

September 21, 2000

Hon. Harold O. Levy  
Chancellor  
New York City Public Schools  
110 Livingston Street; Room 1010  
Brooklyn, NY 11201

Re: IS 278K  
MS 180Q

Dear Chancellor Levy:

This office has concluded investigations into two separate, but similar, incidents which seriously impact on the safety of public schoolchildren. In both cases, male students sexually abused female students during school hours. Each time, the girls promptly reported the misconduct to educators who failed to take appropriate action. Instead, parents involved the police who arrested the boys for the attacks which occurred on school grounds.

In the first instance, on Friday, June 9, 2000, at IS 278 in District 22 in Brooklyn, a number of 6<sup>th</sup> and 7<sup>th</sup> grade girls were sexually assaulted by 8<sup>th</sup> grade boys in the schoolyard. We learned that at least thirty-five teachers took the day off and, with his staff severely limited, the principal's solution was to declare an "extended recess."<sup>1</sup> As a result, in the afternoon, hundreds of students – over 500 at any given time according to the principal – crowded the schoolyard, with little supervision. It was during this time, in the sprinkler area, that the incidents of sexual abuse reportedly occurred. Moreover, although school officials became aware of the girls' allegations that afternoon, they did

---

<sup>1</sup> Many of the teachers were observing the religious holiday of Shavuot. Because the school was closed on June 8<sup>th</sup> for Brooklyn-Queens Day, others added Friday to enjoy a four-day weekend.

not contact law enforcement authorities. Instead, female victims were instructed to write statements and return to the yard until dismissal time. Even after parents requested law enforcement intervention, the police were not summoned immediately. Indeed, school officials denied parents access to school phones and instructed them to leave the building if they insisted upon contacting the police. Officers from the 63<sup>rd</sup> Precinct became involved on Monday, June 12, 2000, at the insistence of the victims' parents. Detectives subsequently arrested six boys on charges of Sexual Abuse in the First Degree.

In a second matter, occurring on June 20, 2000, at MS 180 in District 27 in Queens, a dean failed to intervene when 6<sup>th</sup> grade female students attempted to report that 6<sup>th</sup> grade male students had sexually assaulted one of the girls in the schoolyard. Rather than listening to the complaint, this educator instructed the girls to put the information in writing. Then, she neglected to read the resulting statements until the next day. In the interim, the victim's mother contacted the 100<sup>th</sup> Precinct and seven boys were arrested for Sexual Abuse in the First Degree.

### IS 278

On June 9, 2000, a number of twelve-year-old female students at IS 278 alleged that male students had thrown them into sprinklers and sexually abused them. Our investigation began when the parent of one of the boys complained that the children had been left unsupervised in the schoolyard during the time that the misconduct purportedly occurred.

We substantiated the parent's allegation. That day, more than thirty teachers were absent and, according to **Principal Michael Quigley**, substitutes were not available. His solution was to hold an "extended recess" which resulted in hundreds of students sharing the schoolyard without adequate supervision. This was the first in a series of errors committed by school officials.

#### June 9, 2000

There is no doubt that the school was short staffed that day. Superintendent John Comer confirmed Principal Quigley's report of absent educators and his plan to remedy the situation by canceling classes.<sup>2</sup> Aides assigned to duty in the schoolyard readily admitted that they were understaffed and unable to provide adequate supervision of the children. In addition, the students described it as a "field day" with hundreds of 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> graders outside, "too many," in fact, "for the teachers to watch."

---

<sup>2</sup> Comer learned about the problem after the fact. He told investigators that steps would be taken to prevent a recurrence next year.

### Students Converge at the Sprinklers

Although the sprinkler area, located in Marine Park which adjoins the schoolyard, was off limits, the extended time outside on a hot and humid day tempted the students to break the rules. In fact, near the 7<sup>th</sup> period, at approximately 1:00 p.m., a number of boys and girls congregated at the sprinklers, a situation which ultimately resulted in the complaints of sexual abuse and the arrests for such conduct. Investigators interviewed twelve female students and learned the following details:

- As twelve-year-old Student A approached the sprinklers, she was pulled into the water by a group of boys. They ripped her blouse and unhooked her bra. According to her, one of the boys touched her breasts and pulled up her skirt. She pointed out the male students to **Dean Daniel Landberg** who took her into the auditorium and directed her to write a statement about the incident.
- Twelve-year-old Student B received permission from a teacher to use the sprinkler to wash off after being hit with a water balloon. As she approached, the girl observed boys placing their hands inside the clothing of her friend (“Student D”). Student B fell to the ground and three boys attacked her: two put their hands down her shorts, while a third pulled at her leg.<sup>3</sup> She kicked one of the male students between his legs and he went down. Upon breaking free, she notified a school aide who reported the information to Dean Landberg. Student B provided a written statement at his request.
- A group of males knocked twelve-year-old Student C to the ground as she approached the sprinklers.<sup>4</sup> A “fat boy” put his hand under her shirt and touched her bra, while a second felt between her legs. According to Student C, Dean Landberg saw the fat boy’s conduct and yelled at him.
- While twelve-year-old Student D and her friend (“Student F”) headed to the sprinklers, they were pushed to the ground by boys who then tried to place their hands inside the pants of the two girls. In fact, one touched Student D’s “private part.” According to Student D, Student B and Student I attempted to respond to her screams for help, only to be attacked themselves. After Student B notified Dean Landberg, all the victims were instructed to go to the auditorium and write a statement. Upon completion, the girls were sent back out into the schoolyard.

---

<sup>3</sup> As she fell to the ground, Student B took Student I down with her.

<sup>4</sup> Student C has turned thirteen since the incident.

- Twelve-year-old Student E observed boys attacking girls.<sup>5</sup> A group of male students pushed a girl, whom she could not identify, to the ground. Then Student B, Student F, and Student I were falling. She saw Student B kick one of the boys who also went down. Student E watched as the boys ripped the clothing from another girl who ran away with a torn bra. She described the situation as “crazy.” According to her, Dean Landberg was in the area.
- Student F, thirteen-years-old, was seriously mistreated by the male students. According to her, as she walked with Student D, she felt hands around her waist and then a group of boys lifted her over the iron fence which surrounds the sprinklers. Student F ended up spread eagled on the ground as males pulled her shirt over her head and touched her breasts. One boy unbuttoned her pants.
- Thirteen-year-old Student G and twelve-year-old Student H witnessed the assault on Student A. Both observed a group of boys push the girl down in the sprinklers, pull off her clothes, and break her glasses. According to Student G and Student H, Dean Landberg was in the schoolyard at the time of the attack.
- Twelve-year-old Student I, with Student B, received permission from a teacher to go to the sprinklers after a water balloon broke at her feet. Upon arriving there, both girls were attacked by a group of boys who pushed them to the ground and touched their “private parts.” According to Student I, they reported the incident to Dean Landberg and “everyone involved” had to write a statement.
- Thirteen-year-old Student J witnessed the attack on Student B and Student E. According to her, at the sprinklers, she saw girls on the ground and observed a group of boys pulling their clothes off. Some of the male students had their hands inside Student B’s tank top.
- Student K, thirteen-years-old, observed a group of boys carrying a girl, whom she did not recognize, to the sprinklers and starting to rip off her clothes. Upon seeing Student B, Student D, and Student I get pushed to the ground, Student K sought help, but could not find any adults. Finally, Dean Landberg arrived on the scene and, along with the other girls, Student K was instructed to write a statement.
- According to twelve-year-old Student L, she initially received permission to use the sprinklers in the presence of one of the few teachers assigned to the schoolyard. After he walked away, however, she was thrown into the sprinklers by a group of male students and a “fat boy” touched her “private parts” below her waist.

---

<sup>5</sup> Student E has turned thirteen since the incident.

### The School's Failure To Contact Law Enforcement

It is clear that the information known by IS 278 officials – including Principal Quigley and Dean Landberg – about the mêlée at the sprinklers, should have prompted immediate contact with law enforcement. Not only did Landberg break up one attack and learn about others right after they occurred, he observed the girls' state of disarray. Quigley did as well; in fact, he gave Student A his "Rangers" jacket to wear because her blouse was ripped. However, the principal deferred to Landberg whose reaction was to usher the female students into the auditorium to write loose-leaf paper fact statements and then to send them back outside until dismissal. Moreover, according to the principal, **Teachers Frank Di Franco and Vincenzo Montalbano** attempted to locate the boys involved and took statements from some of the male students. Along with the dean, these teachers also interviewed other students. Nevertheless, law enforcement authorities were not notified until Monday, June 12, 2000. Even then, although the principal claimed to have made the notification, parents asserted that school officials refused to involve the police and they were forced to leave the building and make the initial call themselves.

Landberg, Di Franco, Montalbano, and the other teachers who were present on June 9, 2000, refused to be interviewed by our investigators.<sup>6</sup> Nevertheless, the accounts by students and information from Principal Quigley provide sufficient evidence of the events of that Friday afternoon and the school's mistaken response. Quigley initially asserted: "I guess I should have called the police, but I had no one identified at the time." However, he quickly added: "Looking back, if something like this ever happens again, the first thing I will do is call the police." The principal acknowledged that parents questioned the delay in contacting law enforcement.

### Parents Are Mistreated By School Officials

Following the sprinkler attack, school officials failed miserably in discharging their responsibilities toward the parents of the female victims. At best, their response was inexplicable insensitivity; at worst, they were attempting to keep quiet a shameful situation which was prompted, in part, by the lack of supervision during the "extended recess." Some parents were not notified at all, while those who were received sparse or misleading details. Moreover, the educators continued to avoid police involvement, forcing the parents to perform that task. We learned about their displeasure with the manner in which the school handled the violent incident:

---

<sup>6</sup> Those refusing to be interviewed are: Daniel Landberg, Frank Di Franco, Vincenzo Montalbano, Frank Guariglia, Steven Kohn, Drew Goodman, Edward Morrissey, Jeffrey Fagen, Labrini Delaveris, Marcia Rothman, William Magrino, Audra Arbuse, Tania Gullo, Diana Mendelson, Muriel Charles, and Mindy Knaster.

- According to Student A's mother, Principal Quigley telephoned her on Friday afternoon to report that her daughter's clothing had been torn during an incident at the school, but that the situation "was not serious." Of course, she later learned the true details from Student A and was "disappointed" that the principal had not provided accurate information. On Monday, when she questioned the delay in calling the police, Quigley asserted that the school had not had time "to conduct their investigation."
- On Friday, Student B's mother received a message on her answering machine about an incident at school, with no details about its nature. She later learned about the attack from her daughter. Along with other parents, on Monday, she demanded to know why the police were not called. According to her, Di Franco claimed that school officials "were not allowed to call the police," a position shared by Quigley and Landberg. In fact, Di Franco asserted that the parents would have to leave the school and contact the police to obtain their involvement. According to Student B's mother, she notified the authorities using her cellular telephone outside the school.
- Student C's mother was not called by the school on Friday, and first learned about the incident from her daughter. On Monday, she sought an explanation for the school's failure to notify her. According to Student C's mother, Landberg responded: "We were just too busy to call." Moreover, the dean informed the group of concerned parents who wanted to know why law enforcement officials were not notified on Friday: "We do not think the police should get involved due to the fact that the matter, at this time, is under control." He added that parents would have to leave the school to contact the police.
- In the opinion of Student D's mother, "[school officials] were definitely trying to sweep this under the rug." She arrived at school on Friday afternoon to pick up her daughter and learned from a friend that Student D had been attacked. Upon entering the school she met Landberg, Di Franco, and a teacher whom she could not identify and was told that she had not been notified because the school was in the process of conducting an investigation. Moreover, either Landberg or Di Franco asserted that they were not allowed to call the police and she would have to leave the school and do so herself. On Monday, along with other parents, she was given this same instruction. Infuriated, Student D's mother left the school and dialed "911."
- Student F's mother was "furious" that the school did not contact the police immediately after the incident. According to her, she was told that IS 278 officials were conducting their own investigation.

- Student I's mother also received an answering machine message that failed to describe the gravity of the incident. She did not learn the full details until Monday at the school. Along with others, Student I's mother was told by Quigley, Landberg, and Di Franco that the parents were responsible for contacting the police and would have to do so outside the school.
- On Friday, Student L's father received a call at work and was informed that his daughter was involved in an incident because she "was in a place she was not supposed to be," but he was not told the serious nature of the situation. Student L's mother learned about the attack on Sunday from Student D's mother. On Monday, Student L's mother was present when Quigley, Landberg, and Di Franco instructed parents that they would have to leave the school to notify the police. In fact, according to her, she left the building with Student D's mother to make that call.

#### The School Safety Agent

According to School Safety Agent ("SSA") **Shirley Jefferson**, she spent most of June 9<sup>th</sup> inside IS 278. However, she seemed less than surprised by the disturbance outside and nonchalantly informed investigators most of the students in the school play the "hump game." She described this activity: "You know, the kids go around humping each other and touch each others' private parts." SSA Jefferson had never reported this conduct to anyone prior to speaking with our investigators.

On June 9<sup>th</sup>, Jefferson played a small role following the sprinkler incident. She assisted Landberg in escorting female students into the auditorium where they wrote statements. At that time, she suggested to the dean that he call the girls' parents. According to her, Landberg replied: "I am making a few calls, but I want to get out of here."

#### Our Findings and Recommendations

"There were just too many students in the yard and not enough teachers to watch them." Student L's simple statement of fact sums up the situation at IS 278 on June 9, 2000. Surely, Principal Quigley should have anticipated the potential for increased teacher absences, given the resulting long weekend that this day off provided, and prepared a plan to cover the shortage of staff. While he may not have foreseen the extent of the damage ultimately caused by his decision, Quigley's mistake in holding an "extended recess" led to a nightmarish experience for a group of teenage girls that Friday

afternoon. That error was magnified when Quigley and Landberg – aided by Di Franco and Montalbano – failed to call the police immediately upon learning of the attack and, instead, conducted their own investigation. They compounded that failure with their insensitive treatment of the parents of the victims, including their repeated avoidance of police involvement and their refusal to allow school phones to be used to alert law enforcement.

It is therefore the recommendation of this office that strong disciplinary action be taken against Michael Quigley and Daniel Landberg which, at a minimum, must include being removed from their current positions. In addition, appropriate disciplinary action should be taken against Frank Di Franco and Vincenzo Montalbano. Moreover, the Chancellor must make clear that failures to report criminal activity will not be tolerated and repeated transgressions will result in termination of employment.

We are concerned by SSA Shirley Jefferson's tolerant attitude toward the students' performance of "the hump game." She is employed by the New York City Police Department and we are referring this matter to its Internal Affairs Bureau for whatever action it deems appropriate.

### MS 180

On June 20, 2000, the mother of a twelve-year-old female student ("Student A") at MS 180 reported to the police that her daughter had been attacked and molested by male students in the schoolyard that day. According to the mother, Student A described being lifted upside down with her hands held together while the boys touched her breasts and buttocks. They also tried to remove her clothes.

Our investigation began when we learned that Student A had reported the incident to **Dean Carey Wittman** who took no action. Before we were notified, however, Superintendent Matthew Bromme conducted an investigation into the matter. As a result, Bromme reassigned Dean Wittman.<sup>7</sup> Bromme contacted the Office of Legal Services seeking assistance in taking disciplinary action against his employee and was advised by Deputy Counsel to the Chancellor Theresa Europe to report the matter to this office. He did so and this investigation ensued.

---

<sup>7</sup> Principal Robert Spata was also reassigned. His transgression involved the circumstances surrounding the suspension of one of the male students. We did not investigate that matter.

The attorney representing Student A would not allow her to be interviewed, however, we were able to learn the details of the attack and her attempts to report it through her written statement and interviews with her mother and other students. According to her statement, the attack ended when Student B ran to her friend's aid and the boys dropped her.

Twelve-year-old female Student B confirmed that she witnessed the attack on Student A and then went with her to report it. The police officer assigned to the school told them to see Dean Wittman.<sup>8</sup> Joined by Student C and Student D, the girls searched for and located the dean in a second floor classroom. Wittman immediately instructed the students to write statements for her. Student B did not provide one, although the other girls did. According to Student B, Student D tried to tell the dean that boys were pulling on Student A's clothes and "feeling on her," but she did not use the words "breasts" and "buttocks."

Student C, also a twelve-year-old female, witnessed part of the assault and observed Student A's skirt down around her knees. She confirmed the attempts to report the incident and Wittman's direction to write a statement. Student C, Student A, and Student D complied and later gave them to the dean. Investigators were unable to locate Student D.

Through her attorney, Carey Wittman declined the opportunity to be interviewed by this office. Nevertheless, we learned her version of the events from a written statement she provided to the superintendent and information from Principal Robert Spata. According to the dean's statement, she was helping to distribute caps and gowns when Student A and the other 6<sup>th</sup> graders came to see her, having been referred there by the police officer. They informed her that some boys had been fooling around during lunch and Student A added that one boy picked her up and dropped her. After ascertaining that the girl was all right, Wittman instructed them to write statements for her, which they did. The dean located the boy named by Student A and directed him to write a statement, which he left on her desk. According to her, because there were no injuries, no further information from the police officer, and the students had gone home, she planned to handle the matter the next morning. At the end of the school day, Wittman had not read any of the statements.

---

<sup>8</sup> According to Superintendent Bromme, the Internal Affairs Bureau of the New York City Police Department is reviewing the police officer's failure to respond to Student A's report.

The next morning, Student A's mother contacted Wittman. The dean confirmed that the girl had come to see her the day before as she "prepared for graduation." Asked whether she read Student A's written statement, Wittman replied: "Not yet. When I go upstairs I will read it and then I'll get back to you." As the mother attempted to inform the dean that her daughter had been molested, she reiterated: "I'll get back to you." According to the mother, she did not receive a return call from Wittman.

A short time after the call from Student A's mother, Dean Wittman came to the principal with the statements. According to Spata, she said: "Bob, I blew it. I did not read these until this morning."

#### Our Finding and Recommendation

Fortunately for Dean Wittman, Student A's mother made a prompt complaint to the police and the girl's attackers were arrested before any further harm could come to her or others. Wittman's decision to devote her attention to the distribution of caps and gowns over helping the girls who sought her intervention could have had disastrous consequences. It is therefore the recommendation of this office that appropriate disciplinary action be taken against Carey Wittman.

#### **Conclusion**

These cases are not isolated errors by school officials who failed to promptly notify law enforcement authorities. Unfortunately, we have repeatedly reported on the mishandling of similar situations. Logic dictates that educators should seek police involvement immediately upon learning that a serious crime has been committed on school grounds. In fact, Chancellor Levy has emphasized the need to do so. Thus, school administrators must consider these incidents a priority. Moreover, we reiterate that school based investigations of criminal activity are dangerous and can have serious consequences for the prosecution of the offenders. Superintendents and principals must be given a clear instruction to call the police without any delay and allow trained professionals to conduct the investigation. Finally, the ridiculous notion put forth by certain school personnel that they cannot contact the police and that parents must do so outside the building, must be corrected. Allowing educators to follow such a procedure fosters their ability to shirk that responsibility in order to avoid a scandal. School officials must understand that they can and should notify the police as necessary. New York City's schoolchildren depend on them to do so.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also forwarding a copy of our report to the State Education Department for whatever action they deem appropriate. Should you have any inquiries regarding the above, please contact Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify Deputy Commissioner Loughran within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated concerning the recommendations made herein. Thank you for your attention to this matter.

Sincerely,

Edward F. Stancik  
Special Commissioner  
of Investigation for the  
New York City School District

EFS:RAL:ai

c: Chad Vignola, Esq.

September 21, 2000

Hon. William C. Thompson, Jr.  
President  
New York City Board of Education  
110 Livingston Street, Room 1118  
Brooklyn, NY 11201

Re: IS 278K  
MS 180Q

Dear President Thompson:

This office has concluded investigations into two separate, but similar, incidents which seriously impact on the safety of public schoolchildren. In both cases, male students sexually abused female students during school hours. Each time, the girls promptly reported the misconduct to educators who failed to take appropriate action. Instead, parents involved the police who arrested the boys for the attacks which occurred on school grounds.

In the first instance, on Friday, June 9, 2000, at IS 278 in District 22 in Brooklyn, a number of 6<sup>th</sup> and 7<sup>th</sup> grade girls were sexually assaulted by 8<sup>th</sup> grade boys in the schoolyard. We learned that at least thirty-five teachers took the day off and, with his staff severely limited, the principal's solution was to declare an "extended recess."<sup>1</sup> As a result, in the afternoon, hundreds of students – over 500 at any given time according to the principal – crowded the schoolyard, with little supervision. It was during this time, in the sprinkler area, that the incidents of sexual abuse reportedly occurred. Moreover, although school officials became aware of the girls' allegations that afternoon, they did

---

<sup>1</sup> Many of the teachers were observing the religious holiday of Shavuot. Because the school was closed on June 8<sup>th</sup> for Brooklyn-Queens Day, others added Friday to enjoy a four-day weekend.

not contact law enforcement authorities. Instead, female victims were instructed to write statements and return to the yard until dismissal time. Even after parents requested law enforcement intervention, the police were not summoned immediately. Indeed, school officials denied parents access to school phones and instructed them to leave the building if they insisted upon contacting the police. Officers from the 63<sup>rd</sup> Precinct became involved on Monday, June 12, 2000, at the insistence of the victims' parents. Detectives subsequently arrested six boys on charges of Sexual Abuse in the First Degree.

In a second matter, occurring on June 20, 2000, at MS 180 in District 27 in Queens, a dean failed to intervene when 6<sup>th</sup> grade female students attempted to report that 6<sup>th</sup> grade male students had sexually assaulted one of the girls in the schoolyard. Rather than listening to the complaint, this educator instructed the girls to put the information in writing. Then, she neglected to read the resulting statements until the next day. In the interim, the victim's mother contacted the 100<sup>th</sup> Precinct and seven boys were arrested for Sexual Abuse in the First Degree.

### IS 278

On June 9, 2000, a number of twelve-year-old female students at IS 278 alleged that male students had thrown them into sprinklers and sexually abused them. Our investigation began when the parent of one of the boys complained that the children had been left unsupervised in the schoolyard during the time that the misconduct purportedly occurred.

We substantiated the parent's allegation. That day, more than thirty teachers were absent and, according to **Principal Michael Quigley**, substitutes were not available. His solution was to hold an "extended recess" which resulted in hundreds of students sharing the schoolyard without adequate supervision. This was the first in a series of errors committed by school officials.

#### June 9, 2000

There is no doubt that the school was short staffed that day. Superintendent John Comer confirmed Principal Quigley's report of absent educators and his plan to remedy the situation by canceling classes.<sup>2</sup> Aides assigned to duty in the schoolyard readily admitted that they were understaffed and unable to provide adequate supervision of the children. In addition, the students described it as a "field day" with hundreds of 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> graders outside, "too many," in fact, "for the teachers to watch."

---

<sup>2</sup> Comer learned about the problem after the fact. He told investigators that steps would be taken to prevent a recurrence next year.

### Students Converge at the Sprinklers

Although the sprinkler area, located in Marine Park which adjoins the schoolyard, was off limits, the extended time outside on a hot and humid day tempted the students to break the rules. In fact, near the 7<sup>th</sup> period, at approximately 1:00 p.m., a number of boys and girls congregated at the sprinklers, a situation which ultimately resulted in the complaints of sexual abuse and the arrests for such conduct. Investigators interviewed twelve female students and learned the following details:

- As twelve-year-old Student A approached the sprinklers, she was pulled into the water by a group of boys. They ripped her blouse and unhooked her bra. According to her, one of the boys touched her breasts and pulled up her skirt. She pointed out the male students to **Dean Daniel Landberg** who took her into the auditorium and directed her to write a statement about the incident.
- Twelve-year-old Student B received permission from a teacher to use the sprinkler to wash off after being hit with a water balloon. As she approached, the girl observed boys placing their hands inside the clothing of her friend (“Student D”). Student B fell to the ground and three boys attacked her: two put their hands down her shorts, while a third pulled at her leg.<sup>3</sup> She kicked one of the male students between his legs and he went down. Upon breaking free, she notified a school aide who reported the information to Dean Landberg. Student B provided a written statement at his request.
- A group of males knocked twelve-year-old Student C to the ground as she approached the sprinklers.<sup>4</sup> A “fat boy” put his hand under her shirt and touched her bra, while a second felt between her legs. According to Student C, Dean Landberg saw the fat boy’s conduct and yelled at him.
- While twelve-year-old Student D and her friend (“Student F”) headed to the sprinklers, they were pushed to the ground by boys who then tried to place their hands inside the pants of the two girls. In fact, one touched Student D’s “private part.” According to Student D, Student B and Student I attempted to respond to her screams for help, only to be attacked themselves. After Student B notified Dean Landberg, all the victims were instructed to go to the auditorium and write a statement. Upon completion, the girls were sent back out into the schoolyard.

---

<sup>3</sup> As she fell to the ground, Student B took Student I down with her.

<sup>4</sup> Student C has turned thirteen since the incident.

- Twelve-year-old Student E observed boys attacking girls.<sup>5</sup> A group of male students pushed a girl, whom she could not identify, to the ground. Then Student B, Student F, and Student I were falling. She saw Student B kick one of the boys who also went down. Student E watched as the boys ripped the clothing from another girl who ran away with a torn bra. She described the situation as “crazy.” According to her, Dean Landberg was in the area.
- Student F, thirteen-years-old, was seriously mistreated by the male students. According to her, as she walked with Student D, she felt hands around her waist and then a group of boys lifted her over the iron fence which surrounds the sprinklers. Student F ended up spread eagled on the ground as males pulled her shirt over her head and touched her breasts. One boy unbuttoned her pants.
- Thirteen-year-old Student G and twelve-year-old Student H witnessed the assault on Student A. Both observed a group of boys push the girl down in the sprinklers, pull off her clothes, and break her glasses. According to Student G and Student H, Dean Landberg was in the schoolyard at the time of the attack.
- Twelve-year-old Student I, with Student B, received permission from a teacher to go to the sprinklers after a water balloon broke at her feet. Upon arriving there, both girls were attacked by a group of boys who pushed them to the ground and touched their “private parts.” According to Student I, they reported the incident to Dean Landberg and “everyone involved” had to write a statement.
- Thirteen-year-old Student J witnessed the attack on Student B and Student E. According to her, at the sprinklers, she saw girls on the ground and observed a group of boys pulling their clothes off. Some of the male students had their hands inside Student B’s tank top.
- Student K, thirteen-years-old, observed a group of boys carrying a girl, whom she did not recognize, to the sprinklers and starting to rip off her clothes. Upon seeing Student B, Student D, and Student I get pushed to the ground, Student K sought help, but could not find any adults. Finally, Dean Landberg arrived on the scene and, along with the other girls, Student K was instructed to write a statement.
- According to twelve-year-old Student L, she initially received permission to use the sprinklers in the presence of one of the few teachers assigned to the schoolyard. After he walked away, however, she was thrown into the sprinklers by a group of male students and a “fat boy” touched her “private parts” below her waist.

---

<sup>5</sup> Student E has turned thirteen since the incident.

### The School's Failure To Contact Law Enforcement

It is clear that the information known by IS 278 officials – including Principal Quigley and Dean Landberg – about the mêlée at the sprinklers, should have prompted immediate contact with law enforcement. Not only did Landberg break up one attack and learn about others right after they occurred, he observed the girls' state of disarray. Quigley did as well; in fact, he gave Student A his "Rangers" jacket to wear because her blouse was ripped. However, the principal deferred to Landberg whose reaction was to usher the female students into the auditorium to write loose-leaf paper fact statements and then to send them back outside until dismissal. Moreover, according to the principal, **Teachers Frank Di Franco and Vincenzo Montalbano** attempted to locate the boys involved and took statements from some of the male students. Along with the dean, these teachers also interviewed other students. Nevertheless, law enforcement authorities were not notified until Monday, June 12, 2000. Even then, although the principal claimed to have made the notification, parents asserted that school officials refused to involve the police and they were forced to leave the building and make the initial call themselves.

Landberg, Di Franco, Montalbano, and the other teachers who were present on June 9, 2000, refused to be interviewed by our investigators.<sup>6</sup> Nevertheless, the accounts by students and information from Principal Quigley provide sufficient evidence of the events of that Friday afternoon and the school's mistaken response. Quigley initially asserted: "I guess I should have called the police, but I had no one identified at the time." However, he quickly added: "Looking back, if something like this ever happens again, the first thing I will do is call the police." The principal acknowledged that parents questioned the delay in contacting law enforcement.

### Parents Are Mistreated By School Officials

Following the sprinkler attack, school officials failed miserably in discharging their responsibilities toward the parents of the female victims. At best, their response was inexplicable insensitivity; at worst, they were attempting to keep quiet a shameful situation which was prompted, in part, by the lack of supervision during the "extended recess." Some parents were not notified at all, while those who were received sparse or misleading details. Moreover, the educators continued to avoid police involvement, forcing the parents to perform that task. We learned about their displeasure with the manner in which the school handled the violent incident:

---

<sup>6</sup> Those refusing to be interviewed are: Daniel Landberg, Frank Di Franco, Vincenzo Montalbano, Frank Guariglia, Steven Kohn, Drew Goodman, Edward Morrissey, Jeffrey Fagen, Labrini Delaveris, Marcia Rothman, William Magrino, Audra Arbuse, Tania Gullo, Diana Mendelson, Muriel Charles, and Mindy Knaster.

- According to Student A's mother, Principal Quigley telephoned her on Friday afternoon to report that her daughter's clothing had been torn during an incident at the school, but that the situation "was not serious." Of course, she later learned the true details from Student A and was "disappointed" that the principal had not provided accurate information. On Monday, when she questioned the delay in calling the police, Quigley asserted that the school had not had time "to conduct their investigation."
- On Friday, Student B's mother received a message on her answering machine about an incident at school, with no details about its nature. She later learned about the attack from her daughter. Along with other parents, on Monday, she demanded to know why the police were not called. According to her, Di Franco claimed that school officials "were not allowed to call the police," a position shared by Quigley and Landberg. In fact, Di Franco asserted that the parents would have to leave the school and contact the police to obtain their involvement. According to Student B's mother, she notified the authorities using her cellular telephone outside the school.
- Student C's mother was not called by the school on Friday, and first learned about the incident from her daughter. On Monday, she sought an explanation for the school's failure to notify her. According to Student C's mother, Landberg responded: "We were just too busy to call." Moreover, the dean informed the group of concerned parents who wanted to know why law enforcement officials were not notified on Friday: "We do not think the police should get involved due to the fact that the matter, at this time, is under control." He added that parents would have to leave the school to contact the police.
- In the opinion of Student D's mother, "[school officials] were definitely trying to sweep this under the rug." She arrived at school on Friday afternoon to pick up her daughter and learned from a friend that Student D had been attacked. Upon entering the school she met Landberg, Di Franco, and a teacher whom she could not identify and was told that she had not been notified because the school was in the process of conducting an investigation. Moreover, either Landberg or Di Franco asserted that they were not allowed to call the police and she would have to leave the school and do so herself. On Monday, along with other parents, she was given this same instruction. Infuriated, Student D's mother left the school and dialed "911."
- Student F's mother was "furious" that the school did not contact the police immediately after the incident. According to her, she was told that IS 278 officials were conducting their own investigation.

- Student I's mother also received an answering machine message that failed to describe the gravity of the incident. She did not learn the full details until Monday at the school. Along with others, Student I's mother was told by Quigley, Landberg, and Di Franco that the parents were responsible for contacting the police and would have to do so outside the school.
- On Friday, Student L's father received a call at work and was informed that his daughter was involved in an incident because she "was in a place she was not supposed to be," but he was not told the serious nature of the situation. Student L's mother learned about the attack on Sunday from Student D's mother. On Monday, Student L's mother was present when Quigley, Landberg, and Di Franco instructed parents that they would have to leave the school to notify the police. In fact, according to her, she left the building with Student D's mother to make that call.

#### The School Safety Agent

According to School Safety Agent ("SSA") **Shirley Jefferson**, she spent most of June 9<sup>th</sup> inside IS 278. However, she seemed less than surprised by the disturbance outside and nonchalantly informed investigators most of the students in the school play the "hump game." She described this activity: "You know, the kids go around humping each other and touch each others' private parts." SSA Jefferson had never reported this conduct to anyone prior to speaking with our investigators.

On June 9<sup>th</sup>, Jefferson played a small role following the sprinkler incident. She assisted Landberg in escorting female students into the auditorium where they wrote statements. At that time, she suggested to the dean that he call the girls' parents. According to her, Landberg replied: "I am making a few calls, but I want to get out of here."

#### Our Findings and Recommendations

"There were just too many students in the yard and not enough teachers to watch them." Student L's simple statement of fact sums up the situation at IS 278 on June 9, 2000. Surely, Principal Quigley should have anticipated the potential for increased teacher absences, given the resulting long weekend that this day off provided, and prepared a plan to cover the shortage of staff. While he may not have foreseen the extent of the damage ultimately caused by his decision, Quigley's mistake in holding an "extended recess" led to a nightmarish experience for a group of teenage girls that Friday

afternoon. That error was magnified when Quigley and Landberg – aided by Di Franco and Montalbano – failed to call the police immediately upon learning of the attack and, instead, conducted their own investigation. They compounded that failure with their insensitive treatment of the parents of the victims, including their repeated avoidance of police involvement and their refusal to allow school phones to be used to alert law enforcement.

It is therefore the recommendation of this office that strong disciplinary action be taken against Michael Quigley and Daniel Landberg which, at a minimum, must include being removed from their current positions. In addition, appropriate disciplinary action should be taken against Frank Di Franco and Vincenzo Montalbano. Moreover, the Chancellor must make clear that failures to report criminal activity will not be tolerated and repeated transgressions will result in termination of employment.

We are concerned by SSA Shirley Jefferson's tolerant attitude toward the students' performance of "the hump game." She is employed by the New York City Police Department and we are referring this matter to its Internal Affairs Bureau for whatever action it deems appropriate.

### MS 180

On June 20, 2000, the mother of a twelve-year-old female student ("Student A") at MS 180 reported to the police that her daughter had been attacked and molested by male students in the schoolyard that day. According to the mother, Student A described being lifted upside down with her hands held together while the boys touched her breasts and buttocks. They also tried to remove her clothes.

Our investigation began when we learned that Student A had reported the incident to **Dean Carey Wittman** who took no action. Before we were notified, however, Superintendent Matthew Bromme conducted an investigation into the matter. As a result, Bromme reassigned Dean Wittman.<sup>7</sup> Bromme contacted the Office of Legal Services seeking assistance in taking disciplinary action against his employee and was advised by Deputy Counsel to the Chancellor Theresa Europe to report the matter to this office. He did so and this investigation ensued.

---

<sup>7</sup> Principal Robert Spata was also reassigned. His transgression involved the circumstances surrounding the suspension of one of the male students. We did not investigate that matter.

The attorney representing Student A would not allow her to be interviewed, however, we were able to learn the details of the attack and her attempts to report it through her written statement and interviews with her mother and other students. According to her statement, the attack ended when Student B ran to her friend's aid and the boys dropped her.

Twelve-year-old female Student B confirmed that she witnessed the attack on Student A and then went with her to report it. The police officer assigned to the school told them to see Dean Wittman.<sup>8</sup> Joined by Student C and Student D, the girls searched for and located the dean in a second floor classroom. Wittman immediately instructed the students to write statements for her. Student B did not provide one, although the other girls did. According to Student B, Student D tried to tell the dean that boys were pulling on Student A's clothes and "feeling on her," but she did not use the words "breasts" and "buttocks."

Student C, also a twelve-year-old female, witnessed part of the assault and observed Student A's skirt down around her knees. She confirmed the attempts to report the incident and Wittman's direction to write a statement. Student C, Student A, and Student D complied and later gave them to the dean. Investigators were unable to locate Student D.

Through her attorney, Carey Wittman declined the opportunity to be interviewed by this office. Nevertheless, we learned her version of the events from a written statement she provided to the superintendent and information from Principal Robert Spata. According to the dean's statement, she was helping to distribute caps and gowns when Student A and the other 6<sup>th</sup> graders came to see her, having been referred there by the police officer. They informed her that some boys had been fooling around during lunch and Student A added that one boy picked her up and dropped her. After ascertaining that the girl was all right, Wittman instructed them to write statements for her, which they did. The dean located the boy named by Student A and directed him to write a statement, which he left on her desk. According to her, because there were no injuries, no further information from the police officer, and the students had gone home, she planned to handle the matter the next morning. At the end of the school day, Wittman had not read any of the statements.

---

<sup>8</sup> According to Superintendent Bromme, the Internal Affairs Bureau of the New York City Police Department is reviewing the police officer's failure to respond to Student A's report.

The next morning, Student A's mother contacted Wittman. The dean confirmed that the girl had come to see her the day before as she "prepared for graduation." Asked whether she read Student A's written statement, Wittman replied: "Not yet. When I go upstairs I will read it and then I'll get back to you." As the mother attempted to inform the dean that her daughter had been molested, she reiterated: "I'll get back to you." According to the mother, she did not receive a return call from Wittman.

A short time after the call from Student A's mother, Dean Wittman came to the principal with the statements. According to Spata, she said: "Bob, I blew it. I did not read these until this morning."

#### Our Finding and Recommendation

Fortunately for Dean Wittman, Student A's mother made a prompt complaint to the police and the girl's attackers were arrested before any further harm could come to her or others. Wittman's decision to devote her attention to the distribution of caps and gowns over helping the girls who sought her intervention could have had disastrous consequences. It is therefore the recommendation of this office that appropriate disciplinary action be taken against Carey Wittman.

#### **Conclusion**

These cases are not isolated errors by school officials who failed to promptly notify law enforcement authorities. Unfortunately, we have repeatedly reported on the mishandling of similar situations. Logic dictates that educators should seek police involvement immediately upon learning that a serious crime has been committed on school grounds. In fact, Chancellor Levy has emphasized the need to do so. Thus, school administrators must consider these incidents a priority. Moreover, we reiterate that school based investigations of criminal activity are dangerous and can have serious consequences for the prosecution of the offenders. Superintendents and principals must be given a clear instruction to call the police without any delay and allow trained professionals to conduct the investigation. Finally, the ridiculous notion put forth by certain school personnel that they cannot contact the police and that parents must do so outside the building, must be corrected. Allowing educators to follow such a procedure fosters their ability to shirk that responsibility in order to avoid a scandal. School officials must understand that they can and should notify the police as necessary. New York City's schoolchildren depend on them to do so.

Hon. W. C. Thompson, Jr.

-11-

September 21, 2000

Should you have any inquiries regarding the above, please contact me or Deputy Commissioner Regina Loughran. She can be reached at (212) 510-1426.

Sincerely,

Edward F. Stancik  
Special Commissioner  
of Investigation for the  
New York City School District

EFS:RAL:ai

c: Members of the Board

September 21, 2000

Hon. Edward J. Kuriansky  
Commissioner  
New York City Department of Investigation  
80 Maiden Lane, 17<sup>th</sup> Floor  
New York, NY 10038

Re: IS 278K  
MS 180Q

Dear Commissioner Kuriansky:

This office has concluded investigations into two separate, but similar, incidents which seriously impact on the safety of public schoolchildren. In both cases, male students sexually abused female students during school hours. Each time, the girls promptly reported the misconduct to educators who failed to take appropriate action. Instead, parents involved the police who arrested the boys for the attacks which occurred on school grounds.

In the first instance, on Friday, June 9, 2000, at IS 278 in District 22 in Brooklyn, a number of 6<sup>th</sup> and 7<sup>th</sup> grade girls were sexually assaulted by 8<sup>th</sup> grade boys in the schoolyard. We learned that at least thirty-five teachers took the day off and, with his staff severely limited, the principal's solution was to declare an "extended recess."<sup>1</sup> As a result, in the afternoon, hundreds of students – over 500 at any given time according to the principal – crowded the schoolyard, with little supervision. It was during this time, in the sprinkler area, that the incidents of sexual abuse reportedly occurred. Moreover, although school officials became aware of the girls' allegations that afternoon, they did

---

<sup>1</sup> Many of the teachers were observing the religious holiday of Shavuot. Because the school was closed on June 8<sup>th</sup> for Brooklyn-Queens Day, others added Friday to enjoy a four-day weekend.

not contact law enforcement authorities. Instead, female victims were instructed to write statements and return to the yard until dismissal time. Even after parents requested law enforcement intervention, the police were not summoned immediately. Indeed, school officials denied parents access to school phones and instructed them to leave the building if they insisted upon contacting the police. Officers from the 63<sup>rd</sup> Precinct became involved on Monday, June 12, 2000, at the insistence of the victims' parents. Detectives subsequently arrested six boys on charges of Sexual Abuse in the First Degree.

In a second matter, occurring on June 20, 2000, at MS 180 in District 27 in Queens, a dean failed to intervene when 6<sup>th</sup> grade female students attempted to report that 6<sup>th</sup> grade male students had sexually assaulted one of the girls in the schoolyard. Rather than listening to the complaint, this educator instructed the girls to put the information in writing. Then, she neglected to read the resulting statements until the next day. In the interim, the victim's mother contacted the 100<sup>th</sup> Precinct and seven boys were arrested for Sexual Abuse in the First Degree.

### IS 278

On June 9, 2000, a number of twelve-year-old female students at IS 278 alleged that male students had thrown them into sprinklers and sexually abused them. Our investigation began when the parent of one of the boys complained that the children had been left unsupervised in the schoolyard during the time that the misconduct purportedly occurred.

We substantiated the parent's allegation. That day, more than thirty teachers were absent and, according to **Principal Michael Quigley**, substitutes were not available. His solution was to hold an "extended recess" which resulted in hundreds of students sharing the schoolyard without adequate supervision. This was the first in a series of errors committed by school officials.

#### June 9, 2000

There is no doubt that the school was short staffed that day. Superintendent John Comer confirmed Principal Quigley's report of absent educators and his plan to remedy the situation by canceling classes.<sup>2</sup> Aides assigned to duty in the schoolyard readily admitted that they were understaffed and unable to provide adequate supervision of the children. In addition, the students described it as a "field day" with hundreds of 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> graders outside, "too many," in fact, "for the teachers to watch."

---

<sup>2</sup> Comer learned about the problem after the fact. He told investigators that steps would be taken to prevent a recurrence next year.

### Students Converge at the Sprinklers

Although the sprinkler area, located in Marine Park which adjoins the schoolyard, was off limits, the extended time outside on a hot and humid day tempted the students to break the rules. In fact, near the 7<sup>th</sup> period, at approximately 1:00 p.m., a number of boys and girls congregated at the sprinklers, a situation which ultimately resulted in the complaints of sexual abuse and the arrests for such conduct. Investigators interviewed twelve female students and learned the following details:

- As twelve-year-old Student A approached the sprinklers, she was pulled into the water by a group of boys. They ripped her blouse and unhooked her bra. According to her, one of the boys touched her breasts and pulled up her skirt. She pointed out the male students to **Dean Daniel Landberg** who took her into the auditorium and directed her to write a statement about the incident.
- Twelve-year-old Student B received permission from a teacher to use the sprinkler to wash off after being hit with a water balloon. As she approached, the girl observed boys placing their hands inside the clothing of her friend (“Student D”). Student B fell to the ground and three boys attacked her: two put their hands down her shorts, while a third pulled at her leg.<sup>3</sup> She kicked one of the male students between his legs and he went down. Upon breaking free, she notified a school aide who reported the information to Dean Landberg. Student B provided a written statement at his request.
- A group of males knocked twelve-year-old Student C to the ground as she approached the sprinklers.<sup>4</sup> A “fat boy” put his hand under her shirt and touched her bra, while a second felt between her legs. According to Student C, Dean Landberg saw the fat boy’s conduct and yelled at him.
- While twelve-year-old Student D and her friend (“Student F”) headed to the sprinklers, they were pushed to the ground by boys who then tried to place their hands inside the pants of the two girls. In fact, one touched Student D’s “private part.” According to Student D, Student B and Student I attempted to respond to her screams for help, only to be attacked themselves. After Student B notified Dean Landberg, all the victims were instructed to go to the auditorium and write a statement. Upon completion, the girls were sent back out into the schoolyard.

---

<sup>3</sup> As she fell to the ground, Student B took Student I down with her.

<sup>4</sup> Student C has turned thirteen since the incident.

- Twelve-year-old Student E observed boys attacking girls.<sup>5</sup> A group of male students pushed a girl, whom she could not identify, to the ground. Then Student B, Student F, and Student I were falling. She saw Student B kick one of the boys who also went down. Student E watched as the boys ripped the clothing from another girl who ran away with a torn bra. She described the situation as “crazy.” According to her, Dean Landberg was in the area.
- Student F, thirteen-years-old, was seriously mistreated by the male students. According to her, as she walked with Student D, she felt hands around her waist and then a group of boys lifted her over the iron fence which surrounds the sprinklers. Student F ended up spread eagled on the ground as males pulled her shirt over her head and touched her breasts. One boy unbuttoned her pants.
- Thirteen-year-old Student G and twelve-year-old Student H witnessed the assault on Student A. Both observed a group of boys push the girl down in the sprinklers, pull off her clothes, and break her glasses. According to Student G and Student H, Dean Landberg was in the schoolyard at the time of the attack.
- Twelve-year-old Student I, with Student B, received permission from a teacher to go to the sprinklers after a water balloon broke at her feet. Upon arriving there, both girls were attacked by a group of boys who pushed them to the ground and touched their “private parts.” According to Student I, they reported the incident to Dean Landberg and “everyone involved” had to write a statement.
- Thirteen-year-old Student J witnessed the attack on Student B and Student E. According to her, at the sprinklers, she saw girls on the ground and observed a group of boys pulling their clothes off. Some of the male students had their hands inside Student B’s tank top.
- Student K, thirteen-years-old, observed a group of boys carrying a girl, whom she did not recognize, to the sprinklers and starting to rip off her clothes. Upon seeing Student B, Student D, and Student I get pushed to the ground, Student K sought help, but could not find any adults. Finally, Dean Landberg arrived on the scene and, along with the other girls, Student K was instructed to write a statement.
- According to twelve-year-old Student L, she initially received permission to use the sprinklers in the presence of one of the few teachers assigned to the schoolyard. After he walked away, however, she was thrown into the sprinklers by a group of male students and a “fat boy” touched her “private parts” below her waist.

---

<sup>5</sup> Student E has turned thirteen since the incident.

### The School's Failure To Contact Law Enforcement

It is clear that the information known by IS 278 officials – including Principal Quigley and Dean Landberg – about the mêlée at the sprinklers, should have prompted immediate contact with law enforcement. Not only did Landberg break up one attack and learn about others right after they occurred, he observed the girls' state of disarray. Quigley did as well; in fact, he gave Student A his "Rangers" jacket to wear because her blouse was ripped. However, the principal deferred to Landberg whose reaction was to usher the female students into the auditorium to write loose-leaf paper fact statements and then to send them back outside until dismissal. Moreover, according to the principal, **Teachers Frank Di Franco and Vincenzo Montalbano** attempted to locate the boys involved and took statements from some of the male students. Along with the dean, these teachers also interviewed other students. Nevertheless, law enforcement authorities were not notified until Monday, June 12, 2000. Even then, although the principal claimed to have made the notification, parents asserted that school officials refused to involve the police and they were forced to leave the building and make the initial call themselves.

Landberg, Di Franco, Montalbano, and the other teachers who were present on June 9, 2000, refused to be interviewed by our investigators.<sup>6</sup> Nevertheless, the accounts by students and information from Principal Quigley provide sufficient evidence of the events of that Friday afternoon and the school's mistaken response. Quigley initially asserted: "I guess I should have called the police, but I had no one identified at the time." However, he quickly added: "Looking back, if something like this ever happens again, the first thing I will do is call the police." The principal acknowledged that parents questioned the delay in contacting law enforcement.

### Parents Are Mistreated By School Officials

Following the sprinkler attack, school officials failed miserably in discharging their responsibilities toward the parents of the female victims. At best, their response was inexplicable insensitivity; at worst, they were attempting to keep quiet a shameful situation which was prompted, in part, by the lack of supervision during the "extended recess." Some parents were not notified at all, while those who were received sparse or misleading details. Moreover, the educators continued to avoid police involvement, forcing the parents to perform that task. We learned about their displeasure with the manner in which the school handled the violent incident:

---

<sup>6</sup> Those refusing to be interviewed are: Daniel Landberg, Frank Di Franco, Vincenzo Montalbano, Frank Guariglia, Steven Kohn, Drew Goodman, Edward Morrissey, Jeffrey Fagen, Labrini Delaveris, Marcia Rothman, William Magrino, Audra Arbuse, Tania Gullo, Diana Mendelson, Muriel Charles, and Mindy Knaster.

- According to Student A's mother, Principal Quigley telephoned her on Friday afternoon to report that her daughter's clothing had been torn during an incident at the school, but that the situation "was not serious." Of course, she later learned the true details from Student A and was "disappointed" that the principal had not provided accurate information. On Monday, when she questioned the delay in calling the police, Quigley asserted that the school had not had time "to conduct their investigation."
- On Friday, Student B's mother received a message on her answering machine about an incident at school, with no details about its nature. She later learned about the attack from her daughter. Along with other parents, on Monday, she demanded to know why the police were not called. According to her, Di Franco claimed that school officials "were not allowed to call the police," a position shared by Quigley and Landberg. In fact, Di Franco asserted that the parents would have to leave the school and contact the police to obtain their involvement. According to Student B's mother, she notified the authorities using her cellular telephone outside the school.
- Student C's mother was not called by the school on Friday, and first learned about the incident from her daughter. On Monday, she sought an explanation for the school's failure to notify her. According to Student C's mother, Landberg responded: "We were just too busy to call." Moreover, the dean informed the group of concerned parents who wanted to know why law enforcement officials were not notified on Friday: "We do not think the police should get involved due to the fact that the matter, at this time, is under control." He added that parents would have to leave the school to contact the police.
- In the opinion of Student D's mother, "[school officials] were definitely trying to sweep this under the rug." She arrived at school on Friday afternoon to pick up her daughter and learned from a friend that Student D had been attacked. Upon entering the school she met Landberg, Di Franco, and a teacher whom she could not identify and was told that she had not been notified because the school was in the process of conducting an investigation. Moreover, either Landberg or Di Franco asserted that they were not allowed to call the police and she would have to leave the school and do so herself. On Monday, along with other parents, she was given this same instruction. Infuriated, Student D's mother left the school and dialed "911."
- Student F's mother was "furious" that the school did not contact the police immediately after the incident. According to her, she was told that IS 278 officials were conducting their own investigation.

- Student I's mother also received an answering machine message that failed to describe the gravity of the incident. She did not learn the full details until Monday at the school. Along with others, Student I's mother was told by Quigley, Landberg, and Di Franco that the parents were responsible for contacting the police and would have to do so outside the school.
- On Friday, Student L's father received a call at work and was informed that his daughter was involved in an incident because she "was in a place she was not supposed to be," but he was not told the serious nature of the situation. Student L's mother learned about the attack on Sunday from Student D's mother. On Monday, Student L's mother was present when Quigley, Landberg, and Di Franco instructed parents that they would have to leave the school to notify the police. In fact, according to her, she left the building with Student D's mother to make that call.

#### The School Safety Agent

According to School Safety Agent ("SSA") **Shirley Jefferson**, she spent most of June 9<sup>th</sup> inside IS 278. However, she seemed less than surprised by the disturbance outside and nonchalantly informed investigators most of the students in the school play the "hump game." She described this activity: "You know, the kids go around humping each other and touch each others' private parts." SSA Jefferson had never reported this conduct to anyone prior to speaking with our investigators.

On June 9<sup>th</sup>, Jefferson played a small role following the sprinkler incident. She assisted Landberg in escorting female students into the auditorium where they wrote statements. At that time, she suggested to the dean that he call the girls' parents. According to her, Landberg replied: "I am making a few calls, but I want to get out of here."

#### Our Findings and Recommendations

"There were just too many students in the yard and not enough teachers to watch them." Student L's simple statement of fact sums up the situation at IS 278 on June 9, 2000. Surely, Principal Quigley should have anticipated the potential for increased teacher absences, given the resulting long weekend that this day off provided, and prepared a plan to cover the shortage of staff. While he may not have foreseen the extent of the damage ultimately caused by his decision, Quigley's mistake in holding an "extended recess" led to a nightmarish experience for a group of teenage girls that Friday

afternoon. That error was magnified when Quigley and Landberg – aided by Di Franco and Montalbano – failed to call the police immediately upon learning of the attack and, instead, conducted their own investigation. They compounded that failure with their insensitive treatment of the parents of the victims, including their repeated avoidance of police involvement and their refusal to allow school phones to be used to alert law enforcement.

Therefore, we have recommended to the Board of Education that strong disciplinary action be taken against Michael Quigley and Daniel Landberg which, at a minimum, must include being removed from their current positions. In addition, we have also recommended that appropriate disciplinary action be taken against Frank Di Franco and Vincenzo Montalbano. Moreover, the Chancellor must make clear that failures to report criminal activity will not be tolerated and repeated transgressions will result in termination of employment.

We are concerned by SSA Shirley Jefferson's tolerant attitude toward the students' performance of "the hump game." She is employed by the New York City Police Department and we are referring this matter to its Internal Affairs Bureau for whatever action it deems appropriate.

### MS 180

On June 20, 2000, the mother of a twelve-year-old female student ("Student A") at MS 180 reported to the police that her daughter had been attacked and molested by male students in the schoolyard that day. According to the mother, Student A described being lifted upside down with her hands held together while the boys touched her breasts and buttocks. They also tried to remove her clothes.

Our investigation began when we learned that Student A had reported the incident to **Dean Carey Wittman** who took no action. Before we were notified, however, Superintendent Matthew Bromme conducted an investigation into the matter. As a result, Bromme reassigned Dean Wittman.<sup>7</sup> Bromme contacted the Office of Legal Services seeking assistance in taking disciplinary action against his employee and was advised by Deputy Counsel to the Chancellor Theresa Europe to report the matter to this office. He did so and this investigation ensued.

---

<sup>7</sup> Principal Robert Spata was also reassigned. His transgression involved the circumstances surrounding the suspension of one of the male students. We did not investigate that matter.

The attorney representing Student A would not allow her to be interviewed, however, we were able to learn the details of the attack and her attempts to report it through her written statement and interviews with her mother and other students. According to her statement, the attack ended when Student B ran to her friend's aid and the boys dropped her.

Twelve-year-old female Student B confirmed that she witnessed the attack on Student A and then went with her to report it. The police officer assigned to the school told them to see Dean Wittman.<sup>8</sup> Joined by Student C and Student D, the girls searched for and located the dean in a second floor classroom. Wittman immediately instructed the students to write statements for her. Student B did not provide one, although the other girls did. According to Student B, Student D tried to tell the dean that boys were pulling on Student A's clothes and "feeling on her," but she did not use the words "breasts" and "buttocks."

Student C, also a twelve-year-old female, witnessed part of the assault and observed Student A's skirt down around her knees. She confirmed the attempts to report the incident and Wittman's direction to write a statement. Student C, Student A, and Student D complied and later gave them to the dean. Investigators were unable to locate Student D.

Through her attorney, Carey Wittman declined the opportunity to be interviewed by this office. Nevertheless, we learned her version of the events from a written statement she provided to the superintendent and information from Principal Robert Spata. According to the dean's statement, she was helping to distribute caps and gowns when Student A and the other 6<sup>th</sup> graders came to see her, having been referred there by the police officer. They informed her that some boys had been fooling around during lunch and Student A added that one boy picked her up and dropped her. After ascertaining that the girl was all right, Wittman instructed them to write statements for her, which they did. The dean located the boy named by Student A and directed him to write a statement, which he left on her desk. According to her, because there were no injuries, no further information from the police officer, and the students had gone home, she planned to handle the matter the next morning. At the end of the school day, Wittman had not read any of the statements.

---

<sup>8</sup> According to Superintendent Bromme, the Internal Affairs Bureau of the New York City Police Department is reviewing the police officer's failure to respond to Student A's report.

The next morning, Student A's mother contacted Wittman. The dean confirmed that the girl had come to see her the day before as she "prepared for graduation." Asked whether she read Student A's written statement, Wittman replied: "Not yet. When I go upstairs I will read it and then I'll get back to you." As the mother attempted to inform the dean that her daughter had been molested, she reiterated: "I'll get back to you." According to the mother, she did not receive a return call from Wittman.

A short time after the call from Student A's mother, Dean Wittman came to the principal with the statements. According to Spata, she said: "Bob, I blew it. I did not read these until this morning."

### Our Finding and Recommendation

Fortunately for Dean Wittman, Student A's mother made a prompt complaint to the police and the girl's attackers were arrested before any further harm could come to her or others. Wittman's decision to devote her attention to the distribution of caps and gowns over helping the girls who sought her intervention could have had disastrous consequences. Therefore, we have recommended to the Board of Education that appropriate disciplinary action be taken against Carey Wittman.

### **Conclusion**

These cases are not isolated errors by school officials who failed to promptly notify law enforcement authorities. Unfortunately, we have repeatedly reported on the mishandling of similar situations. Logic dictates that educators should seek police involvement immediately upon learning that a serious crime has been committed on school grounds. In fact, Chancellor Levy has emphasized the need to do so. Thus, school administrators must consider these incidents a priority. Moreover, we reiterate that school based investigations of criminal activity are dangerous and can have serious consequences for the prosecution of the offenders. Superintendents and principals must be given a clear instruction to call the police without any delay and allow trained professionals to conduct the investigation. Finally, the ridiculous notion put forth by certain school personnel that they cannot contact the police and that parents must do so outside the building, must be corrected. Allowing educators to follow such a procedure fosters their ability to shirk that responsibility in order to avoid a scandal. School officials must understand that they can and should notify the police as necessary. New York City's schoolchildren depend on them to do so.

Hon. E. J. Kuriansky

-11-

September 21, 2000

Should you have any inquiries regarding the above, please contact me or Deputy Commissioner Regina Loughran. She can be reached at (212) 510-1426.

Sincerely,

Edward F. Stancik  
Special Commissioner  
of Investigation for the  
New York City School District

EFS:RAL:ai

September 21, 2000

Hon. Richard P. Mills  
Commissioner  
New York State Department of Education  
Washington Avenue  
Albany, NY 12231

Re: IS 278K  
MS 180Q

Dear Commissioner Mills:

This office has concluded investigations into two separate, but similar, incidents which seriously impact on the safety of public schoolchildren. In both cases, male students sexually abused female students during school hours. Each time, the girls promptly reported the misconduct to educators who failed to take appropriate action. Instead, parents involved the police who arrested the boys for the attacks which occurred on school grounds.

In the first instance, on Friday, June 9, 2000, at IS 278 in District 22 in Brooklyn, a number of 6<sup>th</sup> and 7<sup>th</sup> grade girls were sexually assaulted by 8<sup>th</sup> grade boys in the schoolyard. We learned that at least thirty-five teachers took the day off and, with his staff severely limited, the principal's solution was to declare an "extended recess."<sup>1</sup> As a result, in the afternoon, hundreds of students – over 500 at any given time according to the principal – crowded the schoolyard, with little supervision. It was during this time, in the sprinkler area, that the incidents of sexual abuse reportedly occurred. Moreover, although school officials became aware of the girls' allegations that afternoon, they did

---

<sup>1</sup> Many of the teachers were observing the religious holiday of Shavuot. Because the school was closed on June 8<sup>th</sup> for Brooklyn-Queens Day, others added Friday to enjoy a four-day weekend.

not contact law enforcement authorities. Instead, female victims were instructed to write statements and return to the yard until dismissal time. Even after parents requested law enforcement intervention, the police were not summoned immediately. Indeed, school officials denied parents access to school phones and instructed them to leave the building if they insisted upon contacting the police. Officers from the 63<sup>rd</sup> Precinct became involved on Monday, June 12, 2000, at the insistence of the victims' parents. Detectives subsequently arrested six boys on charges of Sexual Abuse in the First Degree.

In a second matter, occurring on June 20, 2000, at MS 180 in District 27 in Queens, a dean failed to intervene when 6<sup>th</sup> grade female students attempted to report that 6<sup>th</sup> grade male students had sexually assaulted one of the girls in the schoolyard. Rather than listening to the complaint, this educator instructed the girls to put the information in writing. Then, she neglected to read the resulting statements until the next day. In the interim, the victim's mother contacted the 100<sup>th</sup> Precinct and seven boys were arrested for Sexual Abuse in the First Degree.

### IS 278

On June 9, 2000, a number of twelve-year-old female students at IS 278 alleged that male students had thrown them into sprinklers and sexually abused them. Our investigation began when the parent of one of the boys complained that the children had been left unsupervised in the schoolyard during the time that the misconduct purportedly occurred.

We substantiated the parent's allegation. That day, more than thirty teachers were absent and, according to **Principal Michael Quigley**, substitutes were not available. His solution was to hold an "extended recess" which resulted in hundreds of students sharing the schoolyard without adequate supervision. This was the first in a series of errors committed by school officials.

#### June 9, 2000

There is no doubt that the school was short staffed that day. Superintendent John Comer confirmed Principal Quigley's report of absent educators and his plan to remedy the situation by canceling classes.<sup>2</sup> Aides assigned to duty in the schoolyard readily admitted that they were understaffed and unable to provide adequate supervision of the children. In addition, the students described it as a "field day" with hundreds of 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> graders outside, "too many," in fact, "for the teachers to watch."

---

<sup>2</sup> Comer learned about the problem after the fact. He told investigators that steps would be taken to prevent a recurrence next year.

### Students Converge at the Sprinklers

Although the sprinkler area, located in Marine Park which adjoins the schoolyard, was off limits, the extended time outside on a hot and humid day tempted the students to break the rules. In fact, near the 7<sup>th</sup> period, at approximately 1:00 p.m., a number of boys and girls congregated at the sprinklers, a situation which ultimately resulted in the complaints of sexual abuse and the arrests for such conduct. Investigators interviewed twelve female students and learned the following details:

- As twelve-year-old Student A approached the sprinklers, she was pulled into the water by a group of boys. They ripped her blouse and unhooked her bra. According to her, one of the boys touched her breasts and pulled up her skirt. She pointed out the male students to **Dean Daniel Landberg** who took her into the auditorium and directed her to write a statement about the incident.
- Twelve-year-old Student B received permission from a teacher to use the sprinkler to wash off after being hit with a water balloon. As she approached, the girl observed boys placing their hands inside the clothing of her friend (“Student D”). Student B fell to the ground and three boys attacked her: two put their hands down her shorts, while a third pulled at her leg.<sup>3</sup> She kicked one of the male students between his legs and he went down. Upon breaking free, she notified a school aide who reported the information to Dean Landberg. Student B provided a written statement at his request.
- A group of males knocked twelve-year-old Student C to the ground as she approached the sprinklers.<sup>4</sup> A “fat boy” put his hand under her shirt and touched her bra, while a second felt between her legs. According to Student C, Dean Landberg saw the fat boy’s conduct and yelled at him.
- While twelve-year-old Student D and her friend (“Student F”) headed to the sprinklers, they were pushed to the ground by boys who then tried to place their hands inside the pants of the two girls. In fact, one touched Student D’s “private part.” According to Student D, Student B and Student I attempted to respond to her screams for help, only to be attacked themselves. After Student B notified Dean Landberg, all the victims were instructed to go to the auditorium and write a statement. Upon completion, the girls were sent back out into the schoolyard.

---

<sup>3</sup> As she fell to the ground, Student B took Student I down with her.

<sup>4</sup> Student C has turned thirteen since the incident.

- Twelve-year-old Student E observed boys attacking girls.<sup>5</sup> A group of male students pushed a girl, whom she could not identify, to the ground. Then Student B, Student F, and Student I were falling. She saw Student B kick one of the boys who also went down. Student E watched as the boys ripped the clothing from another girl who ran away with a torn bra. She described the situation as “crazy.” According to her, Dean Landberg was in the area.
- Student F, thirteen-years-old, was seriously mistreated by the male students. According to her, as she walked with Student D, she felt hands around her waist and then a group of boys lifted her over the iron fence which surrounds the sprinklers. Student F ended up spread eagled on the ground as males pulled her shirt over her head and touched her breasts. One boy unbuttoned her pants.
- Thirteen-year-old Student G and twelve-year-old Student H witnessed the assault on Student A. Both observed a group of boys push the girl down in the sprinklers, pull off her clothes, and break her glasses. According to Student G and Student H, Dean Landberg was in the schoolyard at the time of the attack.
- Twelve-year-old Student I, with Student B, received permission from a teacher to go to the sprinklers after a water balloon broke at her feet. Upon arriving there, both girls were attacked by a group of boys who pushed them to the ground and touched their “private parts.” According to Student I, they reported the incident to Dean Landberg and “everyone involved” had to write a statement.
- Thirteen-year-old Student J witnessed the attack on Student B and Student E. According to her, at the sprinklers, she saw girls on the ground and observed a group of boys pulling their clothes off. Some of the male students had their hands inside Student B’s tank top.
- Student K, thirteen-years-old, observed a group of boys carrying a girl, whom she did not recognize, to the sprinklers and starting to rip off her clothes. Upon seeing Student B, Student D, and Student I get pushed to the ground, Student K sought help, but could not find any adults. Finally, Dean Landberg arrived on the scene and, along with the other girls, Student K was instructed to write a statement.
- According to twelve-year-old Student L, she initially received permission to use the sprinklers in the presence of one of the few teachers assigned to the schoolyard. After he walked away, however, she was thrown into the sprinklers by a group of male students and a “fat boy” touched her “private parts” below her waist.

---

<sup>5</sup> Student E has turned thirteen since the incident.

### The School's Failure To Contact Law Enforcement

It is clear that the information known by IS 278 officials – including Principal Quigley and Dean Landberg – about the mêlée at the sprinklers, should have prompted immediate contact with law enforcement. Not only did Landberg break up one attack and learn about others right after they occurred, he observed the girls' state of disarray. Quigley did as well; in fact, he gave Student A his "Rangers" jacket to wear because her blouse was ripped. However, the principal deferred to Landberg whose reaction was to usher the female students into the auditorium to write loose-leaf paper fact statements and then to send them back outside until dismissal. Moreover, according to the principal, **Teachers Frank Di Franco and Vincenzo Montalbano** attempted to locate the boys involved and took statements from some of the male students. Along with the dean, these teachers also interviewed other students. Nevertheless, law enforcement authorities were not notified until Monday, June 12, 2000. Even then, although the principal claimed to have made the notification, parents asserted that school officials refused to involve the police and they were forced to leave the building and make the initial call themselves.

Landberg, Di Franco, Montalbano, and the other teachers who were present on June 9, 2000, refused to be interviewed by our investigators.<sup>6</sup> Nevertheless, the accounts by students and information from Principal Quigley provide sufficient evidence of the events of that Friday afternoon and the school's mistaken response. Quigley initially asserted: "I guess I should have called the police, but I had no one identified at the time." However, he quickly added: "Looking back, if something like this ever happens again, the first thing I will do is call the police." The principal acknowledged that parents questioned the delay in contacting law enforcement.

### Parents Are Mistreated By School Officials

Following the sprinkler attack, school officials failed miserably in discharging their responsibilities toward the parents of the female victims. At best, their response was inexplicable insensitivity; at worst, they were attempting to keep quiet a shameful situation which was prompted, in part, by the lack of supervision during the "extended recess." Some parents were not notified at all, while those who were received sparse or misleading details. Moreover, the educators continued to avoid police involvement, forcing the parents to perform that task. We learned about their displeasure with the manner in which the school handled the violent incident:

---

<sup>6</sup> Those refusing to be interviewed are: Daniel Landberg, Frank Di Franco, Vincenzo Montalbano, Frank Guariglia, Steven Kohn, Drew Goodman, Edward Morrissey, Jeffrey Fagen, Labrini Delaveris, Marcia Rothman, William Magrino, Audra Arbuse, Tania Gullo, Diana Mendelson, Muriel Charles, and Mindy Knaster.

- According to Student A's mother, Principal Quigley telephoned her on Friday afternoon to report that her daughter's clothing had been torn during an incident at the school, but that the situation "was not serious." Of course, she later learned the true details from Student A and was "disappointed" that the principal had not provided accurate information. On Monday, when she questioned the delay in calling the police, Quigley asserted that the school had not had time "to conduct their investigation."
- On Friday, Student B's mother received a message on her answering machine about an incident at school, with no details about its nature. She later learned about the attack from her daughter. Along with other parents, on Monday, she demanded to know why the police were not called. According to her, Di Franco claimed that school officials "were not allowed to call the police," a position shared by Quigley and Landberg. In fact, Di Franco asserted that the parents would have to leave the school and contact the police to obtain their involvement. According to Student B's mother, she notified the authorities using her cellular telephone outside the school.
- Student C's mother was not called by the school on Friday, and first learned about the incident from her daughter. On Monday, she sought an explanation for the school's failure to notify her. According to Student C's mother, Landberg responded: "We were just too busy to call." Moreover, the dean informed the group of concerned parents who wanted to know why law enforcement officials were not notified on Friday: "We do not think the police should get involved due to the fact that the matter, at this time, is under control." He added that parents would have to leave the school to contact the police.
- In the opinion of Student D's mother, "[school officials] were definitely trying to sweep this under the rug." She arrived at school on Friday afternoon to pick up her daughter and learned from a friend that Student D had been attacked. Upon entering the school she met Landberg, Di Franco, and a teacher whom she could not identify and was told that she had not been notified because the school was in the process of conducting an investigation. Moreover, either Landberg or Di Franco asserted that they were not allowed to call the police and she would have to leave the school and do so herself. On Monday, along with other parents, she was given this same instruction. Infuriated, Student D's mother left the school and dialed "911."
- Student F's mother was "furious" that the school did not contact the police immediately after the incident. According to her, she was told that IS 278 officials were conducting their own investigation.

- Student I's mother also received an answering machine message that failed to describe the gravity of the incident. She did not learn the full details until Monday at the school. Along with others, Student I's mother was told by Quigley, Landberg, and Di Franco that the parents were responsible for contacting the police and would have to do so outside the school.
- On Friday, Student L's father received a call at work and was informed that his daughter was involved in an incident because she "was in a place she was not supposed to be," but he was not told the serious nature of the situation. Student L's mother learned about the attack on Sunday from Student D's mother. On Monday, Student L's mother was present when Quigley, Landberg, and Di Franco instructed parents that they would have to leave the school to notify the police. In fact, according to her, she left the building with Student D's mother to make that call.

#### The School Safety Agent

According to School Safety Agent ("SSA") **Shirley Jefferson**, she spent most of June 9<sup>th</sup> inside IS 278. However, she seemed less than surprised by the disturbance outside and nonchalantly informed investigators most of the students in the school play the "hump game." She described this activity: "You know, the kids go around humping each other and touch each others' private parts." SSA Jefferson had never reported this conduct to anyone prior to speaking with our investigators.

On June 9<sup>th</sup>, Jefferson played a small role following the sprinkler incident. She assisted Landberg in escorting female students into the auditorium where they wrote statements. At that time, she suggested to the dean that he call the girls' parents. According to her, Landberg replied: "I am making a few calls, but I want to get out of here."

#### Our Findings and Recommendations

"There were just too many students in the yard and not enough teachers to watch them." Student L's simple statement of fact sums up the situation at IS 278 on June 9, 2000. Surely, Principal Quigley should have anticipated the potential for increased teacher absences, given the resulting long weekend that this day off provided, and prepared a plan to cover the shortage of staff. While he may not have foreseen the extent of the damage ultimately caused by his decision, Quigley's mistake in holding an "extended recess" led to a nightmarish experience for a group of teenage girls that Friday

afternoon. That error was magnified when Quigley and Landberg – aided by Di Franco and Montalbano – failed to call the police immediately upon learning of the attack and, instead, conducted their own investigation. They compounded that failure with their insensitive treatment of the parents of the victims, including their repeated avoidance of police involvement and their refusal to allow school phones to be used to alert law enforcement.

Therefore, we have recommended to the Board of Education that strong disciplinary action be taken against Michael Quigley and Daniel Landberg which, at a minimum, must include being removed from their current positions. In addition, we have also recommended that appropriate disciplinary action be taken against Frank Di Franco and Vincenzo Montalbano. Moreover, the Chancellor must make clear that failures to report criminal activity will not be tolerated and repeated transgressions will result in termination of employment.

We are concerned by SSA Shirley Jefferson's tolerant attitude toward the students' performance of "the hump game." She is employed by the New York City Police Department and we are referring this matter to its Internal Affairs Bureau for whatever action it deems appropriate.

### MS 180

On June 20, 2000, the mother of a twelve-year-old female student ("Student A") at MS 180 reported to the police that her daughter had been attacked and molested by male students in the schoolyard that day. According to the mother, Student A described being lifted upside down with her hands held together while the boys touched her breasts and buttocks. They also tried to remove her clothes.

Our investigation began when we learned that Student A had reported the incident to **Dean Carey Wittman** who took no action. Before we were notified, however, Superintendent Matthew Bromme conducted an investigation into the matter. As a result, Bromme reassigned Dean Wittman.<sup>7</sup> Bromme contacted the Office of Legal Services seeking assistance in taking disciplinary action against his employee and was advised by Deputy Counsel to the Chancellor Theresa Europe to report the matter to this office. He did so and this investigation ensued.

---

<sup>7</sup> Principal Robert Spata was also reassigned. His transgression involved the circumstances surrounding the suspension of one of the male students. We did not investigate that matter.

The attorney representing Student A would not allow her to be interviewed, however, we were able to learn the details of the attack and her attempts to report it through her written statement and interviews with her mother and other students. According to her statement, the attack ended when Student B ran to her friend's aid and the boys dropped her.

Twelve-year-old female Student B confirmed that she witnessed the attack on Student A and then went with her to report it. The police officer assigned to the school told them to see Dean Wittman.<sup>8</sup> Joined by Student C and Student D, the girls searched for and located the dean in a second floor classroom. Wittman immediately instructed the students to write statements for her. Student B did not provide one, although the other girls did. According to Student B, Student D tried to tell the dean that boys were pulling on Student A's clothes and "feeling on her," but she did not use the words "breasts" and "buttocks."

Student C, also a twelve-year-old female, witnessed part of the assault and observed Student A's skirt down around her knees. She confirmed the attempts to report the incident and Wittman's direction to write a statement. Student C, Student A, and Student D complied and later gave them to the dean. Investigators were unable to locate Student D.

Through her attorney, Carey Wittman declined the opportunity to be interviewed by this office. Nevertheless, we learned her version of the events from a written statement she provided to the superintendent and information from Principal Robert Spata. According to the dean's statement, she was helping to distribute caps and gowns when Student A and the other 6<sup>th</sup> graders came to see her, having been referred there by the police officer. They informed her that some boys had been fooling around during lunch and Student A added that one boy picked her up and dropped her. After ascertaining that the girl was all right, Wittman instructed them to write statements for her, which they did. The dean located the boy named by Student A and directed him to write a statement, which he left on her desk. According to her, because there were no injuries, no further information from the police officer, and the students had gone home, she planned to handle the matter the next morning. At the end of the school day, Wittman had not read any of the statements.

---

<sup>8</sup> According to Superintendent Bromme, the Internal Affairs Bureau of the New York City Police Department is reviewing the police officer's failure to respond to Student A's report.

The next morning, Student A's mother contacted Wittman. The dean confirmed that the girl had come to see her the day before as she "prepared for graduation." Asked whether she read Student A's written statement, Wittman replied: "Not yet. When I go upstairs I will read it and then I'll get back to you." As the mother attempted to inform the dean that her daughter had been molested, she reiterated: "I'll get back to you." According to the mother, she did not receive a return call from Wittman.

A short time after the call from Student A's mother, Dean Wittman came to the principal with the statements. According to Spata, she said: "Bob, I blew it. I did not read these until this morning."

### Our Finding and Recommendation

Fortunately for Dean Wittman, Student A's mother made a prompt complaint to the police and the girl's attackers were arrested before any further harm could come to her or others. Wittman's decision to devote her attention to the distribution of caps and gowns over helping the girls who sought her intervention could have had disastrous consequences. Therefore, we have recommended to the Board of Education that appropriate disciplinary action be taken against Carey Wittman.

### **Conclusion**

These cases are not isolated errors by school officials who failed to promptly notify law enforcement authorities. Unfortunately, we have repeatedly reported on the mishandling of similar situations. Logic dictates that educators should seek police involvement immediately upon learning that a serious crime has been committed on school grounds. In fact, Chancellor Levy has emphasized the need to do so. Thus, school administrators must consider these incidents a priority. Moreover, we reiterate that school based investigations of criminal activity are dangerous and can have serious consequences for the prosecution of the offenders. Superintendents and principals must be given a clear instruction to call the police without any delay and allow trained professionals to conduct the investigation. Finally, the ridiculous notion put forth by certain school personnel that they cannot contact the police and that parents must do so outside the building, must be corrected. Allowing educators to follow such a procedure fosters their ability to shirk that responsibility in order to avoid a scandal. School officials must understand that they can and should notify the police as necessary. New York City's schoolchildren depend on them to do so.

We are forwarding a copy of our report concerning this investigation for whatever action you deem appropriate. Should you have any inquiries regarding the above, please contact me or Deputy Commissioner Regina Loughran. She can be reached at (212) 510-1426.

Sincerely,

Edward F. Stancik  
Special Commissioner  
of Investigation for the  
New York City School District

EFS:RAL:ai

c: Peter Sherman, Esq.



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

INVESTIGATOR'S FINAL REPORT

**Case #:** 2000-2047

**Case Type (code #):** 6700

**Case Type (description):** Mishandling  
Sexual Complaint

**Subject's Name:** Carey Wittman Pepper

**Subject's Position:** Dean

**Office/School/District:** 180Q, 27

**Subject's Social Security #:** 111-44-5793

**Subject's BOE File #:** 442024

**Investigator:** Louis Torrellas

**Approved by:** Richard Iannozzi

---

**Findings:** After interviewing Parent A and several other witnesses, it is the finding of the assigned investigator, that Dean Carey Wittman Pepper, a tenured Dean at IS 180Q, mishandle a sexual complaint.

Parent A was interviewed on June 28<sup>th</sup> and stated that when Student A, female, DOB 1/29/88 arrived home on June 20, 2000 she could see immediately that something was wrong. Parent A stated that Student A's skirt and blouse were torn. Parent A stated that Student A informed her that several male students attacked her in the school yard and that she was held by a male student while several other male students felt her breast and buttocks under her undergarments. Parent A stated that Student A informed a Police Officer who was on duty at the school and the Police Officer told Student A to see the dean. Parent A stated that Student A and three other students found Dean Wittman Pepper in a classroom. Parent A stated that Student A informed her that she tried to tell Dean Wittman Pepper what had happened however Dean Wittman Pepper told all the students to write her a statement and give it to her after class. Parent A stated that Student A returned to Dean Wittman Pepper after class however once again the dean did not give Student A, an opportunity to explained what had happened.

Student B, female, DOB 10/02/87 was interviewed on June 28<sup>th</sup>. Student B stated that on June 20<sup>th</sup> she witnessed Student A being attacked by several male students. Student B also stated that the males were touching Student A on her breast and buttocks and they were attempting to pull down student A's skirt and blouse. Student B stated that she and Students A, C and D went to see Dean Wittman Pepper. Student B stated that Student A tried to tell the dean what had happened however before Student A could tell the dean what had occurred, Dean Wittman Pepper told them to go to class and write her a statement. Student B stated that she remembers Student D telling Dean Wittman Pepper that the males were pulling on Student A's shirt and skirt and they were feeling on her. Student B stated that she never wrote a statement for the dean.

Student C, female, DOB 1/15/88 was interviewed on June 28<sup>th</sup>. Student C stated that she witnessed Student A being attacked by several male students in the school yard. Student C stated that she and Students A, B and D attempted to report the attack to Dean Wittman Pepper however Dean Wittman Pepper told them to go to their classrooms and write her a statement. Student C stated that she and Students A and D returned to Dean Wittman Pepper and gave her their statements.

Superintendent Matthew Bromme, file number 427958 was interviewed on June 26<sup>th</sup>. Superintendent Bromme stated that he interviewed Dean Wittman Pepper on June 21, 2000. During the

interview, Dean Wittman Pepper informed him that she was distributing caps and gowns on Tuesday, June 20<sup>th</sup> when Student A approached her and informed her that several male students were bothering her and that she was picked up and dropped on her head. Dean Wittman Pepper informed the superintendent that Student A appeared to be unharmed so she informed Student A and the other students to go back to class and write her a statement. Superintendent Bromme stated that Dean Wittman Pepper informed him that at no time did any of the students inform her that Student A was sexually molested. Dean Wittman Pepper informed Superintendent Bromme that she did not read any of the statements until the next day because a fight broke out in school and she was summoned to assist.

Principal Robert Spata, file number 354131 was interviewed on July 17, 2000. Principal Spata stated that on Wednesday, June 21, 2000, Dean Wittman Pepper came into his office with several handwritten statements and stated, "Bob, I blew it, I did not read these until this morning". Principal Spata stated that Dean Wittman Pepper informed him that she did not read the statement right away because she was giving out caps and gowns for graduation. Principal Spata stated that Dean Wittman Pepper did not mention anything to him about a fight or an emergency in the nurse's office.

Student A was not interviewed. Mr. Bill Weininger, an attorney is representing student A. On June 28<sup>th</sup> I spoke with Mr. Weininger who stated that he would get back to me if Student A had anything to say. I have called Mr. Weininger's office several times and he has never returned any of my telephone calls.

On the advice of her attorney, Mrs. Virginia LoPreto, Dean Wittman Pepper refused to be interviewed. However in her statement which she gave to Superintendent Bromme on June 21, 2000 she stated that Student A came to her with a problem on Tuesday, June 20<sup>th</sup>. Dean Wittman Pepper stated that Student A informed her that some kids were fooling around with her and that a male student picked her up and dropped her. Dean Wittman Pepper stated that she asked Student A if she was all right and Student A stated "Yes". Dean Wittman Pepper stated that she informed Student A to go to class and write her a statement and she would come by and pick it up. Dean Wittman Pepper stated that Student A returned with her statement and once again she asked Student A if she was all right and once again she stated "Yes". Dean Wittman Pepper stated that Student A never informed her that anyone touched her inappropriately. Dean Wittman Pepper stated that since there appeared to be no injuries and the students left for the day, this situation was going to be dealt with at the beginning of the next school day. In her statement Dean Wittman Pepper never mentioned anything about a fight or an emergency in another area of school.

On June 23, 2000 Dean Wittman Pepper was reassigned to superintendent's office which is located on 82-01 Rockaway Blvd.

On June 29, 2000 I conducted a BCI and Triple I check on Mrs. Carey Wittman Pepper, SS # 111-44-5793 with negative results.