

City of New York
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

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VIA ELECTRONIC MAIL

January 26, 2022

Hon. David C. Banks
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Current DOE Contraband Vouchering Practices
SCI Case #: 2021-4862

Dear Chancellor Banks:

On November 17, 2021, the office of the Special Commissioner of Investigation for the New York City School District (“SCI”), utilizing its oversight capacity for the New York City Department of Education (“DOE”), visited 17 DOE schools to determine if they were adhering to DOE policy concerning the vouchering of seized contraband material.¹ This particular policy is crucial to ensure a safe learning environment. Although no major violations of the policy were revealed, SCI noted a discrepancy among the visited schools in terms of their handling of contraband items. SCI recommends that DOE implement and enforce a more comprehensive and uniform policy moving forward.

I. Introduction and Reason for Visits:

A. Prior SCI Review

On June 4, 2021, SCI issued a report to then-DOE Chancellor Meisha Porter that contained, in pertinent part, a discussion of one DOE school (Maspeth High School)’s mishandling of contraband material.² SCI’s report noted that Chancellor’s Regulation A-432, Section II, subsection F stated, in relevant part, that a principal or her designee must voucher contraband using a BOE voucher form and envelope, and must “immediately notify the BOE’s Division of Student Safety and Prevention Services

¹ The Chancellor’s Regulations regarding contraband are discussed in Section I of this report.

² See <https://nycsci.org/wp-content/uploads/2018/Reports/Maspeth-HS-2019-8774-2019-6206-2019-9484-2020-0248.pdf>.

(DSS&PS), which will arrange for the contraband to be picked up by the [New York City Police Department, hereafter “NYPD”]’s School Safety Division. Weapons must be safely secured until surrendered to the NYPD’s School Safety Division for transportation.” The SCI report also noted that, pursuant to Chancellor’s Regulation A-412, Section V (“VOUCHERING AND CONFISCATION OF CONTRABAND (WEAPONS, DRUGS, ETC.”), subsection C, if the NYPD did not take custody of a weapon discovered on school property, the principal or her designee must voucher the item using a DOE voucher form and “immediately notify the DOE’s Division of Student Safety and Prevention Services (DSS&PS) who will arrange for the contraband to be picked up by the NYPD’s School Safety Division... Weapons must be safely secured until surrendered to the NYPD’s School Safety Division for transportation.”

SCI offered in its report a Policy and Procedure Recommendation (“PPR”) regarding Maspeth High School that “schools that are found to have violated policy regarding vouchering and disposal of weapons, drugs, narcotics, and paraphernalia – such as Maspeth – should be subject to random auditing and inspection to ensure compliance in the future.”³ Since the issuance of SCI’s June 4, 2021 report, the DOE has requested extensions to respond to SCI’s PPRs.

B. Procedure Review

After the issuance of the above-mentioned report, SCI inquired about both the process of vouchering and reporting requirements. SCI spoke with DOE Office of Safety and Youth Development Senior Executive Director Mark Rampersant (“Rampersant”), who advised that, in lieu of BOE or DOE vouchers, School Safety Agents who take possession of contraband currently use NYPD vouchers. DOE schools are required, as noted above, to submit a report in the Online Occurrence Reporting System (“OORS”) when a safety incident occurs.⁴ OORS statistics reporting stems in part from New York State Education Law Article 55 § 2802, which states in pertinent part, “The uniform violent incident reporting system shall require public school districts...to annually report to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents that occurred in the prior school year:

- a. the type of offenders;
- b. if any offender is a student, the age and grade of the student;
- c. the location at which the incident occurred;
- d. the type of incident;
- e. whether the incident occurred during or outside of regular school hours;
- f. where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;

³ Local press noted SCI’s investigation into the issue. See <https://nypost.com/2021/09/18/maspeth-hs-diplomas-not-worth-the-paper-theyre-printed-on/> (“Among a raft of other wrongdoing, SCI found the school did not properly voucher drugs and weapons in what whistleblowers called a contraband cover-up.”)

⁴ “DOE uses its Online Occurrence Reporting System (OORS) to record incidents reported by schools, including those incidents involving students’ infractions of the Discipline Code. School principals or their designees are responsible for recording such incidents into OORS, along with the applicable infraction codes as defined in the Discipline Code, within 24 hours of an incident’s occurrence.” See <https://comptroller.nyc.gov/reports/audit-report-on-the-new-york-city-department-of-educations-reporting-of-violent-and-disruptive-incidents-at-its-schools/>.

- g. the actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders;
- h. any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system, and the duration of such action; and
- i. the nature of the victim and the victim's age and grade where appropriate.”⁵

Chancellor’s Regulation A-412, Section II, Part C (“Written Reporting Requirements”), states in pertinent part that, “The complete and accurate reporting of school-related crimes and incidents and injuries which result from such incidents are necessary steps in maintaining safety and order in the schools.

1. The principal/designee is required to file an incident report for all school related crimes and incidents within 24 hours of the incident.
2. a. Incident reports shall be prepared and signed by the principal/designee. The incident should be described in sufficient detail to provide a full, factual description of what transpired; b. The principal/designee must seek to obtain signed handwritten statements from the parties involved and from witnesses, specifying the time, date, and place of the occurrence with an account detailing the nature and sequence of events.”⁶

Beyond Maspeth High School, DOE schools have struggled to comply with DOE reporting requirements. For instance, a 2015 New York State Comptroller report stated that DOE staff failed to report over 400 reportable incidents, 126 of which were regarding violence and weapons possession.⁷ Rampersant advised SCI that DOE personnel receive biannual training for OORS reporting, specifically a PowerPoint presentation.

On November 17, 2021, SCI visited 17 middle and high schools, located in all five boroughs, to ascertain their compliance with the above-referenced Chancellor’s Regulations.

II. Results of the Operational Review and Investigation:

In its review, SCI discovered schools had a wide range of policies regarding contraband material. Discussed below are the results of each school, broken out by borough.

SCI visited five schools in Manhattan, all with differing procedures regarding contraband. For instance, the High School of Arts and Technology (“Arts and Technology”)’s policy was that, if school personnel found contraband, they were to report it to NYPD School Safety and file an OORS report. Similarly, the Maxine Green School (“Maxine Green”), the High School for Law Advocacy and Community Justice (“Law Advocacy”), and Manhattan Hunter Science High School (“Hunter Science”) reported that most contraband was found directly by School Safety, vouchered by School Safety, and school administrators were left to file an OORS report. Neither Hunter Science nor Maxine Greene had

⁵ See <https://www.nysenate.gov/legislation/laws/EDN/2802>.

⁶ See <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-412-security-in-the-schools-english>.

⁷ See <https://www.osc.state.ny.us/files/state-agencies/audits/pdf/sga-2015-14n1.pdf>.

school safes, although both schools indicated their respective principals would put items in a locked office or drawer for safekeeping. The only high school in Manhattan that SCI visited on November 17, 2021, that did not elaborate on its procedures was the Food and Finance High School. However, the school's principal did open the school safe using its combination, and showed it did not contain any contraband.

Of the four schools SCI visited in the Bronx, three – Bronx Collaborative High School (“Bronx Collaborative”), and Lehman High School (“Lehman”), and Dewitt Clinton High School (“Dewitt Clinton”) – had procedures in place in which contraband was vouchered by a School Safety Agent. World View High School's principal did not outline their formal procedures, but did open the school's safe in SCI's presence. Of note, Bronx Collaborative personnel told SCI investigators that items were kept in the school safe if needed for safekeeping.

Two of the three schools in Queens that SCI visited – Bayside High School and Middle School 158 – both advised SCI investigators that when contraband was found or taken from a student, School Safety was contacted, and the items were transported to the 111th NYPD Precinct.

The three DOE schools in Brooklyn visited by SCI demonstrated the greatest disparity in terms of vouchering process. For instance, at Brooklyn Technical High School (“Brooklyn Tech”), while SCI investigators were present, school officials – Principal David Newman (“Newman”) and Assistant Principal Lisa Iacono (“Iacono”) – identified several contraband items in the school safe - two razor blades; two shell casings; two packages of marijuana; one bong; one blue-and-white capsule; and one collapsible blade. Newman advised SCI that, in the past, School Safety Agents declined to safeguard contraband, and so Newman and Brooklyn Tech staff placed contraband items in the safe. Notably, Iacono had to use a key to open the safe, as the combination was broken. At that point, a Level Three School Safety Agent was called, and declined to voucher any of the items. A different School Safety Agent then arrived and said that a third agent would take the items to the NYPD 88th precinct to be vouchered. Iacono told SCI that if school personnel suspected a student possessed contraband, School Safety would search the student in front of an administrator, and School Safety would decide whether the item(s) would go in the school's safe or be vouchered. Intermediate School 88 (“I.S. 88”) staff told SCI that personnel there followed the Chancellor's regulations, and would contact the DOE Director of Security, School Safety personnel, and the local NYPD precinct if contraband were discovered. Similarly, Franklin Delano Roosevelt High School officials said that if contraband were found, the school's assistant principal of security would contact School Safety who would voucher and take possession of the items. I.S. 88 personnel told SCI that they followed standard protocol including contacting DOE's Director of Security, safety personnel and the local NYPD precinct.

SCI investigators also visited two schools on Staten Island, Susan Wagner High School and Intermediate School 27 (“I.S. 27”). Administrators at both schools said that if contraband were found, School Safety Agents were notified. I.S. 27 also said that the school would complete an OORS report, but that the school did not have a safe.

SCI investigators also noted a disparity in protocol of schools with safes. As noted, Brooklyn Tech's safe combination was broken, and Iacono had to use a key to open it. In addition, Law Advocacy's Principal Asia Burnett (“Burnett”) said that she began as principal when its former principal, Doreen

Comwell (“Comwell”) was out on leave. Burnett said Comwell never told Burnett about the safe, and that Burnett did not know its combination. Burnett then called an assistant principal on the telephone, who said she too did not know the combination. Finally, Burnett reached a different assistant principal who sent the safe’s combination to Burnett via text message. Lehman’s Secretary Elaine Forgione (“Forgione”), who advised that the school principal was out of the building for the day, said she had access to the safe in the principal’s office. After consulting with him via telephone, Forgione opened the safe. And at Arts and Technology, the school’s principal told SCI that the school’s Business Manager, Roy Balgobin (“Balgobin”), managed the safe, and even the principal did not know the combination. Balgobin took SCI investigators to the room where the safe was located and unlocked it. At I.S. 88, Principal Ailene Mitchell showed SCI investigators the school’s safe, but had to contact the school’s “tech person” Lauren Hoffman via telephone to obtain its combination.

III. Conclusions and Recommendations:

The 17 schools visited by SCI did not differ wildly in their respective execution of vouchering contraband items. Yet there were discrepancies in terms of use of a school safe; advising SCI if the school would complete an OORS report; contacting a local NYPD precinct; and whether School Safety Agents would properly voucher the items. It is particularly noteworthy that there were discrepancies regarding OORS reporting, considering that OORS is a state-recognized system of record, and the system upon which state statistics about seized contraband are based.

It should not be the case that DOE schools, operating under the same Chancellor’s Regulations, take such varying approaches when handling contraband material. The above-referenced Chancellor’s Regulations are clear regarding steps and procedures, but the schools visited by SCI did not always follow the established protocols. Rules such as these are intended to provide a safe environment for every individual – students and staff – at DOE schools. For that reason, SCI issues the following Policy and Procedure Recommendations:

- 1) The Chancellor’s Regulations should be amended and updated to better reflect both current practice and feasibility.
 - a. If DOE determines that the seizure of contraband procedures as currently outlined are onerous or impractical, the Chancellor’s Regulations should be modified to ensure that regulations are in place that all schools may easily implement and follow.
- 2) Similarly, if there is an issue regarding NYPD officers or School Safety Agents who refuse to accept seized contraband, DOE personnel should meet with them to discuss both the importance of vouchering as well as practicable, possible, and reasonable steps that can be taken uniformly across all DOE schools.
 - a. Should a School Safety Agent refuse to follow or adhere to DOE policy, a school’s principal and/or district superintendent must immediately elevate the issue to the borough safety director.
- 3) All DOE schools, no matter their size, should have a safe for the safekeeping of seized contraband items.

- a. Should the DOE feel exemptions should be made for schools with students who have not yet advanced beyond fourth grade, they can adjust this recommendation accordingly.
- b. The school's principal should always be in possession of the safe's combination and/or key. A copy of the key or combination should be provided to the DOE to be maintained in a central repository.

Please respond in writing within 30 days of receipt of this letter as to any action taken regarding the recommendations made herein. We are sending a copy of this letter to the DOE Office of Legal Services, for whatever action they deem appropriate.

Should you have any inquiries regarding the above, please contact Jonathan Jacobs, the assigned attorney for this matter, at (212) 510-1423 or jjacobs@nycsci.org.

Sincerely,

ANASTASIA COLEMAN
Special Commissioner of Investigation
for the New York City School District

By: /s/ Daniel I. Schlachet
Daniel I. Schlachet
First Deputy Commissioner

AC:DS:JJ:lr

cc: Elizabeth Vladeck, Esq.
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