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

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

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: July 31 - September 18, 2007

Reported by: Philip J. Merson

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

- Breach of Security
- Escape

Date of Report: October 11, 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 Gatehouse Security Log Book
- Maryland State Police Missing Person's Reports MPR 07-67-012514 and 12526.
- Department of Juvenile Services Office of Investigations and Advocacy Report Number 07-57406

Persons Interviewed

- Department of Juvenile Services employees at Hickey School (several staff persons, supervisors and administrators interviewed)
- Youth (2 interviewed)
- Department of Juvenile Services investigators (1 interviewed)
- Department of the State Police investigator (1 interviewed)
- Watkins Security staff (1 interviewed)

STANDARDS APPLIED

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

- Standard 2.12
- Standard 2.13

Maryland Standards for Juvenile Detention Facilities

- Standard 6.9
- Standard 5.1.2.2

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 except for a privately installed system outside the east campus medical satellite area. The medical satellite camera is operable but poorly maintained.

On July 31, 2007, two youth escaped from the Charles H. Hickey, Jr. facility (DJS Incident Report Number 57406). The youth were reportedly waiting transport in a van outside of the satellite medical facility when they managed to get out of the van through unsecured rear doors and run to the fence and gates between the east and west campuses. The youth reportedly forced their way through both interior gates (alarmed) and the exterior gate (not alarmed) in the outer fence.

According to investigative reports, after leaving the Hickey campus, the youth fled the area in a stolen vehicle. The vehicle was recovered by Baltimore County Police on August 2, 2007 after being involved in a hit and run accident.

One youth was apprehended by State Police on August 10. According to investigative reports, the other was involved in a vehicle chase in Baltimore City on August 21, 2007 during which a police officer was reportedly assaulted resulting in police firing shots in an attempt to apprehend the youth. The youth was reportedly able

to flee the scene and was not apprehended until August 23, when he was arrested at a residence without incident.

SUMMARY OF CONCLUSIONS

Not unlike the escapes from Hickey that occurred in January and May, 2007, this escape was the result of multiple security breakdowns, including staff's failure to properly supervise youth, malfunction of the electronic alarm system, and lack of appropriate electronic surveillance equipment on the campus.

The Department of Juvenile Services completed an investigation and made some immediate corrective changes within the first few days following the escape. Several of these corrective actions, however, had been announced by DJS after the two earlier escapes this year, and should have already been implemented.

Unfortunately, there is little new for the Juvenile Justice Monitoring Unit to write at this juncture on the systemic issues leading to the most recent escape. We quote from our June 22, 2007 Special Report on the escape of 10 youth from Hickey:

Systemic security 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.

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 21st 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.

KEY FINDINGS

Multiple security breakdowns contributed to the escape as discussed below:

a. Staff failure to maintain appropriate direct care supervision of youth

Persons interviewed said that while the youth were in the van at the medical satellite facility, one staff was apparently asleep and the other staff was just sitting in the driver's side, not paying any attention. The youth exited the van through the rear doors.

b. Failure to secure gates on the east side of campus

The youth reportedly left the campus on the east side by the same gates that were referred to as problematic in the investigation of the escape on January 13, 2007. (See 1st Quarter Individual Facility Report on Charles H. Hickey, Jr. School at p. 12). Although the gates had padlocks attached, they had been forcibly pushed open so often that the locks were useless. This condition was also noted in our 1st Quarter Individual Facility Report.

c. Failure of fence alarm system and/or failure of security staff to properly monitor the fence and alarm

The fence alarm was reportedly activated several hours prior to the escape but there was no response to that particular alarm due to the habitual use of the gates by staff traveling between the east and west campuses. The alarm was again activated at 8:02 PM and a response from the Watkins Security officer revealed that the gates and fence were apparently secure, so no further action was taken. Apparently, the youth had closed the gates behind themselves, after making the escape, and they appeared secure.

DJS responded to the escape by terminating the contract of the private firm it hired in 2006 to provide security services at Hickey. The justification for hiring the private firm less than a year ago was that DJS internal security staff were unable to secure the campus and an outside professional firm could do a better job.

While it may be that the contract termination was justified, DJS will need an effective plan in place before beginning to use its own staff to secure

the campus. Past efforts to use DJS staff in security roles were not successful.

d. **Failure of the community notification system**

Despite guarantees that the community notification system issue had been corrected, the system malfunctioned once again, failing to notify about half of Hickey's neighbors until the morning following the escape. According to investigative reports, during that time the youth broke into a home in the neighborhood and stole a van.

e. **Lack of electronic video surveillance equipment**

JJMU has also called repeatedly for the installation of video surveillance cameras at Hickey. DJS has rejected that recommendation as cost prohibitive, and it is our understanding that the General Assembly has cut this item from DJS' budget request in each of the past few legislative sessions.

Additional Findings

Motive for Escape: One of the youth interviewed said he wanted to escape because he was a member of a gang and Hickey staff had recently found a homemade knife in a rival gang member's room that was going to be used against him. He said he told staff about the concern and they just said, "Stop playing." He said the staff did nothing to make him feel protected and safe.

A review of the DJS Incident Report database revealed that a homemade knife was in fact recovered from a youth's bedroom on Clinton Hall during an inspection on July 29 (DJS Report Number 57366) but there was no indication in the report that the youth was affiliated with a gang.

The second youth said he escaped from the facility because he feared for his own safety due to recent gang fights on campus, youth setting off fire sprinklers and the recovery of several shanks from youth's rooms.

Allegation of Physical Abuse: The youth stated that he was apprehended by police on August 23 and he was kicked by police who called him a "cop killer." He said he did not report the police actions to anyone except his family. This Monitor notified the director of DJS OIA of the youth's allegations in an e-mail and phone call on September 5, 2007. DJS advised they would investigate the allegation and forward the complaint to the Baltimore City Police and Child Protective Services.

DJS Investigation: The DJS investigation was completed on August 15, 2007, prior to the apprehension of the second youth. The investigation resulted in sustained findings against three staff for failing to maintain proper supervision in violation of DJS Standards of Conduct 2.10. No other recommendations were noted in the report.

Maryland State Police Investigation: The Maryland State Police reports were completed on September 17, 2007. Missing Persons reports (07-67-12514 and 12526) had been submitted for both youth. Both youth were released to the custody of DJS. It

should be noted that the lead investigator alone spent 133 hours on these two investigations. This time does not include that spent by other police officers, special squads and other DJS personnel to investigate and apprehend these youth.

RECOMMENDATIONS

SHORT TERM

1. Improve Security Personnel and Community Notification Systems

As noted in earlier reports, DJS must 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, security personnel and the community specific instructions to follow in the event of an emergency.

2. Improve monitoring of computerized alarm system

As noted in earlier reports, the computerized alarm system must be checked each shift to verify that checks are being made and to ensure hard copy capability for testing the system.

DJS’s response to this recommendation following the May escape was, “This issue was corrected immediately following the escape by the installation of Tour Guard tour protection plates which provide a record of perimeter checks.”

More is needed. Although DJS can obtain a computer printout remotely from headquarters that indicates whether the fence alarm is functioning properly, the Facility Administrator should be able to obtain that information from the facility site as well.

3. Provide distress alarm devices

Direct care staff should be supplied with distress alarm devices that can be activated quickly and safely.

4. Maryland State Police investigators from the Golden Ring Barrack still need more immediate access to the DJS ASSIST Database to ensure the timely acquisition of identifying information that will facilitate the capture of escaped youth.

5. Install stationary video surveillance cameras

Stationary video cameras should be installed to monitor and record activity in the common areas of the facility. As repeatedly recommended by this Office, those cameras which are already in place, such as the ones at the medical satellite building, should be properly maintained by DJS. Particularly in older facilities with more complex supervision challenges, stationary surveillance cameras are critical to youth, staff and community safety.

6. Ensure that youth are properly supervised by DJS staff at all times.

DJS' corrective action plan following the May escape said, "DJS staff are expected to supervise youth at all times" and "DJS policy states that "Youth supervisors shall be aware of the location of all youth at all times." These verbal statements of policy do nothing to actually ensure that youth are appropriately supervised. Three escapes from a single facility in less than a year, all involving staff's failure to supervise youth, surely demonstrates a disconnect between policy and practice.

LONG TERM

This Office continues to recommend that the facility on the Hickey campus be closed and replaced with a modern detention center.

At the risk of repeating ourselves, we again quote from our Special Report following the Hickey escape in May, 2007:

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

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.