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The problems confronting children and families (i.e. drug and alcohol abuse, homelessness, child physical and sexual abuse, teenage out-of-wedlock pregnancy, poverty, infant mortality, and school dropouts), are receiving more attention from elected public officials, the media, and the public-at-large than at any other time in recent memory. Of all these issues, none is of greater concern than preventing and controlling juvenile crime, particularly violent juvenile crime.

Unfortunately, there haven't been any dramatic breakthroughs with respect to preventing serious juvenile crime. This issue continues to be one of the most significant challenges that must be addressed by policymakers, juvenile justice and child welfare officials, and researchers in the years ahead. On the brighter side, there has been some progress made on furthering our understanding on how to respond more effectively to young law violators after they have been adjudicated in the courts. Much of the progress that has been made in this area has been due to the youth corrections developments in the states of Massachusetts and Utah.

The Center for the Study of Youth Policy is dedicated to providing elected public officials, juvenile justice professionals, child advocates, and public interest groups with information about promising developments in juvenile justice. This booklet, which is made available through a gift from the Annie E. Casey Foundation, describes the youth corrections reforms underway in the states of Maryland and Florida. These are states where officials are implementing policies aimed at expanding the diversity and availability of community-based programs and reducing reliance on training schools.

The first article was written by Jeffrey Butts, a staff member at the Center for the Study of Youth Policy and a Ph.D. student at the University of Michigan. Butts spent several weeks studying the youth corrections system in Maryland. The article provides some interesting insights about how an obsolete, expensive, and abusive youth corrections system is rapidly being turned into one of the standard bearers in the field. The second article was written by Samuel M. (Buddy) Streit, Director of Children, Youth, and Family Services in Florida. It was developed from testimony delivered to the Tennessee legislature about the reforms underway in Florida, reforms triggered by a federal lawsuit abusive practices and unconstitutional conditions of confinement.

Ira M. Schwartz
Professor and Director
Center for the Study of Youth Policy

September, 1988
YOUTH CORRECTIONS IN MARYLAND:
THE DAWNING OF A NEW ERA

By
Jeffrey A. Butts
Center for the Study of Youth Policy
University of Michigan, Ann Arbor

About the author:  Jeffrey A. Butts is a Ph.D. student and member of the research staff at the Center for the Study of Youth Policy, University of Michigan. Previously, he was a Social Worker with Children’s Services Division in Portland, Oregon.

Summary

During 1987 and early 1988, the State of Maryland closed the Montrose juvenile training school, a facility that had been in operation for nearly seventy years. Over two hundred youths were released from the school in less than a year. Many of them should not have been there in the first place since they had not committed serious or violent crimes. Nearly half of the youths were released with services and supervision in their own homes. Most of the others were placed in smaller, non-secure, residential programs. Preliminary follow-up studies have suggested that less than fifteen percent of youths released from Montrose have been reincarcerated.

In closing Montrose, Maryland joins a small but growing number of states that are shifting substantial portions of their juvenile corrections dollars away from large institutions and into community-based programs. While some juvenile offenders will still require secure placement, Maryland officials believe that the overwhelming majority can be handled just as effectively and safely through a continuum of community-based programs that provide services ranging from traditional counseling and probation to intensive supervision and offender tracking.

This paper describes the events which led to the closing of the Montrose school. Due to a convergence of administrative leadership, organization, and political mobilization, Maryland was able to make the type of fundamental, structural change that often eludes other states. Although the events in Maryland were unique in some ways, the success of the Montrose closure may prove instructive for policymakers and administrators confronting over-burdened and unresponsive juvenile correctional systems in their own states.
Introduction

On February 24, 1988, an unusual press conference was held in the State House at Annapolis, Maryland. The Governor was there to receive a tribute from three teenagers. These youths were not the sort one usually sees at a high-level news conference. They had very recently been inmates in a juvenile correctional institution — the kind of facility that used to be called a reformatory and is now typically called a training school.

The press conference was almost a celebration. Legislators, administrators, and citizens were celebrating the announcement that these youths and hundreds like them would no longer be crammed into a crowded, ineffective training school that had been in operation for nearly seventy years. At times, the Montrose school held over two hundred youths in its various buildings and cottages. The employees were overburdened and under-trained. The facilities themselves were old and crumbling. Youths at Montrose were sometimes neglected and mistreated.

Then, after several years of debate, the State of Maryland closed the school. In the year preceding the press conference, all the youths had been released or transferred to other programs. One particularly infamous symbol of the problems at Montrose was the isolation unit where youths were frequently locked up for extended periods in order to control their behavior. During the press conference, the three youths presented the Governor of Maryland with a token of their appreciation, a sawed-out portion of an aging door that contained the lock to the isolation unit at Montrose.

The closure of Montrose was part of a general reform effort directed at problems throughout Maryland’s juvenile corrections system. The state’s juvenile courts have traditionally waived a disproportionate number of cases to the adult system, and critics assert that many abused and neglected children (or Children In Need of Assistance) are handled through juvenile services rather than the child welfare system as they should be. In recent years, Maryland has had one of the highest incarceration rates in the nation, both among juveniles and adults. In fact, Montrose was just one of two large training schools in the state. The Hickey school, also located within a short drive of Baltimore, held another five hundred juveniles during recent years. Immediately after closing Montrose in the spring of 1988, state officials began to reduce the population of the Hickey school using similar strategies. By August, there were just over three hundred youths in the Hickey facility, and more releases were planned.

The demise of the Montrose school may signal the birth of a new juvenile corrections system in Maryland. For the residents, and potential residents of Montrose, the closing of the school means a chance to live in their own homes or communities while they receive the supervision and services designed to keep them out of trouble and out of the courts. It means a chance, perhaps, for a
future outside of the corrections system. While some offenders will still require secure placement, Maryland officials believe that the overwhelming majority can be handled through a continuum of community-based programs. Closing the Montrose School is seen as an investment in the future of Maryland.

The discussion which follows analyzes the events that preceded the closing of Montrose. It describes how a combination of leadership, organization, and political commitment enabled Maryland to make a fundamental change in its treatment of juvenile offenders. The recent developments in Maryland represent a case study in how state governments can begin to rehabilitate juvenile corrections systems that are over-invested in institutional care.

The Montrose School

Montrose was intended as the treatment resource of last resort for the youths who were placed there. Short of waiver to the adult system, placement in a training school is the most severe, and often most expensive sanction available to a juvenile court in its handling of young offenders. Since training schools are meant to be a last resort, one would expect their residents to be dangerous, hard-core juvenile offenders.

The youths at Montrose, however, were not hard core or dangerous. Less than thirty percent had been charged with any act of violence. They were largely status offenders, misdemeanants, and property offenders. In 1986, the state estimated that forty-four percent of the Montrose population had been incarcerated for violation of probation, and most of these violations were for status offenses (e.g., truancy and “ungovernableness”).

Why, then, were these youths in a highly secure juvenile corrections facility? Some would argue there were few treatment alternatives in the community. The courts may have believed that commitment to a training school was the only way to guarantee services for a young person in trouble. Others would see more insidious forces at work. They might argue that once an institution is well established, the focus of its attention becomes maintaining a complete census, with every bed filled at all times. Still others would point out that the kids at Montrose were predominantly Black, inner-city youths considered “throwaways” by the larger society. They would maintain that Montrose had become a “warehouse” where the young victims of today’s urban problems were locked away—out of sight. Regardless of the reasons, however, it is clear that many youths were incarcerated at the Montrose school inappropriately.

History of the School

Montrose had a rather colorful past. The school was situated on six hundred acres of rolling hills and trees just outside of Reisterstown, Maryland, a twenty-minute drive from the city of Baltimore. According to local history (some
say legend), the land and initial buildings of the Montrose estate were purchased in the early 1800s by the French government under Napoleon Bonaparte. The Emperor offered the property as an inducement to Baltimore’s Betsy Patterson so that she would not interfere with his plan to have his youngest brother, Jerome Bonaparte, return to Europe from Maryland to be crowned King of Westphalia. Jerome had moved to the United States in 1803 and married Betsy Patterson. This reportedly enraged the Emperor so greatly that he annulled the marriage and refused to allow his brother’s American wife to accompany him back to France. Montrose was, in a sense, Betsy Patterson’s consolation prize after her husband was enticed to abandon her for a throne.

Although the details are undocumented, local records do show that Betsy Patterson lived in the mansion on the grounds of Montrose in the early 1800s. In 1843, her son, also named Jerome Bonaparte, sold the Montrose property to a family named Anderson who lived there until nearly 1880. After passing through several more hands, and last selling for $20,000 in 1895, the land was purchased by the State of Maryland in the early 1900s. Montrose became a juvenile facility in 1922 when the state moved eighty-two girls there from the Maryland Industrial School for Girls in Baltimore. At that time, the Montrose campus contained the original mansion, two cottages which housed the girls, and a smaller building that was used as a school house.

Several more residential cottages were built between 1925 and 1952. A second campus, the Gill campus, was added during the early 1960s. The two campuses, however, were always referred to collectively as the Montrose School. Montrose operated for nearly fifty years as a training school for girls. It became a co-ed institution in the early 1970s. The campuses were racially segregated until the 1960s. Under legislation passed in 1974, its population was defined as males under the age of sixteen, and females up to eighteen. The school accepted both preadjudication (detention) and court-commitment cases.

Montrose was designated officially as a 212-bed facility. The daily population, however, was usually higher, with an average near 250 during recent years. Obviously, this led to crowded conditions. The school’s eleven cottages were designed to hold twenty youths each, yet at times there were as many as forty-five in one unit. The cottages frequently averaged twenty-five to thirty residents each. During particularly crowded periods, the staff at the school improvised by setting up temporary living units in a hallway or basement. Even when they were not crowded, the old buildings at Montrose were poorly ventilated and inadequately heated, often infested with insects and mice, and there were suspicions that many contained dangerous levels of asbestos.

The Montrose budget in Fiscal Year 1987 was about $9 million. The cost per youth was estimated by the state to be approximately $42,000 per year, or $115 a day. In 1986, the state estimated that sixty-seven percent of the youths at Montrose were residents of Baltimore; eighty-three percent were between the
ages of fourteen and sixteen; sixty-two percent were male and seventy-eight percent non-White. Almost half the youths had not had an out-of-home placement prior to being incarcerated at Montrose.

Among the records available at Montrose, one staff report described the school’s program goals and treatment orientation in the late 1960s. The staff at Montrose reportedly hoped to “offer a wide range of programs so that each child is offered something that is appropriate and meaningful to her.” The report indicated that experimentation was underway at that time in programs such as behavior modification and employment training. The staff also believed, however, that “many children who come to Montrose exhibit problems that are clearly psychiatric in nature.” Thus, more psychiatric services were anticipated for the 1970s. This particular report from the late 1960s concluded with the following observation:

Building a program in an institution the size of Montrose is a gradual process. It is something that does not happen suddenly. However, the staff at Montrose are optimistic because they know that things are happening now, and they also realize that together we are working toward constant improvement.

Inducements to Reform

In 1987, the State of Maryland reached the conclusion that even with constant improvement, continued operation of the Montrose school could no longer be considered good public policy. This decision was not reached hastily. In fact, this was not the first time that closure had been considered. Before, however, the state always chose the path of least resistance and kept the school open. Several factors encouraged Maryland to reconsider and then change its policy regarding the Montrose school.

Previous Calls for Change

One of the more influential factors in bringing about the closure was simply the weight of previous efforts to reform or close the school. Such efforts began at least two decades before Montrose was finally closed. In 1967, the Federal Department of Health, Education and Welfare (now Health and Human Services) reviewed Maryland’s juvenile services system and found “an overuse of institutionalization” and recommended that “[s]erious thought should be given to establishing community-based programs for delinquent youth capable of being treated in the community.” The federal reviewers noted that Maryland’s juvenile institutions, including what was then the Montrose School for Girls, were “too large” and that the state should “evaluate effective means of reducing the size of [its] institutions.”

In 1973, the Legal Defense and Educational Fund of the NAACP released
a report entitled “A Call For Reform of Maryland’s Training Schools” which examined conditions at Montrose as well as the state’s other training schools. The report stated that there were many children in the juvenile institutions who did not belong there, and that the training schools were “largely custodial and not rehabilitative.” The NAACP recommended that the schools “be phased out and replaced by a variety of community-based facilities.” The proposed deadline for this action was three years—in other words, by 1976.

In response to the growing pressures for change at Montrose, the state initiated studies of its own. In 1986, Montrose was the responsibility of the Department of Health and Mental Hygiene (DHMH), the parent agency of the Juvenile Services Agency (JSA). At the request of the General Assembly (Maryland’s state legislature), DHMH prepared a report on the “feasibility and desirability of closing the Montrose School.” Released in September of 1986, this report echoed earlier studies on Montrose.

Among its findings, the DHMH report stated that “at least half of the youth [at Montrose] do not need to be there. Many youth in the remaining half may also be more appropriately served in non-institutional settings.” The report also claimed, however, that Maryland lacked the community-based services and residential facilities to absorb the youths normally sent to Montrose. The state concluded, therefore, that while the Montrose school should be “phased out,… a new facility should be created.” The report added that “[t]he Montrose campus will be considered as a possible location.”

In other words, the study suggested that the state should retain the institution at Montrose but with newer buildings and better services. The actual proposal which advanced this idea was known as the Hanover Plan. Essentially, it proposed a renovation of the school’s physical plant with the addition of a new treatment philosophy, but at the same institution and with the same staff. To many, the Hanover Plan was hardly worth consideration. One JSA representative pointed out that it was bricks and mortar reform. Dressing up the physical structure would not change the environment, or create a healthy atmosphere for youths. The Hanover Plan was very much like the internal report from the 1960s which described Montrose’s program goals. It recognized that there were problems at the school, but assumed that the status quo could be maintained with certain modifications.

Publicized Incidents

Montrose always seemed to survive the various reports that pointed out its flaws. Yet, to many it was still an over-crowded, custodial warehouse for kids. Conditions at the school continued to concern local youth advocates and some policymakers. Treatment programs seemed inadequate, and there had been several reports of youths being mistreated by staff. The existence of an institution as old and well-entrenched as Montrose, however, seemed beyond challenge.
Then, two youths at Montrose committed suicide in less than three years; several more attempted it. After the second suicide, when a thirteen-year-old resident hung himself from a window grate in an isolation room on January 31, 1986, public discussion about the problems at Montrose grew more heated. The political pressure on state policymakers also increased.

**Litigation and Rising Costs**

There were legal and fiscal pressures as well. In May of 1986, less than four months after the second suicide, a class action suit was filed against Montrose on behalf of a group of residents at the school. The suit was initiated by law professors from the University of Maryland who sometimes represented youths at Montrose and often took their students on tours of the facility. After a number of disturbing events at Montrose, culminating with the suicides, several members of the law faculty felt frustrated in their efforts to communicate their concerns to school officials. Their recourse, with Mark Soler of the Youth Law Center in San Francisco as co-counsel, was to file a class action suit charging Montrose with denying the civil and constitutional rights of its residents.\(^{17}\)

Within state government, the lawsuit was known as the Millemann suit after one of the attorneys who brought the litigation, Michael Millemann. Stanley S. Herr and Richard L. North were the other faculty members from the law school who were involved in the suit. The plaintiffs in the Millemann suit sought redress for multiple violations of their civil and constitutional rights. They charged the school with subjecting them to cruel and unusual punishment and denying them due process protection and adequate treatment.

The suit listed ten different plaintiffs and described how they had been treated at Montrose. It also described some of the “systemic” practices at the school which contributed to mistreatment of the youths held there. It was a searing condemnation of practices at Montrose. According to the suit, the environment at Montrose was “toxic” and “encourage[d] children to engage in aggressive and self-destructive activity. Serious suicidal acts by children occur[ed] at least several times per week.”\(^{18}\) The suit also charged the school with failing to provide even minimally adequate medical or psychological care. Children were denied adequate opportunities to visit or even communicate with their families. Isolation was used inappropriately and arbitrarily, violating rights of due process, and there was an overuse of physical restraints and punishment. One practice the staff called body slamming involved shoving a youth against a wall or on the floor in order to control his or her behavior.

Some of the particular experiences of the plaintiffs illustrated the problems at Montrose in graphic detail. Plaintiff C.E., for example, was eleven years old when he was sent to Montrose for stealing a bicycle. During his six-month stay at the training school, C.E. was raped repeatedly by older boys in his cottage, restrained with handcuffs, stripped of his clothing in a seclusion cell, and denied
proper medical treatment. Plaintiff C.M. was an emotionally disturbed and mentally ill fourteen-year-old who had been adjudicated for shoplifting. During her stay at the school, C.M. was at one point handcuffed spread-eagled on her bed. She was also in the same isolation unit when the second suicide occurred. CM. had previously befriended the thirteen-year-old who hung himself. Soon after, she tried to strangle herself with an electrical cord. She had received no special counseling or supervision, despite her obvious grief over her friend’s death.

The school’s troubles were soon compounded by yet another suit, but for very different reasons. The state was notified in July of 1987 that the Sierra Club was going to file a suit concerning the sewer system at Montrose. Apparently, the waste water treatment system at Montrose had been in violation of federal water-quality standards since 1981, and was discharging improperly treated effluent into a tributary of Baltimore’s Liberty Reservoir. The Sierra Club demanded that the system either be brought into compliance with the standards, or be shut down completely. In other words, the school would have to close. Repairing the system would have cost the state about two million dollars.

The Sierra Club suit was settled when the State of Maryland agreed to a court order stipulating that it would either fix the sewage system or shut it down by June 30, 1988. The closing of the school in March, 1988 permitted the state to meet the deadline. By the time the Sierra Club suit was actually filed, the decision to close the school was at hand. The July announcement of the suit, however, was timely and added more heat to the debate about Montrose’s future. The price tag to keep the school open went up by a couple of million dollars.

In addition to the sewer system, the campus buildings themselves were in disrepair. After touring the campus, Maryland’s Governor Schaefer observed that “the place was falling apart.” One architectural firm placed the cost of renovations to the buildings and grounds at ten million dollars. The various capital improvements, therefore, would have cost the state well over twelve million dollars had Montrose remained open.

A New Governor—A New Administrator

By the beginning of 1987, the subject of closing Montrose had been publicly discussed for some time, but no clear direction had emerged. All indications were that the state would merely continue to debate the problem and propose minor adjustments. The two suicides had raised public consciousness about problems at the school, and there was growing awareness that closing the school might be a viable solution. Cost estimates of the needed repairs to the campus were of great concern to policymakers, and the pending litigation promised to make matters more complicated. These factors combined to make the juvenile justice environment fertile for change. The only missing ingredient was a new source of energy, someone who would push for real change and not settle for old compromises. As it happened, Maryland got two change agents.
One was an aggressive new governor, the other an energetic and able new administrator for juvenile services.

Governor William Donald Schaefer took office in January, 1987. He won the governorship with a commanding majority of the vote. Before running for state-wide office, Schaefer had been a popular mayor of Baltimore. He had a hands-on reputation as Mayor and brought the same energy to the Governor’s office. In addition, he recognized the need for aggressive action in children and youth services and the longstanding concern about the state’s training schools. During the first few months of his administration, the Maryland General Assembly approved Schaefer’s plan to move the Juvenile Services Agency out of the Department of Health and Mental Hygiene and place it directly under the Governor’s office, making it an independent agency Schaefer then brought in a new director to head the JSA.

Linda D’Amario Rossi came to the JSA in May of 1987 after surviving a screening committee that included legislators and members of the Maryland judiciary. Trained as a Social Worker, Rossi had been deputy commissioner of the Texas Youth Commission for two years. Previously she was superintendent of the Rhode Island Training School (known locally as the RITS), and Director of that state’s Department for Children and Their Families. She was known as a relentless pursuer of innovative and effective policies for children and youths. Rossi also advocated community-based programs and insisted upon a judicious use of secure facilities. Republican State Senator Raymond E. Beck, who heads a committee which oversees the JSA, saw Rossi as a “dynamo”; he was impressed with her “grass-rootsy” qualities.

Rossi visited Montrose even before she was offered the position as JSA director. She noticed the severe staff burn-out, and it was evident that the campus was deteriorating physically. In her early discussions with the Governor, Rossi stressed that the Maryland system should be re-organized. “There are better ways to do business,” she told Schaefer. She also emphasized that most of the youths at Montrose were unlike those usually found in training schools. They were similar to the youths one would see in foster care, group homes, and residential treatment centers. Schaefer was intrigued by the prospect of using innovative community-based programs to handle young offenders. Before Rossi’s arrival, it had appeared that the Hanover Plan was the only solution to the problems at Montrose. He was excited to hear of a better way.

Governor Schaefer became quite involved in the Montrose issue. He and Rossi visited the school and the Governor was visibly upset by what he saw there. He talked with some of the kids and heard about their life at the school. He also toured the campus. As they walked the grounds, Rossi described how other states, particularly Massachusetts and Utah, had been dealing with the same type of youths found at Montrose. She explained how well-managed networks of community-based services could work effectively with youths while they lived outside of the institution. The governor heard about some of the alternatives
being used in lieu of training schools, and encouraged Rossi to close the school at once.

The political strength of the Governor, combined with the fact that Rossi was a new JSA director, enabled them to move relatively quickly. In addition, due in great part to the early support of the Chief Judge of the Maryland Court of Appeals, Robert C. Murphy the judicial community was involved from the beginning and helped substantially in promoting the perception that major changes were necessary in the state’s treatment of juvenile offenders. This is not to say however, that Rossi could have then simply closed the school. Like any large institution, Montrose had its constituency and state policymakers generally are not eager to alienate such a constituency or to seem soft on juvenile crime.

Nurturing Reform

JSA administrators recognized from the beginning that closing the school was a major policy change and would require careful planning and sharp political skills. Governor Schaefer had indicated that he was ready to proceed, but Rossi encouraged him to let her build a broader consensus on the new direction of JSA policy. One of her first efforts, therefore, was to widen the circle of discussion and to bring more people into the policy process.

Taking this approach was a calculated risk. A consensus-based strategy can sometimes facilitate and reinforce policy change, but it can also dilute or postpone change altogether. The JSA could have avoided this risk by foregoing consensus and acting unilaterally to close Montrose. Rossi was adamant, however, that policies arrived at in this manner are tenuous. As soon as circumstances change, they are likely to be reversed. Another benefit to opening up the process is that the opposition emerges fairly early and the chances of being ambushed at the last minute are reduced. Rossi had to strike an effective balance between consensus and control. She wanted the key players to be involved, but not to the extent that the policy process would deteriorate into endless debate.

Knowing the Players

Some of the early opposition to closing Montrose, according to JSA officials, came from groups who were in “the business”: the professionals and state employees who worked at Montrose and other similar institutions. They argued that closing the school would mean a loss of resources and services for children and families in need. At a policy conference attended by 50 policymakers, juvenile court judges, child advocates, and representatives from public interest groups from throughout the state, there was only one dissenting vote when the question of closing the school finally arose. That one vote was from the Executive Director of the state chapter of AFSCME (American Federation of State, County and Municipal Employees). He argued that “other states…
have had trouble contracting out” (i.e., for private services instead of public institutions). He also warned policymakers that contracting out becomes “very expensive” and that the “quality of care goes down.”

The opposition from AFSCME suggests that the closing might have been more difficult if there had been stronger unions at the school. Maryland law prohibits collective bargaining for state employees. The two unions that represented Montrose staff, AFSCME and the MCEA (Maryland Classified Employees Association), were limited to representation activities. They did not have a contract with the state. A stronger union may have been able to stonewall or least delay the efforts to close the school.

The line (cottage) staff and the teachers, for example, approached the issue of closure quite differently. Although both were represented by a union, the teaching staff were un-classified employees at Montrose. They served “at the pleasure of” the administration. The line workers, on the other hand, were part of the Maryland Merit System, or civil service. They perceived themselves as better protected against layoff and dismissal. This difference seemed to affect their attitude toward the administration during the early stages of the closing. According to one JSA official, the teachers approached the issue more dispassionately. They were less confrontational and were interested primarily in being informed and involved in the decision-making process. It could be argued that this stance was due to their relatively weak position compared to the line workers who were more openly resistive to the closing. The teachers had less power to resist.

Opposition also developed within some quarters of the judiciary and among a few state legislators. They asked that the state first develop the community alternatives, then experiment with reducing institutional beds. In a letter to the editor of the Baltimore Sun in August, 1987, State Senator John C. Coolahan took exception to Linda DAmario Rossi’s statement that half of the juveniles in the state’s institutions did not belong there. He believed that it was closer to ten percent. The senator acknowledged that housing relatively minor offenders in the same facilities with serious, violent offenders was not a good idea. Rather than removing the minor offenders, however, the senator asserted that “[w]hat we need is a maximum security juvenile facility for… chronic offenders.”

In the main, however, the judges and state legislators supported closing Montrose because they considered it a step forward both programmatically and fiscally. Even Senator Coolahan eventually supported JSA’s reform efforts. His letter received personal attention from Rossi. Later, and at JSA’s invitation, he and other key policymakers and juvenile justice officials visited model community programs for delinquent youths in Massachusetts and Utah.

The remaining opposition was relatively unorganized and could not
overcome the broad base of support for closing the school. As mentioned above, the leadership of Robert C. Murphy the Chief Judge of the Maryland Court of Appeals, was extremely influential in developing early support within the judicial community. Within the Baltimore area, the avid support of juvenile court Judge David B. Mitchell was critical in rallying the support of judges. Also important was the support of the Joint Oversight Committee on the Juvenile Services Initiative, composed of members from both houses of the legislature and the judiciary.

Several years before the closing, the Joint Oversight Committee had been appointed to deal with serious programmatic and management problems in juvenile services. Rossi made special efforts both to inform the Committee of her intentions and obtain their input during the early stages of discussion. The members of the Joint Oversight Committee were essential in shaping the debate around the Montrose closing. Senator Raymond E. Beck, the head of the committee, and Senators Tommy Bromwell and Francis X. Kelly were some of the most active among those state legislators whose leadership was essential to the success of the JSA initiatives. The supportive role played by Senator Kelly was particularly influential since he represented the district containing Montrose.

Significantly opposition to the closing did not come from child advocacy groups. In fact, local advocates were ardently supportive. Among those people who were privy to the behind-the-scenes efforts to close Montrose, a Baltimore advocate named Pat Hanges is praised for her tenacity. A former officer in the Baltimore County police department and a lay Franciscan nun, Hanges was a volunteer at the Montrose School and managed to have an office on the campus. She used her access to great advantage. She was nearly always present when policymakers gathered to discuss Montrose. When the closing was finally underway Hanges pronounced it “the most progressive thing that has occurred in Maryland in a long time.”

Other influential groups that supported the JSAs agenda included Advocates for Children & Youth. The chair of the group, Susan Leviton, was an attorney with the Maryland Disability Law Center in Baltimore in addition to teaching at the University of Maryland Law School. Leviton wrote a letter to the Baltimore Sun in rebuttal to Senator Coolahan, in which she called for the people of the state to support Rossi’s efforts to change the Maryland juvenile justice system. Doing so, according to Leviton, was “a challenge that the state up until this time has never been able to meet.” Letter closed with this eloquent plea:

For years, children have appeared before our juvenile court and been told that they will receive treatment when in reality they have received only punitive custodial services. If we hope to teach children to respect our legal system, we must show these children that the system is just. Our present system is not.
Getting Out the Message

The fact that most legislators and judges supported the closing was, of course, no surprise to Rossi and her executive staff. She maintained close working relationships with key legislators and judges from the beginning of the change effort. During the entire process, she wrote the legislators every four to six weeks with updates on JSA's progress. On at least one occasion, these mailings went to every single member of the Assembly. Her intent was both to inform and to anticipate potential problems as the Montrose youths went back into the community or to less restrictive residential placements. Legislators were reminded how many youths had been released from the facility where they had been placed, and how they were doing in their new placements.

In Rossi's opinion, this regular flow of information was critical in dealing with opposition to the closing, especially when misinformation surfaced. For example, some critics charged that Montrose youths were being released into the community without alternative programs or services. Another rumor circulated that many of the youths were being transferred to the state's other juvenile training school, or that they were being sent to out-of-state institutions. Through her periodic communication with legislators, Rossi made sure they were aware of the true situation. She described exactly what services the released youths were receiving, explained that only a few had been transferred to the Hickey School, and noted that only 10 Montrose residents ended up being placed outside of Maryland. Most of these out-of-state placements were just across the border into Pennsylvania or Delaware.

Rossi's efforts paid off when an incident occurred during the height of the closing process. Three young residents of a JSA shelter home were involved in an altercation over a car and allegedly killed another youth. Although none of the youths involved were from Montrose, the local media covered the story extensively and usually highlighted the JSA connection since Montrose had been "good copy" for several months by that time. Rossi immediately informed the Governor, state legislators, and other important individuals that the youths had not been from Montrose. She also moved quickly to establish a "blue ribbon" commission to look into the incident. Had there been less ongoing communication between the JSA and key policy players, however, this event could have disrupted the effort to close Montrose. Because decision makers knew the facts immediately they were able to face the ensuing press inquiries with confidence.

Rossi admitted that there was always the chance that a former Montrose youth would be involved in a publicized crime (as either victim or perpetrator), but she was confident that the groundwork laid by the JSA would help avert any premature abandonment of the newly established policies. Key decision makers were well aware of the process being used to release and place Montrose youths. The plans made for each youth were based on sound, professional
judgment and could have survived the scrutiny which often follows a sensationalized incident of juvenile violence. This was one of the operating principles of JSAs reform initiative — that the agency would be accountable for every single youth.

**Bringing in the Outsiders**

Local policymakers also had the opportunity to hear from outside experts. In June of 1987, within weeks of her arrival at the ISA, Rossi assembled a group of nationally recognized consultants in juvenile justice. She asked them to visit Maryland, tour its juvenile facilities, study the state’s juvenile services system and report on their findings. The group’s visit, and a policy forum which followed were sponsored jointly by the JSA and the Center for the Study of Youth Policy which was then at the University of Minnesota’s Humphrey Institute for Public Affairs. The group’s report became known as the Humphrey report.

The group consisted of well-known policymakers and juvenile justice practitioners: Ron Jackson of the Texas Youth Commission; Edward Loughran, Commissioner of the Massachusetts Department of Youth Services; Edward Murphy from the Department of Mental Health in Massachusetts; Russell Van Vleet from the Salt Lake City Juvenile Court and formerly director of Utah’s Division of Juvenile Corrections; and Kenneth Fandetti of the Rhode Island Department of Children and Their Families. Along with several Maryland officials, the group spent three days studying the state’s system for handling juvenile offenders.

The Humphrey report had a distinct impact upon public awareness of problems at the Montrose School and other aspects of the state’s juvenile justice system. It was quoted widely in the press around the greater Baltimore area and provided a basis for discussion for months to come. One of the most well-known and influential phrases in the report described how the group of national experts came to Maryland expecting to review a juvenile corrections agency and “…what they found [instead] was a ‘child welfare system.’ Instead of an agency which responds to juveniles who have broken the law and classifies them according to the level of their offenses, they found a system which, either actively or by default, has responsibility for children of all ages and needs who may or may not be juvenile offenders.”

In support of the agenda established by Governor Schaefer and Director Rossi, the report noted that the JSA had “spread itself too thinly and [was] not functioning as effectively as possible.” In particular, the agency’s focus had become diffused so that it was not even serving the population normally expected of a juvenile justice agency. According to the report, “many of JSA’s current clients would, in another state, probably be served by a human services, and not a correctional agency; at the same time, many of the juveniles waived to adult court in Maryland are similar to juveniles in juvenile corrections agencies
around the country." Included among the recommendations of the Humphrey report was the unambiguous statement that “Montrose should be closed as soon as possible.”

In September of 1987, Maryland policymakers had another chance to hear experts from outside their state. This time, the setting was a two-day policy conference in which the decision to close Montrose was finally made. The conference was sponsored by Governor Schaefer, Chief Judge Robert Murphy and the Center for the Study of Youth Policy, which by then had moved to the University of Michigan. The participants at the conference were charged explicitly with considering the recommendations contained in the earlier Humphrey report. Approximately fifty legislators, advocates, judges, state administrators, and community representatives met in Annapolis and tried to devise acceptable solutions to the Montrose situation.

The Governor indicated to those attending the conference that he wanted to close Montrose. He also said that he would listen if they wanted to convince him of another way. The burden of proof rested with those who advocated keeping the school open. The Governor told the participants, “Now it is on the table and I want you to come up with some answers. What do we do with Montrose?” The Governor’s views, however, were clear. “It seems to me,” he said, “[that] we have not invested our youth corrections resources very efficiently in the past few years. Much of our money energy and time has been placed into large institutions, and, as we all know, the yield has not been impressive.”

There was little dissent, apart from that of the AFSCME representative mentioned earlier. By then, the state had experienced all the events described above: the various reports calling for the closing, the suicides, and the lawsuits. Rossi and her staff had worked hard to educate legislators, judges, and the public about the need for reform. All that was needed was the official mandate. At the end of the conference, the participants heard from Ira Schwartz, Director of the Center for the Study of Youth Policy. They heard about other states that were reducing the incarceration of youthful offenders. They also heard about less destructive alternatives that are known to be effective in working with juveniles.

When a motion to close the school finally came, it was appropriate that the person who posed the question was Judge George B. Rasin, Jr. Recently retired from the Circuit Court in Kent County Maryland, Judge Rasin had lived through most of the troublesome history of Montrose. Now, he would call for a show of hands on the motion to close it. The motion itself was made by yet another Circuit Court Judge, Daniel Moylan of Washington County. If the motion carried, the conference participants would help move Maryland’s juvenile justice system beyond its reliance on large institutions and begin to build a system based on smaller, community-based programs.

The motion passed overwhelmingly on the second day of the conference,
September 16, 1987. Linda D'Amario Rossi quickly announced that the JSA would close the Montrose facility within six months. Even some of her supporters said that a six-month schedule was unrealistic.

Closing the Institution

Once the political consensus was established, the huge administrative task of the actual closing loomed large among the JSA administrative staff. During July and August, 1987, Rossi brought in three new deputy directors who would help shoulder the burden. The deputy director in charge of institutions, Charles Kehoe, had been recruited from Michigan and immediately began to formulate a strategy for gradually closing such a large corrections facility Ruth Roberts Webbon, who had been in local government in another Maryland county was the deputy responsible for planning and the budget. She took on the sensitive task of managing the personnel actions required by the closing. Ben Jones, formerly of the New York Juvenile Services Commission, was the deputy for community programs and headed the effort to make sure that the resources were available in the community to supervise and provide services to the youths being released from Montrose. Rossi and her executive staff recognized that the entire effort could founder on details if the closing process was not carefully planned and executed.

The closing was guided by a formal plan. Each aspect of the total effort was divided into monthly goals and performance standards. There were goals for the number of youths to be moved out of Montrose, and the rate at which they would leave. The staffing levels at the school were tracked each month and compared with set goals. The availability of community resources and programs was monitored, including the new programs initiated by the JSA. This information was distributed throughout the agency and used to evaluate performance and progress.

In early October, 1987, JSA sent notices out to the juvenile courts that upon a certain day there would be no more detention intake at Montrose. A few weeks later, there were to be no more court commitment intakes. In the words of JSA’s Charles Kehoe, the agency “closed the front door, then opened up the back door” and started to move kids out. Moving the kids out required careful planning and systematic case management. Each released youth was to have an individualized plan involving support services and any level of placement deemed necessary.

The Facility

The most basic task, of course, was simply closing the physical structure. The mechanics of this process were handled by several people under the direction of the superintendent of Montrose, Robert H. Harrington. Harrington made sure that everything was well thought out. There was a phased cottage-
closing plan, for example, so that as the campus population gradually declined, there were planned transitions. When one cottage dropped below a certain number of youths, they moved in with another group which, in turn, would be combined with yet another cottage when it had been reduced to a certain level.

As this happened, the superintendent also had plans for removing and inventorying the building contents and then storing the excess supplies. As each cottage was emptied, the grounds staff transferred the remaining equipment and boarded all the windows. The Fire Marshall then checked the building for safety Harrington arranged twenty-four hour surveillance for both before and after the last youth left the campus. For several months, there continued to be two security people and fifteen support staff on the grounds.

The school did lose some property, including a couple of computer terminals and televisions. Considering the amount of inventory however, losses were relatively minimal. The most important concerns in closing the school, of course, had less to do with things than with people. The primary focus of the JSA planning process was on the staff and residents of the school.

The Staff

One of the first issues to occupy the attention of Rossi and her deputies was the reaction of the employees. Very early the JSA had projected the number of employees to be affected by the closing, and developed strategies for placing them elsewhere in the system if feasible. Layoffs were to be kept to a minimum. They projected that two hundred and forty state employees would be affected directly by closing Montrose. Of those, it was expected that twenty-five to thirty would be actually laid off. Due to resistance on the part of some staff to accept transfers (especially those involving geographic moves), there were actually closer to fifty initial layoffs. Nearly half of these people, however, were later brought back into the system, either within the JSA or in other departments of state government. At the end of the 1987-88 fiscal year, there were fewer than thirty former Montrose employees still on layoff.

As soon as word of the closure went out in September of 1987, a meeting was called with all Montrose staff in which the Director dealt with questions and concerns about the plan. During that first large meeting, a great deal of hostility surfaced. As discussions progressed over several months, the anger of the staff gradually subsided. Still, the JSA administrators recognized that some resistance and denial was unavoidable. Despite months of advance warning, there were some employees who did not believe the school would actually close. Most of the staff, however, accepted the inevitability of the closing and seemed to appreciate the administration’s awareness of employee concerns.

The central office staff met with the Montrose employees on a weekly basis throughout the closing process. During the early stages, these meetings
were often attended by forty to fifty staff. In later weeks, attendance would fall to fewer than twenty. The problems that emerged during the meetings were addressed to the fullest extent possible and then updated at the next meeting. The JSA administrative staff regularly updated the Montrose employees on all personnel actions, including the number of successful transfers. After the first few meetings, a newsletter was started to maintain communications with the line staff, especially those who did not attend the weekly meetings.

An additional element of the central office strategy included increased availability of psychological services for the line staff to combat the shock and depression which can result from such a major institutional change. Employees were also encouraged to take advantage of the employee assistance program and the state’s personnel office for everything from resume preparation and career counseling to tracking recent job openings in the Baltimore area.

This regular interaction between line staff and the central office was extremely beneficial, even though it was often painful when conflict became rancorous. JSA’s Charles Kehoe was convinced that these measures paid off. “It’s vitally important to recognize employee needs and to make every effort possible — even go overboard — to assure the employees that their needs are being looked after. Because to the extent that employees are feeling that ‘headquarters cares about me,’ that’s the extent to which they are going to care about the kids.”

The Youths

Of course, the purpose of the reform effort — the bottom line — was the youths held at Montrose. The JSA insisted that every youth have an appropriate placement and adequate services upon leaving the school. Even before the official announcement of the closure, the agency had reduced the population at Montrose to approximately 150 youths. In preparation for the closing, additional psychological staff and psychiatric nurses were brought in on special contracts to run support groups and provide the youths with whatever assistance was needed to help them through the transition.

During late September and early October, JSA made additional efforts to place youths out of Montrose. However, it was clear that more aggressive measures would be needed to achieve the goal of closure by March of 1988. In addition, Rossi was concerned that the shift in policy (toward individualized, community-based treatment plans) be real and lasting. She wanted the JSA staff to learn new ways of functioning. Most of all, Rossi hoped the closure of Montrose would be the beginning of an entirely new approach to juvenile services in Maryland — not just a temporary isolated event. Once again, she brought in outside assistance.

In a contract with the State of Maryland, the National Center for In-
stitutions and Alternatives (NCIA) was asked to manage the removal and placement of the remaining Montrose youths. NCIA is based in the Washington, D.C. area and directed by Jerome Miller, well known for his achievements in closing the Massachusetts training schools. NCIA accepted the Montrose contract on October 12, 1987. The agreement was for a nine-month period in which NCIA was to:

1. Remove and place the approximately 120 youths who were still at Montrose.
2. Track each youth after release and provide follow-up information including: where they were placed, how they were adjusting, whether there had been disruptions in the placement, new arrests, etc.
3. Provide training — i.e., two or three training sessions with every JSA region regarding the client-specific planning model used by NCIA, information about vendors and relationships with vendors, and the advocacy-based method of placing youths.

NCIA was attracted to the Montrose contract because they could see that Maryland was committed to providing adequate community-based resources, and that the money which had been supporting placements at Montrose would follow the youths back into the community. In the view of NCIA, this was crucial. They knew that the closing would be successful only if the state invested heavily in individualized plans. The total cost of NCIA’s contract with the State of Maryland was approximately $180,000, excluding the cost of the youths’ placements. Thus, for about what it had cost the state to keep nine youths in Montrose for a stay of six months each, NCIA intended to place over one hundred youths in alternative programs.

The project at Montrose was supervised by NCJAs Herb Hoelter. To direct the project itself, Hoelter dispatched David E. Tracey, a Social Worker who had been with NCIA since 1978. Seven additional NCIA staff did the case planning and tracking for each youth at Montrose. These included a former Montrose employee, an ex-prisoner who had earned a college degree and worked with youths in prison, a health educator, a former English teacher, and a child advocate/organizer.

NCIA implemented a working model for the rest of the system to see how conscientious, client-based planning and case management can operate. One of their early goals was to clarify case responsibilities and make sure that there was someone who felt responsible for each and every kid. The individual case plans they put together utilized information on the youth’s family peer group, educational experience and achievement, psychological and recreational needs, etc. They also tried to be aware of some of the details which come up in youth placement such as INS involvement, Social Security, and medical assistance. The NCIA staff sought to infuse the Maryland system with their ethos of “unconditional care.” In other words, every youth deserves the best treatment
and most consistent attention possible, even the unpredictable and explosive kids that have learned to sap the energy out of anyone who tries to reach them.

Initially, it was surprisingly difficult to generate interest among Baltimore-area programs (or vendors) in taking youths from Montrose. Local youth programs had become accustomed to a system which relied heavily on incarceration. Rossi’s staff and NCIA even went so far as to invite the vendors to “write their own ticket.” They held a “vendor day” in which representatives from private programs gathered to hear NCIA staffings on youths in need of placement. The programs were then asked to submit the rate of reimbursement they would want to provide the services needed by each youth. Surprisingly, only eleven vendors attended, out of the twenty-two invited. Furthermore, only two of those who attended agreed to take any kids. After seeing the success of NCIA’s efforts to place youths out of Montrose, however, local vendors began to be more enthusiastic about the new direction of JSA policy. Eventually, the private providers were well-integrated in the developing network of community services.

Through their persistent and aggressive case advocacy NCIA brought down the population at Montrose. Between October 12 and November 4, they placed thirty-one youths. Thirty-two more moved out of Montrose by the fourth of December. By the end of January, 1988, there were only twenty-one youths still at the school. Of those placed, half had been returned to their own homes with case plans that included services such as intensive supervision, specialized education, drug and alcohol counseling, and family counseling. Of the remaining half, most had been placed in private group homes and smaller residential treatment facilities. Only nine youths had been transferred to other public programs.

At the end of February there were less than ten youths residing at Montrose. The last placement was arranged and the final Montrose youth left campus on March 11, 1988 — five days before the six-month deadline Rossi had announced in September. The JSA had successfully closed a century-old institution. It also fulfilled its pledge to develop the resources for a network of community programs that will continue to serve the troubled youths of Maryland.

As part of JSA’s strategy for involving the community a private-sector effort was initiated to encourage the development of services for youths released from Maryland institutions. In collaboration with the Governor and the National Council on Crime and Delinquency the JSA worked with representatives of the business community to develop a pilot aftercare/employment program. If successful, the program would be used to develop a comprehensive, community-based aftercare system for juveniles. The focus of the new system was youth employment and career opportunity development, coupled with appropriate support services. Corporate leadership in the effort to develop the pilot program came from Mathias J. DeVito, Chief Executive of the Rouse Company. This was just one of the innovations that Maryland explored in order to establish a truly
community-based correctional system.

The JSA’s 1988-89 budget reflected just how much the state came through on its promise to re-invest juvenile corrections resources in community programs. In all, $8.9 million were shifted into new and/or enhanced programs, about the amount spent on the Montrose school during the previous fiscal year. The money was re-allocated to community-based resources such as the Youth Advocate Program, a non-residential tracking program which can handle up to forty youths. The Associated Marine Institutes implemented a non-residential program for thirty-five youths focusing on educational and vocational services, and the Eckerd Foundation initiated a residential program that stresses education and the improvement of youths’ self-esteem. Other existing contracts were amended and enhanced. Finally the JSA also shifted more resources into its in-home detention program.

Implications for Other States

“Deinstitutionalization” and “decarceration” have been in the Jargon of juvenile corrections for many years. Practitioners and policymakers may think of these terms as remnants from the past, ideas that were tried in Massachusetts or California in the 1960s and 1970s. Efforts to restrict the incarceration of juveniles, however, originated much earlier than two decades ago. Social reformers of the nineteenth and early twentieth centuries also sought to remove youthful offenders from institutions by using in-home supervision and probation. In fact, decarceration movements have been around almost as long as prisons themselves.

Policymakers are becoming interested in juvenile decarceration reform again. A number of states have been reducing their use of institutionalization in favor of community-based programs. State and local criminal justice agencies are once again exploring front-end, preventive approaches to solving their juvenile crime problems. It is becoming clear that heavy dependence on incarceration can drain the fiscal resources of even the most prosperous economy. It also ensures that many youths will spend their adult lives going in and out of the correctional system.

The reforms in Maryland suggest that it is possible for states to reformulate their juvenile corrections systems if administrators and policymakers are willing to make an effort both to educate and widely advocate the change. Steady pressure over several years, combined with forward thinking leadership and decisive action, eventually coerced an outmoded institution into retirement. The closure of a Large, entrenched institution is, by itself, a significant achievement. Just as important, however, is the role such a public event may play in establishing a climate of reform throughout a state’s juvenile justice system. It can encourage further reforms by broadening awareness of possible alternatives.
Maryland’s JSA did not stop with the closure of the Montrose school. Building upon that success, the agency immediately began an effort to reduce the population at the state’s other training school. Formerly known as the Maryland Training School for Boys, the Hickey school once held as many as 550 juvenile offenders. In recent years, the school had been criticized for excessive use of isolation and physical restraints. Also, there had been an unusually high number of altercations involving residents and staff.\textsuperscript{42} A 1983 report by the DHMH found that 73.8 percent of Hickey releases were reincarcerated within two years.\textsuperscript{43}

Within weeks of the Montrose closure, the JSA began to bring down the census at Hickey as well. The NCIA again managed the removal and placement of the released youths. By mid-August, 1988, the population at Hickey was just over 300, including detention cases. The JSAs eventual goal was to have no more than 100 court-committed youths at Hickey. In addition, efforts were underway to increase the training available to current staff and bring in more professional and clinical staff.

Ultimately the success of the reforms in Maryland will be measured by how well the released youths do after leaving the training schools. Preliminary follow-up studies suggest that less than thirty percent of the Montrose youths being tracked by NCIA had been readjudicated by the end of July, 1988.\textsuperscript{44} As of that time, only thirteen percent had been reincarcerated. These positive, but tentative, findings will be tested soon by a more rigorous evaluation. In August, 1988, the Center for the Study of Youth Policy with the support of the Annie E. Casey and Morris Goldseker Foundations, announced that it was beginning a comprehensive evaluation of the Montrose closing. The evaluation will follow the released youths, and document the impact of the closure on public safety.

**Key Factors in Promoting Change**

It would be difficult to point to any single factor which was most responsible for the success of the Montrose closure. There are several, however, which can be called indispensable. For any state which is considering the closure of a training school or other large correctional institution, these elements should not be overlooked.

*Aggressive Leadership.* Clearly the arrival of Governor Schaefer and Director Rossi can be called critical in analyzing how and why Montrose was closed. The school was in a crisis of sorts before they arrived, but crises had been weathered before. By the spring of 1987, just before Rossi assumed the leadership of the JSA, all indications were that the state would renovate and rename Montrose not close it. The Governor had yet to hear a better idea. Linda D’Amario Rossi provided a fresh alternative. In addition, she was able to recruit three new deputies, all very skilled and all from outside the system. This added to
JSA’s cohesiveness and competence in managing the closure.

Of course, leadership by itself is not enough. Lasting change also requires adequate resources and the careful exercise of power. The impact of an ardent administrator, however, was evident in Maryland. Rossi was effective because she planned, organized and constantly pressed for the changes she envisioned. She recognized that the state kept Montrose open more out of political inertia than as part of a rational policy agenda for juvenile corrections. The success of Rossi’s efforts underscores the importance of advocacy by administrators and top-level professionals in juvenile justice. It shows that individuals with sound ideas can have a dramatic effect on seemingly invincible institutions.

External Forces. In planning such a major reform, it is important to decide how much to rely on external forces to promote internal change. In many cases, it is necessary to use the threat of litigation and escalating costs. The lawsuits against Montrose certainly damaged the organizational and political coalition that had protected the school. Likewise, the $12 million needed for repairs to the campus put the school’s advocates on the defensive. Of course, these threats would not have been sufficient by themselves.

According to Linda D’Amario Rossi, the Montrose issue was never even presented to the Governor or the legislature solely in terms of dollars. Although fiscal considerations were obviously important, they were in no way the most influential factor in the decision-making process. The key issues were more programmatic, they revolved around how best to handle young offenders. Still, the lawsuits and the projected costs of repairs to the campus provided a certain urgency and motivation to debate the future of the school. Even if they were not the main issues, the reformers were wise to move when they did.

The Outsiders. It is a well known axiom in political affairs that outside consultants or advisors can play an important role in a major reform effort by placing an issue on the public agenda. By taking the initial hit from the opposition, a consultant also allows those interested in reform to test the political waters without any lasting damage to their own political assets at home.

The consultants who came to Maryland in June of 1987 played such a role in releasing the Humphrey report. As mentioned above, the report received a great deal of coverage in the media. For many who read the press accounts, it was the first time they had heard the phrase “close Montrose.” The problems at the school were well known by that time, but the Humphrey report changed the tone of the debate. The idea of closing the school was suddenly “on the table,” as Governor Schaefer said to those attending the September policy conference.

The effectiveness of the outsider role was also apparent in the process used to release youths from Montrose. The National Center for Institutions and Alternatives is credited with being a nagging presence that the system found impossible to ignore. One JSA administrator was certain that NCIA was essential
in the final effort to move all the Montrose youths out of the institution. “If you have to do anything to get a place closed,” advised the administrator, “that’s what you have to do. You have to bring in somebody from the outside that’s going to do the placement of those kids and track them.”

**Communication.** Rossi and her staff placed a high priority on keeping in constant contact with the Governor’s office, the legislature, representatives of the judiciary, and the staff at Montrose. This strategy provided Rossi with regular access to the people who could have blocked the closure, and allowed her to anticipate and avoid problems as they occurred (such as the incident involving residents of a JSA shelter home). It also facilitated the necessary education of those who were unaware of alternatives to the training-school model of juvenile corrections. People inside the Maryland system attribute a large portion of JSAs effectiveness to Rossi’s continuous communication with key decision makers.

**Persistence.** It is important to remember that, despite the political acumen and efficient leadership of Governor Schaefer and Linda D’Amario Rossi, the movement to reform Montrose had been building for fifteen to twenty years. Activity had been particularly intense during the year before Schaefer assumed office. This is not to detract from the power of leadership, but the foundation of support which enabled the new administration to move so effectively had been built by the local advocates. Their efforts weakened the bureaucratic and political armor protecting the institution. The tenacity of the local advocates provided the JSA reformers with a relatively clear path, and a base of support that subsequently expanded.

**Speed.** Once the foundation was built, however, the forces for change had to move quickly and confidently when the moment of opportunity arrived. Many of her critics charged Rossi with being impatient. She convened the Humphrey group within weeks of her arrival in Maryland; she announced the closure before she had been with the JSA for five months. Even supporters thought it naive to say Montrose could be emptied in six months. Yet, in six months it was done. Another administrator with a different style may have been persuaded that it was better to settle in first with the new system, establishing connections and relationships before attempting to rock the boat. Some people thought Rossi was boat-rocking from the day she arrived. If she had not pushed so aggressively and so quickly, however, it is conceivable that there would still be youths incarcerated at Montrose today.

**Footnotes**


2 Office of Planning and Policy Management, Department of Health and Mental Hygiene (DHMH), State of Maryland. “Feasibility and Desirability of Closing

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Juvenile Justice Reform in Florida
Testimony to the Tennessee Legislature
February 5, 1988

Samuel M. Streit
Director
Children, Youth and Families
Department of Health and
Rehabilitative Services

About the author: Samuel (Buddy) Streit is Director of the Office of Children, Youth, and Families, Department of Health and Rehabilitative Services, State of Florida. Prior to joining the Department he was the superintendent of the Eckerd Youth Development Center in Okeechobee, Florida. In addition to management of the large youth service programs, Mr. Streit has held positions within university, government, and private nonprofit sectors involving policy issues and advocacy for children and families.

Introduction

I have come here today to speak about Florida’s youth corrections system—where we’ve been, where we’re going and why—and to offer any help you may as you make decisions for Tennessee’s juvenile justice system. Coming from another state, I know how reluctant you must be to take at face value what outsiders advise regarding youth corrections system. In this context, however, I would ask you to consider that I have no vested interest in Tennessee’s juvenile justice system and that my own perspective has been developed over the past 15 years from many different experiences with youth and crime. At one time or another, I have worked on the line as a youth probation and parole officer, in the courts of two states as a licensed attorney prosecuting and defending juveniles, in the academic world as a faculty member of a university policy group analyzing, evaluating and recommending changes to state and federal youth policy, in the political world as the head of two statewide child advocacy organizations and as a drafter and lobbyist for various legislative initiatives and, most importantly, as the close family member of a victim of the most serious crime. Most recently, I have spent three years as the superintendent of a privately managed major juvenile correctional institutions in Florida where I learned on a very practical basis what these young men are about, what we do with them, and what it is like to put 300 or 500 of them together in one place at one time. Today, I am the director of Children, Youth and Family Services in Florida, an umbrella organization providing all delinquency; dependency, mental health and child care services to over 250,000 families and children in the state of Florida.
You would probably think that, with all the perspectives I have enjoyed, I would be able to spell out exactly what you in Tennessee need to do to fix the youth corrections system you are now studying. Well, I will not be able to do that because, it there is one thing we do know, it is that there are no black and white answers, no guaranteed cures to fix these kids and their families. Further, if there is one other thing we have come to believe, it is that what we do now, in Florida, in North Carolina, in Tennessee and in most of this country is just not effective. While there are isolated examples of exemplary programming going on in many states of the country, I believe that the overall predicament was best summed up by a juvenile court judge in south Florida who, when asked what changes we should make to improve the juvenile corrections system, responded: “Frankly, we ought to take the whole thing and shoot it, and come up with a whole new system.” Unfortunately this is the prevailing attitude of our judiciary, law enforcement and general public regarding criminal justice policy for juveniles.

**A Class Action Lawsuit: The Impetus for Change**

In 1983, the state of Florida, in the person of several key state officials, was named in a class action lawsuit in the northern district federal court of Florida in a case which has come to be known as *Bobby M. v. Martinez*. Until 1983, Florida had operated four juvenile institutions with, at times, more than 1000 juveniles in confinement. The plaintiffs in *Bobby M.* alleged that these training schools violated the constitutional rights of confined juveniles, specifically in the form of overcrowded and unacceptable living conditions, lack of security and discipline, inadequate medical and psychological care, cruel use of isolation, inadequate educational and other programming, and inappropriate placements. Without going into great detail, I should state at the outset that in many respects, the State of Florida, not unlike many other states, was not providing acceptable living conditions at these training schools and that many of the plaintiff’s allegations could have been proven in a federal court trial. I should also mention that, with my arrival at one of state’s training schools in 1984, I found many conditions which presented real health and safety hazards, a disciplinary process which was very hard to identify and tied to traditional responses to misbehavior—primarily isolation and confinement of juveniles; and programming which was weak at best without any consistent therapeutic direction evident on any basis.

With these kinds of conditions, it was obvious that recidivism rates were totally unacceptable and that very few actors in the larger juvenile justice system and confidence in the ability of Florida’s deep-end juvenile programs to produce beneficial results and, it that wasn’t enough, a training school situation which was just a small part of the larger juvenile justice system in Florida that wasn’t working. Evidence for the juvenile justice system’s ineffectiveness and inefficiency abounded: some programs were severely overcrowded and many were under utilized, programmatic integrity was hard to identify in many individual programs throughout the juvenile justice continuum, resources were unevenly
distributed and inconsistently managed in the various service districts of the state, and Florida continued to suffer a loss of significant numbers of juveniles to the adult correctional establishment, presumably based on a lack of confidence in the juvenile system to respond effectively. This was the background upon which *Bobby M.* lawsuit was filed.

Faced with the previously mentioned conditions in training schools, the Eckerd organization was not inclined to accept conditions as unchangeable and in fact endeavored between 1983 and the settlement of the lawsuit to effectuate significant improvements at the Okeechobee Training School. Efforts were made to clean up the facility and a significant portion of operational funds were reallocated to capital construction and renovation projects. Strong efforts were made to improve staffing at the facility with recruitment, training and supervision programs receiving top priority. Disciplinary programming was totally overhauled so that constructive, immediate sanctions were delivered for those youth who chose to misbehave within the training school environment. And improved educational, psychological, and other programming were built into the core training school operation. Many criminal juvenile justice experts believe that the Okeechobee Training School was improved to the point of being one of the best in the country, and in 1986, the Eckerd Youth Development Center was given a record score for ACA accreditation by a team of national experts. But after all this improvement and hard work, two nagging problems remained. The training school at Okeechobee still did not work to substantially reduce recidivism among the youth committed to the institution and the cost of delivering services within an institutional setting were significantly higher than community-based alternatives.

Faced with these ultimate criteria of cost and effectiveness, the State of Florida had to make a decision in 1987 on how to proceed in the *Bobby M.* lawsuit. The choice was simple: either litigate the case in federal court or negotiate a settlement. After adding up our strengths and weaknesses and realizing that the plaintiffs could prove their basic allegations, the state came to the opinion that significant changes were necessary and that the State of Florida and its citizens would be better off deciding their own fate than turning over decision-making and operation of the state juvenile justice system to a federal court and federal court monitors. By negotiating deliberately and intensively with the plaintiffs, a four year old lawsuit was negotiated to settlement in a matter of weeks.

The consent decree rendered in the *Bobby M.* lawsuit is the product of negotiations between the plaintiffs and defendants and sets up the framework for reestablishing credibility in Florida’s juvenile justice system and addressing head on the public safety interests as well as the need for effective sanctions and programs within the larger juvenile justice system. This framework consists of four primary components and I would submit that these components are similar to issues faced in Tennessee as well as in other states in the country which are long overdue for reform in juvenile justice. Let me now outline briefly the four
components for juvenile justice reform in Florida as specified in the Bobby M. consent decree:

1. **Confront the need for effective programming.** This goal strikes at the heart of accountability for investment of public resources in juvenile justice programs. In our view, the first priority within this goal is to develop appropriate sanctions for serious and violent juvenile offenders, that population of youth whose behavior most threatens public safety and with whom intervention has been least effective to date. To address the needs of this population, Florida is planning small, intense treatment and supervision programs for approximately eighteen months to work more effectively with this population.

   A second priority area within this goal is to develop special treatment programs for those juvenile offenders who present special needs, particularly in the areas of mental health, substance abuse, and sex offenses. A final priority area within the overall goal of developing more effective programming is related to establishing quality and effective programming for the entire population of youthful offenders utilizing what we have learned from past experience and research. For example, recent recidivism research in Florida strongly suggests that the most cost effective programming for the vast majority of youthful offenders consists of nonresidential, family based supervision and support programs as well as residential commitment programs which are oriented around an outdoor, challenge theme. The point here is that public policymakers must be willing and able to make tough decisions regarding investment of public resources in those services that have been most cost effective over time. Both an adequate research base and a strong public will are necessary to make these tough decisions.

2. **Establish a workable assessment, classification and placement process** so that key decision makers have a complete picture of what each youth needs and what treatment plans should be, including risk to the community. In many states, commitment of juveniles to delinquency programs is based upon an incomplete assessment of the juvenile’s treatment needs as well as an inadequate classification of his potential risk to the community if not confined in a secure commitment program. These deficiencies must be addressed so that treatment planning and service delivery can be targeted to the priority needs of each juvenile. Further, in Florida we have committed to fixing the placement process of juveniles statewide by developing an automated data-driven placement resource system that both matches juveniles to the closest available program resource which can meet his needs as well as managing more efficiently the state’s resources through a constant updating of utilization and vacancy information on a statewide basis. Finally, we have committed to implement a sound case management component for all treatment
planning and service delivery to ensure accountability for each individual youth that is treated within Florida’s juvenile justice system.

3. **Stop overreliance on deep-end training school programs** except for violent and chronic juvenile offenders. As I discussed previously, Florida’s training schools were not unlike many others in the country in that often they were crowded with excessive numbers of juveniles who would be more appropriately placed in less expensive, community-based programs. Indeed, an independent audit by Florida’s Auditor General confirmed after settlement of the Bobby M. lawsuit that fully two-thirds of all the juveniles in Florida’s training schools did not meet agency criteria for placement in training schools. The consent decree commits Florida to phasing down populations in each of the state’s two training schools to a maximum of 130 in the third and final year of implementation, including 30 youth in each school to be placed in transitional nonsecure facilities outside of the institution proper.

4. **Do something about the reality of recidivism** by confronting the critical needs of most delinquent youth for dependency services in the form of family and substitute care arrangements. The key here is a recognition that the vast majority of juvenile delinquents require a healthy dose of family and community support to overcome mistakes of the past and engage in a future agenda that is more productive and law abiding. Whether or not institutions have a long term role to play in the juvenile justice continuum is an extremely controversial issue left ultimately to decision making by elected officials in both the executive and legislative branches. Whatever the outcome of this political debate, it should be recognized that even juveniles confined for a time in secure institutions will require strong community-based support at reentry for any chance of success or reintegration back into the community. Family, educational and employment opportunities must be strengthened in any realistic plan to improve juvenile justice services, and Florida has committed to reexamine this component of its juvenile justice continuum to ensure that each juvenile receives the greatest opportunity for success at the community level.

**Youth Corrections Policy in Tennessee: Promising Options**

Having reviewed these primary elements of Florida’s juvenile justice reform, two questions remain: how should Tennessee construct its youth corrections system in the face of substantial disagreement among key decision makers in the state? How should Tennessee determine the “correct” number of institutional beds needed in its future planning for juvenile justice programs? Again, I suggest that the answer to both of these questions can be most clearly found by going back to the two primary factors used in analyzing this as well as many other public policy questions, those being cost and effectiveness. On the
cost issue, I would submit that there is really no comparison in the relative cost of institutional beds versus community-based beds when one considers that an acceptable institutional environment must have a limited number of beds and that the per bed cost of institutional programming is higher when the number of beds in the institution must be limited. On this score, in Florida we have found that institutional beds cost approximately twice as much to support from public funds as community-based beds and that much of the higher cost of institutional programs is tied to administrative and physical plant expenses that do not directly impact on effective programming with delinquent youth. The second primary factor to be considered in answering these questions relates to effectiveness, and again I would submit that most of the critical programming and intervention necessary with even the most serious juvenile offenders can be more effectively provided within a small, intensive treatment environment rather than a large, impersonal and often problematic institutional environment. The ultimate test for effectiveness in evaluating delinquency programming must be whether the public safety is enhanced measurably by provision of the program and recidivism reduced thereby. While there has not been as much empirical research as one would like on the issue of institutional versus community-based programming in the attainment of a reduction in recidivism, the available research does indicate that institutional programming has not been effective for the most part and that other forms of intervention offer more promise for addressing the real underlying issues with delinquent youth.

When you ask the tough questions about what works and what does not work in your youth corrections system and when you closely examine the relative features of cost and effectiveness the servicing and programs you are currently delivering, I believe that you will come to the same conclusion we have come to in Florida and that is that major change is needed if we are to recapture public confidence in our programs and services directed at addressing the problems of youth crime. Since the signing of the Bobby M. consent decree in July 1987, Florida has embarked upon a very ambitious course of overhauling our youth corrections system along the lines I have discussed. We have reduced populations in Florida’s two training schools to lower than 300, a level less than any time previously in Florida history. I might mention that this institutional population of 300 for Florida’s state population approximately twelve million compares drastically to Tennessee’s institutional population of approximately 800 with a state population roughly one-third of Florida. Further, we have embarked upon a course to radically improve the way we manage the state’s delinquency resources and the manner in which we assess, classify and place juveniles who are committed to the state’s care. In addition, we have established clear, meaningful programmatic goals for the basic parts of our juvenile justice continuum and have, in the meantime, not ignored the need for continued attention to institutional facilities and programming within Florida’s training schools.

Lessons from the Florida Experience
In the process of planning and beginning to implement an overhaul of Florida’s juvenile justice system, we have identified a few basic premises that will guide all of our future efforts:

1. There are no simple, black and white answers to the issues of youth crime and corrections. There is in effect a delicate balance that must be struck between the interests of public safety and the needs of individual youth for treatment and rehabilitation. In this context, I urge you to carefully establish clear objectives for what should be accomplished in terms of effectiveness and cost of your publicly funded programs, and to question the conventional wisdom of what has and has not worked in the past.

2. Resource allocation must be carefully examined and, to the extent possible, resources must be allocated to programs and services that have the most potential for effectively addressing youth crime. In particular, prevention and early intervention programs that focus upon family and school problems utilizing community-based resources (such as the local YCAP program) must receive greater financial assistance if we are to maximize the value of the public’s investment in this system.

3. A tough transition should be expected for any changes that are to be made given the significant amount of political and organizational investment that exists in maintaining the current juvenile justice system in its current form. Given Florida’s direction and efforts to date, I suggest that you start with what you have and choose a direction based on an objective assessment of Tennessee’s population at risk and some of the values and principles I have outlined in this testimony.

There are obviously many more issues that might be addressed in discussing our plans to reform juvenile justice policy and programs in Florida, issues such as the organizational placement of youth corrections in state government, ensuring public accountability through outcome evaluation, and establishing a clear direction on privatization of public services. I would summarize my testimony, though, by suggesting that the issues I’ve discussed are not issues that lend themselves to traditional allegiances or analyses of partisan politics. Whatever our political persuasion, the problems of youth crime require an objective and thorough analysis to effectively address. As so aptly stated by two of the most highly regarded researchers in the juvenile justice field, Alden Miller and Lloyd Ohlin:

> Delinquency is a community problem. In the final analysis the means of its prevention and control must be built into the fabric of community life.

> With this in mind, I urge you to seize the opportunity now present to
carefully reexamine Tennessee’s direction in juvenile justice and to make the
kinds of changes that will be beneficial in the long term to both the citizens in
Tennessee and the delinquent youth served by your delinquency programs.