



**Maryland Department of Juvenile Services
Prison Rape Elimination Act
2022 Annual Report**

The mission of the Maryland Department of Juvenile Services (DJS) is a child-serving agency responsible for assessing the individual needs of referred youth and providing intake, detention, probation, commitment, and aftercare services. DJS collaborates with youth, families, schools, community partners, law enforcement, and other public agencies to coordinate services and resources to contribute to safer communities.

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The Department of Juvenile Services (DJS) has a zero tolerance policy for all acts of sexual abuse and harassment. DJS has established the Elimination and Reporting of Sexual Abuse and Harassment Policy and Procedures pursuant to the Prison Rape Elimination Act (PREA) Juvenile Facility Standards, to prohibit and prevent sexual abuse and harassment and to detect, report, investigate, and address any allegation of abuse or harassment involving any youth in DJS custody and its licensed or contracted residential program providers. The Department of Justice (DOJ) developed national standards to provide comprehensive guidelines for preventing, detecting, and eliminating incidents of sexual abuse and harassment involving adult inmates and youth in detention and residential facilities. DOJ published final PREA Juvenile Facility Standards, which became effective on August 20, 2012. In 2012, DJS mandated all state operated residential facilities to comply with these standards.

DJS is committed to maintaining full compliance with the requirements of the Prison Rape Elimination Act (PREA) and most importantly providing safe and secure environments for youth. Extensive efforts are taken to comprehensively investigate all reported allegations of sexual abuse and harassment. Allegations are reported to Child Protective Services, the Maryland State Police and the DJS Office of the Inspector General for investigation. Management teams are required to review all investigations to determine the need for staff and/or youth corrective action, policy and procedure modifications, training recommendations, and physical plant enhancements.

Pursuant to PREA Juvenile Facility Standards §115.387, §115.388, and §115.389, DJS is mandated to collect data for each allegation of sexual abuse occurring in its facilities. This data must include, at a minimum, the data required to answer all questions from the most recent version of the Survey of Sexual Victimization conducted by the DOJ Bureau of Statistics.

Additionally, DJS is required to obtain incident-based and aggregate data from contracted private providers. The agency has redacted specific material from publication such as personal identifying information and information that would present a clear and specific threat to the safety and security of the agency's facilities. Lastly, the agency ensures the data collected is readily available to the public through our website and data is retained for the required number of years as required by law.

For the past two years, DJS continues to work closely with health experts and the Maryland Department of Health (MDH) to minimize the impact of COVID-19 on residential operations. DJS has implemented mitigation strategies that are both consistent with guidance provided by MDH and the Center for Disease Control (CDC) to keep youth and staff safe during the health crisis. DJS continues to review the juvenile detention facilities and treatment programs populations to identify youth to the local courts that may be safely supervised in the community.

In 2021, because of the increase in COVID-19 cases DJS facilities restricted off-grounds outings, suspended in-person family visitation, reduced volunteer and vendor programming services and provided youth with virtual education services.

DJS youth participated in outdoor activities with restrictions on intramural sports and cross unit sports due to the level of contact. Facility and recreation staff were creative with individual competitions such as races, obstacles, and exercise challenges.

Due to COVID-19, the facility rated capacities were also temporarily decreased to maintain smaller size units of youth to staff ratios. There was significant decreases in the youth population in DJS detention facilities and treatment programs and in the utilization of private providers in calendar year 2020. However, in calendar year 2021 youth population increased by 26% overall. In 2021, the average length of stay increased at three of four treatment programs, Backbone Mountain Youth Center (5%), Green Ridge Youth Center (1%), and Mountain View (200%).

For detention facilities, four out of five facilities had an increase in the average length of stay for youth, specifically Baltimore City Juvenile Justice Center (4%), Charles H. Hickey Jr. School (4%), Lower Eastern Shore Children's Center (4%) and Western Maryland Children's Center (19%.) In 2021, the average length of stay for youth charged as adults increased at three of seven detention facilities, Charles H. Hickey Jr. School (19%), Cheltenham Youth Detention Center (7%), and Lower Eastern Shore Children's Center (110%).

Facility closures are as follows:

- March 14, 2020 Savage Mountain Youth Center closed. Savage Mountain Youth Center was renamed Garrett Children's Center on June 3, 2020. November 5, 2020 Garrett Children's Center was temporarily closed, the remaining youth were moved to the Victor Cullen Center.
- March 20, 2020 J. DeWeese Carter Center was temporarily closed and youth were moved to the Lower Eastern Shore Children's Center. J. DeWeese Carter Center was reopened in May prior to its permanent closure on June 30, 2020. As of June 19, 2020 the female population moved to Mountain View on the grounds of Backbone Mountain Youth Center. The female population was housed at Mountain View until Dec. 22, 2021 when the facility was changed to a triage unit for Western Maryland treatment programs.
- June 30, 2020 Meadow Mountain Youth Center closed.
- December 2, 2021 Alfred D. Noyes Children's Center temporarily closed and reopened in March 2, 2022.
- March 2, 2022 Thomas J. T. Waxter Children's Center closed.

This report analyzes the DOJ Survey of Sexual Victimization data for calendar year 2021, compares data for calendar years 2019, 2020, 2021 and provides a five-year trend analysis.

Aggregated data is categorized in the following areas:

- Staff-on-Youth Sexual Harassment
- Staff-on-Youth Sexual Misconduct
- Youth-on-Youth Sexual Harassment
- Youth-on-Youth Abusive Sexual Contact
- Youth-on-Youth Nonconsensual Sexual Acts

The DOJ Survey of Sexual Victimization defines four (4) investigation outcomes.

- **Substantiated** - the event was investigated and determined to have occurred, based on a preponderance of the evidence.
- **Unsubstantiated** - the investigation concluded that evidence was insufficient to determine whether or not the event occurred.
- **Unfounded** - the investigation determined that the event did not occur.
- **Investigation Ongoing** - evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

SECTION I

STATE OPERATED FACILITIES

Figure 1. Demographics

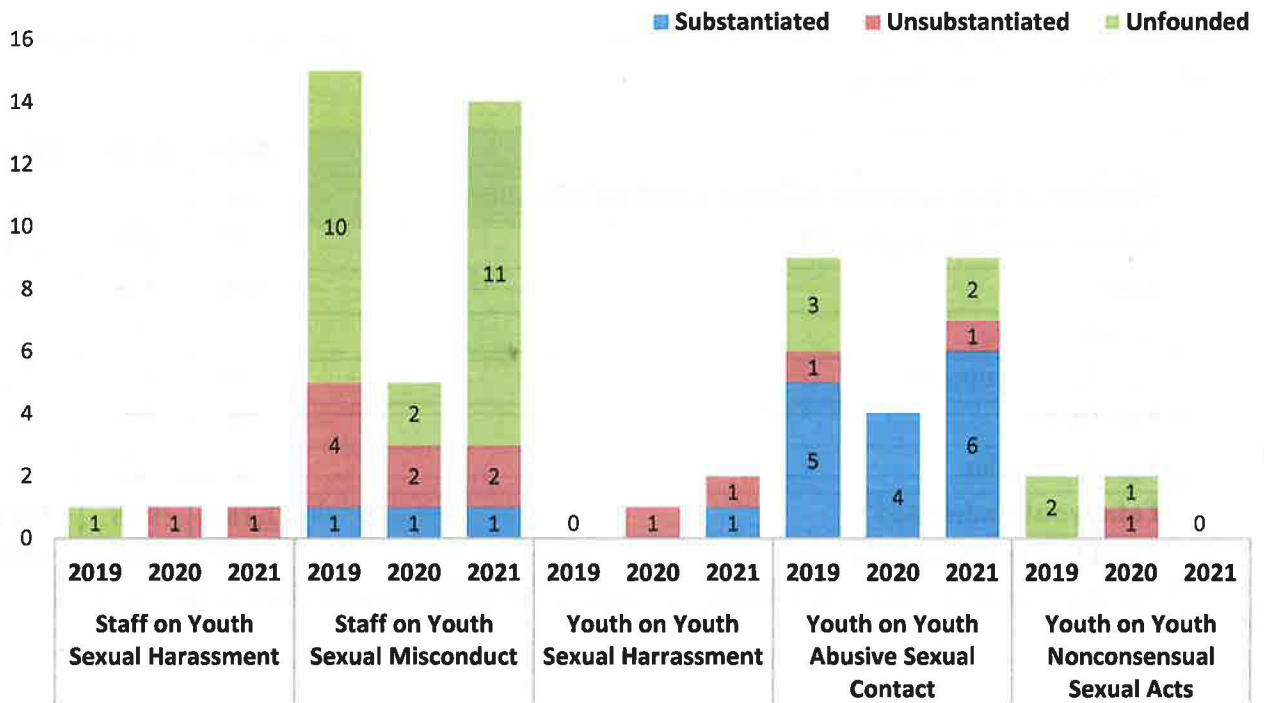
The following aggregate data depicts basic demographics by total admissions and discharges, yearly census, gender, and age.

	2019	2020*	2021*
Number of DJS facilities holding youthful offenders	14	12	10
Total Census December 31	347	149	188
Male	306	126	175
Female	41	23	13
Age 17 and younger	289	126	158
Age 18-20	58	23	30
Age 21 or older	0	0	0
Total youth admitted	2,162	996	838
Total youth discharged	2,187	1,189	798

* Data may not be comparable to prior years due to the impact of COVID-19. For further details, see the *Data Resource Guide*.

Figure 2. Aggregate data for calendar years 2019-2021 by allegation and investigation outcome.

PREA Allegations In State Facilities, CY2019-2021



List of DJS Facilities:

- Backbone Mountain Youth Center (BMYC)
- Baltimore City Juvenile Justice Center (BCJJC)
- Cheltenham Youth Detention Center (CYDC)
- Green Ridge Youth Center (GRYC)
- Charles H. Hickey, Jr. School (CHHS)
- J. DeWeese Carter Children’s Center (closed 6/30/2020)
- Mountain View (opened 6/19/2020)
- Lower Eastern Shore Children’s Center (LESCC)
- Meadow Mountain Youth Center (MMYC) (closed 6/30/2020)
- Alfred D. Noyes Children’s Center (temp. closed 12/21/2021)
- Garrett Children’s Center (temporarily closed 11/5/2020)
- Thomas J.S. Waxter Children’s Center (closed 3/2/2022)
- Victor Cullen Center (VCC)
- Western Maryland Children’s Center (WMCC)

Figure 3. Total Reported Allegations- Detention Facilities and Treatment Programs CY2019- CY2021.

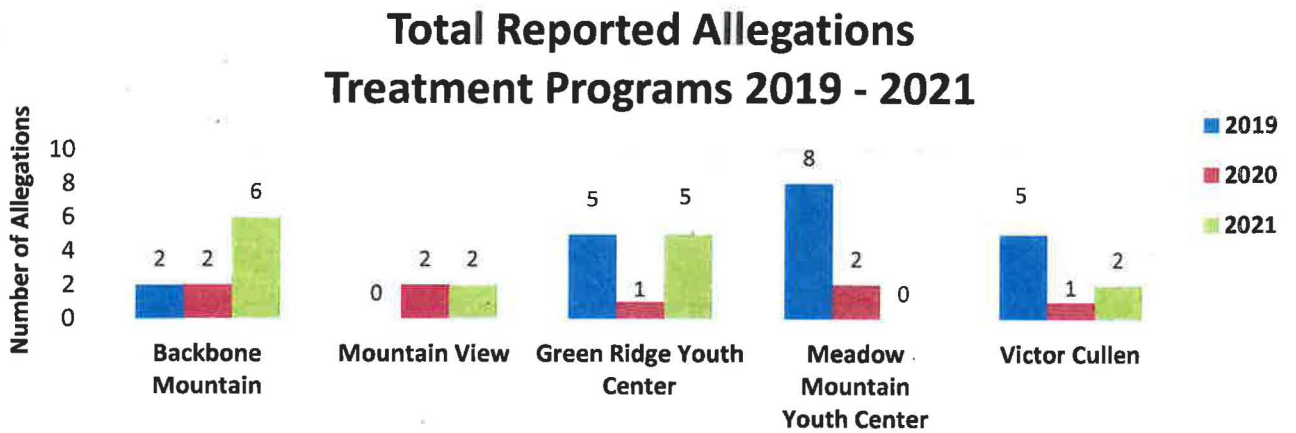
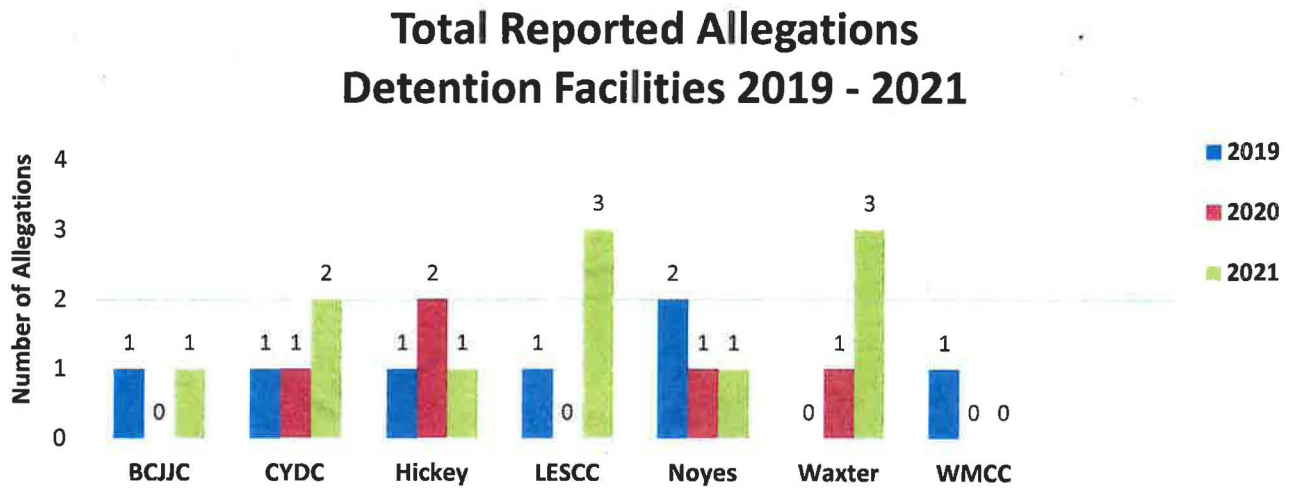
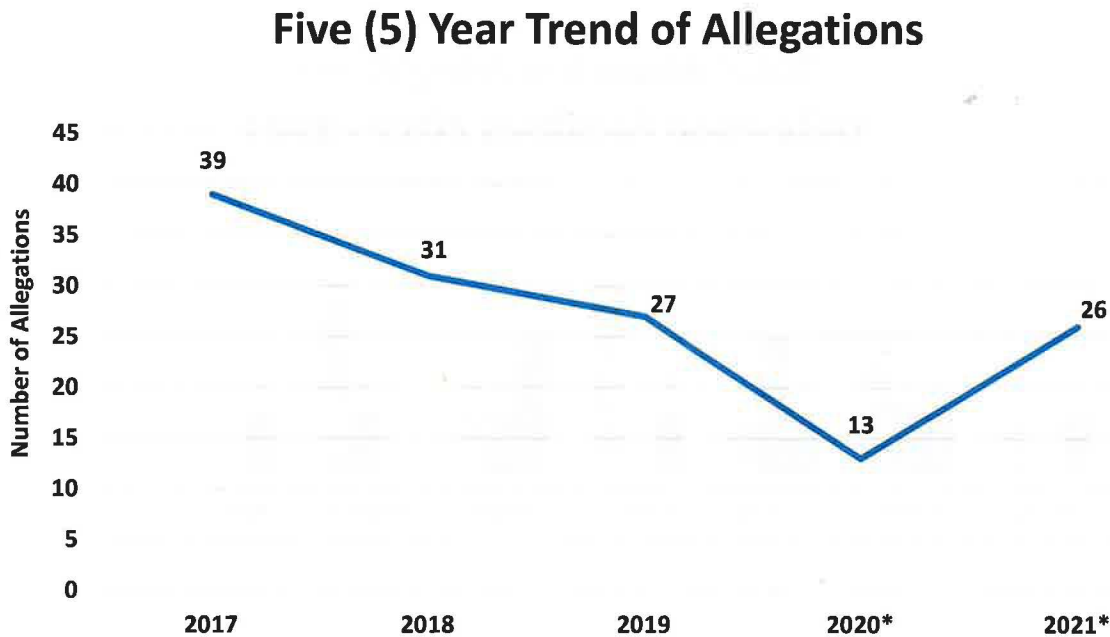
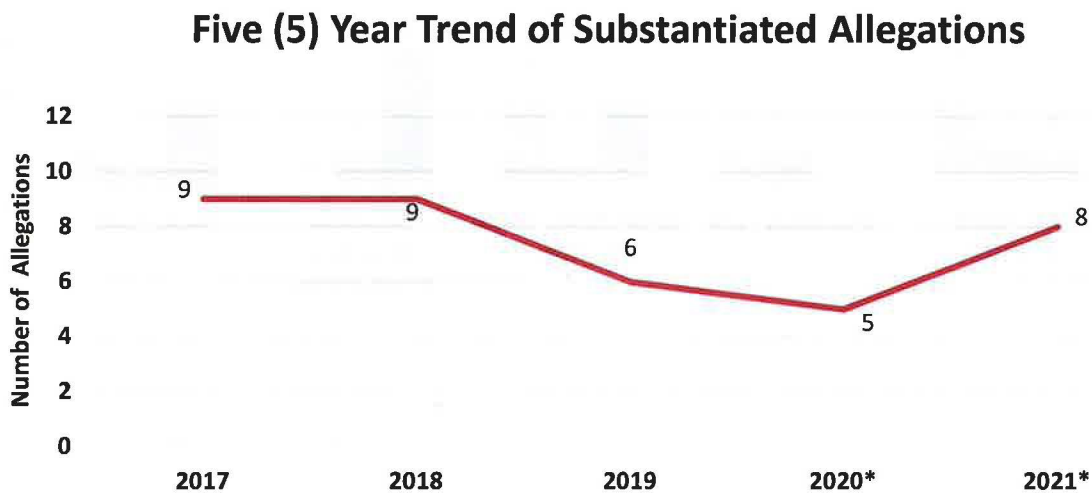


Figure 4. Total Reported Allegations – Five (5) Year Trend

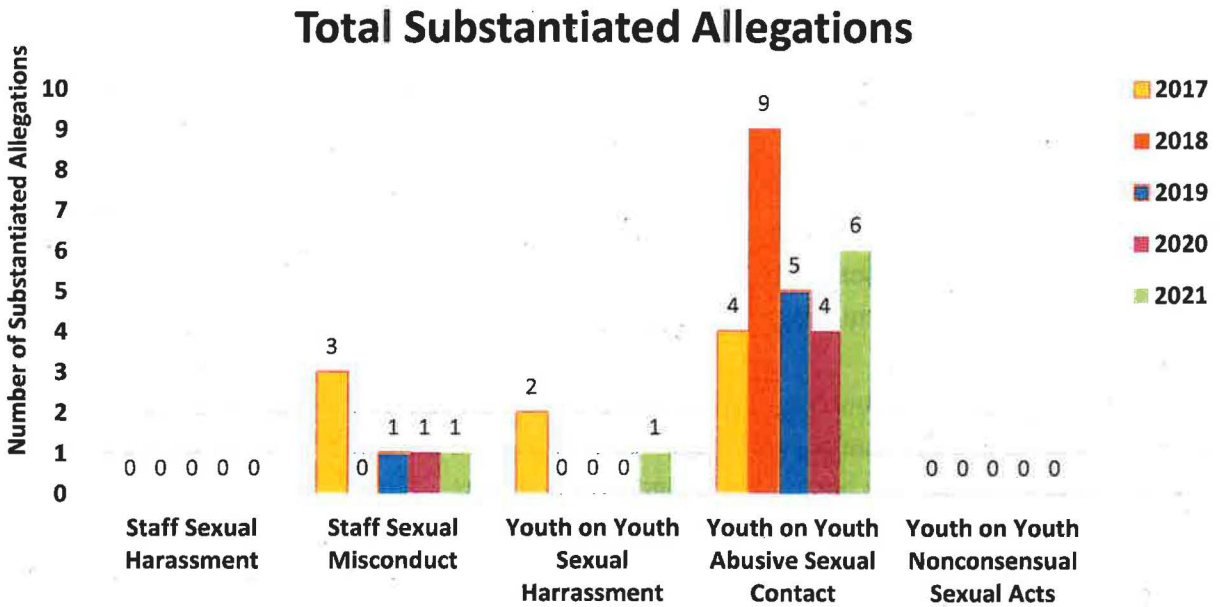
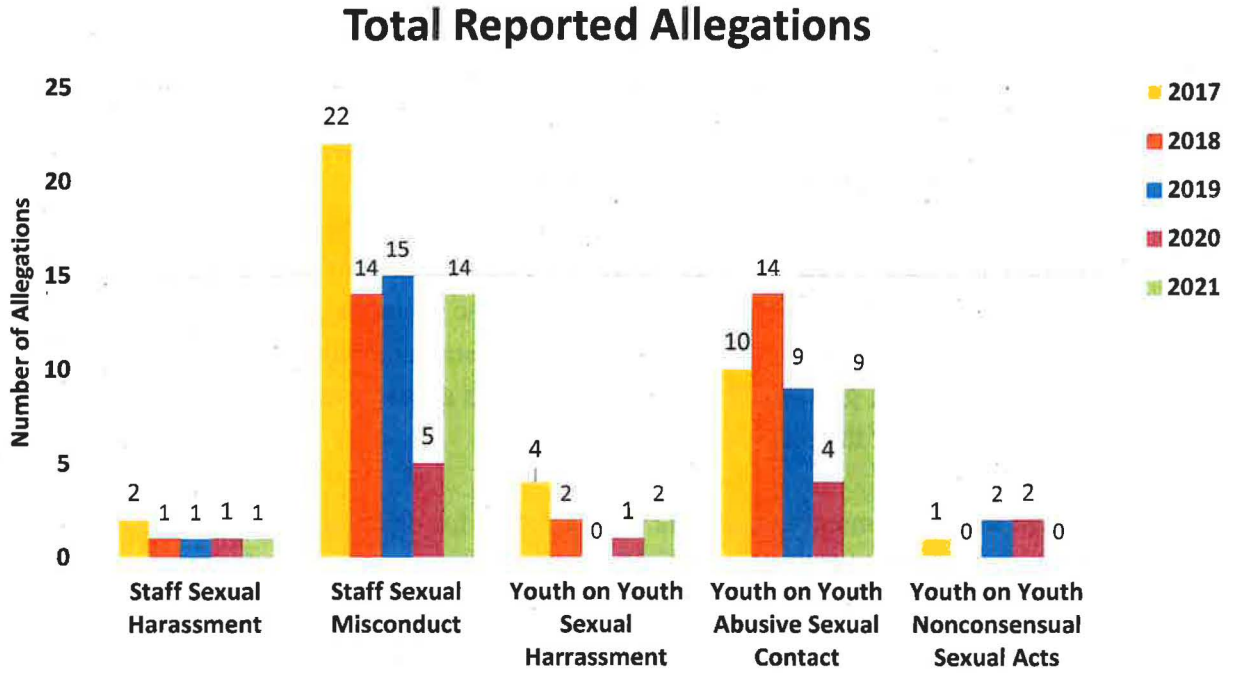


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Figure 5. Total Reported Allegations – Five (5) Year Trend by Allegation.



DJS Data Analysis

In calendar year 2021, DJS operated eleven residential facilities, seven detention and four treatment facilities. In calendar year 2021, there were twenty-six alleged incidents of sexual abuse and harassment reported across ten facilities, four treatment and six detention facilities. The total number of allegations increased from the previous year, 2020 by fifty percent (50%).

For the fourth straight year, staff sexual harassment allegations remained unchanged at one with a finding of unsubstantiated. Youth on youth nonconsensual sexual acts decreased from two to zero overall from the previous two years. There was a slight rise in youth on youth sexual harassment allegations of one from the previous year. Staff sexual misconduct allegations increased to fourteen from five from the previous year. Youth on youth abusive sexual contact allegations increased to nine from four the previous year.

All sexual abuse and harassment allegations were referred for criminal investigations to the Maryland State Police, Child Protective Services, and administrative investigations were conducted by Facility Management and the DJS Office of the Inspector General. Criminal and Administrative investigations determined eight of twenty-six allegations were substantiated; six youth on youth abusive sexual contact, one youth on youth sexual harassment and one staff sexual misconduct. Video surveillance continues to be an invaluable tool to assist with investigations. Facility and agency management carefully reviewed all investigations and took corrective action where appropriate.

Substantiated Allegations

- Six allegations were youth on youth abusive sexual contact: The nature of all six allegations was unwanted touching surprising the victim and four resulting from horseplay.
- Youth involved in all six allegations were separated for their safety, they were seen by medical and referred to mental health professionals for safety planning, were held accountable through the behavior management program as appropriate, and re-educated on facility rules and expectations.
- Of the six allegations, four youth were charged with second-degree assault by law enforcement, and the charges were resolved at intake for all youth. The youth were also held accountable through the behavior management program.
- One allegation of youth on youth sexual harassment resulted in repeated and unwelcome sexual advances and youth involved were separated and reassessed by behavioral health staff. The aggressor was held accountable through the behavioral management program as appropriate.
- One allegation of staff on youth sexual misconduct involved a male direct care staff and a female youth that resulted in a sexual relationship that occurred outside of the facility and in the community. The male staff was removed from having further contact with the youth and placed on administrative leave pending the outcome of the investigation. Corrective action in this matter included separation of employment, arrested and charged by law enforcement, and

referred for criminal prosecution. Direct care staff continue to receive additional training on professionalism and appropriate boundaries with youth.

Aggregate Data Analysis

The trends for total reported allegations for calendar years 2017 through 2021 shows a sizable decrease attributed to the department's steadfast focus to educate youth and staff on all topics related to PREA, to include multiple methods for reporting allegations, being aware of the facility environment, staff and youth interactions, maintaining staff to youth ratios, and continued staff training on professionalism and boundaries.

The five-year trend analysis from 2017 through 2021 shows an overall decrease in the total number of allegations except calendar year 2021:

- 39 allegations in 2017 decreased to 31 in 2018- decrease of 21%
- 31 allegations in 2018 decreased to 27 in 2019- decrease of 13%
- 27 allegations in 2019 decreased to 13 in 2020- decrease of 52%.
- 13 allegations in 2020 increased to 26 in 2021- increase doubled or 100%

The five-year trend analysis from 2017 through 2021 shows an overall decrease in the total number of substantiated allegations with a slight increase in 2021:

- 9 allegations in 2017 and 2018- no percentage change
- 9 allegations in 2018 decreased to 6 in 2019- decrease of 33%
- 6 allegations in 2019 decreased to 5 in 2020- decrease of 17%
- 5 allegations in 2020 increased to 8 in 2021- increase of 37%

For 2021, there was a total of eight substantiated allegations, six youth on youth abusive sexual contact was unwanted touching resulting from horseplay. One allegation youth on youth sexual harassment resulted in repeated and unwelcome sexual advances. There is ongoing youth education groups related to youth on youth sexual abusive contact and harassment allegations, overall safety and promoting positive youth relationships.

One allegation of staff on youth sexual misconduct involved a male direct care staff and female youth that resulted in a sexual relationship that occurred in the community. Facility staff receive three hours of annual PREA refresher on staff preventative measures, responsive planning, and maintaining staff professionalism and boundaries. In 2021, there were zero substantiated determinations with staff sexual harassment and youth on youth nonconsensual sexual acts allegations.

Six of the eight substantiated allegations occurred in treatment programs that were staff secure facilities where youth movement is controlled by staff supervision rather than by restrictive architectural features. Staff secure facilities are open dorm like settings where youth do not have individual rooms. The one youth on youth abusive sexual contact allegation occurred in a

detention facility, specifically the unit incentive room. The one staff sexual misconduct substantiated allegation began while the youth was in a detention facility resulting in a sexual relationship that occurred in the community.

In 2021, the total number of allegations increased twofold from the previous year, thirteen allegations in 2020 to twenty-six in 2021. Allegation categories that had an increase was staff sexual misconduct (five to fourteen) and youth on youth abusive contract (four to nine). Administrative and criminal investigations were conducted on all staff sexual misconduct and youth on youth abusive sexual contact allegations.

Of the fourteen staff sexual misconduct youth allegations, eleven which is 79% were determined to have an unfounded outcome. The number of allegations ruled as unfounded were the result of staff performing their job duties and responsibilities established by agency and facility policies and operating procedures.

The eleven motivating factors are listed below:

- Four allegations made after staff held youth accountable through the behavior motivation system;
- Two from staff properly performing a restraint;
- One made after staff performed a proper pat down search;
- One while staff supervised showers;
- One while staff supervised bathroom breaks;
- One youth manipulation and making a false report;
- One allegation made during a routine physical examination by medical staff.

Of the remaining three youth allegations, two were unsubstantiated with youth manipulation and making a false allegation while taking a shower and performing bodily functions were the motivating factors. The one substantiated allegation the staff was removed from coverage pending the outcome of the investigation. Of the fourteen youth allegations the trends in the youth population consisted of six youth charged as adults, eight youth were charged with violent offenses and five were previously housed at adult detention facilities.

As previously indicated there were nine youth on youth abusive sexual contact allegations in 2021. Six allegations were determined substantiated, one unsubstantiated, and two unfounded. Of the nine allegations, four victims were younger than the aggressor, four of the same age, and one victim was older than the aggressor. With regard to youth involvement, three youth were involved in more than one incident. Two youth were identified as both the victim and aggressor and one youth was the aggressor in three allegations. The nature of allegations were the result of horseplay and unwanted touching. There were zero allegations resulting in coercion or physical force.

Facility Analysis of Substantiated Allegations

- Green Ridge Youth Center- Three allegations of youth on youth abusive sexual contact. Two allegations involved horseplay and unwanted touching when the aggressor smacked the youth in the genital area. The third allegation involved unwanted touching, and surprised the victim when the aggressor touched another youth rectum area while playing basketball.
 - Corrective Action – The victims in all three allegations were separated from the aggressor, provided a medical examination, and referred to behavioral health for follow up treatment. The aggressors involved was held accountable through the behavior management system as appropriate and charged with second-degree assault by law enforcement. Follow up education was provided to youth on program rules and expectations.
- Backbone Mountain Youth Center – Two allegations of youth on youth abusive sexual contact. The nature of the allegation involved unwanted touching, and surprised the victim when the aggressor smacked the youth on the buttock resulting from horseplay.
 - Corrective Action – The victims in all two allegations were separated from the aggressor, provided a medical examination, and referred to behavioral health for follow up treatment. The aggressors involved was held accountable through the behavior management system as appropriate and charged with second-degree assault by law enforcement. Follow up education was provided to youth on program rules and expectations.
- Cheltenham Youth Detention Center – One allegation of youth on youth abusive sexual contact that involved unwanted touching when the aggressor smacked the youth on the buttock.
 - Corrective Action – The victim was separated from the aggressor, provided a medical examination, and referred to behavioral health for follow up treatment. The aggressor involved was held accountable through the behavior management system as appropriate. Follow up education was provided to youth on program rules and expectations.
- Mountain View- One allegation of youth on youth sexual harassment. The nature of the allegation was related to the aggressor making repeated and unwelcome sexual advances and requests for favors.
 - Corrective Action - The victim was separated from the aggressor, given a medical examination, and provided behavioral health services. Both the victim and the aggressor was referred to medical and behavioral health services and held accountable through the behavior management system. Youth were educated on program rules and expectations.
- Lower Eastern Shore Children’s Center– One allegation of staff on youth sexual misconduct involved a male direct care staff and female youth that resulted in a sexual relationship that occurred outside of the facility in the community. The male staff was removed from having further contact with youth and placed on administrative leave pending the outcome of the investigation.

- Corrective actions included staff separation of employment, arrested, and charged by law enforcement, and referred for criminal prosecution. Direct care staff received additional training on professionalism and appropriate boundaries with youth.

SECTION II

PRIVATE PROVIDERS

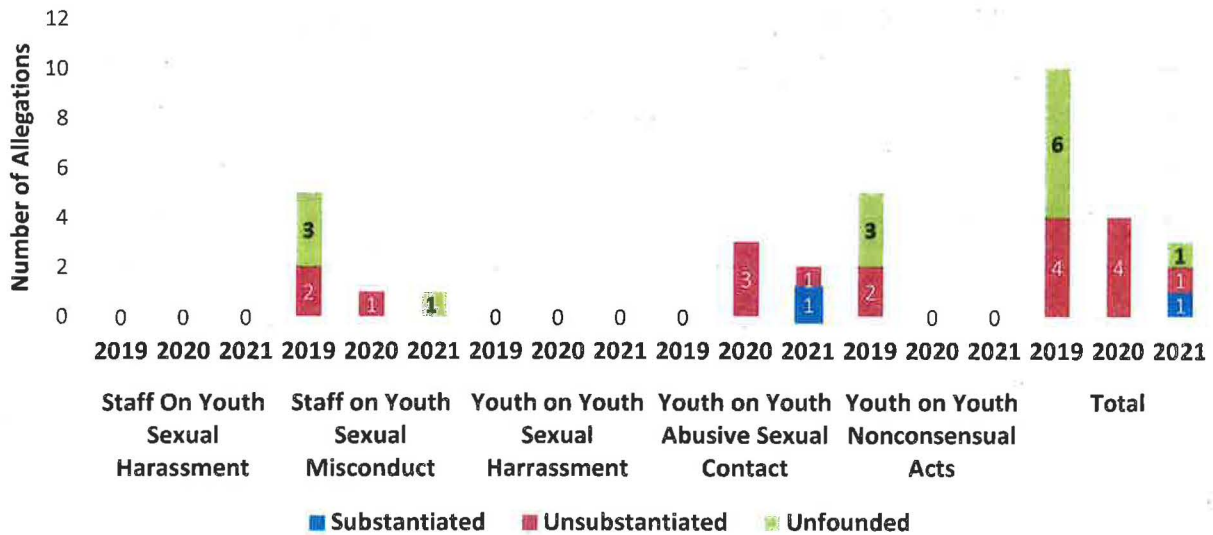
Figure 6. Demographics

	2019	2020**	2021
Number Private Providers Servicing DJS Youth*	45	19	17
Total Census December 31	165	58	51
Male	137	53	47
Female	28	5	4
Age 17 and younger	108	33	32
Age 18-20	57	25	19
Age 21 or older	0	0	0
Annual Total youth admitted	313	150	105
Annual Total youth discharged	334	256	112

*Includes all contracted providers housing DJS committed youth in Maryland and out of state, except for RTC's and Foster Care Programs. **CY 2020 may not be comparable to prior years due to the impact of COVID-19. For further details, see the *Data Resource Guide*.

Figure 7. Aggregate data for calendar years 2019-2021 by allegation and investigation outcome

PREA Allegations in Private Facilities, CY 2019 - 2021



List of Private Providers:

- Cornell Abraxas - PA
- Hearts and Homes - MD
- Natchez Trace Youth Academy - TN
- Silver Oak Academy - MD
- Summit Academy – PA (Closed in 2021)
- Children’s Group Home-PA
- Morningstar Youth Academy-MDE

Figure 8. Total Reports by Private Providers for calendar years 2019-2021.

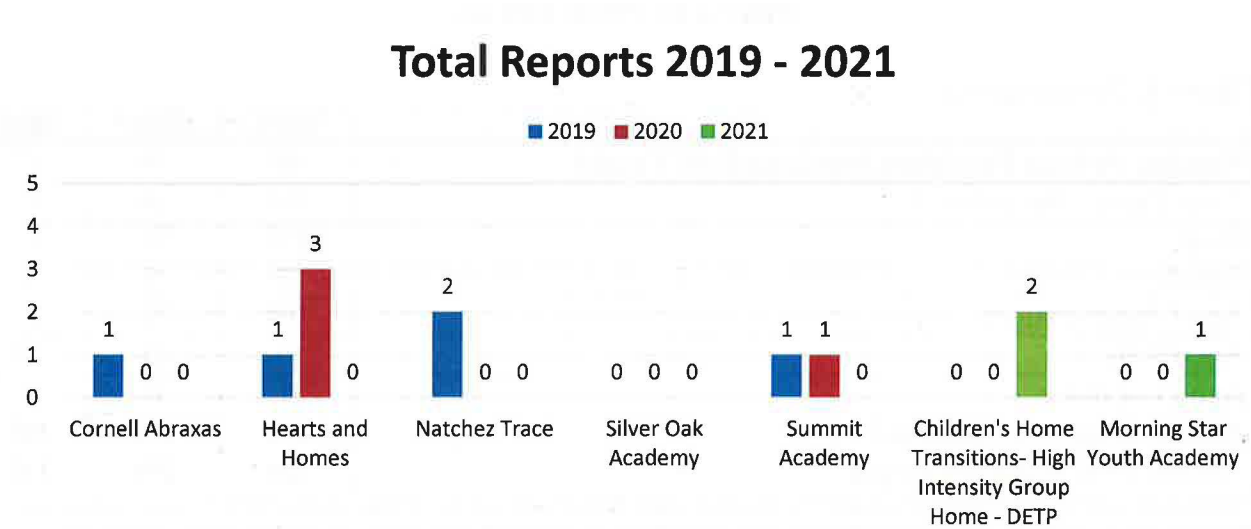


Figure 9 -Total Reported Allegations – Three (3) Year Trends

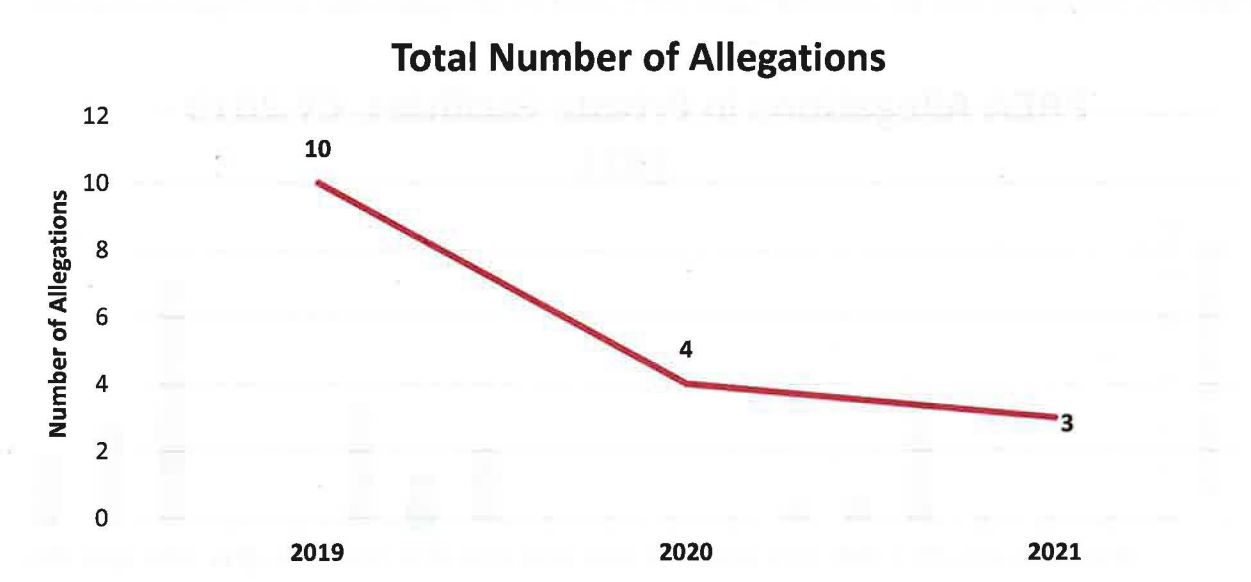
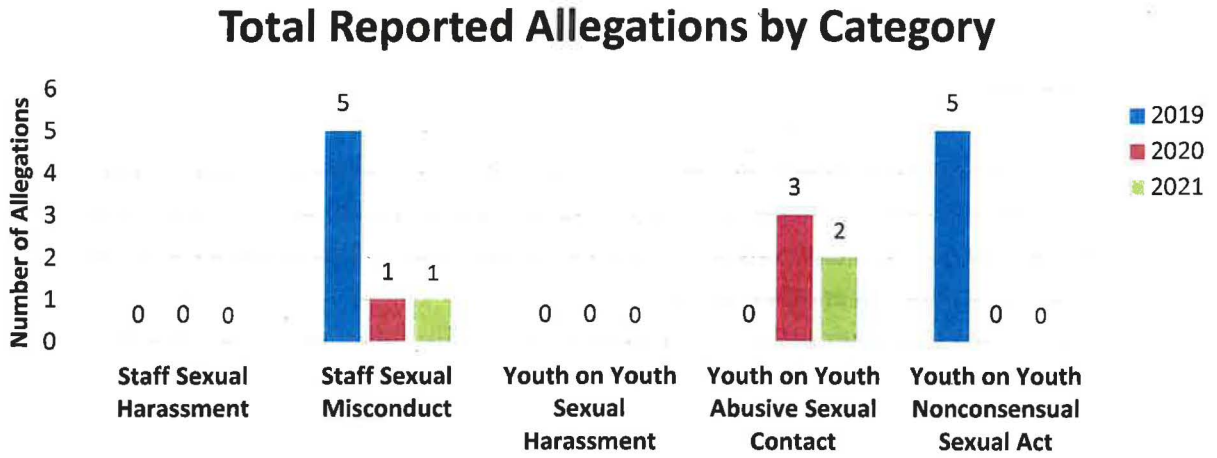


Figure 10 -Total Reported Allegations – Three (3) Year Trend by Category.



Private Provider Analysis

Private provider services are monitored by the DJS Quality Assurance Unit. In 2021, there were three allegations reported across two facilities, resulting in one substantiated, one unsubstantiated, and one unfounded.

- Children's Transitions Group Home- Two youth on youth abusive sexual contact allegations resulting in outcomes of one allegation of substantiated and one allegation unsubstantiated. The nature of the two youth on youth allegations alleged one youth performed fellatio on another youth.
 - Corrective Action: The one substantiated finding, law enforcement and Child Protective Services were notified of the allegation. The criminal investigation resulted in the aggressor being charged as an adult and incarcerated for eighteen months. The victim was assessed and provided follow up medical and mental health services. Two staff were terminated for providing inadequate supervision of youth.
 - Corrective Action: The one unsubstantiated finding, the victim was separated from the aggressor. The victim and aggressor were referred for counseling services and held responsible through the facility rules and expectations. Both youth involved were educated on sexual education training and education.
- Morningstar Youth Academy- One staff sexual misconduct allegation with an unfounded outcome. The nature of the staff misconduct allegation reported by a witness, alleged staff touched a youth on the genitals and buttock.
 - Corrective Actions: For the staff sexual misconduct allegation, an immediate report was made to the local Child Protective Services and referred to law enforcement for investigation. The result of the investigations were CPS screened out and closed the matter and law enforcement did not file any charges against staff. Medical and behavioral health services were provided to the youth.

Aggregate data for the past three years reflect a limited number of allegations reported by private providers:

- Ten (10) in 2019
- Four (4) in 2020
- Three (3) in 2021


Substantiated allegations were zero (0) in 2019, 2020, and one (1) 2021.

ACCOMPLISHMENTS

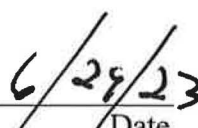
DJS continuously assesses the physical environment, investigates and completes incident reviews on allegations to eliminate sexual abuse and harassment within facilities. All PREA standards are integrated into policy and procedures. The PREA Coordinator oversees facility compliance and meets quarterly with facility PREA Compliance Managers to review PREA allegations and assess agency wide systems. DJS has conducted mock audits to maintain the highest levels of compliance with PREA standards. Video surveillance systems continue to be upgraded and additional cameras have been installed to enhance surveillance, eliminate blind spots, and assist with administrative investigations.

- A designated full time PREA Coordinator oversees facility compliance for detention facilities and treatment programs within the department.
- Each facility has a designated PREA Compliance Manager to review PREA allegations and assess agency wide systems in conjunction with the Superintendent.
- In 2021, 840 facility staff including direct care, case management, education, administrators, medical and behavioral health completed the departmental initial entry-level training and annual PREA refresher training. Facility volunteers and contracted vendors also complete PREA training.
- Approximately seventeen Behavioral Health, twenty-seven medical staff, and five administrative investigators completed the specialized training offered by the National Institute of Corrections.
- Mock audits conducted at seven facilities in preparation for the 2021 certified PREA audits. Seven facility PREA audits performed resulting in full compliance with the PREA standards.
- PREA annual audits completed by a certified PREA auditor. All facilities have passed annual audits with full compliance. To date, thirty-three PREA facility audits have been completed, including seven in 2021. Annually, the PREA Coordinator completes the DOJ Survey of Sexual Victimization and the DJS PREA report.
- Both state agencies, Department of Juvenile Services and Department of Public Safety and Correctional Services (DPSCS) filed full compliance in 2021 Governor's Certification for Audit Year 2 of Cycle 3.

The Maryland Department of Juvenile Services will continue its commitment to provide for the safety and well-being of the youth we serve. We continue to invest resources to educate the youth, train staff, modify policies and procedures, and upgrade facility physical plants to support the prevention, detection, reporting and investigating of all forms of sexual abuse.



Vinny Schiraldi, Secretary
Maryland Department of Juvenile Services



Date