

MARYLAND DEPARTMENT OF JUVENILE SERVICES

RESPONSE TO DEPARTMENT OF LEGISLATIVE SERVICES ANALYSIS AND RECOMMENDATIONS

**SENATE PUBLIC SAFETY, TRANSPORTATION AND ENVIRONMENT SUBCOMMITTEE
FEBRUARY 19, 2015**

**HOUSE PUBLIC SAFETY AND ADMINISTRATION SUBCOMMITTEE
MARCH 2, 2015**



Recommended Actions

1. Add the following language:

Provided that the appropriation for the Department of Juvenile Services shall be reduced by \$806,661 in general funds, \$44,916 in special funds, and \$59,924 in federal funds to reflect the reduction in provider rates to the fiscal 2014 level. These funds shall be allocated as appropriate among the programs within the department.

Explanation: This action directly implements the resulting reduction from a provision in the Budget Reconciliation and Financing Act of 2015 to reduce residential provider rates to the fiscal 2014 level. The total amount of the reduction is \$911,501. The impact to provider rates is a 1.5% decrease.

Response: *DJS disagrees with the recommendation and believes the budget language should be passed as proposed.*

2. Strike the following language:

, provided that this appropriation shall be reduced by \$302,331 contingent upon the enactment of legislation to cap the residential provider rate increase.

, provided that this appropriation shall be reduced by \$17,817 contingent upon the enactment of legislation to cap the residential provider rate increase.

, provided that this appropriation shall be reduced by \$21,476 contingent upon the enactment of legislation to cap the residential provider rate increase.

, provided that this appropriation shall be reduced by \$218,964 contingent upon the enactment of legislation to cap the residential provider rate increase.

, provided that this appropriation shall be reduced by \$14,229 contingent upon the enactment of legislation to cap the residential provider rate increase.

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, provided that this appropriation shall be reduced by \$285,366 contingent upon the enactment of legislation to cap the residential provider rate increase.

, provided that this appropriation shall be reduced by \$12,870 contingent upon the enactment of legislation to cap the residential provider rate increase.

, provided that this appropriation shall be reduced by \$24,219 contingent upon the enactment of legislation to cap the residential provider rate increase.

Explanation: The fiscal 2016 budget bill as introduced includes a \$911,501 reduction (\$806,661 in general funds, \$44,916 in special funds, and \$59,924 in federal funds) contingent upon the enactment of a provision in the Budget Reconciliation and Financing Act of 2015 to cap the residential provider rate increase at the fiscal 2014 level. This action strikes the contingent language so that the reduction may be taken directly.

Response: *DJS disagrees with the recommendation and believes the budget language should be passed as proposed.*

3. Add the following language to the general fund appropriation:

, provided that since the Department of Juvenile Services (DJS) has had four or more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$100,000 of this agency's administrative appropriation may not be expended unless: (1) DJS has taken corrective action with respect to all repeat audit findings on or before November 1, 2015; and (2) a report is submitted to the budget committees by OLA listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2016.

Explanation: The Joint Audit Committee has requested that budget bill language be added for each unit of State government that has four or more repeat audit findings in its most recent fiscal compliance audit. Each such agency is to have a portion of its administrative budget withheld pending the adoption of corrective action by the agency and a determination by OLA that each finding was corrected. OLA shall submit reports to the budget committees on the status of the repeat findings.

Information Request	Author	Due Date
Status of corrective actions related to the most recent fiscal compliance audit	OLA	45 days before the release of funds

Response: *DJS disagrees with the recommendation. A corrective action plan has been submitted and the Department believes that we have addressed the audit findings, including those that were deemed repeat.*

DJS Comments

Page 3 and Page 8: DJS should comment on what factors are driving the decline in juvenile arrests and referrals to the department since fiscal 2006. The department should specifically comment on what role, if any, it has had in working with community partners and other State and local entities to contribute to this decline, whether the declines are consistent across all jurisdictions, and the extent to which best practices have been identified in certain jurisdictions that might be applied statewide.

Response: *The decline in juvenile arrests and referrals is essentially a law enforcement activity and beyond the span of control of the DJS. The vast majority of the juvenile complaints (87.9%) are from law enforcement. There has been considerable research done to identify the factors leading to an arrest - age, criminal history, substance abuse, and the families, neighborhoods, and peers.*

The decline in the total number of complaints occurred in five out of six regions:

City Region - Total complaints increased by 0.4% between FY13 (3,999) and FY14 (4,014)

Central Region - Total complaints decreased by 10.6% between FY13 (7,241) and FY14 (6,471)

Western Region - Total complaints decreased by 3.6% between FY13 (2,472) and FY14 (2,383)

Eastern Shore Region - Total complaints decreased by 8.2% between FY 13 (3,581) and FY14 (3,288)

Southern Region - Total complaints decreased by 3.8% between FY13 (4,753) and FY14 (4,572)

Metro Region - Total complaints decreased by 20.5% between FY13 (5,511) and FY14 (4,380)

Page 3, Page 10 and Page 17: The department should comment on how the abolition of 12 vacant case manager positions in fiscal 2015 has impacted current caseloads for each of these nonresidential populations. DJS should comment on whether any changes have been made to policies or practices that may be contributing to the decline in the committed residential population. The department should also discuss whether commitment and placement decisions are consistent across all jurisdictions and whether the significant decrease experienced through the first part of fiscal 2015 is sustainable.

Response: *The abolishment of 12 vacant case management positions has not impacted caseloads on nonresidential populations. DJS uses the outcomes of its workload study to determine the number and types of cases that can be effectively managed by a case manager. Caseload assignments are entered into an analytic database program called SafeMeasures, which provides daily monitoring of cases. Supervisors are able to adjust caseloads based on the population. Case managers are reassigned as needed.*

The Court has the sole discretion in determining whether or not to commit a youth to an out-of-home placement, including the type of facility a youth is to be accommodated. That decision is made after hearing recommendations and arguments from all stakeholders in the courtroom. DJS is working with the Annie E. Casey Foundation to analyze commitment trends across the all jurisdictions. DJS cannot determine whether or not the decrease will be sustainable as commitment decisions are made by the Courts.

Page 4 and Page 19: DJS should comment on what has contributed to the decrease in the re-arrest rate for youth released from committed programs and the increase in the incarceration rate among youth placed on probation.

Response: *The decline in juvenile arrests and referrals is essentially a law enforcement activity and beyond the span of control of the DJS. The vast majority of the juvenile complaints (87.9%) are from law enforcement. The incarceration rate is driven by Court decisions. There has been considerable research done to identify the factors leading to reoffending - age, criminal history, substance abuse, and the families, neighborhoods, and peers to which our juveniles return.*

- *Using a 12 month follow-up period to analyze recidivism for youth released from a committed program, Rearrest Rates decreased by 4.8% between FY11 (56.2%) and FY13 (51.4%)*
- *Using a 12 month follow-up period to analyze recidivism for first time probationers, Reincarceration Rates increased by 1.4% between FY11 (10.1%) and FY13 (11.5%)*

The Council for Juvenile Correctional Administrators (CJCA) argued for standardization amongst states for analyzing recidivism. They “strongly recommend, however, that all studies of recidivism include adjudication or conviction. Adjudication/conviction includes all cases in which the justice system process has reached a conclusion regarding guilt, made by an independent fact-finder.” When we examine the reconviction rates for youths released and followed for 12 months, reconviction rates declined 0.9% between FY11 (20.6%) and FY12 (19.7%) and remained the same for youths released in FY 12 and FY13 (19.7%).

Recidivism analysis can be a valuable tool for DJS when considering classification, residential programs, and release planning. It is also valuable when determining what community programs are necessary for youth upon re-entry and to allocate resources appropriately.

Page 17: DJS should discuss any research completed to date that analyzes whether the use of residential committed treatment is over utilized in Maryland and whether investments in community-based programs should be increased, particularly at the expense of constructing additional committed treatment facilities.

Response: *DJS has been collaborating with the Annie E. Casey Foundation to study the mechanisms of youth committed to the department. DJS has received a draft report and are working with AECF researchers to digest and finalize the report.*

Regarding utilization of residential commitment versus community based programs, a shift in resources is already underway as evidenced by DJS's selection of residential per-diems to absorb cost containment initiatives. As we have reduced the use of out of home residential placements, we have not made reductions in community based programs. In fact, DJS has expanded the use of community based programs, such as the expansion of the Choice program into Prince George's County, the contract signed with Community Conferencing and the expansion of non-residential per diem programs on the Eastern Shore. Care Management Entity (CME) funding has also been used to pay for services for the under-13 initiative, which is a diversion program.

DJS is committed to providing appropriate services to its youth and has prioritized successful community based approaches within its budget by reducing spending in areas of diminishing need.

Page 26: As previously mentioned, it is possible that DJS will be able to accommodate this reduction within its residential per diem and other contractual program services; however, DJS is still asked to specifically discuss how the 2% across-the-board actions in fiscal 2015 and 2016 will be implemented and whether the potential overfunding in residential per diems is adequate to cover the entire reduction.

Response: *As mentioned in the analysis, the committed youth population, including the out of State youth population has declined. As such, the Department will look at the funding levels in those specific budget lines. However, DJS will examine all areas of the operating budget before decisions are made on the implementation of the 2% across the board reductions for both fiscal year 2015 and 2016.*