

**CITY OF BALTIMORE
COUNCIL BILL 08-0017R
(Resolution)**

Introduced by: Councilmembers Young, Henry, Branch, Kraft, Middleton, Conaway, Welch,
Reisinger, Cole, Holton, Spector
At the request of: NAACP Baltimore City Branch,
Address: c/o Marvin L. 'Doc' Cheatham, Sr., President 8 West 26th Street, Baltimore,
Maryland 21218
Telephone: 410-366-3300
Introduced and adopted: February 4, 2008

A COUNCIL RESOLUTION CONCERNING

**Joining the Baltimore City NAACP in a Request to the FBI
for a Formal Investigation of the Death of Isaiah Simmons, III**

FOR the purpose of joining the Baltimore City Branch of the NAACP and the family of Isaiah Simmons, III, in requesting the Baltimore Field Office of the Federal Bureau of Investigation (FBI) to undertake a formal inquiry into the death of Mr. Simmons and the disposition of the cases against the Bowling Brook Preparatory School personnel directly or indirectly responsible for his demise.

Recitals

On January 23, 2007, Isaiah Simmons, III, of East Baltimore, the 17 year-old-father of a baby girl, died at Bowling Brook Preparatory School, near Westminster in Carroll County. The 5-foot, 9-inch, 147 pound youth lost consciousness and died while being restrained by 5 grown men, for at least 3 hours. Official accounts of the incident state that the counselors at the privately run school for juvenile offenders then delayed administering CPR or summoning an ambulance for assistance for Isaiah for a full 41 minutes because they believed he was pretending to be asleep.

Isaiah's death brought to light other incidences of abuse at the facility that housed 170 juveniles. Four months prior to the death, Bowling Brook reported to the Department of Juvenile Services 22 incidents in which staff used physical force to restrain a student, and shortly before that the school's nurse told the Department that she was concerned about the safety of the student population after another youth was sent to the emergency room after being badly bruised and scraped while being restrained by staff.

Following criticism by the Governor and pressure from the State, officials at Bowling Brook Preparatory School closed the 50-year-old reformatory in March 2007, and, in April of the same year, a Carroll County grand jury indicted 5 of the 6 former counselors on charges stemming from the death of the East Baltimore teenager. Each was charged with a single count of reckless endangerment for waiting 41 minutes to summon medical aide, a misdemeanor charge that could result in a penalty of up to 5 years in prison and a \$5,000 fine.

On January 23, 2008, the one-year anniversary of his death, dozens of Isaiah Simmons' family and friends gathered in front of the Carroll County District Court building in Westminster

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 to honor his memory and call for justice. Ironically, 2 days later, Carroll County prosecutors
2 dropped charges against 1 of the counselors indicted in the East Baltimore teen's death. Six days
3 later, a judge dismissed charges against 5 counselors, ruling that although they are accused of
4 waiting 41 minutes to call 911, reckless endangerment charges should be dismissed because that
5 law applies to acts, not failure to take action.

6 The Baltimore Branch of the NAACP has demanded that the federal government bring civil
7 rights charges against the Bowling Brook counselors who for 41 minutes failed to provide Isaiah
8 Simmons the medical attention he needed to save his life. The Baltimore City Council joins the
9 NAACP in urging further action by the federal government to assure that those who failed to
10 protect the youth trusted to their care are appropriately adjudicated.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this Body
12 joins the Baltimore City Branch of the NAACP and the family of Isaiah Simmons, III, in
13 requesting the Baltimore Field Office of the Federal Bureau of Investigation (FBI) to undertake a
14 formal inquiry into the death of Mr. Simmons and the disposition of the cases against the Bowling
15 Brook Preparatory School personnel directly or indirectly responsible for his demise.

16 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the family of Isaiah
17 Simmons, III; the Mayor; the President; the Baltimore Branch NAACP; the Special Agent in
18 Charge, Baltimore Field Office of the Federal Bureau of Investigation; and the Mayor's
19 Legislative Liaison to the City Council.