

SPECIAL COMMISSIONER OF INVESTIGATION  
FOR THE NEW YORK CITY SCHOOL DISTRICT

**ED STANCIK**  
Special Commissioner

**AN INVESTIGATION INTO  
ALLEGATIONS OF MISCONDUCT  
WITHIN THE DIVISION OF SCHOOL SAFETY**

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April, 1993

## INTRODUCTION

This Office received the following three allegations regarding employees of the Division of School Safety. Various sources reported to us that three School Safety Officers assigned to the Manhattan Mobile Task Force were improperly removed from the Task Force for expressing an interest in a meeting being held by a "rival union." The Office of Andrew Stein, President of the City Council, alleged that Supervisors used Division of School Safety vehicles and personnel to conduct personal business. The area manager for WIZ Distributors, Inc. alleged that four School Safety Officers assigned to the Scanning Team assaulted a security guard employed by the WIZ.

## SUMMARY OF FINDINGS

The investigation substantiated the allegation that the three School Safety Officers were unjustly removed from the Task Force for expressing an interest in a meeting being held by a "rival union." It also confirmed that the Manhattan Borough Coordinator used Division of School Safety vehicles and personnel to conduct her personal business. The investigation also revealed that four School Safety Officers were involved in a fight with personnel from the WIZ, and that they failed to report the incident to their superiors or to the Police.

DIVISION OF SCHOOL SAFETY, LOCAL  
237, AND THE "RIVAL UNION"

### Background

The Mobile Task Force (Task Force) is composed of School Safety Officers (SSO) who are not assigned to one particular school. They patrol the borough to which they are assigned in Division of School Safety (DSS) vans. They respond to emergencies and perform special assignments, as well as filling in for absent Officers. The annual base salary for a Task Force Officer is approximately \$1,000 more than that of the regular School Safety Officer.<sup>1</sup> Assignment to the Mobile Task Force is considered by

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<sup>1</sup> The School Safety Officers we interviewed indicated that there were more overtime assignments associated with the Task Force. This is true because the Task Force is asked to work special functions and because when an arrest is necessary, a Task Force member often makes it. The Supervisors we interviewed disputed that notion, however, and indicated that overtime availability is the same for all School Safety Officers.

some to be a promotion and it is uniformly described as an "elite" group of School Safety Officers.<sup>2</sup> All School Safety Officers are represented by Teamsters Local 237 (the union).

### The Facts

In December 1991, Angelico Hernandez, Ramon Galarza and Arnaldo Bernabe were members of the Mobile Task Force in Manhattan.<sup>3</sup> On or about December 6, 1991, Galarza and Bernabe were in a DSS van on the West side of Manhattan dropping off fill-in Officers.<sup>4</sup> The driver, Officer Bernabe, stopped for a red light in the area of 72nd Street and West End Avenue. An unknown man who was crossing the street approached the van and handed Bernabe a flyer.<sup>5</sup> The light changed and Bernabe passed the flyer to SSO Julius Freeman. The flyer then circulated through the other officers in the van, including Galarza. There was a discussion about the flyer which had the heading POLICE BENEVOLENT ASSOCIATION.<sup>6</sup> The flyer was an invitation to attend a meeting at Martin Luther King High School at 6:00PM on December 12, 1991, to discuss the failed "promises" of Local 237. The flyer remained in the van for the remainder of the day.<sup>7</sup>

The following day there was a meeting of SSO Group Leaders at the Manhattan Borough Office.<sup>8</sup> That office is also the headquarters of the Manhattan Mobile Task Force. Someone had

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<sup>2</sup> To be assigned to the Mobile Task Force a School Safety Officer must have good attendance, be interviewed, be given a recommendation, and receive final approval from the Director of School Safety.

<sup>3</sup> Hernandez had been on the Task Force for approximately six years; Galarza for approximately three; and Bernabe approximately two and one-half.

<sup>4</sup> When a School Safety Officer will be absent from his usual command, a "fill-in" officer is assigned.

<sup>5</sup> A copy of this flyer is attached hereto as exhibit #1.

<sup>6</sup> The officers noted the name of the organization and there was a discussion that it sounded prestigious. The flyer mentioned "firearms" which interested the officers because they hope someday to be able to carry firearms to aid in responding to emergency situations. Comments were made that the picture which was drawn on the flyer was supposed to be Frank Scarpinato Sr., the Secretary Treasurer of the City Division of Local 237.

<sup>7</sup> It is not clear who took control of the flyer after that.

<sup>8</sup> Group Leaders are supervisory School Safety Officers. They are something like a sergeant in the New York City Police Department.

made copies of the flyer and a pile was left on a desk for anyone who was interested. One was also placed above the timeclock.<sup>9</sup> The various School Safety Officers, Mobile Task Force and Group Leaders, discussed the flyer. Hernandez, Galarza and Bernabe admit that they openly expressed an interest in going to the meeting announced by the flyer. Other Officers also expressed an interest in the flyer, while some thought it might cause trouble to attend the meeting.

SSO Fanny Love, a grievance delegate for Local 237, was given a copy of the flyer by SSO Freeman the previous evening. She called the union and learned that Local 237 was not associated with the flyer. On the morning of the Group Leaders meeting, SSO Love announced that it was not a meeting of their union and in her opinion it would be trouble to attend the meeting. She recalled her exact words to be, "We don't need the trouble because we need our jobs."

Later that morning, SSO Love noticed a copy of the flyer above the timeclock. She made a remark to herself, but out loud, which drew the attention of Suzanne Federman, the Manhattan Borough Coordinator. The flyer was ripped off the wall.<sup>10</sup>

Within the next few days, Ms. Federman received a visit from Joseph Capalbo, who was then Chief of Operations at DSS.<sup>11</sup> Mr. Capalbo notified Ms. Federman that some of her Task Force Officers had made copies of the flyer on the borough copy machine, and he asked her to look into it. At about the same time, Ms. Federman also received a telephone call from Arthur Illery, a representative of the International Brotherhood of Teamsters Local 237.<sup>12</sup> Mr. Illery wanted to know if she was

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<sup>9</sup> We were not able to determine who made the copies. Hernandez, Galarza and Bernabe each denied photocopying the flyer. Suzanne Federman was told that one of them had done it, but not which one. She also did not know who had witnessed the copying. Indeed, we did not locate anyone who actually observed the photocopying of the flyer.

<sup>10</sup> Both SSO Love and Ms. Federman admitted ripping the flyer off the wall.

<sup>11</sup> Mr. Capalbo resigned from his position for integrity violations as a result of findings of improprieties by this Office. See Private Interest Over Public Trust: An Investigation Into Certain Improprieties By The Leadership At The Division Of School Safety, July 1992.

<sup>12</sup> Ms. Federman recalled that it was Mr. Illery who contacted her, in part because she always dealt with Illery. Fanny Love recalls that Mr. Illery was not at work during that period of time. There is no doubt, however, that someone from

aware that this was going on and what she was doing about it.<sup>13</sup>

Prior to the "rival union" meeting of December 12, 1991, the Chancellor spoke to a group of Superintendents and Principals at Martin Luther King High School. The Mobile Task Force was assigned to provide security. Fanny Love reported that on that day, Local 237 telephoned Bruce Irushalmi, then Executive Director of School Safety,<sup>14</sup> and asked that SSO Love be relieved of her usual evening duties so that she could accompany Mr. Gutierrez, an official of Local 237, to Martin Luther King that night. Ms. Love was informed that Mr. Irushalmi granted the request. SSO Love testified that the purpose of the visit by Mr. Gutierrez was to devise a way to enter Martin Luther King surreptitiously on the 12th and to locate a spot from which to secretly monitor the "rival" meeting.<sup>15</sup> Members of the Task Force observed SSO Love with Mr. Gutierrez. SSO Galarza believes SSO Love pointed him out to the union official and that Mr. Gutierrez saw Galarza with copies of the flyers.<sup>16</sup>

#### Angelico Hernandez

About the same time, Ms. Federman received a telephone call from Mr. Irushalmi. He wanted to know about the work performance of Hernandez, Galarza and Bernabe. He told her that these Officers had been using her office equipment and distributing pamphlets. Ms. Federman did not know how Mr. Irushalmi knew this, nor was she told exactly who did what. Indeed, Ms. Federman could not name anyone who actually saw the alleged photocopying of the flyer. Ms. Federman gave her evaluation of the Officers and Mr. Irushalmi told her to remove Angelico Hernandez from the Task Force. Shortly thereafter, on December 10, 1991, Hernandez was deleted from the Task Force.<sup>17</sup> Without

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the union called Federman.

<sup>13</sup> Ms. Federman did not know how Capalbo and Illery knew about the flyer or the copying of it.

<sup>14</sup> Bruce Irushalmi resigned his position as Executive Director of DSS as a result of integrity violations uncovered by an investigation conducted by this Office. See Private Interest Over Public Trust: An Investigation Into Certain Improprieties By The Leadership At The Division Of School Safety, July 1992.

<sup>15</sup> Mr. Gutierrez was not able to activate his plan because the security at Martin Luther King High School prevented it.

<sup>16</sup> Fanny Love acknowledged that she saw Galarza that night, but insisted that she did not "point him out." Galarza had copies of the flyer with him in his car.

<sup>17</sup> This was approximately four days after the flyer was handed to Bernabe. The stated reason was "unsatisfactory performance." His evaluations, however, do not reflect an

explanation, SSO Hernandez was told to "turn in his radio." Ms. Federman testified that no reason was needed because the Task Force members "serve at the discretion of the Director."

### Ramon Galarza

Everyone we interviewed agreed that Ramon Galarza is a good SSO and a good person. His evaluations have always been satisfactory or above. He has also received an award for excellence. On January 9, 1992, SSO Galarza resigned from the Task Force. Division of School Safety Officials maintain that this resignation was voluntary. Indeed, Ms. Federman testified that she tried to change his mind.<sup>18</sup> Ramon Galarza, however, insists that it was involuntary.<sup>19</sup>

SSO Galarza reported to us that Ms. Federman suggested to Galarza that it would be better for him to resign because he was going to be taken off. Ms. Federman denied this allegation and maintained that Galarza approached her about resigning. Galarza told us, however, that Federman sent the Deputy Borough Coordinator, Keith Cottman, to tell Galarza that she was getting a lot of "heat" from "downtown" to get the resignation. Keith Cottman admitted speaking with Galarza, but denied making that statement. Suzanne Federman denied sending Cottman to make the statement. Both Cottman and Federman agreed, however, that the term "downtown" meant Irushalmi.

Galarza went to see Federman. Federman told Galarza that Irushalmi wanted the resignation. Galarza wanted to know where he would be assigned if he resigned. He asked if he could be placed at George Washington High School where he has a night position. Federman said she would look into it. Later in the day, Federman told Galarza that he could have the George Washington assignment and asked for his resignation. When Galarza hesitated, Federman said he should resign because if she took him off he would be sent wherever she wanted. Galarza then tendered his resignation, and was assigned to George Washington

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unsatisfactory rating.

<sup>18</sup> Ms. Federman stated that, some time after Hernandez was removed from the Task Force, Galarza came to her and said that he had been thinking about it and he thought it would be best if he went to a school assignment. Ms. Federman said he would still get overtime at a school, but she could not explain why he would give up one thousand dollars per year.

<sup>19</sup> It was obviously more convenient for Irushalmi if Galarza resigned. Removal of such a respected Officer might be questioned.

High School.<sup>20</sup>

Arnaldo Bernabe

Now that two School Safety Officers who had shown an interest in the meeting of the "rival union" were gone from the Task Force, Bernabe expected to be next. On January 17, 1992, SSO Bernabe was called into Ms. Federman's office and was removed from the Task Force.<sup>21</sup> Bernabe wanted to know why this was happening and he was told that he served at the discretion of the Director and Mr. Irushalmi did not have to give him a reason. He asked SSO Alfred Brown, the union delegate who was present, if the union could help him. He was told that the union could not do anything until after he was removed.<sup>22</sup> Bernabe signed his removal papers "under protest."<sup>23</sup> The reason stated on the removal paper is "as per your request." The request, of course, was by Bruce Irushalmi.<sup>24</sup>

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<sup>20</sup> Before his resignation was accepted, Ms. Federman insisted on wording it a certain way. Ms. Federman could not remember doing this, although she did say that she has helped with resignation papers in the past so that the request would be looked upon favorably. Ms. Federman refused to acknowledge that it was ludicrous to suggest that Bruce Irushalmi would refuse to accept Galarza's resignation after he had told her to obtain it.

<sup>21</sup> SSO Bernabe, on his own initiative, wore a recording device during his removal from the Task Force. The resulting tape corroborates the facts related here.

<sup>22</sup> In fact, the union would not do anything then either. Bernabe tried writing to the union and calling them, but he was told that since he had resigned the union could not do anything. Bernabe, of course, had not resigned.

<sup>23</sup> Irushalmi had signed off on Bernabe's removal papers on the 9th, but Federman did not call Bernabe in until the 17th.

<sup>24</sup> On internal memos, Ms. Federman has written that Bernabe was removed for unsatisfactory performance. In her opinion, his performance has vacillated between needing improvement and satisfactory. She continued to stand by this opinion even when confronted by the December 1991, evaluation of Bernabe by Keith Cottman which found Bernabe to be satisfactory or above. She also noted a recent letter of reprimand by Keith Cottman. On December 16, 1991, the van Bernabe was driving was almost out of gas and he radioed in for permission to go to the Bronx to fill up. Bernabe says Mr. Cottman gave that permission. Cottman says he told Bernabe to come into the base, and that Bernabe disobeyed an order by proceeding to the Bronx. Despite this episode, however, Keith Cottman gave Bernabe the above average evaluation on December 19, 1991, and never mentioned the gas incident three days earlier. The memo regarding the incident was not placed in

## CONCLUSIONS AND RECOMMENDATIONS

It is highly unusual for an Officer to be removed from the Task Force. It is just as unusual for an Officer to resign from the Task Force as DSS claims Galarza did. Both Suzanne Federman and Fanny Love had difficulty remembering the last time either had occurred. Three Officers being removed within one month is not only unusual, it is suspicious. This is especially true when the three Officers who were removed are the same officers who showed an interest in the meeting of the "rival union." Although Suzanne Federman stated that it was Mr. Irushalmi's decision to remove the Officers, she could not, or would not, say it was because the union was involved.<sup>25</sup> She insisted that one of the Officers had used her copy machine without permission, even though she was unaware of even the most basic facts supporting this allegation: who did the improper photocopying, what proof exists that such an act occurred, and what was photocopied.<sup>26</sup> In contrast, School Safety Officers Hernandez, Galarza and Bernabe were open and sincere during their testimony before this Office. SSO Love, as well, very candidly reported that Ms. Federman told her that the three Officers were removed because Mr. Irushalmi had been contacted by Local 237.<sup>27</sup> The obvious conclusion is that the union was upset because there was an interest in the flyer of the "rival union."<sup>28</sup>

We recommend that School Safety Officers Angelico Hernandez

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Bernabe's file until January 6, 1992.

<sup>25</sup> Keith Cottman, a DSS supervisor, said that in his opinion Hernandez, Galarza, and Bernabe were unfairly and unjustifiably removed from the task force. He also indicated that Bernabe was not removed because of the gas incident and that as far as he knew the three were removed, not because of their performance, but because of the flyer.

<sup>26</sup> Again, she does not know which officer did the copying. It has always been a rule that the copy machine is not to be used for personal business. Although Ms. Federman stated that it was also a rule that nothing could be placed above the timeclock without her permission, Fanny Love informed us that this is a new rule which was promulgated as a result of this case.

<sup>27</sup> Fanny Love also indicated that in her opinion Hernandez, Galarza, and Bernabe were not treated fairly. She thought that, at least, they should have been given a hearing.

<sup>28</sup> One reason Mr. Gutierrez wanted to secretly view the December 12, 1991 meeting was that the union believed the flyer was being distributed by individuals within Local 237.



Ramon Galarza and Arnaldo Bernabe<sup>29</sup> be given the option of returning to the Manhattan Mobile Task Force and that any harm that may have resulted from their wrongful removal be rectified.

#### SUPERVISORS CONDUCT PERSONAL BUSINESS WITH THE HELP OF DSS

##### Background

A number of allegations involving DSS supervisory personnel were reported to this Office.<sup>30</sup> Three of the allegations involved Suzanne Federman, the Manhattan Borough Coordinator. It was reported that Ms. Federman ordered a School Safety Officer to go to Port Authority to pick up a family member; she told a School Safety Officer to go to United Parcel and drop off packages addressed to her child; and she ordered a School Safety Officer to stop at a shoe repair store, despite the fact that they were on route to an incident in progress. A fourth allegation stated that a School Safety Officer was forced to drive a supervisor to the bank. All the tasks took place in Division of School Safety vehicles.<sup>31</sup>

##### The Facts

Ms. Federman addressed each of these allegations in testimony given before this Office. Ms. Federman has a son who goes to school in Virginia. He arrived in New York unexpectedly and called her to be picked up. She was involved in some matter and could not leave the borough office. She directed the borough

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<sup>29</sup> We note that Arnaldo Bernabe has resigned from the Division of School Safety and has taken a position outside the Board of Education, although he continues to be member of Local 237.

<sup>30</sup> These allegations also appeared in the New York Daily News on March 5, 1992. The story was also reported by some of the local New York City television stations.

<sup>31</sup> It was also alleged that School Safety Officers were discouraged from making arrests so that their schools would not get a bad reputation. This allegation was not substantiated. It was further alleged that a supervisor and a principal had ordered a School Safety Officer to remove handcuffs from an intoxicated intruder. A youth had come into George Washington High School and he was drunk. It was determined that he should not be arrested. Ms. Federman explained that the main purpose of DSS is not to arrest everyone who does something wrong, rather, as a practical matter, School Safety tries to "move things along" so that the incident does not necessarily result in an arrest.

driver, SSO Hernandez, to pick him up at Penn Station<sup>32</sup> and bring him back to the borough office.<sup>33</sup>

On another occasion, on the way to a routine school visit, Ms. Federman made a stop at the United Parcel on West 47th Street. Again Hernandez was the borough driver. At United Parcel, Ms. Federman mailed a package to her daughter. She insists that she conducted this business herself while Hernandez waited in the vehicle. Ms. Federman judges that this errand took about ten minutes.

While on the way to a meeting with the Principal and faculty at Washington Irving High School,<sup>34</sup> Ms. Federman broke the heel on her shoe. Before going to the meeting, Ms. Federman stopped at a shoe repair store across the street from the school to get it fixed.<sup>35</sup>

On August 21, 1991, Ms. Federman directed office personnel and a probationary Supervisor to pick up the administrative payroll at 65 Court Street. SSO Hernandez was assigned to drive these individuals in a borough vehicle. Although not authorized to do so, the probationary Supervisor Patrice Jean-Baptiste ordered Hernandez to drive her to a bank on 14th Street. While SSO Jean-Baptiste was inside the bank, a truck side-swiped the borough vehicle, damaging the side mirror. Jean-Baptiste then instructed the individuals in the vehicle to tell Ms. Federman that Jean-Baptiste had taken ill and that they needed to make an emergency stop for a cup of tea. Jean-Baptiste and Hernandez told Federman that story, however the other individuals in the vehicle told her the truth. Hernandez was removed as a borough driver and Jean-Baptiste received a letter of reprimand.

An internal memo to Bruce Irushalmi<sup>36</sup> from Suzanne Federman also addressed these allegations. She reported her explanations

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<sup>32</sup> Not Port Authority as had been alleged.

<sup>33</sup> Ms. Federman explained that ordinarily her husband would pick her son up, however he was not feeling well at that time, and additionally, her son arrived unexpectedly. She recalls the entire trip taking about thirty minutes. She said she asked Hernandez to do her "a favor" and pick him up. She admitted that if she had it to do over she would not send Hernandez.

<sup>34</sup> Ms. Federman insists that there was no "incident in progress."

<sup>35</sup> Again the driver was Hernandez. According to Ms. Federman, she waited while her heel was fixed and walked across the street to the meeting.

<sup>36</sup> A copy of this memorandum was sent to this Office by Mr. Irushalmi.

to this Office under oath.

## CONCLUSIONS AND RECOMMENDATIONS

Each of the allegations of DSS supervisory personnel using DSS vehicles to conduct personal business on DSS time was substantiated.

While we recognize that the incidents involving United Parcel and the shoe repair are minor, the use of a DSS employee and vehicle to pick up Ms. Federman's son was clearly improper. We thus recommend that Suzanne Federman be disciplined for using School Safety personnel to conduct her personal business. As noted above Jean-Baptiste has already received a letter of reprimand. Furthermore, as a result of the poor judgement shown by Ms. Federman regarding the substantiated allegations of this report, she should be re-evaluated as Manhattan Borough Coordinator.

## THE INCIDENT AT THE WIZ

### Background

Following an internal investigation, the area manager at WIZ Distributors, Inc., reported to this Office that four unknown School Safety Officers, in DSS uniforms, assaulted a security guard at a WIZ store located in the Bronx. The report also included the license plate number for the Board of Education Division of School Safety van in which the four fled. The allegation was also reported to the Police and to Henry Murphy, then Deputy Director of the Division of School Safety.<sup>37</sup> Mr. Murphy then conducted his own investigation for DSS. We were able to determine the identity of the four School Safety Officers as a result of the license plate information.

### The Facts

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<sup>37</sup> Mr. Murphy also resigned as a result of the investigation conducted by this Office into integrity violations within DSS. See Private Interest Over Public Trust: An Investigation Into Certain Improprieties By The Leadership At The Division Of School Safety, July 1992.

SSO William Lance is a Group Leader assigned to the Central School Safety Team. On December 19, 1991, SSO Lance, accompanied by Officers Richard Noel, Bruce Campbell and Sherlenne Shaw, left Evander Childs High School in a marked Board of Education van.<sup>38</sup>

They cashed their paychecks and proceeded in the van to the WIZ store located at 2228 Bartow Avenue in the Bronx. SSO Lance and SSO Noel entered the WIZ while SSO Campbell and SSO Shaw went to get lunch.

Inside the store the Officers separated. SSO Lance spoke with a salesperson and attempted to obtain a "peace officer discount" on some Nintendo equipment. The discount was refused and SSO Lance moved on to another salesperson who wrote up a slip for his purchase. SSO Lance paid the amount on the slip and proceeded to the counter to pick up his merchandise. When he was leaving the store, SSO Lance was stopped by William Diaz, the WIZ security guard. Mr. Diaz checked the receipt tendered by SSO Lance against the merchandise he was taking from the store. Mr. Diaz discovered that the merchandise was more expensive than the item SSO Lance had paid for, and he informed SSO Lance that he would have to pay the difference or obtain a refund. A verbal argument ensued between Mr. Diaz and SSO Lance, but ultimately SSO Lance re-entered the store, returned the Nintendo equipment and obtained a refund.<sup>39</sup>

On his way out of the store, SSO Lance again exchanged words with Mr. Diaz. Lance spit on Diaz and Diaz responded by punching Lance. A pushing match ensued and it spilled out into the vestibule. WIZ personnel tried to break up the fight, but were unsuccessful. At that point, School Safety Officers Noel, Campbell and Shaw saw the commotion and went to the aid of SSO Lance. There was pushing and shoving by all of the participants until it became known that the police had been called. The School Safety Officers then entered the Board of Education van and returned to Evander Childs High School before the police arrived.<sup>40</sup>

The School Safety Officers did not report the incident to the Division of School Safety, nor did they contact the police.<sup>41</sup>

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<sup>38</sup> These officers were assigned to scanning duty, that is, checking for weapons with a metal detector. As such, they were not required to punch a time card and were permitted to use the van to go to the bank and to go to lunch.

<sup>39</sup> In the process he learned that the salesperson had written up the wrong item.

<sup>40</sup> SSO Lance denied that he heard the police were coming.

<sup>41</sup> The School Safety Officers said that they did not believe the incident was serious enough to report.

Officers from the 45th Police Precinct responded to the WIZ, but did not take a report.<sup>42</sup> On December 23, 1991, however, an assault complaint was made by WIZ personnel against SSO Lance and a detective was assigned. This Office and the Division of School Safety were also notified.<sup>43</sup> At this point, it was not known which officers were involved in the altercation.

A WIZ employee, though, had noted the license plate on the Board of Education van, and it was traced back to the School Safety Officers named here. Although these officers admitted being present during the altercation,<sup>44</sup> the 45th Detective Squad closed its investigation in March, 1992, because Mr. Diaz was unable to identify the School Safety Officers involved.<sup>45</sup>

### CONCLUSIONS AND RECOMMENDATIONS

The WIZ investigation claims that the School Safety Officers are at fault. The DSS investigation blames the WIZ. However, certain facts are indisputable. None of the School Safety Officers involved waited for the police to arrive, none reported the incident to the police on their own, and none reported it to a DSS supervisor.

We recommend that SSO Lance be disciplined for engaging in unprofessional conduct while in a Board of Education, Division of School Safety uniform. We further recommend that SSO Lance, SSO Campbell and SSO Shaw be disciplined for failing to report the altercation at the WIZ store to the Division of School Safety. Richard Noel was terminated in January 1992, for an unsatisfactory evaluation while on probation.<sup>46</sup>

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<sup>42</sup> These Officers told Diaz and his supervisors that if he wanted to make a complaint, he could swear out a summons in court.

<sup>43</sup> Henry Murphy, then the Deputy Executive Director of DSS, conducted an investigation, but deferred administrative action pending the outcome of the investigations by this office and the police department.

<sup>44</sup> The Officers spoke to Henry Murphy and to investigators from this Office. They admitted being present at the WIZ, but denied assaulting Diaz. They did admit that a melee broke out, but contended that it was the fault of Diaz.

<sup>45</sup> SSO Lance was identified as being hit by Diaz; Campbell and Noel were identified as being present, but not involved in the altercation; Shaw was not identified.

<sup>46</sup> We note that as a result of the prior report issued by

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this Office, Bruce Irushalmi, Henry Murphy and Joseph Capalbo all resigned from the Division of School Safety. A Panel was named by the Chancellor to review the policies of DSS. This Office met with that Panel. A report has been issued to the Chancellor by the Panel. The Report recommends changes at DSS which should result in a more organized and Police-like agency.