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## O'Malley criticizes juvenile officials

### Failure to respond called unacceptable

By Gadi Dechter and Andrew A. Green

Sun reporters

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Gov. Martin O'Malley sharply criticized juvenile authorities yesterday for failing to respond to a school nurse's formal complaint last year about mistreatment of youths at the Bowling Brook Preparatory School, where a Baltimore teenager later died.

"It's just unacceptable that a health professional would notify authorities there were problems and they didn't follow up," O'Malley said.

The Sun reported yesterday that Bowling Brook's nurse notified the state Department of Juvenile Services in August that a youth had been badly bruised and scraped while being restrained by staff members. Five months later, 17-year-old Isaiah Simmons of East Baltimore died after being similarly restrained at the privately run residential program for juvenile offenders.

Bowling Brook officials responded to the publication of nurse Janis Miller's complaint by imposing a gag order on the school's employees, threatening to fire any who speak to the press.

"You are directed to not discuss any matter pertaining to the school with any member of the press or media," business manager Elida Murray Gulas wrote in an e-mail message yesterday to 59 employees. "Failure to abide by this directive is grounds for immediate termination of your employment."

Miller, who spoke to a reporter after The Sun obtained a copy of her complaint to the state, said yesterday that she was still employed at the Carroll County school and did not intend to honor the gag order.

"You've got to be kidding," said Miller. "It's a little 'too little, too late' for that."

In her Aug. 26 report to the Department of Juvenile Services, Miller complained about the staff's handling of several Bowling Brook youths and said she feared for the safety of students there.

"I could not live with myself if something happened to one of them that could permanently disable them or cost them their life," she wrote. "Right now, I feel I am their only advocate."



Miller's report said Bowling Brook's director, Michael Sunday, rebuked her for sending a teenager to the emergency room after he was injured during prolonged restraint. She also detailed allegations of improper medical treatment, including students going without prescribed medications for diabetes, depression and seizures.

She did not hear from state authorities until after the death of Simmons in January, she said. Juvenile Services officials have acknowledged that the agency should have "given a lot more attention" to Miller's complaint, which was considered at the time a "medical management issue" best handled internally by Bowling Brook.

Simmons' death is under investigation by the Carroll County sheriff's office. Bowling Brook officials have denied any improper conduct.

School officials did not return phone calls yesterday seeking comment about the gag order.

Miller's decision to notify authorities of her concerns was praised yesterday by the executive director of the Maryland Board of Nursing.

"Her responsibility is to safeguard a client, and that's what she was doing," said Donna Dorsey, noting that nurses have a statutory obligation to act on their patients' behalf if they suspect any "incompetent, unethical or illegal practice."

In Annapolis, O'Malley said the failure of the Department of Juvenile Services to more thoroughly investigate Miller's report is proof of the need for a major shake-up at the long-troubled agency.

He said the state needs to develop programs to treat juvenile offenders closer to the communities from which they come, a policy initiative that O'Malley said will be a priority for Donald W. DeVore, his new Juvenile Services secretary.

DeVore, after being sworn in yesterday, spoke to the state Senate committee that oversees juvenile justice issues. He said he wants to develop smaller, community-based facilities for juvenile offenders like those that have been used successfully in Missouri.

DeVore said the department needs to tighten its standards for hiring and professional training at privately run and state programs for juveniles.

Del. Nancy R. Stocksdales, a Carroll County Republican, said she spoke with Bowling Brook's director this week, and that Sunday told her he would be willing to make changes at the school.

"I think the state should continue to send those kids there," Stocksdales said. She said that Simmons' death has not diminished her support for the program, which until recently had been held up by youth advocates as a model for juvenile offender rehabilitation.

"My faith has not been shaken," Stocksdales said. "Not one iota."

But Sen. Bobby A. Zirkin, a Baltimore County Democrat who is one of the General Assembly's leading advocates for juvenile justice reforms, said the problems at Bowling Brook are further evidence that Maryland must stop sending juvenile offenders to large facilities.

"The research all shows that when you give these kids more individual attention, you're always more

successful," said Zirkin, who is sponsoring legislation that would limit the size of state-run programs as well as decrease the state's reliance on private providers such as Bowling Brook.

At the time of Simmons' death, Bowling Brook held more than 170 students, including about 70 from Maryland. Yesterday, about 65 were housed there, with just nine from Maryland, according to Edward Hopkins, a spokesman for the Juvenile Services agency.

Most Maryland youths were removed after Simmons' death, at the request of their lawyers in the public defender's office.

Nancy Forster, the state's chief public defender, urged Bowling Brook employees to speak candidly to police and investigators, even if workers choose to abide by the gag order.

"Whether or not employees of Bowling Brook speak to the press is inconsequential," Forster said. "What is important is that those employees feel free to ... cooperate fully with those investigating Isaiah's death and the reported mistreatment of other children there."

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