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

June 22, 2007

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

Re: Special Report on  
Charles H. Hickey, Jr. School

Dear Secretary DeVore:

We are in receipt of the Department of Juvenile Services responses to our Special Report on the Charles H. Hickey, Jr. School dated June 1, 2007. These responses have been appended to our Final Findings and Recommendations.

Our agencies' Memorandum of Agreement (MOA) provides a 90-day period following issuance of a report for development of a Corrective Action Plan. During this period, we have the opportunity to collaboratively develop appropriate actions to address the conditions identified in the report.

Our MOA establishes a deadline of Monday, July 16, 2007 for DJS' submission of a Preliminary Corrective Action Plan. Your response to the Special Report, however, included a number of corrective actions, some already implemented and some in the planning stages.

I suggest that our time might be more productively used by meeting in person to discuss the details of the Corrective Action Plan, make any necessary adjustments, and finalize the report. I request that this meeting be scheduled at your earliest convenience, but in any event, before the July 16 deadline. I look forward to hearing from you and to continuing to work with you and your staff and to ensure the safety of children housed at the Charles H. Hickey, Jr. School.

Respectfully submitted,

Marlana Valdez  
Director  
Juvenile Justice Monitoring Unit

Enclosure

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  
Arlene F. Lee, Executive Director, Governor's Office for Children  
Katherine Winfree, Chief Deputy Attorney General, Office of the Attorney  
General

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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**SPECIAL REPORT**  
**CHARLES H. HICKEY SCHOOL**  
**FINAL FINDINGS AND RECOMMENDATIONS**

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

**Dates 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 22, 2007

## EVIDENTIARY BASIS FOR REPORT

### Documents Reviewed

- Department of Juvenile Services ASSIST Database Information
- Department of Juvenile Services Incident Report Database Information
- Hickey Master Control Log Book
- Hickey Clinton Hall Log Book
- Hickey Gatehouse Security Log Book
- Maryland State Police Criminal Investigation Report CIR 07-67-007326.
- Maryland State Department of Education Investigation Memo dated May 15, 2007.

### Persons Interviewed

- Department of Juvenile Services employees at Hickey School (6 staff persons, supervisors and administrators interviewed)
- MSDE employee, administrator and investigator (3 interviewed)
- Youth (1 interviewed)
- Department of Juvenile Services investigators (2 interviewed)
- Department of Juvenile Services Information Technology staff and administrator (2 interviewed)
- Department of the State Police investigator (1 interviewed)
- Watkins Security staff (3 interviewed)
- Normant Security Systems staff (1 interviewed)

### Physical Evidence Viewed (recovered at the escape site)

- Metal cutters (tin snips) with yellow handles in Hickey Master Control (Identified by the MSDE Vocational Education Instructor as the ones from his class)
- Youth's white tee shirt

- Motion alarmed chain link fence with a hole cut through for escape

### **STANDARDS APPLIED**

Code of Maryland Regulations (COMAR) 01.04.04.26.B.5

Maryland Department of Juvenile Services, Standards for Conduct and Disciplinary Process

- Standard 2.15
- Standard 2.12
- Standard 2.13

Maryland Standards for Juvenile Detention Facilities

- Standard 6.9
- Standard 5.1.2.2

**Code of Maryland Regulations (COMAR) 01.04.04.26.B.5.** “In order to obtain and hold a license as a secure care program, a licensee shall ...inspect for contraband, on a daily basis, all areas occupied by the children, document all these inspections, and immediately correct all problems or defects found during the inspections.”

**Maryland Department of Juvenile Services Standards of Conduct 2.15.** “An employee shall exercise extreme caution at all times to adequately control weapons, keys, tools, drugs, toxic and dangerous material and to prevent delinquent youth from gaining access to them. An employee who loses or is unable to account for any of these items shall report that information to the Superintendent or director or designee immediately.”

**Maryland Department of Juvenile Services Standards of Conduct 2.12.** “An employee shall take all reasonable means to prevent escapes or disorders. An employee having information about an...escape...or any other matter affecting the security or safety of an institution or facility shall immediately report the information orally to his or her immediate supervisor and submit a written report as soon as possible. Such information shall be reported even if there is any doubt regarding its validity.”

**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.”

## INTRODUCTION

The Charles H. Hickey School is a State owned and operated detention facility. In 2005, the committed care portion of the Hickey School was closed, but three cottages remained open on a temporary basis to house youth in detention and awaiting placement (“pending placement”). The Department of Juvenile Services 2006 Facilities Master Plan included a recommendation to demolish all buildings on the Hickey campus and replace them with a newly-constructed Baltimore County Juvenile Detention Center.

All three cottages are located behind a razor wire fenced-in area and house approximately 60-80 youth at any given time. Watkins Security, a private company, monitors entrance and exit from the facility and the outside perimeter of the alarmed fenced area. No mounted exterior video cameras are installed.

On May 6, between 11:15 and 11:30 PM, ten youth escaped from the Hickey facility. Two youth used ruses to get out of their rooms and overpowered staff, broke the staff’s communication equipment, used the automatic release button from the control center to open all the youth’s rooms, obtained staff’s keys, and opened the side door of the unit. Ten youth ran to the fence, used metal cutters to cut a hole into the fence, and escaped.

Most of the involved youth had serious charges filed against them, and seven had already been adjudicated and were awaiting placement (“pending placement”). The youth suspected of stealing the metal cutters had been at the facility pending placement for nearly five months (144 days). One other pending placement youth had been at Hickey for nearly four months (114 days), one for 90 days, one for 58 days, one for 48 days, one for 31 days and one for 20 days. The other three youth were in detention status and had been at the facility for 23, 22 and 20 days.

## SUMMARY OF CONCLUSIONS

Multiple security breakdowns led to the escape, including failure to control tools and contraband, dorm security lapses, and malfunction of the electronic alarm system. These system breakdowns are not new – the Juvenile Justice Monitoring Unit has reported on security, contraband, and physical plant issues at Hickey in each of its reports for at least the past year and in many other reports over the past six years. Nevertheless, only minor corrective actions have been made, and they have done little to improve overall security at Hickey.

The State of Maryland is legally responsible for the safety of children committed to the custody of the Department of Juvenile Services. One of the most basic aspects of this obligation is the duty to keep youth within the physical boundaries of a hardware-secure detention center. **Md. Code Ann. Article 83C, §2-135.**

The chronic ongoing security failures at Hickey and the Department's failure to make significant progress toward securing the facility lead us to believe Hickey's security issues may be intractable. We should emphasize that this escape and past security failures did not result from any action or inaction on the part of the current Department of Juvenile Services Administration – Hickey's problems have been inherited by each incoming DJS Administration for many years.

This incident and the serious danger it posed to the safety of the youth and staff involved does, however, present an opportunity – an opportunity to close the Hickey facility once and for all and replace it with a facility (or facilities) appropriate for housing detained youth in the 21<sup>st</sup> century. When the Hickey committed care program was closed in 2005, youth in detention were to remain there *only temporarily – until a new regional detention center for Baltimore County could be constructed.*

Two years later, Hickey remains open. Maryland remains subject to a settlement agreement with the U.S. Department of Justice to correct alleged civil rights violations at Hickey, and the State continues to “throw good money after bad,” spending hundreds of thousands of dollars to bring Hickey into compliance with federal standards. We believe no amount of renovations, no matter how extensive, will ever make the Hickey facility appropriate for the housing of youth.

It is essential that the General Assembly appropriate necessary funds to construct a new detention center for the Baltimore County region in its next session. We recommend that the Department move quickly to amend its 2006 Facilities Master Plan to bring it into compliance with legislation passed in the 2007 session (e.g., 48-bed limit and regionalization) and move toward construction of needed facilities.

The ongoing entrenched security, safety, and civil rights issues at Hickey make it abundantly clear that constructing a replacement facility (or facilities) for Hickey must be a high priority for both the Department and the General Assembly.

## **INVESTIGATION**

On May 7, after being notified that 10 youth had escaped, this Monitor went to the Hickey School to investigate the incident. By late morning on May 7, six of the youth who had escaped had been found and four were still out. By May 9, all 10 youth who escaped had been found and returned to Hickey or another detention center. Findings of the investigation and summaries of staff interviews follow:

**Security:** This Monitor spoke with a Watkins Security supervisor at the gatehouse. He showed me the gatehouse log and said the fence alarm was recorded as working properly as of 6:15 PM on Sunday night. Another security officer said, however, that the fence has to be shaken very hard in zones 6 and 8 to activate the alarm. The supervisor disagreed and said the alarm is very sensitive and the wind even sets it off at times. Some Hickey staff accompanied me to the area of the hole in the fence and shook the fence. We had to shake it fairly hard to activate the alarm.

At the time of the escape, the Watkins Security supervisor said there were two officers working the gatehouse, two officers assigned to patrol and one officer in overall

command. He felt the Hickey staff did not relay information of the escape in a timely manner and the security staff were initially told “only one youth had escaped.” He also felt there should be some type of “code” developed for an escape alert. According to the Security Log the first report was received from a DJS staff at 11:28 PM. They were told that one youth had escaped and to lock the facility down at 11:30 PM. They started a perimeter check at 11:51 PM and the hole was discovered at 12:00 midnight.

At the time of my investigation, all of the Watkins Security staff persons who had worked the night of the escape, except one, had either called out or were scheduled off. That Watkins security staff member said he conducted a perimeter check of the facility after they were told one youth had escaped and he found the hole, the cutters and a shirt within 10 minutes of being notified. He thought he was notified around 11:30 and he found the hole around 11:40 – which contradicts the times in the logs.

According to the Security Log, the first report of the escape was received from a DJS staff at 11:28 PM. The logged activity in the Gatehouse Logbook indicated one youth was “on the loose” and requested that no one be allowed to leave the facility. According to the Master Control Logbook, State Police were notified at 11:40 PM that 10 youth had escaped; however, there is no indication in the Gatehouse Logbook that they were notified of anything else and the next entry is at 11:51 PM when they started zone checks by patrol. The Gatehouse Log records the discovery of the hole in the fence by their Security Officer at 12:00 midnight.

I attempted to obtain a hard copy printout of the alarm system’s computer to determine if the system was functioning properly, but a technician from the Department of Juvenile Services advised that he was unable to retrieve the printout. Contact was made with the DJS Director of Information Services and she verified that there was no hard printout available to determine the status of the alarm system when the escape occurred. She advised that the system was repaired several months ago and the hard copy printout capability was not reactivated by the company who repaired the system. The Director also advised that DJS had failed to ensure that the printout portion of the system was reactivated.

I contacted Normant Security who installed the alarm system and are under contract for maintenance. They inspected the alarm computer system following the escape. The transponders on the fence were working properly and were sending signals to the computer but several corrupt files prevented the system from providing a history printout. They said the system was repaired and reinstalled. Normant Security also concurred that a printout of the fence alarm verification should be conducted on every shift to ensure proper functioning of the alarm and the history recorder.

As of the date of this report, DJS has reactivated the printout module, tested the alarm system and installed additional wand verification checkpoints on the perimeter fence to ensure security personnel are making their routine checks.

**Hickey Supervisory Staff:** The Hickey Shift Commander said he was conducting a routine check at Clinton Hall at 11:40 PM on Sunday night when he observed one female staff standing in the hallway without her shoes on and a chair was overturned. Another female staff approached him and said, “All the kids are out of their



rooms and they left out the back door.” The Shift Commander said they immediately conducted a count and they discovered 10 youth were missing. He said he told the gatehouse to contact the police and lock the facility down.

He said he went on to check the school building and found it unsecured but there were no youth inside. He told me he began searching the grounds and he discovered the hole in the fence at 11:45 PM. This statement is in conflict with Watkins Security Officer’s statement that he discovered the hole around 11:40 and both of these times conflict with the gatehouse records which indicate the hole was discovered at 12:00 midnight.

**Clinton Hall Records:** A review of the Clinton Hall Unit Log revealed that a visual head count was completed on the unit at 10:10 PM and there were eighteen (18) youth. Each youth was in his own room. At 10:20 PM, one youth was given a bathroom break (the same youth suspected of stealing the cutters on Friday) and there is no indication that he returned to his room. A perimeter check was in progress and the locks for two rooms on the B-side of the unit were not working. Youth were reportedly moved from those rooms. At 11:00 PM staff noted in the log that “Students safe and secure. T/P (total population) = 18.” The last entry in the log is incomplete. The staff entered the time as 11:15 PM and wrote, “Student [name] had cards at the door to pry [pry]...”

The Shift Commander working at the time of the escape related information he received from the staff persons working at the time of the escape. One staff said she was counseling the youth who was trying to use cards and/or toothpaste to force open his door around 11:15 PM (which matches the time indicated in the unit log). He pushed past her, hit the locks and let the other youth out of their rooms. The Shift Commander said he was not notified of anything at that time. This Monitor subsequently determined that the staff radio and phone had been damaged.

The Shift Commander said that the other staff advised him that the youth had been confronted in his room, the toothpaste was taken away and he was locked back in his room. The staff said the youth then asked for a drink of water and his door was unlocked. Staff reportedly went to get him a drink and he assaulted staff, took their keys, opened the room doors via the electric lock control and escaped.

This Monitor physically checked the locks on units 301, 305, 311, 312 and 326 and they were secure.

**Recent Problem with Door Locks on Clinton:** It should also be noted that a DJS Incident Report (55752) was submitted on April 28, 2007 from Clinton Hall staff who reported “the locks must have been flipped” while staff were dealing with a youth on youth altercation and staff had to reset the locks.

**Acquisition of Wire Cutters:** Throughout the week, youth from the facility were helping MSDE staff move equipment and furniture from one modular unit to a newly installed modular unit. This Monitor observed youth assisting MSDE staff with moving furniture during a visit on May 1, 2007. During that visit, this Monitor discussed with the MSDE principal security concerns about youth in detention being allowed access to the

tools and equipment in the vocational instruction classroom. He said that MSDE administrators and DJS believed that all youth should be exposed to the vocational instruction. He also said they had previously used youth from Mandela Hall to help with moves and there had been no problems, but direct care staff remained with the youth while these moves were occurring.

When MSDE began using youth from Clinton Hall to help with moves, there was no supervision by direct care staff. MSDE staff said there were more problems with the Clinton youth cooperating than there were with the Mandela youth.

The MSDE Vo-Tech teacher provided a written statement. Earlier in the day on Friday, the youth working with him had stolen the cutters. He discovered they were missing, returned them to their proper place, and admonished the youth, but they were allowed to continue to work with him. Several times during the day he had to tell the youth to stay out of the tool room. Evidently the youth then stole the cutters a second time later in the day and used them in the escape. During the interview, the teacher was very upset. He said he did not want to use the individual youth suspected of stealing the cutters to help him move, but DJS staff insisted that he use him.

**Youth Accounts:** This Monitor listened to a DJS interview of one youth who was apprehended during his escape (he had been bitten on the elbow by a police K-9 dog during the apprehension). The youth said he had heard the youth talking about a fight or riot between A-side and B-side but he said he had no knowledge of any escape. The youth said he stays to himself and seldom interacts with other peers. He said the staff's radio and phone were broken when they were assaulted. He said the fence was pulled and yanked to get the hole open after it was cut and he was the last person to go through. His foot was temporarily stuck but he pulled it through. He felt the fence had been shaken a lot during the escape.

Subsequently this Monitor interviewed the youth alone. He said his door lock wasn't working on Sunday night so staff moved him to the A-side. He said he was reading when he heard some loud thumps. His door opened and he looked out and saw two youth assaulting a staff person and taking her to the floor. He saw staff trying to use their radio but it had fallen on the floor and was not working. The phone was also broken. He saw the door open at the end of the hallway so he put on his shoes and ran out. He saw other youth going through the hole in the fence so he went through also. He said he did not shake the fence very much when he went through, until he had to yank his foot through but it was shaken by others. He also stated that he was aware that some youth had been caught trying to steal wire cutters at the school but he did not know the cutters were on the unit.

**DJS Investigation:** This monitor sent an e-mail to the DJS investigator and his supervisor on May 16, 2007 outlining numerous concerns relevant to this investigation. On May 30, the DJS report had not been completed but this Monitor spoke with the DJS investigator and he concurred with most of this Monitor's observations.

**Maryland State Police Investigation:** On May 16, this Monitor forwarded an e-mail message and a phone call to the MSP investigator in this case to determine information relating to the investigation. On May 30, this Monitor again contacted the

Maryland State Police (MSP) and although the follow-up investigation was not complete I received a copy of the initial Criminal Investigation Report. Two of the youth involved in the escape have been charged as adults and one other may be waived to adult court.

The State Police report indicated that the police were initially notified of a “missing juvenile” at 11:34 PM on May 6, 2007. The report states that the police were advised that it was not necessary for them to respond because the youth was still on the premises. At 11:48 PM the police received another call from the Hickey School and it was reported that ten youth were missing and a hole was discovered cut in the fence. There are discrepancies in the police report concerning what Hickey staff person actually reported the escape. One staff advised that they had contacted Master Control at 11:20 PM to report the incident via her cell phone (due to the radio and phone being disabled) and a Hickey supervisor advised that the incident was not reported until he contacted the State Police after discovering the hole in the fence at 11:52 PM.

MSP reportedly arrived on the scene at the school at 11:55 PM. MSP Patrol Troopers, Maryland State Police K-9 Troopers, Maryland State Police Aviation (helicopter), Baltimore County Police, and Baltimore City Police and Fox Trot (helicopter) assisted with the search and apprehension of five (5) of the youth in the community before 2:00 AM on May 7. Police officers from the Maryland State Police, Baltimore City Police and Baltimore County Police continued to follow up until all were apprehended as of May 10, 2007. One of the youth was apprehended in the community by Baltimore County Police and charged with Robbery, Burglary, Theft and Assault.

One youth was injured when he was bitten on the arm by one of the K-9 dogs as he attempted to flee from police.

The State Police also advised that the youth who escaped from the facility might have been apprehended more quickly if the police had been able to obtain identifying information and photos of the youth in a more expeditious manner. MSP investigators have requested access to the DJS ASSIST database to help expedite obtaining information and photos of youth who escape from the Hickey facility, but DJS reportedly advised that permission to have access must be granted through the Attorney General.

**MSDE Investigation:** On May 30, this Monitor was advised that the issue involving the MSDE staff was being investigated by MSDE. I contacted MSDE and received a copy of the investigative memo submitted by the Juvenile Correction Field Director on May 15. A description of the incident was provided in the report but there were no findings or recommendations attached. The field director advised me that she had recently responded to the Hickey School to ensure the “shadow board” for the tools was properly utilized.

## **KEY FINDINGS**

- 1. Multiple security breakdowns contributed to the escape.**
  - a. Lack of control over tools; lack of tool accountability system

A system to account for all tools at the end of the day should have been in place. Once the youth were discovered trying to steal the wire cutters, they should not have been allowed to continue assisting with the move.

- b. Failure to maintain direct care supervision of youth used to assist with moving school equipment

Hickey staff should have provided direct care supervision of youth assisting the MSDE teacher with the move as they had done in the past.

- c. Poor decision making by direct care staff on the unit

Although hindsight is always the best foresight, Clinton Hall staff made errors in judgment at a number of junctures that might have prevented or lessened the seriousness of the escape. These include failing to check youth for contraband and moving youth between rooms without requesting additional staff assistance.

- d. Communication breakdown between staff and Watkins Security

Versions of the events recounted by Clinton Hall staff, the Shift Commander, and Watkins Security vary significantly. It does appear, however, that Security was not notified of the escape in a timely fashion, and that the initial calls to Security and the police did not accurately represent the seriousness of the problem.

- e. Watkins Security staff failure to properly monitor the fence and alarm

Watkins Security staff should have known whether the alarm system was working properly and how sensitive (or insensitive) the alarm system is. This is, after all, the essence of Watkins' job - to protect youth inside the facility and to safeguard the perimeter of the campus.

- f. Lack of follow up on the activation of the alarm system to ensure hard copy testing capability

As of the date of this report, this problem appears to have been corrected.

- g. Lengthy pending placement periods that violate the spirit (if not the letter) of the law

Following adjudication and disposition, youth committed to DJS custody should be promptly placed in a rehabilitative program. In 2005, responding to lengthy delays in arranging these placements, the General Assembly passed legislation requiring DJS to

go before a judge every 25 days to justify continuing detention of children in pending placement status.<sup>1</sup>

The clear intent of this legislation was to decrease the time youth spend in pending placement status. Yet our 4<sup>th</sup> Quarter, 2006 report highlighted that youth continue to spend inordinately long periods of time in pending placement. What the youth call “dead time” is just that – months of waiting during which the youth receive little program and no rehabilitation. Youth in pending placement are anxious about what is next for them, frustrated with the lack of news or information about their status, and angry that each day continues the wait.

These conditions create tense environments ripe for large group disturbances and escapes such as those Hickey experienced in the 1<sup>st</sup> Quarter of 2007. The youth suspected of stealing the wire cutters had been awaiting placement at Hickey for nearly five months. This is in addition to the time he may have spent in detention before his adjudication and disposition hearings. Two other youth involved in the escape had been at Hickey for 3 and 4 months.

**2. The Hickey School’s security problems are acute and persistent. Despite multiple expressions of concern by the Monitor, corrective actions to improve security at Hickey have not been implemented.**

Over the past year, every report issued by the Juvenile Justice Monitoring Unit has raised serious concerns about security at Hickey, from possession and use of contraband weapons to escalating group violence to security breaches including escapes.

On January 13, 2007, two youths escaped from Hickey. Our 1<sup>st</sup> Quarter, 2007 report recommended that “(s)ecurity at the facility...be improved to prevent escapes and better protect youth, staff, and the community.” Video monitoring equipment should be strategically placed to monitor the facility grounds.”

During 2006, JJMU repeatedly reported on physical plant safety issues at Hickey including repeated fence alarm failure. In June, 2006, we reported on ongoing fence alarm problems. During the 3<sup>rd</sup> Quarter, 2006, the fence alarm was not functioning for at least 3 days in June. It was not functioning on at least 3 days in August. At that time, we recommended that “(s)ecurity alarms and fencing...be inspected, tested and maintained daily.”

The Department’s response was as follows:

“The electronic fence alarm is only one aspect of the perimeter security for the facility. Visual checks are made constantly by the staff. In addition, repairs have

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<sup>1</sup> “If a child remains in...detention...for more than 25 days after the court has made a disposition...the Department of Juvenile Services shall...on the first available court date after the 25<sup>th</sup> day...appear at a hearing with the child to explain the reasons for continued detention; and every 25<sup>th</sup> day thereafter, appear at another hearing before the court with the child to explain the reasons for continued detention. **Md. Courts & Jud. Proc. Ann. § 3-8A-15(k).**”

been made to the system.” DJS Corrective Action Plan, 2<sup>nd</sup> Quarter 2006 Timely Report on Charles H. Hickey School.

JJMU has also called repeatedly for the installation of video surveillance cameras at Hickey, but our understanding is that the General Assembly has cut this item from DJS’ budget request in each of the past few legislative sessions.

In the first quarter of 2007, we also noted a sharp spike in the number of group disturbances. Group disturbances more than tripled in that quarter – the highest number of group disturbances recorded at Hickey since the founding of the Monitor’s Office six years ago and even more than when the facility housed 200 youth.

Between January 1 and the date of this escape, serious fights among multiple youth, some involving injuries, occurred on nearly a weekly basis. In one week in January, there were group disturbances on five of seven days. On January 10, a group disturbance involving at least 15 youth was reported as a “riot.” On March 29, 2007, seventeen youth were involved in a large group disturbance while enroute to the dining hall. Maryland State Police were called to restore order.

The number and seriousness of the group disturbances alone should have prompted emergency preemptive actions by the Hickey administration – whether providing staff with short-term refresher courses in de-escalation and crisis management, shifting dorm assignments of youth, increasing numbers of staff on duty, or expediting placement of youth who had been in pending placement status for several months.

The Monitor’s Office has also repeatedly warned about contraband on the Hickey campus. Our 4<sup>th</sup> Quarter, 2006 report discussed 16 contraband incidents including youth using homemade shanks to assault other youth to stealing and secreting scissors, a doubling of the rate from the 3<sup>rd</sup> Quarter, 2006. We issued a Special Report in October, 2006 after a youth detained at Hickey for over four months awaiting placement stabbed another youth with a homemade shank. Contraband issues were raised again in the Monitor’s 3<sup>rd</sup> Quarter, 2006 report.

The Department response at that time was as follows:

“Searches are conducted on each unit during each shift. The searches are being documented on Shakedown Reports by the unit staff, signed off on by the Unit Manager and reviewed by...the Assistant Superintendent for Operations.”

The Monitor’s responded as follows:

“Searches on the units must be supplement by searches before and after any movement of youth, especially to and from the school (emphasis added).

The wire cutters used in this escape were taken from the school over two full days before youth used them to escape. The system for searching for contraband failed, and it appears to have failed multiple times.

## RECOMMENDATIONS

### 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.
2. The perimeter fence must be routinely monitored at staggered times to ensure a pattern cannot be identified.
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.
4. Direct care staff on the unit should be supplied with distress alarm devices that can be activated quickly and safely.
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.
6. Stationary video cameras should be installed to monitor and record activity in the hallways and common areas of the facility.
7. DJS and MSDE must collaborate to ensure proper tool control and accountability.
8. Youth must be properly supervised by DJS staff at all times.

### Long Term

1. DJS must take steps to reduce pending placement periods. See 4<sup>th</sup> Quarter, 2006 report. [http://www.oag.state.md.us/JJMU/reports/06\\_Quarter4.pdf](http://www.oag.state.md.us/JJMU/reports/06_Quarter4.pdf)

In a recent speech, the Secretary of Juvenile Services discussed a new risk assessment instrument that had been tested on a pilot group of approximately 50 youth held in pending placement status. The assessment determined that only 17 of these youth posed a danger to themselves or others and needed to be in secure confinement while awaiting placement.

DJS plans to begin using this risk assessment instrument throughout the state of Maryland over the next year. We encourage DJS to promptly assess all youth held in pending placement at Hickey and to ask judges to release those who do not pose a danger until a residential placement is located. Many of these youth will, in fact, go from Hickey to a non-secure residential placement, and keeping them in secure confinement for months only to release them to non-secure rehabilitative programs is wrong and a waste of state resources.

While judges will undoubtedly want more assurance than an assessment score (such as information on availability of community-based services and family support), the onus is on the Department to demonstrate that youth held in pending placement more than 30 days are a danger to themselves or others and should continue to be detained in a hardware secure environment.

2. The old facility on the Hickey campus should be closed and replaced with a modern detention center (or multiple centers) at other sites.

Most members of the public believe the Charles Hickey School was closed in 2005 in response to an investigation by the U.S. Department of Justice. At that time, the media extensively covered the closing of the school and the reasons for its closing – antiquated facilities, ongoing security issues and breaches, and staff misconduct.

In reality, however, Hickey has not been closed. Its committed care program was closed, but youth have remained at the facility in detention or pending placement status, and it continues to house 60-80 youth today. Many of the conditions that prompted the highly-publicized closing of Hickey's commitment care program still exist. At the time Hickey's committed care program was closed, youth were to remain in detention there only temporarily – until a new Baltimore County Detention Center was built within the next five years. Two years later, the facility remains open and plans for the new detention center are unclear.

The Hickey campus resembles an adult prison – it was built to serve as a large congregate care “reform” or “training” school – this model has been known to be ineffective in rehabilitating youth or reducing recidivism for decades. The interior violates both federal and state standards for newly constructed facilities.

Youth sleep in small locked cells with no furniture except for a bed and mattress. Beds are not suicide proof, and youth do attempt suicide in the facility. Rooms lack toilet facilities and youth must rely on staff to release them from locked rooms to use toilet facilities. There is no other way to describe the facility than to say it is a “jail for children.”

In 2004, DJS commissioned Development Services Group (DSG) to prepare a Gap Analysis Report discussing facility needs throughout the state. That report concluded about Hickey:

“It must be noted that most of the facility is still considered antiquated and should be destroyed.” Development Services Group, December, 2004 Gap Analysis Report, Ch. 6, p. 27. [http://www.djs.state.md.us/pdf/gap/gap\\_analysis.html](http://www.djs.state.md.us/pdf/gap/gap_analysis.html)

Based on the Gap Analysis Report, the Department later approved and submitted to the General Assembly a Facilities Master Plan recommending that a regional detention center be built to replace Hickey:

“With the planned closing of the Hickey site... a new Baltimore County Juvenile Detention Center (the Hickey replacement) is being proposed. It would serve Baltimore County males and Baltimore City males...It would provide a total of 96 beds and is



projected to serve 72 boys and 24 girls residing in Baltimore City and Baltimore County. A site has not yet been chosen for this facility. Construction of the new Hickey detention replacement facility is projected to take 3 to 5 years.” Department of Juvenile Services Facilities Master Plan, Jan., 2006, ch. 2, p. 19.<http://www.djs.state.md.us/pdf/chapter-2.pdf>

We realize that the new Administration may desire to make some changes to the Facilities Master Plan (including reducing the size of the Baltimore County Juvenile Detention Center or constructing multiple small centers). We request, however that the Department move quickly to make these changes so that it can proceed to design and construction of the Hickey replacement facility (or facilities).

It is also critical that the General Assembly appropriate necessary funds to construct a new detention center for the Baltimore County region in its next session. The ongoing intractable security, safety, and civil rights issues at Hickey make it abundantly clear that a replacement facility must be a high priority for both the Department and the General Assembly.