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JUVENILE JUSTICE MONITORING UNIT

**BALTIMORE CITY JUVENILE JUSTICE CENTER  
SPECIAL REPORT**

**Facility:** Baltimore City Juvenile Justice Center  
300 North Gay Street  
Baltimore, MD 21201  
Superintendent: Johnitha McNair

**Date of Incident:** October 7-8, 2008

**Reported by:** Claudia Wright, Juvenile Justice Monitor

**Issues Reported:**

1. Failure to Maintain a Safe and Secure Environment for Staff and Youth
2. Failure of Staff and Administration to Respond to a Clear Security Threat

**Date of Report:** February 10, 2009

## OVERVIEW

This report discusses a serious and potentially dangerous group disturbance at the Baltimore City Juvenile Justice Center (BCJJC) in October 2008 involving ten youths who barricaded themselves in a living unit overnight.

The Monitor's 2008 Annual Report documented disturbing increases in violence at BCJJC between 2007 and 2008. Youth on youth assaults increased by 31% (from 455 to 595), and youth on staff assaults increased by 178% (from 46 to 128). Group disturbances increased by 200% (from 15 to 45).<sup>1</sup>

In recent weeks, conditions at BCJJC have continued to deteriorate. In the month of January 2009 alone, there were 17 group disturbances involving injury or property damage, more than the total number of group disturbances in all of 2007. Thirteen of these incidents involved youths from one living area.<sup>2</sup>

On January 27, thirty-four youth from the same living area were involved in a major group disturbance that took place in the school.<sup>3</sup> The incident is under investigation by DJS/OIG, but the investigative report is not yet available. Most of the youth involved in this incident were held in seclusion for more than eight hours, and youth from Unit 32 have not been allowed to return to the school as of the date of this report.

The recommendations at the end of this report are the same recommendations the Monitor's Office has made throughout the past year as conditions at the Justice Center have worsened. Once again, we strongly recommend that the Department of Juvenile Services sharply reduce population at BCJJC to no more than 48 youth. A newly refurbished 24-bed dorm sits empty at the Charles Hickey School in Baltimore County. At the very least, youth in pending placement status should be moved there immediately.

## EXECUTIVE SUMMARY

On October 7 and 8, 2008, at the Baltimore City Juvenile Justice Center, ten youths barricaded themselves in a living unit overnight. Well over 30 police officers, including a SWAT team were called to the site, and the potential for injury to youth, staff, or law enforcement was high.

Staff failed to intervene as youths began openly preparing to barricade themselves in a Case Manager's office, and supervisory staff did not come to the unit at all until several hours after the disturbance began. The barricade could have been

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<sup>1</sup> Juvenile Justice Monitoring Unit 2008 Annual Report, Volume 1, pp. 25-28.

<sup>2</sup> Thirteen of the group disturbances either occurred in Pod E or involved youth housed in Pod E, one of three living areas.

<sup>3</sup> DJS Incident Report 08-70567

prevented, but by the time supervisory staff arrived, youths had completely sealed themselves off within the office.

Youths said they were reacting to staff's failure to allow them required telephone calls. The Administration had recently changed the telephone policy, removing telephones from living units and requiring that Case Managers supervise all telephone calls in their offices. This was an important and necessary measure but also a highly restrictive change in security practice within the facility, and youth and staff were not appropriately prepared for it. In addition, Case Managers did not consistently comply with the new policy, and on the evening of the disturbance, the Case Manager on Unit 32 did not allow youths to make telephone calls. The group disturbance was a direct result of staff's failure to follow Departmental policy.

## EVIDENTIARY BASIS FOR REPORT

### Documents Reviewed

- Department of Juvenile Services Office of Inspector General Incident Reports and Investigation Report # 08-67869
- Review of Pod E Unit 32 video of October 7-8, 2008
- BCJJC Pod E Unit 32 Log Books
- Maryland State Police Criminal Investigation Report #08-65011450
- Baltimore Police Department Incident Report/Complaint # 08-3J03509
- Maryland Department of Juvenile Services Policy and Procedure RF-10-05 (Residential Facilities) Youth's Rights-Telephone Calls Policy
- Baltimore City Juvenile Justice Center Facility Operating Procedures, "Access to Telephone Procedure", September 12, 2008

### Persons Interviewed

- Superintendent Johnitha McNair
- DJS/OIG Staff
- DJS/BCJJC Staff
- State Trooper Frank Logsdon

### STANDARDS APPLIED

**Maryland Department of Juvenile Services Standards of Conduct 2.12 Prevention of Escapes and Disorders.** *An employee shall take all reasonable means to prevent escapes or disorders.*

**Maryland Department of Juvenile Services Standards of Conduct 2.13 Breach of Security.** *An employee may not take any action or fail to take any action when the action or failure to act causes a breach of security or a potential breach of security by*

*jeopardizing the physical security or integrity of an institution, or the physical security or integrity of any part or area of an institution or the safety or security of any employee, delinquent youth, offender, client, visitor or member of the public.*

**Maryland Department of Juvenile Services Standards of Conduct 2.19 Reports.** *An employee may not make any false oral or written statement or misrepresent any material fact, under any circumstance, with the intent to mislead any person or tribunal.*

**Maryland Department of Juvenile Services Standards of Conduct 2.24 Attitude Towards and Treatment of Youth and Clients.** *2.24.2 Every employee has a responsibility to ensure a safe and humane environment for youth and to respect the individual rights of youth and other clients.*

**Maryland Standards for Juvenile Detention Facilities 5.1.5.5 Staffing.** *Staffing levels shall ensure the proper supervision and safety of the residents.*

**Maryland Department of Juvenile Services Policy and Procedure RF-10-05 Youth's Rights-Telephone Calls Policy. 3(3)** *Each youth is allowed a minimum of two telephone calls of ten minute duration per week at the Department's expense. 3(4) Telephone calls shall be dialed by a Facility Case Management Specialist or other employees designated by the Facility Administrator.*

**Maryland Department of Juvenile Services Policy and Procedure RF-05-07 Video Taping of Incidents Policy.** *The Department of Juvenile Services (DJS) employees shall video tape room extractions, escorts to seclusion, use of restraints or other critical incidents that relate to the safety and security of a residential facility.*

**Maryland Department of Juvenile Services Policy and Procedure RF-07-07 Post Orders Policy.** *Department of Juvenile Services (DJS) residential facilities shall implement Post Orders detailing the duties and responsibilities for Direct Care, Transportation Employees and Security Officers. ... The Facility Administrator shall ensure that a sufficient number of employees are deployed appropriately to provide for the safety and security of the youth, employees, and facilities.*

## STATEMENT OF FINDINGS

### **1. Failure to Maintain a Safe and Secure Environment for Staff and Youth**

On October 7 and 8, 2008, 10 youth housed in Pod E, Unit 32, Baltimore City Juvenile Justice Center (BCJJC), barricaded themselves in the Case Manager's office within the Unit, and later took over and barricaded themselves in the Unit common area.<sup>4</sup> According to the original incident report (IR# 08-67869), the incident continued

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<sup>4</sup> It is important to note that two youths assigned to Unit 32 locked themselves in their rooms during the incident to avoid participation. These youths were moved to other Units at 11:30 p.m.

from about 9:20 p.m. on the evening of the seventh until about 6 a.m. on the eighth. Subsequent investigation revealed that Unit 32 had been in turmoil throughout most of the day on the seventh, and that many of the environmental factors that exacerbated the situation could have been prevented.

According to Unit logs, 12 youths were assigned to Unit 32 during the 2 p.m. to 10 p.m. shift on the seventh. Two staff persons were assigned to the Unit. As early as 5:41 p.m., video shows youths moving freely into the Pod area,<sup>5</sup> horse playing and fighting. One staff is trying to deal with the youths in the Pod area while the other staff is with those still in the Unit. At 5:56, one of the staff people exits, leaving only one staff person to supervise 12 youths. At 6:07 p.m., the staff person wrote, "Unit door is popped and youths are out on the Pod. Be Advised Unit door has been popping all day, youth have been out on the Pod area, door is NOT SECURE."

Video in the Unit shows that at 6:45 p.m. on the seventh, youths were also moving in and out of the Unit Case Manager's office at will, making unsupervised phone calls and stashing items that were later used during the barricade of the Case Manager's office. Unit 32 logs indicate that at 7:20 p.m., "Youths are in the Case Manager's office and the desk is in front of the door so staff can't get in."

Youths were coming and going in the Unit Case Manager's office because they wanted to use the telephone. Earlier, at about 5:30 p.m., the Case Manager was on the Unit and one youth was given a phone call.<sup>6</sup> At 5:39, the Case Manager took the phone out of her office, gave it to one of the Unit staff, and left. At about 5:46, three youths took the phone from the Unit staff table, went into the Case Manager's office and tried to make phone calls. The Unit staff person retrieved the phone. At this point, video shows several youths were visibly upset, pacing and pointing at the phone and the Case Manager's office.<sup>7</sup> Deterioration of the security of the Unit began to accelerate. Youths wandered in and out of the Case Manager's office, and in and out between the Unit common area and the Pod common area. There is no evidence on video or in the documentation of Unit activities of any response from supervisory staff or the Administration at this time.

During this period of chaos on the Unit, youths are gathering and shredding paper, taking a table and a large lounge chair into the Case Manager's office, grabbing and taking a cooler full of snacks into the office and stashing soap, towels and lotions. In IR #08-67869, the investigator states, "7:47 - Unit remains chaotic, no control, no structure, youth are running the Unit." Review of the video shows that youth also had tobacco (or marijuana) and matches, and sharpened objects that, according to staff reports, were later brandished as weapons.

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<sup>5</sup> BCJJC has three housing Pods (D, E and F). Each Pod consists of four separate Units (in E Pod, 30, 31, 32 and 33). Each Unit has 12 individual cells where the boys sleep. There is a common area in each Unit, and a large common area outside the Units in the Pod. The Units are locked and separated from other Units and the Pod common area for safety.

<sup>6</sup> Department policy requires that each youth in detention have a minimum of two, 10-minute phone calls per week. A case manager or designee must supervise the calls.

<sup>7</sup> At this time, the telephone was back in the Case Manager's office, but the office door was not locked.

At 9:00, the Unit staff person documents, "Be Advised 10 youth are in the Case Manager's office, locked in, refusing to come out." At 9:15, "Youths are still locked in Case Manager's office, all supervisors have been notified." At 10:00, "2 to 10 shift has ended and 10 youths are still locked in the office." 10:00 is the first notation and presence on video of supervisory personnel on the Unit. Staff contacted the Superintendent, and she arrived at the facility at 11:30 p.m.

While barricaded in the Unit Case Manager's office, youths smeared lotion and soap, then stuck paper towels on the window so that their activities in the office could not be observed. When staff tried to remove them from the office, youths poured urine, milk and other liquids under the door. Youths were smoking and lighting paper on fire. At about 1:00 a.m. on the eighth, staff abandoned efforts to persuade the youths to leave the Case Manager's office, retreated to the Pod area and locked the Unit door. The youths in the Case Manager's office left the office and began to destroy the common area of the Unit. Youth set off the fire sprinklers, flooding the Unit. They took the desk from the Case Manager's office, carried it to the second floor landing, and threw it over the rail. The desk broke into pieces. They piled all the furniture in the Unit in front of the door as a barricade. Baltimore Police were alerted by a 911 call and arrived at 1:04 a.m.

According to Baltimore Police Department Incident Report #08-3J03509, "at 0200 hrs. one (or two) units from each of the nine districts along with 10 ED units and 6 Tac units (2CP-11 and 4 SWAT) assembled and stood by for direction. The consensus was – at least a 3:1 ratio, 10 'suspects' – 30 officers, for officer safety and tactical advantage."

"At approx. 0230 hrs. the Hostage Negotiation Team arrived on the scene and assessed the situation. "

"At 0300 hrs. Trooper Lawson arrived on the scene – he being the MSP Trooper that liaisons between the MSP and the Justice Center. He advised that the State Police were mobilizing their tactical response units. Within the hour, MSP units began to arrive."

"At 0430 hours the Secretary of Juvenile Services, Mr. Don DeVore arrived on the scene." At 5:38 a.m., all youths voluntarily came out into the Pod area and were moved to other Units. Review of the video shows youths finally left the Unit because they were physically exhausted.

At least 30 specialized personnel of the Baltimore Police Department were involved in the incident for more than 5 hours. Numerous MSP officers were on the scene until the late morning of October 8. Unfortunately, neither the Baltimore Police Department, Maryland State Police, the Department of Juvenile Services nor the State Attorney's Office is able to provide information about the costs of their involvement in the operation, or about costs of damage to the facility.

## **2. Failure of Staff and Administration to Respond to a Clear Security Threat**

Several weeks after the incident, youths requested to speak to administrative staff about what had happened. The DJS/OIG Investigator in charge of the inquiry agreed to meet with the youths. At this meeting, those youths who were involved made clear that the incident occurred because they were not getting their phone calls and they felt that no one was listening to their complaints.

Prior to September 2008, collect call telephones were located in each of the housing Units. Residents were allowed to use the phones during free time, and were allowed to call anyone who was willing to accept collect calls. The phone calls were not monitored. Youths were accustomed to, and had come to rely on, this free access to the outside world. Such free access to telephones resulted in serious security issues. Conflicts that existed outside the facility were brought inside, and scores that could not be settled within the facility were forwarded to others to handle outside. Contraband items could be ordered and subsequently brought into the facility by youths and staff. On occasion, youths would ignore orders to get off the phone to attend scheduled activities. There were conflicts between youths about who could use the phone, and for how long. The dangers inherent in the practice were communicated to the Administration by this Monitor and by other consultants to the Department. On September 2, the Superintendent had phone service turned off, and later the phones were removed from the Units.

According to DJS Policy, youths are entitled to two, ten-minute phone calls per week. The Unit Case Manager or designee must supervise the calls. In the meeting with the DJS/OIG Investigator, a youth involved in the incident stated that, "he and other youths had been upset for some time because they had not been receiving their phone calls as required." Another youth added that, "they were protesting because they don't think anyone is listening to them about their phone calls." Youths reported that they had not received phone calls for over a week before October 7. They said that the original plan was to barricade into the office for a "couple of days." They stated that they "did not want to hurt anyone, just get attention about the phone call issue." Nearly a month after the incident, youths told the DJS/OIG Investigator that "they still do not believe the Case Managers and the administrative staff are listening and they are feeling tension and something could happen again."

In interviews after the incident with the Shift Commander, the Case Manager and the staff on duty, it is clear that no one arranged for youth to receive the phone calls to which they were entitled that evening. All indicated that they knew youths were upset about not receiving the calls. One staff person said that the youths, "have been continuously breaking the Case Managers' doors to gain access to the phone." Another staff person said that, "the youths on the Unit were upset because they could not make phone calls and she did not want to be the one to give phone calls." It is clear from the video that staff were aware that youths were moving in and out of the Case Manager's

office to make phone calls and did not attempt to stop them or to supervise their phone calls.

At least two grievances regarding the failure of staff to provide phone calls were filed before the incident. The Child Advocate brought these grievances to the attention of the Superintendent. There is no evidence that plans were in place for the provision of phone calls before the phones were turned off. There is no indication that staff or youths were notified in advance, or prepared to respond appropriately, when the phones were removed. There is no indication that the complaints of youth who did not receive phone calls were addressed. These omissions directly resulted in the disturbance that occurred on October 7 and 8, 2008.

### **CONCLUSIONS**

1. A major group disturbance began in Unit 32, Pod E of the Baltimore City Juvenile Justice Center in the early evening, around 5:30 p.m. of October 7, 2008. Staff did not alert supervisory personnel or the Administration of the danger until much later in the evening. The Incident Report that was subsequently filed incorrectly stated that the disturbance began at 9:20 p.m.
2. Staff failed to take minimal precautionary measures to prevent the disturbance.
3. The disturbance was a direct result of the failure of facility staff to provide required phone calls to youths.
4. Environmental factors – doors that did not lock properly, presence of contraband, non-tamperproof sprinklers – were not addressed. These factors contributed to the level of danger during the disturbance.
5. The Administration failed to adequately prepare youths and staff for a serious, highly restrictive security change.

### **RECOMMENDATIONS**

1. The Department must implement a reasonable and reliable system to provide required phone access to youth residents.
2. The Department must implement adequate security measures to prevent the introduction of contraband, especially matches and lighters, into the facility.
3. The Department should not tolerate staff misconduct in failing to react to a clear security threat and subsequently filing inaccurate reports.



4. Disturbances and violence result from overcrowding at BCJJC. The Department must reduce the population to affect these problems. No more than 48 youth should be housed at BCJJC.
5. The oppressive architecture of the facility contributes to youth violence. Youths should not be held at BCJJC more than 21 days.
6. Excessive idleness also contributes to youth violence. The Boys Club, which opened in December, provides only 2 hours per week of structured programming for each youth. All other community service provider contracts have been discontinued. Quality structured programming for youths must be enhanced.
7. The Department must improve the quality of staff supervision. Qualifications and salaries of staff must be increased to approach recognized national standards. Until then, more experienced staff should be detailed from other facilities into BCJJC.