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**CHELTENHAM YOUTH FACILITY
SPECIAL REPORT**

Facility: Cheltenham Youth Facility (CYF)
11001 Frank Tippet Road
Cheltenham, MD 20623
Acting Superintendent: Quanetta West

Date of Investigation: August 10 – 19, 2008

Reported by: Nick Moroney and Philip J. Merson

Issues Reported: Threat to Public Safety
Threat to Life, Health and Safety of Youth

- Breach of Security
- Escape
- Tool Control
- Perimeter Security

Date of Report: October 2, 2008

EXECUTIVE SUMMARY

The escape of three youths from the Cheltenham Youth Facility on August 10, 2008, was the result of multiple security breakdowns:

- Staff failed to properly supervise youth under their control;
- Staff did not maintain proper tool control;
- Staff did not respond to the facility's perimeter alarm;
- No video surveillance system was in place;
- A functioning siren was not in place;
- Law enforcement agencies were not notified immediately; and
- The community notification system did not succeed in notifying many residents about the escape.

This is the 11th escape from a DJS hardware secure facility in the past sixteen months. Each of these escapes endangers youth, staff, and the community and diverts significant law enforcement attention and funds to locating escaped youth. Following each escape, measures have been taken at the involved facility to improve security, but no systemic approach to preventing escapes has been implemented.

The Juvenile Justice Monitoring Unit requests that the Department respond to this Special Report by providing us with information on actions already taken and future plans to prevent security breaches at all hardware secure facilities in the State.

The State is legally responsible for the safety of children committed to its care. One of the most basic aspects of this obligation is the duty to keep youth within the physical boundaries of secure detention and treatment centers. Md. Human Resource s Code §9-237.

Note: Although escapees will be referred to as "youth" throughout this report, two of the escapees were 18 years old and one was seventeen.

EVIDENTIARY BASIS FOR REPORT

Documents Reviewed

- Department of Juvenile Services ASSIST Database Information
- Department of Juvenile Services Incident Report Database Information
- Maryland State Police Escape and Missing Person (Runaway) Reports 08-61-10944, 10945 and 10946.
- Sixth Monitor's Report from the Settlement Agreement between the State of Maryland and the United States Department of Justice dated June 30, 2008

- Department of Juvenile Services Office of Quality Assurance and Accountability Quality Review Report on Cheltenham Youth Facility dated May 16, 2008.
- Department of Juvenile Services Investigative Report, 08-66137

Persons Interviewed

- Department of Juvenile Services employees at Cheltenham (several staff persons, supervisors and administrators interviewed); youth at Cheltenham
- Department of Juvenile Services Investigator
- Department of Juvenile Services Information Technology Administrator
- Department of the State Police Investigations Supervisor
- School Staff Members
- Youth witness

STANDARDS APPLIED

Maryland Department of Juvenile Services Standards of Conduct 2.13. 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 Standards for Juvenile Detention Facilities 6.9. The facility shall be controlled by appropriate means to ensure that youth remain within the perimeter.

Maryland Standards for Juvenile Detention Facilities 5.1.2.2. Security refers to the provision of staff and resident safety and to the prevention of escape from the facility... Means to ensure security shall consist of physical features of the buildings and grounds, policy and procedures, and staffing arrangements.

Department of Juvenile Services Policy RF-02-06.4.b.4. Group movement of youth will be accomplished in an orderly fashion and under employee supervision. Accountability of the authorized whereabouts of each youth will be maintained as a component of movement.

CHRONOLOGY AND KEY INVESTIGATIVE FINDINGS

The Cheltenham Youth Facility (CYF) is located in Prince George's County. The

facility houses three separate programs: Detention; Re-Direct (a short-term program for committed boys); and a Shelter program for boys. Re-Direct and the Shelter program are located outside the security fence on the CYF campus.

The Detention program is located behind a razor wire fenced-in area, which is alarmed. No mounted exterior video cameras are operational along the fence except for at the entrance into the facility. There is no audible siren-alarm system.

On August 10, 2008, at approximately 11:50 AM, three youth escaped from the facility. Staff did not notice when the youth walked away as they were moving from the weight room to the game room. From there, they fled to the east side of the campus, cut a hole in the fence, and escaped.

According to DJS Incident Report Number 66137, a staffer who was in the weight room with five youth, "instructed them to go to the gym or game room" as the staffer checked the weight room to make sure all had exited. The staff member reportedly exited the weight room and went to the game room to join other youth and staff. He did not make visual contact with the youth after exiting the weight room.

According to DJS Investigative Report 08-66137, recreation was over at approximately 12:05 PM, and at that time staff conducted several counts and realized three youth were missing. Staff returned to the unit with the remaining youth, confirmed that the youth were missing, and began to search several areas around campus, but did not notify the Shift Commander or Tour Office. At approximately 12:40 PM, an off-duty staff member observed some youth he thought were CYF youth walking along the road and drove to the facility to notify them. Sometime between 12:45 and 1:00 PM, the Tour Office confirmed that the youth were missing. The grounds were searched, and a hole was discovered in the back area of the school building.

The Superintendent was notified at 1:05 PM, and DJS staff stated that they contacted the Maryland State Police (MSP) five minutes later at 1:10 PM. The MSP report states that the call was received at 1:38 PM. The MSP report also states that a Trooper was dispatched at 1:38 PM and arrived at the facility at 1:56 PM. There was no search by canine or the helicopter because a perimeter or containment area could not be established.

The following chronology and conclusions were developed from interviews with the Acting Superintendent, Shift Commander, teachers, staff, maintenance personnel and youth:

- A youth who did not take part in the physical escape said he provided a tool used to cut a hole in the facility fence. He said he felt his life was threatened because one of the escapees kicked him in the leg and told him "he'd better" steal cutters from the school woodshop. According to the Facility Administrator and the youth concerned, the youth stole the cutters and handed them over to one of the

escapees on Thursday, August 7. The cutters remained undetected until after the escape on Sunday morning.

- The Education Department failed to detect the purloining of the tool used to cut the fence. Residential staff also did not discover the tool in the possession of any youth.
- The Facility Administrator said that one of the escapees had expressed a determination to avoid being sent to an out-of-state placement and that he may have been the instigator behind the escape.
- One of the escapees was on a Level Two Suicide Watch, a condition that carries with it a mandate obliging even tighter staff supervision of youth than usual.
- The Acting Superintendent said the “community notification system was working properly and those individuals on the contact list were contacted,” but community members have not responded to CYF invitations to be placed on the notification list, so the list is not large.

It was also reported that only about half of those signed up to receive notifications received the first message due to a technical problem in the system. The Department says the vendor has since remedied the problem, and subsequent messages sent without error.

Following the escape there were further conversations regarding the need for DJS to broaden the contact list and include law enforcement and other persons who need to be immediately notified. Following these discussions, Cheltenham added the Maryland State Police and Prince George’s County Police Department to the community notification system. The facility is meeting with the Maryland State Police to discuss a written protocol to deal with emergency situations.

- Parental/guardian notifications were reportedly completed to the best extent possible.
- There is no camera surveillance around the area of fence where the youth cut through and escaped, according to the Facility Administrator.
- The fence alarm was triggered by the escapees but the alarm went unheeded by staff. The problem of false alarms generated by the fence sensors has been an ongoing issue noted in prior reports from this Office and in a DJS Quality Review report on CYF completed on May 16 of this year.

To resolve the problem, the Department purchased an entirely new fence security system for Cheltenham over the summer. Unfortunately, the new system was issuing alarms multiple times per day due to an oversensitive response to wind, animals, or other natural causes. That condition had continued for so long that staff often ignored perimeter alarms.

Following the escape, the sensitivity settings for the fence system were recalibrated to reduce false alarms, and as of this writing, the volume of alarm trippings has reduced. Areas of the fence are still freezing at times on the computer screen – during visits on September 19 and 26, the Monitor observed portions of the fence frozen on the security computer screen. Work to stabilize the system continues.

- According to the Incident Report, after the escape on Sunday, all youth were confined to cottage unit cells/rooms with doors unlocked.
- On the Monday following the escape, all youth remained confined to their cottages (though not in their rooms/cells) and the Facility Administrator ordered that school classes be conducted on the units until the fence was fixed. Personnel were due around midday on Monday to fix the fence. A School staff member reportedly informed the facility Administrator that teachers were reluctant to go on the units and teach because of a lack of materials such as whiteboards which would be required to facilitate meaningful instruction. Ultimately, it was decided that teachers would instruct on the units during Monday afternoon.

The day after the escape, one youth was captured in Baltimore County allegedly trying to steal a vehicle from the Metro Station parking lot in Owings Mills; another was captured in Washington D.C. on August 14; and the third youth was apprehended on September 12.

According to the DJS ASSIST database, the three youth had juvenile records for burglary, assault, robbery, auto theft, destruction of property and illegal drug distribution offenses. All of the youths had extensive histories of running away from home and facility AWOL's and escapes. One youth was reportedly involved in twenty serious incidents while in DJS custody, one youth had four serious incidents on his record and the other had two. One of the escapees was reportedly being held at Cheltenham on adult charges for armed carjacking.

Following the completion of the DJS Investigative Report, four staff members were disciplined, up to and including termination.

- Photographs of the escape area:



View from the Weight Room to the escape point at the fence



Hole cut into fence during for the escape

CONCLUSIONS

Multiple security breakdowns contributed to the escape.

- a. Staff failed to properly supervise youth under their care.

All three youth had extensive escape and AWOL histories and one was on a Level Two Suicide Watch requiring written observations six times each hour. Yet staffers were not immediately aware that the youth were missing and had escaped. The procedure for observing and documenting youth movement was not followed, facilitating escape.

The DJS Office of Quality Assurance and Accountability issued a report on CYF on May 16, 2008. That report discussed concerns relating to youth movement and counts being properly completed and documented: "In order to reach Performance status in this area it is recommended that the facility train staff on the proper documentation procedure of head counts." (Page 30)

- b. The tool control procedure and practice did not ensure an accurate accounting of tools from the woodshop.

If youth in detention are allowed to use dangerous tools, procedures must be implemented and adhered to at all times to keep tools secure.

The Department's tool control policy was developed in 1991 and has not been updated since that time. The policy requires daily, weekly, and monthly tool audits and establishes procedures for safeguarding tools and reporting lost tools. It does not, however, include instructions relating to vocational education, woodworking shops, and other ongoing student activities, although it provides that the Superintendent or designee be contacted about situations not covered in the policy.

In 2007, ten youth escaped from the Hickey School after one stole a tool from the education department. At that time, this Office requested that DJS implement a tool control policy. The Department responded that "DJS and MSDE are currently collaborating to develop a tool control policy and procedure. The estimated date for completion is July 1, 2007."

The DJS Quality Assurance and Accountability report for CYF (May 16, 2008) addressed concerns relating to the "control and inventory of tools/environmental weapons" used by staff in the cottages, Maintenance Shop, Health Center and Dining Hall; however, the control of tools used by youth in vocational training was not specifically addressed.

- c. There is no audible siren available to notify facility personnel and the surrounding community of an escape.

Some DJS facilities are equipped with audible sirens and some are not. Although some express concern that the siren may be bothersome and/or alarming for other youth at the facility, the surrounding community should be alerted sufficiently for their own protection and the protection of the youth.

d. **A visual monitoring system was not operational.**

If video monitoring of the fence perimeter had been operational, staff would have known immediately that the youth had exited the compound.

e. **The method of community notification was insufficient.**

DJS has set up a community notification system; however, only a small percentage of residents were notified regarding the escape.

f. **DJS employees did not immediately notify law enforcement following the escape.**

The Maryland State Police were not aware of the escape for approximately two hours after it occurred, and nearly one hour after the Tour Office was notified that the youth were missing . By the time they responded, it was too late to incorporate search procedures that may have effected a speedier apprehension of the escapees.

RECOMMENDATIONS

Over the past sixteen months, 30 youth have escaped from DJS secure facilities in a total of 11 incidents (see Appendix A). Three Special Reports have been issued on escapes from Hickey (2) and Victor Cullen. Each Special Report has discussed similar security issues and needed corrective actions. Yet the number of escapes has not decreased, and many of the same issues resurface each time an escape occurs (albeit at a new facility).

We ask that the Department's response to this Special Report's findings and recommendations include actions already taken and future plans to ensure the security of the following hardware secure facilities in the State:

- Baltimore City Juvenile Justice Center
- Carter Children's Center
- Cheltenham Youth Center
- Hickey School
- Lower Eastern Shore Children's Center
- Noyes Center

- Victor Cullen Center
- Waxter Center for Girls
- Western Maryland Children's Center

It is vital that a coordinated and comprehensive be developed to ensure that all DJS secure facilities are taking every possible precaution to keep youth, staff, and the community safe from security breaches and escapes.

Because it may take some time to gather this data, we ask the Department to meet with the Juvenile Justice Monitoring Unit within 30 days of the date of this report (by November 2, 2008), and at that meeting to provide information pertaining to any recommendations not covered by the Department's written response to this report. (Written responses to Recommendations 1, 2, 3, 6c, and 7 are included in the Department's response – see p. 13).

Requested Information

1. Steps taken to ensure compliance with **youth movement and count protocols** at the facilities listed above.
2. Status of the **Tool Control Policy** now in development.
3. Measures taken to ensure consistent implementation of **Tool Control Policy and Procedures** at each facility listed above.
4. Information relating to **audible sirens and community notification systems** at each facility listed above, specifically
 - a. Whether or not the facility has an audible siren;
 - b. The date of the most recent testing of the audible siren and the results of the test;
 - c. If the facility does not have an audible siren, the date the issue will be discussed with the Facility Advisory Board;
 - d. Whether the facility has a community notification system;
 - e. If so, how many community members are included in the system;
 - f. The date of the most recent testing of the community notification system and the results of the test.
5. Status of **visual monitoring systems** at each facility listed above, specifically:
 - a. Locations of current cameras, including whether they are operational;
 - b. Locations of proposed cameras, including planned purchase and installation dates;
 - c. Documentation of any facility visits by vendors within the past 30 days to deal with visual monitoring security system problems, including the outcome of those visits;

6. Status of purchase, installation, and operations of **fence alarms and sensors** at each facility listed above, including:
 - a. Whether all portions of the perimeter fence include alarms and sensors;
 - b. If not, whether the Department plans to install alarms and sensors on all perimeter fences, including planned purchase and installation dates;
 - c. Whether all fence alarms and sensors are currently operational;
 - d. Documentation of any facility visits by vendors within the past 30 days to deal with fence alarm and sensor problems, including the outcome of those visits.

7. Status of **Coordinated Emergency Response Plan Development** at each facility listed above, including:
 - a. Dates of meetings with emergency response agencies;
 - b. Agencies represented at those meetings;
 - c. Whether a written emergency response protocol has been developed;
 - d. Date of planned completion of coordinated emergency response plan.

APPENDIX A

Escapes from Secure DJS Facilities May 1, 2007 – August 30, 2008

Carter - 3 incidents involving 7 youth

1/7/08 (3 youth)
7/31/07 (3 youth)
5/29/08 (1 youth)

Cheltenham - 1 incident involving 3 youth (this Special Report)

8/10/08 (3 youth)

Hickey - 2 incidents involving 12 youth

5/6/07 (10 youth)
7/31/07 (2 youth)

Noyes - 1 incident involving 1 youth

9/19/07 (1 youth)

Victor Cullen - 2 incidents involving 3 youth

6/16/08 (2 youth)
11/19/07 (1 youth)

Waxter - 2 incidents involving 4 youth

4/17/08 (3 youth)
6/21/08 (1 youth)