

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

## **OPPORTUNITIES LOST:**

# **How Personnel At August Martin High School Mishandled A Breach Of Security And The Rape Of A Student In Classroom 324**

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# OPPORTUNITIES LOST:

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## *How Personnel At August Martin High School Mishandled A Breach Of Security And The Rape Of A Student In Classroom 324*

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## INTRODUCTION

On the morning of April 16, 1997, teacher Sarah Putterman found used condoms, condom wrappers, and discarded food in a locked classroom at August Martin High School in Queens. By eleven o'clock that day, she had informed at least four additional staff members at the school, including several assistant principals, of her discovery. They knew or should have known then that a serious breach of security had occurred which likely involved the use of school facilities for sexual activity. Yet, no one told the principal. No one ensured that the locks were changed. No one notified school safety officers or the police officer assigned to the school. No additional security measures were taken. Clearly, no one recognized the danger posed to the student body.

Within hours of Putterman's findings, the school's failure to act had tragic consequences. A fourteen-year-old girl was lured to the very room where the condoms had been found and was raped by four of her fellow students. Before that crime was committed, there was a clear window of opportunity, albeit a brief one, for school personnel to secure the room. Indeed, the possibility existed that the rape of the girl might have been interrupted or prevented had someone taken decisive action.

Shortly after the crime, school personnel again had an opportunity to relieve the victim's suffering and remedy a dangerous situation. Again however, they failed to act. On April 18<sup>th</sup>, the victim (referred to here as "Student A") told a counselor and an assistant principal that she had been gang raped by four of her classmates. Armed with this new information and the knowledge that condoms and condom wrappers had been found in a locked classroom the same morning as the alleged rape occurred, the assistant principal took no

action. The principal was not notified. The police were not notified. The victim's family was not notified. The victim was not sent for medical attention or counseling. In fact, no further steps were taken to assist the victim or to secure the likely scene of the crime. As a result, the young girl continued to attend the same school as her attackers, the risk of further sexual activity in the unsecured classroom continued unabated, and the eventual prosecution of the rapists was affected by the delay in reporting and the failure to preserve evidence.

Not until May 19<sup>th</sup>, when the girl broke down under the pressure of taunts from classmates, did school officials deem it necessary to contact law enforcement authorities. Once that occurred, four students at August Martin were quickly arrested. Even then, those same officials gave conflicting accounts of their activities, withheld evidence, and misled the public and law enforcement authorities with respect to crucial facts.

What follows are the results of an investigation into the response by school personnel to the breach of security in room 324 of August Martin High School, and their subsequent mishandling of the rape allegation.


#### The Investigation

This investigation was initiated at the request of Chancellor Rudolph Crew. The Office of the Special Commissioner of Investigation handles matters involving allegations of wrongdoing, including sexual misconduct, committed by officers or employees of the New York City School District or those doing business with the District. Therefore, the allegation that a student had raped a fellow student would not generally be the subject of an inquiry by this office. However, the fact that an alleged rape took place on school grounds, and that


school personnel may not have adequately responded once they learned that information, brought the matter well within the purview of this office and necessitated our review.


Numerous interviews of school personnel at August Martin were conducted, including the counselor and the assistant principal who were first to learn of the rape within 48 hours of its occurrence. In addition, we conducted interviews to determine who on the school staff knew about the used condoms found in room 324, and what exactly they did in response to that discovery.

Due to the ongoing criminal proceeding, we were not able to speak with the victim, nor did we seek to interview the four alleged perpetrators of the rape who were ultimately indicted during the course of our investigation. Despite our inability to speak directly with those individuals, the Special Victims Bureau of the Queens County District Attorney's Office met with investigators from this office and shared information gathered during their interviews of Student A, the perpetrators, and school officials.

April 16, 1997  8:15 a.m. – Teacher and custodial worker find used condoms and hall pass in Room 324. Edward Santangelo, AP of security, notified. Room not secured.

**Shortly after 11:30 a.m. – 14-year-old girl raped in Room 324.**


April 17, 1997  Two friends notify counselor, Myrna Lewis, that girl was raped in a 3<sup>rd</sup> floor classroom.


April 18, 1997  Girl reports gang rape to Lewis and AP Maurice Grant. No action taken.

May 19, 1997  **Girl tells Santangelo she was raped. Police notified.**

Room 324 remains unsecured. Teacher enters with key she used on April 16<sup>th</sup>.

Four August Martin students arrested for raping the girl.

May 21, 1997  Principal Richard Ross publicly denies staff knew before May 19<sup>th</sup> that girl had been raped.

May 29, 1997  School officials first disclose their knowledge of used condoms and hall pass found in Room 324 prior to the rape.

SCHOOL SAFETY IS SHATTERED: A Room Is Vandalized And A Student Is Victimized

April 16, 1997

At approximately 8:15 a.m., on the morning of April 16, 1997, Sarah Putterman, a teacher of Fine Arts at August Martin High School (referred to here as "August Martin"), along with Heywood Hicks, a custodial worker, used a key to enter room 324, a vacant classroom.<sup>1</sup> What Putterman found shocked her: on the floor were used condoms, condom wrappers, discarded food, as well as a bathroom pass dated April 15, 1997, issued to a fifteen-year-old male August Martin student (referred to here as "Student B").<sup>2</sup> Hicks left room 324, and immediately hand-delivered the pass to Edward Santangelo, the assistant principal in charge of security, and told him about the used condoms he and Putterman had found.<sup>3</sup>

Putterman prepared a memo memorializing her visit to room 324, detailing the deplorable conditions she found there. During her break, at approximately 9:10 a.m., Putterman placed copies of the memo in the mailboxes of the five individuals she had carbon-copied. The memo reads as follows:

**Mr. H. Hicks came to 306 to examine vandalism done to display area. Wooden frame was broken off and plexiglass [sic] sheets were taken out. Artwork was smudged with a wet substance. This was done between 2:30 p.m. 4-15-97 and 8:30 a.m. 4-16-97.**

**We then went to Room 324 to look for possible plexiglass [sic] to cover the remaining artwork.**

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<sup>1</sup> Room 324 at August Martin has been vacant for a number of years due to ongoing renovation. Putterman and Hicks were in room 324 looking for material to repair a broken art showcase.

<sup>2</sup> Student B's identity is known to this office and the Queens County District Attorney's Office. He was not arrested in connection with the gang rape of Student A.

<sup>3</sup> Prior to assuming that position in the fall of 1996, Santangelo was a physical education teacher and a dean.



**Upon entering room 324 we immediately noticed that someone opened all closet doors, tore off papers, etc. We then noticed an empty box from KFChicken [sic] with a half filled soda bottle. There were also 2 condom wrappers and used condoms on the floor near the windows.**

**Next to the lunch box there was a written school pass dated 4-15-96 [sic] for [Student B]. Mr. Hicks took the pass to hand over to Mr. E. Santangelo. He also promised to replace lock.**

**Sarah Putterman**

**cc: Ms. Miles [Assistant Principal, Organization]  
Mr. Santangelo [Acting Assistant Principal, Security]  
Mr. Reichel [Dean]  
Mr. Hicks [Custodial Worker]  
Ms. Cole [Assistant Principal, Special Education]**

Although Edward Santangelo, the assistant principal of security, was apprised of the condition of room 324 by 8:30 a.m. the morning of April 16<sup>th</sup>, and others had the Putterman memo in their mailbox shortly thereafter, no one bothered to address the issue until later that day, after the 4<sup>th</sup> period. Unfortunately, by that time, the wheels were already in motion for the commission of a heinous crime.

During the 4<sup>th</sup> period which runs from approximately 11:00 a.m. to 11:40 a.m., fourteen-year-old Student A was in the basement cafeteria at August Martin when DeShawn James, a seventeen-year-old senior at the same school, approached her.<sup>4</sup> James told Student A he needed to speak with her about something important involving one of her friends and Student A agreed to accompany him upstairs.

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<sup>4</sup> The names of the alleged perpetrators have previously been made public. The facts of the crime are as described publicly by the Queens County District Attorney's Office.

Moments later, between 4<sup>th</sup> and 5<sup>th</sup> period, Santangelo apprised Dean Irwin Reichel of the condition of room 324 and asked him to “look into” the matter. Santangelo gave Reichel no specific instructions and did not impart any sense of urgency. Thus, Reichel did not act immediately. There were no precautions taken to secure the room. Locks were not changed and unauthorized access to the room remained a possibility. No one notified the school safety officers of the breach of security. No one told the New York City Police Officer assigned to the school. No one told the principal. Neither the assistant principal for security, nor the dean, even went to the classroom to assess the situation.

By chance, at about the time that Santangelo was passing off Putterman’s memo concerning room 324 to Reichel, Student A was heading to that very location with James. The two students left the cafeteria together and went to the third floor of the building where James produced a key. As he opened the door, a second male student, eighteen-year-old Valjean Lee appeared, and pushed Student A inside from behind. Waiting inside the room were two more students, seventeen-year-old Vincent Dowdy, and eighteen-year-old Charles Baskerville. One of the males restrained Student A as the others removed her pants and raped her. The assault continued for approximately three periods without anyone from the school taking notice. Toward the end of the school day, the boys finally allowed Student A to leave the room and return to class.

Sometime later that afternoon, unaware of what had transpired in room 324, Reichel finally focused on the task Santangelo had delegated to him just before the rape occurred, namely “looking into” Putterman’s discovery of used condoms and a pass in a locked area of the school. Still, he did not go to the third floor to evaluate the scene for himself. Instead, he had Student B brought to the dean’s office to explain how his hall pass came to be in the locked

classroom. Although the boy denied being there or having a key, Reichel had him searched anyway. No key was found. However, Student B was carrying two wrapped condoms.<sup>5</sup> Reichel reported those findings to Santangelo, but did nothing with regard to room 324. Indeed, as of the end of school on April 16<sup>th</sup>, Reichel and Santangelo still had not gone to visit the location where the used condoms and condom wrappers had been found that morning, and where Student A had been raped after 4<sup>th</sup> period. Neither took any steps to secure the room.

Although at various times between the morning of April 16<sup>th</sup> and the morning of April 17<sup>th</sup> Putterman's memo reached other members of the staff at August Martin, no one reacted to its contents. Assistant Principals Brenda Miles, Carryl Cole, and James Kearney all read the memo, but not one of them took any action.<sup>6</sup>

Still other supervisors learned of the condom discovery by word of mouth. William Jefferson, an acting dean, told investigators, “. . . I heard speculation that a kid had, [Student B] had condoms up in the room but it was nothing concrete . . . . But yes, people did speak about it.” Additionally, Santangelo told Assistant Principal Maurice Grant of the discovery in room 324 shortly after it occurred. Like those who learned by memo, neither Jefferson nor Grant took any action. Not a single person bothered to inspect room 324 that day, or for that matter, in the days to follow.

As for the used condoms, they remained on the classroom floor for at least one week, until a custodial worker swept them up and put them in the trashcan. The only reason the

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**<sup>5</sup> Thereafter, Reichel conducted a meeting with Student B's father, which he memorialized by writing the following on the bottom of his copy of Putterman's memo: "Met with [Student B's father], discussed continuing incidents involving [Student B]. Also discussed truancy from classes." Reichel then signed and dated this entry, put Student B's name at the top of the memo, attached the original pass found in room 324, and put the two documents in Student B's dean's file.**

<sup>6</sup> Miles claimed she spoke to a custodial worker about changing the lock, but was unable to name that individual.

condoms were cleaned up at that time was because the custodian was scheduled to show the room to contractors.

#### April 17<sup>th</sup> and 18<sup>th</sup>

By the end of the day on April 17<sup>th</sup>, first word of the assault of Student A began to emerge. Two female students (referred to here as “Student C” and “Student D”) approached Myrna Lewis, a counselor at August Martin, to ask her to intervene on behalf of one of their classmates who was in trouble.<sup>7</sup> Student C told Lewis that “a girl from their group had been raped in a third floor classroom.” According to Student D, she told Lewis that a fellow student “had a problem with three male students in a third floor class.” While Lewis confirmed to this office that Students C and D came to her to discuss Student A, she claimed that they merely told her that “[Student A] had sex with boys and she’s walking around like nothing happened.”

Nevertheless, as a direct result of Students C and D coming forward, Lewis met with Student A the next day, Friday, April 18<sup>th</sup>. According to Lewis, after some coaxing, Student A told her that she had sex, “but [Student A] did not say where she had sex, she did not say who she had sex with . . .” However, the girl must have described enough of the details, because Lewis testified that she decided, “this is too much for me, I don’t know where else to go with this, I’m going to call the assistant principal.”

At Lewis’s request, Student A repeated to Maurice Grant, the assistant principal in charge of guidance matters, what she had told the counselor. Although reluctant to speak with

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<sup>7</sup> During the 1996-1997 school year, Students C and D, along with Student A, had attended group-counseling sessions supervised by Lewis.

the assistant principal, Student A ultimately told Grant that four boys had threatened to hurt her unless she had sex with them. Grant pointedly asked Student A if she had sex because of a threat, and Student A answered, “yes.”

Obviously, common sense dictates that learning where Student A was attacked, and by whom, was germane to what steps the assistant principal and the counselor should take. According to Student A, she told the assistant principal that it was four boys *from the school* who had raped her. In contrast, according to Grant and Lewis, the location where the attack took place and the identity of the attackers were simply never discussed. Grant described their meeting as a “counseling” session rather than an “investigative or administrative” situation. Indeed, the assistant principal claimed he *never* asked whether the attack took place at school, at home, or whether the four “boys” were students at August Martin High School. Lewis also denied being told that the rape took place in the school, or that Student A’s assailants were August Martin students.

Grant acknowledged that what Student A had described – being threatened into having sex – was, in fact, a crime. However, according to him, Student A was afraid to speak with police so he agreed to keep the entire matter confidential on the condition that Student A continued to see Lewis. Student A was also told to see Grant if she felt “threatened.”

After the meeting on April 18<sup>th</sup>, Lewis and Grant simply sent Student A on her way, with the caveat that she keep in contact with Lewis. In fact, there would not be any contact or “counseling” for quite a while. The end of the school day on April 18<sup>th</sup> marked the beginning of spring vacation; there would be no school for more than a week. Even after the spring break, Lewis was not significantly concerned to treat Student A’s disclosure as a priority. According to Lewis, she did not speak with Student A again until some time in May.

For the next month, the *status quo* was maintained at August Martin. Student A was left on her own to face the taunts of fellow students and to be confronted by her attackers on a daily basis. At the same time, room 324 remained unsecured.

May 19, 1997

On the morning of May 19, 1997, having faced her attackers and endured comments by fellow students at August Martin for more than a month, a visibly shaken Student A broke down and told Assistant Principal Edward Santangelo what had happened to her in room 324. Immediately, Santangelo brought Student A to see Assistant Principal Grant. However, Student A's disclosure was not news to Grant: he had known about it for quite some time. Indeed, for the past month Grant had known about the condoms being found in room 324 and the fact that Student A had been sexually assaulted. Yet, he told no one and made no efforts to address an obvious security problem.

Finally, on May 19<sup>th</sup>, school personnel recognized that Student A's situation demanded law enforcement intervention, and Santangelo contacted the police. To do so he merely had to speak with Police Officer Darrell Hector who is assigned to August Martin High School by the New York City Police Department. The four perpetrators were arrested later that day.

### THE SCHOOL'S "RESPONSE:" A Series Of Failures

There is no doubt that the inadequate response by August Martin staff to the discovery of the used condoms in room 324 had disastrous consequences. The unsecured classroom provided a location for the attack upon Student A. Had swift action been taken, it is possible that the rape could have been prevented, or, at the very least, interrupted. The continued failure to secure the room after April 16<sup>th</sup> placed the entire student body at August Martin in danger. Even more disturbing, after the rape, when Student A disclosed her suffering to two staff members, they all but ignored her, forcing the girl to shoulder the burden of the sexual assault by herself and encounter her attackers on a daily basis. Finally, once the crime was reported to law enforcement, August Martin staff members withheld information from investigators and misled the public by making inaccurate statements to the press.

#### Failure To Secure The Classroom

School officials not only failed to inspect room 324 on April 16<sup>th</sup>, they also failed to tighten security at August Martin that day and in the ensuing weeks. Although we were given conflicting information about attempts to secure room 324, obviously the locks were not changed immediately after Putterman's discovery because the four male students entered later that very day and sexually assaulted Student A. In fact, despite one custodian's assertion that the door eventually received a new lock, we know that room 324 remained accessible because

Putterman re-entered it on May 19, 1997, using the same key she had been using for years.<sup>8</sup> Since the room was not secured, it was all the more important that steps be taken to improve overall security. Yet, Santangelo and Reichel concede that no such steps were taken.

#### Failure To React To The Rape Of A Student

Just as school officials failed to respond appropriately to a security breach, their reaction to Student A's disclosure that she was gang raped was entirely unacceptable. When Student A told Grant and Lewis that she had been sexually assaulted, they should have taken action, including safeguarding the victim and contacting the appropriate authorities. Instead, these professionals sent the fourteen-year-old girl home for spring vacation at the end of the day on April 16<sup>th</sup>, without so much as a notification to her guardian, or more appropriately, the police. Their inaction continued when school resumed, causing Student A to suffer alone until she gained the courage to speak out a second time on May 19<sup>th</sup>.

Furthermore, these two school officials did not provide any support services to Student A. They neither counseled her nor advised her to seek medical attention. In fact, they rarely spoke to or even saw the girl and were unconcerned about medical issues once they learned Student A's attackers wore condoms.

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<sup>8</sup> When she re-entered the room on May 19, 1997, Putterman made another startling discovery: Student A's program card. This document is a computer printout of a student's daily class schedule which is required to be carried at all times.



## Failure To Disclose Information

Compounding their failures to secure room 324 and support and protect Student A, the staff at August Martin hampered investigation efforts by failing to disclose relevant information.

Incredibly, even after the arrest of the four boys, school officials did not reveal to the principal, to the District Attorney, or to this office, that *prior* to the time of the rape, used condoms and a bathroom pass issued to a male student had been found in the very room where the sexual assault occurred. Putterman's startling discovery and the search of a suspected trespasser in room 324 were uncovered only because investigators from this office were persistent in their search for information.

On May 22<sup>nd</sup>, three days after the arrest of the four alleged rapists, investigators from this office, seeking to confirm rumors that members of the student body had master keys to the school, received vague information that in April, school officials had searched a student looking for "a key."<sup>9</sup> During a routine interview with Rhobrittia Cataquet, the Division of School Safety supervising officer at August Martin, she unexpectedly revealed that approximately one month earlier, Student B had been brought to the dean's office and searched. Although our investigators were not yet aware of Putterman's discovery of the condoms and pass in room 324, they immediately realized the significance of the fact that a student was suspected of having "a key" during the same time frame in which boys had entered

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<sup>9</sup> At the time of the arrests, the media reported that members of the football team possessed classroom keys which had been passed down to them over the years. After conducting numerous interviews, we have been unable to confirm those reports.

a locked classroom and raped a girl. Following this lead, investigators asked the August Martin principal, Dr. Richard Ross, for any paperwork relating to the search of the boy, but were told that no such documents existed.

Investigators from the Queens County District Attorney's Office were also interested in learning more about Student B. On May 28<sup>th</sup>, they requested his dean's file. However, what was provided to them contained no reference to Student B being searched or to any suspicions that he possessed a master key. Remarkably, Assistant Principal Santangelo stood alongside the DA's staff during their review of the paperwork, but failed to inform them of the relevant facts he knew all too well: that Student B was searched because his hall pass had been found in room 324, the same location where the rape later occurred.

The very next day, May 29<sup>th</sup>, we learned for the first time about Putterman's discovery of the condoms and the circumstances surrounding the search of Student B. This occurred when we received an unexpected fax from Principal Ross, consisting of two pages: the memo prepared by Putterman reflecting the condition of room 324 on April 16<sup>th</sup>, and a copy of the pass she found on the floor of the classroom. According to Ross, he had just received these documents from Reichel who "heard" that the principal was asking around about a search of Student B.

Subsequently, we discovered that the school had maintained two dean's files on the boy. The first file, which included information on assorted disciplinary matters unrelated to the April 16<sup>th</sup> incident, was shown to investigators from the District Attorney's Office. The second contained only those documents relating to room 324 and the search. It was not provided to the District Attorney's investigators. As a result, they were not aware of important information concerning the room where the crime under investigation was committed, until they received Putterman's memo from this office on May 30, 1997.

School personnel not only failed to disclose crucial facts, they took inappropriate

independent investigative steps after the arrest. Without being instructed to do so by the District Attorney's Office, and without the knowledge of the prosecutors handling the matter, school officials interviewed potential witnesses in the rape case and directed them to write statements detailing what they knew about the incident. We first learned of this interview process in early June, when Principal Ross faxed those statements to us. Incredibly, those documents had already been turned over to the attorneys representing the four boys charged with the sexual assault, rather than to the District Attorney. In fact, the DA's office was not notified and did not receive a copy directly from the school.

In addition to withholding crucial facts and inappropriately conducting their own investigation, the August Martin staff gave conflicting accounts regarding even the most basic facts. Although they appeared to be cooperating by answering our questions, upon closer inspection, we were often given contradictory information or were told, "I don't know." For example, although the custodian claimed he changed the lock, Putterman later entered the room using her original key. Furthermore, although one assistant principal claimed she asked that the lock to room 324 be changed, she could not name the custodial worker to whom she spoke. Even though numerous individuals eventually told us about the search of Student B, no one could – or would – tell us who conducted it. Reichel claimed that only a "gold shield" school safety officer can perform a search, but he did not know who carried out his request to search Student B, despite the fact that there are only four such officers assigned to August Martin. Those four officers, in turn, claimed that only a dean can search a student, and none of the four would admit to being present for the search of Student B. Likewise, Sgt. Cataquet, despite her candor about the search itself, was unable to name the officer assigned to the task. Finally, despite evidence from Students A, C, and D to the contrary, Grant and Lewis insisted that they never learned – or attempted to learn – the location of the rape or the identity of the rapists. We find it difficult to believe that any school official could speak with a student rape victim

without asking where it occurred and who did it.

The claim by school personnel that they did not understand the possible relevance of Putterman's discovery of the used condoms and bathroom pass in room 324, or Reichel's search of Student B, to the rape reported by Student A, strains credulity. In fact, though the evidence does not conclusively establish that the August Martin staff conspired to deceive investigators, the maintenance of dual files, as well as the repeated failure to volunteer information and to turn over documentation, suggests incompetence at the least, and more probably, an orchestrated cover-up.

### Failure To Get The Facts Straight

Following the arrest of four August Martin students, Principal Ross appeared before television reporters in front of his school to defend his staff. According to Ross, Counselor Lewis and Assistant Principal Grant failed to immediately act on Student A's disclosure that she had been raped because:

There was nothing to say based on the fact that the youngster did not provide information. She just said that she had been sexually abused but she never told us that it was a rape. She wouldn't tell us anything other than the fact that she had been sexually abused.

Clearly, the facts as uncovered by the District Attorney and investigators from this office conflict with Ross's statement to the media. Grant and Lewis told investigators that Student A disclosed to them that she had sex with four boys, against her will. Grant admitted that he was aware this constituted a crime. Student A, for her part, says she told them that the perpetrators were August Martin students. We credit her version of the facts which are supported by the statements of Students C and D. Perhaps Ross did not know the details surrounding Student A's initial description of her abuse, or maybe he was misled about the initial meeting among Student A, Grant, and Lewis. However, certainly by the afternoon of May 19<sup>th</sup>, after Student A had come forward for the second time to inform school officials that she had been raped, Principal Ross should have gathered all of the information known by his staff. He either failed to do so or ignored the true facts in order to downplay the situation. In either case, his actions were reckless under the circumstances. Indeed, any of these explanations is unacceptable from a principal who very publicly sought to deflect criticism from his school.

## CONCLUSION

On May 30, 1997, Queens County District Attorney Richard A. Brown announced the indictment of DeShawn James, Valjean Lee, Vincent Dowdy, and Charles Baskerville, all seniors at August Martin High School, for the sexual assault upon Student A. In addition to rape, the defendants were charged with sodomy, sexual abuse, and unlawful imprisonment.

Clearly, Student A's four assailants must bear the brunt of the blame for the crime. Nevertheless, school personnel are entrusted with the safety of the school environment and the care of the student population. The staff at August Martin High School failed at both, and must be held accountable.

## RECOMMENDATIONS

### Disciplinary Recommendations

**Edward Santangelo**, the assistant principal for security, was told of a blatant breach in security in room 324 and he offhandedly delegated the matter to a dean. Further compounding the situation, Santangelo gave little, if any, direction to the dean regarding how the matter should be handled. Thus, the focus remained solely on Student B's access to room 324, rather than securing the classroom. This inadequate response set the stage for the tragedy which ultimately befell Student A.

Incredibly, Santangelo never reported Putterman's discovery of the used condoms to the principal, or the police officer assigned to the school. He did not even notify a single member of the Division of School Safety so that, at a minimum, patrols on the 3<sup>rd</sup> floor, and room 324 in particular, might be increased.

Additionally, after the arrest of Student A's attackers, he withheld from the principal and law enforcement officers investigating the rape the information that used condoms had been found in room 324 in April. Santangelo personally reviewed Student B's dean's file with investigators from the office of the Queens County District Attorney, all the while knowing of Putterman's discovery as well as her memo, yet he never informed investigators of that information. Incredibly, as head of security, he failed to make a connection that the two events might be related.

We therefore recommend that Edward Santangelo's employment with the Board of education be terminated and that his role in this case be considered should he ever apply for reemployment with the Board.

**Maurice Grant**, the assistant principal for guidance matters, was the first administrator at August Martin to learn that Student A had been gang raped. As the person in authority to whom Counselor Lewis turned for help, he should have taken steps to help Student A. By his own admission, Grant recognized that Student A had been the victim of a crime, and a heinous crime at that, yet he completely failed to act. He did not report the crime to the police, nor did he notify the victim's family, or even the principal. Grant, along with Lewis, simply spoke with the victim and sent her home for spring vacation, all the while knowing it would be more than one week before he, or the counselor, would see her again.

Additionally, Grant, like Santangelo, was aware of the used condoms found in room 324, and he did nothing in response to that information either. Grant never secured the classroom and never informed the principal of the unacceptable condition of the room. Incredibly, Grant never realized the possible connection between the used condoms and the rape of Student A.

We therefore recommend that Maurice Grant's employment with the Board of Education be terminated and that his role in this case be considered should he ever apply for reemployment with the Board.

Counselor **Myrna Lewis**, the very first person to learn of Student A's ordeal, did not recognize – or did not want to admit to investigators – that Student A had been raped. Conversely, Lewis clearly perceived the gravity of the situation since she sought advice from her on-site supervisor, Maurice Grant. Unfortunately, Lewis turned to the wrong person. Nevertheless, she must share some responsibility for failing to help Student A.



Lewis's decision that Student A did not need medical attention is disturbing. According to Lewis, since Student A said that her attackers used condoms, there was no need for the girl to obtain any medical treatment. Furthermore, Lewis, along with Grant, sent Student A home after she had told them she was raped. Lewis obviously remained unconcerned with counseling the girl immediately upon her return from spring break since their next meeting was not until May.

Like Grant, Lewis failed to take any other steps concerning Student A's disclosure: she did not inform the principal, the girl's guardian, or the police. Lewis's decision to remain silent about the rape of a fourteen-year-old, clearly shows that she does not understand her job responsibilities.

We therefore recommend that strong disciplinary action, which could appropriately include termination of her employment, be taken against Myrna Lewis.

Irwin Reichel is a dean and not an administrator or an investigator. However, he was made aware of the used condoms in room 324 and given the student's pass that was also found there. Regardless of what Reichel was told to do in response to Putterman's discovery, it is without question that he took his time in responding to the situation. Furthermore, once he acted, his conduct was unacceptable.

Reichel confronted Student B with the pass and questioned him about being in room 324. Despite Student B's denial that he had been in room 324, Reichel doubted him enough to have him searched for "a key." Nevertheless, he ultimately took the word of this fifteen-year-old student and thereafter did not conduct any further inquiry into the unauthorized access to room 324. He never inspected the room and took no steps to secure it. Furthermore, as with Santangelo and Grant, Reichel did not inform the principal of the obvious breach in security in room 324, or advise him that sexual activity was taking place on school premises.

We therefore recommend that disciplinary action be taken against Irwin Reichel.

Richard Ross, as principal, is ultimately responsible for August Martin High School. We were told by Santangelo, Grant, Reichel, and the other August Martin personnel involved, that information about the condition of room 324 and the rape of Student A were never brought to his attention. Nevertheless, after the arrest of four August Martin students, when the issues previously withheld from him came to light, he either failed to learn the true and full facts or chose to disregard them. As a result, through inaccurate statements made to the media, he misled the public. This behavior indicates that he cannot be trusted to protect the safety of the children who attend August Martin High School.

We therefore recommend that strong disciplinary action, which could appropriately include termination of his employment with the Board, and which at a minimum should include removal from his current position at August Martin, be taken against Richard Ross.

#### Policy Recommendations – System-wide

##### Reporting Procedure

It is well established that when school personnel become aware of suspected abuse, neglect, or maltreatment of a student by someone in the child's home environment, a report must be made immediately to the State Central Register. It is equally clear that when NYC public school personnel know information about misconduct or wrongdoing on the part of a fellow employee, a report must be made to this office without delay. Common sense should dictate that when school personnel become aware of a crime committed against a student by any other person, the police should be immediately notified. Thus, although a rule mandating that procedure should be unnecessary, apparently one is warranted. Assistant Principal Grant made this clear when he explained his decision not to contact law enforcement with the information he

received from Student A: “I am not aware I must report all crimes I become aware of. I’ve never seen a document saying that.”

Board of Education regulations currently require the principal or head of a school to report such crimes. Chancellor’s Regulation A-412 issued on October 1, 1979, states: “In all cases where a crime has been committed an immediate notification must be made to the police, the Office of School Safety, and the appropriate superintendent.”<sup>10</sup> However, as written, it is unclear whether the regulation applies to other school personnel.

We therefore recommend that – similar to the mandates to contact the State Central Register and this office – all school personnel be required to make a report to the police immediately upon learning that a student has been the victim of a crime.<sup>11</sup>

In addition, to avoid further confusion, we recommend that a convenient reference card be developed and distributed to all personnel specifying what agency should be contacted in particular cases: the State Central Register for cases of home abuse, the Special Commissioner

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<sup>10</sup> Emphasis in original; section (III), subsection (I). We have been informed by the Board’s Office of Legal Services that this regulation was still in effect in April 1997.

<sup>11</sup> This is not the first time that this office has noted the need for such a regulation. In October 1994, the final report of *The Joint Commission of the Chancellor and the Special Commissioner for the Prevention of Child Sexual Abuse* specifically recommended that school personnel be obligated to contact the NYPD.

for cases involving school personnel, and the NYPD in all other instances.<sup>12</sup> This card should plainly and succinctly explain who to call and under what circumstances and contain the necessary telephone numbers.

The same regulation which imposes on the principal the obligation to report crimes to the appropriate investigative agency, seems to suggest that the principal should take statements from relevant witnesses. This provision should not apply to incidents where law enforcement is involved, and must be changed.<sup>13</sup>

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<sup>12</sup> We note that the Joint Commission also made this recommendation in 1994.

<sup>13</sup> Thus, if the police, a District Attorney's Office, the FBI, or the Office of the Special Commissioner is investigating an incident in a school, the agency involved should determine when and how witness statements will be taken.