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STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
JUVENILE JUSTICE MONITORING UNIT

August 3, 2007

Secretary Donald DeVore
Department of Juvenile Services
One Center Plaza
120 W. Fayette Street
Baltimore, MD 21201

Re: Special Report - Charles Hickey School

Dear Secretary DeVore:

I have enclosed Final Comments on the Special Report concerning the Charles H. Hickey, Jr. School dated June 1, 2007. I would be happy to meet with you to discuss the Report's recommendations or other means of enhancing the security of DJS detention centers.

I look forward to continuing to work with you and your staff to ensure the safety of children in DJS facilities.

Respectfully submitted,

Marlana Valdez
Director
Juvenile Justice Monitoring Unit

Cc: The Honorable Thomas V. Miller, Jr., President, Maryland State Senate
The Honorable Michael E. Busch, Speaker, Maryland House of Delegates
The Honorable Robert A. Zirkin, Maryland State Senate
Katherine Winfree, Chief Deputy Attorney General, OAG

Electronic Copies: John Dixon, Deputy Secretary, DJS
Frances Mendez, Deputy Secretary, DJS
James Smith, Assistant Secretary, DJS
Peter Keefer, Director, Audits and Investigations, DJS
Robert Fontaine, Principal Counsel, DJS
Wendy Estano, CRIPA Coordinator, DJS

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**CHARLES H. HICKEY, JR. SCHOOL
SPECIAL REPORT**

**DEPARTMENT OF JUVENILE SERVICES
RESPONSE AND CORRECTIVE ACTION PLAN**

**WITH
FINAL COMMENTS FROM THE
JUVENILE JUSTICE MONITORING UNIT**

Facility: Charles H. Hickey, Jr. School (CHHS)
2400 Cub Hill Road
Baltimore, Maryland 21214
410-668-3300
Facility Administrators: Tom Bowers and Leander Parker

Date of Investigation: May 6 and 7, 2007

Reported by: Philip J. Merson

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

- Tool Control
- Breach of Security
- Escape

Date of Report: June 1, 2007 (Preliminary)
August 3, 2007 (Final)

FINAL COMMENTS

On May 6, 2007, ten youth escaped from the Charles H. Hickey, Jr. facility. Two days earlier a youth had stolen wire cutters from a teacher and secreted them in his room. At bedtime that evening, youth overpowered staff, opened doors from the control center, and used staff keys to let themselves out of the dorm. Then they cut a hole in the fence with the wire cutters and escaped. All youth were located within approximately 48 hours.

DJS completed a thorough investigation and made appropriate corrective changes within the first few days following the escape. These corrective actions, (detailed below), if uniformly implemented, would enhance the security of the Hickey facility.

Three significant issues remain, however:

- Whether the conditions contributing to the escape have actually been corrected;
- Whether the corrective actions go far enough to enhance the safety of youth and staff at Hickey;
- Whether DJS is using lessons learned from the incident to enhance security at other facilities.

In the week preceding submission of these final comments, two serious security breaches occurred at DJS detention centers. While both are still in the preliminary investigative stages, facts known at this time raise continuing questions about the security of the Hickey campus and the ability of staff system-wide to keep youth safe and contained within the physical bounds of facilities.

On July 25, ten youth at the Noyes Center in Rockville escaped from the dorm. The youth were detained without breaching the campus perimeter, but the scenario was not dissimilar to the escape at Hickey - at bedtime youth overpowered staff, took the keys, opened the exterior doors of the facility and exited into the courtyard.

On the evening of July 31, two youth again escaped from Hickey while at the medical satellite, the third escape from the Hickey facility in 2007. Preliminary investigation indicates the following:

- Despite guarantees that the community notification system issue had been corrected (see Corrective Action below, p. 3), the system malfunctioned once again, failing to notify about half of Hickey's neighbors until the morning following the escape;
- The youth escaped using gates that we cited as security hazards following an escape on January 13. (See 1st Quarter Individual Facility Report on Charles H. Hickey, Jr. School at p. 15). In that report we recommended the installation of video surveillance cameras on the east side of campus, but the recommendation was rejected as cost prohibitive;
- Staff inattention significantly contributed to the escape.

These continuing security issues underscore the need to install new security hardware as recommended in this Special Report immediately. Alternatively, we reiterate our call for the closing of the Charles Hickey School until youth can be safely housed there or until a replacement facility can be built. The size and layout of the campus complicates security efforts, and youth have demonstrated repeatedly that the campus in its current form is not secure.

We also recommend that DJS use these recent escapes as an opportunity to retrain all direct line staff throughout the system on security precautions and emergency procedures. While security-related hardware can help staff do their jobs, well-trained, responsible staff members are the most critical determinant of youth safety.

The following practices should be implemented at all DJS secure facilities immediately:

1. Provide staff with distress alarm devices, particularly those working on overnight shifts. Provide all staff members with radios.
2. Implement bedtime protocols, staffing arrangements, etc. to reduce the potential for overpowering staff.
3. Improve perimeter security via surveillance cameras, staggered touring, and frequent alarm testing.
4. Institute a tool control procedure at all facilities with Vocational Education programs.

Historically Maryland's juvenile facilities have appeared to function in near isolation from each other, resulting in marked variation among facilities – in the quality of care and programming, physical environment, and restraint and seclusion practices. It is our hope that the new administration will improve communication and sharing of best practices among facilities. Lessons learned from the escape at Hickey should be used to prevent similar events and improve the safety of youth, staff, and communities around the state.

RECOMMENDATIONS
JUVENILE JUSTICE MONITORING UNIT
OFFICE OF THE ATTORNEY GENERAL
AND
RESPONSES/CORRECTIVE ACTION PLAN
DEPARTMENT OF JUVENILE SERVICES

SHORT TERM

1. **DJS should develop a better system to ensure security personnel and the surrounding community are made aware of an escape. A procedure should be implemented that provides for some type of “code red” or other alert**

and gives staff and security personnel specific instructions to follow in the event of an emergency.

Department of Juvenile Services Response/Corrective Action:

This issue was corrected immediately following the escape by having all designated staff trained in how to activate the current notification system. The issue at the time of the escape was that only 2 staff knew how to activate the community notification system and were not able to be contacted until the morning of May 7, 2007.

Juvenile Justice Monitoring Unit Response:

The corrective action is appropriate; however, each Facility Superintendent and Asst. Superintendent should be familiar with emergency procedures and at least one of them should be available by telephone on a 24-hour basis.

2. **The perimeter fence must be routinely monitored at staggered times to ensure a pattern cannot be identified.**

Department of Juvenile Services Response:

This issue was corrected through an amendment to the agreement with Watkins Security dated May 9, 2007. The amendment calls for an increase in the number of tours and door checks per shift and to communicate the findings of such tours to the shift commander. See DJS OIA report for more details.

Juvenile Justice Monitoring Unit Response: The corrective action is appropriate. JJMU will continue to monitor security tours and door checks.

3. **The computerized alarm system should be checked each shift to verify checks are being made and to ensure hard copy capability for testing the system.**

Department of Juvenile Services Response:

This issue was corrected immediately following the escape by the installation of Tour Guard tour protection plates which provide a record of perimeter checks.

Juvenile Justice Monitoring Unit Response:

The corrective action does not address hard copy capability of the computerized alarm system. DJS can obtain a computer printout remotely from headquarters that indicates whether the fence alarm is functioning properly, but the Facility Administrator should be able to obtain that information from the facility site as well.

4. **Direct care staff on the unit should be supplied with distress alarm devices that can be activated quickly and safely.**

Department of Juvenile Services Response:

DJS agrees and is in the process of costing out such a system.

Juvenile Justice Monitoring Unit Response:

Please provide notification when these are purchased for direct care staff.

5. **Maryland State Police investigators from the Golden Ring Barrack should have access to the DJS ASSIST Database to ensure the timely acquisition of identifying information that will facilitate the capture of escaped youth.**

Department of Juvenile Services Response:

Maryland State Police were supplied with the identifying information on the escaped youth for this particular incident in a timely manner. Providing direct access to the ASSIST Database could represent a violation of juvenile confidentiality.

Juvenile Justice Monitoring Unit Response:

The Maryland State Police complained to this Monitor that they needed quicker access to the juveniles' records, description, and other personal/identifying information. The confidentiality issue should be addressed by legal counsel for the two agencies.

6. **Stationary video cameras should be installed to monitor and record activity in the hallways and common areas of the facility.**

Department of Juvenile Services Response:

DJS is currently costing this out but anticipates that costs associated with installation of these cameras will be prohibitive given that the plan will likely be to close to the facility in the near future.

Juvenile Justice Monitoring Unit:

Current DJS plans involve building a new detention center on the Hickey site or on another site in Baltimore County. Hardware purchased at this time could be used in the new facility, significantly reducing the long-term cost. Particularly in older facilities with more complex supervision challenges, stationary surveillance cameras are critical to youth, staff and community safety.

Several grant programs offer funding for security hardware - JJMU provided a letter of support for DJS's application to the Edward Byrne Grants Program in July of this year. If the cost of stationary cameras is prohibitive, we hope DJS will continue to seek outside funding.

7. **DJS and MSDE must collaborate to ensure proper tool control and accountability.**

Department of Juvenile Services Response:

DJS and MSDE are currently collaborating to develop a tool control policy and procedure. The estimated date for completion is July 1, 2007.

Juvenile Justice Monitoring Unit Response:

As of August 1, 2007, no tool control policy has been received. Please provide us with an approximate date for completion and a copy of the policy.

8. **Youth must be properly supervised by DJS staff at all times.**

Department of Juvenile Services Response:

DJS staff are expected to supervise youth at all times, including youth who are participating in the educational program provided by MSDE. DJS policy states that “Youth supervisors shall be aware of the location of all youth at all times. Youth shall not be left unattended in any area inside or outside the facility.” The DJS OIA investigation did not find that youth were improperly supervised at the time of the escape.

Juvenile Justice Monitoring Unit:

No DJS direct care staff were supervising the youth when the wire cutters were stolen – they were left alone with an MSDE teacher. Facility Administrators must ensure that DJS staff are present at all times when youth are working with MSDE staff.

LONG TERM

1. **DJS must take steps to reduce pending placement periods.**

Department of Juvenile Services Response:

DJS has led a major initiative over the last 2 months to develop systems that will result in a reduce number of pending placement youth in detention facilities and a decrease in the average length of stay of such youth. Such initiatives include the planned implementation of the CASII assessment for all pending placement youth. This effort has included a blitz of all current youth at BCJJC and plans for implementation at the Cheltenham and Hickey facilities. A work group, led by Secretary DeVore that includes other stakeholders, has been formed and meets weekly at DJS to examine the current processes and systems that have led to this situation. Cases have been reviewed and sub-groups formed to tackle both individual case and system issues.

Juvenile Justice Monitoring Unit:

The number of youth in pending placement for extended periods of time declined during the second quarter of 2007, and we hope that the new policies will result in a continuing decrease in pending placement periods.

2. **The old facility on the Hickey campus should be closed and replaced with a modern detention center at other sites.**

Department of Juvenile Services Response:

DJs is currently reviewing the Facilities Master Plan and Gap Analysis as a means to begin discussions that will likely lead to major changes for DJS operated facilities. It is our belief that this will lead to a decision to close the existing Hickey buildings. The sites and number of both detention and treatment

beds has yet to be determined. The number of beds built should be based on an accurate population forecast, needs assessment and gap analysis.

Juvenile Justice Monitoring Unit:

We look forward to DJS' report on the Facilities Master Plan this fall and reiterate our recommendation that changes to the Facilities Master Plan be made as expeditiously as possible. We also recommend that the General Assembly appropriate necessary funds to begin construction of a new Baltimore County detention facility in its 2008 session.