



"Making A Positive Difference"

## THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

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MALCOLM THOMAS, SUPERINTENDENT

March 24, 2011

### MEMORANDUM

TO: School Board Members

FROM: Malcolm Thomas

SUBJ: Investigation of Tate High School Incident

As you are aware, over the past week, the district has conducted an internal review regarding the reporting of an incident which occurred at Tate High School on Tuesday, March 1, 2011. This internal review is now complete.

The investigator's answers to the essential questions are contained in the attachment. Throughout the process, the school district has continued to maintain confidentiality of the students involved.

The conclusions of the internal review are:

- School officials *did* report the incident to law enforcement in an appropriate and timely manner.
- Law enforcement received the full cooperation of school officials.
- There is a need for additional training for school district personnel in the areas of evidence collection and statutes pertaining to age of students involved in special victim criminal offenses.

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## Escambia County School District

24 March 2011

### Report of Investigation (Only)

John Dobbs, District Investigator

Thursday, March 17, 2011, the Superintendent tasked the District Investigator to examine the District response to an incident at Tate High School on March 1, 2011. Prior to this inquiry, the Superintendent made contact with the State Attorney's Office and the Sheriff's Office to determine that the District review would not obstruct or interfere with the ongoing ECSO criminal investigation. The District inquiry began on Friday, March 18, 2011 at Tate High School. It encompassed staff interviews, document collection and timeline verification.

#### **Did Tate High School Officials delay notification to Law Enforcement?**

No, the SRO on duty was briefed beginning with a preliminary notification early Wednesday, March 2, 2011. The SRO on duty Wednesday was cognizant of all available investigative details. The SRO indicated he would collect available investigative data and file his report upon his return to the Tate campus on Friday.

#### **When did Tate High School Officials first notify Law Enforcement?**

The SRO was briefed with all available information on the allegation during the morning of March 2. The briefing was verbal from the Dean, which is customary procedure at the school. Their offices are in very close physical proximity.

#### **Who notified Law Enforcement and how were they notified?**

Dean Venettozzi notified the SRO on duty on March 2. The second SRO was assigned to offsite duty for the day and was not available on campus for a briefing at the initiation of the investigation. At a joint lunch that day, Dean Venettozzi briefed the SRO on the investigation to date. Dean Venettozzi reported that all students interviewed had denied all knowledge or involvement in any inappropriate conduct. During the lunch, Mr. Shackle joined the group late and updated the group with new information. Dean Blackmon, Dean Gage, Dean Venettozzi, the SRO and Mr. Shackle engaged in a conversation regarding the new information. A second round of student interviews was scheduled as a result of this new information. This second series of interviews utilizing the new information determined the incident had occurred and that students had obstructed the first investigation.

#### **What information was provided to Law Enforcement?**

Verbal briefings were provided to the SRO on Wednesday, March 2, 2011. All available documentation was provided to the SRO when he returned from offsite duty on Friday morning, March 4, 2011.

#### **Were any laws or District policies broken regarding the reporting of incident?**

No, all available investigative data collected by the District indicating a potential offense was provided to the appropriate authority. Students were treated fairly and staff fully cooperated.

#### **What actions were taken by the SRO after notification?**

The SRO filed an Offense Report on the ECSO reporting format utilizing District investigative results on Friday, March 4, 2011 after resuming SRO duties on campus.

#### **Why was the officer away from the campus on Thursday, March 3, 2011?**

Officer Small was assigned patrol road duty for the shift covering the school day of March 3, 2011. Officer Singletary was assigned patrol road duty for March 2, 2011.

**Why was the SRO counseled for this incident?**

Office Small was counseled for inadequate documentation in the report filed with ECSO. All information used in the preparation of this ECSO report was drawn from the District investigation documentation and comprised all available information related to the incident at the time of the ECSO report.

**When was this discipline administered to the SRO?**

The counseling took place after the review of the report by ECSO supervisory staff.

**Did Tate High School Officials cooperate with Law Enforcement?**

The communication and cooperation between the SRO and Tate was superb after the discovery of the incident and identification of involved parties. This is an established relationship that relies on mutual trust and respect, which benefits from closeness and cooperation.

**What occurred between Tate High School Officials and the ECSO investigator on March 14, 2011?**

The assigned ECSO Special Victims Unit (SVU) Investigator requested statements from Dean Venettozzi and Mr. Shackle in addition to a number of Tate Staff with potential information. Typically, personnel with only a peripheral hearsay knowledge such as an investigating official (in this case a Dean) and an administrator (Principal) do not prepare written statements for the SRO unless they have actually observed an offense, or have substantive knowledge of the offense. The provision of all available witness statements to the SRO would appear to have been sufficient for the SRO to make a referral to an ECSO investigative entity. Mr. Shackle immediately called his immediate supervisor, Ms. Spooner, for clarification. Ms. Spooner emphasized that the school should not write the investigative report for the SRO, as this incident was under the ECSO jurisdiction. There was a brief period of time where this developed into a misconception that it may not have been appropriate to prepare a personal statement regarding collection of information related to this unlawful incident. That was clarified in less than an hour after communication between the Sheriff's Department and the Office of the Superintendent. All District personnel requested to provide statements to the ECSO SVU Investigator have done so. Those statements were provided to the SRO for transmission to the ECSO Investigator.

**What was the teacher doing during the incident?**

The teacher was involved in direct instruction of three groups of students. There were a total of twenty students in the class. One group of students was seated at the teacher's table at the head of the class, undergoing direct instruction. A second group was involved in computer based instruction. The third group of students was involved in independent reading instruction. The incident reportedly took place at the approximate center of a row of students seated at the computers. The teacher was actively engaged in direct instruction at her table at the time of the incident.

**What has been reported by other students in the class?**

During the first investigation by Tate High School Staff, all students interviewed denied observing or participating in any inappropriate or unlawful behavior. After additional information was received by Tate officials and a second series of interviews was conducted by Tate Staff, the students who were involved or adjacent to the incident indicated the incident did occur. There is no indication that all students in the class had knowledge and withheld that information, however, several students intentionally withheld information during the first investigation.

**Is it reasonable to believe the incident could occur without the teacher's knowledge?**

It is reasonable to believe the teacher's view of the unlawful incident could be unintentionally and partially obscured by seated students under direct instruction. Another group of students were seated so as to block the teacher's view while seated at computers. The unlawful incident was of short duration and this decreased the teacher's exposure for observation of the misconduct. The class was divided into three groups of students while undergoing instruction, two of which were on independent instruction. There is no indication the teacher had any knowledge of this incident, or that students intentionally blocked the teacher's view at this time. The lack of immediate notification by any student of the incident to the teacher leads to a reasonable belief that knowledge of the incident was intentionally withheld from the teacher and later the investigating Tate staff member.

**Is there evidence that a school official acted in an inappropriate manner?**

There is no indication at this time that any district employee violated any policy, procedure or law in the immediate response by Tate High School Staff to this unlawful incident.

**What procedure(s) should be created to assist in future school incidents which require reporting to Law Enforcement?**

The SRO and District Staff relationship would be enhanced with training of District staff "reporters" in evidence collection, and statement preparation with regards to the elements of an offense, which should be observed during District investigations. Also, the possibility of refresher training by School Resource Officers on juvenile criminal and selected adult criminal statutes could be beneficial. Particular emphasis should be placed on training related to special victim related criminal statutes for increased awareness of a victim's age related to these criminal offenses.