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**VICTOR CULLEN CENTER
SPECIAL REPORT**

Facility: Victor Cullen Center (VCC)
6000 Cullen Drive
Sabillasville, Maryland 21780
Phone: 301-739-8122
Facility Administrator: Helen Mercy

Date of Investigation: June 16 – June 20, 2008

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: July 18, 2008

EVIDENTIARY BASIS FOR REPORT

Documents Reviewed

- Department of Juvenile Services ASSIST Database Information
- Department of Juvenile Services Incident Report Database Information
- Victor Cullen Master Control Log Book
- Maryland State Police Assault and Escape Report 08-51-021925.

Persons Interviewed

- Department of Juvenile Services employees at Victor Cullen (several staff persons, supervisors and administrators interviewed)
- Department of Juvenile Services investigators (1 interviewed)
- Department of the State Police investigator (1 interviewed)
- MSDE principal, teacher and assistant teacher

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 Victor Cullen Center ("VCC") is a State owned and operated secure treatment facility for adjudicated males. It is located in Frederick County, Maryland just north of Sabillasville. The facility is designated to accommodate a total of 48 youth in four cottages. Currently, 36 youth are enrolled at VCC.

All four cottages are located behind a razor wire fenced-in area, which is not alarmed. No mounted exterior video cameras are operational along the fence except for at the entrance into the facility. The exterior portion of the vehicle sally port gate has not been operational for several months, and the audible alarm system is not operational.

On June 16, 2008, at approximately 10:30 PM, on Rutledge Cottage, two youth assaulted a residential advisor who was conducting bed checks. They struck him on the head, knocked him to the floor, wrapped his radio cord around his neck, kicked and punched him, stole his wallet and keys then dragged him and locked him in a laundry room. They ran to the rear of the facility and escaped from the facility by climbing the fence.

VCC staff heard the assault over the victim staff's radio and observed the assault from a neighboring cottage. Staff also saw the youth running away and were reportedly 15 to 20 feet away from the fleeing youth but were unable to apprehend the youth. All available manpower not monitoring youth in the other two cottages (two staff) initially went to assist the staff person who had been assaulted and locked in the laundry room.

Maryland State Police promptly responded to the facility with canine. One of the troopers reportedly told the facility administrator that police had searched the exterior perimeter of the facility before arriving on the grounds, and the initial search for the youth focused on the Victor Cullen campus. Additional off-duty Victor Cullen staff also responded to the facility to assist in the search, and a police helicopter was dispatched to search both on and off grounds using a skylight.

After leaving the Victor Cullen Center, the two youth crossed the state line into Pennsylvania and reportedly tampered with several vehicles in Washington Township before finally stealing one. They went into a convenience store and asked for directions to Baltimore. The clerk observed the two youth as dirty and bloody so he notified Pennsylvania Township Police.

Washington Township Police contacted the Maryland State Police at 3:45 am to ask if they were aware of any escapes from Victor Cullen. At that point, the State Police and VCC personnel searched the outer perimeter fence and located where the youth had climbed over the fence. The staff person's wallet was recovered and blood was observed inside the fence perimeter. The youth likely injured themselves climbing the fence because it is lined with razor wire.

One youth was located in the Capitol Heights area of Prince George's County on the evening of June 17, but after negotiating with the youth for several hours by phone the youth broke off negotiations and the police were not able to determine his exact location and make apprehension until the afternoon of June 18. The other youth was initially tracked to Virginia but later determined to be in the Baltimore area. He was apprehended on June 20 and turned over to Maryland State Police.

DJS RESPONSE

In addition to the search efforts reported by JJMU, a DJS Deputy Secretary and Assistant Secretary were on-site within an hour of the escape for coordination and on-going communication with the Department's investigative personnel.

As is clearly evident from the Department's actions and response to the escape, any injury to DJS staff is of utmost concern. DJS personnel were immediately focused on and concerned with the condition of the staff that was assaulted in the escape. The staff member who was assaulted was treated for minor injuries in the hospital emergency room and able to return to full work duties at Victor Cullen two days after the escape.

KEY FINDINGS

Multiple security breakdowns contributed to the escape as discussed below:

- a. **MSDE education staff failed to notify DJS staff of information concerning the escape.**

An assistant teacher advised this Monitor that one of the youth told her he was very frustrated with the Victor Cullen program and that he planned to escape that evening. She reported her concern to the principal of the school but the principal did not believe the youth and failed to report the information to DJS personnel.

DJS RESPONSE

DJS and MSDE jointly conducted an investigation into circumstances of the escape involving Victor Cullen school staff. This collaborative investigation was based on many sources of information, including interviews with a teacher assistant that the JJMU informed the Department's investigative office had information about the youths' escape plans, and with other staff and youth. The investigation determined that the principal

failed to report the youths' escape plans to DJS personnel. Based on the investigative findings, MSDE terminated the Victor Cullen principal.

Following the conclusion of the joint DJS/MSDE investigation, MSDE officials met with all Victor Cullen education staff to review and discuss the DJS Standards of Conduct. New MSDE employees will receive and review the DJS *Standards of Conduct* when they first report for work at the facility.

- b. The audible siren used to notify the community and campus personnel of an escape was not functioning at the time of the escape.

A test of the siren was conducted in December, 2007. The siren was not audible at a sufficient distance from the facility, prompting the Department to decide to purchase a new alert system with higher decibel level capacity. No audible siren is currently operational at the facility, but the Department reports that the contract for the new siren system has been awarded, and installation will begin shortly.

- c. A fence alarm or visual monitoring system is not yet operational.

If a fence alarm or video monitoring of the fence perimeter had been operational, staff would have known immediately that the youth had exited the compound and not continued to search the internal compound for the escapees.

DJS RESPONSE

Installation of a state-of-the-art digital recording video surveillance and alarm system has been underway for several months and is expected to be fully operational by August 2008 throughout the Victor Cullen facility, including the four youth cottages and the entire perimeter fence. The system will facilitate immediate, around-the-clock notification of the exact location of any activity on or contact with the perimeter fence to the facility's Master Control staff and to Headquarters technology personnel. The system will automatically video record any area of the fence experiencing contact or activity, providing a record of the exact date and time of the contact.

- d. Insufficiency of the community notification system

DJS set up a community notification system prior to the opening of the facility on July 2, 2007. However, several residents have moved into the community or changed their phone numbers since then and were not aware of the escape.

On June 17 between 12:30 PM and 2:30 PM, this Monitor spoke to six residents in the Sabillasville community who lived within a half mile of the facility to determine if they were aware of the escape. Only one resident said she had been notified by phone around 12:30 am of the escape. The other five residents were not aware of any escape. They included a

resident who ran a daycare for 11 children, a Frederick County Sheriff's Department deputy who moved to the community in August and an elderly couple who live near the entrance to the facility.

DJS RESPONSE

The Community Alert System was successfully activated two times following the escape, each time notifying about 400 residents who had opted to be included in the system. The system has been updated to include all law enforcement agencies in the Victor Cullen area.

Victor Cullen has widely disseminated information to neighborhood residents about how they can choose to receive notification through the Community Alert System in the event of an emergency at the facility. In July 2007, the facility conducted a mass mailing inviting neighborhood residents to be included in the Community Alert System. In November 2007, the facility held a community meeting that included the opportunity for residents to join the alert system. In July 2008, Victor Cullen will again reach out to the community through another mass mailing about how to join the alert system. Residents wishing to be added to the system can do so at any time by contacting the facility. While DJS is committed to active outreach to provide the opportunity to neighborhood residents to register with the alert system, residents can elect not to be included in the system.

SUMMARY OF CONCLUSIONS

This escape was the result of multiple security breakdowns. MSDE staff failed to report information to DJS staff concerning the potential escape, sufficient manpower and staffing at the facility were lacking, and the campus lacks appropriate electronic surveillance and alarm equipment.

The community notification system did not succeed in notifying many residents about the escape, and coordination between DJS and neighboring police agencies needs to be improved. An efficient and coordinated emergency response plan between DJS and law enforcement agencies would enhance community notification, protection, search and apprehension in these cases.

Additional Findings

Maryland State Police Investigation

The Maryland State Police responded to the facility very quickly but they concentrated their search in the interior of the facility and were not aware that the youth had gotten out of the facility until notification by Washington Township Police in Pennsylvania. The Frederick County Sheriff's Department was not advised of the escape until 4:00 am.

The Warrant Fugitive Unit of the Maryland State Police joined with other police agencies to search for the escaped youth. This Monitor contacted the Detective Sergeant at the Maryland State Police in Frederick at approximately 9:00 am to determine the status of the search and he advised he was not even aware of the

escape until he came into work that morning. He said the night shift road troopers had failed to notify the command staff of the escape.

Both of the escapees have histories of violence, AWOL and escape. One youth was apprehended without incident near his home in Capitol Heights, Maryland on June 18 after lengthy phone negotiations that lasted an entire evening and started again the next day.

The other youth is the same youth who was seriously injured in an attack at the Baltimore City Juvenile Justice Center in December of last year, receiving a fractured skull and broken jaw (DJS Incident Report Number 60283). He was later involved in an attack on a youth at Hickey infirmary in February of this year (DJS Incident Report 61570). He was apprehended by law enforcement on June 20 and placed in the custody of DJS.

DJS RESPONSE

The JJMU is incorrect that there is poor coordination between DJS and local police agencies. DJS maintains a very good working relationship with the Maryland State Police and with local law enforcement agencies throughout the state.

DJS officials, including Victor Cullen administrators, met with all Maryland and Pennsylvania local police agencies in the vicinity of Victor Cullen one week following the escape. As a result of that meeting, a Memorandum of Understanding is in completion to enhance coordination of emergency notification from Victor Cullen to local law enforcement through the Maryland State Police. Local law enforcement agencies have been added to the Community Alert System.

The JJMU indicates that the youth who escaped from Victor Cullen have “histories of violence.” It is important to clarify that DJS does not place youth at Victor Cullen who have been adjudicated for murder, rape, arson in the first degree, kidnapping, sexual offense in the first or second degree, or use of a handgun in the commission of a crime of violence.

RECOMMENDATIONS

1. Any staff, education or direct care, who obtains knowledge of a possible breach of security must notify direct care staff administrators and supervisors immediately as required by DJS policy and standards.

DJS RESPONSE

As was the case with this incident, DJS and MSDE will continue to fully and consistently enforce notification requirements and take appropriate disciplinary action if policy and standards are not followed.

2. At least two staff should be assigned to supervise and monitor each cottage.

DJS RESPONSE

In accordance with staff: youth ratio requirements, two or more staff have always been assigned to monitor each cottage during the first and second staff shifts; following the escape, two staff have been assigned to monitor each cottage during the third or overnight shift.

3. DJS should expand its community notification efforts to ensure the surrounding community is made aware of an escape. In addition to periodic mailings to invite neighborhood residents to be included in the Community Alert System, local police agencies should be more fully involved in canvassing the neighborhood following an escape.

DJS RESPONSE

The Community Alert System was successfully activated two times following the escape, each time notifying about 400 residents who had opted to be included in the system. In addition to the active outreach efforts undertaken by DJS during the past year to ensure neighborhood residents are aware that they can elect to be included in the Community Alert System, DJS will re-double efforts using additional strategies for broad dissemination of this information.

4. Fence alarms and video monitors on the perimeter fence should be operational to reduce the likelihood of escape.

DJS RESPONSE

Installation of a state-of-the-art digital recording video surveillance and fence alarm system has been underway for several months and is expected to be fully operational by August 2008 throughout the Victor Cullen facility, including the four youth cottages and the entire perimeter fence. The system will facilitate immediate, around-the-clock notification of the exact location of any activity on or contact with the perimeter fence to the facility's Master Control staff and to Headquarters technology personnel. The system will automatically video record any area of the fence experiencing contact or activity, providing a record of the exact date and time of the contact.

5. DJS should provide staff with distress alarm devices. Fortunately, the other staff were alerted by the assaulted staff's radio being activated during the assault. However, direct care staff should be supplied with distress alarm devices that can be activated quickly and safely.

DJS RESPONSE

Prior to the escape, DJS issued an RFP for the purchase of a duress alarm system for Victor Cullen staff.

6. Maryland State Police investigators from the Frederick Barrack need immediate access to the DJS ASSIST Database to ensure the timely acquisition of identifying information that will facilitate the capture of escaped youth.

DJS RESPONSE

The Maryland State Police and DJS have jointly determined that access to youth information that would be needed by law enforcement in the event of an emergency at Victor Cullen will be included in the youth information file that is maintained in the facility's Master Control Room, youth cottages and vehicles.

7. DJS should coordinate with other police agencies to develop a written response plan for emergencies at the Victor Cullen Center.

DJS RESPONSE

The Victor Cullen administration, DJS officials and all local law enforcement agencies in the Victor Cullen area have agreed on a revision and update to the Memorandum of Understanding between DJS and local law enforcement governing emergency notification. An interim plan is in place which provides that in the event of an emergency, DJS will contact the Maryland State Police, and the MSP will directly inform other law enforcement agencies.