both sets of data, what is not known is the extent to which this regional variation reflects differences in jurisdictional attitudes to youth crimes, resource availability, different application of intake risk assessment tools, or other variables. In any event, it will be interesting to see DJS's efforts to refine its upfront assessment of a youth's risk factors, need for formalization, and treatment needs will be improved by TAPTS.

## **2. The Need to Right-size Juvenile Drug Courts?**

One of the major expansions in juvenile programming in recent years has been in drug courts. Enthusiastically supported by the Judiciary's Office of Problem-solving Courts, as of June 30, 2008, juvenile drug courts had been established in 14 jurisdictions. At the national level, there is evidence that juvenile drug courts have a positive impact. The data for Maryland is less clear, although there is little doubt that there is a paucity of program alternatives for youth with substance abuse issues.

Given the lack of alternative programming, it was thus disturbing to note in the fiscal 2008 annual report of the Office of Problem-solving Courts that juvenile drug court slots were being underutilized and in some cases potentially curtailed. This underutilization is shown in **Exhibit 25**. The report notes two issues contributing to this underutilization: a lack of referrals from DJS and changes in the Office of Public Defender's representation for drug court participants.

**Exhibit 25**  
**Juvenile Drug Court Slots and Utilization**  
**Fiscal 2008**

<u>County of Jurisdiction</u>	<u>Drug Court Slots</u>	<u>Judiciary Report Current Participants</u>	<u>Under/(Over) Utilization</u>
Anne Arundel	50	26	24
Baltimore City	125	65	60
Baltimore County	80	43	37
Calvert	25	13	12
Caroline	25	9	16
Charles	25	10	15
Dorchester	25	2	23
Harford	40	27	13
Montgomery	15	17	(2)
Prince George's	60	25	35
Somerset	10	5	5
St. Mary's	30	19	11
Talbot	25	15	10
Worcester	20	15	5
<b>Total</b>	<b>575</b>	<b>291</b>	<b>284</b>

Note: Caroline County is listed as 20-25 slots. The higher number is shown in the exhibit and used in the subsequent analysis detailed in Exhibit 26.

Source: Department of Legislative Services; Office of the Problem-solving Courts

However, a more in-depth analysis of drug case dispositions by DJS raises additional questions as to why some drug courts are underutilized. Data presented in **Exhibit 26** uses aggregate disposition information to estimate how many of the formalized drug case petitions would typically end up as being eligible for drug court placement. As shown in the exhibit:

**Exhibit 26**  
**Juvenile Formalized Drug Cases and Drug Court Slots**  
**Fiscal 2007 and 2008**

<b>County of Jurisdiction</b>	<b>Formal Petitions</b>		<b>Est. Drug Court Eligibles</b>		<b>Est. Drug Court Eligibles vs. Slots</b>		<b>Total Est. Drug Court Eligibility as % of Avail. Slots</b>	
	<b>Fiscal 2007</b>	<b>Fiscal 2008</b>	<b>Fiscal 2007</b>	<b>Fiscal 2008</b>	<b>Fiscal 2007</b>	<b>Fiscal 2008</b>	<b>Fiscal 2007</b>	<b>Fiscal 2008</b>
Anne Arundel	219	182	50	38	0	-12	-1%	-25%
Baltimore City	2,510	2,963	404	643	279	518	223%	414%
Baltimore County	400	451	108	126	28	46	35%	57%
Calvert	37	39	13	17	-12	-8	-49%	-31%
Caroline	21	17	5	5	-20	-20	-79%	-80%
Charles	65	55	22	23	-3	-2	-10%	-9%
Dorchester	27	36	4	4	-21	-21	-84%	-82%
Harford	99	90	28	30	-12	-10	-31%	-25%
Montgomery	199	209	55	51	40	36	265%	241%
Prince George's	160	123	28	34	-32	-26	-53%	-43%
Somerset	15	20	3	3	-7	-7	-70%	-75%
St. Mary's	32	34	12	8	-18	-22	-61%	-74%
Talbot	33	23	13	10	-12	-15	-47%	-62%
Worcester	54	29	20	11	0	-9	0%	-43%
<b>Total</b>	<b>4,274</b>	<b>4,662</b>	<b>764</b>	<b>1,002</b>	<b>209</b>	<b>447</b>	<b>38%</b>	<b>81%</b>

Source: Department of Legislative Services; Department of Juvenile Services; Office of the Problem-solving Courts

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- Two jurisdictions, Baltimore City and Montgomery County, appear to have significantly more demand for slots than slots available. This makes the underutilization of slots in Baltimore City frustrating at the very least. Montgomery County, as the State’s most populous jurisdiction, actually has one of the smallest drug court programs in terms of size but fully utilizes those slots. Based on the number of formalized drug court cases, that program could benefit from some expansion.
- Baltimore County is the only other jurisdiction that appears to have more demand for slots than slots available, and again those slots are underutilized.
- All the other jurisdictions, based on current patterns of drug case formalization, appear to have programs with too many slots vis-à-vis youth eligible for those slots. For some of the larger counties, such as Prince George’s County, right-sizing the program while maintaining it at a county level is possible as caseloads still support dedicated resources at a jurisdictional level. For some of the smaller counties, especially on the Eastern Shore, a regional approach may be beneficial.

Again, this analysis relies on the fact that the department’s judgment on when to formalize cases is consistent and appropriate, and also is subject to all of the concerns about the regional variation in formal petition disposition by the court system discussed above. DLS has recommended, and the Judiciary has concurred, in level-funding drug courts in fiscal 2010. That provides the opportunity for DJS, the Judiciary, and other players in the criminal justice system to re-visit some of the juvenile drug court issues in the 2009 interim.

### **3. Implementation of Chapter 454 of 2008**

Chapter 454 of 2008 requires agencies that license residential child care programs to issue a statement of need that certifies a public need for the location and establishment of such programs. Licensing agencies were charged with adopting regulations governing the issuance of statements of need.

In an October 1, 2008 report, also required by Chapter 454, the Governor’s Office for Children and the Departments of Human Services and Juvenile Services, indicated that those regulations have been drafted by the Resource Development and Licensing Committee (RDLC) of the Children’s Cabinet and would be submitted to the Administrative, Executive, and Legislative Review Committee (AELR) in October with a view to becoming effective February 2009. At the time of this writing, those regulations still have not been submitted to AELR. The same report indicated the RDLC was drafting policies and guidelines as to how to develop a statement of need. That also has not yet been completed.

Nonetheless, DJS has moved independently to implement the legislation. For DJS, this was a particular concern because of the interest from a Nevada-based company Rite of Passage to open a facility in Maryland. Rite of Passage operates a variety of facilities and programs in a

number of states, although none in Maryland. Specifically, Rite of Passage is interested in opening a program at the former Bowling Brook Academy. While Rite of Passage operates several large facilities, DJS has publicly committed to only licensing a 48-bed program. Further, although Rite of Passage submitted an application for a license prior to the effective date of Chapter 454, it was agreed that the intent of that legislation should apply to the application.

### **DJS’s Statement of Need**

The statement of need currently published on DJS’ web site identifies a need for Level V staff secure programming. According to DJS, Level V programming is for youth that need secure confinement and involve either:

- Open programs and staff secure programs serving moderate to high risk youth because of the seriousness of offense, multiplicity of offense, failed previous placements, a high level of prior DJS contact, and/or absconding from DJS programs. Staff secure programs provide 24/7 staff supervision of youth movement and activities. Open programs do not supervise all youth movement on program grounds.
- Secure programs serve high-risk youth who are chronic repeat offenders, have failed to complete other programs, or have been adjudicated on serious offenses and often have behavioral health issues. Secure programs are locked to prevent escape and have either a perimeter fence or an outside-fenced recreation area.

DJS’s statement of need for Level V services identifies the need for 136 staff secure Level V program beds. The statement of need identifies only 48 beds currently available for this type of treatment, at Victor Cullen, leaving a gap of 88 beds. The *Capital Improvement Program* (CIP) calls for the development of another 96 beds at Cheltenham and an as yet unknown location in Baltimore City.

Putting aside the potential confusion that arises from a statement of need that refers to staff secure programming and a definition of level V programming that includes open, staff secure, and secure programming, several other issues emerge from the statement of need and related information:

- The statement of need currently stands outside of a completed gap analysis. It may be that, with the closure of O’Farrell, some amount of additional Level V programming is needed, although DJS has moved to expand EBP as an alternative to those placements.
- DJS views the need to fill the current gap of 88 beds as a temporary one, pending the development of the facilities at Cheltenham and in Baltimore City, although clearly the development of those facilities will take some considerable time (the current CIP for the Baltimore City project, for example, pushes completion beyond fiscal 2015).

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- The statement of need does not distinguish between the two different types of programming noted above (open/staff secure as opposed to secure) in terms of specific slot types. This lack of distinction makes it hard to evaluate the need for open/staff secure programming (such as that offered by Rite of Passage) versus secure programs both short- and long-term.
- As shown in **Exhibit 27**, the statement of need identifies need by region. Victor Cullen, as also identified by the statement of need, is designed to serve the Western region plus parts of the central region (Baltimore, Harford, and Carroll counties) as well as a piece of the Metro region (Montgomery County). If the forecast is accurate, Victor Cullen should be able to handle the demand for these beds from those jurisdictions. This underscores the temporary nature of the need for more staff secure beds in the Central region as proposed by Rite of Passage.

It should be noted that the statute refers in different places to identifying need by county or region. Amendments added to the bill refer to a county or regional consideration, while the original bill language is very much county based. For example, the statute specifies that the statement of need shall be issued “for a residential child care program in a county” while regulations to implement the bill refer to the need for development of a statement of need based on needs identified in a county or region and after consultation with stakeholders in a county or region. While DJS has a regional approach to placement, DHR tends to operate more by county. The amendments perhaps reflect DJS’ concerns, but other parts of the bill retain the county emphasis. Clarification might be appropriate.

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**Exhibit 27**  
**Forecasted Level V Staff Secure Program Need by Region**

<u>Region</u>	<u>ADP</u>
Baltimore City	52
Central	17
Western	6
Eastern	12
Southern	20
Metro	29
<b>Total</b>	<b>136</b>

ADP: average daily population

Source: Department of Juvenile Services

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- Current licensing regulations, while allowing conditioning of the license by size, do not distinguish by level of care. It is unclear if a license applicant can subsequently simply change the level of care offered as long as it meets the requirements for such a level of care or if it would need to be re-evaluated under the appropriate statement of need.

Clearly, the implementation of Chapter 454 remains a work in progress. Regulations and guidelines for developing a statement of need that are both under review may clarify some of the issues that remain about that implementation.

#### **4. Space at the Baltimore City Juvenile Justice Center**

There has been a long-standing concern about programming space at the Baltimore City Juvenile Justice Center (BCJJC). While particular attention has been paid to the lack of educational space, a 2007 review of the BCJJC indicated a multiplicity of space issues. Indeed, while the review was aimed primarily at the detention component of the facility, it noted that every department in the facility was in need of additional space.

The review offered three alternatives to the detention space problem:

- to operate with 144 youth (the planned capacity) would require an additional 49,000 square feet of space. Renovations to accomplish this would cost \$12 million plus the costs associated with relocating other agencies from the facility;
- reduce the juvenile population to 96 youth. Demolish one housing unit to allow for outdoor recreation. The cost for this option was put at \$480,000; and
- move all of the detention functions except booking and holding out of the building to a new facility at a cost of \$50 million-plus.

To date, the department has reduced the population at BCJJC from previous levels, although on an average daily basis the population is still well above 96 youth (117 for January 2009 for example) and can still be above the maximum 120 established by DJS as the ceiling.

In terms of educational space alone, the department estimates the need for an additional 3,000 square feet of space. In the 2008 interim, efforts to add temporary trailers for educational space were blocked by the fire marshal. As a result, DJS has been renovating other space to offer a short-term solution by providing three additional classrooms, office space, and a testing laboratory. This work is expected to be complete by the end of the fiscal year.

The long-term plan to make the BCJJC space more acceptable is the development of additional treatment capacity in Baltimore City for youth who otherwise spend time in secure pending placement. The development of that space is some years from realization. The

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department also anticipates a capital request in fiscal 2011 to renovate buildings adjacent to BCJJC, move existing occupants to those renovated buildings, and expand the education area further. The fiscal 2010 Capital Improvement Plan, although projecting \$28.55 million in expenditures on DJS projects in fiscal 2011, does not contain any funding for BCJJC. **DJS should be prepared to comment on what requests have been made to the Department of Budget and Management (DBM) for BCJJC for fiscal 2011.**

## ***Recommended Actions***

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1. Add the following language:

Provided that no funds provided in this budget for the Department of Juvenile Services may be used for reclassifications with the exception of non-competitive promotions.

**Explanation:** In fiscal 2008 and 2009, the Department of Juvenile Services expended significant funds on re-classifications even though no funding was included in the allowance or appropriation. In both years, the department has experienced significant deficits in personnel expenditures, and funding of reclassifications was a contributory factor. The language prohibits the department from spending fiscal 2010 funds on re-classifications except in the case of non-competitive promotions which are promotions within a classification series based on performance.

2. Add the following language:

Further provided that it is the intent of the General Assembly that the Department of Juvenile Services' upgrading and enhancing of its Automated Statewide Support and Information System (ASSIST) shall be considered a Major Information Technology Development Project. Further provided that any general fund support provided in the Department of Juvenile Services' budget made for the purpose of upgrading or enhancing ASSIST may only be transferred by budget amendment to the Major Information Technology Development Project Fund (program F50A1.01) and shall be expended pursuant to State Finance and Procurement Article Sections 3A-308 and 3A-309. Funds not transferred to the Major Information Technology Development Project Fund may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the General Fund.

**Explanation:** The language expresses legislative intent that any upgrades or enhancement to ASSIST, the Department of Juvenile Services' backbone case management system, should be considered a major information technology development project and makes fiscal 2010 funding for those upgrades or enhancement subject to the statutory requirements for such projects.

3. Add the following language:

Provided that no reductions under this section may be made to direct care positions in the Department of Juvenile Services until all vacant non-direct care positions have been abolished.

**Explanation:** The language limits proposed Section 18 position reductions in the Department of Juvenile Services to non-direct care positions.

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4. Add the following language:

This reduction may be allocated to any object or subobject of expenditure related to workforce or personnel costs, except that in the Department of Juvenile Services no reduction may be made to direct care positions.

**Explanation:** The language limits an as yet unallocated Section 22 workforce reduction to exclude direct care positions in the Department of Juvenile Services.

5. Adopt the following narrative:

**Facility Staffing and Community Caseloads:** The Department of Juvenile Services (DJS) continues to struggle to meet its own standards for community caseloads and facility staffing. Recent revisions to the facility staffing standards exacerbate those struggles. The committees request that DJS provide a full description of community caseload and facility staffing standards by caseload type and facility. The report should include the basis for those standards including references to best practices. Given that the fiscal 2010 budget as introduced provides fewer personnel resources to DJS than prior years, the report should also detail how the department intends to meet its own standards.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Facility Staffing and Community Caseloads	DJS	October 1, 2009

## ***Updates***

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### **1. Operation Safe Kids Evaluation**

Chapter 335 of 2008, the fiscal 2009 budget bill, included language withholding funds for the expansion of a nonresidential intervention program for at-risk youth, Operation Safe Kids (OSK), currently operating in Baltimore City. The committees were concerned that given the DJS' emphasis on the use of EBP, no comprehensive evaluation had been conducted on the efficacy of OSK, in particular comparing OSK to other DJS-funded intervention programs.

DJS has submitted what was described as an initial evaluation, with a more comprehensive evaluation to be completed subsequently. The evaluation was undertaken by the Center for the Prevention of Youth Violence in the Johns Hopkins University Bloomberg School of Public Health.

#### **OSK Program Summary**

OSK is operated by the Baltimore City Health Department. Utilizing a staff of 3 clinical coordinators and 10 case workers, each with a caseload of up to 12 youth, the program offers intensive case management and informal counseling. The goals of the program include:

- improvement in school attendance;
- compliance with probation;
- providing youth with access to substance abuse and mental health treatment; and
- assisting the youth's family with access to other services such as housing and mental health treatment.

A key component of OSK is the planning and coordination that occurs between all of the various agencies that are typically involved with any individual youth. In all, at least 10 different agencies are involved in case planning and coordination, an unprecedented level of agency involvement compare to any other violence prevention program in the city.

Enrollment in the program has undergone various iterations. Most recently, the program is only open to males ages 13 to 17.5 with one or more arrests for a crime of violence, controlled dangerous substance, or any crime involving a firearm, and no arrests or adjudication involving a sex offense, arson, or other firesetting offense, and no psychotic disorder diagnosis or a history of psychotic symptoms.

Similarly, the program has also changed over time. Significantly, in 2006, OSK evolved from a monitoring program to becoming more clinically oriented. Key changes were the

implementation of a comprehensive initial assessment for all new enrollees and a revision of treatment service planning documentation. Greater emphasis was placed on family involvement, strengthening, and stabilization. The change also required the clinical coordinators to be licensed as clinical social workers.

## **OSK Evaluation Framework**

OSK has completed two quantitative evaluations of program outcomes prior to the current study. Specifically, the program compared arrest rates one year prior to, and post-enrollment in the program. That data was encouraging, indicating declines in total, violent crime, and drug arrests. However, those studies did not compare OSK with alternative programs offered by DJS.

The submitted evaluation was intended to answer that particular question by comparing outcomes for a cohort of youth enrolled in OSK with a comparable group of youth not enrolled in OSK but who met the OSK enrollment criteria. The study involved 185 youth served by OSK and 185 youth not served by OSK (selected from 2,561 youth that met OSK eligibility requirements).

## **Evaluation Conclusions**

The report compared the two groups (OSK and non-OSK youth) for the following outcomes: any re-offense, any re-offense involving guns and/or violence, and facts sustained re-offense (*i.e.* adjudication), and any facts sustained re-offense involving guns and/or violence. No clear pattern emerged between the two groups, although OSK youth had a somewhat lower rate of facts-sustained total offenses.

Because OSK underwent a significant change in focus in 2006 to a more clinically based program, the report also looked at recidivism for youth who were in OSK in the post-2006 period (97 youth) and compared them to a similar number of non-OSK youth. Again, the results were inconclusive. Although OSK youth had lower levels of re-offending and less likelihood of any offense involving violence or a gun, neither of these outcomes were statistically significant.

## **Conclusions**

Although the evaluation results indicate that OSK can be considered a promising program, there is certainly no significant indication that participation in OSK was more beneficial than participation in other DJS programs. The report notes the need to:

- further evaluate OSK given its new clinically oriented direction since 2006;
- add records of youth charged as adults into the evaluation (also one of the elements required in the budget bill language); and

- include cost data in the evaluation.

To date, no follow-up evaluation has been submitted.

Given that the evaluation results did not offer any compelling arguments for or against expansion of OSK and given the budget situation, DLS recommended against the release of the withheld funds. However, the budget committees ultimately chose to release the funds to support the Governor's efforts to target additional resources at youth with violence issues and/or at risk from violence.

## 2. Civil Rights of Institutionalized Persons Act Investigations

During the 2008 Interim, DJS successfully resolved the Civil Rights of Institutionalized Persons Act (CRIPA) investigations at Cheltenham and the Hickey School. At this time, only one facility, BCJJC, is under a CRIPA agreement. CRIPA findings related to BCJJC was grouped around three broad areas:

***Inadequate Protection from Harm:*** The investigation revealed inadequate protection from youth-on-youth violence including an inadequate behavior management plan and environmental security hazards, and inadequate protection from risks of suicide including environmental suicide risks and inadequate suicide watch and seclusion monitoring.

***Inadequate Mental Health Care:*** The investigation revealed inadequate mental health screenings and assessments; inadequate mental health treatment and case management; inadequate communication and recordkeeping; and inadequate confidentiality safeguards.

***Inadequate Educational Instruction of Youth with Disabilities:*** The investigation revealed inadequate access to special education and inadequate development of individualized education plans.

During the original one-year compliance period, the State was able to reach substantial compliance with 18 of the 29 provisions. The agreement was thus extended until June 29, 2009, to reach compliance on the remaining 11 provisions. The most recent report from the independent evaluation team for BCCJC was for the period July 1 through December 31, 2008, and is based on the amended agreement. The findings of that report are summarized in **Exhibit 28**. The monitor's report noted that while progress in the first 12 months of the agreement had been substantial, reaching substantial compliance with the remaining 11 provisions remains slow. Levels of youth violence remain high, primarily as a result of high levels of inexperienced staff at the facility.

**Exhibit 28**  
**CRIPA BCJJC – Amended Agreement**  
**Overall Compliance, by Substantive Area**

<u>Substantive Area</u>	<u>Total Provisions</u>	<u>Substantial Compliance</u>	<u>Partial Compliance</u>	<u>Non-compliance</u>
Protection from Harm	5	1	4	0
Suicide Prevention	3	0	3	0
Special Education	3	1	2	0
<b>Total</b>	<b>11</b>	<b>2</b> <b>18%</b>	<b>9</b> <b>82%</b>	<b>0</b> <b>0%</b>

CRIPA: Civil Rights of Institutionalized Person Act  
BCJJC: Baltimore City Juvenile Justice Center

Source: *Settlement Agreement between the State of Maryland and the United States Department of Justice, Third Monitor's Report, December 31, 2008*

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***Current and Prior Year Budgets***

**Current and Prior Year Budgets**  
**Department of Juvenile Services**  
(\$ in Thousands)

	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2008</b>					
Legislative Appropriation	\$231,853	\$203	\$14,737	\$449	\$247,242
Deficiency Appropriation	32,460	138	0	0	32,598
Budget Amendments	4,483	134	0	65	4,681
Cost Containment	-1,608	0		0	-1,608
Reversions and Cancellations	-453	-50	-5,288	-192	-5,984
<b>Actual Expenditures</b>	<b>\$266,735</b>	<b>\$424</b>	<b>\$9,449</b>	<b>\$321</b>	<b>\$276,929</b>
<b>Fiscal 2009</b>					
Legislative Appropriation	\$260,168	\$203	\$11,689	\$449	\$272,509
Cost Containment	-7,347	0	-2	0	-7,350
Budget Amendments	2,232	0	0	0	2,232
<b>Working Appropriation</b>	<b>\$255,053</b>	<b>\$203</b>	<b>\$11,687</b>	<b>\$449</b>	<b>\$267,392</b>

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

**Fiscal 2008**

The fiscal 2008 legislative appropriation for DJS was increased by almost \$29.7 million. This increase was derived as follows:

- Deficiency appropriations added almost \$32.6 million (almost \$32.5 million in general funds, and \$138,000 in special funds) to the legislative appropriation. Details of the deficiencies are provided in **Exhibit 29**. As shown in the exhibit, a significant portion of the available fiscal 2008 deficiency appropriation was required to meet fiscal 2007 unprovided-for general payables rolled into fiscal 2008. Some of this carry-over was readily identified in the fiscal 2008 deficiencies (residential per diems and Victor Cullen), but just over \$2.4 million in fiscal 2007 unprovided-for payables is not and simply reduced the overall amount of funding available for fiscal 2008.

**Exhibit 29**  
**Department of Juvenile Services**  
**Fiscal 2008 Deficiencies**

<u>Unit</u>	<u>Item</u>	<u>General Fund</u>	<u>Special Fund</u>
<b>Fiscal 2007 Deficiencies Rolled into Fiscal 2008</b>			
Residential Operations	Residential per diems rolled over into fiscal 2008	\$4,212,364	
Various	Miscellaneous expenses	2,419,567	
Victor Cullen	Start-up and operational costs	2,196,018	
<b>Subtotal</b>		<b>\$8,827,949</b>	
<b>Fiscal 2008 Deficiencies</b>			
Departmental Support	Gang prevention grants		\$138,001
Residential Operations	Underfunding of residential per diems	\$14,805,636	
Facilities	Overtime	4,535,000	
Health Services	Overtime	240,000	
Community Services	Overtime	225,000	
Victor Cullen	Start-up and operational costs	4,445,982	
Community Services	Salaries and fringe benefit costs to offset lack of federal fund attainment	1,800,000	
Unaccounted for Fiscal 2007	Unprovided-for Payables	-2,419,567	
<b>Subtotal</b>		<b>\$23,632,051</b>	<b>\$138,001</b>
<b>Total</b>		<b>\$32,460,000</b>	<b>\$138,001</b>

Source: Department of Budget and Management; Department of Legislative Services

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- Budget amendments added a little under \$4.7 million to the legislative appropriation. Specifically:
  - General fund budget amendments added almost \$4.5 million. This was derived from an increase of just under \$2.1 million representing the department's share of the fiscal 2008 cost-of-living adjustment (COLA) originally budgeted in the DBM plus \$2.4 million in additional funding for health insurance as part of the statewide realignment of health insurance expenditures at close-out.
  - Special fund budget amendments increased the legislative appropriation by \$134,000. The funds are available through a grant received from the Family League of Baltimore City for start-up costs for a Day and Evening Reporting Center in Baltimore City. The establishment of this center at a permanent location has been delayed for some considerable time by the inability to locate a site. However, DJS reported that it was going to develop the programming in a building adjacent to the William Donald Schaefer House on Druid Hill Park Drive. The Schaefer House is a substance abuse treatment facility operated by DJS.
  - Reimbursable fund budget amendments increased the legislative appropriation by slightly less than \$65,000. This funding represented two grants from the Governor's Office of Crime Control and Prevention for equipment for the Violence Prevention Unit (\$21,000) and upgrades to the closed circuit television cameras at BCJJC (\$44,000).
- Fiscal 2008 cost containment actions taken by BPW reduced the DJS budget by just over \$1.6 million.
- Reversions and cancellations total nearly \$6.0 million. General fund reversions totaled \$453,000, mainly from lower salary and fringe benefit expenditures (although this was a decline only from the revised spending plan for salaries and fringes that had seen a substantial increase through fiscal 2008 deficiency appropriations noted above). Of the cancellations, almost \$5.3 million was federal funds, virtually all of that being federal IV-E funds. Attainment of those funds was significantly lower than anticipated and was one of the contributory factors to DJS's fiscal 2008 deficit.

## **Fiscal 2009**

To date, the fiscal 2009 legislative appropriation has been adjusted by just over \$5.1 million. This reflects:

- \$7.35 million in cost containment actions taken by BPW in June and October 2008 (for more details see above); and
- an increase of over \$2.2 million in general fund budget amendments primarily representing DJS's share of the fiscal 2009 COLA that was originally budgeted in DBM as well as smaller annual salary review and other adjustments.

## Major Information Technology Projects

### Department of Juvenile Services Treatment Assessment, Planning, and Tracking System (TAPTS)

<b>Project Description:</b>	To create an automated assessment, treatment, and tracking system that identifies criminogenic characteristics or traits and address those characteristics or traits in treatment planning. The project will be developed in three phases: the development of an intake tool; an assessment tool for court disposition recommendations; and the development of a comprehensive treatment service plan.		
<b>Project Business Goals:</b>	No quantifiable business goals or ROI analysis has been conducted. Qualitative goals include improved treatment planning and potential reduction of redundant screening and assessment.		
<b>Estimated Total Project Cost:</b>	\$1,850,000	<b>New/Ongoing Project:</b>	Ongoing.
<b>Project Start Date:</b>	June 2007	<b>Projected Completion Data:</b>	May 2009
<b>Schedule Status:</b>	Phase I is through the development and testing SDLC phase using agency resources. However, it is unclear if a dedicated project manager has been hired or the appropriate procurement method been approved (MOU with the University of Maryland versus a competitive procurement) for all three phases.		
<b>Cost Status:</b>	Unchanged. The fiscal 2010 request for the project is higher than projected in the fiscal 2009 budget based on a Board of Public Works October reduction of \$400,000 to reflect project cash-flow. However, the overall cost is unchanged.		
<b>Scope Status:</b>	No change. However, this may change once a proper project management plan is developed.		
<b>Project Management Oversight Status:</b>	No dedicated project manager appears to be in place.		
<b>Identifiable Risks:</b>	The ongoing effort to convert ASSIST to a modern technical architecture at the same time as developing TAPTS presents a high risk because components of ASSIST are critical to the completion of TAPTS. Furthermore, DJS has not designated that upgrade as a major IT project nor specifically requested funding for the project. An IV&V has recently been completed although no results have been made available; funding; developing a system that is compatible with 24 different legal jurisdictions; lack of a dedicated project management resource; the need for training.		
<b>Additional Comments:</b>	In its mid-year major IT report, DoIT recommends that this project be halted until a dedicated project manager is hire, a project management plan is in place, and sufficient internal resources have been identified to fulfill project needs. Further, the inter-dependency between this project and ASSIST, a system that needs to be upgraded itself, makes moving forward with this project independent of that upgrade problematic. <b>The Department of Legislative Services recommends that the enhancements to ASSIST should proceed prior to the implementation of TAPTS, that those enhancements are considered a major information technology project subject to DoIT oversight, and the fiscal 2010 funding for TAPTS in the Major IT Development Project Fund be deleted.</b>		

<b>Fiscal Year Funding (000)</b>	<b>Prior Years</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>Balance to Complete</b>	<b>Total</b>
Personnel Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Professional and Outside Services	800.0	700.0	350.0	0.0	0.0	0.0	0.0	1,850.0
Other Expenditures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total Funding</b>	<b>\$800.0</b>	<b>\$700.0</b>	<b>\$350.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$1,850.0</b>

ASSIST: Automated Statewide Support and Information System  
DJS: Department of Juvenile Services  
DoIT: Department of Information Technology  
IV&V: Independent Verification and Validation  
ROI: Return on Investment  
SDLC: System Development Life Cycle  
TAPTS: Treatment Assessment, Planning and Tracking System

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

<u>Object/Fund</u>	<u>FY08 Actual</u>	<u>FY09 Working Appropriation</u>	<u>FY10 Allowance</u>	<u>FY09 - FY10 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	2221.65	2271.65	2267.05	-4.60	-0.2%
02 Contractual	157.27	126.10	126.10	0	0%
<b>Total Positions</b>	<b>2378.92</b>	<b>2397.75</b>	<b>2393.15</b>	<b>-4.60</b>	<b>-0.2%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 137,391,885	\$ 146,937,780	\$ 155,665,858	\$ 8,728,078	5.9%
02 Technical and Spec. Fees	5,986,216	3,858,870	3,858,905	35	0%
03 Communication	3,167,187	2,733,881	3,476,331	742,450	27.2%
04 Travel	1,198,093	724,400	1,090,087	365,687	50.5%
06 Fuel and Utilities	4,312,699	3,845,243	4,518,993	673,750	17.5%
07 Motor Vehicles	2,261,978	1,529,520	1,539,897	10,377	0.7%
08 Contractual Services	100,367,413	95,796,074	95,354,153	-441,921	-0.5%
09 Supplies and Materials	6,547,067	5,718,875	6,299,830	580,955	10.2%
10 Equipment – Replacement	472,259	351,000	0	-351,000	-100.0%
11 Equipment – Additional	1,451,554	2,495,714	1,780,090	-715,624	-28.7%
12 Grants, Subsidies, and Contributions	368,003	389,000	389,000	0	0%
13 Fixed Charges	4,313,053	3,846,377	3,363,974	-482,403	-12.5%
14 Land and Structures	9,092,060	0	0	0	0.0%
<b>Total Objects</b>	<b>\$ 276,929,467</b>	<b>\$ 268,226,734</b>	<b>\$ 277,337,118</b>	<b>\$ 9,110,384</b>	<b>3.4%</b>
<b>Funds</b>					
01 General Fund	\$ 266,734,533	\$ 255,052,716	\$ 266,128,318	\$ 11,075,602	4.3%
03 Special Fund	424,410	203,000	203,000	0	0%
05 Federal Fund	9,449,236	11,687,081	10,556,800	-1,130,281	-9.7%
09 Reimbursable Fund	321,288	1,283,937	449,000	-834,937	-65.0%
<b>Total Funds</b>	<b>\$ 276,929,467</b>	<b>\$ 268,226,734</b>	<b>\$ 277,337,118</b>	<b>\$ 9,110,384</b>	<b>3.4%</b>

Note: The fiscal 2009 appropriation does not include deficiencies. The fiscal 2010 allowance does not include contingent reductions.

**Fiscal Summary  
Department of Juvenile Services**

<u>Program/Unit</u>	<u>FY08 Actual</u>	<u>FY09 Wrk Approp</u>	<u>FY10 Allowance</u>	<u>Change</u>	<u>FY09 - FY10 % Change</u>
01 Office of the Secretary	\$ 2,944,614	\$ 1,959,281	\$ 1,623,572	-\$ 335,709	-17.1%
02 Departmental Support	25,258,003	28,196,827	28,226,360	29,533	0.1%
01 Residential Operations	5,376,355	5,192,889	4,473,482	-719,407	-13.9%
01 Baltimore City Region Operations	65,120,664	60,717,043	64,710,815	3,993,772	6.6%
01 Central Region Operations	40,531,570	38,816,448	39,060,283	243,835	0.6%
01 Western Region Operations	43,553,605	38,844,197	40,632,314	1,788,117	4.6%
01 Eastern Region Operations	20,167,054	18,759,352	19,829,786	1,070,434	5.7%
01 Southern Region Operations	22,821,584	24,421,233	24,827,197	405,964	1.7%
01 Metro Region Operations	51,156,018	51,319,464	53,953,309	2,633,845	5.1%
<b>Total Expenditures</b>	<b>\$ 276,929,467</b>	<b>\$ 268,226,734</b>	<b>\$ 277,337,118</b>	<b>\$ 9,110,384</b>	<b>3.4%</b>
General Fund	\$ 266,734,533	\$ 255,052,716	\$ 266,128,318	\$ 11,075,602	4.3%
Special Fund	424,410	203,000	203,000	0	0%
Federal Fund	9,449,236	11,687,081	10,556,800	-1,130,281	-9.7%
<b>Total Appropriations</b>	<b>\$ 276,608,179</b>	<b>\$ 266,942,797</b>	<b>\$ 276,888,118</b>	<b>\$ 9,945,321</b>	<b>3.7%</b>
Reimbursable Fund	\$ 321,288	\$ 1,283,937	\$ 449,000	-\$ 834,937	-65.0%
<b>Total Funds</b>	<b>\$ 276,929,467</b>	<b>\$ 268,226,734</b>	<b>\$ 277,337,118</b>	<b>\$ 9,110,384</b>	<b>3.4%</b>

Note: The fiscal 2009 appropriation does not include deficiencies. The fiscal 2010 allowance does not include contingent reductions.