

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

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SPECIAL COMMISSIONER

**TREATING THE VICTIM AS THE ACCUSED:
INTERIM ACTING PRINCIPAL JEWEL MOOLENAAR'S
SERIOUS MISHANDLING OF THE COMPLAINT
OF A SEXUALLY ABUSED CHILD AT CS 129X**

SEPTEMBER 1992

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ALLEGATIONS

On March 26, 1991 Jose Cruz, a custodial cleaner at CS 129 in the Bronx, was arrested for raping an eight year old girl in the school auditorium. In the course of their investigation of the crime, the police informed this Office that Ms. Jewel Moolenaar, the interim acting principal of CS 129, obstructed their investigation by conducting her own inquiry into the allegation and by alerting the custodial staff to the complaint before it had been reported to the police. The police and the girl's mother additionally alleged that Moolenaar interrogated the victim in a grossly insensitive manner, intimidating and further traumatizing her.

FINDINGS

The investigation confirmed the allegations. Ms. Moolenaar conducted her own investigation of the allegation without reporting it to the police or this Office, contrary to a Chancellor's Directive requiring all Board of Education employees to notify this Office immediately of any allegations of sexual misconduct and prohibiting them from conducting their own investigations. Also before the case had been reported to the authorities, Moolenaar alerted the custodian to the allegation, who as a result informed his entire staff including the rape suspect.

It was also confirmed that Moolenaar was shockingly abusive to the victim. In an effort to bury the complaint, Moolenaar geared her entire "investigation" towards trying to show that the eight year old girl was lying -- all without any apparent concern for the trauma she had suffered. Specifically, at a meeting in her office, Moolenaar interrogated the victim in front of her parents and the assistant principal. She also called in three additional school employees at different times to try to discredit the child and show that she was a bad student. In front of everybody at the meeting, she scolded and accused the victim of lying. Her tone was angry and loud. The child was upset and crying. Moolenaar also forced the child, who was clearly scared and unwilling to respond, to answer confusing questions about her abuser's skin color. Just as appalling, she then attempted to arrange a "lineup" at which the child would be obliged to confront her attacker in person. Towards the end of the meeting, Moolenaar even tried to intimidate the child's parents by threatening to make a permanent record of the allegation that would follow her forever and to force the girl to repeat the third grade.

I BACKGROUND: ARREST AND INVESTIGATION OF JOSE CRUZ

On March 24, 1992, an eight year old girl¹ and her parents reported to the police that she had been raped on numerous occasions by a custodial cleaner at CS 129 in the school auditorium. The child reported that on several mornings, the cleaner would come up to her while she was having breakfast in the school cafeteria and lure her into the school auditorium. There, in the back behind the curtains, he would rape her.

The following morning, the police alerted this Office to the rape complaint and began an investigation aided by this Office. A medical examination of the child confirmed that she had been sexually abused. The investigation resulted in the arrest of Jose Cruz, a custodial worker at CS 129, on March 26. Cruz was subsequently indicted on two counts of Rape in the First Degree and four counts of Sexual Abuse in the First Degree. He is currently awaiting trial.

This Office additionally uncovered that Cruz had been convicted of the same type of crime in 1987. He was adjudicated a Youthful Offender.

II MOOLENAAR CONDUCTS HER OWN INVESTIGATION

When the child and her mother went to the police, they also reported that, before going to the police, they had informed interim acting principal Jewel Moolenaar about the abuse and that she had brutally examined the child. To understand how Moolenaar handled the allegation, it is helpful to set it in the context of the events immediately preceding it.

Events Leading up to Moolenaar's Inquiry

As the victim reported to the police, in the early morning of Thursday, March 19, a custodial cleaner came up to her as she was having breakfast in the cafeteria at CS 129 and told her to go into the auditorium. The auditorium is shared by CS 129 and CS 234, two separate but connected schools, each of which has a separate entry into the auditorium.

As she told the police, the child did as the cleaner told her. Since the CS 129 entrance is always locked, she entered the auditorium through the open CS 234 entrance. In the back of the auditorium, on the stage hidden behind the curtains, Cruz sat her on the floor and pulled down her panties. He fondled her body and vagina and raped her.

After the rapist got up and left, the victim did not want to go back to school. As she told the police, she just wanted to leave the building and so went to look for a friend at CS 234.

¹The victim's name is not disclosed to protect her confidentiality.

Sometime later, the child was found, dazed, wandering the halls of CS 234.

The child was eventually brought back to the principal's office at her own school by Clara McFadden, an office aide at CS 234. To explain why she was not at school, the child made up an excuse that she had gone to CS 234 to take her little sister to the doctor, although she did not actually have a little sister. When asked where her mother could be reached, the girl said she lived in a shelter in Manhattan, although the family had just recently relocated.

Moolenaar scolded the girl and admitted being "very upset that a child would go next door and make up a story like this." She conceded raising her voice an "octave or two higher" than normal. Apparently, Moolenaar never considered that there could be other reasons for the child's making up excuses.

By all accounts, a few days later, Moolenaar contacted the girl's mother regarding her child's being late on March 19. The mother stated that later that day she asked her daughter why she had been late. The child started crying. She asked her to explain what was wrong but the girl was afraid to tell her.

The mother said that the following morning, after more coaxing and reassuring, the child finally told her what happened.

Crying, she told her that a man at school was doing nasty things to her and that she was afraid that she would get into trouble. She said a cleaner was having sex with her in the auditorium.

The Inquiry Itself

Later that same morning, March 24, 1992, the victim and her parents went to CS 129 to report the sexual abuse to Ms. Moolenaar. Upon learning of the allegation, Ms. Moolenaar, by her own admission, began her independent inquiry without contacting the police or this Office.

From about 10:45 a.m. until around 12:00 p.m. Moolenaar interrogated the girl at a meeting in her office in front of her parents and the assistant principal of CS 129, Raymond Good. At different points in the meeting Moolenaar additionally called in three school employees, Clara McFadden, an office aide from CS 234; Ola White, the child's home-room teacher; and Milly Lopez, a school aide at CS 129.

Moolenaar documented the fact that she conducted the investigation in an incident report, where she summarily describes the allegation and her actions. The incident report is attached hereto as Exhibit 1.

The Witnesses Tell Virtually the Same Story: Moolenaar Accused and Intimidated the Victim

While all the witnesses interviewed² described the meeting

²This Office interviewed everyone present at the meeting,

from their own perspectives, the overriding theme that emerged is that Moolenaar intimidated the victim by accusing her of lying, scolding her and confusing her. In fact, the evidence indicates that Moolenaar geared the entire meeting toward trying to "disprove" the allegation and completely ignored the trauma she was thereby inflicting on the child.

The victim's mother described in detail how Moolenaar traumatized her daughter and mishandled her investigation. Her description to this Office accords completely with what she reported to the police a few hours after leaving Moolenaar's office on March 24. Similarly, the victim's separate description to the police of Moolenaar's abusive conduct corresponds to the mother's account.

The mother's account is additionally closely corroborated by Clara McFadden. This is significant since McFadden is the only other witness at the meeting not under Moolenaar's employ and was most credible.

What is more, the mother's allegations are largely confirmed by Ola White and Milly Lopez, who work directly under Moolenaar. Just as importantly, Raymond Good, the assistant principal, who of all Moolenaar's subordinates tried hardest to protect her, implicitly corroborated some of the mother's allegations by describing how he would have conducted the meeting differently from Moolenaar.

Lastly, while Moolenaar denied most of the allegations at her hearing at this Office, she admitted to the police on March 25 that she behaved in a manner which is consistent with many of the mother's allegations.

Clara McFadden

The girl's mother said that, shortly after the meeting began, Moolenaar called in Clara McFadden, an office aide at CS 234, to discredit her daughter by relating how she had lied on March 19 about taking her little sister to the doctor and living in a shelter. The mother stated that Moolenaar repeatedly accused her child of "fabricating" the allegation to "get off the hook" for being "at the wrong school" (CS 234).³ She frightened her by

other than the victim and her father. The victim, her parents and Moolenaar were present for the duration of the meeting. Good, the assistant principal, was present except while White was there. McFadden, White and Lopez were called in for shorter periods, questioned, and then dismissed by Moolenaar. White and Lopez partially overlapped.

³Although Cruz raped the child on numerous occasions, as the child told police and as Moolenaar stated in her incident report, Moolenaar appears to have focused primarily on the rape that occurred on March 19, perhaps because the child was late to class on that occasion, thus leading to the discovery of the crime.

yelling at her in front of everyone present for being a "bad girl" and for being at the "wrong school."

McFadden, whose entire account corroborates the mother's, said that, as soon as she walked into the meeting, Moolenaar asked her to tell the parents "exactly" how the child had been found at CS 234 and had lied. She said Moolenaar called the child a "liar" three or four times to her face. To show that the child was making up the allegation about being abused, Moolenaar kept "going back to" the fact that the child had lied on March 19.

McFadden also stated, in line with the mother, that Moolenaar yelled at the child with a booming, angry voice and waved her arms around. Her whole demeanor suggested that the victim had "done something wrong." Moolenaar shouted, "I don't know why she is lying about having a little sister. I don't know why she is lying about going to 234 to take her little sister to the doctor." "She had no business being there."

The evidence suggests that Moolenaar simply used McFadden to discredit and intimidate the child. Indeed, McFadden herself stated that she did not see the point of being called into the meeting. Had she been conducting the investigation instead of Moolenaar, McFadden said she would never have allowed so many people in the room with the complainant. As a mother, she said she would never have permitted Moolenaar to scold her child as Moolenaar did.

McFadden said that tears were "smudged" against the child's cheeks and eyes. She looked scared and was holding herself with her arms wrapped around her. McFadden further noted that the entire room was "heated up" with "anger."

Ola White

The mother said that, after McFadden, Moolenaar called in Ola White, the girl's homeroom teacher. The principal embarrassed the child again by having White tell everyone at the meeting that she was a poor student. Moolenaar herself admitted discussing her poor academic record with White. The girl's mother said that Moolenaar kept angrily firing questions at her daughter, trying to show that she was lying. Upset, the child began to cry almost hysterically. White, although admittedly reluctant to criticize her boss, confirmed that Moolenaar second-guessed the victim. She said Moolenaar kept "drilling" and "pressing" her and harping on the March 19 incident when the girl had lied. The principal was "stern" and her "tone was almost angry."

The evidence indicates that Moolenaar was using White, just as she had used McFadden, to embarrass and undermine the complainant. In the context, there could be no other purpose to her raising the irrelevant subject of the child's poor academic performance in front of so many people.

Indeed, like McFadden, White did not think she should have been called into the meeting. She said the girl was obviously

very embarrassed by her teacher's presence in the meeting since she had not told her about the abuse. In fact, White said the child was "sobbing her little heart out." White said it was "so horrible," she felt "frozen" and "could scarcely look [the girl] in the face." She "could not wait to get out."

Milly Lopez

While White was still in the meeting, Moolenaar summoned Milly Lopez, a school aide at CS 129. Lopez, who was responsible for overseeing the children as they came into the school in the morning, was posted down the hall from the CS 129 entrance into the auditorium.

Unfortunately, Lopez was unable to recall much of what Moolenaar asked her. However, she did remember giving answers that were consistent with the mother's allegations. Furthermore, White, Good and even Moolenaar each corroborated various portions of the mother's account of Moolenaar's exchange with Lopez⁴.

The mother said that Moolenaar kept objecting that what her child said could not be true -- that she could not have been sexually abused in the auditorium in the morning -- and would try to get Lopez to agree with her. However, even though Lopez indicated that the rape allegation could easily be true, Moolenaar continued to try to show that the girl had to be lying.

According to her mother, the child said she was able to enter the auditorium, that she did not see Milly Lopez when entering the auditorium, and that she was alone with the cleaner when he raped her.

Moolenaar, however, objected that the child must have seen Lopez, since she was posted near the auditorium door. Moolenaar also objected that the child could not have entered the auditorium because the CS 129 entrance is always locked. The principal further insisted that other people must have been present in the auditorium.⁵

However, Lopez specifically recalled pointing out to Moolenaar that she would not necessarily have seen the girl entering the auditorium because she would have been watching the children coming into school. Lopez also pointed out that the child could have entered the auditorium through the CS 234

⁴White largely confirmed the mother's account of the exchange. Good and Moolenaar, who did not remember Lopez being called in, nevertheless confirmed to this Office that Moolenaar raised almost all of the objections alleged by the mother. Moolenaar had further admitted to the police that she raised all the objections alleged by the mother.

⁵Moolenaar admitted to this Office that she raised the latter two objections. Good confirmed, and Moolenaar admitted to the police, that she raised the first objection.

doorway, which was open⁶. Lastly, Lopez recalled agreeing with Moolenaar that other people would have been in the auditorium in the morning and that the lights would have been on.

Raymond Good

On the whole, Raymond Good denied the parents' allegations and tried to protect Moolenaar. However, in detailing how he would have conducted the meeting differently from her and why, Good implicitly confirmed many of the allegations levelled against Moolenaar.

To begin with, Good said he would never have undertaken an independent inquiry of such a serious crime by himself. At "even the slightest inkling of these kinds of things," he would "immediately, if not sooner," have contacted "people with more expertise."

Second, Good testified that Moolenaar failed to tell the child that she was not being punished and implied that she might thus have caused her to lie:

In a situation such as this, I would let the child know, you see, that "whatever it was that happened to you, that you are not wrong, you see. You have nothing to be ashamed of. You have nothing to be embarrassed for." You have to clear the child of its guilt. You have to take all of that off, okay, before you can get to the child. . . . [Otherwise] what you're going to do is entrench this child into things and may even cause the child to lie, you see, in order to keep themselves from being further embarrassed, you see.

Third, Good implied that Moolenaar's approach may not have made the child feel free to tell her what actually happened. Again, he made his point by detailing how he would have conducted the meeting differently from her:

If you are going to ask a child something, . . . you have to give good questions, okay, and these questions have to be so covered with sugar and spice that you are

⁶Lopez could not remember saying this, but White affirmed that she did.

going to get the right answer When you are talking to children, you see, you have to . . . be as dainty as possible in trying to get them to feel as relaxed as possible so that they might help you to understand a bit more about what the concern is.

Lastly, Good noted that the victim was not forthcoming in her answers and had few "open responses" to the principal's questions, thus further confirming that she felt daunted by Moolenaar.

Moolenaar

Moolenaar, as the target of the investigation, predictably denied most of the allegations raised against her. Contrary to McFadden, the mother and White, she testified that she never even suggested that the child was making up the allegation. Indeed, Moolenaar asserted that during the meeting she reached no conclusion regarding whether the child was telling the truth.

Moolenaar is clearly lying. Not only is her assertion contrary to that of all the reliable witnesses, but it also contradicts other portions of her own testimony to this Office. That Moolenaar had her mind made up is clear from her testimony that she did not contact the authorities on March 24 because she was dealing with a child "who fabricated a story, a very dangerous story." Further, she told the police and investigators from this Office on at least three occasions that her investigation had concluded that the child was lying. What is more, under the circumstances, there would have been no other reason for her having McFadden talk about how the child had previously lied about her little sister except to discredit her.

Also in diametric opposition to White, McFadden and the mother, Moolenaar flatly denied that the child was upset: "Never, ever did this child show emotion. Never, ever. Not at any instance. . . . She didn't cry. She wasn't agitated."

Just as incredibly, Moolenaar denied ever raising her voice: "I was in a state of shock. I, I couldn't . . . I was almost speechless."

Lastly, Moolenaar acknowledged that, in at least some instances, "a child would feel intimidated" by being questioned in front of so many adults. She insisted, however, that she did not know if the eight year old girl was actually intimidated. It is difficult to understand how Moolenaar could execute her responsibilities as a principal if she could not discern that the child was troubled, as all the reliable witnesses unquestionably described her. What is more, if Moolenaar knew that there was a possibility that the child might be intimidated, the fact that she nonetheless subjected her to such an abusive examination can only be explained if her conduct were deliberate or grossly insensitive.

Moolenaar Extracts A Description of the Rapist and

Seeks to Conduct a Lineup

Moolenaar so confused and frightened the child that she was unable to state what her abuser looked like. She forced the child, despite her reluctance, to answer confusing questions about her abuser's skin color.

By her own admission, Moolenaar first asked whether the cleaner was "caucasian"⁷ or black. According to Good and the mother, the child did not initially say anything and was generally tongue-tied. The mother added that her child was scared.

Moolenaar then conceded asking a string of questions without pausing between them: "Was he my complexion? Was he your complexion? Was he Mr. Good's complexion?" (All three individuals are different shades of black). The child hesitated.

According to Mr. Good, Moolenaar then followed up by asking another string of questions about the man's "color." Moolenaar said she asked, "Did he look like me? Did he look like Mr. Good?

Did he look like you?" Moolenaar stated that the child answered that the rapist was black "like me."⁸ Significantly, Good said that, before answering, the child shook her head as Moolenaar ran through her various options.

Moolenaar then objected that no one on the custodial staff fit the child's description⁹. To confirm this, she telephoned the custodian, told him about the allegation and announced as she hung up that no one on the staff fit the description.

The questions put to the child were inherently confusing because, as Moolenaar conceded, the defendant is neither white nor black, but "an olive-complexioned Hispanic." Moolenaar's questions thus forced the child to pick from a finite list of options, none of which actually matched that of the rapist. Moreover, the fact that the child was reluctant and shaking her head indicates that she felt forced to give Moolenaar an answer.

Moolenaar then suggested that the child return around 1:00 p.m. to view the custodial staff in the cafeteria, where they would be cleaning up after lunch, and pick out her abuser.

During lunch the mother spoke with the girl about what the

⁷Moolenaar testified that she does not use the word "white."

⁸Moolenaar understood the child to mean black like the child herself. Good, however, testified that the child said the man was white and "more your color," which he understood to be Ms. Moolenaar's color. Mrs. White supported Good's understanding. Although she was not present when Moolenaar asked the questions, she said that when she first walked into the meeting, Moolenaar told her that the child had described her abuser as having "my complexion," which she understood to mean Moolenaar's complexion.

⁹Good and Moolenaar claim that the child also mentioned the suspect's name. However, neither the mother nor the custodian recall any name being mentioned.

rapist really looked like and determined that he was not black but white. Crying, the girl said she had been too afraid to tell Moolenaar the full story. Indeed, according to Mr. Good's own rationale, it is entirely understandable that a child in such an abusive situation would feel impelled to lie.

In fact, the victim clearly knew who the rapist was. The child had no trouble describing the rapist to the police only a few hours after leaving Moolenaar's office -- down to the ring on his right hand finger and the flip in his hair on the back of his neck. Further, Moolenaar herself conceded that she was emphatic that her attacker cleaned the cafeteria.

When the parents returned and gave Moolenaar the real description,¹⁰ the mother said she laughed it off as yet more proof that the allegation was made up, exclaiming, "Now they've changed their story. Before he was black. Now he's white."

Shortly thereafter, the parents took their daughter to the hospital and then to the police. The mother said her daughter never viewed the staff in the cafeteria. Moolenaar, however, claimed she did but did not see the defendant.

Moolenaar Tries to Intimidate the Parents

The mother alleged, and Moolenaar admitted, that before leaving, Moolenaar told the parents that a permanent record of the allegation would follow their daughter forever and that the girl would have to repeat the third grade. It is difficult to see how these irrelevant comments could be construed as anything but a last ditch attempt to scare the parents off.

III

MOOLENAAR INFORMS THE CUSTODIAN

The investigation confirmed that Moolenaar informed the chief custodian, Michael Warren, and his assistant, Tom Kavalieratos, about the allegation on March 24, before the case had been reported to the police and that, as a result, they informed the entire custodial staff, including the rape suspect. The mother, Good, and Warren himself confirmed that Moolenaar called Warren on the telephone during the meeting, gave him the details of the allegation and asked whether there was anyone on his staff who fit the child's description.

Kavalieratos and Good also confirmed that Moolenaar met with Kavalieratos in an adjoining office outside of the parents' presence to discuss possible suspects. Kavalieratos further said that Moolenaar told him to discuss the matter with his boss and

¹⁰Moolenaar lied to this Office, stating that the child changed her description within a minute or so of saying that the perpetrator was black -- not after lunch. However, Moolenaar's testimony is inconsistent with what she wrote on her incident report and with the testimony of Good and the mother.

get back to her.

As a result of their conversations with Moolenaar, Warren and Kavalieratos called a meeting shortly thereafter of the entire custodial staff to discuss the allegation. Jose Cruz, the suspect, was present at that meeting.

It is hard to believe that Moolenaar did not realize that by helping to tip off the crime suspect at this stage and thereby allow him to prepare for questioning she was undermining any legitimate future investigation of the rape.

IV

FAILURE TO INFORM OUR OFFICE

By conducting her own investigation and failing promptly to inform this Office, Moolenaar contravened the Chancellor's Directive dated May 6, 1991 (the "Directive") requiring all Board of Education employees to inform this Office immediately of any sexual misconduct and prohibiting employees from conducting their own independent investigations. The Directive is attached hereto as Exhibit 2.

Furthermore, Moolenaar had been specifically warned about her obligations under the Directive in the fall of 1991. At that time, a teacher at CS 129, Harold Weiner, was alleged to have sexually molested several female students. The District conducted an independent inquiry which upset at least one of the victims and interfered with this Office's investigation. In fact, this Office learned about the in-house inquiry because one mother complained about the insensitive manner in which her daughter was questioned.

At the time, investigators warned Moolenaar to report all information of misconduct to this Office immediately and not to conduct her own investigations.

At her hearing at this Office, Moolenaar initially admitted that she had been reminded by investigators to report all information of sexual misconduct immediately to this Office, but then denied it. However, regardless of whether Moolenaar remembered being warned about the Directive, common sense demanded that she contact the authorities immediately, given the serious nature of the alleged crime¹¹.

¹¹While Moolenaar reported the allegation on March 25 to the District Office, her obligation was to report it our Office as soon as she learned of it, especially in light of the bungled District investigation in the fall of 1991.

Further, Moolenaar lied to investigators from this Office in an attempt to cover up her failure to report the case promptly. She insisted that she contacted this Office around 9:00 a.m. on March 25. However, investigator Clement Krug, then on intake, verified that no call was received from Moolenaar by him or other office personnel at that time. Moolenaar could provide neither the name of the person with whom she allegedly spoke nor a case

Jewel Moolenaar acted with a shocking lack of care for the welfare of the child/victim in this case. As our report has pointed out, Ms. Moolenaar subjected the child to a brutal and humiliating inquiry in the hopes of getting her to recant her allegations. Her motivation was clearly to save herself any embarrassment from a sex scandal at her school. It was this concern for her own interests that caused her to disregard the welfare of a frightened victim of sexual abuse.

Of all the problems with Moolenaar's handling of this case, none is as troubling as her treatment of the victim. Moolenaar scolded the victim, called her a bad student and a liar and sought to repudiate her story through face-to-face confrontations with her teacher and other witnesses. That the child was subjected to these accusations in the presence of her parents could only have heightened her fear and embarrassment. Repeatedly the child was brought to tears. It is unconscionable that an eight year old victim of sex abuse should be treated this way by her principal.

Moolenaar's motivation to protect herself no doubt played a part in her failure to report the allegation to this Office, as well as her decision to conduct her own investigation. In doing so, she not only disregarded the Chancellor's Directive, but she also gave a textbook example of why that Directive is so important. At its best, Moolenaar's investigation was incompetent and inept. At its worst, it was an inquisition with an eight year old child as its target.

It should go without saying that when a child has alleged that she has been sexually abused, the child should not be treated as if she had done something wrong. Further, she should not be forced to repeat and defend her allegation in front of several other adults, the effect of which can only be to frighten the child further.

Ms. Moolenaar was not content to stop there, however. She went on to inform the custodial staff of the allegation, tantamount to notifying the target of the investigation. Such notification is not only poor investigative technique; it can also be highly dangerous. All these errors reflect one fundamental

number. Her explanation, that "there was no case at that time. It was only allegations," is ludicrous since all complaints are promptly assigned case numbers. In fact, this Office's records show that Moolenaar telephoned this Office regarding the allegation between 1:00 and 1:30 p.m. on March 25. At her subsequent hearing at this Office, Moolenaar changed her story. Contrary to her previous account, she denied calling this Office herself on March 25, claiming instead that someone else called from her school or from the District.

flaw: Moolenaar came to the investigation knowing how she wanted it to turn out and determined to do whatever was necessary to reach that conclusion.

A particularly grievous error in Ms. Moolenaar's investigation was her attempt to set up a "lineup" at which the child would be forced to confront her attacker in person, without the protection of "one-way" viewing as would have been available had the Police Department or our Office conducted the procedure. Face-to-face contact with an attacker can be devastating to a child recently victimized. Further, the considerations involved in identification procedures can be complex. Decisions have to be made as to whether the suspect can be viewed alone or whether "stand-ins" are needed, whether stand-ins are sufficiently similar in appearance to the suspect, and whether the lineup is not in some other way suggestive -- in short, decisions that law enforcement professionals should make.

As an acting principal, Moolenaar failed to protect the interests of a child under her care. As an amateur investigator, she conducted an inquiry that was both bumbling in its technique and cruel in its effect on the victim. As a Board of Education employee, she disregarded the Chancellor's Directive both by failing to inform our Office and by conducting her own investigation. It is our recommendation that strong disciplinary action be taken against Ms. Moolenaar, which might appropriately include termination of employment.