



Maryland Department of Juvenile Services Prison Rape Elimination Act 2021 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

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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.

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 several practices and protocols 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 and committed facilities populations to identify youth that may be safely supervised in the community.

Due to COVID-19, there was significant decreases in the youth population in DJS detention and committed facilities and in the utilization of private providers. In addition, DJS closed two committed facilities, J. DeWeese Carter Center and Meadow Mountain Youth Center, and temporarily closed the Garrett Children's Center.

This report analyzes the DOJ Survey of Sexual Victimization data for calendar year 2020, compares data for calendar years 2018, 2019, 2020 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 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

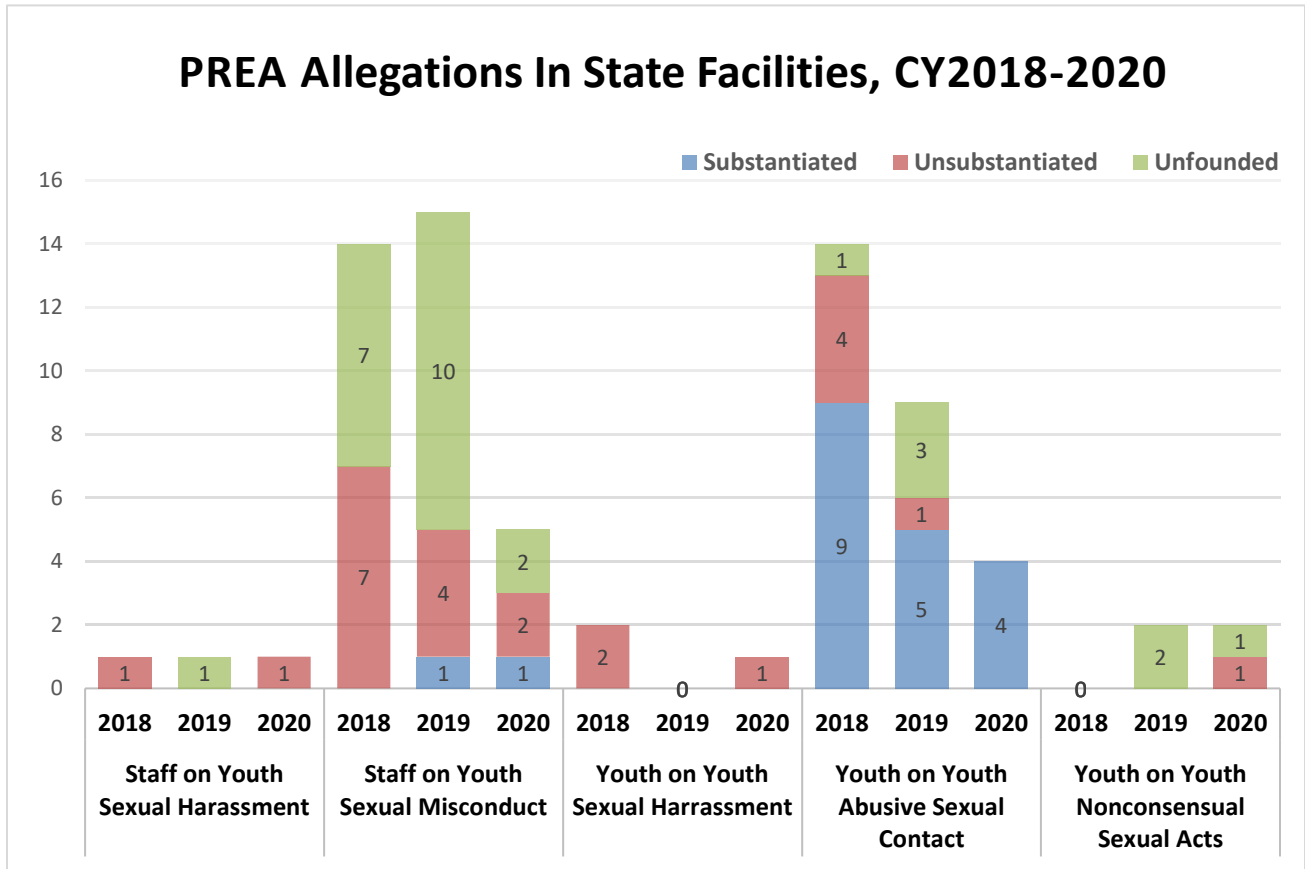
Figure 1. Demographics

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

	2018	2019	2020*
Number of DJS facilities holding youthful offenders	14	14	14
Total Census December 31	372	347	149
Male	325	306	126
Female	47	41	23
Age 17 and younger	312	289	126
Age 18-20	60	58	23
Age 21 or older	0	0	0
Total youth admitted	2,552	2,162	996
Total youth discharged	2,575	2,187	1,189

* 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 2. Aggregate data for calendar years 2018-2020 by allegation and investigation outcome.



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
- Savage Mountain Youth Center (SMYC) (renamed Garrett Children’s Center 6/3/2020 and temporarily closed 11/5/2020)
- Thomas J.S. Waxter Children’s Center
- Victor Cullen Center (VCC)
- Western Maryland Children’s Center (WMCC)

Figure 3. Total Reported Allegations- Detention and Committed Facilities CY2018- CY2020.

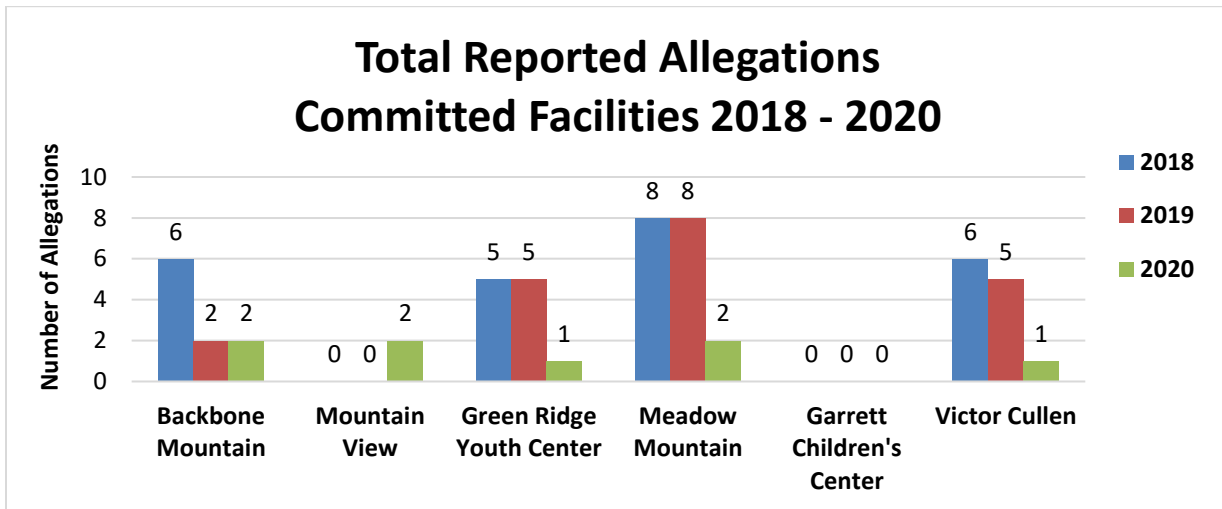
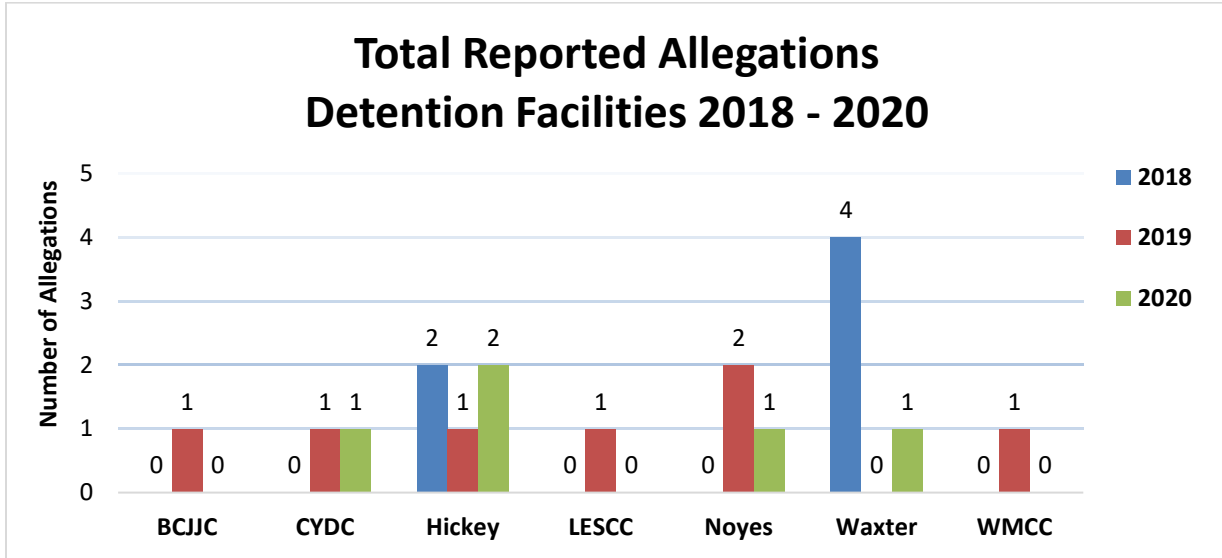


Figure 4. Total Reported Allegations – Five (5) Year Trend

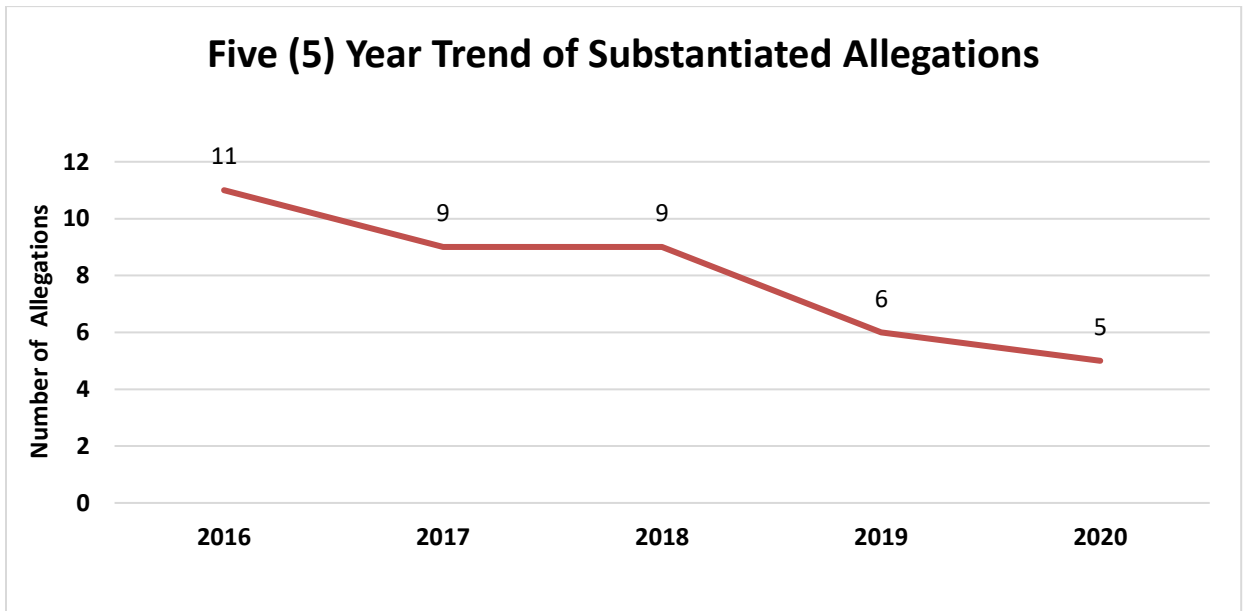
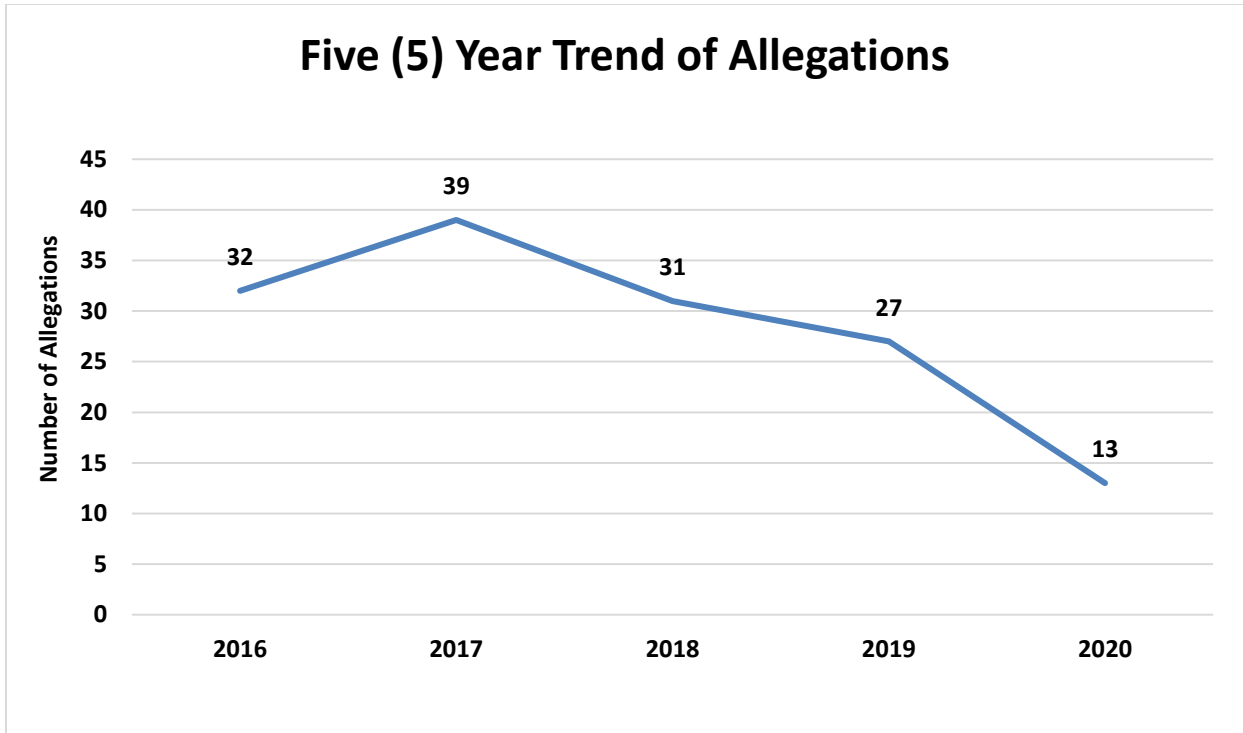
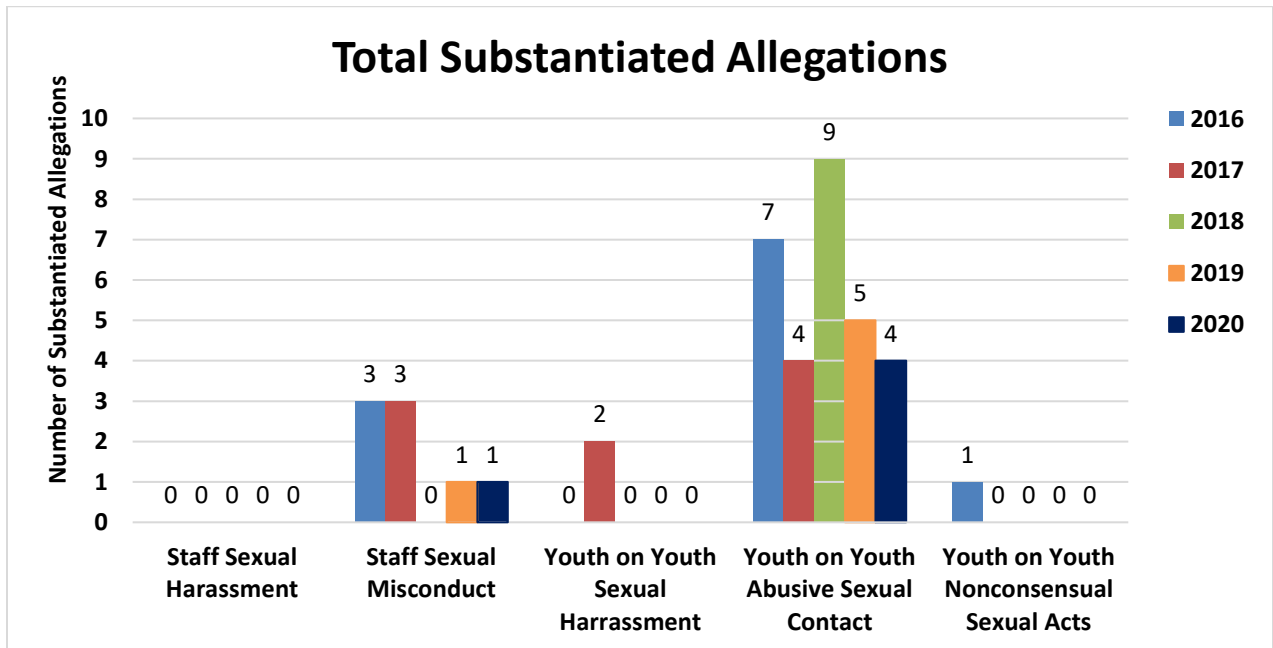
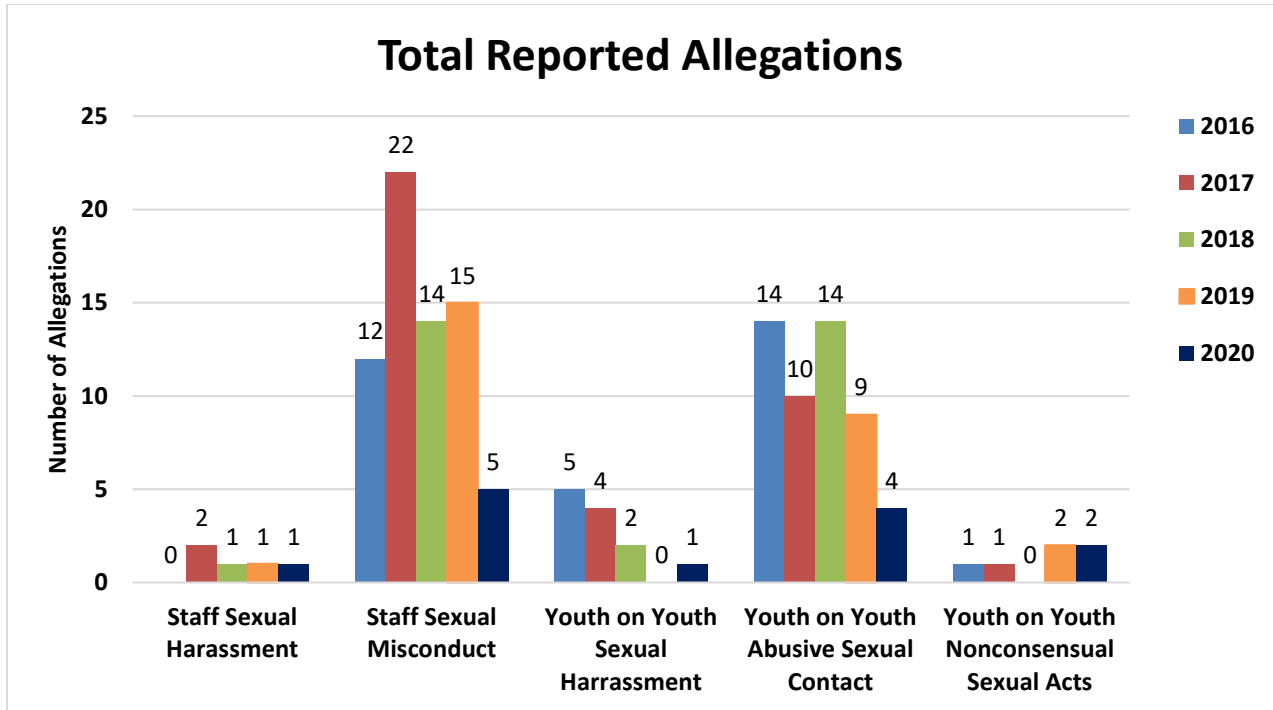


Figure 5. Total Reported Allegations – Five (5) Year Trend by Allegation.



DJS Data Analysis

DJS operates fourteen (14) residential facilities, seven (7) detention centers and seven (7) committed facilities. In calendar year 2020, there were thirteen (13) alleged incidents of sexual abuse reported across nine (9) facilities, five (5) committed and four (4) detention facilities. The total number of allegations decreased from the previous year, 2019 by fifty-two percent (52%). For the third straight year, youth on youth sexual abusive contact has resulted in a downward trend and there were zero substantiated findings related to youth on youth sexual harassment, staff sexual harassment and youth on youth nonconsensual sexual acts. The staff sexual misconduct allegation category remains unchanged from 2019.

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 the DJS Office of the Inspector General.

Criminal and Administrative investigations determined that five (5) of thirteen (13) allegations, four (4) youth on youth abusive sexual contact and one (1) staff sexual misconduct were determined substantiated. Video surveillance has been an invaluable tool to assist with investigations. Management carefully reviewed all investigations and took corrective action where appropriate.

Substantiated Allegations

- Four (4) allegations were youth on youth abusive sexual contact: Three (3) allegations of contact were a result of unwanted touching surprising the victim, youth were separated for their safety, received counseling, and were held accountable through the behavior management program as appropriate. One (1) allegation of contact involved touching because of horseplay. Youth 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 program rules and expectations.
- Of the four (4) allegations, two (2) youth were charged with second-degree assault by law enforcement, and the charges were resolved at intake for both youth. The youth were also held accountable through the behavior management program.
- One (1) allegation of staff on youth sexual misconduct involved a female direct care staff and male youth that resulted in a sexual relationship that occurred outside of the facility and in the community. The female 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 2016 through 2020 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 2016 through 2020 shows an overall decrease in the total number of allegations:

- 32 allegations in 2016 increased to 39 in 2017- increase of 22%
- 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%.

The five year trend analysis from 2016 through 2020 shows an overall decrease in the total number of substantiated allegations:

- 11 allegations in 2016 decreased to 9 in 2017- decrease of 18%
- 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%

For 2020, there was a total of five (5) substantiated allegations, of which four (4) were youth on youth sexual abusive contact and one (1) staff sexual misconduct. A review of youth on youth allegations shows that one (1) allegation was associated with inappropriate horseplay and three (3) allegations of unwanted touching. The one (1) allegation of staff on youth sexual misconduct involved a female direct care staff and male youth that resulted in a sexual relationship that occurred in the community.

In 2020, there were zero (0) substantiated determinations with staff sexual harassment, youth on youth sexual harassment, and youth on youth nonconsensual sexual acts allegations. Staff sexual misconduct allegations remain unchanged at a low of one (1) and youth on youth abusive sexual contact allegation went down one (1) from the previous year.

There is ongoing youth education groups related to youth on youth sexual abusive contact and harassment allegations, overall safety and promoting positive youth relationships.

Three of the five (5) substantiated allegations occurred in committed facilities 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 (1) staff sexual misconduct allegation began while the youth was in a hardware secure facility resulting in a sexual relationship that occurred in the community.

The one (1) youth on youth abusive sexual contact allegation occurred in a detention facility during line movement that resulted in unwanted touching.

Facility Analysis of Substantiated Allegations

- Backbone Mountain Youth Center – One (1) allegation 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.
 - 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 and charged with second-degree assault by law enforcement.
- Meadow Mountain Youth Center – One (1) allegation of youth on youth abusive sexual contact that involved horseplay and unwanted touching when the aggressor smacked the youth in the genital area.
 - 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 and charged with second-degree assault by law enforcement.
- Mountain View- One (1) allegation of youth on youth sexual abusive contact. The nature of the allegation was unwanted touching on the buttock for sexual gratification.
 - 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.
- Thomas J.S. Waxter Children’s Center- One (1) allegation of youth on youth abusive sexual contact that involved unwanted touching when the aggressor touched the victim on the buttock while in line movement.
 - Corrective Action – The victim was seen by medical for an examination and referred to behavioral health. The aggressor was separated from the victim and transferred to another living unit, referred to behavioral health for counseling and held accountable through the behavior management system as appropriate. Follow up education was provided to youth on program rules and expectations.
- Victor Cullen Center – One (1) allegation of staff on youth sexual misconduct involved a female direct care staff and male youth that resulted in a sexual relationship that occurred outside of the facility in the community. The female staff was removed from having further contact with the 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

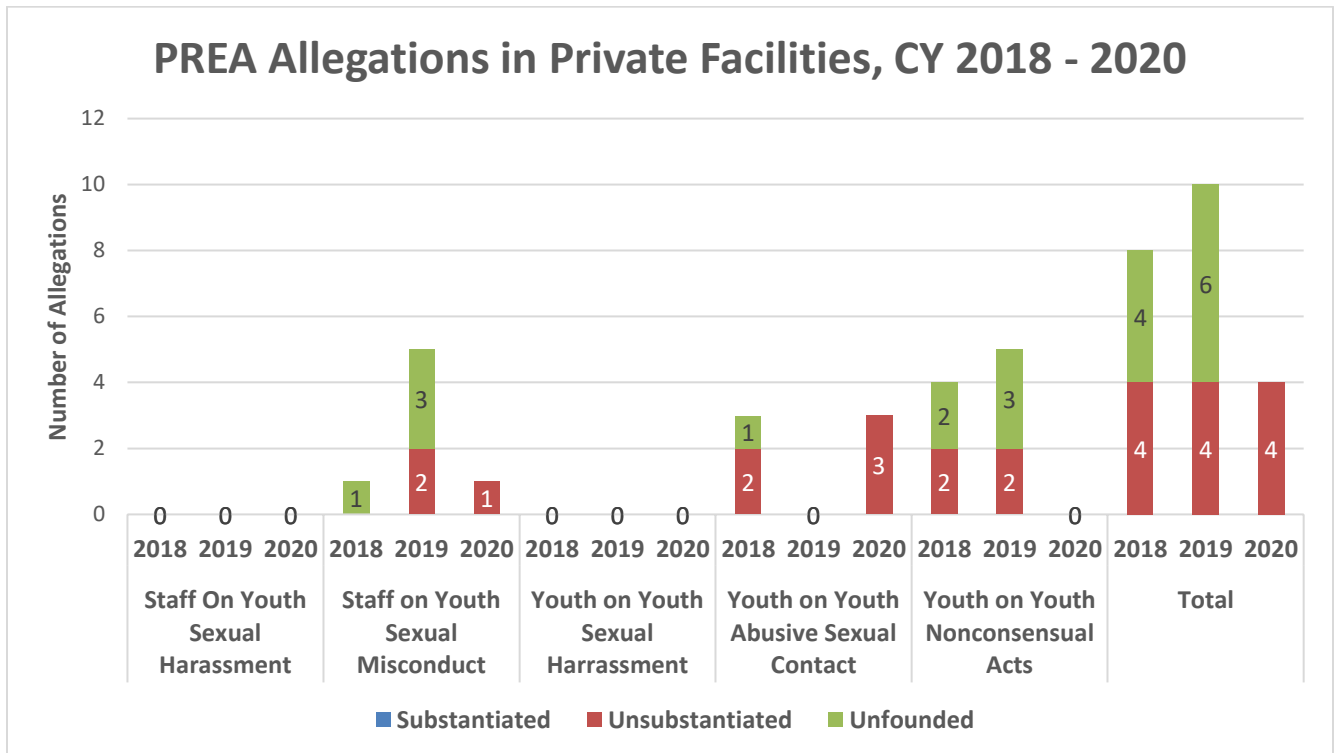
PRIVATE PROVIDERS

Figure 6. Demographics

	2018	2019	2020
Number Private Providers Servicing DJS Youth*	45	45	19
Total Census December 31	185	165	58
Male	162	137	53
Female	23	28	5
Age 17 and younger	124	108	33
Age 18-20	61	57	25
Age 21 or older	0	0	0
Annual Total youth admitted	398	313	150
Annual Total youth discharged	390	334	256

*Includes all contracted providers housing DJS committed youth in Maryland and out of state, except for RTC's and Foster Care Programs.

Figure 7. Aggregate data for calendar years 2018-2020 by allegation and investigation outcome.



List of Private Providers:

- Cornell Abraxas - PA
- Glen Mills - PA
- Hearts and Homes - MD
- Natchez Trace Youth Academy - TN
- Silver Oak Academy - MD
- Summit Academy - PA

Figure 8. Total Reports by Private Providers for calendar years 2018-2020.

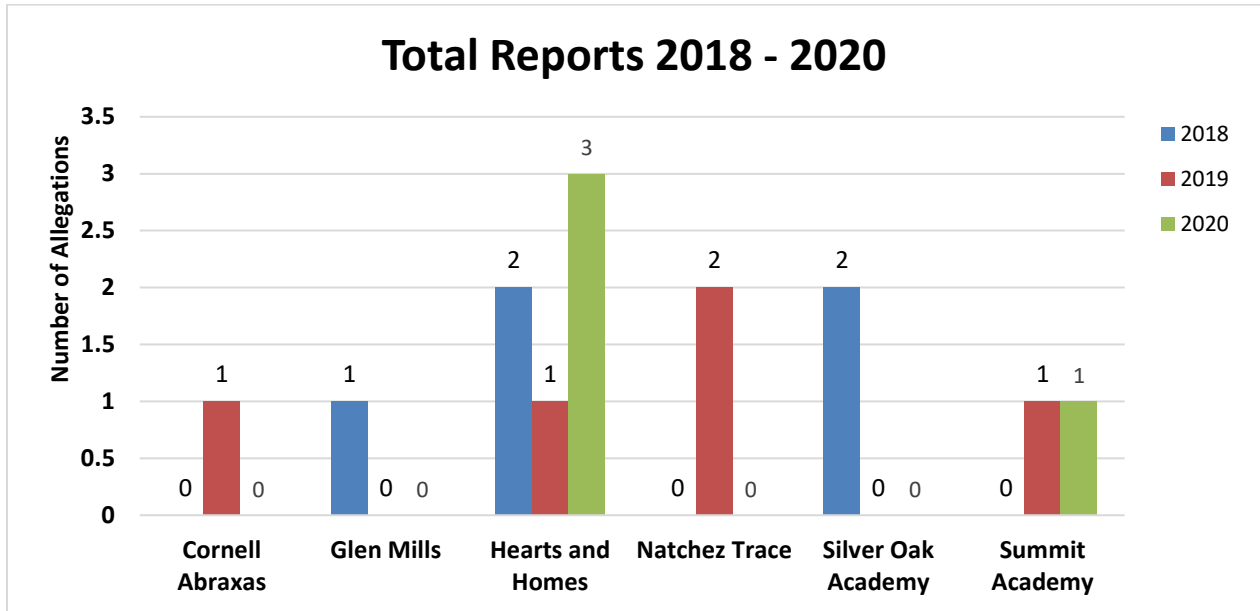


Figure 9 -Total Reported Allegations – Three (3) Year Trend.

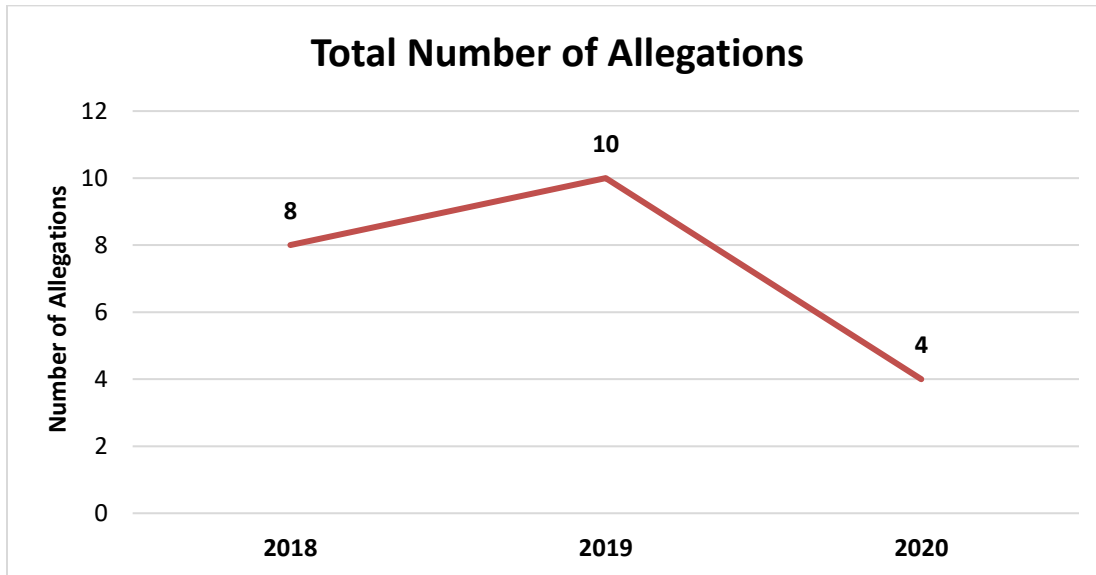
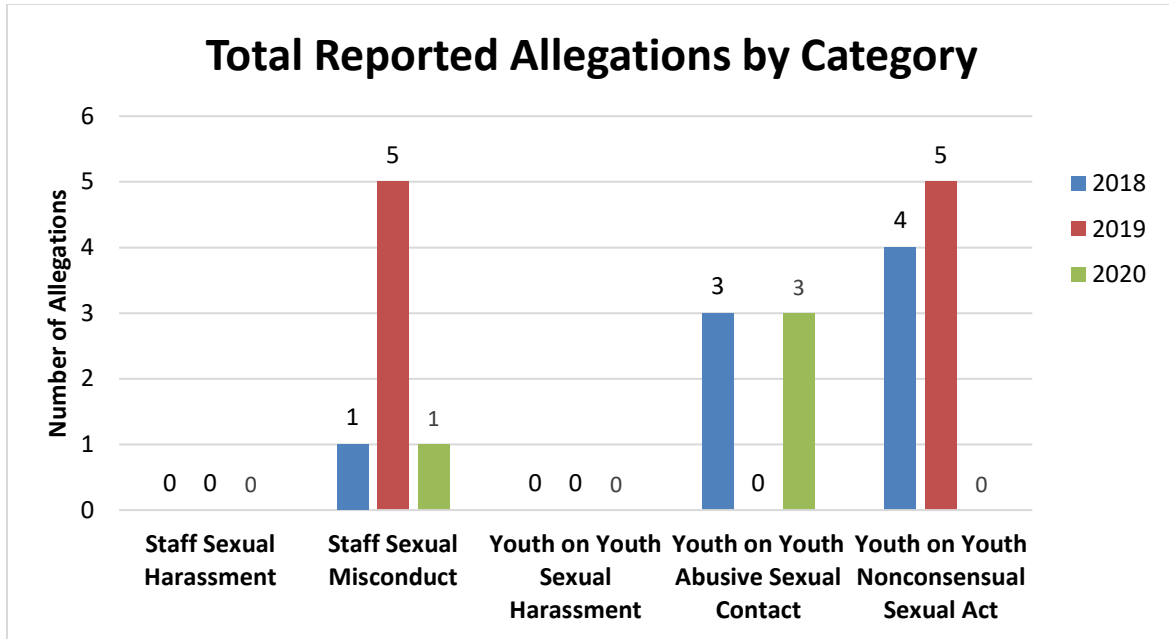


Figure 10 -Total Reported Allegations – Three (3) Year Trend by Category.



Private Provider Analysis

Private provider services are monitored by the DJS Quality Assurance Unit. In 2020, there were four (4) allegations reported across two (2) facilities, resulting in four (4) unsubstantiated findings. There were no substantiated incidents in 2020.

- Hearts and Homes-Avis Birely Therapeutic Group Home - Three (3) unsubstantiated allegations, two (2) youth on youth sexual abusive contact and one (1) staff sexual misconduct allegation. The nature of the two (2) youth on youth allegations alleged that youth performed fellatio on another youth; and the one (1) staff sexual misconduct alleged that staff performed fellatio on a youth.
 - Corrective Action: For the two (2) youth on youth allegations that were reported to Child Protective Services, no charges were filed by law enforcement. Youth were referred to medical and mental health where safety plans were initiated for follow up services and moving staff away from all youth pending the outcome of an agency administrative investigation.
 - Corrective Action: For the staff sexual misconduct allegation, an immediate report was made to the local Child Protective Services and referred to law enforcement for investigation. Medical and behavioral health services were provided to all youth. The matter was investigated by facility administration and the youth and staff person were physically separated pending the outcome of the investigation. Law enforcement conducted an investigation and no charges were filed.
- Summit Academy- One (1) unsubstantiated allegation of youth on youth sexual abusive contact. A youth reported she witnessed a youth touch another youth inappropriately.
 - Corrective Action: Immediate contact was made to the local Child Protective Services for investigation and was screened out. Law enforcement reviewed the matter and no charges were filed against staff. The facility conducted a management investigation and determined that evidence was insufficient to determine whether or not the event occurred by staff. The youth involved was provided medical and mental health services and held accountable through the program discipline process.

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

- Four (4) in 2018
- Five (5) in 2019
- Four (4) in 2020

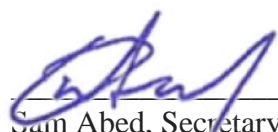
Substantiated allegations were zero (0) in 2018, 2019, and 2020.

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 have been 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.

- The total number of allegations including substantiated decreased over the five (5) year period from 2016 to 2020 and can be attributed to the department's steadfast focus to reduce and eliminate sexual abuse and harassment in all facilities.
- A designated full time PREA Coordinator oversees facility compliance for the department.
- Each facility has a designated PREA Compliance Manager to review PREA allegations and assess agency wide systems in conjunction with the Superintendent.
- Approximately 725 facility staff including direct care, case management, education, administrators, medical and behavioral health all complete the departmental initial and annual PREA training.
- Facility volunteers and contracted vendors also complete PREA training.
- Approximately 37 Behavioral Health and 46 medical staff completed the specialized training offered by the National Institute of Corrections.
- The Governor's Office of Crime Control and Prevention provided grant funding to assist the Department with upgrading youth education materials such as the "What You Should Know about Sexual Abuse and Harassment" pamphlets and three different types of posters instructing youth on how to report sexual abuse and harassment in DJS facilities with all materials printed in English and Spanish. Additional staff training instruction aids were provided for direct care staff on first responder duties.
- Due to COVID-19, virtual mock audits were conducted at five (5) facilities in preparation for the 2021 certified PREA audits.

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 operating policies and procedures, and upgrade facility physical plants to support the prevention, detection, reporting and investigating of all forms of sexual abuse.



Sam Abed, Secretary

3/21/2022

Date

Maryland Department of Juvenile Services