

B

B

BUTTERS BRAZILIAN LLP

699 BOYLSTON STREET, 12th FLOOR
BOSTON, MASSACHUSETTS 02116
617.367.2600
f 617.367.1363
www.buttersbrazilian.com

Executive Summary of 2021 Wildwood School Investigation

I. Introduction

At the beginning of May 2021, Wilmington Public Schools (“WPS”) engaged me, Attorney Patrick Hanley,¹ of the law firm Butters Brazilian LLP to conduct an independent investigation into allegations of abuse of children assigned to Classroom 7 at Wildwood Early Childhood Center (“Wildwood”) during the 2020-2021 school year. I had no pre-conceived beliefs about whether there had been abuse, and if there had been abuse, who perpetrated it. WPS placed no constraints on the course of the investigation. WPS leadership and staff provided me access to all records and personnel that I requested. My mission was to remain independent, to be thorough, and to provide a final report back to WPS once I had concluded gathering information.

I provided you with my final report, which is 27 pages in length. I also provided a supplemental report, which is six pages in length.² Both reports contain highly personal information about the children assigned to Classroom 7 and information about staff assigned to the school.

Applicable privacy and personnel records law call for the details of my final report and supplemental report to remain confidential, and I understand that WPS intends to comply with the law.

You asked me to provide you with an executive summary of the findings contained in my two reports that you could make available to the public. This is that executive summary. With

¹ Attorney Hanley was a prosecutor for approximately 14 years, first in the Suffolk County District Attorney’s Office, and later in the Office of the Attorney General of Massachusetts. He has directly conducted or supervised hundreds of investigations and personally interviewed more than 1,000 people during his career. His experience includes investigations of allegations of child abuse. Neither Attorney Hanley nor his firm have ever represented Wilmington Public Schools.

² When I presented my final report, you asked me to provide a supplemental report as to any conclusions I have drawn about the knowledge of Wildwood’s principal in light of the findings contained in my final report. Although I had gathered substantial evidence as to the knowledge of the principal and her actions, reporting my conclusions as to this evidence was not within the original scope of work. That is why I prepared a supplemental report.

the applicable law in mind, this executive summary intentionally does not identify anyone involved.

II. Investigative Summary

During the investigation, I conducted 36 separate interviews of 31 people.³ I reviewed numerous documents, including photographs, personnel records, and statements to police; and I reviewed recorded interviews conducted by others.⁴ Only one person declined an interview request.⁵ I also communicated with and received assistance from representatives of the Middlesex County District Attorney's Office ("MCDAO"), Wilmington Police Department ("WPD"), and the Department of Children and Families ("DCF").

Except for a handful of interviews of the children assigned to Classroom 7, I conducted each of the interviews in this investigation. I interviewed each subject separately. Almost all the interviews were recorded by me after I received consent and represented that I would not produce the recording outside of my law firm absent a court order or other competent legal authority compelling production. A handful of subjects also recorded their own interviews. In some instances, a Wilmington Teacher's Association ("WTA") representative was present with an interview subject. In other instances, an attorney was present with an interview subject. In no instance did the WTA representative or attorney interfere with the interview.

I requested documents and access to recordings of prior interviews from various persons and entities. I received all documents that I requested. In two instances, parents of two children executed waivers to permit me to access sources of evidence.

III. Summary of Findings in the Final Report

Based on the credible evidence that I gathered during this investigation, I conclude that one of the staff assigned to Classroom 7 grabbed, held, and shoved with the staff member's foot students assigned to Classroom 7 this school year and in prior years. I find this by a preponderance of the evidence. I make these findings without regard to what would be admissible evidence in a courtroom, but mindful of potential bias and motive of the witnesses, reliability of witnesses and other evidence, ability to recall, and reliability of the reporter and other relevant factors relating to the quality and sufficiency of evidence. I considered past conduct for permissible purposes of pattern of conduct, identity, and absence of mistake. I also considered a prior finding from 2014 by WPS with respect to this staff member that the individual engaged in inappropriate conduct which did not involve physical contact with students

³ I conducted 35 interviews prior to submitting the final report and one additional interview of someone I had already interviewed prior to submitting the supplemental report.

⁴ Wildwood does not have any video recording equipment in or near Classroom 7; thus, no contemporaneous recordings exist that would provide evidence of the presence or absence of abuse.

⁵ This person later changed her mind and offered to submit to an interview as my investigation was concluding. I declined this offer because I concluded that arranging to interview her would unnecessarily delay the final report. The witness did not have any connection to Wildwood this school year; she was a parent of a child assigned to the school in a prior year.

– a finding that the staff member did not challenge at the time – when I assessed this staff member’s credibility.

I find that the staff member did use restraints as defined under Massachusetts law and failed to report it this year and in prior years, but made no report of using restraints as required by law. Like nearly all the staff at Wildwood, this staff member was Safety-Care trained.⁶ The staff member was trained that a grab, hold, or shove constitutes a restraint under Massachusetts law. The staff member was trained that if a restraint was used, the staff member was required to disclose it to school leadership.

There is no evidence that the second staff member assigned to Classroom 7 grabbed and as a result, hurt any students assigned to Classroom 7. The second staff member told me that the individual never abused a child in the class or saw the other staff member abuse a child in the class. No witness said that the second staff member was present when the first staff member grabbed, held, or shoved a student with the staff member’s foot this school year. The second staff member worked with the first staff member for the last four years. Given the amount of time that they spent with each other over the last four years working in Classroom 7, I find it implausible that the second staff member never saw the first staff member grab, hold, or shove students with the staff member’s foot.

When the current leadership of Wildwood and the District learned of allegations this school year, they investigated the allegations through the lens of District’s bullying and harassment policies. Their investigation concluded that there was not evidence to support that there had been a violation of either the District’s bullying or harassment policies. At the time that WPS conducted its investigation this year, the allegations and details thereof were limited. I was hired once more details and more victims came to light. Consequently, the investigation that WPS hired me to conduct, by design, was broader than the investigation that the District had conducted.

IV. Summary of Findings in the Supplemental Report

When I provided my final report, you asked me to provide a supplemental report as to any conclusions I drew during my investigation about the knowledge of Wildwood’s principal in light of the findings contained in my final report.

During this school year, the principal conducted an investigation of allegations of abuse of a student assigned to Classroom 7. The report initially did not name the staff member. After initially finding insufficient evidence to support a violation, the principal concluded her investigation. Additional allegations followed. Based on repeated allegations of violations against the staff member, WPS placed the staff member on administrative leave, pending further investigation.

The principal also conducted investigations in prior school years of the same staff member. One investigation concluded that the staff member committed violations and led to the

⁶ I gained an understanding of the training by reviewing the Safety-Care training manual and interviewing WPS’ Safety-Care trainer.

staff member's discipline. Another investigation that the principal conducted ended without a finding of a violation. The principal addressed less serious infractions by the staff member directly and informally in the past.

I interviewed the principal three times. Each time, I found the principal to be cooperative and truthful. She took the process seriously and was forthcoming with me, even when I asked questions about her supervision, observations, investigative choices, and decision-making.

The principal facilitated many of the interviews of school personnel. I asked many of them, including the staff member, about the principal's leadership and accessibility. Nearly everyone I asked described the principal as approachable. I found that she took each investigation related to the staff member seriously and followed each one through diligently.

I conclude that there is no evidence to support the conclusion that the principal saw the staff member grab, hold, and shove with a foot students assigned to Classroom 7 this school year. The evidence revealed that the principal learned of the allegations when they were made.

Dated: August 17, 2021

Patrick Hanley, Esq.
Butters Brazilian LLP