



# **Maryland Department of Juvenile Services Child Fatality Review Guidelines**

# Maryland Department of Juvenile Services Child Fatality Review Guidelines

## Introduction

The Maryland Department of Juvenile Services (DJS or Department) Fatality Review Guidelines (or Guidelines) are designed to assist DJS and its stakeholders within the Maryland juvenile justice system with the examination of circumstances surrounding fatal events involving youth under the supervision of the Department and with recommending future preventative measures.

These efforts will support the Department's collaborative approach to policy decision making and commitment to transparency by tasking members of the Department's State Advisory Board (SAB) with examining circumstances surrounding fatal events involving youth. Specifically, the SAB will examine two scenarios subject to this scrutiny:

1. youth who are convicted or adjudicated of causing the death of another while under DJS supervision; and
2. the death of a youth while under DJS supervision.

The Guidelines are organized to clarify legal and procedural requirements that all parties participating in case reviews must observe, and serve as a reference and source of information for the DJS SAB. ***The SAB Chairperson or DJS Secretary may make changes to this document at any time for clarification or correction.***

## Background

*Human Services Article, §9-215 and Courts and Judicial Proceedings Article § 3-8A-27(b)*, established by House Bill 169 during the 2019 Legislative Session of the Maryland General Assembly allowed the DJS State Advisory Board to review cases surrounding fatal events of youth under the supervision of the Department. As a result, the SAB formed a Fatality Review Subcommittee (FRS) that will review the specific details of these cases and bring their findings to the full SAB.

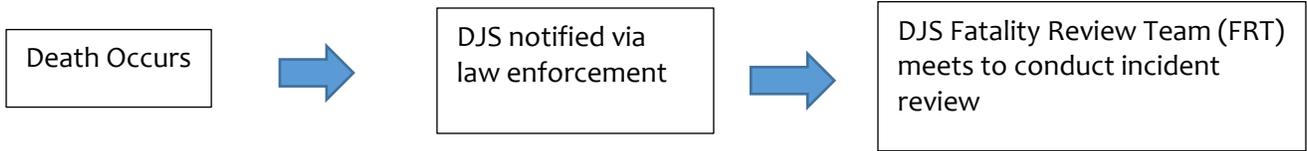
The legislation modified the juvenile records confidentiality statute by permitting State Advisory Board members access to confidential records for the singular purpose of conducting these examinations.

Prior to *House Bill 169 (2019)*, the Department had limited ability to share information with individuals not specifically identified in the juvenile records confidentiality statute. Such limits resulted in an inability to effectively obtain outside review of situations that could result in positive changes to prevent such events within the juvenile justice system. Board members are uniquely positioned to undertake this task as they come from a wide array of backgrounds and are familiar with juvenile law, practice and procedure. This legislation strengthens the Department's commitment to transparency and a collaborative approach to policy decisions.

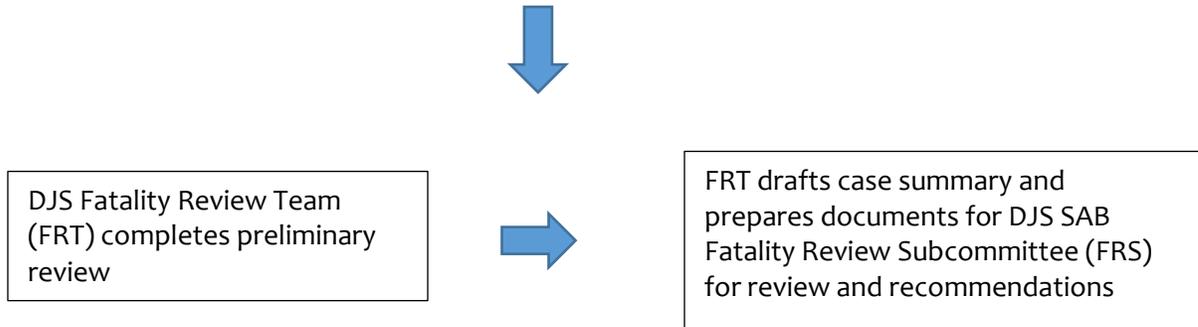
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## Timeline

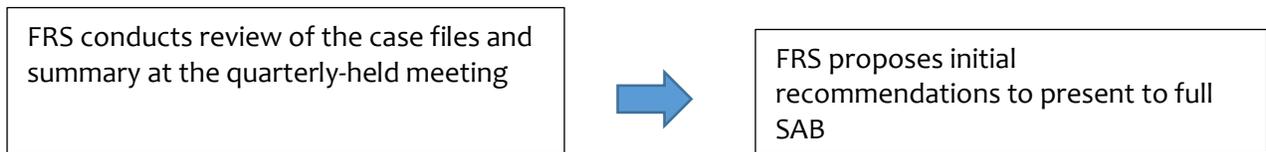
### Notification Process:



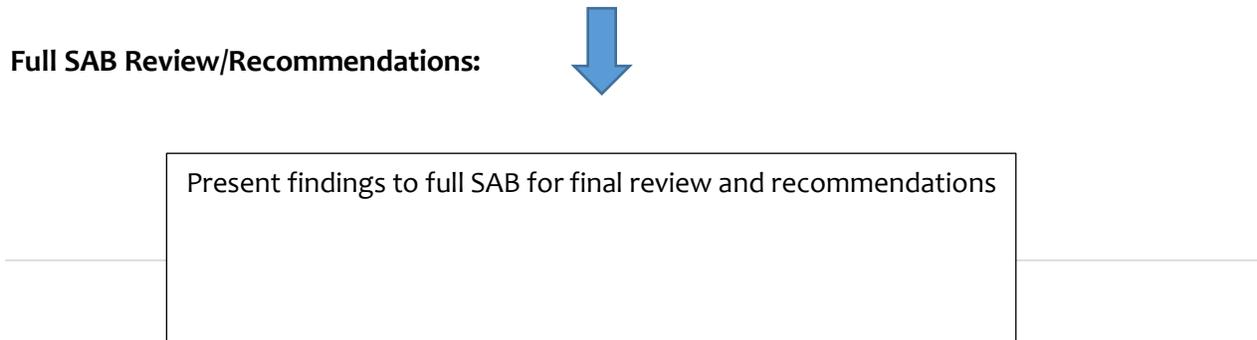
### DJS Fatality Review Team (FRT) Process:



### SAB Fatality Review Subcommittee (FRS) Process:



### Full SAB Review/Recommendations:



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### DJS Fatality Review Team (FRT): Operating Principle

The circumstances surrounding a youth's death are multidimensional, and deserve systematic, multi-agency review. The internal review process must focus on developing a comprehensive timeline regarding each interaction the youth had with the juvenile justice system. In order for the DJS State Advisory Board (SAB) to adopt effective recommendations and actions to help avoid deaths in the future, this internal review process must be wide-ranging.

### Goals:

FRT is an internal review process within DJS in order to:

- Better understand the causes and incidence of youth deaths by identifying key players and specific events that may have contributed to the fatality while under DJS supervision;
- Develop a comprehensive summary to present to the SAB Fatality Review Subcommittee; and
- Provide staff support and data upon the request of the SAB.

### Objectives:

- Conduct an internal review of each youth death while under the supervision of DJS, and youth who are convicted or adjudicated of causing the death of another while under DJS supervision;
- Collect and organize juvenile history of each case and provide a detailed summary for the SAB; and
- Report to SAB quarterly to receive suggestions for the implementation of prevention policies, practices, and programs.

### DJS Fatality Review Team (FRT) Duties

The DJS FRT is coordinated by DJS staff who are directly notified by law enforcement of the fatality of a youth under DJS supervision. The DJS FRT plays a vital role in maintaining contact with SAB on the status of cases, developing case summaries, and recording information and recommendations from the SAB.

#### Common Duties:

- Coordinate SAB Fatality Review Subcommittee (FRS) meetings and ensure SAB FRS meeting notices are received by all team members;
- Present child fatality case summary and make case files and other DJS resources available to FRS;
- Distribute and collect signed confidentiality agreements from all SAB members
- Compile case summaries to be reviewed and distribute SAB members at the beginning of each meeting;
- Ensure that all cases are being tracked and are entered into a database for document retention; and
- Compile and submit any reports, correspondence or recommendations made by SAB to DJS or any other affiliated child serving agency.

### DJS FRT Case Summaries and Forms

The DJS Fatality Review Team (FRT) receives notification of a youth fatality through coordination with law enforcement. The Executive Director ensures all the pertinent data has been recorded for the youth in question and identifies any missing information. ***See Appendix II DJS Fatality Review Team Case Summary Form for specific data that will be collected and entered.***

### State Advisory Board (SAB)/Fatality Review Subcommittee (FRS): Structure

Maryland Human Services Article § 9-211 - §9-215 establishes the State Advisory Board for the Department of Juvenile Services. The SAB is comprised of individuals who have been vetted and come from a wide array of professions and backgrounds with years of working knowledge in juvenile law, practice and procedure.

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Maryland House Bill 169 (2019) authorizes the SAB to review cases of justice-involved youths that led to a fatality. As a result, the SAB formed a Fatality Review Subcommittee (FRS) that will review the specific details of these cases and bring their findings to the full SAB. At that point, the SAB members will make their final recommendations for any needed changes within the Department or the juvenile justice system as a whole.

### SAB Membership

Maryland Human Services Article § 9-212, establishes the membership of the SAB. The Fatality Review Subcommittee membership shall be drawn from the individuals, organizations and agencies represented by the Board. The State Advisory Board consists of the following 21 members appointed by the Governor:

- one representative of the Department
- one representative of the State Department of Education
- one representative of the Maryland Department of Health
- one representative of the Department of State Police
- one representative of the Social Services Administration of the Department of Human Services
- one representative of a private child welfare agency
- one representative of a youth services bureau
- three representatives of the State judiciary
- one representative of the General Assembly recommended by the President of the Senate
- one representative of the General Assembly recommended by the Speaker of the House
- one representative of the Maryland state's attorneys' association
- one representative of the Maryland office of the public defender; and
- seven members of the general public, of the seven members from the general public:
  - three shall be chosen on the basis of their interest in and experience with minors and juvenile problems
  - two shall: (i) at the time of appointment to a first term, be at least 16 years old and under the age of 25 years; and (ii) include at least one individual who has been under the jurisdiction of the Department;
  - one shall be an individual who is a parent or guardian of a youth who has been under the jurisdiction of the department; and
  - one shall be a victim advocate

Note: Effective October 1, 2020, the State Advisory Board will expand by two members to include two DJS employees who are recommended by AFSCME, pursuant to legislative passed in the 2020 Session. (SB0467 /HB0872)

### FRS Membership

The following SAB members will be standing members of the FRS:

- The Chair of the SAB
- The Secretary of DJS or their designee
- One member of a State Agency
- One member of the Maryland General Assembly
- One member from the general public
- Two additional members selected by the Chair

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In addition to the standing members there will be up to three additional and rotating members depending on their expertise in the case, availability of the standing members and level of interest.

Furthermore, any DJS employee is permitted to attend and present material pertinent to the case that is under review at a FRS meeting. The DJS employee must sign a confidentiality agreement prior to the start of a FRS meeting. DJS employees that currently staff the SAB, will also provide staff for the FRS.

### **SAB Fatality Review Subcommittee (FRS) Chair**

The chairperson of the FRS shall be the Chair of the SAB. The chairperson serves at the discretion of the SAB; term length is established by the SAB.

#### **Chairperson Duties:**

- Coordinate with DJS FRT to schedule and facilitate SAB meetings
- Select standing and rotational members to the FRS
- Ensure that the subcommittee operates according to protocols adopted by the SAB and those required by law, including that each confidentiality form is signed and has been reviewed by each member in attendance
- Present findings and summary from the FRS to the SAB

### **FRS Roles**

The role of the FRS members is to use their knowledge and expertise in juvenile justice systems to recommend changes, if necessary, in order to prevent future youth fatalities. Each member must be aware of the sensitive nature of each fatality review and respect the confidentiality of the records. Each member should provide information when possible, provide definitions of their profession's terminology, interpret procedures and policies of their agency, and explain the legal responsibilities or limitations of their profession.

The FRS will review all records compiled by DJS staff (FRT) and identify what may have contributed to the fatality and recommend systemic changes where needed. Finally, the FRS must determine and provide all relevant history of the case reviews and their summaries to the SAB for final recommendations.

### **Records Needed for Review**

The SAB Fatality Review Subcommittee may request additional records if available. However, the DJS Fatality Review Case Summary Form also specifies the records that are collected and that will be made available during a FRS meeting. (*Appendix II*).

### **FRS Duties: Reports and Recommendations**

The FRS shall consult the SAB regarding the production or dissemination of any report or recommendations made in any form. The only reports/recommendations that may be released shall be approved by the full SAB, once each member has reviewed the FRS summary and the Board records a majority vote in favor of releasing any report/recommendation. The following information should be included in each report/recommendation:

- Identify the circumstances and background information leading to the fatality;
- Recommend systemic changes to the juvenile justice system as a whole;
- Provide a detailed explanation of the recommended changes;
- Any reports or recommendations to the SAB must detail their findings and provide some narrative explaining their conclusions; and
- Include all contributing factors of the fatality.

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Reports/recommendations of the FRS are to be documented using the Fatality Review Subcommittee Form (**Appendix IV**) and presented to the full SAB for final review. No report/recommendation shall contain any confidential information protected from disclosure by law, under Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-27 (Appendix III). Upon approval by the SAB, the recommendations will be posted to the DJS website for public viewing.

### Frequency of Meetings

*Maryland Human Services Article § 9-214* requires the SAB to meet at least six times a year, the Fatality Review Subcommittee (FRS) will meet at least quarterly unless otherwise determined by the Board in order to allow adequate time and attention to review each case and make qualified and accurate recommendations.

### Public Members and Guests

Only members of the DJS FRT, the SAB and the FRS are permitted to review these cases unless otherwise determined by the SAB FRS. The SAB FRS can approve additional participants to the extent necessary to present findings that are pertinent to the case under review. If outside consultation is permitted by the SAB, they are **required** to receive approval in advance by the Chair and **must** sign a confidentiality agreement.

A representative of the Juvenile Justice Monitoring Unit (JJMU) may be permitted to attend with approval by the SAB Chairperson. DJS employees with particular knowledge or expertise may also be permitted to attend with approval by the SAB Chairperson; however, each additional attendee must sign a confidentiality agreement.

### Confidentiality and Information Sharing

Records and data obtained through the DJS Fatality Review Team (FRT) and shared with the SAB are confidential. Child fatality reviews are not a mechanism for criticizing or second-guessing an agency's, institution's or individual's decisions. They are a forum for the sharing of information essential to preventing future youth fatalities.

Both the FRT and SAB FRS may find that needed services in a case were not rendered or were inadequate. SAB and FRS members, along with any other approved public member or guest are not permitted to reveal outside of the meeting confidential information disclosed during the meeting.

At a review meeting, all data and information regarding the death of an identified youth or individual is confidential. Confidentiality agreements are **required** to be signed by every person who attends a fatality review meeting. A confidentiality form provided by DJS and approved by the DJS Assistant Attorney General is attached (**Appendix I**). At each meeting, FRS members are encouraged to discuss and required to sign confidentiality forms, to reinforce the importance of confidentiality of information.

DJS FRT members will bring their case files and records to each SAB FRS meeting and will leave with all of these documents at the end of each meeting. No transfer of written materials on specific cases should occur at review meetings including any summary documents or minutes taken during any meeting. Any summary documents/minutes created by the FRS should be returned to the DJS FRT staff at the end of the meeting. **These summary documents/minutes may be stored by DJS in a secured, locked location (e.g. file cabinet) with limited access and shall be consistent with state law and in accordance with the current applicable records retention and destruction schedule (Appendix VI). Nothing in these guidelines should be read to prevent**

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secure electronic sharing of information, provided the same requirements for record retention and confidentiality which apply to physical materials are observed.

The guiding principle is that the fatality review meeting itself is the place given privilege in the law to discuss confidential information. The SAB applies this by requiring that only information that is a matter of public record will be approved by the Board and contain no confidential information of the youth allowed by law. Any public correspondence will contain procedural recommendations rather than specific information regarding the case. SAB members may make notes only for the use of their agency according to agency confidentiality guidelines.

**Any misuse or inappropriate disclosure of the data is subject to penalties under State Government Article, § 8-501 – § 8-505 of the Annotated Code of Maryland (Appendix III) and cause for revocation of SAB membership.** If a breach in confidentiality has occurred, DJS will conduct an internal investigation. The outcomes of the investigation may result in removal from the SAB and potential criminal charges.

### Public Meetings

The meetings are closed to the public and not subject to **General Provisions Article, Title 3 (Appendix III)** when the SAB is discussing individual cases of youth deaths. When the SAB is not discussing individual cases of youth deaths, the meetings shall be open to the public and are subject to **General Provisions Article, Title 3**. However, at a public meeting, no information regarding confidential juvenile records may be disclosed.

### Case Entry and Completion

The DJS FRT will manage the case review storage and distribution of the SAB final recommendations. Upon approval by the SAB, the recommendations will be posted to the DJS website for public consumption.

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Appendix I. Confidentiality Agreement

DJS State Advisory Board (SAB) & Fatality Review Subcommittee (FRS): Confidentiality Agreement

I have read and understand Title 3, Subtitle 305 & 402, of the General Provisions Article. I understand that I am prohibited from and subject to penalties for disclosing any information that transpired at a meeting closed to the public.

I agree to safeguard any records, reports, investigative material, and information I receive from unauthorized disclosure. I will not take any case identifying material from a meeting other than that which originated in the organization I represent.

The purpose of a SAB Fatality Review Subcommittee is to conduct a multiagency, systematic examination of each youth who is convicted or adjudicated of causing the death of another while under DJS supervision or each youth death while under the supervision of DJS.

In order to assure a coordinated response that fully addresses all systemic concerns surrounding youth fatalities, all relevant data, including historical information concerning the deceased youth and his or her family, must be shared at fatality reviews. Much of this information is protected from disclosure by law, under Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-27. Therefore, reviews are closed to the public, and confidential information cannot be lawfully discussed unless the public is excluded.

In no case should any member or designee disclose any information regarding decisions outside the fatality review meetings, other than pursuant to confidentiality guidelines. Failure to observe this procedure may violate various confidentiality statutes that contain penalties.

Any member may make a public statement about the general purpose or nature of the youth death review process, as long as it is not identified with a specific case.

The undersigned agree to abide by the terms of this confidentiality agreement.

Member's Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

Agency/Organization \_\_\_\_\_ Date \_\_\_\_\_

Appendix II. Sample DJS FRT Case Summary Form

Maryland Department of Juvenile Services  
Fatality Review

**General Information**

Date:  
Youth Name:  
DOB:  
Sex:  
Race/ethnicity:  
Region/County:  
Address:

\*\*\*\*\*

**Review Reason**

Youth who are convicted or adjudicated of causing the death of another while under DJS supervision: (Date and summary of event)  
Death of a youth death while under DJS supervision: (date and summary of event)

\*\*\*\*\*

**Family Information**

Mother:  
Family History of Incarceration:  
Father:  
Criminal History:  
Legal/Current Guardian:  
Criminal History:

Sibling(s):  
Criminal/delinquency history):

Other Agency Involvement for youth or family members (DHS, DDA, MDH):

\*\*\*\*\*

**Youth Medical History – Somatic, Mental Health and Substance Abuse**

Summary of current conditions and treatment:  
Hospitalization history:  
Current medications:

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## Education Status

Education current grade:  
School:  
GPA:  
HS Credits earned:  
IQ/IEP/special education needs:

\*\*\*\*\*

## Youth Legal History

Chronological Order from first contact:  
Contact Date:  
Offense:  
DRAI:  
ATD Date:  
Detention Date:  
Intake Date:  
Intake Decision:  
MCASP Results  
Petition#:  
Adjudication Date: (summarize finding)  
Disposition Date:  
MCASP Results  
Department Recommendation: (SHI Summary recommendations or MAST summary recommendations)  
Court Disposition:  
Supervision/Commitment Summary: Service and supervision performance and engagement performance.  
Commitment services and performance in placement summary. Include summary of all court reviews/hearings to include Department recommendations and court decisions.  
Re-Entry date: Services and supervision performance and engagement performance summary. Include summary of all court review hearings to include Department recommendations and court decisions.

## Repeat for all contacts:

\*\*\*\*\*

## Summary of Court Ordered and DJS provided Services

Program:  
Service Dates:  
Performance:

\*\*\*\*\*

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**Summary of Committed out of home placement services**

Program:

Service Dates:

Performance:

\*\*\*\*\*

Supervision summary of 90 days leading up to the homicide event: Include contacts, ancillary services performance, court hearings, recommendations and decisions.

\*\*\*\*\*

### Appendix III. Statutes

- *General Provisions Article Title 3*
- *Human Services Article, § 9-211 - §9-215*
- *Courts and Judicial Proceedings Article § 3-8A-27(b)*
- *State Government Article, § 8-501 – § 8-505*

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### Appendix IV. Fatality Review Subcommittee Form

#### DJS State Advisory Board Fatality Review Team (FRT) / Subcommittee (FRS) Report Summary (Date)

##### FRT/FRS Members in Attendance:

##### DJS FRT:

(FRT members listed here)

##### SAB FRS:

(FRS members listed here)

##### Key Findings:

- (Key findings listed here)

##### Recommendations for Juvenile Justice System Stakeholders:

- (Recommendations listed here)

##### Case Overview:

(Case review provided here, no names or personal identifiable information is given)

### Appendix V. Final SAB Recommendation Form

#### DJS State Advisory Board Fatality Review Recommendations

The Department of Juvenile Services (DJS) Fatality Review Team (FRT) presented the case of a youth who suffered a fatality while under DJS supervision. The Fatality Review Subcommittee (FRS) of the DJS State Advisory Board (SAB) also reviewed the case with the FRT and developed recommendations which were presented to the SAB to review and finalize. Below are the key findings and recommendations proposed by the DJS SAB:

##### Key Findings:

- (Key findings listed here)

##### Recommendations for Juvenile Justice System Stakeholders:

- (Recommendations listed here)

**Appendix VI. Record Retention**

Consistent with the DJS records retention schedule, DJS shall maintain records related to the FRS review for a period of three-years from the completion of the FRS review.