

September 14, 2012

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Vaughn McKinney
SCI Case #2012-1670

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that 57-year-old Vaughn McKinney, a teacher assigned to IS 59 in Queens, had an inappropriate sexual relationship with a 17-year-old female student (“Student A”) who attended a Department of Education (“DOE”) school in Brooklyn; the sexual conduct may have begun when Student A was 16.¹ The investigation also substantiated that McKinney bought cell phones and an iPod for Student A and gave her money.

This investigation began on March 22, 2012, when Student A’s mother came to the Office of the Special Commissioner of Investigation (“SCI”) to report an inappropriate relationship between McKinney and her daughter. The mother explained that McKinney was the husband of Student A’s choir leader. The mother said that, about a year earlier, Student A told McKinney she needed money and asked him to help her find a job. The mother alleged that McKinney told Student A he would be willing to give her money in exchange for sex. The mother added that McKinney had been paying Student A for sex since she was 16 and that McKinney had given Student A a cell phone, an iPod, and money to buy clothes.² According to the mother, Student A’s father brought the girl to a New York City Police Department (“NYPD”) precinct, but Student A refused to cooperate with the NYPD or to make statements against McKinney.

¹ On June 4, 2012, McKinney was reassigned pending the outcome of this investigation. He has turned 58. Student A has turned 18.

² SCI was unable to determine whether Student A was 16 when the sexual relationship began.

The assigned SCI investigator spoke by telephone with Student A's mother.³ The mother advised that Student A showed up at her home with an iPod and, later, with an "iPhone." The mother added that Student A started wearing new clothes and did not have an answer when asked about the source of the money for those purchases. The mother confirmed that she did not give Student A money to buy those things.

In November 2011, Pastor Brian Pettrey of the Brooklyn Tabernacle Church contacted the mother and informed her that Student A had confided to Pettrey that she received money and gifts, including a cell phone, from McKinney in exchange for sex. Pettrey also told the mother that he called McKinney and told him to leave Student A alone. Pettrey further reported that he had taken the cell phone away from Student A.

According to the mother, after receiving the information from Pettrey, she questioned Student A, who admitted she had been having sex with McKinney for money and gifts and claimed to have done so since she was 16. Student A told the mother that the sexual encounters with McKinney took place at McKinney's home in Brooklyn.

The mother reported that McKinney was a DOE teacher, but not at Student A's school, and he was never Student A's teacher. The mother said that Student A met McKinney when Student A attended choir practice under the direction of McKinney's wife, who also was a DOE teacher. Student A had been a member of the choir for approximately four years.

The mother continued that, approximately two or three weeks earlier, she received a telephone call from McKinney's wife, Patricia McKinney, who asked to meet on an urgent matter. At the ensuing meeting, held at a restaurant, Patricia McKinney reported that she recently had found a telephone invoice in her husband's belongings and it had Student A's name on it. Patricia McKinney questioned why Student A's phone bill was in her husband's possession.

Several days after the first meeting, the mother contacted Patricia McKinney and arranged a second meeting; on that occasion, the mother informed Patricia McKinney about the sexual relationship her husband was having with Student A. Patricia McKinney left the restaurant, went to her car, and started to cry.

According to the mother, although she had known about the relationship between McKinney and Student A since November 2011, she had not told anyone because it had been emotionally upsetting to her and to Student A. The mother added that she and Student A's father were going through a divorce and did not live together. However, about one week earlier, Student A's father had visited Student A and learned about her sexual relationship with McKinney. The father accompanied Student A to the 69th Precinct of the NYPD. The mother said that Student A refused to cooperate with the

³ The mother declined to be interviewed in person because she was not at home and was speaking to the investigator on her cell phone in the street.

police, asserting that the girl was afraid. The mother explained that she and Student A's father subsequently met with Patricia McKinney and discussed the situation involving Vaughn McKinney and Student A.

The assigned SCI investigator spoke by telephone with Student A's father.⁴ The father said that, approximately 10 days earlier, he learned from Student A and her mother that Student A was having a sexual relationship with McKinney. They told the father that Student A spoke with Pastor Pettrey, in October or November 2011, and informed Pettrey that she had sex with McKinney and had received a phone and gifts from McKinney. The father confirmed that he took Student A to the 69th Precinct to make a report, but Student A would not speak to the police officers.

According to the father, he spoke privately with Student A who reported having sex with McKinney at his house on more than one occasion, but she was not clear about how old she was when she started having sex with McKinney. The father asserted that, from what she told him, it seemed like Student A had been engaging in sexual contact with McKinney for more than a year.

The father continued that, when he asked why Student A started having sex with Vaughn McKinney, she responded that she had mentioned to McKinney that she wanted a certain type of cell phone she could not afford. Student A told her father that McKinney replied: "If I get you the cell phone, you know what you have to do for it." Student A also informed her father that McKinney purchased the cell phone for her and that was when Student A and McKinney started having sex. Student A advised her father that McKinney also bought her an iPod and gave her money.

The father said that Student A became acquainted with McKinney when she joined a choir directed by McKinney's wife. According to the father, over the years, Student A came home increasingly late from choir practice.

The father confirmed that he and Student A's mother met with McKinney's wife, Patricia, and he told her everything Student A had reported to him, including that Student A had sex with Vaughn McKinney on several occasions. At this meeting, Student A's mother informed Patricia McKinney that she knew nothing about a phone bill in Student A's name.

According to the father, had he known about this situation sooner, he would have reported it. The father concluded that this entire situation had caused Student A emotional distress, but he was not certain that Student A had told him everything about McKinney's inappropriate relationship with her.

SCI investigators interviewed Student A who confirmed that she knew Vaughn McKinney because, for the last four years, she had been a member of the choir

⁴ The father was not available to meet in person at that time.

supervised by his wife, Patricia. Student A said that Vaughn McKinney sometimes would be present at the choir practices.

According to Student A, she began a sexual relationship with McKinney about a year earlier and had sex with McKinney 12 to 15 times during the year. Student A added that McKinney took her to a motel on several occasions, but claimed that she could not remember the name of the motel. Student A reported that she also had sex with McKinney at his home on four or five occasions during the year. Student A explained that she would arrive at McKinney's home on Sunday at approximately 11:30 a.m., after McKinney's wife had gone to church, and would leave at 1:00 p.m. or 2:00 p.m. When Student A and McKinney had encounters in his home, he took her to the basement where they had sex on a couch. Student A asserted that McKinney always wore a condom when they had intercourse. Student A and McKinney also engaged in oral sex on several occasions. Student A claimed that she was no longer in a sexual relationship with McKinney and last had sex with him in January 2012.

Student A said that McKinney gave her \$150 for her birthday; he also gave her a cell phone and an iPod and took her to SoHo to purchase a pair of shoes. Student A added that McKinney paid her cell phone bill.

Student A asserted that, in October 2011, she approached Nicole Cruz, one of the people in charge of the young adult fellowship program at the Brooklyn Tabernacle Church, because she was feeling ashamed about her relationship with McKinney. Student A told Cruz that she was having sex with McKinney and receiving gifts and money from him. Cruz immediately escorted Student A to see Pastor Brian Pettrey in the church.⁵

Student A informed Pettrey that she was having a sexual relationship with Vaughn McKinney who was married and was a teacher. Student A also advised Pettrey that McKinney gave her money and gifts including an iPod and a cell phone. Student A reported that Pettrey took the iPod and the cell phone from her and he continued to possess those items. According to Student A, Pettrey told her that he was taking the cell phone to discourage her from contacting McKinney.

SCI investigators interviewed Pastor Pettrey who confirmed that, in October 2011, Youth Minister Nicole Cruz brought one of the parishioners, Student A, to speak with him. Student A told Pettrey about an inappropriate relationship she was having with Teacher Vaughn McKinney. Pettrey learned that Student A knew McKinney because she was in a choir led by McKinney's wife. Student A informed Pettrey that she received money and gifts for having sex with McKinney and had sex with him 10 to 15 times. According to Pettrey, Student A indicated that the relationship had been going on for some time. Student A showed Pettrey an iPod and a cell phone which she received from

⁵ In an interview with an SCI investigator, Nicole Cruz confirmed this information.

McKinney and he took them from her. Pettrey turned over both items to the SCI investigators.

Pettrey asked Student A to provide him with McKinney's cell phone number; he then called McKinney and spoke with him. Pettrey confronted McKinney with Student A's claims about having sex with her for money and gifts. According to Pettrey, at first, McKinney denied the allegations. However, when Pettrey advised that he knew McKinney was married and this could ruin McKinney's life, McKinney admitted having sexual relations with Student A. Pettrey described the conversation as becoming very intense; McKinney became emotional and asserted that he would no longer have sex with Student A.

After speaking with Student A, in October or November 2011, Pettrey called in her mother for a conference; Student A's father did not attend the conference. Pettrey told the mother about McKinney's inappropriate relationship with Student A. Pettrey acknowledged that he did not make a report to the police or to the DOE. According to Pettrey, he had no further contact with McKinney.

SCI investigators met with Patricia McKinney who confirmed that Student A had been a member of a choir, mostly comprised of young adults, which she directed. McKinney acknowledged that she found a cell phone purchase receipt with Student A's name on it in her husband's belongings. Patricia McKinney questioned Vaughn McKinney who claimed that he purchased the phone on behalf of Student A's mother. Patricia McKinney also described meeting, first, with Student A's mother and, later, with both the mother and Student A's father. At the first meeting, Student A's mother reported that Vaughn McKinney did not purchase a phone for her. Patricia McKinney said that she did not confront Vaughn McKinney with that information. At the second meeting, the mother told Patricia McKinney that she suspected Vaughn McKinney was having an inappropriate relationship with Student A. McKinney said that she had not been aware of her husband's inappropriate relationship with Student A. Patricia McKinney added that she did not have the cell phone receipt she had found in her husband's belongings.

In an interview with SCI investigators, Vaughn McKinney said that he had known Student A for approximately three years and met her when she became a member of the choir which his wife directed. McKinney acknowledged that he purchased an iPod and a cell phone for Student A. McKinney asserted that he bought those items because he felt sorry for Student A who complained about "not having things that other kids her age had."

McKinney maintained that he first had sex with Student A in September 2011, when Student A was 17. McKinney said that Student A's birthday was in July and he purchased a cell phone for her in August. McKinney added that he had sex with Student

A approximately six times in September. McKinney claimed that the relationship ended in October after he received a telephone call from a Pastor Pettrey.

McKinney explained that Pastor Pettrey told him that Student A attended his church. According to McKinney, he acknowledged having a sexual relationship with Student A after Pastor Pettrey threatened to tell McKinney's wife about the relationship. McKinney also admitted to Pettrey that he purchased a cell phone and an iPod for Student A and gave her money.

McKinney maintained that, in January 2012, Student A repeatedly approached him and asked him to have sex with her. McKinney asserted that he made an error in judgment and had sex with Student A in January and February. McKinney claimed that Student A was the aggressor and he never forced her to have sex with him.

McKinney said that he had sex with Student A at the Surfside Motel in Queens on six or seven occasions and at his home in Brooklyn on some Sundays while his wife was at church. McKinney added that he and Student A engaged in sexual intercourse and oral sex. According to McKinney, his wife had not known about his relationship with Student A, but had confronted him about a purchase receipt for Student A's phone. McKinney wrote a statement about his sexual relationship with Student A and provided it to investigators.

Through his attorney, Vaughn McKinney declined to speak further with investigators from this office.

An attempt to obtain records related to McKinney's visits to the Surfside Motel was unsuccessful.

In a second interview with SCI investigators, Student A said that she first had sex with Vaughn McKinney after her 17th birthday, but she could not recall specific dates. Student A did not want to discuss the matter further because it was the day of her prom.

An SCI investigator called Student A's cell phone number and a female answered; the phone turned over to SCI by Pastor Pettrey did not ring. In another call to that cell phone number, associated with the phone given to Student A by McKinney, an SCI investigator confirmed that Student A was on the other end of the conversation.

On June 22, 2012, SCI investigators interviewed Student A a third time. Student A said that McKinney purchased an iPhone for her in August 2011, and that it was the phone she currently used. Student A added that she began phone contact with McKinney in June or July 2011.⁶ Student A asserted that, each month, McKinney paid \$160 for the

⁶ A review of telephone records did not reveal any contact on Student A's current phone before March 2012.

phone and, on occasion, threatened to shut off the phone. Student A admitted that she continued to be in contact with McKinney.

Student A now maintained that the first time she had sex with McKinney was on a Sunday in March 2011, when Student A was 16. Student A claimed to have remembered this event because McKinney's wife had traveled out of town for a religious retreat on a weekend in March 2011. According to Student A, on that Sunday, McKinney picked her up near her residence and drove her to his house in Brooklyn. Student A added that McKinney took her to the basement where they had sex. Student A asserted that she frequently had sex with McKinney on Sundays and Wednesdays before her 17th birthday.

SCI investigators re-interviewed Patricia McKinney who said that she attended a women's conference in Chicago from Friday, March 18, 2011, through Sunday March 20, 2011. McKinney added that Vaughn McKinney did not travel to Chicago with her and remained at home.

SCI reviewed records relating to the number Student A provided for the phone given to her by McKinney and learned that it was assigned to Vaughn McKinney and the account was activated on June 5, 2011. However, the first telephone contact between McKinney and Student A, at that number, occurred in March 2012. It seemed that Student A had access to additional cell phones. In fact, SCI determined that Student A had access to three cell phones and was in uninterrupted contact with Vaughn McKinney beginning in January 2011, and continuing as the investigation was in progress.

A review of the records relating to McKinney's personal cell phone, with a focus on Sundays and Wednesdays – when Student A usually met with McKinney – revealed a frequently contacted number. The first phone contact was in January 2011, and the last phone contact was at the beginning of August 2011. Records relating to the number showed that the subscriber was Student A's father.

SCI investigators met with Student A's father who confirmed that the cell phone number in question had been assigned to him about three years earlier as part of a family plan. The father explained that he had given a phone with that number to Student A. The father added that Student A had exclusive possession and use of that telephone number until he cancelled it in the summer of 2011. The father said that he never used Student A's cell phone and that he never spoke to Vaughn McKinney by telephone or in person.

Another review of Vaughn McKinney's cell phone records revealed a number which had frequent contact with it starting in August 2011, and continuing through March 2012. In fact, this number began having contact with McKinney about the time that the phone number given to Student A by her father was deactivated. This number no longer appeared around the time that Student A began to use her current phone number – which occurred about the time when Patricia McKinney found a cell phone receipt, referencing Student A, in Vaughn McKinney's belongings. Subscriber information for

Student A's current cell phone number showed that it belonged to Vaughn McKinney. A review of records for this phone number revealed that it was used by Student A. In addition to voluminous contact with McKinney, the phone was used to call the cell phone number belonging to Student A's father and Student A's home telephone number which was used by her mother.

It is the recommendation of this office that Vaughn McKinney's employment be terminated, that he be made ineligible for work with the DOE, and that this matter be considered should he apply for a position in a New York City school system, with one of its vendors, or in one of its facilities, in the future.

We are referring our findings to Kings County District Attorney Charles J. Hynes and Queens County District Attorney Richard A. Brown for whatever action each deems appropriate.

We are forwarding a copy of this letter to the Office of Legal Services. We also are sending our findings to the New York State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Vaughn McKinney. 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:ss

c: Courtenaye Jackson-Chase, Esq.
Theresa Europe, Esq.