

CITY OF NEW YORK
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Report of the Special Commissioner for Fiscal Year 2003

RICHARD J. CONDON, Special Commissioner of Investigation for the New York City School District (SCI), announced today that the number of investigations and arrests involving employees working within the NYC Department of Education (DOE) for fiscal year 2003 have increased compared to the previous fiscal year, despite a slight decline in the number of complaints received by the office.

In fiscal year 2003, SCI opened 425 investigations, nearly a 70% increase over the 252 investigations opened in the previous fiscal year. At the same time, SCI closed 376 cases and referred its findings and recommendations to DOE Chancellor Joel Klein. SCI recommended that 76 employees be terminated and that other disciplinary action be taken against more than 120 additional employees.

SCI arrested 35 individuals in fiscal year 2003 as compared to the previous fiscal year when 21 people were arrested. The crimes committed ranged from forgery and grand larceny to sodomy and rape. While most of the individuals were arrested for stealing money from the DOE, 6 of the 35 were arrested for committing sexual crimes which involved schoolchildren. In one recent case, on June 11, 2003, SCI investigators arrested paraprofessional Christopher Fisher for the rape and sodomy of a 13-year-old female student. On June 20, 2003, Fisher pleaded guilty to those charges and was sentenced to 6 months in jail, probation for a period of 10 years, and registration as a sex offender for a period of 10 years.

While the number of investigations opened increased during fiscal year 2003, the number of complaints involving sexual misconduct against DOE employees remained at 25%, the same level as fiscal year 2002. Sexual allegations include criminal acts, inappropriate relationships with students who have reached the age of consent, and physical and verbal harassment of a sexual nature.

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Through the New York City Department of Investigation, SCI acts as the investigative arm of the New York City Conflicts of Interest Board (“COIB”) when DOE employees are alleged to have violated the conflicts of interest rules in Chapter 68 of the New York City Charter. These matters are by law confidential unless made public for some intervening reason, such as a stipulation of settlement. Three such instances occurred during fiscal year 2003. In the first, the COIB and the DOE concluded a three-way settlement of a case involving a teacher who was involved in the hiring of and payment to her husband’s company to perform services at her school. She paid a total of \$7,500 in fines. In another case, the COIB settled a matter involving a member of a Community School Board in Brooklyn who testified at an administrative hearing in her official capacity on behalf of her sister, an interim acting assistant principal in the same district, without disclosing their family connection. The school board member paid a fine of \$1,500. In the third, the COIB and the DOE concluded a three-way settlement in a case involving an assistant architect in the Division of School Facilities, who had a private firm and conducted business on behalf of private interests, for compensation, before the City’s Department of Buildings on City time. He paid a total of \$3,500 in fines.

During fiscal year 2003, we made a number of reports to Chancellor Klein about recurring problems in the school system. As a result, we recommended changes to the method used to disburse Title I funds, changes to the procedures followed when a DOE employee is arrested, suggestions for a reference guide to reporting requirements, and a review of fire safety systems. On occasion, our reports involving misconduct by individual employees also included proposals for systemic change. For example, our long-term skilled trades employees investigation and a number of separate investigations into false documents submitted by employees to excuse absences from work revealed recurring problems that we pointed out to the Chancellor. In another case, involving a student teacher, we recommended that a more stringent background check be adopted. Moreover, as a result of our arrest of 19 custodians and a vendor, we once again called for an overhaul of the custodial system, in particular, with regard to procurement. The DOE has implemented a number of changes based on our recommendations.

“We are committed to the pursuit of all types of misconduct occurring within the New York City school system. A safe environment for children is of paramount concern, while uncovering and eliminating the loss or theft of public resources also remains a dominant goal of the office,” said Commissioner Condon.

Two events took place in fiscal year 2002 that affected the work of the office. Immediately following the World Trade Center tragedy on 9/11/2001, SCI, which is located in downtown Manhattan, was closed for 10 days. Then, in January 2002, former Special Commissioner Ed Stancik became seriously ill and never returned to the office prior to his death in March of that year.

Commissioner Condon was appointed on July 1, 2002, by Mayor Michael Bloomberg and DOI Commissioner Rose Gill Hearn to replace Commissioner Stancik. Commissioner Condon has held a number of positions in government, including New York City Police Commissioner and New York State Commissioner of Criminal Justice. Most recently, he served as one of the Police Commissioner’s representatives on the Civilian Complaint Review Board.

The Office of the Special Commissioner of Investigation for the New York City School District is part of the New York City Department of Investigation.

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