



State of Maryland □ Executive Department
GOVERNOR'S OFFICE FOR CHILDREN, YOUTH, AND FAMILIES

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Children, Youth, and Families

**Independent Juvenile Justice Monitor
Special Report on Conditions/Incidents**

Types of Incidents: Physical and Sexual Abuse/Neglect Incidents

Location of Incidents: Charles Hickey School, 2400 Cub Hill Road, Baltimore, Md.
21234 Ph: 410-668-3300

Date and Time of Incidents: January 5, 13, 22, 24 & 30; February 7; March 16, 20, 22, 29; April 1, 4,
13, 18; May 11, 12, 13 2003

Report Submitted by: Philip J. Merson

Submission Date: May 29, 2003

Introduction:

There are more than 20 cases of suspected child abuse/neglect cases at the Charles Hickey School for the year 2003 in this report. Although this report reveals there are approximately 2.5 documented assault/use of force type incidents at Hickey each day, there may be many other cases that go unreported by staff and youth for fear of retaliation. Both Family Law and Article 27 of the Annotated Code of Maryland outline the protocols necessary for reporting, responding to and investigating traditional cases of child abuse and neglect, but institutional abuse and neglect within our juvenile justice system requires the same consideration for processing and response.

Summary of Incidents:

1. On January 5, 2003 a youth set off the sprinkler system on Clinton Hall. Reportedly, the youth was forced to stay in his room to endure the deluge of water while other youths were evacuated from the area. Staff subsequently pulled the youth from his room, slammed him against the wall and dragged him downstairs where the area was flooded, and the older youths were allowed to beat him up. The youths on the upper floor were forced to return to their rooms, wet, while staff persons came around and beat them with wet slippers.

The Baltimore City Public Defender's Office received allegation information from their client on 1/8/03, and forwarded the information to Department of Juvenile Justice (ICAU Report Number 8206) and this office.

- The DJJ investigators at Hickey School advised they were not aware of this incident until they were given a copy of the Public Defender's Office's report some time during the week of 1/13. However, they did not know there was a DJJ incident report already on file.
 - Hickey officials sent in a report to the Department of Juvenile Justice's Investigation Unit on 1/16, although the incident had occurred 11 days earlier, and labeled it as a "delinquent act" by the youth who set off the sprinkler system (ICAU Report Number 8364.)
 - DJJ investigators did not begin their investigation into the incident until 1/23, when this writer provided them with a copy of DJJ's incident report.
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- This writer contacted Hickey and obtained the youth's home address where he was released. The writer contacted DJJ in an effort to have them interview the youth and the writer agreed to accompany them. interview with the youth at his residence to secure both his cooperation and the cooperation of his parents. All agreed to cooperate with investigators
 - The initially assigned DJJ investigator resigned from his investigative position and the newly assigned DJJ investigator was not made aware of my interview with the youth. No investigators responded to interview the youth.
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2. On January 13, 2003 a staff person on Clinton Hall reportedly grabbed a youth by his arm, threw him into a bathroom, and the youth injured his back when he struck a sink. The writer obtained this information while speaking with a Hickey supervisor about a previous incident.
 - The writer learned that a report had been sent to DJJ's Investigation Unit labeled "use of force with minor or no injury" (Incident Report Number 8495). It was also concerning that the report was forwarded on 1/22 although the incident occurred on 1/13.
 - Although the report indicated the youth was injured, no one had notified Child Protective Services or the State Police. The writer made notification on 1/24 and faxed all requested information.

 - DJJ reportedly closed the incident out administratively and did not assign it to an investigator.
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3. On January 22, 2003 a disturbance labeled as a "riot" occurred on Clinton Hall resulting in two youths being injured and transported to the hospital. A staff person who used a fire extinguisher and some type of club or pole to threaten the youths reportedly incited the riot.
 - The Department of Juvenile Justice and police were notified and DJJ responded to the incident immediately (DJJ Incident Report Number 8522).
 - The writer notified DSS/CPS on 1/24 and faxed follow-up information on 1/27. The writer also notified the State Police

- Preliminary conversations with a Hickey supervisor and DJJ investigator revealed that their investigations were finding that the staff person's conduct was inappropriate. The Hickey School reportedly terminated the staff person. DJJ has discontinued their investigation pending the results of the police/CPS investigations.
4. On January 24, 2003 a youth awoled from the facility. He was brought back and a subsequent interview by a DJJ investigator revealed allegations that the youth had been having consensual sex with a female staff person on the detention unit, Clinton Hall 8702).
6. On February 7, 2003 a youth was reported missing and located when he was involved in a car accident in Anne Arundel County. The youth was reportedly driving a car registered to a female staff person at Hickey. There were allegations that the youth and the staff person may be having sexual relations. The youth had previously been warned by his foster mother to stay away from the older woman. (DJJ Investigations Report Number 9415).
- The report was filed with DJJ on 2/21 and the youth was detained at the Carter Center on the Eastern Shore. The youth was subsequently transferred to the Hickey School and another Independent Juvenile Justice Monitor contacted this writer. The monitor described the incident and the possible problems with the youth coming into contact with the female staff.
 - The writer contacted the Hickey facility on 4/10 and learned that the staff person had been terminated.

10. On March 29, youths on Mandella Hall were reportedly involved in a fight. Staff intervened in the fight and one youth reported that a staff slammed him to the floor, so he tried to break his fall with his hand and his wrist was fractured (DJJ Report Number 10735). This writer was notified of the incident via contact from the youth's mother to this office on 4/16/03. DJJ was contacted on 4/16 to determine if they were investigating the incident and if CPS had been contacted. The writer failed to receive a reply from DJJ,

A review of the DJJ Incident Reporting Database revealed that an incident report labeled as a "youth on youth with minor/no injury" had been forwarded to DJJ from Hickey on 4/11, but a copy of the incident report at Hickey revealed the report was completed on 3/29 at 9:30 PM.

Another incident labeled a "riot or disturbance resulting in bodily harm..." had occurred with the same youth on 4/4/03 (ICAU Report Number 10609). Staff restrained the youth and the report indicates the youth was injured.

11. A youth reported that on April 1, on Lincoln Hall, a staff person pushed him in the face, cursed him, and threatened him with physical harm (DJJ Report Number 10704).
- The writer located this report on the DJJ database on 4/16/03 and it was reportedly written/received on 4/10 (9 days after the alleged incident) and assigned to a DJJ investigator. The investigator advised that the victim youth denied all allegations.
 - On 4/16, the writer contacted the assigned DJJ investigator to determine if she had notified CPS but she was not in, so a message was left.

Youths on Roosevelt Hall allege that on April 4, April 13 and April 18, staff persons had beat them, forced them to hold a live electrical cord in the shower, allowed other youths to beat them, and prevented them from receiving the necessary medical care as a result of the beatings. Other staff persons were reportedly aware of the incidents but failed to notify the appropriate authorities. The youths felt they were forced to lie about their injuries in an effort to prevent retaliation from staff (DJJ Report Numbers 10832 and 11307).

Investigation has revealed that Hickey staff persons and Department of Juvenile Justice personnel were made aware of the incidents and failed to notify Baltimore County Department of Social Services, Child Protective Services in a timely manner, as required by law and policy.

- The HICKEY child advocate was notified on 4/25 and Hickey administration was notified on 4/28.
- The DJJ child advocate reportedly became aware of the incident in the morning hours of 4/30.

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- The Hickey child advocate was notified on 4/25 and Hickey administration was notified on 4/28.
- The DJJ child advocate reportedly became aware of the incident in the morning hours of 4/30.

- A report on the 4/13 incident was submitted by the youth's DJJ caseworker on 4/30 (ICAU Number 10832).
- A report on the 4/18 incident was reportedly submitted to DJJ by Hickey on 4/30 and DJJ maintains they did not receive the report until 5/1.

In September of 2001, the Hickey School had terminated one of the staff persons accused of abuse in this incident, after DJJ sustained an investigation of unnecessary use of force.

The same staff person went to work at another private facility in Maryland, and that facility was forced to terminate the staff once DJJ found out he was working there.

- The staff person was then hired by DJJ in 2002, after completing a background check.
- He began working for DJJ and was also rehired by Hickey because the staff person was cleared to work for DJJ.
- The staff person resigned his position with DJJ and began working full time with Hickey as a group leader.

13. The writer reviewed a DJJ Incident Report on 5/12 that alleged a youth was previously sexually abused by staff in the Cheltenham Youth Facility while being detained there between 4/30 and 5/2/03. The youth's DJJ case manager submitted the report on 5/5 after the youth had made the allegations during an open court hearing on 5/2/03. The youth's public defender wanted some preventive action taken and the youth was court ordered to the Hickey School.

- On 5/13, the writer contacted the youth's public defender to determine if the youth had recanted his allegations and the public defender advised that she was not aware of him recanting.
- The writer contacted the DJJ investigator at Hickey to determine if she was aware of the allegations/investigation. She said she was not, but agreed to locate and interview the youth to determine if he was reporting that he was sexually abused.
- The DJJ investigator confirmed that the youth was still maintaining that he was sexually abused at Cheltenham. She said she notified the DJJ investigator at Cheltenham

The writer spoke with the DJJ investigator on 5/16 and learned that the DJJ investigator at Hickey had determined on 5/13 that a youth may have been abused by staff during a restraint incident at Hickey on 5/12. The youth was interviewed by the investigator and detailed photos of the youth's injuries were taken. The DJJ investigator also learned that no incident report had been completed by Hickey staff, so they were directed to do so.

- Hickey staff submitted a report on 5/13, but as of 5/18, reports for Hickey in the DJJ database had not been entered past 5/5/03.

15. On 5/15/03, the writer was contacted by the Baltimore City Public Defender's Office and they reported seven other allegations of possible physical abuse at Hickey that was provided by a youth client who wished to remain anonymous, due to fear of retaliation by Hickey staff. The descriptions of the incidents were somewhat vague and failed to supply complete information.

- One incident has been verified as already being under investigation while the other incidents will have to be verified, if possible. The volume of assault incidents may make it very difficult to determine who, what, when and where.
- As stated before, as of 5/18/03, DJJ has not entered any Hickey Incident Reports in their database system since 5/5.
- The DJJ investigator at Hickey is not familiar with any particular incident as described in the public defender's information, but there will be attempts to verify the complaints based on some of the names, dates and locations provided.
- On 5/18/03, the writer forwarded all the preliminary information on these complaints to CPS and the police.

Other Assault/Violence DATA:

Besides the above cases, the following grid reveals the number of assaults, use of force incidents and abuse incidents being reported at the Hickey School from 2002 to 2003. Hickey is a facility for approximately 250 youths. This data has been retrieved from the DJJ Incident Report Database.

	Y on Y Aslt	Y on S Aslt	CHAB	UOF	TOTALS	Avg.# Of Assaultive Incidents Per Day
July	45	4	1	45	95	3.1
Aug	32	3	3	10	48	1.6
Sept	36	4	1	18	59	2
Oct	42	2	1	31	76	2.5
Nov	50	7	3	23	83	2.8
Dec	50	3	1	15	69	2.2
Jan	44	2	2	26	74	2.4
Feb	37	2	0	20	59	2.1
Mar	53	6	3	35	97	3.1
April	43	4	4	23	74	2.4
TOTALS	432	37	19	246	734	2.42

Key: Y on Y Aslt = Youth on youth assaults
 CHAB = Child Abuse

Y on S Aslt = Youth on staff assault
 UOF = Use of Force

Youth safety at the Hickey has been an ongoing concern for this office. Previous reports from this office and recommended corrective actions have not resulted in a satisfactory reduction in these incidents of abuse and assault. The patterns of abuse and excessive use of force continue. Insufficient manpower for high investigative caseloads, a lack of monetary resources, and improperly or under trained/uneducated staff persons are all responsible for this continuing pattern.

Recommendations:

1. **There is a crucial need for the training of CPS, police, DJJ and facility personnel to understand the dynamics of institutional abuse. Proper techniques and protocols must address the recognition, reporting and investigation of child abuse and neglect in these facilities. The use of force, abuse and neglect will only perpetuate the violence within the juvenile delinquent. There must be a coordinated system and established protocol to utilize the resources, manpower and expertise of each investigative body to prevent the duplication of efforts and to ensure maximum efficiency in every investigation. Investigators should consider using proactive measures and additional investigative strategies to combat this problem. The local States Attorney's Office must become more involved to collaborate with police investigators in determining what is needed to prosecute these cases more successfully.**
2. **This writer was advised that DJJ investigators are not allowed to interview youths who have left the custody of facilities. Youths may be the subject of an interview and be subsequently released when an investigation is underway. DJJ investigators should be allowed to interview youths at their homes subsequent to their release.**
3. **It has reportedly become common practice for DJJ investigators to refrain from pursuing their investigation until the police and/or Child Protective Services have concluded their investigations. This lapse in time will greatly effect the outcome of DJJ's investigation. DJJ investigators must pursue the administrative aspect of their investigation while the police and CPS are doing their criminal and civil investigations. All three agencies/departments have a responsibility to cooperate and coordinate their investigations to ensure each investigator reaches the appropriate administrative, civil and criminal conclusions. Inter-agency response protocols and institutional abuse training must be developed and implemented.**
4. **Training in proper crisis intervention and restraint techniques should be implemented for all investigators of institutional abuse.**
5. **Facility medical personnel at the Hickey facility must become more involved in obtaining information from alleged victims of abuse for investigative purposes. If abuse is suspected, notification of the police/CPS/DJJ should be immediate. The infirmary or the doctor's office could be a good setting for a youth to make his allegations, free from staff influence. Photos of injuries should also be taken immediately.**
6. **Due to the time lapse between some incidents there may be some confusion as to who was involved and how injuries occurred. It is crucial that there be an understanding that CPS must be notified immediately to handle all in depth interviews of suspected victims in child abuse cases. Interviews must be conducted with any youth having contact with the alleged perpetrator and investigators must keep in mind that abused youths are often forced to recant their allegations for fear of retaliation.**

7. Police should be pursuing charges against staff persons responsible for providing alcohol, cigarettes or pornography to a minor.
8. Abuse investigations that fail to result in an indicated finding by CPS or a conviction by the police will not reveal any information on subsequent background checks. This procedure allows a staff who has been terminated from one facility for administrative reasons, to become employed at another. There must be a system in place to check the administrative backgrounds of applicants for residential care, shelter and detention facilities in Maryland. DJJ maintains an incident report database for statewide reporting from all DJJ licensed or operated facilities. The database indicates what staff persons have been investigated and what the results of the investigations were. Therefore, it may be essential that the DJJ database be utilized to determine the history of applicants within the juvenile justice system.
9. The DJJ Incident Report database system is very good for collecting information on child abuse, assaults and use of force incidents. However, the DJJ database shows there are only 9 incidents of child abuse reported in 2003. This report documents more than 15 such cases. The database must be accurately maintained and updated by a sufficient number of properly trained personnel.
10. The Maryland Department of Human Resources presented training to Hickey staff persons during 2002 that required staff to notify CPS when abuse/neglect were suspected. According to the Hickey administrator in charge of training, the current training of Hickey staff does not follow that same reporting requirement. Staff are trained to notify their superiors and the incident goes through a chain of command before it is reported to the police or CPS. The law requires that CPS or the police be notified immediately by the person who suspects abuse or neglect. Police, social workers from Child Protective Services, Department of Juvenile Justice investigators and facility administrators must cooperate with each other to ensure the timely notification of CPS and the police when child abuse or neglect is suspected.
11. Youths in state care have the right to be safe and secure in their environment. If DJJ and the Hickey School are unable to ensure their safety, contingency plans must be activated by the Department of Juvenile Justice to care for these youths.