



Maryland Department of Juvenile Services

Prison Rape Elimination Act

2017 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.

Sam Abed, Secretary

Maryland Department of Juvenile Services
120 West Fayette Street
Baltimore, Maryland 21201
1-888-639-7499
djs.maryland.gov

The Department of Juvenile Services has a zero tolerance policy for all acts of sexual abuse and harassment. The Department 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 the custody of the Department and its licensed or contracted residential program providers. In 2003, President George W. Bush signed the Prison Rape Elimination Act (PREA) into law. 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. The DOJ published final PREA Juvenile Facility Standards which became effective on August 20, 2012. The Maryland Department of Juvenile Services (Department, DJS) mandated all state operated residential facilities to comply with these standards.

The Department 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 corrective actions, which may include policy and procedure modifications, staff and/or youth discipline.

Pursuant to PREA Juvenile Facility Standards §115.387, §115.388, and §115.389, the Department 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 Department of Justice Bureau of Statistics.

Additionally, the Department 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.

This report analyzes the DOJ Survey of Sexual Victimization data for calendar year 2016. This report also compares data for calendar years 2014, 2015 and 2016 and also provides a five-year trend analysis.

Data is categorized in the following areas:

- Staff-on-Youth Sexual Harassment
- Staff-on-Youth Sexual Misconduct
- Youth-on-Youth Sexual Harassment (added by DOJ in 2013)
- Youth-on-Youth Abusive Sexual Contact
- Youth-on-Youth Nonconsensual Sexual Acts

The DOJ Survey of Sexual Victimization defines four investigation outcomes.

- **Substantiated** - the event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).
- **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 the basic demographics by total admissions and discharges, yearly census, gender, and age.

	2014	2015	2016
Number of DJS facilities holding youthful offenders	14	14	13
Total Census December 31	427	448	425
Male	383	408	384
Female	44	40	41
Age 17 and younger	354	389	362
Age 18-20	72	59	62
Age 21 or older	1	0	1
Annual Total youth admitted	4,375	3,983	3,221
Annual Total youth discharged	4,445	3,962	3,224

Figure 2. Aggregate data for calendar year 2014 by category.

DJS 2014 Total Reports- 9

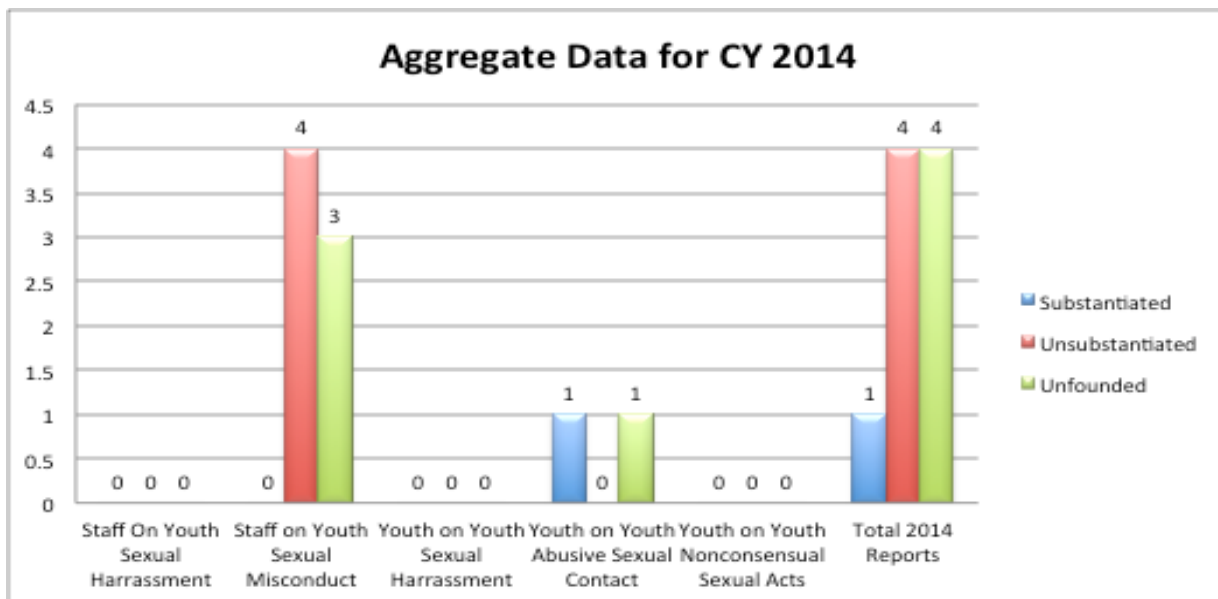


Figure 3. Aggregate data for calendar year 2015 by category.

DJS 2015 Total Reports- 13

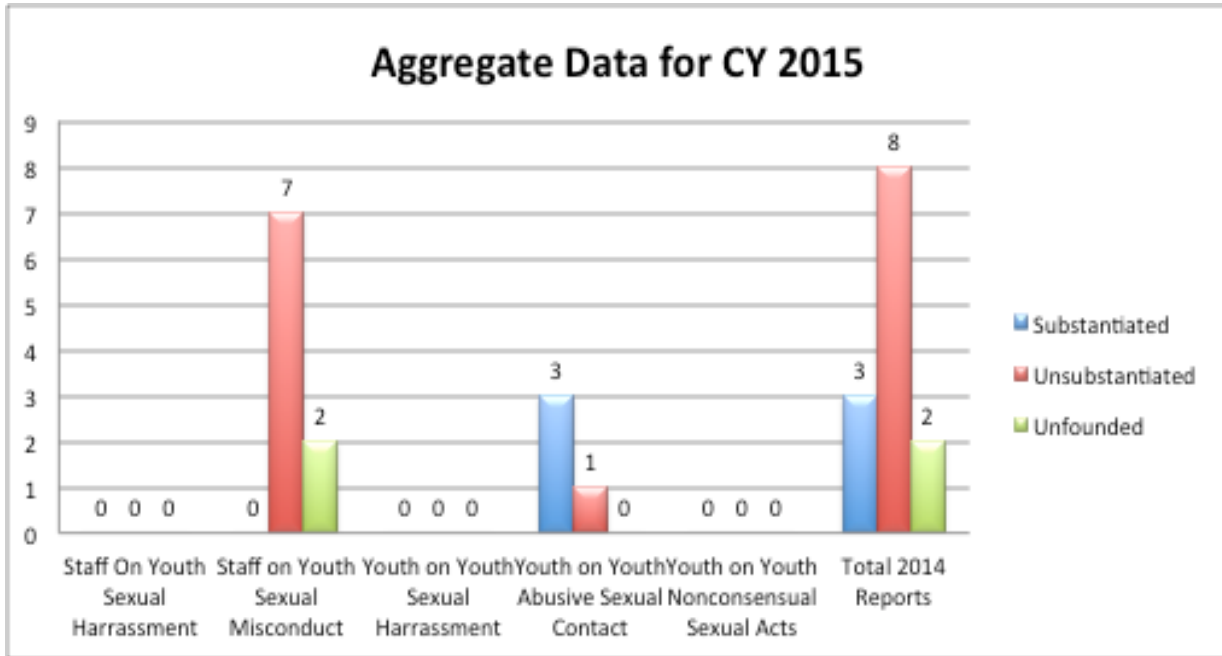
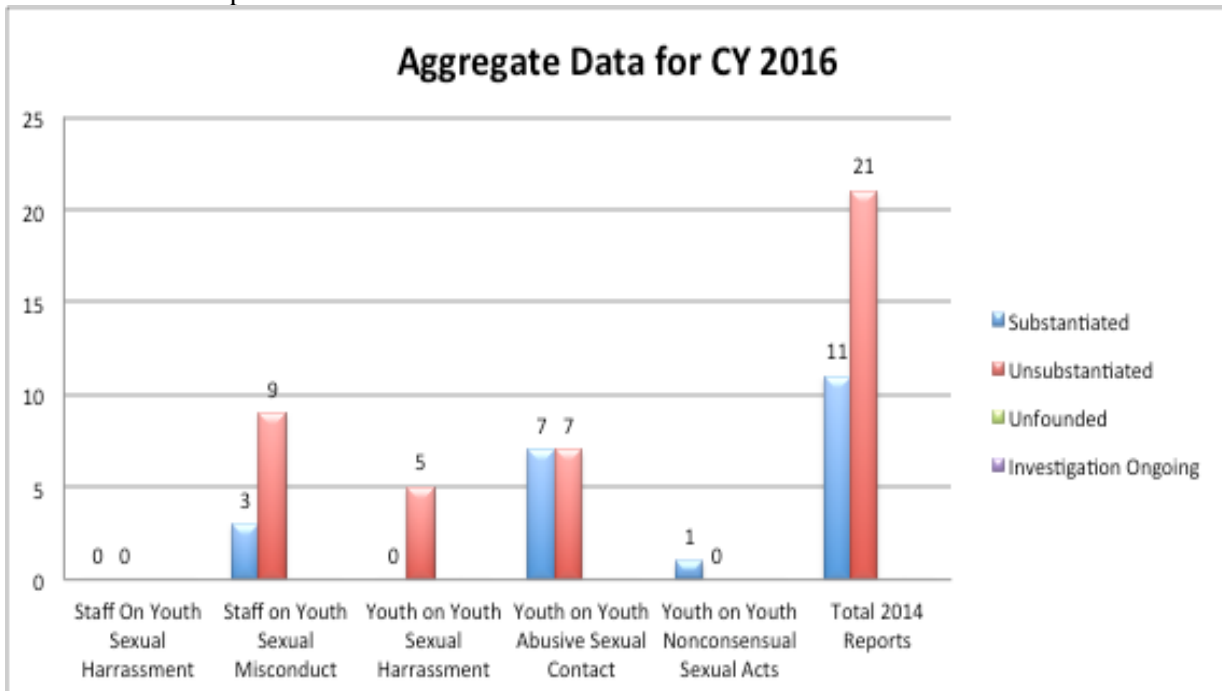


Figure 4. Aggregate data for calendar year 2016 by category.

DJS 2016 Total Reports – 32



List of DJS Facilities:

- Backbone Mountain Youth Center
- Baltimore City Juvenile Justice Center (BCJJC)
- Cheltenham Youth Detention Center
- Green Ridge Youth Center
- Charles H. Hickey, Jr. School
- J. DeWeese Carter Children's Center
- Lower Eastern Shore Children's Center (LESCC)
- Meadow Mountain Youth Center
- Alfred D. Noyes Children's Center
- Savage Mountain Youth Center
- Thomas J.S. Waxter Children's Center
- Victor Cullen Center
- Western Maryland Children's Center (WMCC)

Figure 5 -Total Reported Allegations- Detention Facilities (CY2014- CY2016)

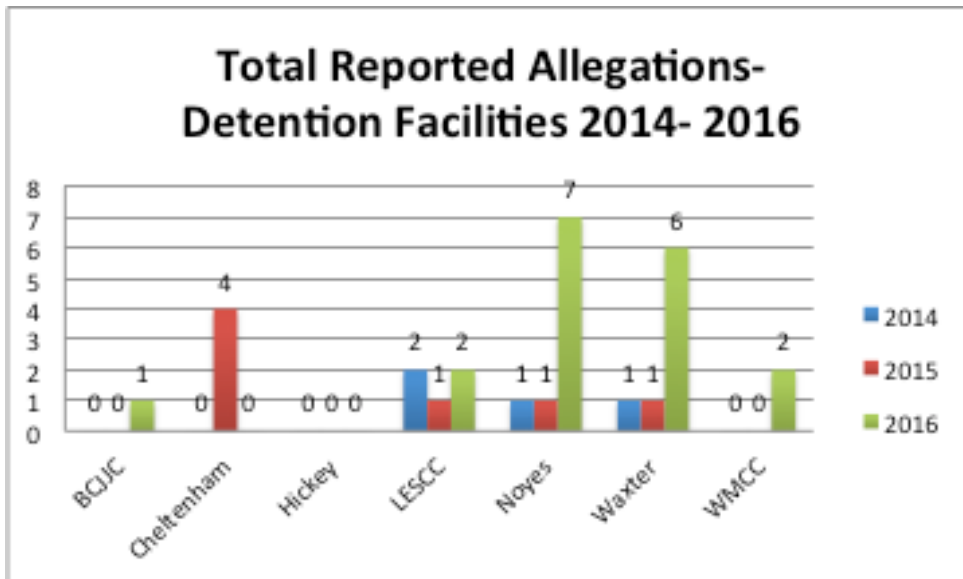


Figure 6-Total Reported Allegations- Committed Facilities (CY2014- CY2016)

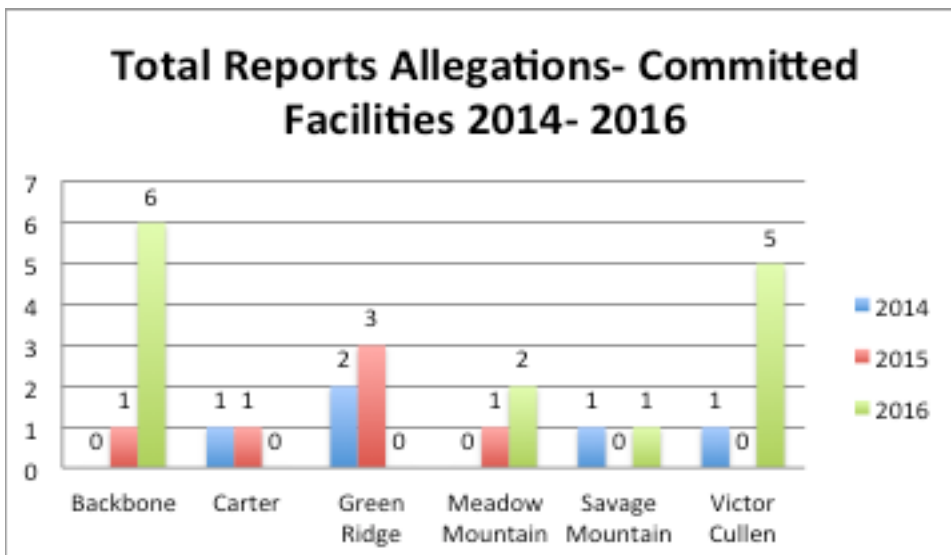


Figure 7 -Total Reported Allegations – Five (5) Year Trend

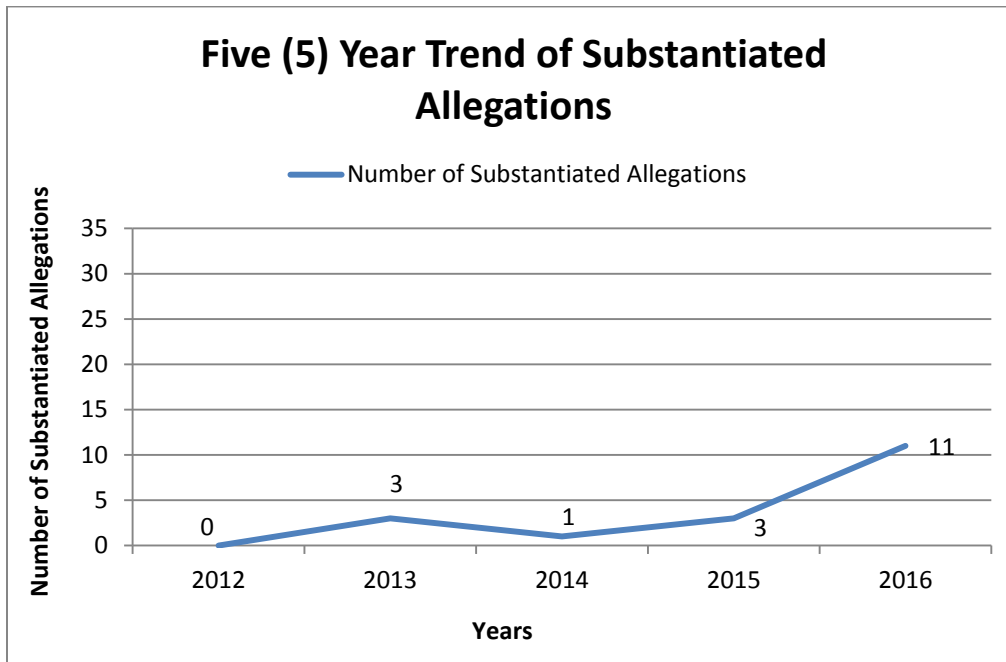
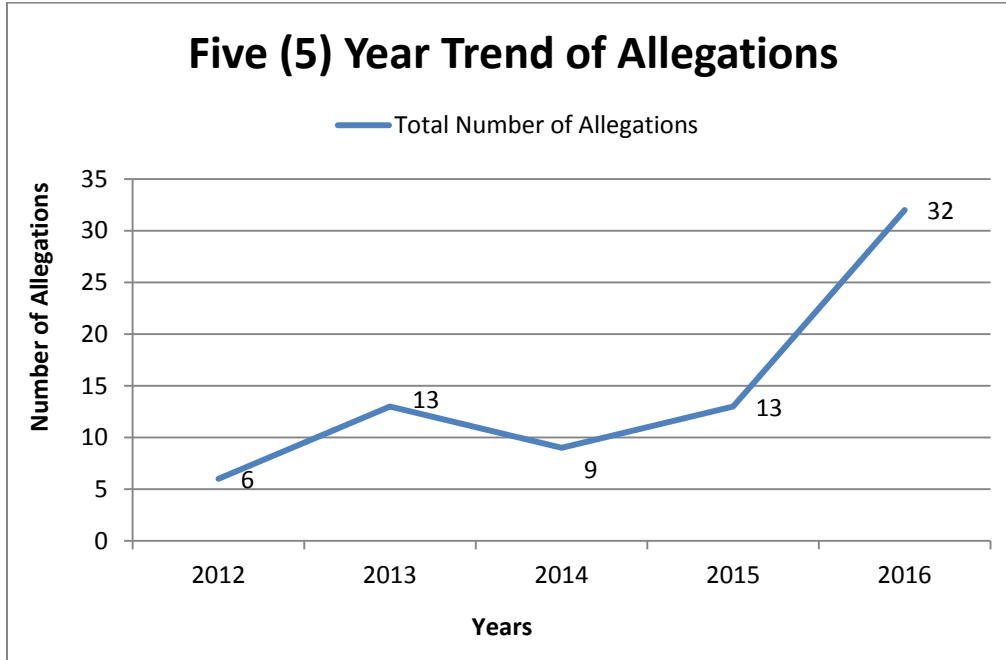
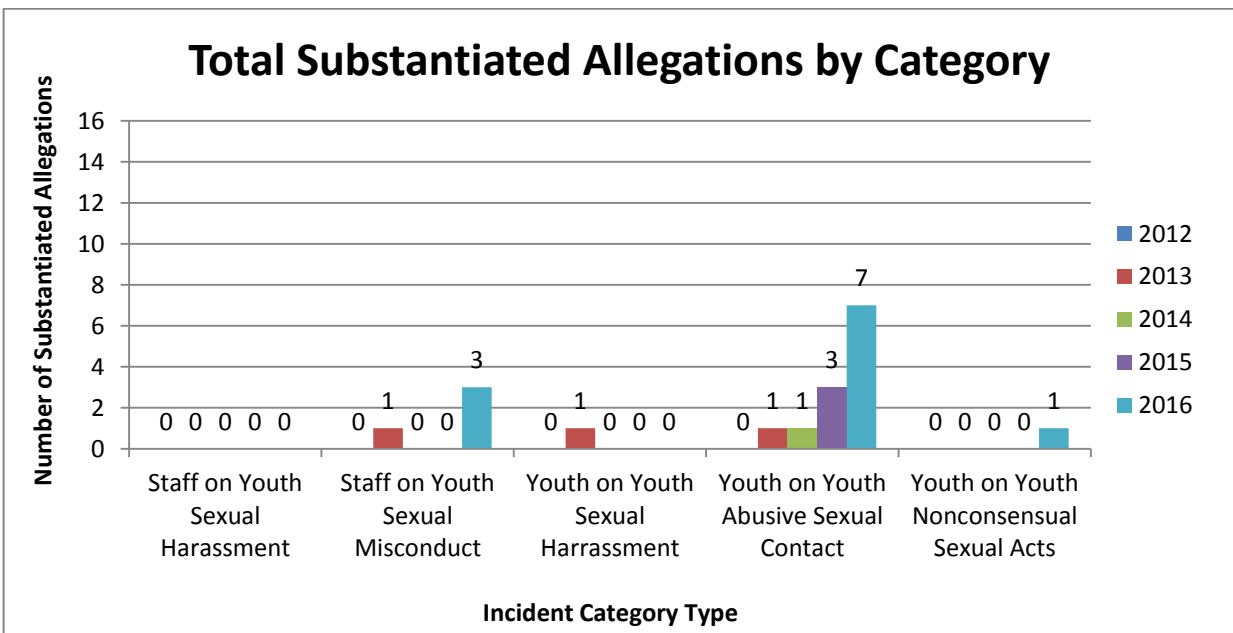
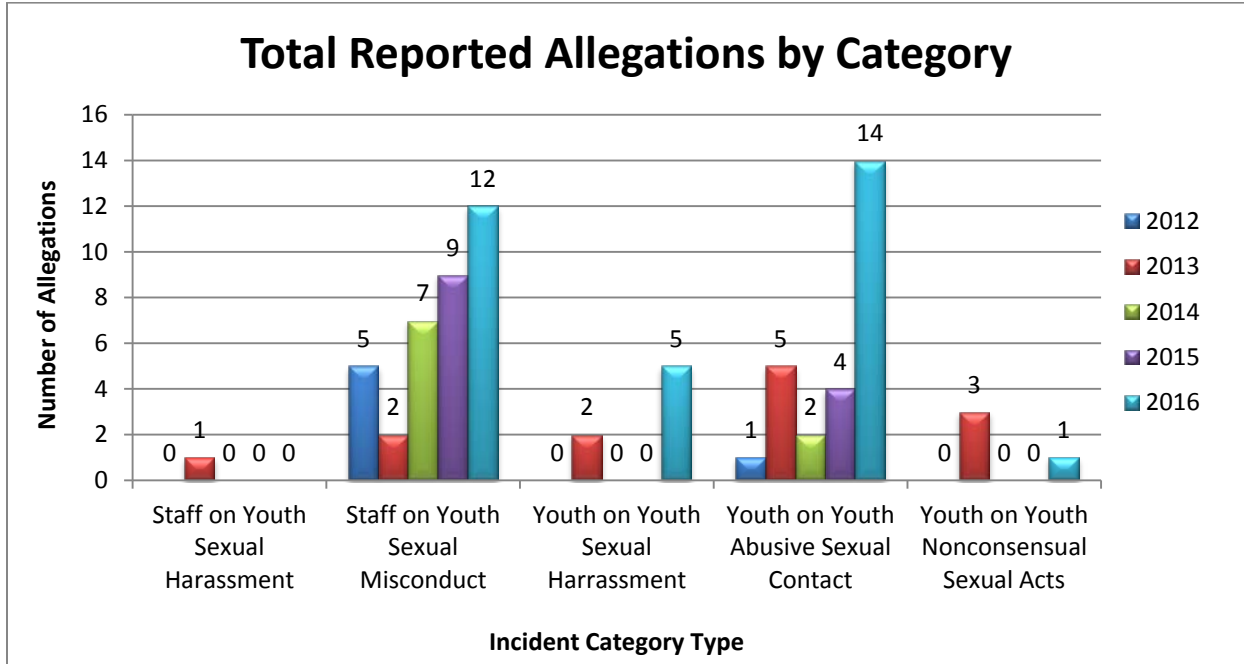


Figure 8 -Total Reported Allegations – Five (5) Year Trend by Category.



2016 Data Analysis

The Department of Juvenile Services operates thirteen residential facilities, seven detention centers and six committed facilities. In calendar year 2016, there were thirty-two (32) alleged incidents of sexual abuse reported across nine facilities. All incidents were referred for investigation by Maryland State Police, Child Protective Services and the Office of the Inspector General. Investigations determined that 11 of the 32 allegations were substantiated. Management carefully reviewed all investigations and took corrective actions where appropriate.

Substantiated Incidents

- One (1) incident of a youth on youth nonconsensual sexual act. The criminal and administrative investigation indicated physical force and the use of an object. The aggressors were criminally charged and are pending prosecution. Facility operating procedures for the department were modified to require that doors to youth rooms remain secure at all times.
- Seven (7) incidents of youth on youth abusive sexual contact: (2) of the incidents involved youth unwanted touching, (1) incident of consensual touching, and (4) incidents of horseplay of a sexual nature. All youth were separated for their safety, they received counseling, and were held accountable through the behavior management program as appropriate.
- Three (3) incidents of staff on youth sexual misconduct: (1) incident of a sexual act involving a female staff and a male youth, and (2) incidents of staff inappropriately touching youth on the buttocks. Staff and youth were immediately separated. Corrective actions included separation of employment and referrals for criminal prosecution. Staff also received additional training on professionalism and appropriate boundaries with youth.

Aggregate Data Analysis

The trends for reported allegations and substantiated incidents have continued to increase since 2012 as indicated in the tables included in this report. Last year (2016) there were 32 allegations compared to 13 in 2015, and substantiated incidents increased from 3 in 2015, to 11 in 2016. The increase of allegations can be attributed to the department's steadfast focus to educate youth regarding sexual abuse and harassment, make available multiple methods of reporting, and perform consistent and thorough investigations of all allegations. A review of youth on youth incidents shows that the majority of allegations were associated with incidents of peer conflict, and inappropriate horseplay.

Facility Analysis of Substantiated Incidents

- Backbone Mountain Youth Center - Two (2) incidents of horseplay of a sexual nature. One incident involved a male youth hitting another male youth in the genital area, and a male youth using a pool stick to poke another male youth in the buttocks.
 - Corrective action – Youth were counseled and directed to stop incidents of horseplay that involve touching in a sexual way. Youth continue to be educated about issues of abuse and how to report. The facility has a PREA resource center that posts education material and contact information.
- Baltimore City Juvenile Justice Center – One (1) incident of a female staff engaging in a sex act with a male youth.
 - Corrective action – The staff was immediately removed from having contact with all youth pending an investigation by Child Protective Services, Maryland State Police, and the Office of the Inspector General. The staffer no longer works for the department. She was criminally charged and prosecuted.
- Meadow Mountain Youth Center- Two (2) incidents involving a male youth touching another male youth on the buttocks.
 - Corrective action - Youth were counseled and directed to stop incidents of horseplay that involve touching in a sexual way. Youth continue to be educated about issues of abuse and how to report. The facility posts education material and contact information.
- Lower Eastern Shore Children’s Center - Two (2) incidents; a male youth touched another male youth on the buttocks, and one consensual incident of a female touching another female in the vaginal area.
 - Youth received counseling by behavioral health staff and were held accountable for their conduct. All youth continue to be educated about issues of abuse and how to report.
- Alfred D. Noyes Children’s Center - Two (2) incidents; a female youth touched another youth on the buttocks; a male staff slapped a male youth on the buttocks.
 - Corrective action – The youth were separated in the youth on youth incident and the youth and staff were separated. The staff was disciplined.
- Victor Cullen – One (1) incident of two male youth attacking another male youth and sexually assaulting him with a plastic water bottle.
 - Corrective action – The victim was immediately moved to another placement for his protection. The victim received medical care and counseling. The aggressors were criminally charged and are pending prosecution. Facility operating procedures at Victor Cullen and across the system were modified to require youth room doors to be secured at all times.
- Waxter – One (1) incident of a male staff touching a female youth on the buttocks.
 - The staffer no longer works for the department. He was criminally charged and prosecuted.

SECTION II

PRIVATE PROVIDERS

Figure 9. Basic Demographics*

	2014	2015	2016
Number Private Providers Servicing DJS Youth*	61	56	53
Total Census December 31	434	311	252
Male	348	250	210
Female	86	61	42
Age 17 and younger	290	207	160
Age 18-20	143	104	91
Age 21 or older	1	0	1
Annual Total youth admitted	933	637	521
Annual Total youth discharged	1,006	770	582
*Includes all contracted providers housing DJS committed youth in Maryland and out of state, except for RTC's and Foster Care Programs.			

Figure 10. Aggregate data for calendar year 2014 by category.

Private Facilities – Total Reports 5

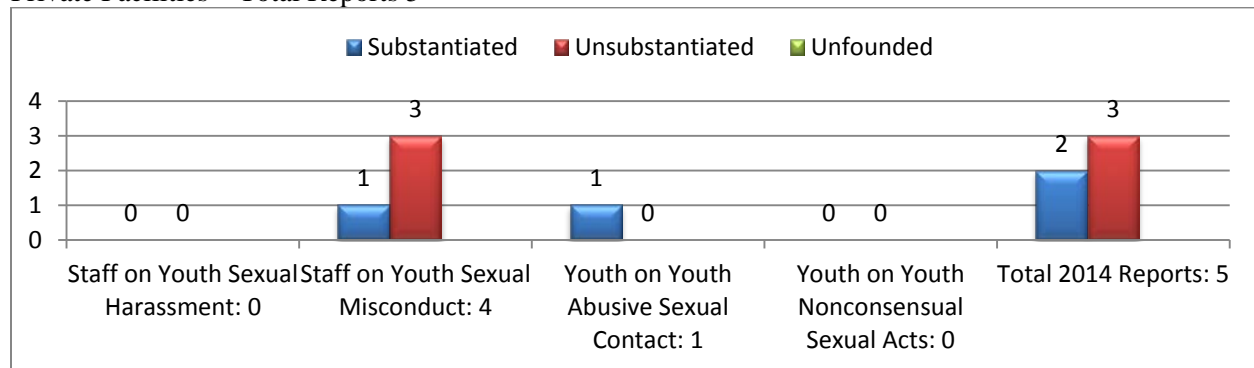


Figure 11. Aggregate data for calendar year 2015 by category.

Private Facilities-Total Reports 9

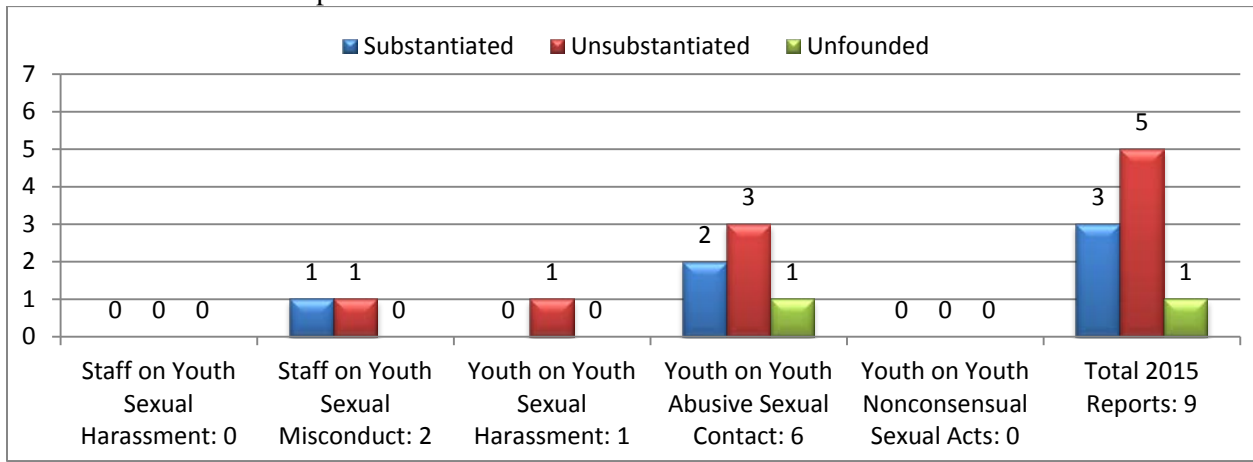
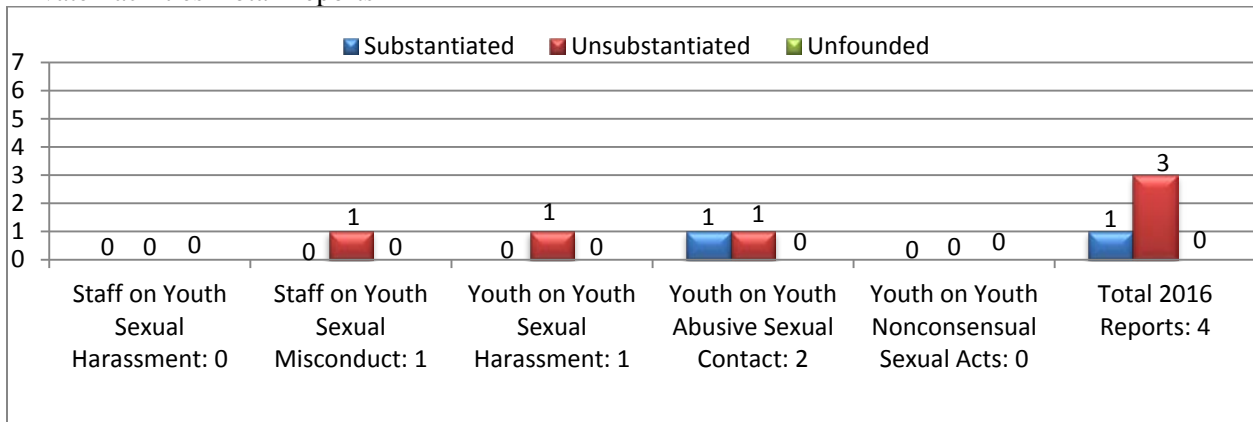


Figure 12. Aggregate data for calendar year 2016 by category.

Private Facilities-Total Reports 4



List of Private Providers:

- Cornell Abraxas- PA
- Hearts and Homes - MD
- Mentor MD
- Natchez Trace Youth Academy – TN
- San Mar - MD
- Summit Academy - PA

Figure 13-Aggregate Data by Private Provider for Calendar Years 2014, 2015, and 2016 (5)

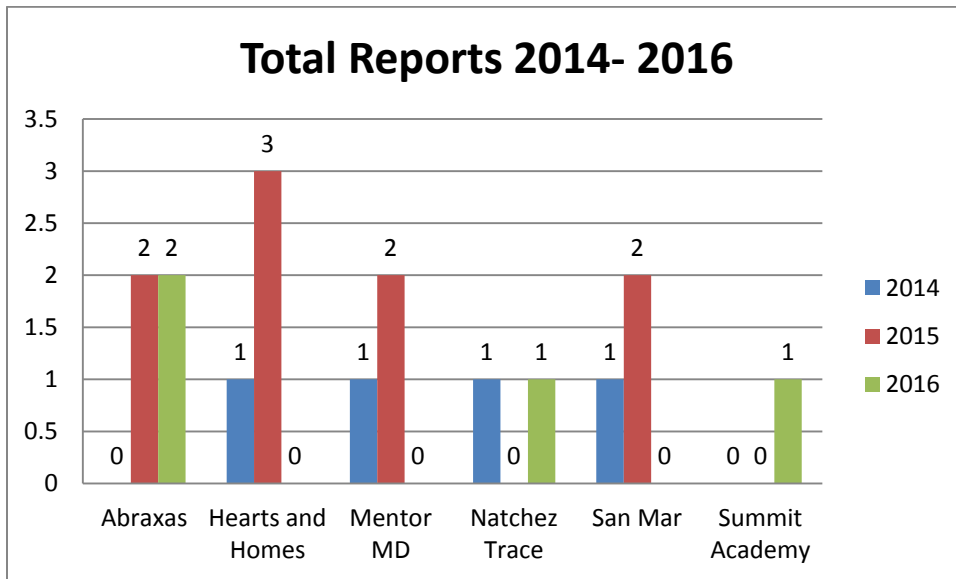


Figure 14 -Total Reported Allegations – Three (3) Year Trend

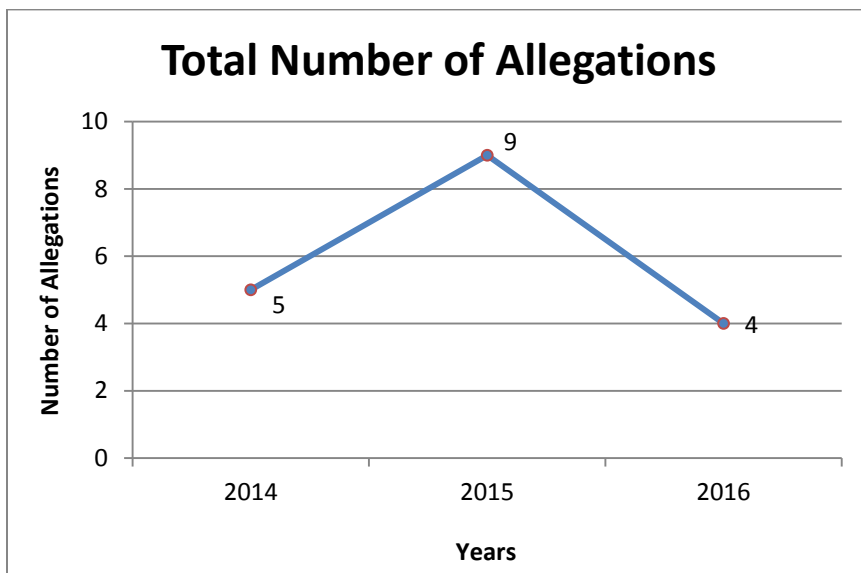
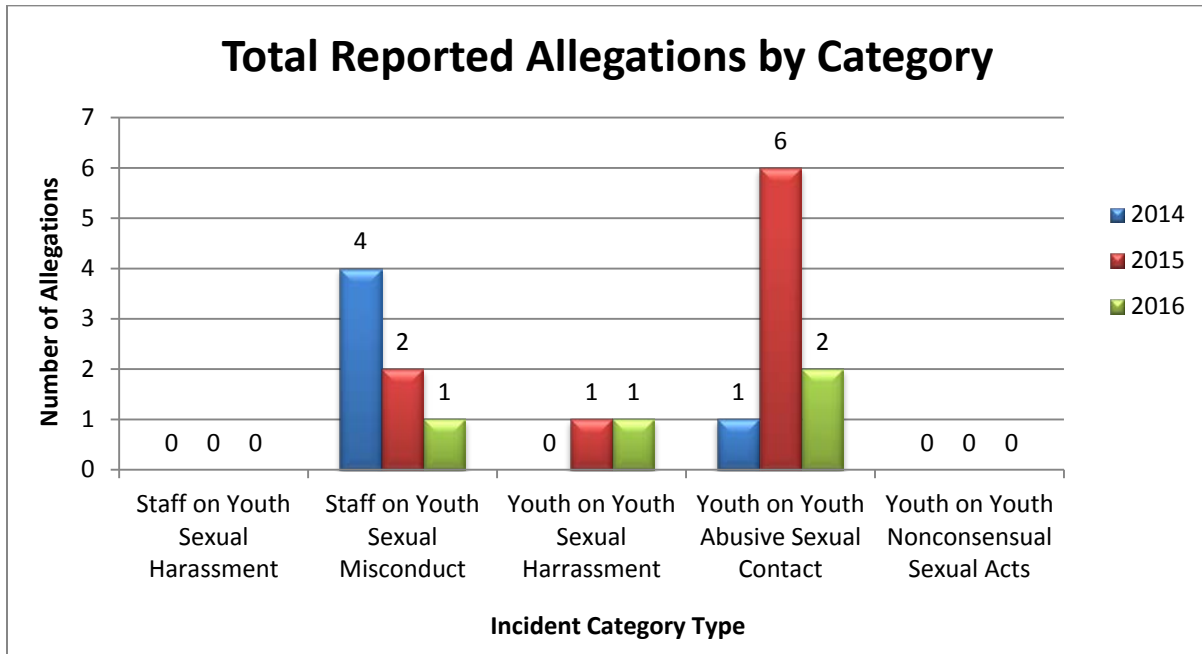


Figure 15 -Total Reported Allegations – Three (3) Year Trend by Category.



Private Provider Facility Analysis

Private provider services are monitored by the DJS Quality Assurance Unit. In 2016, there were four (4) allegations reported across three (3) facilities, with one (1) case substantiated.

- Cornell Abraxas Academy- The one substantiated case of youth on youth abusive sexual contact was consensual with one youth rubbing another youth on the buttocks and genital area.
 - Corrective Action: Immediate action was taken to separate the youth by moving one to a different living unit. A safety plan was implemented to address mental health needs.

Aggregate data for the past three years as shown in the tables in this report reflect a limited number of allegations reported by private providers, 5 in 2014, 9 in 2015, and 4 in 2016. Substantiated incidents were 2, 3 and 1 in the respective years.

ACCOMPLISHMENTS

The Department of Juvenile Services continuously assesses the physical environment, investigates and completes after action reviews to eliminate sexual abuse and harassment within facilities. All PREA standards have been integrated into daily operating policy and procedures. The PREA Coordinator oversees facility compliance. The Coordinator meets quarterly with Compliance Managers from each facility to review incidents and assess agency wide systems related to PREA. The department has conducted mock audits to maintain the highest levels of compliance with PREA standards.

Video surveillance systems have been upgraded and additional cameras have been installed to enhance surveillance and eliminate blind spots. Video surveillance has been an invaluable tool to assist with investigations.

Training continues to be a significant focus. The following was completed during 2016.

- PREA Standards Quick Series pocket guides were purchased and distributed to staff as a way to improve staff knowledge and understanding of the standards.
- Nearly 1,200 direct care staff completed the departmental initial and annual in-service PREA training. Behavioral health and medical professionals completed the specialized training for professionals offered by the National Institute of Corrections.
- In 2016, the DJS Professional Training and Education Unit designed and implemented the Cross Gender Pat Down Search curriculum to guide direct care staff and mid-level managers on the proper way to conduct pat down searches to meet PREA standards.
- Annual training was completed with the DJS third party PREA call service known as “Maryland 211.” Call specialists from across the state received training to improve skills for answering PREA related calls, accurate and timely reporting and documentation.
- The Governor’s Office of Crime Control and Prevention provided additional grant funding which allowed the department to contract with Free State Justice, a unified advocacy organization that seeks to improve the lives of lesbian, gay, bisexual, transgender and questioning Marylanders. Free State Justice provided six 8-hour training sessions across the six regions for the thirteen facilities. Over 100 residential and community staff who works with females and males were trained.

Steps were taken to move toward obtaining a memorandum of understanding between DJS and local rape crisis and recovery centers located throughout the state. In 2016, partnership meetings began with representatives from certified hospitals, local rape crisis and recovery centers, the Department of Public Safety and Correctional Services, county detention centers, and the Maryland Coalition Against Sexual Assault to coordinate immediate survivor-centered responses to sexual assault. By reaching out to local stakeholders, the agency anticipates reaching an agreement with partners in jurisdictions where DJS facilities are located.

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 our youth, train our staff, modify our operating procedures, and upgrade our physical plants to support the prevention, detection, reporting and investigating of all forms of sexual abuse.

Sam Abed, Secretary
Maryland Department of Juvenile Services