

September 5, 2012

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

Re: Daniel Meagher
SCI Case # 2012-0372
2012-1608

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that Daniel Meagher, a 36-year-old Absent Teacher Reserve (“ATR”) teacher who was assigned to several New York City Department of Education (“DOE”) schools located in Brooklyn and then reassigned to the Children’s First Network (“CFN”) facility, was observed by both students and adult staff members using the girl’s bathroom, exposing his penis to adult staff members, and viewing inappropriate or pornographic images on school computers.¹

The investigation began on January 20, 2012, when Bedford Academy High School (“Bedford”) Principal Adofo Muhammad called the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) to report that three male Bedford students, two seniors (17-year-old “Student A” and 18-year-old “Student B”) and one sophomore (16-year-old “Student C”), had witnessed Meagher viewing a pornographic website on his DOE computer within the Bedford library. In addition to written statements given by the three students, Muhammad also forwarded to

¹ On March 30, 2012, Meagher was reassigned to the CFN facility pending the outcome of this investigation.

SCI a printout of the history of websites visited on the computer while in Meagher's possession.²

In February 2012, SCI investigators spoke with Muhammad who said that he was made aware of Meagher's actions when either Bedford Teacher Thierno Diallo or School Aide Sean Luc Acevedo, he could not remember which, brought Student A, Student B, and Student C to his office at which time all three students informed the principal that Meagher had been viewing pornographic images on a computer in the Bedford library. Muhammad told the investigators that, after preparing handwritten statements for the principal, the students, with Diallo and Acevedo, returned to the computer that Meagher had been using and recovered its website history. Muhammad then immediately reported the conduct to SCI.

Investigators spoke with Thierno Diallo in February 2012. Diallo, who was teaching his Calculus class in the Bedford library on January 20, 2012, told investigators that Meagher was using a nearby computer while the class was being taught. Diallo recalled that Student A and Student B were motioning to him during the class, but he did not know why. Diallo told investigators that when Meagher left the library, Student A and Student B approached Diallo and informed him that Meagher had been viewing inappropriate pictures on the computer. Diallo said he was also informed by another 15-year-old male student ("Student D") that there was "porn on the computer," which Diallo then observed. Diallo further stated that when the computer's browser history was accessed, after Meagher had left the library, there were recent searches for "little child," and "moaning child." Diallo stated that he immediately brought Student A and Student B to the principal's office to report the incident.³

SCI investigators interviewed Student A in March 2012. Student A told investigators that he twice observed Meagher using a Bedford library computer to access inappropriate content. The student told investigators that on January 19, 2012, he was in the library when another male student (18-year-old "Student E") told Student A to look at the screen of the computer that Meagher was using. Student A told investigators that when he looked at the screen he observed the results of a Google search for the phrase

² On January 26, 2012, SCI investigators recovered and removed the Hewlett-Packard desktop computer which had been used by Meagher. The computer was secured at SCI for future analysis by the SCI Director of Information Systems.

³ In February 2012, SCI investigators spoke with Sean Luc Acevedo who was performing attendance duties in the Bedford library on January 20, 2012. Acevedo told investigators that Student A and Student B approached him during their Calculus class and informed him that Meagher was looking at pornography on one of the library computers. Acevedo stated that he discussed the matter with Diallo after the class was over, and assisted Diallo in retrieving the website history from the computer. Acevedo said that the website history folder listed recently viewed websites in chronological order and showed several apparent pornographic sites visited during the time frame when Meagher was using the computer, including one that he recalled named "Tiny Dick Humiliation." Acevedo stated that he retrieved an image of a nude female from the computer's temporary files and saved it, along with the website history, to a flash drive which he then sent to Principal Muhammad.

“small penis humiliation.” The student further informed investigators that, on January 20, 2012, he and approximately 10 other students were in the library participating in Diallo’s Calculus class. Student A stated that during the class he was approximately 10 feet away from where Meagher was sitting at computer table, and that he was able to observe images on Meagher’s computer screen which included those of topless and nude women in the background while the foreground presented an article titled “The Dick.” Student A first alerted Student B, who was sitting immediately to his right, and then attempted to alert Diallo. Student A stated that when Diallo moved toward Meagher, the teacher quickly changed the screen site to one dedicated to real estate. According to Student A, Meagher then left the library. Student A told investigators that Student B then opened the browser on the computer Meagher had been using and observed open tabs for Google searches on the phrases “small penises,” and “ball sacks.”

In March 2012, SCI investigators spoke with Student B who recalled sitting next to Student A in the Bedford library on January 20, 2012. Student B stated that he was alerted to Meagher’s computer screen by Student A who told him that Meagher was “looking at a naked lady.” Student B said that he looked at Meagher’s computer screen and observed an image of a partially nude woman. Student B stated that, after Meagher left the library, he and Student A and Student D viewed the open tabs on Meagher’s computer which included Google results for “small penises,” and “ball sacks.”

Investigators also spoke with Student E in March 2012. Student E stated that he was present in the Bedford library on January 19, 2012, and observed Meagher using a library computer, with Student A and Student B sitting directly behind him. The student stated that he observed Meagher’s computer screen which had an image of a female in a bikini, and saw Meagher view the resulting websites for searches including “College sex,” “Teen sex,” and “Sex dating.” In addition, Student E stated that he was present in the library the following day during Diallo’s Calculus class. Although Student E observed Meagher using a library computer during the class, he was unable to see the screen of the computer Meagher was using. Student E stated that after the class was over, Student A, Student B and Acevedo went to the computer Meagher had been using to check the browser history.

On March 20, 2012, Maria Witherspoon, the principal of Public School 19 (“PS 19”) in Brooklyn, called SCI to report that a 10-year-old female student (“Student AA”) had entered the girl’s bathroom on the school’s fourth floor, and discovered Meagher inside. Witherspoon later told SCI investigators that another female student (11-year-old “Student BB”) also observed Meagher in the girl’s bathroom. Witherspoon directed both students to write statements about their observations and forwarded the statements along with her report to SCI. According to Witherspoon, Meagher was an ATR teacher who had been assigned to the school for English as a Second Language (“ESL”) intervention.

Investigators spoke with Student AA in March 2012. Student AA told investigators that on March 20, 2012, she entered the fourth floor girl's bathroom and observed a male teacher, who she remembered worked with ESL students in her class, standing at the sink and looking into the mirror. The student stated that she was scared and did not move, but that the teacher then told her "don't worry, I'm just checking the bathroom." Student AA said she immediately left the bathroom and went back to her classroom where she informed her teacher, Lorraine Pizzo, about the man in the bathroom.⁴

On March 27, 2012, Public School 17 ("PS 17") Principal Robert Marchi called SCI to report that three female students had observed ATR Teacher Meagher in the girl's bathroom at the school. Marchi reported that Anna Lacerenza, a school aide at PS 17, had notified him that two female students (eight-year-old "Student CC" and 10-year-old "Student DD") had reported to Lacerenza that they had observed an adult male in the girl's bathroom.⁵ Later, a third female student (11-year-old "Student EE") reported to Parent Coordinator Diana Rose that she also had seen the same man in the girl's bathroom. Marchi told SCI investigators that he directed the students to prepare written statements and reported the matter to SCI. Marchi also stated that he questioned Meagher about being in the girl's bathroom, to which Meagher replied that he had been instructed by a School Safety Agent, whose name he could not recall, to empty the boy's bathroom and did not realize that he had entered the girl's bathroom.

In April 2012, SCI investigators spoke with Lacerenza who stated that, on March 27, 2012, she was in the school cafeteria when she was approached by Students CC and DD who informed her that there was a man in the girl's bathroom. Lacerenza went with the two students to the bathroom, which was empty. However, Lacerenza stated that the two students later identified the man who was standing in the hallway outside of the bathroom. It was Meagher.

SCI investigators spoke with Diana Rose in April 2012. Rose stated that, on March 27, 2012, Student EE came to her and asked to speak privately with her. The student then informed Rose that a "little girl went to the bathroom and there was a man in the girl's bathroom." Rose further stated that Student EE identified the man in the bathroom as Daniel Meagher.

In April 2012, investigators spoke with Student CC who stated that on March 27, 2012, she exited the cafeteria alone to use the bathroom. The student recalled that as she

⁴ Investigators spoke with Lorraine Pizzo in March 2012. Pizzo recalled that on March 20, 2012, Student AA left her classroom to go to the bathroom. When the student returned, a few minutes later, she informed Pizzo that there was a man in the girl's bathroom. Pizzo stated that she sent Student AA to the principal's office to report the issue. Pizzo further stated that a few minutes later Student BB reported that when she went to get a drink of water from the fountain near the girl's bathroom, she observed an adult male standing outside the girl's bathroom. Pizzo, again, sent the student to the principal's office to report the matter.

⁵ Student CC has since turned nine-years-old.

reached the bathroom, she observed an adult male, whom she later identified as Meagher, enter the girl's bathroom. Student CC stated that she was scared and rather than enter the bathroom, she went to the water fountain to wait until the man came out. While waiting, Student CC was joined by both Student DD and Student EE all of whom observed Meagher a few moments later. Student CC stated that she felt "weird" and notified Lacerenza about the man, and later identified him to Lacerenza as he stood in the hallway.

In April 2012, investigators also spoke with Student DD, who said that on March 27, 2012, she exited the cafeteria and observed Student CC and Student EE at the water fountain outside of the girl's bathroom. Student CC and Student EE explained to Student DD that there was a man in the girl's bathroom and, shortly thereafter, the three students observed a "substitute teacher" exit the girl's bathroom. Student DD told investigators that all three students were scared and looked away so as not to make eye contact with the teacher. All three students then sought out Lacerenza to inform her of the man in the girl's bathroom. When they returned to the bathroom area with Lacerenza, the students observed, and were able to identify, Meagher who was still standing in the hallway near the girl's bathroom.

On May 16, 2012, SCI received a complaint from Children's First Network ("CFN") Human Resource Director Leona Johnson alleging that Daniel Meagher, who had been reassigned to the CFN pending the outcome of the earlier complaints against him, had recently exposed himself to several employees and teachers at the CFN.⁶

SCI investigators spoke with CFN Teacher Ida Cesarano in June 2012. Cesarano said that Meagher was "weird" and sometimes would leave his pants zipper open. Cesarano recalled that on May 11, 2012, she observed Meagher with his zipper open and his penis clearly visible. Cesarano did not know whether Meagher's actions were intentional or accidental, but she called CFN Data Analyst Evelyn Burgos to come witness his conduct.

Investigators also spoke with Evelyn Burgos in June 2012. Burgos stated that on May 11, 2012, she received a call from Cesarano informing her that Meagher had exposed himself publicly, and requesting that she come to the room as a witness. Burgos stated that when she entered the office in Room 524, she observed Meagher standing with his pants zipper open and his penis visible. Burgos told investigators that she informed

⁶ CFN administrators made a complaint regarding Meagher's actions to the New York City Police Department ("NYPD") on May 14, 2012. However, after a brief investigation, the NYPD determined that no crime had been committed and no follow-up reports were prepared.

CFN Community Coordinator Marvin Washington about Meagher's actions and requested that Washington tell Meagher to "zipper up."⁷

In June 2012, SCI received yet another complaint about inappropriate actions by Meagher while assigned to the CFN. On June 18, 2012, DOE Division of Academic Performance and Support Cluster #1 Leader Kevin Moran contacted SCI to report that two female staff members, Senior Achievement Technology Integration Facilitator Linda Trifon and Chief Academic Officer Leslie Chislett, had observed Daniel Meagher in the ladies bathroom located inside the DOE facility at 335 Adams Street in Brooklyn.

In June 2012, SCI investigators spoke with Linda Trifon who said that on June 18, 2012, at approximately 8:00 a.m., she entered the fifth floor ladies room and observed a man later identified as Daniel Meagher standing at the sink. Trifon questioned why Meagher was in the ladies room, but Meagher gave no explanation and merely apologized. Trifon stated that as Meagher was about to leave the ladies room, Chislett entered the room and immediately asked Meagher "what are you doing here?" According to Trifon, Meagher apologized again and left the bathroom. Trifon stated that she and Chislett immediately reported the incident to Kevin Moran.

Investigators also spoke with Leslie Chislett in June 2012. Chislett recalled that on June 18, 2012, at approximately 8:00 a.m., she was walking on Adams Street in Brooklyn, a short distance behind a man whom she would later identify as Meagher. Chislett stated that Meagher was exhibiting "unusual behavior," and described Meagher running across several lanes of traffic while "flailing" his arms. Meagher then entered the DOE facility at 335 Adams Street. Chislett told investigators that, shortly thereafter, she entered the ladies bathroom on the fifth floor of the building and observed both Trifon and Meagher within the room. Chislett told Meagher that he did not belong in the ladies bathroom and, according to Chislett, Meagher then apologized and left. Chislett said that she and Trifon then immediately reported Meagher's actions to Kevin Moran.

SCI investigators first attempted to speak with Meagher in April 2012. Meagher initially stated that he was suffering from an unidentified medical condition, but refused to elaborate or to speak further with investigators. Subsequently, through his attorney, Daniel Meagher declined the opportunity to speak with SCI investigators citing his status as a tenured teacher and his Fifth Amendment privilege against self-incrimination.

⁷ In June 2012, investigators interviewed Marvin Washington who stated that on May 11, 2012, he was notified by Burgos that Meagher was in a common area with his pants unzipped and his penis exposed. Washington stated that when he reached Room 524, he observed Meagher sitting at a table, reading a book, with one hand on the book and the other hand on his crotch. Washington further stated that, although he did not observe Meagher's exposed penis, he believed Meagher could have been touching himself inappropriately because he observed Meagher's arm and shoulder moving while his hand was placed in his crotch.

Daniel Meagher committed numerous inappropriate acts, many of which were detrimental to the safety and welfare of students, while serving as a substitute teacher at several DOE schools during the 2011-2012 school year. These serious allegations of a sexual nature should be reviewed for potential criminal prosecution. However, regardless of the outcome of any criminal prosecution stemming from his actions, it is the recommendation of this office that Meagher's employment be terminated, that he be placed on the ineligible list, and that this matter be considered should he apply for any position with the New York City school system or with one of its vendors in the future.

We are sending a copy of this letter concerning this investigation to the Office of Legal Services. We also are referring our findings to the State Education Department and to the Kings County District Attorney's Office for whatever action they may deem appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Daniel Schlachet, the attorney assigned to the case. He can be reached at (212) 510-1418. Please notify Mr. Schlachet within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated concerning this investigation. 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:DIS:ss

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