

**REPORT OF THE GOVERNOR'S INDEPENDENT ASSESSMENT TEAM
ON JUVENILE BOOT CAMPS**

Bishop Robinson, Chair

Submitted to:

**Governor Parris N. Glendening
Lt. Governor Kathleen Kennedy Townsend**

December 15, 1999

List of Members

Bishop L. Robinson, former Secretary, Maryland Department of Public
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Sandra Benson Brantley, Deputy Legal Counsel, Governor's Office

Assistance also provided by Bruce P. Martin, Principal Counsel, Maryland
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METHODOLOGY

To meet its charge, the Independent Assessment Team (“IAT”) reviewed hundreds of documents and interviewed 11 witnesses over five days. Every meeting of the assessment team was open to the public. In addition to the meetings, team members worked individually on assignments from the Chair.

The witnesses interviewed were Department of Juvenile Justice (“DJJ”) leadership, DJJ personnel responsible for oversight and management of the juvenile boot camps and other DJJ personnel, officials from the Maryland State Police, and personnel from the Garrett County Department of Social Services. All of the witnesses appeared voluntarily and none were under oath.

The following written materials were reviewed:

(1) *Baltimore Sun* articles, dated December 5 – 14, 1999 concerning alleged inappropriate physical and psychological abuses by the DJJ tactical officers at the boot camps in Garrett County.

(2) Written documents from the Department of Juvenile Justice, including:

Interdepartmental memoranda and directives regarding policy and procedures.

Program Manual on the Leadership Challenge.

DJJ field reports regarding episodes of physical use of force at the boot camps.

Emergency or Unusual Incident Reports. A summary of findings on those that were reviewed is included as Attachment 1.

Memoranda and reports from the DJJ Office of Inspector General.

Memorandum and Opinion of the Honorable Martin P. Welch of the Circuit Court of Baltimore City. Attachment 2.

Code of Maryland Regulations for the Department of Human Resources and the Department of Juvenile Justice.

Literature on juvenile boot camps and related topics.

FINDINGS

Question (1): Are alleged abuses isolated incidents or part of pattern?

This section contains an analysis of evidence pertaining to the first charge of the Governor to the Independent Assessment Team.

I. The IAT reviewed the following written materials:

- (A) *Baltimore Sun* articles written by Todd Richissin concerning alleged inappropriate physical and psychological abuses by the DJJ staff at the boot camps in Western Maryland;
- (B) Memoranda provided by DJJ concerning alleged abuses in the boot camps. (See Chronology of Use of Force Complaints Correspondence provided by DJJ at Attachment 3.);
- (C) DJJ policy and procedures pertaining to the boot camps and the use of force provided by DJJ. The table below summarizes the memos.

TYPE	TO	FROM	DATE	SUBJECT
Memo	Bruce P. Martin Phil Colbert	DeJesus	10-07-99	Direction to write use of force policy.
Memo	Jeff Graham	L.C. TAC's	10-14-99	Mission Directive
Policy	MDJJ	Mary A. Saar	10/1/94	Use of Physical Force
09.13F				
Draft	MDJJ	Not approved	Unknown	Use of Force
Policy				
Draft	MDJJ	Not	9/14/94	Use of Force
Policy	DJS Youth Centers	Approved		
Policy	DJS Youth Centers	Unknown	I-9/7/67	Corporal
Statement			RI-10/30/70	Punishment
			REV-6/3/74	
Draft	MDJJ	Unknown	Unknown	Use of Force
Policy				
Memo	Leadership Challenge TAC's	Jeff Graham	2/20/98	Procedural Dir. On Use of Force

(D) DJJ Incident Reports and related Physical Restraint and Injury/Illness Reports. The reports were generated from the Backbone and Savage Mountain boot camps. DJJ is responsible for their completeness and accuracy. Reports total 121 Incident Reports for calendar years 1996, 1997, 1998 and 1999.

(1) The quantitative review of the reports produced the following results:

(i) 90 Incident Reports concerned the Backbone Mountain boot camp.

1. 50% were initiated by TAC's;
2. 57.8% involved physical restraint;
3. 86.5% of all physical restraint reports were initiated by TAC's as training, not for security reasons;
4. 10.5% of TAC initiated physical restraints resulted in a physical injury of some kind to the cadet;
5. 5.4% of all reported cadet injuries were the result of TAC initiated restraints.

(ii) 31 Incident Reports concerned the Savage Mountain boot camp.

1. 38.7% were initiated by TAC's;
2. 48.4% involved physical restraint;
3. 80% of all physical restraint reports were initiated by TAC's as training, not for security reasons;
4. One cadet injury resulted from a staff initiated restraint.
5. 6.7% of all reported cadet injuries were the result of TAC initiated restraints.

Overall analysis of the number of incidents reveals that TACs initiated 85.1% of all physical restraints as training and initially were not for security reasons. See Attachment 4 for full Incident Report data.

(2) The substantive review of DJJ Incident Reports and Medical Records:

The IAT has no way of knowing if it received all of the Physical Restraint Reports or Injury Reports, as they are not numbered. Neither does the IAT know if such reports were ever completed on all incidents. What follows are highlights of actual reports spanning a three-year period at two of the Camps.

The first physical restraint report at the Backbone boot camp facility was written on July 8, 1996, the first week the program opened. The TAC officer, who restrained the youth writes:

“The cadet refused to do the work assigned to him. His squad leaders then proceeded to try and motivate this cadet with no results...He [the cadet] became verbally abusive. When he did not conform to [the standards of the Backbone Leadership Challenge Program] he became a security risk. I then grabbed the youth, placed him on the ground and held him there until he calmed down.”

In 1996 during the first six-month of Backbone’s operation there were 11 Physical Injury and/or Physical Restraint Reports. These reports were recreational or illness related. The remaining reports for the latter part of 1996 involve TAC officers restraining cadets for failure to comply with TAC rules. Already there appears to be a pattern of cadets being “assisted to the ground” and put in handcuffs for rule infractions.

At the hearing on December 13, 1999, the former child advocate serving at the Savage Leadership program from 1996 to 1998 explained the process of “assisting cadets to the ground” as follows, “The TAC officer grabs the cadet by the front of the torso, sticks out his leg and flips the cadet to the ground.” The advocate reported seeing this behavior at the boot camp’s first “Induction Ceremony” in the summer of 1996.

The IAT reviewed 16 reports for 1997 at Backbone. Of these, ten involve TAC officers grabbing and restraining youth. Two incidents stand out. On August 9, 1997 a TAC officer filed an incident report that includes the following:

“Cadet started out on a bad foot this morning at 0530. He did not properly participate at PT. I encouraged Cadet to adhere to program policy or he would need to be disciplined...After the third time of advising... I restrained cadet...He resisted so two additional TAC officers assist in placing handcuffs.... In his struggle to free himself he continually flailed his head from side to side and into the ground.”

The advocate spoke with the youth on August 12, 1997 and wrote:

“Cadet states ‘he grabs my jacket and slams me down. I land on my back. He turned me over and bent my arm back in a chicken wing. It hurt. I tried to get my arm free and he pushed my head down in the ground. My head kept giving across the grass. At one point his (the TAC officer) whole forearm was across my face. I said I can’t breathe and (the officer) moved his arm. Two other TACs came and cuffed me. My eyes were tearing and I noticed this after becoming unhandcuffed. On the weekend I informed my mother and she was extremely upset. I went to the Clinic on Monday’.”

The advocate expressed concern in her written notes that the Injury Report did not accompany the cadet to the Clinic and that the report was not initiated until days later. She also notes that another staff member was very vague about the circumstances surrounding the injury when the mother was contacted. A doctor at the clinic makes a diagnosis of scleral hemorrhages and tells the advocate that the compression of the cadet’s chest and neck along with the hemorrhaging is “the worst she has ever seen.”

On August 13, an Administrative Officer II wrote to an Assistant Superintendent recommending that the TAC officer receive a letter of counseling for *his violation of DJJ Notification Policy*. The IAT noted that based on written documents it appeared that four staff were on duty at the time of the incident. In this one instance alone there is a written record of ten professionals who either witnessed the incident and/or the injuries. When speaking with the IAT, the child advocate was asked if any of these staff had contacted child protective services. She replied that to the best of her knowledge none had.

A final incident in 1997 occurred at the Backbone Mountain boot camp on December 29. What follows are sections from a report written by the TAC officer involved:

During a session of discipline (focus session) cadet was disrespectful and told to assume the front leaning position. Cadet was told several times and was then

assisted to the ground. Once on the ground cadet makes moaning sound and begins to shake which was interpreted as a rage response. TAC places cadet in elevated back arm lock and leg restraints (figure four lock). Cadet continues to resist. TAC places cadet in an inverted gooseneck come along position, placed in handcuffs and then in the prone position. After two hours the cadet is allowed to put on dry clothing (the incident occurred outside in a snowstorm). TAC notes that cadet showed over 50 counts of noncompliance.

The cadet's version of this episode is too faint to read on the photocopy reviewed by the IAT.

In 1997, the Savage Challenge Leadership program opened. The IAT reviewed ten Physical Restraint Reports. Five of these involve restraining youth that are fighting with one another. Two mention TAC officers "smoking" a cadet. The child advocate explained that "smoking" consisted of TAC officers forcing the youth to perform many repetitions of exercises such as push ups in a short period of time; and running or standing in the cold for an extended period of time. On April 15, 1997, the smoking of a cadet resulted in two visible knots on the youth's head.

In a May 31 incident a cadet wrote:

"I see where playing around get me.got me hart.don't nobody did nothing about it. I feel that its because I'm lock up. Some of the cadets can do anything that they want to me without nobody saying anything to them."

The child advocate also reported that youth frequently retracted their grievances saying, "as soon as you leave they shake us for talking to you. I have to do PT after you leave." One youth reported that when a TAC officer was putting the youth's arm in a "chicken wing lock," he had screamed that it hurt over and over whereupon the TAC had threatened "to break it off and put it someplace."

In 1998, there were 21 reports at the Savage Leadership Program. Of these 13 involve use of physical restraints by TAC officers. On February 2,1998, the TAC officer describes his actions:

Induction related. Cadet ordered to a kneeling position while in leg irons. Cadet struggles and three TAC physically restrain cadet on the hard top, apply pressure to the shoulder area. One TAC uses a figure four lock. Cuffs are removed after 30 minutes and cadet assisted to his feet. Cadet is disrespectful so he is assisted to the ground again for 10 minutes. He is then returned to his feet and counseled

again. Cadet was restrained on the ground in the snow.

On April 13, 1998, a TAC officer is reported to have put a cadet in a gooseneck come along for 10-15 minutes for no apparent reason. He is witnessed twisting the cadets' wrist while the cadet pleads with him to stop. Another TAC officer documents red marks all over the cadet's torso where he had been struck repeatedly with a steel arrow. In his report the TAC officer who observed the marks concludes, "this is not a malicious act but one of poor judgement." In this incident the Assistant Superintendent did write to the Assistant Secretary regarding the excessive use of force, and the TAC officer involved was terminated.

On May 18, a TAC officer documents visible injuries sustained by a cadet during a discipline session. The Administrative Officer writes to the Superintendent about the incident. It was received July 1 without the injury or incident report. The Administrative Officer says in his written correspondence that Savage Leadership Program takes every precaution to ensure cadets are treated fairly and humanely. He writes, "At no time is abuse acceptable or condoned by our staff."

On June 15, another cadet is injured during induction. The TAC officer writes that he was:

"Conducting focus counseling with cadet. Cadet grabbed [TAC officer's] shirt. TAC attempted to assist cadet to the ground. Cadet resists and hit his hand on his handcuffs in route to the ground causing small laceration to the left side of the head. Nurse was notified."

On June 22, the advocate was at Savage and gave a very different account. She sent her report to the Administrative Officer, the Assistant Superintendents, and the Superintendent on June 30.

On October 26, 1998 there are four induction related incident reports. This is the day that induction was observed by a *Sun* reporter. The four reports are similar in nature, reporting that cadets had "poor attitudes" or were "noncompliant". TAC officers then describe putting cadets in the prone position, the figure four lock, handcuffs, shackles, and the front leaning position.

The pattern continues into 1999. In January 1999, a TAC officer writes simply:

“Cadet was exposed to cold. temp for approx. 20 minutes during inspection formation. Cadet didn’t bring this to our attention until 10AM.”

The medical report makes a determination of frostbite. The cadet writes:

“I was outside in the cold for a while and a couple of hours later noticed pus.”

II. The IAT also interviewed the following DJJ personnel:

(A) DJJ Deputy Secretary appeared before the IAT on December 10, 1999. He stated that:

- (1) He was unaware of any pattern of abuses in the boot camps. In August 1999, the Secretary directed that the Deputy meet with boot camp staff, review policy and report back. He met with the Superintendent of Youth Services in Western Maryland, the Assistant Superintendent and the TACs.
- (2) He reported his observations of a hearing in Baltimore City Circuit Court before Judge Martin Welch concerning Baltimore City youth in the boot camps, and was shocked by the testimony. If only 20% of what he heard was true, there was a serious problem with the program.
- (3) He believes the boot camp was a very good program but now believed there was a problem of abuse in the boot camps. He said “we had been told it could happen, it did, and we didn’t watch it.”

(B) The Inspector General for the Department of Juvenile Justice testified before the IAT on December 10, 1999 and again on December 13, 1999. A summary of her testimony is as follows:

- (1) She became convinced in August 1999 that there was a serious problem in the boot camps. She formulated an investigation plan, which included taking a team of investigators to Western Maryland for a week. The plan was to interview cadets and staff concerning potential incidents of abuse.

- (2) She provided the Secretary with a list of allegations. She had hotel reservations for her staff in Western Maryland and was ready to depart when she learned that the Deputy Secretary had gone to the boot camps to do his own investigation.
- (3) She went to the boot camps anyway. She found staff hostile, aware of the allegations. She felt that her investigation had been compromised. She received an anonymous phone threat at the motel telling her to "N....., get your black a... back to Baltimore." She became fearful, felt nothing could be accomplished and returned to Baltimore.

(C) The Assistant Superintendent of the Boot Camps testified before the IAT on December 10, 1999. He stated that:

- (1) He denied knowledge of any abuse of cadets in the boot camps other than that which had been addressed by termination, resignation or other administrative action.
- (2) He asserted that the allegations in the *Sun* were distortions and largely untrue. He said that the photographs were snapshots of boot camp activity and did not show what preceded or followed.
- (3) His Mission Directive to Leadership Challenge TAC Officers, dated October 14, 1999, not a policy directive. He issued the document because of the escalating number of abuse complaints and because he wanted to cover the bases.
- (4) His "Mission Directive" was intended to clarify policy and procedure regarding the "Security Position" and the use of force. He said the contents of the Memorandum had been discussed with his supervisor, the Superintendent of the DJJ Youth Centers.
- (5) The Memorandum he issued to Leadership Challenge TAC Officers on February 20, 1998 was a "Procedural Directive on Use of Force" and was not a policy directive. He knew he could not issue policy. The memo was issued to cover the bases with his staff. He denied there was any event or occurrence that precipitated the memo.

- (6) He was operating under an unsigned policy, which he believed was dated in 1994. He was not sure who issued it but to his knowledge, it had not been rescinded.
- (7) DJJ has not adhered to the eligibility criteria for the boot camps. He must take those juveniles who are sent to him. The juveniles sent include serious offenders, some of whom are on psychotropic medications. Fifty to sixty percent of the juveniles in the boot camps were referred there by the committing judge.

(D) The Superintendent of the Boot Camps testified before the IAT on December 10, 1999. He said that:

- (1) Use of force is constantly under review. He discounted allegations of cadet abuse in the boot camps. He is frequently in the boot camps and has not seen abuse.
- (2) In response to the *Sun* article alleging abuses, he talked with the Deputy Secretary and Assistant Secretary. There was a meeting with the Deputy Secretary and all the TACs. The use of force policy was reviewed and everyone signed for receipt of it. They were operating under a draft use of force policy, which was unsigned but he believed it was the policy headquarters wanted used.
- (3) A policy was instituted to video tape the induction ceremonies. He is not aware of video taping being halted although he was aware that on occasion tapes were being reused.

(E) The Secretary testified before the IAT on December 13, 1999. He stated that:

- (1) Prior to August, he had not received reports of abuse in the boot camps. His staff had assured him there were no problems.
- (2) He sent the Deputy Secretary out to the boot camps to meet with staff and deliver a strong, decisive message that abuse would not be tolerated. The report he got from the Deputy Secretary was that there were no serious problems and that abusive practices had been stopped.

- (3) He has policy personnel strategically located throughout the department. Their job is to monitor operations and conformance with policy. Only if a question or problem arises is policy reviewed or changes made. In such cases, those responsible for policy bring the matter to him and his office deals with it.
- (4) There is no annual or periodic review of department policy or directives.
- (5) The Inspector General and child advocates are the principal means for monitoring compliance with the use of force policy.
- (6) Two memoranda issued by the Assistant Superintendent were unauthorized policy statements. The Secretary had never seen these documents.
- (7) The use of force policy promulgated by former Secretary Mary Ann Saar in September 1994 was still in effect. A draft policy was being developed but had not been yet promulgated.
- (8) He directed his Inspector General to investigate the allegations in the boot camp. The matter was still under investigation although the IG reported having trouble getting information from the TAC Officers.

(F) A Child Advocate once employed at the DJJ boot camps testified before the IAT on December 13, 1999. She stated that:

- (1) She worked as a volunteer coordinator and later as a child advocate at the DJJ Western Maryland Youth Centers. She provided services to cadets in two boot camps, Backbone Leadership Challenge, which opened in 1996, and Savage Mountain Leadership Challenge, which opened in 1997.
- (2) In the capacity of child advocate she met with cadets and received their grievances and complaints. She said that she personally observed the induction ceremonies from the inception of the boot camps until she was no longer permitted to do so in February 1998. She reported that she often observed pushing, shoving, forcing to the ground and

manhandling of the cadets while still in shackles during the induction ceremony.

- (3) She regarded the conduct of the TAC Officers to be abusive. She informed the Assistant Superintendent and the Superintendent of her concerns, which they resented. She said that the Assistant Superintendent told her that she should not be present for any more induction ceremonies because he did not want her looking over his shoulder and because her presence made his officers feel uncomfortable. Subsequently, she got into a loud verbal argument with the Assistant Secretary.
- (4) She then testified that the Assistant Superintendent sent a complaint about her to the DJJ headquarters in Baltimore.
- (5) She observed isolated instances of abuse of the cadets. For example, she described cadets standing in the cold for prolonged periods while not properly dressed for the weather. During this incident, the TAC Officers were wearing half-gloves and were more warmly dressed than the cadets. She also described the cadets being made to repeatedly drop on their knees without use of hands to break the fall. They were forced to repeat this procedure until all got it right, often requiring many repetitions. She believed this practice was abusive.
- (6) The cadets eventually would not make grievances because of pressure from the TAC Officers. She would still hear about problems and take them to the Assistant Superintendent and the Superintendent. She was transferred to another operational unit in July 1998.
- (7) She reviewed a Memorandum issued by the Assistant Superintendent to Leadership Challenge TAC's pertaining to "Procedural Directive on Use of Force." She is not on the normal distribution for such memos but had seen the document posted in the boot camps.

(G) Maryland State Police Commander, Criminal Enforcement Command testified on December 13, 1999. He stated that:

- (1) The MSP criminal investigation of the boot camps is currently underway. His reported findings to the IAT are preliminary and much investigative work was in progress.
- (2) As a result of 108 interviews of juveniles and 87 staff members, including tactical officers, seven juveniles were removed from the boot camps for various reasons related to their concern for the manner of treatment they may receive at the boot camp.
- (3) Based upon the incidents that have been alleged thus far there does appear to have been a pattern of inappropriate behavior. The most common occurrences appear to have taken place during the induction ceremony.
- (4) It appeared to be commonplace during induction for TACs to push, shove, grab and generally manhandle the new cadets upon their arrival at the camps. He had received allegations of sporadic, cadet specific, manhandling which resulted in minor physical injuries. (See attached copy of his comments, Attachment 5.)

(H) The Assistant Director of Mental Health, Department of Public Safety and Correctional Services, Division of Correction, appeared before the IAT on December 13, 1999. He stated that:

- (1) Between September 1993 and March 1997, he was Clinical Director of Youth Centers for the five Western Maryland DJJ facilities. He was on the committee that studied and developed Maryland's juvenile boot camp proposal.
- (2) He observed either the second or the third induction ceremony at the Backbone boot camp. During the induction, if cadets did not move quickly enough the TAC Officers pushed them. He felt this practice was potentially abusive and would be a problem.

(I) The DJJ Field Supervisor for Washington County, and a seven-year employee of DJJ, testified before the IAT on December 13, 1999. She stated that:

- (1) She was the supervisor of the substance abuse program at the Meadow Mountain Youth Center. She said that many employees of DJJ employed in the Youth Centers are afraid to talk about what has gone on for fear of reprisals. She described transfers as a form of adverse action taken in such cases.
- (2) She is responsible for employee entry level training. She said that one aspect of this training is self-defense and the use of force. However, she was not familiar with the DJJ use of force policy document.
- (3) The Assistant Superintendent of the boot camps conducted the TAC Officer basic training, which lasted about eighty hours over a five day period. She did not know the components of that training, although she obtained some training material allegedly used by the boot camps for training. (Attachment 6.)

(J) The Supervisor of Child Protective Services, Garrett County, Maryland testified before the IAT on December 13, 1999. She stated that:

- (1) Since the inception of the boot camps in Western Maryland, his office has received no complaints of physical abuse by staff.
- (2) He is currently cooperating with the Maryland State Police in its investigation of the allegations of abuse reported in the *Sun*.
- (3) He said that about 120 cadets had been interviewed and that two had reported physical force resulting in injury to a cadet.
 - (a) In one case a TAC Officer allegedly twisted the arm of a cadet who suffered a broken wrist;
 - (b) In another case the TAC Officer used a foot sweep to take a cadet down to the ground causing him to land on his face and suffer an abrasion.
- (4) He said that these two incidents had occurred since August 1999.

III. Additional testimony of State personnel and review of written materials.

The IAT reviewed a memo from the Inspector General dated December 13, 1999, indicating that in the past two years four TAC officers have been terminated for excessive use of force against youth. Another failed a drug test. Another was terminated for unprofessional conduct/policy violation. Another was terminated for violation custody of youth. One TAC officer has a pending criminal charge for felonious child abuse. An additional 28 officers have received disciplinary actions, some of which were for excessive force. These numbers do not include the total count of letters of counseling, a lesser form of discipline, given to TAC officers for the August 9, 1997 episode. (See Attachment 7.)

On December 10, 1999 the Honorable Martin Welch of the Baltimore City Circuit Court conducted an independent judicial determination whether the placement of each of the 26 youth at the Leadership Challenge Programs is appropriate pursuant to applicable Maryland law, which establishes the overriding consideration of devising a program of treatment, training, and rehabilitation best suited to the physical, mental and moral welfare of the child consistent with the public interest.

In his ruling, Judge Welch modified each order to a commitment to the DJJ for placement in an appropriate secured residential placement, not to include the Leadership Challenge Program, Boot Camp or any other para-military Program. The court further ordered that none of these twenty-six Respondents shall be transported to the Leadership Challenge program for any purpose. (See Attachment 2.)

IV. Analysis

A prior history of child abuse and neglect is a prominent feature in the lives of many youth before they ever set foot in the boot camp. This is based on the *Sun* articles and the testimony of the Assistant Superintendent.

There is evidence that more physical abuse happened on induction day and then less was used as the program proceeded. In addition, the advocate reported hearing the TAC officers using language that was humiliating and degrading to youth including racial and sexual slurs i.e. calling youth big lipped, cupcake, darling. In addition, the Child Protective Services Supervisor reports that when he initially interviewed 25 cadets at Savage the week of December 6, 1999, two reported evidence of abuse. The next day the same youth were interviewed at the Maryland State Police barracks. The Garret County Child Protective Services Unit has open investigations on 120 youth that were residents of the camps.

The IG interviewed 37 cadets at the Camps on April 17, 1999. The results are as follows:

- 5 reported being victimized
- 12 reported being assaulted
- 4 described TACs using abusive language
- 2 reported being denied medical treatment
- 8 reported witnessing assaults
- 23 had favorable comments
- 4 had negative comments about the camps.

Under Maryland law, child abuse is defined as: Physical injury, not necessarily visible, sustained by a child as a result of cruel or inhumane treatment as a result of a malicious act or acts, under circumstance that indicate that the child's health or welfare is harmed or threatened by it, by a parent, adoptive parent, household or family member, or custodian, including any stepparent, foster parent, or guardian.

In addition, the law states that child neglect means significant physical or mental harm or injury threatened to or being suffered by a child as a result of conditions created by the absence of the parent, guardian or custodian, or by the failure of that person to give proper care and attention to the child and to the child's problems under circumstances that indicate that the child's health or welfare is harmed or threatened by it.

Except for certain limited circumstances, the applicable law states that all persons shall report suspected child abuse or neglect to the local department of social services or report suspected child abuse to a local law-enforcement agency. Health practitioners, educators, social workers, and police officers shall report, both orally and in writing, any suspected child abuse, with the written report being made within 48 hours of the contact which disclosed the possible abuse. There is nothing in Maryland statute that exempts the TAC officers, other boot camp staff, including medical personnel, from this requirement.

V. Findings

In answer to Question (1), by a preponderance of the evidence the Independent Assessment Team finds that there was a pattern of abuse, which began on or about the second induction ceremony in 1996 and continued through November 1999.

The abuse consisted of Tactical Officers pushing, shoving, arm twisting, use of head, arm and leg holds, and general manhandling of cadets in the program. This unnecessary and inappropriate use of force accompanied induction ceremonies at regular intervals but also included numerous instances of cadet specific “physical restraints,” a number of which resulted in injury.

Question (2): “Has abusive behavior stopped since the Department took corrective actions earlier this year, or does it continue?”

In August 1999, DJJ personnel were ordered to stop inappropriate physical contact of juveniles at the boot camps. After carefully reviewing documentation provide by the DJJ and listening to testimony proffered by employees of that department, the IAT finds that the abuse of juveniles at the three boot camps in Garrett County, Maryland continued through at least November 1999.

- (A) The following incidents gleaned from DJJ Youth Centers Incident Reports, media accounts, and the Memorandum and Opinion of the Baltimore City Circuit Court show by a preponderance of evidence that abusive behavior continued at the Savage Mountain boot camp:
- (1) On August 3, 1999, a juvenile and other members of his squad were marching outside, in front of the gym. The juvenile looked inside the gym to see what was going on. He was later questioned by two tactical officers as to why he looked into the gym. When he refused to answer, he was “assisted to the ground” and an “elevated back arm lock” was applied in order to gain control of the cadet.
 - (2) On August 4, 1999, a juvenile “was out of control and not accepting directives.” The tactical officer began “counseling Cadet [] on his negative attitude” at which time the juvenile pulled the tactical officer and ran. The tactical officer chased the juvenile for a short distance and upon catching him, the juvenile was “assisted to the ground.” While on the ground, the tactical officer placed “an elevated back arm lock” on the juvenile until he received a “favorable response.”
 - (3) On August 5, 1999, a juvenile was attempting to escape when he was observed by a tactical officer from the Savage Mountain boot camp. When the juvenile saw the tactical officer, he ran and the officer gave chase, catching the juvenile after about one hundred yards. Upon apprehension, the juvenile was “escorted to the ground and placed in a elevated back arm lock.” After gaining control of the him, the juvenile was taken back to the camp.
 - (4) On August 20, 1999, a juvenile was hospitalized for an asthma

condition. At that time, the juvenile related that he was physically “manhandled” during a week in July when he was assigned to Savage Mountain boot camp. The juvenile advised that four particular tactical officers would routinely “manhandle” the youth for failure to comply as ordered. According to the juvenile, all youth were treated this way.

- (5) On August 23, 1999, the juvenile was “making threatening gestures by balling up his fist.” The cadet was placed up against the wall and told to unclench his fist. After the juvenile refused to comply, “he was assisted to the ground and placed in an elevated back arm lock.” The tactical officer “gained a favorable response after approximately 30 to 40 seconds.”
- (6) On December 7, 1999, a juvenile reported that he was placed in the boot camp on August 2, 1999 and removed on September 18, 1999. He was placed in protective custody as a State’s Witness in a criminal investigation. During his review hearing, the juvenile stated that a tactical officer from the boot camp struck him in the face with his elbow and broke his tooth. The juvenile is currently in Noyes awaiting placement.

(B) The following information shows by a preponderance of evidence that abusive behavior continued at the Meadow Mountain boot camp:

- (1) On August 23, 1999, during induction, the juvenile refused to stand in the position of attention when being questioned by a tactical officer. For his failure to comply, two tactical officers “attempted to assist him to the ground.” The juvenile became very combative and resistant; therefore two more officers joined in “executing a waist lock takedown.” One of the officers secured the juvenile’s legs with “a figure four leg lock,” the other with an elevated back arm lock and another with a goose neck until he began to comply.
- (2) On August 23, 1999, a juvenile was standing in formation waiting to use the latrine. He was moving around while in line and was told by a tactical officer to stop moving. When he failed to comply, the tactical officer “utilized a wristlock to secure him to the ground and once he was on the ground, a goose neck hold was placed on the juvenile to maintain control

over him.”

- (3) On September 6, 1999, the juvenile arrived in camp for induction. According to the juvenile, he was punched in the face by a tactical officer. The juvenile received a black eye from the same tactical officer.
- (4) On September 21, 1999, a juvenile “was displaying a disrespectful attitude toward Tactical Officers during induction. Cadet [] was taken out of formation and given a directives to get on his knees for counseling.” After refusing, the juvenile was “assisted to his knees and placed in an elevated back arm lock and his legs in the Achilles crossover.” After the tactical officers gained control over the juvenile, he was counseled and returned to the formation.
- (5) On September 21, 1999, during processing, the juvenile was instructed to move to the next station. The juvenile became disrespectful and was subsequently ordered to the “security position.” After refusing the order, the tactical officer “attempted to assist Cadet [] to security position. At that time he pulled away and fell into the wall losing self-control.” The tactical officer then gained control and received a favorable response after placing the cadet in an elevated back arm lock.
- (6) On September 21, 1999, a juvenile arrived in camp for induction. According to the juvenile, after approximately two weeks into the program he was participating in physical training when a tactical officer threw him to the ground, twisting his thumbs behind he back with his knee in the juvenile’s back. The juvenile stated that he could not breathe because the tactical officer was choking him around the neck. The juvenile advised, “they don’t like it when you file a grievance here.” The juvenile further said two cadets were fighting and the tactical officers “told us to about face and then they hit the two guys in the face.”
- (7) On September 21, 1999, when juveniles arrived in camp for induction, they were pulled off the van in handcuffs and shackles for approximately two hours. According to one juvenile, another juvenile wrote a grievance and “the staff

smoked him,” smacked him in the face and threw him into the tables in the mess hall. Additionally, two other juveniles were thrown to the ground by the same tactical officer.

- (8) On October 17, 1999, a juvenile refused to eat his meal because he was upset. After the remaining members of the squad had finished their dinner, the juvenile was ordered to the security

before lights out and was taken outside by a tactical officer to be refocused. Once outside, the juvenile failed drop to the security position as ordered and was subsequently assisted to the ground and restrained with an elevated back arm lock until a favorable response was gained. The juvenile remained in the security position throughout the counseling session.

- (2) On September 28, 1999, the juvenile was observed making facial gestures while receiving his food. The juvenile was counseled regarding the amount of food he had and showed signs of disrespect by “rolling his eyes and shaking his head” during the counseling session. The juvenile was escorted outside and ordered to the security position. The juvenile complied and was subsequently placed in an elevated back arm lock for the remainder of the counseling session.
- (3) On October 4, 1999, the juvenile became out of control and would not accept directives given during the induction period. After the juvenile refused to assume the security position he was assisted to the ground by tactical officers. The juvenile was assisted to his feet and escorted away from the other cadets as he was disruptive. At this point, two tactical officers assisted the juvenile from the gravel area onto the grass where he was again assisted to the ground and placed in an elevated back arm lock and counseled at the same time by four tactical officers on his “poor behavior.”
- (4) On October 8, 1999, a juvenile “utilized improper telephone procedures when conversing with his father. Cadet [] was briefed twice about proper telephone etiquette and displayed no regard to those briefings.” After several more reminders, the juvenile was ordered to hang up immediately. The juvenile was then counseled for poor etiquette and was told to drop to the security position for focus training and counseling. When the training started, the juvenile showed signs of frustration and anger through facial expressions and clenching his fists. After the juvenile refused to stop showing signs of frustration and anger, he was brought under control by using an elevated back arm lock until a favorable response was received.

- (5) On October 13, 1999, a juvenile was receiving focus training for an incident that occurred on October 12, 1999. While in the security position, the juvenile took it upon himself to go to a prone position. At that time, the tactical officer assisted him to the security position and placed him in a wristlock until a favorable response was achieved.
- (6) On October 20, 1999, the juvenile was being refocused for lack of discipline and military bearing. The cadet showed disrespect and lack of control by not exercising properly and showing facial gestures. The juvenile was ordered to “drop” and after failing to comply, the juvenile was assisted to the ground and restrained by placing an elevated back arm lock and an Achilles crossover until a favorable response was received.
- (7) On November 1, 1999, the juvenile was given directives and he failed to comply. With assistance of other tactical officers, the juvenile was placed in an upper back arm lock for failing to obey a direct order. The restrain technique was used until such time a favorable response was obtained.
- (8) On November 4, 1999, the juvenile was receiving focus training for an infraction that had taken place prior to lights out. During this session, the cadet was ordered to the security position, which was improperly performed. When ordered to the security position again, he refused to comply and was subsequently assisted by the tactical officer to the ground and placed in an elevated back arm lock. After a few seconds, a favorable response was received.
- (9) On November 8, 1999, the juvenile refused to follow instructions, would not speak clearly, refused to response to questions and would not move outside when told to do so. The juvenile was subsequently assisted outside of the Dining Hall and placed against a wall utilizing the elevated back arm lock as a control technique until a favorable response was received.
- (10) On November 9, 1999, the juvenile became very disrespectful verbally and out of control during inspection formation. The

juvenile told the tactical officer that he didn't think his counseling sessions were appropriate. The juvenile further stated that he felt his rights and the rights of the other juveniles were being violated. The tactical officer perceived the comments of the juvenile as disrespectful and because of his demeanor, the juvenile was placed in an inverted goose neck come along and assisted to the ground until such time a favorable response was received.

- (11) On November 14, 1999, the juvenile had been repeatedly directed not to talk unless addressed by staff. The juvenile was ordered to "drop" and he continued to talk, trying to justify himself. The tactical officer assisted him to the ground using the reverse wristlock, then an elevated back arm lock until a favorable response was received.
- (12) On November 15, 1999, the juvenile was pulled off the van during induction and thrown around with shackles and handcuffs on. The juvenile remained in handcuffs for approximately ninety minutes and bent his waist backward causing scars to both wrists. Additionally, the juvenile was pulled down while running on at least two separate occasions and was "jumped and folded two to three times since his arrival." On three other dates, the last being December 3, 1999, the juvenile was slammed to the ground for smiling during physical training.
- (13) On December 3, 1999, the juvenile was acting in a very lackadaisical fashion when ordered by the squad leader to get motivated. The tactical officer used his body along with voice commands in an attempt to motivate the juvenile. In the process, the juvenile slipped and fell bumping his head on the wall locker. He suffered a minor laceration on his forehead but did not require medical attention. He was counseled further about his lack of motivation.

(E) Findings:

In response to question two, the IAT finds that the above listed incidents show by a preponderance of evidence that the abusive pattern by tactical officers against juveniles at the Western Maryland area boot camps continued despite

directions from the Lieutenant Governor to take corrective action. Information reviewed shows 29 possible cases of excessive force, child abuse or simple assault from August 3, 1999 to December 3, 1999.

Question (3): “What corrective actions has the Department already taken”?

After notification of the alleged abuses at the boot camp, DJJ was directed to take corrective actions. The IAT examined DJJ documents and heard testimony to determine what corrective actions were taken by DJJ. The IAT identified corrective actions by examining a December 7, 1999 memo from the Assistant Secretary and listening to testimony from DJJ managers and supervisors. The IAT finds that since August, some actions were taken in response to allegations of abuse.

On August 3, 1999, the Inspector General was notified of inappropriate activities at the three Western Maryland Boot Camps. On September 5-9, 1999, the OIG staff conducted interviews of tactical officers and other staff in Western Maryland. The OIG staff was met with hesitancy and reluctance.

The Secretary told the IAT that he sent his Deputy to the boot camps to personally deliver his message that the boot camp staff were not allowed “to put their hands on the kids.”

On October 7, 1999, the Secretary directed the Principal Counsel and the Assistant Secretary of Residential Services to begin the process of writing regulations concerning the appropriate circumstances where force and restraints are permissible and can be utilized, consistent with boot camp modules throughout the United States, and which do not result in injury. Several draft use of force policies were reviewed, but the current policy in force is one dated September 1994. The copy provided to the IAT of this policy is marked “draft.”

The Secretary also stated in the October 7 memo, “I have decided that we need to begin to re-train our tactical officers and provide them with a better understanding of their mission and their responsibility to discipline and nurture our youth.” When interviewed, some of the top managers for the department were confused about the prevailing use of force policy. Moreover, there appeared to be no consistent application. Even more troubling, it appeared that the boot camps operated under its own guidelines.

The Assistant Superintendent in charge of the boot camps, issued a Mission Directive on October 14, 1999. According to this document, “The tactical officer is responsible for enforcing standards by utilizing command presence, leadership counseling skills, focus training, the security position, and when necessary to ensure the safety and security of the facility, the use of force.” The use of force is

described as “the use of physical force as a method to control youth behavior in situations that require immediate intervention. Physical restraint is appropriate when preventing an escape; physical danger to youth or staff is imminent; property damage or failure to comply with a decisive directive when all other methods have failed.....*Staff members will professional judgement in determining when the use of force is necessary.*” (Emphasis added.)

Although the IAT includes this Mission Directive as a corrective action, during his interview with the IAT, the author of the directive stated that he did not write it for any particular reason. The Superintendent responsible for oversight of the boot camps orally approved the directive. No evidence was found that the memo was seen by any other supervisory officials at the Department. The Secretary stated was not familiar with the current policy and advised that the Mission Directive written was not approved by “Headquarters.”

The IAT identified other corrective actions DJJ has taken regarding the boot camps, including:

- Review of the use of force for modifications and pending approval;

- Retrain boot camp staff on acceptable physical contact with youth;

- Encourage juvenile counselors, during announced and unannounced visits, to complete on-sight observations, which allows them to document program conditions they observed, whether negative or positive;

- Periodically monitor of the induction ceremony.

- Resume video-taping of the induction ceremony and review these videos “as needed”;

- Report any allegation of child abuse to the Maryland State Police for investigation and prosecution. Make clear that staff found guilty of such behavior will be disciplined, including termination.

- Interview youth at boot camps to identify “any concerns regarding treatment.”

- Call for RFP for training of boot camp staff.

Findings:

While some corrective actions may have been taken by DJJ management, very little was done to carry out those measures. The team reviewed volumes of paper and was unable to locate any evidence that would lead one to believe that any meaningful corrective measures were made to prevent abuses or violations of State policy on use of force. As the findings to Question (2) indicates, because numerous incident occurred after most of the corrective measures were taken, these steps failed to address the underlying problems.

Recommendations of the Independent Assessment Team
on Juvenile Boot Camps (Question (4))

1. The Governor should issue an Executive Order to protect all juveniles under the care, custody and supervision of the State, prohibiting child abuse and unnecessary use of force, restraints, and seclusion. The foregoing prohibitions are consistent with applicable State law and regulation. Those found in violation shall be terminated from State service and, where warranted, criminally prosecuted.
2. The Maryland State Police and the Department for Human Resources should continue their investigation of allegations of child maltreatment and pursue appropriate adjudication as warranted.
3. The Department of Juvenile Justice, in consultation with appropriate experts in the field, should develop a comprehensive five-year strategic plan consistent with the DJJ stated mission and restorative justice philosophy, with goals, programs and timetables. The plan should encompass the delivery of juvenile services from intake through release from custody or supervision, and include:

Intake and admissions

Program assignment

Housing

Treatment

Counseling

Education (academic and vocational)

Mental and physical health services

Job placement

Aftercare (long term)

Evaluation

Development of interagency relationships with courts, criminal justice and other human service agencies

4. The Department of Juvenile Justice shall conduct an in-depth

review of its organizational structure for the purpose of realigning the organization consistent with its business processes.

5. The DJJ should establish a new, formal written directive system to provide all employees with a clear understanding of their duties, responsibilities, and standards of conduct. The term “written directive” includes policies, procedures, memoranda, orders, etc.

Written directives should be in a format that permits easy identification of being current, with procedures for indexing, revision(s), recession(s), and removal. Directives should be reviewed annually.

DJJ must identify clearly the persons or positions, other than the Secretary, authorized to issue written directives, which guide the performance and conduct of its employees

6. The DJJ must ensure professional responsibility, accountability and internal controls throughout the agency. To include reorganization the Office of the Inspector General. The DJJ OIG should include the following organizational components:

Internal Audits:

Operations at every level of any organization are susceptible to errors, irregularities, and non-compliance with the policy and procedure. DJJ’s Inspector General IA should be an essential control mechanism for evaluating compliance and quality of the Department's operations. However, the current Inspector general function must be re-examined, reorganized, redefined and expanded. The IG must function under the direct authority of the Secretary only. Requests for services by the IG from management must be forwarded directly to the Secretary. This concept does not eliminate the responsibility for day to day inspections by other supervisory and management personnel.

Internal Investigations

To ensure the integrity of the DJJ and its employees, all allegations of

employee misconduct must be investigated with objectivity, fairness, and impartiality, and promptly concluded. A written directive disseminated to each employee of the Department should include:

Creation of the Internal Investigation function and responsibilities for the investigative process; controlling the investigation of complaints against employees, supervision of investigations, maintaining confidentiality of information and records.

Clear guidelines and authority for those investigations to be conducted by command with reporting to internal investigation, those exclusively investigated by OIG IU, the Attorney General, Maryland State Police, and the Department of Human Resources.

An automated case monitoring and tracking system should be developed and implemented for control purposes.

Child Advocacy

In accordance with applicable law and regulation, the child advocacy process should be under the direction of the OIG. Duties of child advocates must be more proactive in providing a process for youth under supervision by DJJ to file grievances with confidence, assurance of confidentiality and appropriate response. Child advocates should monitor and report any non-compliance with the Grievance Process directly to the IG. All visits and consultations with youth under DJJ supervision shall be supported by strict privacy rules, considering personal safety, for the purpose of trust and integrity.

7. Improvements in Selection and Training.

The operational and administrative effectiveness of an organization can be linked directly to its ability to attract, hire and train those persons who possess the best skills, knowledge and abilities necessary to perform assigned tasks.

DJJ should re-assess its classification, selection and training process and establish selection and training standards for specific job classes. To support recruitment of persons to be assigned to isolated and remote areas the Department should consider the payment of per diem allowances. There must be adequate entry level and in-service training,

including Maryland child abuse statute, adolescent development, mental health and substance abuse related issues. Training standards should be similar to those administered by the Maryland Police and Corrections Training Commission.

8. Regarding the Future of the Challenge Leadership Camps, the Assessment Team recommends the appointment of a task force, whose membership is to be determined by the Governor, to study the future of juvenile boot camps in Maryland.

While there is dissent, the majority opinion of the IAT is that the Military Model should be the basis for the juvenile boot camp operational style. This model is recommended because it provides the structure, discipline, and order that is missing in the lives of the juveniles . The ultimate goal is to cause meaningful and long-term changes in young lives. As an integral part of this scenario the principles and practices that are successfully used in the basic training component of the military branches of service form the basis for this model.

In the model students are called Cadets and trained in the basics of military decorum. They respond to reveille and taps, learn to march and perform drill and ceremonies, participate in physical training, and dress in quality uniforms that are clean, starched and pressed, and reflective of a great sense of pride. Cadets in this learning environment develop self esteem, team work, and concern for the group.

The key factor in the success of the Military Model is the selection and supervision of the youth care workers who are referred to as Cadre or Drill Instructors. They should be chosen to the maximum extent possible from persons with an extensive military background particularly in the area of troop leading. Maturity and the ability to be compassionate and provide practical guidance, i.e., “foot locker counseling” are key ingredients for a quality Cadre staff member. The supervisor and the youth care workers in his chain of command must be outstanding positive role models that lead by example and become an inspiration for the young adults in their charge. As part of their leadership role it is essential that Cadre personnel do not use physical force or abusive language when dealing with Cadets. Cadets should never be touched in anger.

The Military Model forms the basis for the complete developmental

curriculum of the program. This curriculum should include a number of core components of competency, which are measurable and must be successfully completed as a graduation requirement. They should include such areas as academic excellence, life coping skills, physical fitness, citizenship, leadership-followership, health education, job skills and community service. In order for the Military Model to work it is essential that Cadre, Counselors, and Educators work closely together in a triad of constant dialogue in order to assess the growth and progress of each Cadet and be cognizant of individual needs. The Military Model when properly implemented and executed provides the framework for successful accomplishment of the core components of competency.

ATTACHMENTS

Email pio@djj.state.md.us to obtain copies of these attachments.

1. Summary of Incident Reports
2. Memorandum of Opinion from Judge Martin Welch, Baltimore City Circuit Court
3. Chronology of Incidents
4. Incident Analysis
5. Comments of Commander Bowers, Maryland State Police
6. Tactical Officer Training Materials
7. Inspector General Report, dated December 13, 1999
8. October 1994, Use of Force Policy
9. September 1994, Use of Force Policy
10. February 20, 1998 Memo re: Use of Force
11. Mission Directive, October 14, 1999
12. Departmental memoranda re: corrective measures
13. Psychological employment testing advice
14. Executive Summary, "Child Abuse in America: Cost of Abuse"
15. Inspector General Report, December 9, 1999