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*Director*

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

**FACILITY REPORT**  
**VICTOR CULLEN CENTER**  
**JULY – SEPTEMBER, 2009**

**Facility:** Victor Cullen Center  
6000 Cullen Drive  
Sabillasville, MD 21780  
Acting Superintendent: Mark Bishop

**Date(s) of Visit:** July 28; August 4, 13 and 28; September 16 and 29, 2009

**Reported by:** Philip Merson  
Senior Monitor

**Persons Interviewed:** Administrators, Supervisors, Direct Care Staff and Youth

**Date of Report:** November 2009

## INTRODUCTION

DJS re-opened Victor Cullen Center two years ago, as a secure commitment facility to accommodate 48 male youth in four cottages behind a fence topped with razor wire. Thirteen youth were involved in a large riot/escape the end of May and DJS downsized the population by closing one of the cottages. There are currently 33 youth housed in three of the four cottages at the facility. The facility is located in northern Frederick County on a mountain in Sabillasville, Maryland

## SUMMARY OF CRITICAL FINDINGS

- Alleged incidents of inappropriate staff conduct/comments rose sharply this quarter.
- The average daily population decreased this quarter while Physical Restraints and AWOL's remained the same or increased.
- Staff physically restrained a youth and failed to initiate an incident report until prompted by this Office.
- Police arrested an 18-year-old youth for possession of illegal drugs in the facility, removed him from the facility, charged him as an adult but brought him back to the facility after the District Court Commissioner released him.
- As of August 14, staff were still confiscating inappropriate CD's in the facility.
- Some staff are not consistently maintaining the facility's Behavior Management Program.
- Some community case managers are not consistently visiting youth in placement or attending treatment meetings as required.
- Some supervisory staff are not providing direct care staff with the necessary medical alert information on youth.

## FINDINGS

### 1. Population

#### a. General

Facility Capacity	High Population	Low Population	Average Daily Population	Average Monthly Population	Number of Days Over Capacity
48	36	31	34	July 35 August 32 September 35	0

**b. Population Breakdown by Race/Ethnicity**

	1st Quarter, 2009	2 <sup>nd</sup> Quarter, 2009	3rd Quarter, 2009
Total # of Youth Admitted	24	29	22
White	5	1	3
African American	18	24	18
Latino	1	4	0
Other	0	0	1

**c. Rearrest and Readjudication/Conviction Rates for Victor Cullen Youth**

See Report overview for discussion of Victor Cullen recidivism.

**2. Staffing**

**a. General**

According to the DJS September 2009 Combined Facility Report, Victor Cullen is staffed for 110 positions and currently 87 positions are filled. There are 20 Direct Care vacancies and 3 Non-direct Care vacancies. The Staff to Youth ratio has remained at 1:8 throughout the quarter.

According to StateStat reports for Fiscal Year 2010, Victor Cullen staff average \$13,000 in overtime every two weeks, compared to \$13,000 per 2 weeks at the four Western Maryland Camps and \$12,000 every two weeks at the Western Maryland Children's Center. This is in contrast to the two-week averages at the Cheltenham Youth Center (\$96,000), Baltimore City Juvenile Justice Center (\$79,000) and the Charles Hickey School (\$76,000).

**b. Staff Training**

According to the DJS Combined Facility Reports for July through September, staff spent 5,747 hours in training. Most of the training has been for crisis intervention.

**c. Staff Misconduct**

According to the Aggregate Incidents below, alleged incidents of inappropriate staff conduct/comments rose sharply this quarter. There were two incidents the first quarter, 0 the second quarter and four this quarter.

Several youth submitted grievances on September 6 complaining staff was sleeping while on duty. Facility administrators addressed the concern and reportedly disciplined the staff.

### **Applicable Standard**

**Department of Juvenile Services Standards of Conduct, 2.2.1.,** *Each employee shall conduct him or herself at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.*

**Department of Juvenile Services Standards of Conduct, 2.2.3.,** *An employee acting in his or her official capacity may not use any coarse, profane, or insolent language, or take action towards other employees, supervisors, delinquent youth, offenders, clients or members of the public that is abusive or otherwise considered offensive to contemporary community standards...*

## **3. Safety and Security**

### **a. Aggregate Incidents**

<b>Incident Categories</b>	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>
1. Youth on Youth Assault	19	12	10
2. Youth on Youth Assault with Injury	9	5	4
3. Alleged Youth on Staff Assault	5	9	0
4. Alleged Youth on Staff Assault with Injury	0	3	0
5. Group Disturbances (with bodily harm or injury)	0	1	1
6. Group Disturbances (without bodily harm or property destruction)	1	0	0
7. Restraints	24	25	25
8. Restraints with Injury	5	8	5
9. Seclusions	0	0	0
10. Allegations of Child Abuse	1	0	1
• Physical			
• Sexual	0	0	0
11. Allegations of Child Neglect	0	0	0
12. Escapes/AWOL's <sup>1</sup>	0/2	1/1	0/4
13. Suicide Attempts, Ideation, Gestures and Behavior	1	0	0
14. Alleged Inappropriate Staff Conduct/Comments	2	0	4

<sup>1</sup> Youth are reported as “escapes” when they abscond from the Victor Cullen grounds. Youth reported as “AWOL’s” absconded from a home pass.

The average daily population decreased from 39 the first two quarters of this year to 34 this quarter. However, Physical Restraints and AWOL's remained the same or increased. Youth on Youth Assaults and Youth on Staff Assaults decreased this quarter.

### **Applicable Standard**

**Department of Juvenile Services Standards of Conduct, 2.25.2.** *An employee may only use the minimum force necessary to take the individual into custody or gain control of the situation.*

#### **b. Allegation of Child Abuse**

On September 10, a youth alleged staff hit him in the mouth, causing an injury, but staff claimed they were just joking around.<sup>2</sup> DSS/CPS did not accept the incident for investigation because they said the injury was an accident; however, DJS/OIG investigated the incident and sustained violations against staff for inappropriate conduct.

#### **c. Failure to Report Restraint**

On July 29, an administrator at the facility restrained a youth and failed to initiate an incident report until August 5.<sup>3</sup> On August 4, a youth told the Monitor that he had been restrained on July 29. However, no incident report could be located. In addition, the Monitor's investigation revealed that staff had not taken the youth to the nurse's station for an exam after the incident occurred. The administrator did finally submit the report. DJS/OIG reportedly conducted an investigation into why the report was not submitted in a timely manner. Despite several requests, DJS has not provided this office with a result of the investigation.

### **Applicable Standard**

**Department of Juvenile Services Standards of Conduct, 2.25.3.** *An employee shall complete a report regarding any use of force situation as required in Department directives. Under no circumstances may a supervisor waive an employee's responsibility to complete the report*

#### **d. Arrest of Youth on Adult Charges**

On September 14, police arrested a Victor Cullen 18-year-old for possessing marijuana in the facility. Police removed the youth from the facility, charged him as an adult but brought him back to the facility after the District Court Commissioner released the youth on his own recognizance.<sup>4</sup> DJS and the police must establish a process where youth who demonstrate that they are not currently amenable to treatment (for

<sup>2</sup> DJS Investigative Report Number 09-76186

<sup>3</sup> DJS Incident Report Number 09-75943

<sup>4</sup> DJS Incident Report Number 09-76952

example, by possessing drugs onsite) are removed from the facility and are not returned to the facility into the population. DJS and the police have not determined how the youth obtained the marihuana.

### **Applicable Standard**

**Maryland Department of Juvenile Services Standards of Conduct Foreword:** *The Department of Juvenile Justice is responsible for advancing the purposes of the juvenile justice system: to ensure that communities are safe, that delinquent youth are held accountable to victims and the community, and that delinquent youth develop into responsible and productive members of society.*

#### **e. Arrests of Youth on Home Passes**

The overview discusses high recidivism rates among Victor Cullen youth. High rearrest rates are not limited to youth who have successfully completed the Victor Cullen. During this quarter, several youth released on weekend home passes were either arrested or absconded. Youth should not be released on home passes unless they have progressed enough in their rehabilitative program to be trusted to move safely in the community and return to the campus at the end of the home visit.

On July 10, staff at the facility allowed a youth to leave on a home pass although he had been involved in a recent incident in which he broke the glass in a door and was physically restrained.<sup>5</sup> Administration said they allowed him to go home on July 9 because it was an isolated incident and he was doing much better. The youth failed to return from the home pass. He was arrested, placed in detention at Hickey, and then sent home on electronic monitoring. On September 11, he was arrested and charged as an adult for distributing illegal drugs.

On July 26, staff allowed a youth to go home on a home pass. He failed to return to the facility and as of October 23, 2009, is still missing. The youth had been at Victor Cullen since March 11, 2009; he had recently received his GED and was in the electrical apprenticeship program. The youth has a history of AWOL, felony theft and malicious destruction.

On September 19, a youth failed to return from his home pass.<sup>6</sup> Police arrested the youth for an attempted murder on October 2. The youth has been extensively involved with violent gangs. His case manager had written in February, "There is little doubt in my mind that, whether it is in self-defense or out of retaliation, [youth] is in significant danger of harming others and/or being harmed, even killed."<sup>7</sup>

On September 27, another youth with an extensive history of escape, motor vehicle theft, distribution of illegal drugs and malicious destruction of property, went

<sup>5</sup> DJS Incident Report Number 09- 74447

<sup>6</sup> DJS Incident Report Number 09-77165

<sup>7</sup> ASSIST Database Case Manager Notes

home on a home pass to Prince George County and had not returned as on October 23.<sup>8</sup>

**e. Inappropriate Music (CD's)**

The riot/escape from May resulted in staff confiscating numerous inappropriate CDs from youth. A DJS/OIG investigation resulted in a finding that staff made inappropriate music CD's for youth. In July, following that investigation, DJS staff assured the Monitor that youth would only be permitted to listen to positive music or "reflections" in the future.

On August 13, a staff person provided the Monitor with six more inappropriate homemade music CD's, which the Monitor turned over to the facility administrator. The disks had been in the population and staff confiscated them from youth. On August 14, staff made an entry into a unit logbook indicating youth were still trading inappropriate CD's.

**Applicable Standard**

**Maryland Department of Juvenile Services Standards for Conduct, 2.4.** *An employee may not possess or convey contraband into an institution or onto institutional property. An employee shall be responsible for knowing which items are considered contraband at his or her work place. If ever in doubt, the employee must seek clarification of the supervisor.*

**f. Behavior Management Plan**

The facility programming continues to utilize Positive Peer Culture, EQUIP and ART to address the behavior of youth at the facility. Youth attend PPC groups 3 hours each week and EQUIP groups 2 hours each week.

For any therapeutic program to work, youth must be amenable to treatment, and staff must consistently set expectations and enforce rules. On September 16, this Monitor observed youth lining up as a group outside the dining hall. One youth was cursing and using the "F" word constantly. Neither staff intervened or confronted the behavior.

**Applicable Standard**

**Maryland Department of Juvenile Services Policy Number RF-10-07.4.a.6:** *Employees working with youth shall know and understand the rules of the facility and the rationale for the rules; receive training on the BMP and its implementation; be able to articulate the facility's rules in their interaction with the youth; learn ways to*

<sup>8</sup> DJS Incident Report Number 09-77355

*encourage pro-social behavior within and between youth; know and apply rewards and consequences appropriately; and receive training in adolescent development, and the philosophy and utilization of the facility's BMP...*

Staff persons consistently provide the community case managers and court with a discharge summary for youth leaving the program.

#### **4. Physical Plant and Basic Services**

##### **a. Fire Safety**

The State Fire Marshal completed a fire inspection on June 30, 2009 and inspected the fire sprinkler system on September 29, 2009

##### **b. Basic Services**

The Health Department completed a health inspection on December 9, 2008. There are no current issues regarding food preparation, storage, nutrition or clothing.

#### **5. Education**

School officials request previous school records within 24 hours and usually receive them promptly. MSDE staff persons assess youth for educational or learning disabilities and provide appropriate services to address their needs.

Youth attend classes for 6 hours a day and classrooms have sufficient space and skilled personnel from MSDE instruct the youth. During Monitoring visits, youth have been observed on task, engaged and doing meaningful educational work.

Five youth attend the workforce program and as of September 16, the school provided seventeen youth with different levels of vocational instruction. Education also provides six hours of life skills training each week.<sup>9</sup> Youth also have access to the GED program.

#### **6. Rehabilitative and Recreational Programming**

##### **a. Therapeutic Program**

Youth attend group drug and alcohol counseling 2 hours a week and participate in individual therapy up to 9 hours each week.

##### **b. Community Case Manager Visits**

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<sup>9</sup> Vocational Training levels are for Core, Electrical I and Electrical II

While in residential placement, committed youth are dependent on their community case managers to maintain ties to their communities. Case managers are the legal and social lifelines for their youth. Case managers should not miss meetings and fail to visit youth assigned to their caseloads.

A youth had a seizure on September 10 and a subsequent interview revealed the youth had not seen his community case manager for more than six months. The youth reported being stressed because he did not know the status of his criminal case. ASSIST case manager notes from September 8 indicated the youth also told his newly assigned caseworker he had not seen his previous case manager for six months. It was determined that DJS reassigned the youth's previous case manager and did not reassign the youth's case in a timely manner.

On September 16, a youth's community case manager failed to appear for a treatment review session for the youth, who had been at the facility for approximately three months. A review of the ASSIST notes on the youth did not mention the failure to appear for the review session and the community case manager noted on September 25 that her client's behavior "has taken a decline and was exhibiting behaviors that may cause him to be removed from VCA." On October 8, the facility's therapist determined who the youth's community case manager was and held a treatment plan review by video-conferencing on October 19.

### **Applicable Standard**

**Maryland Department of Juvenile Services Policy Number CJ-1-05.3(2)(v and vi):**  
*The Community Justice Case Management Specialist shall meet as required at the residential facility with the Interdisciplinary Treatment Team to assess treatment progress and to plan for community reintegration and meet at least monthly with youth who are in residential care in Maryland to assess treatment progress and plan for community reintegration.*

#### **c. Recreational Programming**

Youth appear to receive 2 hours structured recreational and leisure programming daily. They also appear to receive 1 hour of large muscle exercise on a daily basis. The facility's recreational specialists are very active and involved with programming for the youth.

Youth participated in a ropes course on September 2 – 4 and a track and field day on September 5. Six youth assisted the Frederick County 4-H Club with a therapeutic riding program on September 12 and 19.

## **7. Medical and Behavioral Health**

### **a. Basic Medical Services**

Medical staff persons provide physical exams, mental health screenings, substance abuse screenings and suicide screenings for all youth. Youth have unimpeded access to sick call services and nurses administer medication accurately.

**b. Medical-Staff Communication**

On September 10, a youth had a seizure that resulted in him bleeding from the mouth and urinating himself. The Medical Section had notified the Group Life Manager (GLM) that the youth had a history of seizures and was not taking his prescribed medications. However, the Group Life Manager reportedly failed to alert Direct Care staff.

On duty staff responded quickly and appropriately to deal with the medical emergency and paramedics responded and transported the youth to the local hospital via ambulance. The youth was treated, released and returned to the facility.

**Applicable Standard**

**Maryland Department of Juvenile Services Standards for Conduct, 2.24.2.:** *Every employee has a responsibility to ensure a safe and humane environment for youth.*

**c. Mental Health Services**

Staff persons from the Youth Centers in Western Maryland have been assisting with mental health treatment. Youth participate in the Seven Challenges program for substance abuse treatment.

**8. Youth Advocacy**

DJS forwarded seven grievances to this office for the quarter. Five of the seven grievances were for the same incident of staff sleeping while on duty. The other two complained of hard waffles and unfair treatment by staff. The DJS Child Advocate reportedly resolved all the grievances.

**RECOMMENDATIONS**

1. Administrative staff must work to reduce incidents of inappropriate staff conduct/comments.
2. DJS and the facility should find ways to reduce the numbers of Physical Restraints and AWOL's.

3. Whenever staff physically restrains a youth, they must complete an incident report and the nurse must evaluate the youth.
4. When police arrest youth for crimes committed within the facility, DJS should place the youth in detention or another facility.
5. All staff must consistently support and maintain the facility's Behavior Management Program.
6. Community case managers must visit youth in placement at least once per month and attend treatment meetings as required.
7. Supervisory staff must provide direct care staff with the necessary medical alert information on youth.

### UNABATED CONDITIONS

1. The facility cannot allow inappropriate CD's in the facility, and staff who provide youth with inappropriate CD's or other contraband should be terminated.