

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

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**THE DEATH OF JOHN MORALE:**

*AN INVESTIGATION INTO MIDWOOD HIGH SCHOOL'S  
HANDLING OF AN ASSAULT ON A SCHOOL AIDE*

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**EDWARD F. STANCIK**  
SPECIAL COMMISSIONER

**ROBERT M. BRENNER**  
FIRST DEPUTY COMMISSIONER

By: **REGINA A. LOUGHRAN**, DEPUTY COMMISSIONER  
**THOMAS FENNELL**, CHIEF INVESTIGATOR  
**THOMAS W. HYLAND**, SUPERVISING INVESTIGATOR

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## INTRODUCTION

On the morning of November 24, 1997, John Morale, a sixty-six year old school aide assigned to Midwood High School in Brooklyn (“Midwood”), was working a security detail in the boys’ locker room. Sometime after third period started, when the room was supposed to be off-limits to students, a group of about six-to-eight boys came to the door. Morale let one student in to retrieve a hat, and another also demanded entry. That boy, sixteen-year-old special education student Jose Hiraldo,<sup>1</sup> began to argue with Morale and then repeatedly punched him in the face, breaking his glasses and causing a bruise under his eye. When Hiraldo ran, Morale followed. However, one floor down, as he gave chase, the aide collapsed. Although he received cardio pulmonary resuscitation (“CPR”) from a dean, and was taken to Kings County Hospital, Morale died at 2:00 a.m. the next morning.<sup>2</sup>

Even before Morale was transported to the hospital, at least the principal, four deans, a teacher, and a school safety officer (“SSO”) knew about the confrontation in the locker room, but no one called the police. It was not until the next day that they took action, and their response came only after rumors about the assault and word of Morale’s death spread through the school. However, rather than contacting the police, which merely would have entailed speaking to the officer assigned to the school, Midwood officials started their own investigation which included interviewing witnesses, placing the perpetrator “under surveillance,” and conducting identification procedures. Finally, shortly before noon the day after the assault, the school notified the New York City

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<sup>1</sup> Hiraldo’s name was previously disclosed publicly in media accounts of the incident.

<sup>2</sup> Morale had previously undergone heart surgery, and was on blood-thinning medication.

Police Department (“NYPD”) of the incident in the locker room. In less than an hour, the detectives who responded to the school had developed enough evidence to arrest Hiraldo for assaulting Morale. By then, however, the criminal investigation had been adversely affected by the school’s decision not to call the police immediately after the assault: Morale’s body had already been embalmed hampering the postmortem investigation, and pieces of physical evidence – Morale’s broken eyeglasses and lens – were handled by numerous staff members.

When law enforcement authorities became involved, school officials continued to interfere with the investigation and prosecution. For example, in order to identify an important witness, an inspector assigned to the Investigation Unit of the Division of School Safety (“DSS”) was asked for a list of school safety officers assigned to Midwood. Instead of merely providing the information requested, the inspector notified the associate director of DSS who, according to the inspector, then directed him to go to Midwood to speak with the witness – the SSO involved in the case – before detectives had the opportunity to do so. The SSO then lied to the inspector, denying that a witness had described the assault to him shortly after its occurrence, causing investigators to waste valuable time getting at the truth.

Even after it was clear to school officials that an active criminal investigation was underway by the NYPD, the District Attorney’s (“DA’s”) office, and a Grand Jury, they continued to take statements from witnesses. Then, when they had completed their questioning, school officials turned over the results to Hiraldo and his attorney, including the names of the main witnesses against him.

Why school officials delayed in reporting a crime to the police, why they conducted their own investigation, and why they were less than forthcoming about what happened when we started looking into the matter, is not clear. Regardless of their motivations, however, it is clear that they did delay, they did try to perform their own investigation, and they were not completely candid with investigators. It is equally clear that more than twenty-four hours passed before the police became aware that a crime had been committed on the Midwood grounds, and even when they were notified, their job and ours was made more difficult by the actions of school personnel. What follows is a report of our findings and recommendations.

NOVEMBER 24, 1997

### The Assault

Between 8:30 and 9:00 a.m. on November 24, 1997, Jose Hiraldo assaulted school aide John Morale inside the boys' locker room. Morale, a four-year veteran of the Midwood staff, was assigned to security on the second floor, working beside School Safety Officer Anthony Holiday. While Holiday patrolled the hallway, Morale generally concentrated on the boys' locker room which is accessible to students for limited amounts of time and is otherwise locked.

A student who was on the stairs across from the room ("Student A") observed approximately five or six boys milling about outside while two others went inside. The student then heard and saw Morale and Hiraldo arguing. Hiraldo began repeatedly punching Morale in the face and kicking him. The witness saw Hiraldo run, with Morale following.

As his attacker disappeared into the school population, Morale collapsed on his back. Dean Stuart Karp provided CPR until the Fire Department and EMS responded. John Morale was transported to Kings County Hospital where he died at 2:00 a.m. on November 25, 1997, as a result of a heart attack brought on by the beating he took in the locker room.<sup>3</sup>

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<sup>3</sup> The office of the New York City Medical Examiner ruled Morale's death a homicide.

## The School Learns About The Assault

Several school officials knew or should have known about the altercation between Morale and a student shortly after it occurred. Between 8:30 and 9:00 a.m., Teacher Rhoda Reece, who was in the hallway around the corner, heard a commotion coming from the locker room. She saw a group of boys quickly leave the area followed by Morale who, in her words, “looked harassed.” Morale asked her: “you know them, don’t you?” to which she replied, “no.” Morale then headed downstairs and Reece followed. Morale collapsed and Reece screamed for help. Several deans responded, including Stuart Karp who performed CPR on the aide, and Royden Lobel who heads security.

Reece tried to tell Lobel and the other deans on the scene that something had happened on the second floor between Morale and some students, but Lobel ignored her. Heading upstairs, Reece saw one of the boys who had been near the locker room (“Student B”) at the nurse’s office. Outside that location, she spoke with Dean Thomasina Lenzi about the student. According to Student B, Lenzi directed him to accompany her downstairs where she told Dean Lobel: “He was the guy involved in the argument with the school aide.”<sup>4</sup> Because of the ongoing chaos surrounding Morale’s collapse, Lobel told Lenzi to send the boy back to class.<sup>5</sup>

At about the same time, before Morale had even been taken to the hospital, a school safety officer and a dean learned of the assault. That dean passed the information onto another dean, as well as Lobel and the principal. Student A approached SSO

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<sup>4</sup> Student B did not commit the assault. He was in the area of the locker room on his way to the nurse’s office. Student B stopped because he saw Hiraldo, whom he knew, in a fight with the “old man” who took care of the boys’ locker room.

<sup>5</sup> These facts were obtained from Student B. According to Student B, at Lobel’s decision to send him back to class, Lenzi asked his name to which he and Lobel simultaneously replied “[Student B].” As will be discussed later in this report, both Lenzi and Lobel deny that Lenzi brought Student B to Lobel.



Holiday and described the incident. According to the officer, the witness said that a student was “in John’s face,” was “bumping,” and was “nose-to-nose” with the aide. Holiday took the boy to Assistant Dean Victor Gjeczaj – who had just seen Morale collapsed on the floor below – and the student recounted the facts. With Morale still on the floor, Gjeczaj told Dean Paul Leonetti, Dean Lobel, and Principal Lewis Frohlich that a student had witnessed an argument on the second floor between the aide and another student. Without further discussion, Gjeczaj was sent back to his assignment of keeping students away from the stairwell leading to the area where medical technicians continued to work to resuscitate Morale.

As first aid was being administered to Morale, his colleagues realized the aide was not wearing his glasses and also noticed a bruise under his eye. His broken frames with a lens missing were located on the floor near his body. Later that morning, a student found the lens in the second floor locker room where the attack had taken place and turned it over to SSO Holiday. Various school staff, including Dean Lobel, admitted handling the lens without considering its value as physical evidence of the assault.

After Morale was taken to the hospital, Leonetti went to see Lobel to learn whether there had been any follow up to the information provided by Student A. According to Leonetti, Lobel said that after consultation with Frohlich, “the investigation is squashed.” Leonetti later informed Gjeczaj of the decision “to let it go” and they shrugged at each other in frustration and disappointment.

NOVEMBER 25, 1997

Before The Police Are Called: The School Begins An Investigation

The next day, the school was forced to take action. By 8:00 a.m., Midwood personnel learned that John Morale was dead. The news spread quickly, as did the rumor that a student had assaulted the aide. Between 8:30 and 9:00 a.m., a female student approached deans Leonetti and Gjecaj to tell them that it was all over school that “a kid punched Morale” causing him to have the heart attack. During third period, Jose Hiraldo approached Dean Lenzi and told her that he had been in an altercation with the school aide the day before in the locker room. Leonetti and Lenzi both went to Lobel.

With the added fact of Morale’s death, Lobel could no longer ignore the fact that the aide’s death followed – and was likely caused by – an altercation with a student. However, instead of calling the police, he conducted a full-fledged internal investigation. The first step was to put an “all points bulletin” “over the radio” for Student A and Student B.<sup>6</sup> Then, after being ignored for more than a day, these witnesses were subjected to intense scrutiny by school personnel. While questioning Student A, Leonetti and Lobel displayed identification photos in order to have him choose the perpetrator.<sup>7</sup> Student B described being interrogated for several class periods, sometimes one-on-one, and sometimes with as many as five deans asking questions. Student B, who knew

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<sup>6</sup> All of the deans at Midwood, along with the school safety personnel, carry two-way radios.

<sup>7</sup> The two deans gave conflicting accounts of the identification procedure. Leonetti told investigators that they showed the witness a number of photos including Hiraldo and that the boy did not select anyone. According to Lobel, they showed Student A only Hiraldo’s picture and he picked him out right away.

Hiraldo, named him as the attacker. Even then, school personnel did not notify police, choosing instead to put Hiraldo “under surveillance.”

Finally, shortly before noon, Lobel told an NYPD officer assigned to the school that Morale’s collapse was more than a heart attack. That officer advised the school officials to stop their investigation and he contacted the 70<sup>th</sup> precinct detective squad. Two detectives responded immediately and within an hour of their arrival, Jose Hiraldo was under arrest for assault, a charge which was later upgraded by the Grand Jury to Manslaughter.

Unfortunately, by the time detectives arrived at Midwood, the damage caused by school personnel had already been done. Because of the delay in reporting the incident, there was no crime scene investigation. Thus, Morale’s broken glasses and the lens that had fallen out during the attack – pieces of physical evidence showing the severity and violence of the attack – were handled by a number of staff members and treated in casual manner. Furthermore, because the hospital was never informed that Morale’s death may have resulted from a criminal act, his body was released to a funeral home where it was embalmed before detectives and the medical examiner could intervene. This caused complications in the postmortem investigation, including a significant delay in the completion of the autopsy.

#### After The Arrest: The School Continues To Interfere

Even after the police arrested Hiraldo, school officials continued to interfere with the investigation. Because the school planned a disciplinary hearing to suspend Hiraldo, in accordance with the Chancellor’s regulation regarding the suspension process, officials

gave his attorney Student A's name along with other information gathered during the school's "investigation."<sup>8</sup> In fact, school officials requested that the DA provide them with additional documents to be turned over to Hiraldo.<sup>9</sup> Although the suspension hearing was not held because he transferred to another school, officials had already given Hiraldo a road map of the case against him, and potentially endangered the witnesses.

In addition, even after the NYPD and the Kings County District Attorney's Office began their investigation, Lobel took written statements from Teacher Rhoda Reece, Dean Thomasina Lenzi, Hiraldo's teachers, and various students who observed Morale's collapse. In defending this unauthorized investigative step, Lobel told investigators that the Assistant District Attorney assigned asked him to take the statements. When the ADA denied giving any such instruction, Lobel claimed that it was all a misunderstanding.

#### School Officials Are Not Candid With SCI Investigators

Getting the complete set of facts regarding the events of November 24<sup>th</sup> and 25<sup>th</sup> was difficult because some school personnel gave inconsistent versions of the same event, while others seemingly withheld information, and still others failed to tell the truth. The facts as presented above were put together following numerous interviews with students and staff at Midwood. Fortunately, Student A and Student B spoke openly to detectives and investigators about the events of November 24<sup>th</sup> and 25<sup>th</sup> and information from staff members was pieced together to understand the whole story.

At the request of the detectives, on December 1, 1997, two investigators from this

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<sup>8</sup> See Regulations of the Chancellor A-441 and A-445.

<sup>9</sup> The District Attorney's Office declined to do so.

office accompanied them to interview the Midwood staff. One of the first priorities was identifying the SSO who was approached by Student A. Since the boy did not know his name and the detectives were already wary of the involvement of school officials, they asked us to obtain a list of all officers assigned to Midwood. At our request, DSS Inspector Jeffrey Galto provided such a list and, by process of elimination, we identified Holiday. However, immediately after supplying the list, Galto went to Midwood and interviewed the School Safety staff, including Holiday.<sup>10</sup> Unfortunately, the information he obtained from the SSO was not accurate.

Thereafter, when investigators and detectives interviewed Holiday, it was immediately apparent that he was not telling the truth. Initially, Holiday denied learning about a problem in the locker room shortly after it occurred and claimed a student approached him with information about the altercation the day after Morale died. Our investigators were required to re-interview the safety officer a number of times because his facts were consistently in conflict with the other evidence developed. Finally, Holiday told the investigators the whole story – that he learned about the assault from Student A immediately after it occurred – and he admitted that the facts as given to Galto were not true. SSO Holiday could not – or would not – explain why he initially lied to us and to a DSS inspector.

Another important witness, Dean Thomasina Lenzi, seemed cooperative and forthcoming in her interviews with investigators and detectives, however, after we spoke with Student B, it appeared that she was not. In explicit detail, Student B explained his

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<sup>10</sup> According to Galto, at the direction of DSS Deputy Chief Director Gregory Thomas, he spoke with the School Safety personnel at Midwood “to find out what happened,” but he took no notes and did not conduct an investigation.

role in the case – from observing the altercation at the locker room through Hiraldo’s arrest – to investigators. As a result, we heard for the first time that Lenzi approached Student B within minutes of the incident and brought him to Lobel – as a witness or a possible suspect.

Although interviewed twice before we spoke with Student B, Lenzi never told investigators about him.<sup>11</sup> Following the boy’s revelation, investigators interviewed Lenzi a third time, and she specifically disputed Student B’s version of the facts. Indeed, she denied even having contact with Lobel until Tuesday after being approached by Hiraldo.

Dean Royden Lobel, who was at the center of communication about the assault shortly after it occurred, also seemed to give investigators a full description of the events as he claimed to know them from the time Morale collapsed through Hiraldo’s arrest. However, his version of the facts also did not include that, within minutes of Morale’s collapse, Lenzi produced Student B as a witness to the occurrence in the locker room.<sup>12</sup> In fact, like Dean Lenzi, Lobel later denied that such an encounter ever took place.

Nevertheless, we credit Student B’s set of facts. In addition to having no reason to fabricate his account, which he related in convincing detail, Student B’s version makes sense in the context of all the information gathered during the investigation. First of all, after Rhoda Reece observed Student B on the second floor shortly after the altercation, she brought him to Lenzi’s attention. In addition, although he and Student A were questioned at length the following day, neither Lenzi nor anyone else could provide an

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<sup>11</sup> Lenzi acknowledged speaking with Student B in order to obtain his name for Rhoda Reece.

<sup>12</sup> Investigators asked Lobel about Student B and he said that he saw the boy in the stairwell on November 24<sup>th</sup>. Although he recalled Rhoda Reece pointing to Student B, stating, “he was around,” Lobel denied that Lenzi brought the boy to him.

alternative explanation of how Student B came to be interrogated about the assault. A logical answer is that he had been brought to Lobel's attention on Monday. Furthermore, Lenzi and Lobel had reason to minimize their early involvement with Student B in order to avoid being criticized for the delay in reporting the matter to the police.

Lobel also downplayed the significance of other evidence. For example, although the aide's physical condition, including the bruise under his eye and his broken glasses, indicated that he had been involved in a serious altercation, and despite having been informed that there was a second witness – Student A – who observed what had happened between Morale and a student, Lobel claimed that he did not act because he thought the incident was only a “verbal argument.”<sup>13</sup>

Principal Frohlich, who is ultimately responsible for the students and staff at Midwood, attempted to distance himself from the events of November 24<sup>th</sup> and 25<sup>th</sup>. On Monday, it was Lobel and the other deans who handled Morale's collapse. However, that same day, Frohlich heard “rumors” that Morale was “beaten, hit, and kicked.” Yet, the principal characterized this information to investigators as nothing “substantial,” nothing “pinned down.” Thus, he did not direct that the police immediately be called because, in his words, there was “nothing credible” to report. According to Frohlich, he told Lobel to call the police if anything developed.

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<sup>13</sup> Lobel explained that the nature of Morale's job – closing the locker room to students – precipitated arguments on a regular basis.

## CONCLUSIONS AND RECOMMENDATIONS

On January 7, 1998, a Kings County Grand Jury returned an indictment against Jose Hiraldo charging him with Manslaughter in the Second Degree and Attempted Assault in the Second and Third Degrees. The case is pending in Brooklyn Supreme Court and is being prosecuted by the office of Kings County District Attorney Charles J. Hynes.

Unfortunately, the systems of criminal justice sometimes overlap when individuals from the school community are victims or perpetrators of crimes. However, members of the NYPD are not certified educators and employees of the Board of Education are not trained investigators. Just as our schools could not function if law enforcement concerns constantly interrupted the learning process, so too, police and prosecutors cannot perform their appointed jobs when school personnel do not report crimes and conduct their own investigations into criminal incidents occurring on campus.

As we have noted in prior cases, it is imperative that school personnel be advised that they are not to conduct their own investigations into matters that are more appropriately handled by law enforcement. The safety of New York City's schoolchildren demands nothing less. Furthermore, the procedure is clear. Personnel must make an *immediate* call to the appropriate agency: the child abuse hotline maintained by the State Central Register if they suspect maltreatment in a student's home, this office if they have information about criminal activity or other wrongdoing committed by a colleague, or the NYPD if they have knowledge of a crime perpetrated upon a student or staff member by anyone other than a Board employee. School



personnel should be also be reminded that failure to do so can result in disciplinary action being taken against them.

### Discipline of Individuals

**Principal Lewis Frohlich** was ultimately responsible for ensuring that the police were notified following the assault upon Morale. According to Frohlich, he delegated the matter to Dean Lobel who was “trying to pin down rumors” about what happened to the aide. However, it is clear that the information available was more than mere “rumors.” Although he can delegate a task, Frohlich cannot delegate his responsibility for the safety and welfare of the students and staff at Midwood. It is therefore the recommendation of this office that the Board of Education take disciplinary action against Principal Frohlich.

On Monday the 24<sup>th</sup>, **Dean Royden Lobel** was at the center of communications about Morale, yet he took no action. Lobel admitted to investigators that Reece, Gjecaj, and Leonetti came to him on Monday with information about an incident in the locker room. According to Lobel, given the nature of his assignment, Morale “argued” with students on a daily basis and he was not aware that violence might have been involved. Yet, several facts were brought to Lobel’s attention which should have spurred him to action. Gjecaj told Lobel that he had located a witness to the locker room incident, Student A. Furthermore, Lobel apparently ignored the bruise under Morale’s eye, his broken glasses, the lens found in the locker room, and the gossip around school. Lobel told investigators: “I never put it all together.”

Nevertheless, once Lobel realized that Morale’s collapse was more than an

unprovoked heart attack, his response was inappropriate. Rather than immediately contacting the police, he directed the school's internal investigation which included interrogating student witnesses, conducting an identification procedure, and placing the perpetrator under surveillance. It is clear that Lobel had enough information shortly after Morale's collapse that the police should have been contacted without delay and without taking any investigative steps. He either recognized that the aide had been assaulted, but deliberately chose not to act, or he negligently ignored the signs that a crime had been committed on school grounds. It is therefore the recommendation of this office that the Board of Education take strong disciplinary action against Dean Lobel.

**School Safety Officer Anthony Holiday** is supposed to be part of the law enforcement presence at Midwood. Yet he failed to act on important information about the assault on John Morale, given to him within minutes of the attack. Equally disturbing is the fact that he lied to his DSS superior, to this office, and to the police regarding his knowledge of the assault. It is therefore the recommendation of this office that SSO Holiday's employment with the Board of Education be terminated and that this matter be considered should he ever re-apply for a position with the Board.

**DSS Inspector Jeffrey Gralto** interfered with an investigation being conducted by this office and the NYPD. Although he maintains that he only spoke to Holiday and the other school safety officers at Midwood and committed nothing to paper, the lack of written documentation makes it no less an investigation. Furthermore, although he claims that he interviewed Holiday at the direction of the acting director of DSS, it is nevertheless inappropriate. It is therefore the recommendation of this office that officials at DSS in general, and Inspector Gralto in particular, be officially notified that

interference with matters being handled by this office, by the NYPD, or by any other law enforcement agency, is not permitted.