



COMMISSION ON JUVENILE JUSTICE

MONTGOMERY COUNTY, MARYLAND



ANNUAL REPORT YEAR ENDING JUNE 30, 2009

In serving the best interests of children, we serve the best interests of all humanity — Carol Belamy • Equal and exact justice to all men, of whatever state or persuasion, religious or political — Thomas Jefferson • Children are not people of tomorrow, they are people of today — Janusz Korczak • The child shall be protected against all forms of neglect, cruelty and exploitation — Universal Declaration of the Rights of the Child • Children are our most valuable natural resource — Herbert Hoover • Children sent through the adult system, where there are minimal opportunities for rehabilitation and where their physical and emotional survival is constantly being threatened, are destined to come out of prison as hardened criminals — Cardinal Richard Mahoney • Whoso neglects learning in his youth, loses the past and is dead for the future — Euripides • When will our consciences grow so tender that we will act to prevent human misery rather than avenge it? — Eleanor Roosevelt • We cannot incarcerate our way out of the problem of juvenile crime — Shay Bilchik • There is no trust more sacred than the one that the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected — Kofi Annan • If we don't stand up for children, then we don't stand for much — Marian Wright Edelman • The Constitution devotes the national domain to union, to justice, to defence, to welfare and to liberty — William Henry Seward • Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? — Abraham Lincoln • If our American way of life fails the child, it fails us all — Pearl S. Buck • Truth is the highest thing that man may keep — Geoffrey Chaucer

Honorable Isiah Leggett, County Executive
Honorable Mike Knapp, President, County Council
The Honorable Phil Andrews, Vice President, County Council

The Honorable Ann S. Harrington, Administrative Judge
The Honorable Katherine D. Savage, Juvenile Court Judge
The Honorable Steven G. Salant, Juvenile Court Judge
The Honorable Sharon V. Burrell, Juvenile Court Judge

On behalf of the Montgomery County Commission on Juvenile Justice, I am honored to present for your consideration the Commission's Annual Report for the year ending June 30, 2009.

The Baltimore Sun recently called Maryland's juvenile justice system "a broken system" and lamented that "its failure endangers both the public and the lives of the troubled youngsters it is supposed to protect." With monotonous regularity Maryland's Juvenile Justice Monitor has reported on the gaps between acknowledged best practices and actual practices including the wholly inadequate conditions of confinement and the poor quality of educational and counseling programs. The tragedy is that such an assessment could have been made at any time over the past few decades.

Reforming the system will take the collective energy and expertise of all stakeholders. The Commission calls on the Department of Juvenile Services to reach out in real partnership to local individuals and organizations. The Commission is excited about the potential for State initiatives in areas such as evidence-based practices, facilities limited to 48 beds, and regionalization. The Commission calls on the State to work in partnership to implement a new vision for the juvenile justice system—one that stimulates true collaboration between the State and the localities to deliver better results for all of Maryland's youth, families and communities.

Sincerely,



Chair

Commissioners July 1, 2008–June 30, 2009

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Diane M. Lininger, LCSW-C

Annual report produced by Dylan Presman

Recommendations

Based on its work in 2008-2009, the Commission on Juvenile Justice recommends for FY 2010 the following:

1. **Maintain smaller facilities:** Research has proven that smaller, more localized facilities improve treatment outcomes for juveniles, reduce recidivism, and encourage family participation that is vital to a juvenile's continued success after commitment. Maryland law already limits state-owned facilities to no more than 48 slots/beds. The Commission supports extending the 48-bed limit to all privately owned facilities that are licensed by the state.
2. **Expand the availability of evidence-based treatment options in Montgomery County:** Research has shown that evidence-based practices can cost a fraction of secure detention or group homes while demonstrating significantly better results. Funds were allocated to support a small number of evidence-based treatment slots in Montgomery County during fiscal year 2009. The Commission would like to see a significant increase in the number of juveniles and their families receiving these services. The County and the State should consider options to fund more slots by pursuing private foundations to fund program start-up costs and by utilizing more evidence-based treatment options that qualify for private insurance coverage.
3. **Promote the utilization of "best practices" in Montgomery County:** "Best practices" are treatment options, such as wrap-around services, that have been shown to be effective in Montgomery County, but which have not yet been subject to the rigorous control group studies of "evidence-based" practices. The more "best practices" that are identified and used, the more opportunity there is to accumulate empirical evidence that could be used to assess the efficacy of these practices. Since research and start-up costs for evidence-based practices are substantial, and slots and treatment options for these services are currently limited, the Commission supports greater utilization of "best practices" that have been shown to be effective for Montgomery County youth.
4. **Expand alternatives to placing youth in detention:** Research has shown that community-based alternatives to detention reduce crowding, reduce the costs of operating juvenile facilities, shield juveniles from the stigma of institutionalization, help offenders avoid association with juveniles who have more serious delinquent histories, and help juveniles maintain positive ties with the family and community. Research has also shown that community-based programs are more effective than traditional correctional programs in reducing recidivism and improving community adjustment. The Commission believes that reliance on detention for delinquent juveniles must be reduced and the number of effective community-based alternatives to detention must be increased.
5. **Maintain and expand delinquency prevention and youth development programs.** The Commission urges the County to give community based juvenile delinquency prevention programs and services a high priority. Such programs lessen the need for law enforcement intervention and confinement, particularly in the areas of gang and violence prevention and/or reduction. The Commission urges the County to continue collaboration with Montgomery County Public Schools and the Collaboration Council to maintain and expand prevention and youth development programs, such as school support and afterschool programs.
6. **Adequately fund mental health and substance abuse services.** A majority of youth involved in the juvenile justice system suffer from mental health or substance abuse disorders. The Commission urges the County to continue its support for adolescent mental health and substance abuse treatment, and as funding allows, to increase access to such services.
7. **Maintain support for the Juvenile Drug Court.** Continue already budgeted funding for program operations, including the needed case manager.
8. **Improve educational services and transfer of school records for youth in detention.** The Commission has two priorities under this recommendation, which may be effectuated at little or no cost:
 - a. Coordinate between the Maryland Department of Juvenile Services (DJS) and Montgomery County Public Schools (MCPS) to ensure that all County youth involved in the juvenile justice system have adequate access to appropriate and continuing educational services. The Commission is particularly concerned with difficulties youth have in getting records and credits transferred when transitioning from the Alfred D. Noyes Children's Center back to neighborhood schools. In addition, the Noyes Center has experienced problems in getting records from students' home

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Commission Structure

During fiscal year 2009, the Commission had four standing committees:

The **Executive Committee** represents the Commission at meetings with the HHS Director, County Executive, and County Council; drafts and presents testimony on legislation of interest; and provides administrative support to the Commission. The Executive Committee organizes Commission membership, orientation, the annual work plan, and the annual report. The Commission's Vice-Chair facilitates committee meetings.

The **Government and Community Relations Committee** works to develop closer relations with key policymakers in order to facilitate a broader understanding of juvenile justice issues. The Committee also develops strategic outreach efforts in support of the Commission's agenda. Finally, the Committee reviews legislative, regulatory, and budgetary proposals and recommends positions on them.

The **Care, Custody, and Place-**

ment Committee monitors and tracks the quality of care provided to Montgomery County youth who are in community placements or residential facilities, which may be located outside the County. Its duties include examination of mental and physical health care, education, programming, and transportation.

The **Evaluation and Analysis Committee's** role is to evaluate, analyze, review, and monitor programs, plans, and Commission issues. There have been a number of plans and reports developed to address issues relating to juvenile justice and at-risk children issues.

The Commission also worked with in ad hoc committees, as follows:

Retreat Committee
Orientation Committee
Nominating Committee

Members of the Commission served on the following County boards, commissions, committees, and task forces, and reported back to the

Commission on their activities:

Montgomery County Criminal Justice Coordinating Commission
Juvenile Sex Offenders Task Force
Juvenile Drug Court Task Force
Montgomery County Gang Prevention Task Force
Juvenile Justice Information System Task Force
Collaboration Council for Children, Youth and Families—Disproportionate Minority Contact Committee
Collaboration Council for Children, Youth and Families—Children with Intensive Needs Committee
Noyes Advisory Committee
Youth Strategies Initiative

In addition to its committees and the above-referenced groups, the Commission worked closely with a number of organizations, including the Department of Health and Human Services, the Office of the Public Defender, and the Maryland Commission on Children and Youth. ♦

History of the Juvenile Justice Commission

The Montgomery County Juvenile Court was created by Maryland statute in 1931. The Juvenile Court Committee, along with its counterparts in other Maryland jurisdictions, was formed to support and assist an evolving juvenile justice system.

Under County law enacted in 1981, the Juvenile Court Committee began serving in an advisory capacity to the Council and Executive. The Juvenile Justice Court Committee of Montgomery County served this role actively and effectively.

On April 4, 2000, the Montgomery County

Council passed legislation revising and expanding the functions of the Juvenile Court Committee, and transformed it from a committee into the Commission on Juvenile Justice (CJJ), effective July 14, 2000.

Thoughtful analyses and position papers on such far-reaching issues as judicial appointments, treatment alternatives, State legislation, local budget allocations, and reducing disproportionate minority representation in the juvenile justice system have become associated with the work of the Juvenile Court Committee and the Commission on Juvenile Justice. ♦

The Commission's Year That Was

This past fiscal year was a busy one for the Commission on Juvenile Justice. We continued to engage with and learn about the current function and operation of the juvenile justice system by meeting with, among others, DJS Secretary Devore, circuit court judges, and the Independent Monitor's Office as well as visiting state-run juvenile facilities and programs and observing court operations. These meetings and visits along with discussions with county officials on available resources and budget issues, research on the practices of juvenile justice systems around the country, and participation in meet-

ings with County groups such as the Coordinating Council led the Commission to accomplish the following:

- A brochure entitled, "Understanding Your Child's Educational Rights During and After Detention at the Alfred D. Noyes Detention Center,"
- A "Commission on Juvenile Justice Vision Statement and Objectives for Commission Regarding Juvenile Justice Services in Maryland,"
- Promotion of evidence-based practices by writing a letter to the Governor encouraging the

use of facilities that hold no more than 48 youths, and

- Budget recommendations to the County to promote evidence-based programs and practices for juveniles, delinquency prevention and public safety.

These and other activities are discussed in greater detail throughout this annual report. We believe that our plans for the next year, informed by the Commission's annual retreat, will help us move toward our vision by improving the function and operation of the juvenile justice system for Montgomery County. ♦

Annual Retreat of the Juvenile Justice Commission

On April 25th, twenty members of the Montgomery County Commission on Juvenile Justice met at the Office of Public Defender for its fourth annual retreat on juvenile justice issues. The purpose of this retreat was to develop the work plan for the following year. For the past two years, the Commission has been researching localization of services for youth in Montgomery County. The Commissioners took this time to decide what the next step will be for the Commission based on the research compiled by the Committees. The focus of this retreat was to develop and refine implementation strategies to achieve the goals the Commission set at last year's retreat regarding localization and other core issues. The Commission's challenge in the coming year is to partner with the state to address local needs while also exploring and studying other important areas, including prevention. Commission members met in the morning to discuss their work plan for the coming year. In the afternoon, all Commission members separated into committees to establish the goals for the coming year. At the end, commissioners gathered for a planning session to discuss how best to accomplish the goals set out in the work plan. ♦



Back row, left to right: Dylan Presman, Katrina Colleton, Elijah Wheeler, Pam Littlewood, Sarah Sherols, Carrie Mulford, Ron Wright, Nancy Gannon Hornberger, and Gladstone Marcus.
Middle Row, left to right: Rob Goldman, Jennifer Barmon, Francha Davis, Mary Siegfried, Mary Poulin, Christine Bartlett, and Wendy Pulliam.
Front row: Ashok Kapur.

Care, Custody, and Placement Committee Report

By Jennifer Barmon



This fiscal year, the Care, Custody and Placement Committee in collaboration with Montgomery County Public Schools (MCPS) and DJS, created a brochure entitled “Understanding Your Child’s Educational Rights During and After Detention at the Alfred D. Noyes Detention Center.”

Will my child receive special education services while at Noyes?

If your child was receiving special education services before being placed at Noyes, he will continue to receive special education services at Noyes. Within approximately two weeks, an Individualized Education Program (IEP) meeting will be held at Noyes to review your child’s status. As a parent, you have the right to be notified in writing at least 10 days in advance of any IEP team meeting and the right to participate in all IEP team meetings with the child. Your child will

also receive related services that are specified in his IEP, such as counseling and speech/language therapy.

Will my child’s academic records be sent to Noyes?

Yes. Noyes will request the following records from your child’s last school: The student’s last enrolled grade level and whether

The idea for the brochure came out of Committee meetings with MCPS and DJS. The goal of the pamphlet is to inform parents and students of their educational rights at Noyes and after release. The brochure addresses what services students receive at Noyes and the process of returning to a student’s school after release from Noyes. The Committee, with the help of a dean’s fellow at the American University College of Law, created the pamphlet which MCPS and DJS reviewed and approved. DJS then translated the pamphlet into Spanish. Below is an excerpt:

“The Committee created a brochure to help inform parents and students of their educational rights at Noyes and after release.”

Will my child be in school while he/she is detained at the Noyes Children’s Center?

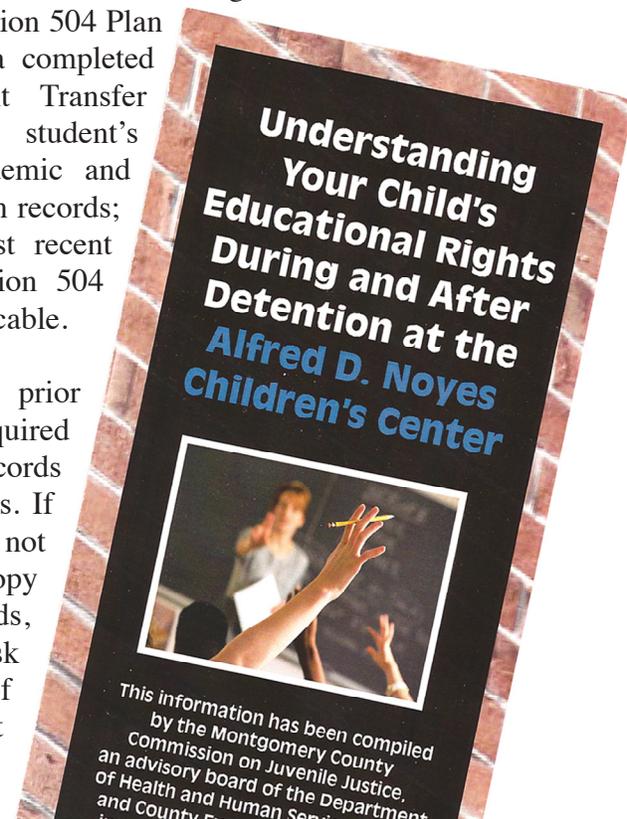
Yes. Your child will attend school at Noyes. He will attend classes in English, math, science, social studies, career development, computer technology, and physical education. Classes at Noyes are year round so your child will be in school even in the summer.

Will my child’s grades for the schoolwork he/she does at Noyes count toward credit?

Yes. Montgomery County Public Schools and other school districts will review and average in grades for schoolwork completed at Noyes. When your child returns to the school he attended before Noyes, the registrar will determine the amount of credit your child will receive depending on factors such as how long your child was at Noyes, what classes he took, and the grade he earned.

he has a Section 504 Plan or an IEP, a completed MD Student Transfer Record; the student’s official academic and immunization records; and the most recent IEP or Section 504 plan, if applicable.

Your child’s prior school is required to send the records within 3 days. If Noyes has not received a copy of the records, you can ask for a copy of the request for records from Noyes



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Government & Community Relations Committee Report

By Francha Davis



During fiscal year 2009, the Government and Community Relations Committee continued to focus on increasing outreach to, and collaboration with, other individuals and organizations serving youth involved in the juvenile justice system. In addition, the Committee monitored and tracked legislation that affects the juvenile justice system, recommended the legislative agenda for the Commission, and represented the Commission by lobbying and testifying before local and State legislators.

The Committee's goals for FY 2009 were to:

1. Hone the Commission's outreach message in language that is concrete, understandable and relevant to local concerns.
2. Build on, and further develop, relationships with key policy-makers at the County and State level, media outlets and community organizations, to facilitate a broader understanding of the issues facing the juvenile justice system in Maryland, especially as it relates to the unique conditions facing Montgomery County residents.
3. Develop strategic outreach efforts in support of the Commission's substantive agenda.
4. Review and recommend positions on legislative, regulatory, and budgetary proposals at the State, County and local levels.

During FY 2009, the Committee made significant progress toward achieving these goals. The Committee's outreach list includes local and state legislators, other County Boards, Commissions and Task Forces, public and quasi-public agencies (Department of Health and Human Services, Department of Juvenile Services, Office of the Public Defender, Collaboration Council) as well as non-profit and community-based services providers for court-involved youth and juvenile justice commissions in other jurisdictions in Maryland.

The Committee was active in gathering information and conducting outreach to key policy makers at both the County and State level during the fiscal year.

- Secretary DeVore (Maryland Dept. of Juvenile Services) attended the Commission's April 2009 meeting to update the Commission about the Department of Juvenile Service's plans for opening a juvenile facility at the former Bowling Brook site.
- In July, a group of commissioners met with Uma Aluwalia, Director of Montgomery County's Dept. of Health and Human Services, regarding the use of evidence-based treatment practices in Montgomery County.
- Also in July, members of the Commission toured The Victor Cullen Center, in Sabillasville, with

Donald DeVore, Secretary of the Department of Juvenile Services.

- Carol Walsh, Chief of Planning, Policy and Programs for the Montgomery County Collaboration Council, and Ron Rivlin, Manager of Juvenile Justice Services, attended the September meeting of the Commission to discuss the budget priorities for FY 10.
- Samantha Lyons, Drug Court

Coordinator, also attended the Commission's September meeting to provide updates about Juvenile Drug Court.

- In October, Commissioners participated in a "field trip" to Juvenile Court where they observed several hearings and learned about the Court process firsthand.
- Marlena Valdez, Director of the Juvenile Justice Monitoring Unit Office of the Attorney General, spoke at the Commission's October meeting about their report and the Department of Juvenile Services response to their findings.
- Commissioners toured the Alfred D. Noyes Children's Center with the County Council in October.
- The Committee facilitated the Commission's annual meeting with the Juvenile Court judges in March.
- Commissioners participated in a tour of the Clarksburg correctional facility and met with a group of youth participating in Clarksburg's "Youthful Offender"

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"The Committee has focused on collaboration with individuals and organizations serving youth involved in the juvenile justice system."

Evaluation and Analysis Committee Report

By Mary Poulin



Over the course of the last year the Evaluation and Analysis Committee conducted research and collected information to facilitate the development of a vision statement for juvenile justice services in Maryland and an accompanying set of objectives to help the Commission work toward the vision. This

driven service needs. Further, the state works in collaboration with counties to create a framework for optimal service provision to youths and their families. This partnership recognizes that the counties are in a better position to quickly identify and propose solutions to needs, align and coordinate already existing county-provided services to youths, and build on pre-existing in-county relationships (e.g., among local agencies, with universities). Further, this partnership will strengthen mutual accountability and support counties' responsibility to serve the local community. Finally, this partnership

will enable the state to enact standards of practice and care that will ensure equity across counties.

process involved:

- Studying juvenile justice administration and operations in other states with a particular focus on states, like Maryland, in which a state-level executive agency is responsible for many aspects of the juvenile justice system,
- Reviewing recent reports from the Maryland Department of Juvenile Services and the Governor to understand what they hope to achieve and the relationship they would like to have with counties,
- Examining the recommendations of national level juvenile justice organizations regarding how to best develop relationships between counties and the state to operate a juvenile justice system, and
- Interviewing individuals involved in the juvenile justice system in Montgomery County, including employees of the Department of Health and Human Services (DHHS), Office of the Public Defender, and representatives of the Collaboration Council.

As a consequence of this work, the Committee developed, and the Commission approved, the vision statement.

Vision Statement

We envision a partnership between the state and counties in which the state is responsive, with funding and other resources, to locally identified, data

“We envision a partnership that would provide optimal service provision to youths and their families.”

Objectives for Juvenile Justice System

1. Youths will receive services and be placed at home or close to home
2. Knowledge and input from county residents, agencies, and service providers will be used to identify service needs
3. Youth and parent access to services managers and providers to meet other identified service needs will increase
4. Cultural, gender, racial, ethnic, and other competencies will be considered to meet other identified service needs
5. Youths will be able to access an array of evidence-based programs and practices when needed
6. Increase service capacity for evidence-based programs and practices
7. Ensure multiple sources of data are used to identify individual youth and county-wide needs and ensure accountability. ◆

Mary Poulin, a senior research associate with the Justice Research and Statistics Association, is the chair of the evaluation and analysis committee.

Department Of Juvenile Services Staffing Issues

By Dennis Nial



The Commission has continued to monitor work force issues for the Department of Juvenile Services in Mont-

gomery County. During fiscal year 2009, the number of DJS direct care case managers who vacated their positions was reduced to six. Out of these six, three were promoted to supervisor positions, two transferred to offices outside of Montgomery County and one resigned. One supervisor resigned and two supervisors transferred to offices outside of Montgomery County.

Caseload size remained stable at 31 and average length of experience of case managers increased to five years. During FY 09, three new employees began as case managers.

Case manager's length of experience, and average caseload size, for June 2009 is compared with the past six fiscal years in the table below. The highest caseload for June of each year is also listed.

The average number of cases was

calculated by dividing the total number of youth under court supervision by the total number of direct care case managers. This does not include the five intake and two court liaison positions.

DJS in Montgomery County continues to need a number of specialized case manager positions. One particular need is for Spanish speaking case managers. Montgomery County continues to have many youths whose parents speak only Spanish, as well as some youths who themselves

managers with specialized training and specialized caseloads, including sex offender caseloads and female offender caseloads. There are currently two case managers with specialized sex offender caseloads, one in the Rockville office and one in the Silver Spring office. There are currently four case managers with specialized female offender caseloads, two in the Rockville office and two in the Silver Spring office.

Also, whenever possible, experienced case managers are assigned

to the following: two Juvenile Court liaison positions, the Adult Transfer Waiver investigation position, the five CSAFE positions, the five Spotlight-on-Schools positions, and two positions for Violence Prevention Initiative.

In summary, during the 2009 fiscal year, fewer case managers left Montgomery County DJS than in the previous year, and the average

length of experience rose slightly to five years. Additionally, the average caseload was stable at 31. As can be seen from the table, there have been modest but important improvements made in work load issues, specifically in length of experience and average case load size. ♦

Dennis Nial is Montgomery County supervisor with DJS and has represented DJS on the Commission.

Case Managers Employed for Fiscal Year	2009	2008	2007	2006	2005	2004	2003
Less than 1 year experience	2	2	12	7	5	4	12
1 to less than 2 years of experience	2	10	8	5	2	9	3
2 to less than 3 years of experience	18	8	3	2	6	2	10
3 to less than 4 years of experience	7	2	1	4	3	9	6
4 to less than 5 years of experience	1	1	4	2	6	4	4
5 to less than 6 years of experience	1	2	1	7	5	3	2
6 to less than 7 years of experience	2	1	4	3	4	2	0
7 to less than 8 years of experience	0	3	1	4	1	0	0
8 to less than 9 years of experience	3	1	3	1	1	0	0
9 to less than 10 years of experience	1	3	1	0	0	0	1
10 to less than 11 years of experience	2	0	0	0	0	1	0
11 to less than 12 years of experience	0	0	0	0	1	0	0
25 plus years experience	1	1	1	1	1	1	1
Total Case Managers	32	35	39	36	35	35	39
Average Years of Case Manager Experience	5	4.61	3.86	4.63	4.7	3.4	2.6
Highest caseload size in June	46	45	59	59	62	79	77
Average caseload size as of June	31	30	33.8	37.3	34.5	39.8	37

speaking only Spanish. The Department has four Spanish speaking case managers in Montgomery County. Two of these case managers are assigned to the Silver Spring office and two to the Rockville Office.

Also of concern is the need to fill many specialized positions with experienced workers. These specialized positions include; case man-

Monthly Meeting Highlights

July 2008

In the Commission's first meeting the current executive board agreed to continue the work of the Commission for a second year. The Executive board's members are; Dylan Presman (Chair), Nancy Gannon Hornberger (Vice Chair), Joseph Fedeli (Editor), Francha Davis (Government and Community Relations Committee Chair), Mary Poulin (Evaluation and Analysis Committee Chair) and David Jaffe and Jennifer Barmon (Care, Custody and Placement Committee Co-Chairs).

In July, Commissioners met with Secretary DeVore at the Victor Cullen Center for a tour of their state run facility. The tour of the facility was led by two Montgomery County youth. This new facility accommodates 48 youth; currently 36 slots are filled. Programming encourages accountability to cottage/group members, positive decision-making, and life skills training including anger management. The facility also has an apprenticeship program that has already placed 2 youth in jobs upon their release. Many youth have co-occurring mental health/substance abuse issues. The treat-



Dylan Presman, Chair of the Commission, opens the July Commission meeting.

ment program is tailored to the individual youth and is reviewed every 30 days. Youth can earn high school credit or their GED. There is a 12:1 student-to-staff ratio for all case management.

August 2008

The Commission does not meet in August.

September 2008

On September 24th, Commission members went to Juvenile court for an orientation on how juvenile cases are handled in the court system.

Also in September, Commissioners met with Uma Ahluwalia, the Director of the Montgomery County Department of Health and Human Services, regarding evidence-based treatment in Montgomery County.

October 2008

In October, Marlana Valdez, Director of Juvenile Justice Monitoring Unit Office of the Attorney General came to speak to the Commission. She reported on the Alfred D. Noyes facility as well as treatment options for Department of Juvenile Services involved youth. Ms. Valdez encouraged the Commission to look into the "Right of Passage" proposed 170 bed facility at the site of the now closed Bowling Brook facility (see attached letter from the Commission on the subject).

November 2008

David Jaffe (Care, Custody and Placement Co-Chair) presented the brochure for incoming Noyes Center youth and their families that was



Commissioners Jacob Frenkel, William Jawando and Martha Young.

developed by the Care, Custody and Placement Committee. The brochure was written to give information to DJS involved youth and their families on how to navigate the educational system. The Committee spent numerous hours working on the brochure and it was approved by the Montgomery County School system, DJS, and Montgomery County Government.

Jeff Penn represented the Commission at a site visit to the Alfred D. Noyes Center with Montgomery County Council members.

Our speaker for the November meeting was Niklaus Welter, School of Public Policy, University of Maryland, who presented a study on localization of DJS resources to Montgomery County.

December 2008

The Commission does not meet in December.

January 2009

At the January meeting, the Evaluation and Analysis Committee presented a power point summary and

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An Open Letter to Governor O'Malley



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma Ahluwalia
Director

November 10, 2008

Governor Martin O'Malley
Office of the Governor
100 State Circle
Annapolis, Maryland 21401

Dear Governor O'Malley:

We are writing regarding the recent news reports linking the private organization Rite of Passage to the old Bowling Brook Preparatory School in Carroll County. Evidence confirms that juveniles have significantly better outcomes, in terms of recidivism and reintegration into society, when they are housed in small facilities. In light of this, the Montgomery County Commission on Juvenile Justice is writing to express our concern regarding the widespread expectations that Rite of Passage ultimately intends to expand the facility at Bowling Brook to hold as many as 170 juveniles.

It is our understanding that part of the justification for providing Rite of Passage with access to the old Bowling Brook site is to increase the in-state placement capacity, in order to bring back to Maryland juveniles who are currently housed in out-of-state facilities because of undercapacity. The Commission agrees that housing all of Maryland's juvenile offenders in-state should be an important goal of the Department of Juvenile Services. There is strong evidence linking family participation during placement with post-placement success, and a key element in increasing family participation is ensuring that juveniles are served close to their family homes. However, many of the Maryland juveniles currently placed in out-of-state facilities are sent out-of-state because their profiles and records make them ineligible for state facilities, such as the Victor Cullen Center and the state's four youth centers. As such, it seems unlikely that these juveniles would qualify for housing at a facility run by Rite of Passage. Moreover, even if certain Maryland juveniles currently housed out-of-state were eligible to be housed at the Bowling Brook facility, the Commission remains concerned that establishing such a large facility is directly counter to established best practices and DJS policy on the matter.

The Commission supports Secretary DeVore's position that detention facilities should be limited in size to 48 juveniles. As such, we urge you to ensure that any facility licensed and opened at the old Bowling Brook facility be prohibited from increasing beyond 48 juveniles.

Sincerely,

Dylan Presman
Chair, Montgomery County Commission on Juvenile Justice

Commission Maintains Close Relation With MD Secretary of Department of Juvenile Services

Over the past year, the Commission has worked to build a strong working relations with Secretary DeVore, head of Maryland's Department of Juvenile Services. In April, Secretary DeVore returned for his second meeting with the full Commission. Earlier in the work-year, Secretary DeVore had personally taken Commissioners on a tour of the Victor Cullen Center. For many decades, the Commission has maintained close ties with successive Secretaries, which has allowed for direct dialogue with key juvenile justice officials at the State level. ♦



Clockwise from above: Secretary DeVore with Commissioner Ashok Kapur, Secretary DeVore with Commission Chair Dylan Presman, and Secretary DeVore with David Jaffe, Co-Chair of the Care and Custody Committee.

Recommendations

Continued from page 3

schools when youth are admitted to detention.

b. A lack of funding for substitute teachers at Noyes continues to restrict Noyes teachers from taking advantage of professional develop-

ment opportunities offered by Montgomery County Public Schools.

- 9. Improve juvenile justice data:** Currently, there is a severe lack of information available from law enforcement, courts, school, and juvenile probation on juveniles that could be used to assess how

well the County is doing to, for example, match youths to appropriate services, reduce disproportionate minority contact, and use evidence-based services. The County should focus the resources it has to help gather, analyze, and release juvenile justice data and information to the public. ♦

Commission Meeting Times

The Commission Juvenile Justice meets at 7:30 p.m. on the third Tuesday of each month, with the exception of August and December. All meetings are open to the public and all interested parties are welcome to attend. Meetings are held at the Council Office Building, 5th floor conference room, 100 Maryland Ave, Rockville, Maryland 20855.

The work of the Commission is supported and staffed by the Department of Health and Human Services, Division of Children, Youth and Family Services, Juvenile Justice Services. ◆

Care and Custody Report

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and make a direct inquiry of your child's prior school. Remember, both you and your child have the right to see your child's educational record during a meeting with Noyes personnel or with personnel at the school your child last attended.

Can my child at Noyes be evaluated to find out if he/she needs special education service?

If you think your child may have an educational disability that is affecting his ability to progress in school, you may request in writing that an IEP Team meeting be held to discuss your concerns. If the IEP Team agrees that assessments are appropriate, they will be completed and the results shared at a subsequent IEP meeting within 60 days of your written parental consent.

My child has been released from Noyes and is ready to return to school. What should I do, and who

Mission of the Juvenile Justice Commission

The 36 member Commission on Juvenile Justice is tasked with:

Evaluating State and County-funded programs and services that serve juveniles and families involved in the juvenile justice system, to address capacity, utilization, and effectiveness;

Informing and advising the Juvenile Court, County Council members, the County Executive, and State legislators on the needs and requirements of juveniles and the juvenile justice system;

Studying and submitting recommendations, procedures, programs, or legislation concerning prevention of, and programs addressing, juvenile delinquency and child abuse or neglect;

Making periodic visits to State and County juvenile facilities serving Montgomery County juveniles; and

Promoting understanding and knowledge in the community regarding the juvenile justice system, needs of juveniles in the system, and effectiveness of programs. ◆

may assist me in the process?

If your child has been at Noyes for more than 15 days, it is likely that he has been withdrawn from his prior school. You should contact the last school your child attended before Noyes and explain that he is ready to return. To receive credit for the work your child completed at Noyes, the registrar will need his progress report/MD Student Transfer Record from Noyes. The registrar can request the information from Noyes, and the MCPS/court liaison forwards a copy to the last school attended, but it will speed things up if you have a copy. You can call the Director of Education at Noyes to request one. If the school says that your child is not permitted to return to his school, ask why.

- If the school says that your child cannot return because he has been withdrawn, contact the school's Pupil Personnel Worker (PPW) and the child's public defender or private attorney.
- Your child has the right to attend school until he is 21 years old

even if he has been previously withdrawn. If he receives special education services, he has the right to educational services through the year he turns 21.

- If the school staff say that your child cannot return because he has previously been suspended, he has the right to return to school once his suspension is over. If he has been expelled, contact the school's PPW and your child's public defender or private attorney. Your child may have to attend an expulsion hearing or go through the expulsion review board process before returning to school. If your child receives special education services, he is entitled to receive services if he has been expelled or suspended for longer than 10 days. ◆

Jennifer Barmon, an attorney specializing in education cases at the Montgomery County Office of the Public Defender, serves as co-chair of the care, custody, and placement committee.

Meeting Highlights

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draft paper they have been working on to familiarize the Commission with the concept of localization and how it has been addressed in other areas of the country. The report discusses the different approaches of various jurisdictions, such as localization of the court and probation system in Fairfax County, and unique funding mechanisms and incentives in Ohio to keep youths in their communities. The report also discusses the views of national juvenile justice organizations on localization and the results of interviews with officials in the Montgomery County juvenile justice system to ascertain their views on the benefits and potential problems of localization. The report explains the differences between “localization” and Maryland’s plan for “regionalization,” and points out



Commissioners Jeff Penn, Francha Davis and Pamela Littlewood at the January Commission meeting.

how Maryland’s failure to consider cost-of-living differences between counties negatively impacts staffing and resource allocation in Montgomery County.

The objective of the report was to put the information before the Com-

mission and not to reach conclusions. The report recognizes the difficulties that current budget constraints place on localization initiatives and raises the alternative of “budget sharing,” where the County has greater control over how money is allocated for juvenile services across the continuum of care.

February 2009

In February, Carol Walsh, Montgomery County Collaboration Council for Children, Youth and Families on Disproportionate Minority Contact (DMC) spoke to the Commission for Jeff Williams, the DMC Coordinator, who was unable to attend. Carol defined DMC as the attempt to reduce disparate treatment and outcomes for youth of color at various points of contact with the Juvenile Justice system from police contact to disposition. Among the issues she discussed were:

1. Rather than keeping youths who are awaiting adjudication in secure detention (such as Noyes), wrap-around services are being provided to those youth and their families where the parent(s) are willing to take the youth home or the judges want to send the child home. Services are court ordered and provided by Maryland Choices.
2. There is a lack of shelter space in Montgomery County. They have start-up funds for a girl’s shelter providing intensive intervention. The boy’s shelter is closed. A major challenge is having an appropriate per diem to sustain both programs.
3. Families do not have the informa-



Commissioners Mark Resner and Christine Bartlett.

tion needed to successfully interact with the juvenile justice system. The Council has a contract with the Federation of Families (FOF) to provide workshops about the juvenile justice system and how to be successful when involved with the system. A FOF staff person also works individually with families to resolve barriers to family engagement include transportation.

4. With over 3,000 arrests, many youths are eligible for diversion and early intervention programs if referred via Family Crimes but are not engaging in response to the initial outreach efforts. With SASCA (Screening and Assessment Services for Children and Adolescents), there is still an issue as to how to keep youth and family engaged after evaluation and referrals for treatment.

5. Lead4Life, a new contractor with the Collaboration Council, has been selected to 1) follow-up with youth and families after the initial contact is made by Family Crimes to get them involved in the process for diversion services; and 2) follow-up with youth and families who have been referred by SASCA for services.

6. Through DSG, Inc. an analysis of detention hearing decisions in 2005 and 2006 was completed through an in-depth look at court records: how

decisions were made; characteristics of youth, offenses and dispositions. Key recommendations included: the need for an objective decision-making tool; having HEM monitors readily available; providing more alternatives to secure detention, including shelter and either a day or evening reporting center; providing continued wrap-around services.

7. Detention Risk Assessment Instrument (D-RaI) has been developed with special considerations made for different local jurisdictions. A group of local stakeholders is meeting to develop a set of special conditions for Montgomery County.

March 2009

In March, we had our annual meeting with the judges at the Red Brick Courthouse. The guest speakers at this meeting were: Judge Burrell, Judge Salant, Judge Harrington, Judge Savage, Judge Scrivener and Drug Court Coordinator Samantha Lyons. The Commissioners asked the our guests numerous questions.

Samantha Lyons reported to the commissioners on the status of the Drug court. Juvenile Drug Court is a voluntary 10-18 month transitional program. This is a coordinated effort where they are working together to actively intervene substance abuse



Diane Lininger, Commission staff liaison.

and crime. This is a four phase program. It consists of drug and alcohol testing, weekly probation visits, and a dedicated Drug Court case manager. The Drug Court has had 12 graduates so far since starting December 30, 2004; they anticipate two more graduating in the next couple of months. For FY 09, they already have 17 participants in the Drug Court.

The judges reported that they are continuing to see gaps in the competency statute. There are no provision for services for youth who are deemed incompetent to stand trial.

We also discussed with the judges the rotation of assignment, which is 18 months.

Judge Savage reported to the commission that there are no treatment options for older kids, 18-21 years old (they age out at 21), who have cognitive limitations or some type of emotional disability, and are sex offenders. DJS facilities will not take kids over 18 who are serious sex offenders.

We also learned about Harmony house, which is a new facility for CINA kids in Montgomery County. This is a rented home that is refurbished to be kid friendly. Parents can visit with their children on weekdays and weekends and they are supervised by the Child Welfare. This is a place where we can have one-on-one parenting between foster and biological parents.

April 2009

At our April meeting, we met again with Secretary DeVore to discuss



Commissioners Ashok Kapur, Wendy Pulliam, Katrina Colleton, and David Jaffe.

two letters that we had written to the governor in support of his policies to have facilities that would only house 48 youth. The Commission wrote both of these letters with concerns that the group Rite of Passages who has a history of building large detention centers had bought the Bowling Brook facility. We also discussed Department of Juvenile Service's data collection and how the Juvenile Justice Monitoring Unit uses that data.

In April, we held our third annual retreat at the Office of the Public Defender in Rockville, MD. The theme of our retreat was to discuss localization, what our next steps would be, and how we can make a difference. We discussed the ending of our two-year plan and decided to come up with a new two-year plan.

May 2009

The Commission decided to visit the Youthful offenders program at Clarksburg facility this month. The Commission members attended the presentation, got a tour of the facility and spoke with 6 different youth (age range was 18-22) housed at the facility. Many of the youth who were interested in job training and college. Youth were also positive about programming at Clarksburg.

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Meeting Highlights

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At the May meeting, we had Marlana Valdez, Director, Juvenile Justice Monitoring Unit, Office of the Attorney General. Ms. Valdez came to update the Commission on the status of the Alfred D. Noyes facility in Rockville, MD. There is a new monitor at Noyes, Claudia Wright. A major issue at Noyes in the first quarter was overcrowding. Youth on staff assaults went up from 25 to 45. Youth on youth assaults went up from 138 to 151.

June 2009

At the June meeting, several members who are leaving the Commission were recognized for their service with a presentation of cer-



Commissioners Dennis Nial, Sarah Sherols, and Jeff Penn.

tificates signed by the County Executive. Dennis Nial, DJS liaison, has served on the Commission for eleven years. Dennis's position will be filled by Maurice Sessoms. Linda McMillan, County Council liaison, who has already left, served on the Commission for five years

and helped to write the legislation that started the Commission. Linda was replaced by Susan John. Nicki Drotleff, liaison for HHS and who has served on the Commission for seven years, has left as well. Nicki's replacement has not yet been named. Citizen members who are leaving are: Sarah Sherhols, David Jaffe, Katrina Colleton and Lee Haller. Lee Haller has been on the Commission for two full terms and can no longer sit on the Commission due to our by-laws. The Executive Committee voted to give Lee Haller emeritus status which will be submitted to the County executive in August after his term is up. ◆

Calendar of Commission Meetings*		
Date	Time	Location
June 16	7:30 –9:00 p.m.	Council Office Bldg.
July 21	7:30 –9:00 p.m.	Council Office Bldg.
August	No meeting.	No meeting
September 15	7:30 –9:00 p.m.	Council Office Bldg.
October 20	7:30 –9:00 p.m.	Council Office Bldg.
November 17	7:30 –9:00 p.m.	Council Office Bldg.
December	No meeting	No meeting
January 19	7:30 –9:00 p.m.	Council Office Bldg.
February 16	7:30 –9:00 p.m.	Council Office Bldg.
March 16	7:30 –9:00 p.m.	Red Brick Courthouse (location may be changed), 29 Courthouse Square, Rockville, MD
April 20	7:30 –9:00 p.m.	Council Office Bldg.
May 18	7:30 –9:00 p.m.	Council Office Bldg.
June 15, 2009	7:30 –9:00 p.m.	Council Office Bldg.

* Commission meetings take place on the third Tuesday of the month at the Council Office Bldg., 5th floor Conference Room, 100 Maryland Ave., Rockville, MD, unless otherwise noted. All meetings are open to the public.

Govmt. Relations Report

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program in May.

At the Commission on Juvenile Justice's annual retreat in April, the Committee evaluated progress toward achieving the goals set out in the FY 2008-09 work-plan and fine-tuned its plans for FY 2010. During FY 2010, the Committee will focus its outreach on three specific areas:

1. Extending the 48-bed limit that applies in State-owned youth facilities to all privately-owned youth facilities licensed by the State.
2. Expanding the availability of evidence-based treatment options in Montgomery County
3. Increasing alternatives to placing youth in detention. ◆

Francha Davis is Executive Director of the Montgomery County Court Appointed Special Advocates and serves as chair of the government and community relations committee.