

April 24, 2008

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Colin Leahy
SCI Case #2007-4190

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Colin Leahy, a 23-year-old school volunteer at PS 236 in Brooklyn, had an inappropriate relationship with a 12-year-old male student ("Student A").¹ Specifically, Leahy wrote text messages to Student A which were sexual in nature and made the boy feel uncomfortable. In addition, this office has substantiated that Leahy made comments that were sexually inappropriate to a 10-year-old male student ("Student B") and also that Leahy took Student B and another 10-year-old male student ("Student C") to the movies.²

This investigation began on November 5, 2007, when Principal Mary Barton contacted the Office of the Special Commissioner of Investigation ("SCI") and reported that Student A's mother ("Mother A") had raised concerns over inappropriate text messages that Leahy sent to her son. Specifically, Barton reported that Mother A stated that Leahy had written a text which asked Student A "which way do you go?"

SCI investigators spoke with Barton who said that Mother A met with Assistant Principal Joni Southard on November 5, 2007, and stated that Leahy had sent text messages to Student A's cell phone.³ Specifically, Mother A reported that there were approximately 30 text messages, some which included questions that were sexual in nature, posed to her son. Barton added that Mother A gave Southard Student A's cell phone for examination. According to Barton, Southard reviewed some of the text messages and learned that Student B and Student C, who currently attended PS 236, were mentioned. Barton explained that

¹ Although Leahy is no longer eligible to volunteer at PS 236, he has not been placed on the ineligible list. Leahy volunteered through the Learning Leader Center. Student A has since turned 13-years-old.

² Student B has since turned 11-years-old.

³ Barton explained that Student A graduated from PS 236 two years ago.

Leahy volunteered at her school through an organization entitled Learning Leader Center, adding that he had volunteered only 5 or 6 times at the school.⁴

Southard confirmed that she had been approached by Mother A and shown a series of text messages which had been sent by Leahy to Student A's cell phone. Southard added that Mother A reported that Leahy had sent approximately 30 text messages on November 2, 2007. According to Southard, she reviewed some of the text messages and noticed that several of the messages mentioned that Leahy had taken Student B and Student C to the movies. In addition, Southard reported that one of the text messages mentioned Leahy taking the same two students to a Halloween celebration.⁵ Southard provided SCI investigators with Student A's cell phone, adding that Mother A had given permission for the phone to be examined. In addition, Southard told SCI investigators that she had observed two additional students ("Student D" and "Student E") frequently around Leahy in the cafeteria.⁶

SCI investigators spoke with Mother A who reported that on November 2, 2007, she was present when her son's cell phone received several text messages from Leahy and that she became suspicious when she observed her son erasing the messages.⁷ Mother A stated that she read several of the text messages from Leahy and learned that the volunteer was questioning Student A's sexuality. Specifically, Mother A reported that Leahy asked Student A whether he liked girls or boys and also indicated that it was "ok" if the student were gay. Mother A related that she took Student A's cell phone from him and she began answering the text messages as if she were her son. Mother A stated that she suspected that Leahy obtained her son's phone number when her son visited Student C's home in October 2007.

SCI investigators spoke with Student A who stated that he began receiving text messages from Leahy at the end of October 2007. However, Student A indicated that he had not given Leahy his phone number, but instead stated that while he was visiting Student C's home, Leahy gave Student A his own telephone number and asked the student to call the volunteer's cell phone. SCI investigators showed Student A the cell phone that had been provided to them by the assistant principal and he acknowledged that it was his phone. Student A also confirmed that the text messages saved on the cell phone had been sent by Leahy. In addition, Student A stated that the text messages sent by Leahy had upset him and made him feel uncomfortable. Specifically, Student A stated that Leahy had asked him in one text whether he had a girlfriend and in another asked whether he liked boys or girls. Student A said that he had never asked Leahy to text him. He added that he had never gone

⁴ According to Barton, Leahy had worked at PS 236 as a paraprofessional the previous year, but due to a lack of funding, he had not been rehired for the 2007-2008 school year.

⁵ Southard asserted that Leahy did not have permission from anyone at the school to take the students to the movies or to the Halloween celebration.

⁶ Student D, a 10-year-old male, told SCI investigators that he had seen Leahy at the Halloween celebration in October 2007, but that he had never seen Leahy act inappropriately. In addition, SCI investigators spoke with Student E, an 8-year-old male, who acknowledged that Leahy had tickled him on several occasions while in the cafeteria. Student E denied that Leahy had acted inappropriately toward him.

⁷ Mother A informed SCI investigators that she had purchased the cell phone for her son only a few days prior to November 2, 2007.

to a movie or to a restaurant with Leahy. Student A also denied that Leahy had done anything inappropriate toward him while he was at Student C's home.

SCI investigators spoke with Student B who acknowledged that in October 2007, Leahy took him and Student C to see a movie at a theater located in Sheepshead Bay, Brooklyn.⁸ Student B stated that he, Leahy, and Student C went to a Burger King and the Arch Diner, both located in Brooklyn. In addition, Student B stated that on November 3, 2007, Leahy took him to another movie along with Student C at a Kings Plaza theater in Brooklyn and again to a Burger King.⁹ According to Student B, Leahy paid for the movies as well as eating out for both him and Student C. Student B admitted that he attended a Halloween celebration in Brooklyn in October 2007, along with Leahy and Student C.¹⁰ Student B denied that Leahy had touched him inappropriately and said that Leahy had not made any inappropriate comments to him. Student B also denied having any telephone or Internet communication with Leahy.

Student C acknowledged that he went to a movie along with Student B and Leahy and then to a Burger King to eat afterward.¹¹ Student C also recalled going to a Halloween celebration along with Student B and Leahy. According to Student C, he had permission from his parents to go with Leahy to the movie and to the Halloween celebration.¹² Student C denied that Leahy had touched him inappropriately. In addition, Student C denied that Leahy had communicated with him by telephone or the Internet.

In an interview with investigators from this office, Colin Leahy admitted that he sent text messages to Student A's cell phone.¹³ Specifically, Leahy admitted that he asked Student A whether he had a girlfriend and also asked whether Student A liked boys. According to Leahy, he was asking Student A whether the student was "gay."¹⁴ Leahy also admitted that he was pressing Student A to tell him whether he liked boys or girls, explaining that he was interested in the student's choice, because he was "just curious."

⁸ Student B was interviewed on two occasions, the first being on November 6, 2007, and the second on November 15, 2007. Additionally, Student B stated that the movie was "The Night Before Christmas."

⁹ Student B indicated that they had seen "The Bee Movie."

¹⁰ In addition, Student B indicated that Leahy had met his mother that day and received permission to take him to the movie. SCI investigators confirmed with Student B's mother that she had given permission to Leahy to take her son to the movies as well as to attend the Halloween celebration.

¹¹ Student C was interviewed on two occasions, the first occurring on November 6, 2007, and the second on November 15, 2007.

¹² SCI investigators confirmed with Student C's mother that she had given her son permission to see a movie with Leahy as well as to attend the Halloween celebration. In addition, Student C's mother indicated that Leahy had come to their home to assist Student C with a speech he was writing.

¹³ Leahy voluntarily wrote a statement detailing his involvement with Student A, Student B, and Student C. SCI investigators showed Leahy a copy of the 29 printed text messages retrieved from Student A's cell, which he acknowledged sending. Additionally, Leahy denied that he had sent text messages to Student B or Student C.

¹⁴ Leahy admitted to SCI investigators that he had recently engaged in a homosexual experience with someone his own age.

Leahy admitted that he sent other text messages to Student A in addition to the 29 text messages retrieved from Student A's phone. Leahy acknowledged that some of the text messages he sent to Student A had been erased by the student and Leahy stated that he believed they had been erased because the boy's mother had caught him "texting" Leahy. When questioned as to the content of the other messages, Leahy stated that he had asked Student A what he wanted and that the boy responded, "candy and money." Leahy added that he then asked whether that was all the student wanted and then sent another text stating that he thought Student A would have asked for something nasty like wanting his "dick sucked" and money. However, Leahy quickly stated that he had been just "joking" with the student. Leahy denied touching Student A in an inappropriate manner.

Leahy acknowledged that he took Student B and Student C to the movies, a restaurant, and to the park, but added that he had the boys' parent's permission. Leahy admitted that he had spoken inappropriately with the two boys, stating that he had shown them a picture on his cell phone of a "Dancing with the Stars" contestant and asked whether they thought she looked good. He added that the three of them began discussing other well-known females who appeared on television and Leahy asked both Student B and Student C whether they would let the girls "suck their dick" and then told them he was only joking when both responded "no."

Finally, Leahy denied ever touching Student B and Student C in an inappropriate manner. However, Leahy then stated that one of the days when he took the students to a movie, he wrestled with Student B in the lobby of the movie theater and attempted to lightly punch the boy in the stomach, but accidentally struck him between his legs.¹⁵ Leahy asserted that they were simply being playful.

SCI investigators re-interviewed Student B to answer several outstanding questions raised by Leahy's interview. Student B acknowledged that while at the theater to see "The Night Before Christmas," he and Leahy were playing around and that Leahy punched him between his legs. The boy added that Leahy had not hurt him and Student B denied that Leahy had grabbed or touched his private parts.

Student B also admitted that Leahy had shown him a picture on his cell phone of a girl from "Dancing with the Stars" and that they had talked about other girls who appeared on television. Student B admitted that Leahy spoke about the boy receiving oral sex from the girls being discussed.¹⁶ Student B also stated that Leahy had asked the boy whether Leahy could perform oral sex on him. Student B could not recall whether Student C had been present during this discussion with Leahy.

SCI investigators also re-interviewed Student C regarding the questions raised by Leahy's interview. Student C acknowledged that Leahy had punched Student B between the legs when the two had been playing around prior to seeing the movie. Student C denied being present when Leahy and Student B were discussing girls or oral sex.

¹⁵ Leahy stated that this incident occurred when he took the students to see "The Night Before Christmas."

¹⁶ The assigned investigator had to define oral sex before Student B could answer this question.

SCI investigators reviewed Student A's cell phone which revealed 29 text messages received on November 2, 2007. In addition, SCI investigators subpoenaed Leahy's telephone records. A review of those records revealed that in addition to the 29 text messages sent on November 2, 2007, Leahy also sent 91 additional text messages to Student A's cell phone between October and November 2007.

Leahy's behavior has clearly shown that he has no place within the public schools and it is the recommendation of this office that he be denied employment with the Department of Education, that Leahy be placed on the ineligible list, and that this matter be considered should he apply for any type of position in a New York City public school or in one of its facilities in the future.

We have referred our findings to Kings County District Attorney Charles J. Hynes for whatever action he deems appropriate

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. Should you have any inquires regarding the above, please contact Special Counsel Christina Creek Laslo, the attorney assigned to the case. She can be reached at (212) 510-1454. Please notify Ms. Laslo within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated concerning Colin Leahy. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By: _____

Regina A. Loughran
First Deputy Commissioner

RJC:RAL:CCL:lm

c: Michael Best, Esq.
Theresa Europe, Esq.