

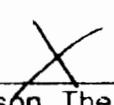
IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

IN RE: THE 2014 Criminal Division
ALLEGHENY COUNTY
INVESTIGATING GRAND JURY AD-14-203-CR

REPORT NO. 1

TO THE HONORABLE JILL E. RANGOS, SUPERVISING JUDGE:

We, the members of the 2014 Allegheny County Investigating Grand Jury, based upon facts received in the course of an investigation authorized by the Investigating Grand Jury Act, recommend administrative and legislative action in the public interest. So finding, with not fewer than twelve concurring, we do hereby adopt this Report for submission to the Supervising Judge.



Foreperson, The 2014
Allegheny County Investigating
Grand Jury

Dated: 2/16 2016

I. Summary

The report contained herein represents the culmination of an extensive nine month inquiry by this Investigative Body into the actions, and lack of action, taken by administrators of Plum Senior High School and by the School Resource Officer assigned to that school. In making this inquiry, we have been guided by one overriding concern- the importance of the protection of children. To that end, this Grand Jury has uncovered systematic failures to protect students on the part of Plum Senior High School staff and school resource officer, leaving those students vulnerable to abuse by the very persons who are duty bound to protect them. We attribute these failures in large part to an academic culture that encouraged the protection of friends and colleagues over students, insularity, avoidance of personal responsibility in favor of shifting the onus onto others without follow up, and turning a blind eye to obvious signs of teacher misconduct.

During the course of conducting this investigation, the Grand Jury also discovered evidence of the sexual assault of a prior student by her former substitute teacher at Plum Senior High School. This Grand Jury issued a Presentment recommending the arrest and prosecution of that former substitute teacher. Trial is currently pending in the Allegheny County Court of Common Pleas.

While we are tempted to affix criminal liability on other individuals who were clearly derelict in their statutory duties to protect the children in their care from physical and sexual abuse, we find ourselves effectively precluded from doing so based on the language of the relevant statutory provisions, the

involvement of the Plum Senior High School Resource Officer, and the lack of documentation maintained by both administration and the School Resource Officer. Furthermore, the conduct of administrators and the School Resource Officer within the school occurred over a span of years during which Child Protective Services Laws, especially duties and responsibilities affixed to particular individuals therein, and the Pennsylvania Crimes Code, particularly with respect to Institutional Sexual Assault, were undergoing significant change. While certain actions and behaviors would be criminal by current standards, we are compelled to find under these circumstances that criminal prosecution under the then existing statutes would likely not be successful.

While the inability to issue a Presentment alleging criminal liability on the part of culpable parties weighs heavily on this Grand Jury, it is our hope that the report set forth below will serve as a catalyst for change in the attitude of school administrators, the practices of school districts, and in amendments to legislation towards the goal of offering greater protection to our Commonwealth's students.

II. Introduction

The matter brought before the 2014 Allegheny County Investigating Grand Jury was an investigation into the course of conduct of members of the Plum Senior High School administration and Plum Borough police officer assigned to work at Plum Senior High School (the school) following the arrests of Jason Cooper and Joseph Ruggieri, teachers at Plum Senior High School. The focus of this inquiry was whether members of the administration and/or staff and/or other individuals assigned to work at Plum Senior High School had a reasonable cause

to suspect that Joseph Ruggieri, an English teacher at Plum Senior High School, had been involved in multiple sexual relationships with female students at the school over the last several years and, if so, why no information about such activities had ever been reported to law enforcement, ChildLine¹ or Children, Youth and Family Services (CYF). The crux of this investigation focused on whether the Plum School District administration ignored warning signs and allowed a child predator to continue his employment in the high school where he had continued direct interaction with high school students.

A. Arrests of Jason Cooper and Joseph Ruggieri

On January 29, 2015, Plum High School Resource Officer Mark Kost reported that he attended a meeting with Plum High School Principal Ryan Kociela regarding an "internal investigation that [Kociela] had conducted concerning an alleged incident of inappropriate behavior" between high school science teacher Jason Cooper and a juvenile Plum High School Student, hereinafter referred to as Victim 1. Officer Kost reported that Principal Kociela had conducted interviews of three teachers, including Cooper, and five students, including the alleged victim.

At the time that this matter was reported to Detectives of Plum Police Department for investigation into a sexual assault, Principal Kociela was in possession of paper copies of correspondence between teacher Cooper and

¹ ChildLine is an organizational unit of the Department of Public Welfare which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation to county children and youth agencies, and maintaining the reports in the appropriate file.

Victim 1 via the social networking site Twitter. The correspondence was in no way sexual in nature. Kociela had also learned of rumors through other students that Cooper and Victim 1 had been having contact outside of school. After interviewing several students, including Victim 1 and Jason Cooper, Principal Kociela felt it necessary to involve the Plum Police Department. He did so by asking School Resource Officer Kost to file a formal police complaint, and therefore, involving Plum Borough Police Detectives.

Officer Kost wrote a police report regarding information received from Principal Ryan Kociela. Kost reported that on January 23, 2015, Kociela interviewed Jason Cooper regarding his contact with Victim 1. This police report consists of an apparent transcript of the entire discussion between Cooper and Kociela in a question and answer format. Cooper acknowledged having had contact with Victim 1 via Twitter but denied having any physical contact with Victim 1 outside of school.

On February 10, 2015, Plum Police Detective Mark Focareta and Officer Kost interviewed Victim 1 and learned from her of a relationship that had been ongoing between Victim 1 and Jason Cooper since at least December, 2014. Victim 1 reported to Plum Police that she communicated with Jason Cooper via cellular telephone and on the social networking site Twitter. She reported that she had sexual intercourse with Jason Cooper in January, 2015. As of the date of her interview with Plum Police, the sexual relationship between Victim 1 and Jason Cooper was still ongoing.

During this interview, Victim 1 was asked by Detective Focareta if she

knew of any other students that were engaged in sexual relationships with Jason Cooper or any other teachers at Plum Senior High School. Victim 1 reported that it was common knowledge in school that English teacher Joseph Ruggieri was rumored to be in a sexual relationship with another twelfth grade student, hereinafter, Victim 2. Victim 1 also provided the names of two other former female students with whom Ruggieri was rumored to have previously been sexually involved.

Cooper was arrested by Plum Police on February 11, 2015, and was charged with Institutional Sexual Assault, Corruption of Minors and Furnishing Alcohol to a Minor.

Immediately upon learning of the allegation regarding Ruggieri, Detective Focareta interviewed student Victim 2. Victim 2 reported that she was, in fact, involved in a sexual relationship with Ruggieri which had begun in the fall in 2014 when she was 17 years old. Victim 2 reported to Detective Focareta that she had engaged in sexual intercourse with Ruggieri at his residence on more than one occasion before Christmas, 2014. Victim 2 also provided the name of another student who was rumored to have previously been involved in a sexual relationship with Ruggieri, a class of 2013 student hereinafter referred to as "Victim 3."

Ruggieri was arrested by Plum Police on February 17, 2015, and was charged with Institutional Sexual Assault and Corruption of Minors.

B. Prior Allegations of Sexual Contact between Teacher Joseph Ruggieri and his Students.

On February 2, 2015, Detective Focareta met with Principal Kociela for the first time regarding the allegations about Cooper. Kociela turned over paper copies of "tweets," or correspondence on Twitter, that he had obtained from students during his interviews regarding allegations of improper behavior of Cooper. Principal Kociela appeared to be cooperative with Plum Police regarding the investigation into the allegations of Jason Cooper, but at no time on February 2, 2015 did Principal Kociela mention knowledge of any suspected similar activities involving English teacher Joseph Ruggieri.

On February 10, 2015, when Plum Police Detective Focareta and Officer Kost spoke with Victim 1 at the Plum Police Department, they learned of Victim 2 and her relationship with Ruggieri. Detective Focareta, along with Officer Kost, also spoke to a friend of Victim 1 at Plum High School. Victim 1's friend reported to Plum Police that Ruggieri had been rumored to have been in sexual relationships with Victim 2 and multiple other students. This student identified Victim 2 and Victim 3, by name. At no time did Officer Kost reveal to Detective Focareta that he had ever heard any previous information regarding Victim 3 or Ruggieri.

Later in the day, on February 10, 2015, after receiving information about Victim 2's alleged sexual relationship with Ruggieri, Detective Focareta asked Principal Kociela about his knowledge of this information. After being explicitly asked about statements regarding Ruggieri's sexual relationships with students, Kociela reported that "rumors" had surfaced time and again for years regarding Ruggieri. Kociela provided the names of four students and three teachers with

whom Ruggieri had allegedly been involved in sexual relationships. Principal Kociela reported to Detective Focareta that he did not have anything concrete to substantiate the allegations involving Ruggieri. At this time, Principal Kociela did not reveal to Detective Focareta that the school had ever initiated any internal investigation into the "allegations" concerning Ruggieri nor did he report that any administrative action had ever been taken against Ruggieri.

Allegheny County District Attorney (ACDA) Detectives later learned from guidance counselor Kerry Plesco that as part of the school's internal investigation into Cooper, Principal Kociela and guidance counselor Plesco had interviewed a Plum student, hereinafter Witness 1. Witness 1 reported to Plesco on January 23, 2015, information concerning Cooper's relationship with Victim 1 and Ruggieri's involvement with Victim 2, and three other former students, hereinafter Victims 3, 4 and 5. According to guidance counselor Plesco, Principal Kociela informed Plesco that he was turning all of Witness 1's information over to the authorities. In fact, it was not until January 28th that Plum Police, through Officer Kost, received a complaint regarding Jason Cooper and *only* Jason Cooper. Principal Kociela did not offer any information regarding Ruggieri until after he, Kociela, was explicitly questioned about Ruggieri by Detective Focareta on February 10, 2015. Even on February 10, 2015, Principal Kociela still only offered Focareta knowledge of "rumors" that he qualified as unsubstantiated

By February 12, 2015, Detective Focareta had conducted interviews of three staff members and three students on school property. In the course of Focareta's investigation, he had learned of allegations of Victim 2's relationship

with Ruggieri that had been circulating since at least October, 2014. Detective Focareta also learned of "talk" regarding Ruggieri's involvement with Victim 3.

On February 12, 2015 Detective Focareta spoke again with Principal Kociela about Ruggieri. Principal Kociela was specifically questioned about the allegations of Victim 2 that had begun to surface in October, 2014. Kociela responded by reporting that he had received numerous reports from staff and students regarding an ongoing relationship between Ruggieri and Victim 2. As a result of these allegations he had met with Ruggieri on October 14, 2014, and again on November 13, 2014. According to Principal Kociela, on November 13, 2014, Kociela had instructed Ruggieri to have no further contact with Victim 2 - even in passing between classes. Principal Kociela informed Detective Focareta that he and Assistant Principal Shannon Crombie interviewed a student, hereinafter Witness 2, about these allegations in January, 2015. Principal Kociela had minimal documentation for some of these interviews and completely failed to document others. Despite the apparent need for administrative action, Principal Kociela did not notify either ChildLine or CYF for further investigation.

Kociela also reported to Detective Focareta that he had heard "rumors" of Ruggieri and Victim 3, a class of 2013 graduate. Kociela stated that he and Superintendent Glasspool (Plum school superintendent 2012 – present) had spoken with Ruggieri and the parents of Victim 3 regarding these allegations.

On February 17, 2015, Detective Focareta conducted a fourth interview of Principal Kociela that included Superintendent Tim Glasspool. Kociela reported that he had heard of "rumors" of Ruggieri and Victim 3 "years ago" and that

Ruggieri, Victim 3, and her parents were all interviewed at that time. Kociela did not report that any administrative action was taken against Ruggieri, and the matter was never reported to police.

Dr. Glasspool reported to Detective Focareta that on December 13, 2011, he attended a meeting with Principal Kociela and Joseph Ruggieri to discuss a reported relationship with suspected Victim 3. Dr. Glasspool told Focareta that Kociela called the meeting as a result of a complaint that had been made to Principal Kociela; however, Kociela would not reveal the identity of the complainant to Superintendent Glasspool.

Detective Focareta interviewed former student, Victim 3. She revealed that she had been interviewed by Principal Kociela when she was a student. Victim 3 admitted to Detective Focareta that she had been involved in a personal relationship with Joseph Ruggieri and had been in touch with him even after his recent arrest. When questioned about whether her relationship with Ruggieri had ever become sexual, Victim 3 replied "even if I did, I'd take that to the grave." Victim 3 stated to Detective Focareta that "It's been like three years so why do you even care? I mean I didn't have sex, but if I did, it's been like three years. Why not lie?"

C. The Duty of Child Protection Examined by the Grand Jury

School employees have long held a duty of care to their students. That duty has been, in part, codified in the Crimes Code as a mandatory requirement to make report of suspected child abuse where a teacher or school employee has reasonable cause to suspect that a child is a victim of child abuse (23

Pa.C.S.A. § 6311). Following the arrests of Cooper and Ruggieri and the numerous interviews already conducted by Plum Borough Police Detective Focareta and the Allegheny County District Attorney's Detectives, it was determined that the investigative resources of the Allegheny County Investigating Grand Jury were needed to inquire into the alleged criminal conduct of members of the administration and/or staff and/or the school resource officer assigned to work at Plum Senior High School.

1. Joint Task Force on Child Protection

The importance of enforcing the protection of the children of the Commonwealth of Pennsylvania is underscored by the comprehensive work of the Task Force on Child Protection formed by the Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania. In December, 2011 the Pennsylvania General Assembly established a Task Force on Child Protection. This Task Force was formed, in part, as a response to sexual abuse scandals at Penn State and within the Philadelphia Archdiocese. The Task Force's findings and recommendations, as published in its report of November, 2012, have provided an invaluable basis for the Pennsylvania Legislature to make much needed changes to the law as it relates to the protection of our Commonwealth's children. However, the laws and procedures necessary to protect our students are matters worthy of constant review

As such, it was the goal of this Investigating Grand Jury to review the actions of those involved at Plum Senior High School, not just to investigate any criminal wrongdoings by employees, but also to evaluate how such a gross

failure to act can be prevented in the future by this, and other, school districts. This Investigative Grand Jury conducted such a review with an understanding of the accomplishments made by the Task Force on Child Protection and the need for constant examination of how we are protecting our Commonwealth's children.

2. Recognition of investigation and recommendations made by the Dauphin County Investigating Grand Jury

In 2013, the Dauphin County Investigating Grand Jury inquired into a matter regarding the victimization of a high school student at Susquehanna Township High School by an assistant principal. The two had maintained a sexual relationship while he held a position as an assistant principal and she was a 16 year old student. Administrators at the school were made aware of rumors. The assistant superintendent of the school district conducted interviews of numerous students concerning the rumors of the inappropriate relationship, but not whether or not a child was being victimized. One of the interviews was that of the victim of the sexual assault. As a result of the premature interview conducted by a school administrator, the victim deleted incriminating evidence of the sexual relationship from her cellular telephone. All of the parties interviewed denied direct knowledge of the affair, but rather knew of only "rumors." The assistant superintendent's focus of her investigation was to "get the bottom of who started a rumor" not to inquire into the potential victimization of a teenager. It was not until months had passed and new information was received that police were finally made aware of the allegations against the assistant vice principal.

The Dauphin County Investigating Grand Jury made the determination

that school district administrators not only lacked the training and resources needed to conduct a meaningful investigation, but that their preliminary investigation caused irreparable harm to a future police investigation.

On January 30, 2014, the Dauphin County Investigating Grand Jury made the sage recommendation that every school district in Dauphin County institute a policy of immediately reporting any indication of abuse by a school employee, even where the basis of the report is nothing more than mere rumor. They further recommended that school employees should refrain from any type of internal investigation as such investigation can negatively impact future investigations by law enforcement and that these recommendations be adopted by the legislature as new legislation.

The problems that plagued Susquehanna Township School district were repeated in even more egregious fashion in Plum Township School District. It is the concern of the Allegheny County Investigating Grand Jury that these same problems, unfortunately, may plague other school districts across the Commonwealth. This Investigative Body finds it disheartening that the sound recommendations made by the Dauphin County Investigating Grand Jury were made nearly a year before the offenses of Joseph Ruggieri came to light. As such, it is clear that a thorough and comprehensive review into the actions of Plum School District administrators was warranted, not only to inquire into potential criminal actions of those involved, but also to make further recommendations for the protection of the Commonwealth's students.

3. Scope of Grand Jury Investigation

This Grand Jury heard testimony from 30 witnesses, reviewed over 7,500 pages of documents retrieved by search warrant and subpoena and over 55 gigabytes of electronic evidence. The massive undertaking of this investigation was necessary and worthy of the resources of this Investigative Grand Jury to root out possible criminal actions by administrators and employees at Plum Senior High School and to investigate the potential of systematic weaknesses at this school district that put students at danger of physical and sexual abuse.

III. Relevant Statutory Provisions

A. *Institutional Sexual Assault*

Section 3124.2 of Title 18, Institutional Sexual Assault, reads in pertinent part:

(a.2) Schools.--

(1) Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

(2) As used in this subsection, the following terms shall have the meanings given to them in this paragraph:

(ii) "Employee."

(A) Includes

(I) A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide

and any other employee who has direct contact with school students.

(iii) "School." A public or private school, intermediate unit or area vocational-technical school.

This statute became effective February 21, 2012 and criminalizes sexual contact between a teacher and a student. Before February 21, 2012, sexual contact between a teacher and a student was simply regulated by the then-existing crimes which regulate sexual contact between any other individuals. Prior to February 21, 2012 the Commonwealth's Crimes Code did not recognize the inherent power that teachers hold over students and their broad access to students for the purposes of engaging in grooming behavior over the course of academic years. The age of consent in Pennsylvania is 16 years old and, consequently, the confines of the law before February 21, 2012 allowed for a consensual relationship to exist between a 17 or 18 year old high school student and a teacher or school employee before the passage of § 3124.2.

B. *Child Protective Services Law 23 Pa.C.S.A. §§ 6301-6319*

1 Background

School employees hold a duty of care to their students. One of those specific duties is to make a report to the ChildLine registry where there exists reason to suspect that a child is the victim of abuse. This duty has undergone both analysis and change in recent years.

The Child Protective Services Law, hereinafter referred to as CPSL, is contained in chapter 63 of Title 23 of the Pennsylvania Consolidated Statutes. The CPSL is a series of Pennsylvania Statutes which were enacted to

"encourage more complete reporting of suspected child abuse... to involve law enforcement agencies in responding to child abuse, and to establish in each county protective services for the purpose of investigating the reports swiftly and competently, providing protection for children from further abuse...."²

The Pennsylvania General Assembly charged the Task Force on Child Protection with the duty of reviewing the laws and procedures relating to the report of child abuse and the protection of children. The Task Force was further instructed to issue a report and make recommendations regarding improving the reporting of child abuse and the response to child abuse. In November, 2012, the Task Force published a thorough and comprehensive report outlining recommended changes to current legislation.³ The legislature responded to these recommendations by making sweeping changes to the then existing legislation. Following is a summary of some of the pertinent changes to the CPSL that have been made by the legislature since the Task Force's report.

2. The Child Protective Services Law Prior to December 31, 2014

Prior to December 31, 2014, Section 6303 of the CPSL defined "Child Abuse," in pertinent part, as follows:

The term "child abuse" shall mean any of the following:
(iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

Sexual abuse or exploitation was defined, in relevant part, as:

² 23 Pa C S A § 6302

³ Joint State Government Commission. Child Protection in Pennsylvania: Proposed Recommendations, Report of the Task Force on Child Protection. November 2012

(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct.

(3) Any of the following offenses committed against a child:

(i) Rape.

(ii) Sexual assault.

(iii) Involuntary deviate sexual intercourse.

(iv) Aggravated indecent assault.

(v) Molestation.

(vi) Incest.

(vii) Indecent exposure.

(viii) Prostitution.

(ix) Sexual abuse.

(x) Sexual exploitation.

Noticeably absent from the list in subsection (3) listed above is Institutional Sexual Assault. Until the amendments, made effective December 31, 2014, the new criminal offense of Institutional Sexual Assault for offenses against students, 18 Pa.C.S.A. § 3124.2, was not explicitly included in the list of offenses constituting sexual abuse or exploitation.

3. The Child Protective Services Law Effective December 31, 2014

The term "child abuse" was amended effective December 31, 2014 to give a broader definition and now reads, in pertinent part, as follows.

The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

(4) causing sexual abuse or exploitation of a child through any act or failure to act.

Sexual Abuse or Exploitation is defined, in relevant part, as.⁴

(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to

⁴ 18 Pa.C.S.A. § 6302

engage in sexually explicit conduct, which includes, but is not limited to, the following:

- (i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- (ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
- (iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(2) Any of the following offenses committed against a child:

- (ii) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (v) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (xii) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

4. Persons required to report suspected child abuse

Some of the most comprehensive and far reaching changes were made to Section 6311 of Title 23, Persons Required to Report Suspected Child Abuse. This section outlines the requirement of certain professionals to report suspected child abuse. Prior to December 31, 2014, the statute stated, in relevant part:

(a) General rule.--A person who, in the course of employment, occupation or practice of a profession, comes into contact with children shall report or cause a report to be made in accordance with section 6313 (relating to reporting procedure) when the person has reasonable cause to suspect, on the basis of medical, professional or other training and experience, that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse, including child abuse by an individual who is not a perpetrator.

(b) Enumeration of persons required to report.--Persons required to report under subsection (a) include ... school administrator, school teacher, school nurse, social services worker, day-care center worker or any other child-care or foster-care worker. peace officer or law enforcement official.

(c) Staff members of institutions, etc.--Whenever a person is required to report under subsection (b) in the capacity as a member

of the staff of a medical or other public or private institution, school, facility or agency, that person shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with section 6313. This chapter does not require more than one report from any such institution, school, facility or agency.

Persons required to report are stated explicitly as: "school administrator, school teacher, school nurse, social services worker, day-care center worker or any other child-care or foster-care worker... peace officer or law enforcement official " These individuals are often times commonly referred to as "mandated reporters."

The statute as it read prior to December 31, 2014 required that a mandated reporter only make report to a supervisor or designated individual within the institution. The burden then fell on the designated agent or person in charge of the institution to make a ChildLine report. Recognizing the obvious flaws in that requirement, the legislature amended the statute to read, in pertinent part, as follows⁵:

(a) Mandated reporters.--The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:

(4) A school employee.

(5) An employee of a child-care service who has direct contact with children in the course of employment.

(7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or has direct contact with children.

(9) A peace officer or law enforcement official.

⁵ It is worth noting that the Legislature has again amended 23 Pa C S A § 6311 effective July 1 2015 to make the provisions more expansive. Those amendments are not pertinent to the investigation and recommendation of this Grand Jury

(12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), who has direct contact with children in the course of employment.

(14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.

(b) Basis to report.--

(1) A mandated reporter enumerated in subsection (a) shall make a report of suspected child abuse in accordance with section 6313 (relating to reporting procedure), if the mandated reporter has **reasonable cause to suspect** that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

(c) Staff members of institutions, etc.--Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall report immediately in accordance with section 6313 and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility or

agency with the investigation of the report. Any intimidation, retaliation or obstruction in the investigation of the report is subject to the provisions of 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases). This chapter does not require more than one report from any such institution, school, facility or agency.

The enumerated list of mandated reporters was expanded to include individuals such as coaches and attorneys representing schools and churches

Reports of suspected child abuse by a mandated reporter must be made by telephone or written report submitted electronically **immediately** pursuant to Section 6313 of the CPSL. Oral reports made via the telephone hotline must be followed up with a written report within 48 hours. A mandated reporter is no longer relieved of liability by simply making report to their supervisor or designated individual in the institution.

5. Penalties for noncompliance

The legislature has also increased the penalties for the failure of a mandated reporter to make a report of suspected child abuse. Before December 31, 2014, a mandated reporter committed a misdemeanor of the third degree for willfully failing to report. A misdemeanor of the third degree is punishable by a maximum sentence of one year of imprisonment and a \$2,500 fine.⁶

Amendments to the Section 6319 of the CPSL increased the penalties by making the failure to report a case of suspected child abuse a misdemeanor of the second degree. A misdemeanor of the second degree is punishable by a maximum sentence of two years of imprisonment and a fine of \$5,000.⁷ The

⁶ 18 Pa.C.S.A. § 1104, 18 Pa.C.S.A. § 1101

⁷ 18 Pa.C.S.A. § 1104, 18 Pa.C.S.A. § 1101

statute also allows for the prosecution of a felony of the third degree where the mandated reporter (i) willfully fails to report; (ii) the act of child abuse constitutes a felony of the first degree or higher; and (iii) the reporter has "direct knowledge" of the nature of the abuse."⁸ A felony of the third degree is punishable by a maximum sentence of seven years imprisonment and a \$15,000 fine.⁹

Section 6319 (a)(4) also includes a good faith exception where law enforcement is contacted in lieu of making a report to ChildLine stating:

A report of suspected child abuse to law enforcement or the appropriate county agency by a mandated reporter, made in lieu of a report to the department, shall not constitute an offense under this subsection, provided that the report was made in a good faith effort to comply with the requirements of this chapter.

IV. Widespread Knowledge of Inappropriate Conduct of Joseph Ruggieri with Students Prior to his Arrest

It is evident to this Grand Jury that, at the very least, rumors of Joseph Ruggieri's inappropriate and possibly criminal conduct in his interaction with female students were widespread amongst students, teachers and administrators at the Plum Senior High School. Initial investigation by Allegheny County District Attorney's Detectives revealed the names of several students with whom Ruggieri had been rumored to have an inappropriate relationship.

A. *Victim 3*

The name of Victim 3 was the most frequently mentioned of all the students with whom Ruggieri was suspected to have been involved. Former Plum Senior High School student Joseph Tommarello testified before this Grand

⁸ 23 Pa.C.S.A. § 6319

⁹ 18 Pa.C.S.A. § 1104, 18 Pa.C.S.A. § 1101

Jury. He graduated in 2011 from Plum Senior High School and testified that he and Victim 3 were friends as they lived in the same neighborhood. In the summer of 2012, he spoke to Victim 3 regarding her relationship with Ruggieri. He testified that Victim 3 brought up the matter because she was concerned over the appropriateness of the contact, Tommarello surmised that she likely came to him because, at that time, he was a member of the Plum School District board as well as a friend and a neighbor. Victim 3 admitted to Tommarello that she had been involved in a personal relationship with Joseph Ruggieri and she showed him some of their personal email exchanges on her cellular telephone. While she never indicated directly whether this relationship was of a sexual nature, he had specific recollection of the word "love" being used during the discussion Tommarello asked if she would consent to him taking this information to Superintendent Glasspool, and she agreed.

Tommarello testified that following this conversation in 2012, he had a meeting with Superintendent Glasspool in Glasspool's office. Tommarello reported to Dr. Glasspool what he had learned from Victim 3. Glasspool responded by stating that this report would not be the first to prompt him to have a conversation with Ruggieri about an inappropriate relationship with a student. Glasspool stated that he would "look into it" and probably speak to Victim 3 personally. Tommarello never followed up with either Dr. Glasspool or Victim 3 to verify that any investigation occurred.

Victim 3 acknowledged to this Grand Jury that she did, on at least one occasion, show Joseph Tommarello an email that she received from Joseph

Ruggieri. She testified that she was angry at Ruggieri for some reason (although she could not recollect why) and wanted for him to get in trouble. She knew that Tommarello was on the school board and believed that he had the power to make that happen. She testified that, at the time, she believed that it was illegal for teachers to contact students about matters unrelated to school.

Kerry Plesco has been a guidance counselor at Plum Senior High School for 15 years. During her tenure, she had Victim 3 as a student advisee. Ms. Plesco testified before this Grand Jury that in the fall of Victim 3's junior year, Plesco heard rumors of a relationship between Ruggieri and Victim 3. At the time, Plesco believed that there were simply some "boundary issues." She reported these rumors to Principal Kociela. He responded by saying that he wanted something factual, but alluded that he would speak to Ruggieri. Kerry Plesco testified that she notified Principal Kociela about rumors of Ruggieri approximately 10 times during Victim 3's junior year of high school. She has no recollection of ever speaking with Officer Kost about the matter.

Scott Kolar, a former Plum Senior High School Air Force ROTC Instructor, testified before this Grand Jury that he heard rumors from students in either December, 2011 or January, 2012 of Joseph Ruggieri and Victim 3 having had contact outside of school. He immediately reported this information to Principal Kociela. Kolar testified that Kociela responded by telling Kolar that next time he received such information he could just "slip an anonymous note under the door." Kolar did not receive any follow up information following his report of Ruggieri. At some point in Victim 3's senior year, Kolar was assigned to teach

her in class. At the time that she started his class, Kolar was instructed by a colleague to let administration know if Ruggieri ever came by his classroom while Victim 3 was present.

Principal Kociela confirmed in his testimony to this Grand Jury that in December, 2011, Kolar shared with him rumors going around amongst students that Ruggieri was involved in a sexual relationship with Victim 3. Kociela testified that he passed information of these rumors up to the Superintendent at the time, Dr. Naccarati, and also to school solicitor, Attorney Lee Price. After Dr. Naccarati was made aware of the allegations by Principal Kociela, she responded by assigning Kociela and then Assistant Superintendent Glasspool to investigate the circumstances.

According to Principal Kociela, after he and Dr. Glasspool were assigned to investigate the matter by Superintendent Naccarati, they initiated their investigation by speaking with Joseph Ruggieri on either December 19 or December 20, 2011. Ruggieri was informed of the subject matter for the meeting and asked verbally to attend a meeting with Principal Kociela and Dr. Glasspool. Ruggieri declined union representation for the meeting and waived his right to a three-day notice of the hearing. Despite the fact that, according to Kociela, this meeting was clearly an informal hearing no documentation was made in Ruggieri's personnel file of the hearing or the purpose of the hearing, nor is there any documentation of the substance of the meeting.

According to Kociela, at the meeting, Ruggieri was asked if he had any contact with Victim 3 outside of school and whether he had her phone number or

exchanged any text messages. He replied in the negative to each question. While Principal Kociela testified that it is typical to have an informal hearing transcribed, this hearing was not transcribed or noted in any way. The task of note taking or transcribing is generally designated in advance of the meeting and is the sole duty of a particular individual in the room; in this instance, no one was ever given that duty by either Kociela or Dr. Glasspool.

Principal Kociela acknowledged to the Grand Jury that at the conclusion of this meeting he was unsure whether or not he believed Ruggieri's denials. Principal Kociela testified that part of the reason he did not immediately believe Ruggieri was because "the information that came to [him] that there were numerous students who were talking about this." Principal Kociela noted that when Ruggieri represented other teachers at informal hearings, he would behave defensively and aggressively¹⁰. In this instance, he was simply confident, definitive in his answers and apparently not offended in any way by the questions. Kociela expected that Ruggieri would have been more offended by the allegations.

This Grand Jury issued a search warrant for, among other things, relevant information in existence on the Plum School District computer server. One item of relevance that was retrieved from the school's electronic files was an email dated December 20, 2011 from Joseph Ruggieri to Principal Kociela regarding their recent meeting. The subject line read simply "Thanks." The email read as

¹⁰ Joseph Ruggieri has served as the Vice President for Plum Borough Education Association, also known as the Teacher's Association, for the last eight years of his career as a teacher. He had served as "grievance chair" for at least one year before he was elected Vice President. In that capacity, he represented other teachers at informal hearings.

follows:

I appreciate you treating me like a professional in what was surely for different reasons an awkward conversation for each of us. Ryan, I will let you know how the conversation tomorrow works out, and you can relay it to Tim if you wish. I am sure different managerial styles could provoke different responses and reactions to such injurious rumors. So thank you for bringing this potentially damaging information to my attention. Out of respect for myself and for my superiors, I will take the next steps to alleviate suspicion and continue to maintain appropriate positive teacher/student dynamics. Respectfully, Joe.

Kociela testified that he was unsure of the reason for Ruggieri's thanks and appreciation and does not recall getting this email. Principal Kociela did not provide a copy of the email to the Grand Jury in response to the *subpoena duces tecum* that had been issued to him prior to his appearance. Kociela also testified that he did not recall if the "conversation" referenced in the email that was to occur the very next day was with Victim 3. He also does not recall having a follow up conversation with Ruggieri regarding this "conversation." Principal Kociela agreed that this email seems to be in appreciation for not being more heavy-handed in his handling of the matter. Notably, no disciplinary action followed this "investigation," and no documentation of this meeting exists in Ruggieri's personnel file.

Principal Kociela responded to Ruggieri's email that night stating "Thank you, Joe. I appreciate **your** understanding and working with us on this. Will touch base tomorrow. Ryan." Kociela was unable to explain to the Grand Jury why he typed the word "your" in bold and if he and Ruggieri did actually touch base the next day. Kociela acknowledged that the informal hearing with Ruggieri was in no way accusatory. Furthermore, Kociela never inquired as to whether

Victim 3 was spending an unnecessary amount of time in Ruggieri's classroom.

Principal Kociela next asked Guidance Counselor Kerry Plesco to become involved in a meeting with Victim 3 as Plesco had a good rapport with her. During that meeting, Victim 3 was asked if she ever saw Ruggieri outside of school, if she ever communicated with him by phone or if she ever had a sexual relationship with him. Principal Kociela testified that Victim 3 remained calm and "was also very confident" in her responses that nothing was going on. Plesco testified that Victim 3 responded in the negative to each question and explained that Joseph Ruggieri simply helped her with her homework.

Principal Kociela testified that he was uncertain as to whether he believed Victim 3. He noted that "if multiple students were talking about it at that point, then is there a possibility that there could be something to it..." Plesco testified that at the time, she was unsure of whether or not she believed Victim 3's denials. She called Victim 3's mother to make her aware of the meeting. Victim 3's mother was already aware of the rumors and stated that she didn't believe them.

Soon after speaking with Ruggieri and Victim 3, a meeting was held with Victim 3's parents, Kerry Plesco and Principal Kociela. According to Principal Kociela, they wanted to meet with Victim 3's parents because they were "interested in informing them of the rumors, but also asking if they had any concerns, any suspicion...in regard to the possible relationship with Mr. Ruggieri." Victim 3's parents said that they believed that Ruggieri was a positive role model for their daughter and was helping her academically. Principal

Kociela acknowledged to this Grand Jury that Victim 3, given that she was not a strong student, was unlikely to have forged a strong bond with a teacher over academics. To the contrary, he acknowledged that her bond with Ruggieri, given her academic and disciplinary issues, probably lent some credence to the rumors about the two.

Following Plesco's meeting with Victim 3, Plesco was summoned to the Superintendent's office. Present at this meeting were then Superintendent Naccarati, Assistant Superintendent Timothy Glasspool and Principal Ryan Kociela. The school solicitor, Attorney Lee Price, was present by telephone. During this meeting, Superintendent Dr. Naccarati inquired of Plesco stating, "Kerry, do you think [Victim 3] was lying? Do you think this is going on?" Plesco testified that she responded by saying "I'm glad I don't have to make that determination because I don't know." Likewise, Kociela testified that he had likely expressed to Dr. Naccarati that he did not feel completely confident in Ruggieri's denials of the relationship. Neither Plesco nor Principal Kociela could unequivocally give their respective professional opinions that the relationship between Ruggieri and Victim 3 was an appropriate student – teacher relationship. Nonetheless, the matter was considered to have been closed at that time.

The fact that this meeting took place was confirmed by billing records from school solicitor Lee Price. Attorney Lee Price billed Plum Borough School District for 3.9 hours of services rendered on December 20, 2011 for "Telephone call from Administrators regarding sexual complaint investigations procedures.

conference call with principal, Guidance Counselor, Dr. Naccarati and Dr Glasspool; telephone call from same; telephone conference with Dr. Naccarati regarding the same. Legal research regarding mandatory reporting."

At the close of Kociela's "investigation," he reported to Dr. Naccarati that the student and teacher were denying the existence of a relationship and that the student's parents seemed content with Joseph Ruggieri's role as a mentor to their child. Consequently, Dr. Naccarati determined that nothing more need be done.

This Grand Jury finds it to be disturbing, to say the least, that despite so much suspicion and concern over the potential of an illicit relationship between a teacher and a student, no record of any meetings or discussion with Ruggieri exist in his personnel file. Furthermore, no documentation exists in Victim 3's student files of these meetings or of any consideration that it may be necessary to get an outside agency involved for the student's well-being.

After the close of his internal investigation, Kociela continued to get reports of similar rumors, one of those reports being from former school security guard Tanya Osowski. Osowski testified before the Grand Jury regarding her report of information to Principal Kociela. She reported that she had learned from students at Plum Senior High School that Victim 3 was in a relationship with Joseph Ruggieri. She learned this information over winter break when the school was closed. A student had reported to Osowski that "everyone kn[ew]" about the relationship. Osowski was so disturbed by this information that she called Ryan Kociela at his home over the holiday to report to him what she had learned

Principal Kociela told Osowski that he was aware of the issue and that he was investigating it. He further informed her that Officer Kost was aware as well and that Osowski was fulfilling her reporting obligation by making this phone call.

Michael Loughren served as an Assistant Principal for Plum Senior High from 2008 through 2013 under Principals Kinzler and Kociela. During that time he handled, among other duties, student discipline. As such, he interacted with Victim 3 on a fairly regular basis.

Loughren testified that he was involved in a meeting with Victim 3, her stepfather and Principal Kociela in Victim 3's senior year of high school. Victim 3 was a senior in the 2012-2013 school year. Loughren testified before this Grand Jury that Principal Kociela had asked for him to be involved in this meeting based on concerns that were brought to his attention by Kerry Plesco. According to Loughren, Kociela had informed him that Kerry Plesco had received reports of inappropriate contact between Ruggieri and Victim 3 from a student. While Loughren suffered from a lapse in memory of the details of the conversation, he was able to recall that the subject of the discussion was rumors of a sexual relationship between Ruggieri and Victim 3 and that Victim 3 denied that anything inappropriate was going on between the two. Loughren acknowledged that he had never been involved in a meeting like this before, but to the surprise of this Grand Jury, he was unable to recall any details of the follow up work from this meeting. He testified that at the close of the meeting "[w]e said, 'Well now, the parent denies it, the kid denies it.'"

Loughren also testified that he believed Victim 3 in her denial of the

relationship with Ruggieri. He based this opinion, not on his knowledge of Victim 3 or Ruggieri, but rather on the fact that Victim 3 made these statements in front of her Stepfather. It somehow seemed improbable to Loughren that a female teenager involved in a sexual relationship with a teacher 20 plus years her senior would have any incentive to be untruthful about the matter when talking with her Stepfather and school officials.

Loughren's quick dismissal of the matter and lack of clear recollection is particularly enigmatic to this Investigative Grand Jury given his own suspicions. Loughren testified that about three weeks prior to this meeting, he had seen Victim 3 in Ruggieri's classroom. While they did not appear to be doing anything wrong, Loughren testified it gave him an "uncomfortable feeling." It disturbed him enough that he immediately made both Officer Kost and Principal Kociela aware of what he saw. Loughren felt disturbed by his "uncomfortable feeling" even though, he claimed to have never heard any rumors of inappropriate relationships between Joseph Ruggieri and students in the past. He testified that after he had seen Victim 3 in Ruggieri's classroom, he went straight to Officer Kost's office and said "Officer Kost, I have an uncomfortable feeling. I just saw [Victim 3] in Mr. Ruggieri's room. They weren't doing anything wrong. There was nothing that would cause alarm, but I have a gut feeling something is not right." Officer Kost did not question why Assistant Principal Loughren would report such an innocuous matter to him. Rather, Kost responded by telling Loughren that it was an "internal matter" and should be reported to Principal Kociela. Principal Kociela, likewise, did not question why such a seemingly

mundane and harmless event was worthy of discussion. He, instead, instructed Assistant Principal Loughren to "keep your eyes and ears open." Loughren never asked Principal Kociela why it was necessary for him to keep his "eyes and ears open." It seems clear to this Grand Jury, even if it was not clear to Mr. Loughren, that the reason Principal Kociela, Loughren and Officer Kost all reacted as they did to an otherwise harmless event was because they knew what so many others in the school knew – that Ruggieri was notorious for maintaining inappropriate relationships with the female students. Particularly disturbing in Officer Kost's response to Loughren's suspicions is the fact that, by this point, in 2012 or 2013, Institutional Sexual Assault was a crime and any allegation of such conduct should have been handled by police and most certainly not as an "internal matter."

Loughren was also involved in a meeting with Ruggieri and Ryan Kociela regarding the "rumors" of sexual contact between Ruggieri and Victim 3. He stated that he didn't remember if this meeting was before or after that of the meeting with Victim 3, but he does recall that Principal Kociela warned Ruggieri during the meeting that he would be speaking with Victim 3 in the future regarding the matter. Ruggieri denied any inappropriate contact between him and Victim 3.

Loughren admitted to this Grand Jury that he did not believe Ruggieri's denial "in his gut," but, again, could not recall if he expressed this concern to Principal Kociela. Despite what had to be an incredibly uncomfortable and distinctive meeting in Loughren's career, he claimed to have no recollection of

whether Kociela expressed any thoughts to him after the meeting. Further, he said that he was unsure of whether he took notes during that meeting, or of if he had, what may have happened with those notes, and he testified that he did not remember what occurred after the meeting. Loughren said he was never directed to prepare any documentation specifically for purposes of keeping a record in Ruggieri's personnel file. Despite the fact that Loughren believed Ruggieri to be untruthful, he did not find it necessary to contact Victim 3's Stepfather to express his concerns regarding Ruggieri's truthfulness, or lack thereof. This Grand Jury is troubled by Loughren's admitted course of action. It is worth noting that this Grand Jury discovered a letter of recommendation written by Joseph Ruggieri for Loughren recommending him for the position of Principal at Center Elementary in 2011. While this letter is possibly suggestive of the esteem in which Loughren held Ruggieri in 2011, we cannot ignore the possibility that his actions, and his testimony regarding the Ruggieri matter, may have been colored by a sense of gratitude towards Ruggieri.

This Grand Jury heard from Victim 3 about her relationship with Ruggieri and her interaction with Plum Administrators. She testified that she had Ruggieri for a writing class in the fall of her junior year, 2011. At some point during her junior year, Ruggieri contacted her friend by way of a private message on Facebook. Ruggieri asked Victim 3's friend about Victim 3. Victim 3 later went to his classroom with two other classmates and Ruggieri asked them about their plans. Soon thereafter he began to email Victim 3 about personal matters on his

school email account.¹¹ Victim 3 said that she recognized she had been getting special attention from Ruggieri and recognized that this special attention was probably obvious to others.

Victim 3 admitted that Ruggieri began to contact her by phone a couple months after the emails started. She testified that they communicated by text message and email numerous times per day, throughout the day. She spent most of her study halls in Ruggieri's classroom and testified that her study hall teacher never questioned why she was doing that. The two would text daily and discuss personal matters such as school, friends, family life and boyfriends. Ruggieri would share with her information about his childhood, his ex-wife and girlfriends. At one point during high school, Victim 3 was transferred to an alternative school for a period of time. Shortly after that transfer, on April 3, 2012, phone records show a 72 minute phone call between Victim 3 and Ruggieri followed immediately by another 18 minute phone call in the evening hours. Victim 3 testified that she has no recollection of what she spoke about to Joseph Ruggieri for an hour and a half on that occasion. She denied that the relationship ever became sexual in nature.

Victim 3 remembers having a meeting with either Principal Kociela or Assistant Principal Michael Loughren. She testified that she admitted she and Ruggieri had been emailing each other, but she did not disclose that the emails had been of a personal nature. Victim 3 testified that she was nervous she would

¹¹ While this Grand Jury made attempts to get those emails by way of seizing copies of the school's hard drive pursuant to a Grand Jury search warrant, the emails were not able to be recovered. Plum School District changed their email provider in the summer of 2012 and emails not saved or archived were permanently lost. Consequently, no record exists of these particular emails from 2011.

get in trouble for speaking with him, but she was never told that she was in any trouble. Communication between her and Ruggieri slowed down after the meeting, but did not stop completely. She testified that Ruggieri simply became more "standoff-ish."

When questioned about her lack of memory regarding some very significant and unusual events in her life, she testified that she was using a significant amount of medication and recreational marijuana at the time. While Victim 3 appeared to this Grand Jury to be quite open and candid about the rumors she had heard regarding Ruggieri and other female students, she was not at all forthcoming regarding her own relationship with Ruggieri.

B. Victim 2

Detective Focareta interviewed Principal Kociela and Superintendent Glasspool on February 17, 2015. Detective Focareta testified that during this interview, Principal Kociela provided Focareta with all the documentation that he had regarding interaction between Ruggieri and Victim 2. Included in that documentation were notes of meetings that Kociela had with Ruggieri from October 14, 2014 and November 13, 2014, notes of a phone call made to Victim 2's mother and notes of interviews conducted by school administrators of eight students on February 9 – 10, 2015.

Principal Kociela's notes from his October 14, 2014 meeting with Joseph Ruggieri indicate that Ruggieri himself brought to Principal Kociela concerns of rumors circulating about the existence of an inappropriate relationship between Victim 2 and himself. Ruggieri assured Principal Kociela that he and Victim 2

had had no contact outside of school. Based on this assurance, Principal Kociela called Victim 2's mother. Principal Kociela documented his telephone parent conference as follows:

spoke with [Victim 2's parents]. let them know that [Victim 2] told Mr. Ruggieri today that someone told her that there was a rumor going around about something going on between [Victim 2] and Mr. Ruggieri. Told mom the Mr. Ruggieri immediately came to me to let me know what [Victim 2] told him, told mom that he assured me that nothing was going on. told mom that I also spoke with [Victim 2]. She assured me that nothing was going on and that she didn't know where the rumors were coming from. I told her to let me know if she needed any assistance in any way with the situation or if there was anything else I need to know about it. Mom thanked for letting her know this.

Victim 2's mother testified before this Grand Jury regarding her interaction with administration at Plum Senior High School. She confirmed her contact with Principal Kociela in October, 2014. Victim 2's mother testified that Principal Kociela told her not to worry because he had spoken to "Joe" and Mr. Ruggieri had assured him that the rumors were false. Based on this self-serving assertion by Ruggieri, Principal Kociela offered his assurances to Victim 2's mother and told her that he would speak to her daughter about it.

Joseph Tommarello testified that he contacted Superintendent Glasspool on September 30, 2014 after he had learned from a student at Plum High School student, that Victim 2 was rumored to have been involved in a relationship with Ruggieri and to have been found at his home. Telephone records show a four minute phone call from Tommarello's cellular telephone to Dr. Glasspool's office phone on September 30, 2014 at 8:14 am. Tommarello recounted that he relayed the information he had learned to Superintendent Glasspool, and that

Glasspool responded by saying that if he learned anything from police or students, that he would let Tommarello know. Glasspool suggested that the information was just "student rumor and gossip."

Testimony was presented to this Grand Jury from Victim 2's guidance counselor, Nadia Abbondanza. She testified that while making presentations in Ruggieri's classroom one day in October, 2014, she noticed Victim 2 coming and going from his room more than she should have, since Victim 2 did not have Ruggieri for class. This behavior raised suspicions for Abbondanza because she was aware that Ruggieri had overly close boundary issues with a previous female student, specifically, Victim 3. Abbondanza consulted with Kerry Plesco regarding this issue and sought her advice. Kerry Plesco advised her to tell Principal Kociela about her concerns. Abbondanza testified before this Grand Jury that she informed Kociela that Victim 2 was going in and out of Ruggieri's classroom unnecessarily and spending a lot of time with him. She made this report either the same day or a day after her observations. She testified that Kociela appeared to take her concerns seriously and told her that he would take care of it. Kociela did report back to Abbondanza that he had called Victim 2's parents and had meetings with Victim 2 and Ruggieri. According to Principal Kociela, Victim 2's parents believed that Ruggieri was simply serving as a mentor to Victim 2 and had no concerns about their relationship.

David Gray testified to this Grand Jury that he first learned of rumors regarding Ruggieri and Victim 2 on October 25, 2014 from two other teachers while at a social event. He was, at that time, the Teacher's Association

Grievance Chair and Contract Negotiator, and Ruggieri served as the Teacher's Association Vice President. Gray felt that he should share this potentially damning information regarding the Teacher's Association Vice President with the Teacher's Association President Martha Freese. Freese, in turn, shared with David Gray information regarding a post on a Twitter page called "Plum Confessions." On this page was a post stating simply: "[Victim 2] fucks Mr Ruggieri."

Martha Freese shared with David Gray that she had made Ruggieri aware of this Twitter post and that he had responded by offering to resign from his position as Teacher's Association Vice President.

Gray, feeling that it may be necessary to report this information, consulted with Freese regarding their obligation to make a report of suspected child abuse. Rather than just act, in an abundance of caution, and make a report, the two consulted with attorneys from the Pennsylvania State Education Association. They were advised that the new mandatory reporting law requiring them to make a report directly to ChildLine would not take effect until January 1, 2015. Instead, they could fulfill their reporting obligations by simply going to their superintendent

Consequently, Gray and Freese reported the information concerning the rumors learned by Gray and the post on the "Plum Confessions" Twitter page to Superintendent Glasspool in a meeting that occurred on October 30, 2014. Gray testified about that meeting as follows

We said, "We have something to tell you. We have something to report." We said – when I say "we," Martha and I want to report a

rumor to you." And he said, "What is the rumor?"

And Martha said to Tim [Glasspool], "There is a rumor going around that Joe Ruggier is having an inappropriate relationship with a student."

And he said, "That's not the one I heard," or "That's not the rumor I heard."

So she said or Tim said – we said, "Well, what is the rumor you heard?" And Tim said "I heard that [Victim 3] is living in his basement."

I said, "Who is [victim 3]?"

He said, "[Victim 3] graduated last year,"

And then he got out a note pad and stuff and he said, "So, who is the girl?"

And we said [Victim 2]

He wrote it down. And then he said, "Is this just a CYA," to us.
Cover your ass.

Martha Freese's testimony corroborated Gray's regarding that same meeting.

She also recalled Glasspool asking if the report was a "CYA."

David Gray recounted that Superintendent Glasspool responded by saying that he would need to investigate the situation and that it would be necessary to involve Ryan Kociela, Officer Mark Kost and the school solicitor, Attorney Lee Price.

That night at 8:16 pm, Superintendent Glasspool sent an email to David Gray and Martha Freese stating as follows:

On advice of legal counsel, we believe, I have an obligation to investigate the rumors you mention to me tonight. You told me there are rumors that something is going on with Joe R and a particular female high school student. To begin my investigation I need a source, the student who started the Twitter feed, name of concerned resident, name of the two PSEA members, etc.

I want to keep this confidential for obvious reasons and will not divulge that you were the initial source of, what you have referred to as, rumors.

Please call me to discuss.

Martha Freese testified that she called Dr. Glasspool the next morning to

discuss the matter and that she did report the names of the individuals that told David Gray of the rumors and also gave him the name of the Twitter feed. It is worth noting that Martha Freese also had communication via text message with David Gray agreeing to keep the names of their sources confidential.

Martha Freese testified that she received a follow-up email from Tim Glasspool about two weeks later stating that they had concluded their investigation and that the rumors were unfounded. Unfortunately, she was unable to retrieve this email. Likewise, our review of the information recovered from the school servers did not include that email.

Principal Kociela's notes indicate a second meeting with Joseph Ruggieri on November 13, 2014 at 9:20; those notes state as follows:

Spoke to Joe about continued rumors of his involvement with student [Victim 2]. Told him that it has been recently discussed by members of the basketball team, that two teachers have come to me about it with overhearing others talk about it, Twitter references, and that Dr. Glasspool is aware. I directed that he have no further contact with [Victim 2], in order to try to alleviate the rumors, including keeping things in his room, visits during study halls and between classes, etc. Joe agreed cooperatively. He said that he thought the rumors had died down from our last conversation, but knew and was upset about the Twitter posts. He said that has had recent contact with [Victim 2's] father about college searches via email. I also instructed that any other student, male or female, not keep things in his room. Again, he was agreeable.

Principal Kociela also informed Guidance Counselor Abbondanza that Ruggieri and Victim 2 were not permitted to be in the same room together. When asked if other teachers, coaches or school employees were made aware of this new restriction on Ruggieri and Victim 2's involvement, Abbondanza testified that she did not believe that to be the case. Victim 2 and Ruggieri were simply left on

their honor to police their own whereabouts within the building. Not surprisingly, Abbondanza saw Victim 2 in Ruggieri's classroom once again after this restriction was put in place. She immediately notified Kociela of the violation. Kociela simply told her that he would take care of it. At no point in time was Abbondanza ever asked to document what she witnessed, or to make report to Officer Kost.

Despite the fact that these "rumors" involve, what was at that time a criminal act, no documentation exists to indicate that the school personnel involved Officer Kost in their "investigations "

Student Witness 1 reported her knowledge of Victim 2 to Kerry Plesco on Friday, January 23, 2015. At that point in time, the rumors were so well known throughout the school that Victim 2 and Joseph Ruggieri were receiving votes for "cutest couple" for the high school yearbook. Interviews of students conducted by administrators showed that one student athlete had written in his locker room locker for other students to see: "Mr. Ruggieri stole [my] girlfriend."

Abbondanza's next relevant interaction with Victim 2 came in February, 2015. Assistant Principal Adam Szarmach brought Victim 2 to Abbondanza's office when he saw Victim 2 crying in a hallway. Victim 2 told Abbondanza that she was upset because students were telling her that if Jason Cooper was "going down," then Ruggieri would too. Victim 2 told Abbondanza that she was aware of the rumors being spread regarding her relationship with Ruggieri, but that the rumors weren't true. Principal Kociela, for the first time, asked Abbondanza to document this meeting

Shannon Crombie, an Assistant Principal at Plum Senior High School from January, 2014 through August, 2015, testified about her involvement in the "internal investigations" into Ruggieri and Cooper. She testified that she learned of concerns of an inappropriate relationship between Jason Cooper and Victim 1 and was tasked with the duty of speaking to one of Victim 1's friends. Officer Kost was not involved in the interviews, but according to Crombie, he was updated on the progress of the interviews.

At one point, Crombie described a conversation between Crombie, Kociela, and Kost during which she asked Officer Kost if traffic cameras might exist to place Victim 1 at Jason Cooper's home. Crombie obviously felt that the "internal investigation" was insufficient, but it apparently was not obvious to anyone else, including Officer Kost, that the entire matter should be handled by experienced professionals from the police department. Furthermore, no one considered at this point making a report to ChildLine in this situation where they clearly could not even dispel their own suspicions of Cooper's wrongdoing.

Ultimately, after the Plum Police initiated an investigation into the actions of Jason Cooper, Crombie claimed to have become aware that concerns regarding Ruggieri existed. Crombie testified that she was asked by Principal Kociela to conduct an interview of one student who was believed to be knowledgeable about an inappropriate relationship between Victim 2 and Ruggieri. Despite getting this assignment from Principal Kociela, she never asked Kociela why he believed there may be reason to suspect Ruggieri of any illicit behavior. She testified before this Grand Jury that she had no knowledge of

why Kociela asked her to speak to a student about Ruggieri or what caused Kociela to believe that Ruggieri was behaving inappropriately.

Even more disturbing to this inquiry is the fact that Crombie had written in her notes the names of six girls with whom Ruggieri was suspected of having inappropriate relationships. Included in that list of names was the name of Victim 2. This Grand Jury recovered Crombie's personal notes of this described incident during a search of her office conducted on May 19, 2015 pursuant to a search warrant. While Crombie admitted that she knew she had received this list of names from Kociela, and that she noted them in her notebook, she said that she had no recollection of the circumstances by which she received this information or what she did with this information after she received it. She acknowledged to this Investigative Grand Jury that receiving the names of six potential victims of sexual assault at the hands of one of the teachers in her school district would have been quite shocking; however, notwithstanding that fact, her apparent lack of recollection of any pertinent details regarding this conversation with Kociela is both disturbing and incredible. After receiving the names of six potential victims, this Plum school administrator failed to follow up with Officer Kost, did not check these girls' names in school records in order to confirm whether they were current or former students and did not follow up with Principal Kociela about these girls. Crombie both admitted to having received this information and to doing absolutely nothing with it. In fact, said she had no idea why the information was provided to her. She suggested to the Grand Jury that while she has never been involved in a shocking situation such as this

before, she is nonetheless completely void of any memory of the details of the events with which she was involved due to her "stress" and "sadness."

C. Additional Victims

Plum Senior High School class of 2014 graduate, Witness 1, testified that she reported to school administration that she had learned, through rumor, about four separate high school students, Victims 2, 3, and 4, who had been involved in sexual relationships with Ruggieri while they were still students at Plum Senior High School. Additionally, ACDA Detectives, who had initiated an investigation into this matter, had learned the names of several female students that were widely known amongst teachers and students at Plum Senior High School to have been involved, or rumored to be involved, in an inappropriate relationship with Ruggieri.

This Grand Jury finds most alarming that Principal Kociela reported the names of four girls to Detective Focareta at the initiation of this investigation. This Grand Jury located and questioned Victim 3, Victim 4, and three other young women with whom Ruggieri was rumored to have had been involved with in a sexual relationship.

A class of 2007 victim testified that she spoke to Ruggieri regularly about personal matters while she was a student. Although she denied that she ever had sexual contact with Ruggieri while she was a high school student, she did, however, admit to engaging in sex with Ruggieri shortly after she graduated from high school.

A class of 2009 victim testified before this Grand Jury that she began

talking to Ruggieri about her personal issues in her junior year when she had him for class. She said that at one point in her junior year, she began having personal problems at school and wanted a place to retreat from other students. Ruggieri allowed her to eat her lunch in his classroom every day and he even wrote a note so that she could spend her study halls in his classroom each day as well. She testified that she spoke to Ruggieri about her personal issues at school and he shared with her his marital problems and other private matters. During her senior year she stopped spending her free periods in his classroom. She testified that “[e]ventually I got, like, I don’t know, I felt like our relationship was more than – like, getting too close so I kind of started to back off. . . . I just had a feeling that – I don’t know, things were weird . . .” This class of 2009 victim said that she was also aware of rumors of his involvement in sexual relationships with other students.

A class of 2013 victim testified that Ruggieri began communicating with her when he was sending her course materials. Eventually he began communicating with her about matters outside of class. She is uncertain as to how Ruggieri obtained her cellular telephone number, but she described how he also began communicating with her via text message about matters other than coursework. She denied, however, that she ever had any physical or sexual contact with Joseph Ruggieri while she was still a high school student. On one occasion, though, after she graduated from high school, she said Ruggieri drove several hours to her college campus in order to visit her. She also testified that she was aware of his relationship with Victim 3 as the two were in the same

graduating class.

Victim 4 graduated in 2014. She testified before this Grand Jury that she did speak with Ruggieri about personal matters while she was a high school student, but, she denied that she ever engaged in any physical or sexual contact with him.

While none of these girls admitted to having sexual contact with Ruggieri while they were students, this Grand Jury still views each of them as victims. It is evident to the Investigative Grand Jury that Ruggieri was engaging in a pattern of "grooming" these young female students, either to prey upon them as soon as they graduated, as certain of the victims claim, or, as in the case with Victim 2, to do so while they were still students. The behavior of "grooming" is not necessarily, on its own, a criminal offense. However, it is the opinion of this Grand Jury that professional school administrators and resource officers should be aware of patterns of teacher conduct relating to "grooming" potential victims and should take steps to interdict where such conduct is evident. Every one of these above described female students were well known by both students and teachers alike to have been personally involved with Ruggieri, and/or to have spent an exorbitant amount of time in his classroom outside of class time. Although year after year, Ruggieri was known to "pick a new girl," it appears that neither Principal Kociela nor Officer Kost made any efforts to identify the pattern or put a stop to this predatory behavior by a teacher within the very walls of the school itself.

V. **Documentation of Teacher Discipline at Plum Senior High School**

A. ***Teacher Discipline***

Principal Kociela testified before this Grand Jury regarding the standard policies of teacher discipline. He explained that discipline can start as something informal as a verbal warning for minor matters like appearing for work late or not calling a parent when a student is failing a class. A record of a verbal warning was not kept in teacher personnel files. An informal meeting between Kociela and a teacher, likewise, would not necessarily result in documentation in a teacher's personnel file. The next level of teacher discipline, according to Kociela, was an informal hearing held in Kociela's office. Typically, the teacher would be informed of such a meeting, given a three day notice, and notified of his or her right to bring an "association representative" to the meeting. Typically, but not in all cases, an informal hearing would result in documentation in a teacher's file by way of an e-mail notifying the teacher of the hearing or a formal letter. There existed no protocol for maintaining documentation of an informal hearing (Documentation of such a hearing notified by email may only have been kept in Kociela's email folder for a respective teacher) An informal hearing would result from a "concern for drugs or alcohol ... Improper comments in class ... falsifying a sick day for an entertainment day ... inappropriate language ... inappropriate relationships " Principal Kociela explained that inappropriate relationships could be simply social relationships with students or sexual relationships. Where "there is something to be found with those ... during an investigation," documentation would be made in a teacher's file. Even where "nothing is found" there would still

be some notation or record of the meeting in the file.

B. Difference in discipline and documentation between Ruggieri and Cooper

This Grand Jury had the opportunity to review the personnel files of Jason Cooper and Joseph Ruggieri. Cooper received a formal written reprimand in 2013 for contacting students via an online social networking site. A letter documenting this reprimand was available in his personnel file. Kociela received a report from teacher Dennis Swogger, on January 16, 2015, that students were discussing inappropriate, but not sexual, comments between a student and teacher on a social networking site. Kociela already knew this teacher to be Jason Cooper. Kociela reported to Dennis Swogger that he had spoken to one of the students that made this report on the very next school day, January 20, 2015. This Grand Jury recovered typed notes, made by administrators, for every student and teacher that was interviewed regarding the "internal investigation" into Jason Cooper's actions. Cooper and Victim 1 were both interviewed and denied the existence of a relationship between the two. On January 23, 2015, Kociela told Swogger that he would need to give Jason Cooper his "three day notice". Kociela did, in fact, give Jason Cooper his three day notice of an informal hearing and allowed for him to get a teacher's association representative. We also received multiple copies of a transcription from the "informal hearing." Every stage of disciplinary action was documented. Officer Kost received a "formal complaint" from Kociela on January 28, 2015¹² for the

¹² This date was reported by Officer Kost in his Incident Report as January 29, 2015. Kost later

allegation of institutional sexual assault and a police investigation immediately followed. Notably different were the actions, or lack of actions, taken against Ruggieri.

It seems apparent to this Grand Jury that Ruggieri enjoyed, at a minimum, a lack of oversight at Plum Senior High School and more realistically, an outright disregard of clear and recurring warning signs of inappropriate behavior. This favored treatment can be seen most obviously in contrast between the manner in which his case was handled by Plum administration from that of Jason Cooper

Kociela had known of "rumors" of Ruggieri and numerous female students for years, and yet never documented any of those matters, never contacted a counselor to assist any of the female students, never notified police, never notified ChildLine, never notified Allegheny County Children, Youth and Family Services, and never reprimanded Ruggieri. Despite telling Kerry Plesco on January 23, 2015 that he planned on turning everything over to police, it was not until after Detective Focareta learned of allegations regarding Ruggieri from his own investigation that Kociela felt it necessary to make mention of the "rumors" to police. Only after Detective Focareta conducted a formal interview of Kociela did he learn that, not only had Kociela met with Ruggieri regarding Ruggieri's relationship with Victim 2 on two prior occasions, but he had known of at least three other former female students with whom Ruggieri had reportedly been involved with in a sexual relationship. Unlike in Cooper's case, Ruggieri rumors were handled by private, undocumented meetings in which Ruggieri was simply

informed Chief Armstrong that his report was incorrect and he had actually received this complaint from Principal Kociela on January 28, 2015. This Grand Jury never received a supplemental report correcting this error

asked to keep his distance from Victim 2 in order for the "rumors" to extinguish Plum administration showed no concern for the well-being of Victim 2, no less concern that a suspected serial child predator continued to be employed, without being ChildLined or otherwise formally investigated by Plum High School.

This Grand Jury is appalled that Ruggieri was permitted to simply continue his pattern of behavior with absolutely no oversight by administration and with seemingly little or no concern for the children entrusted to the district's care. It is incomprehensible that any individual in a supervisory position over professional educators would disregard such a clear continuity of conduct by a teacher at the risk of the safety of the children the district is entrusted to educate and protect.

VI. Protections Afforded to Joseph Ruggieri

This Grand Jury has great concern that the manner in which Ruggieri was permitted to conduct himself with female students in the school contributed to a culture of sexual harassment. The protection afforded to Ruggieri by the school administration appears to have fostered a dysfunctional culture within the high school.

A. Hesitation of teachers to report Joseph Ruggieri.

It seemed evident to this Grand Jury that there existed a hesitation amongst teachers to make negative reports against Joseph Ruggieri because he was both well-respected and wielded a considerable amount of power within the school through his positions with the Teacher's Association.

One such example is the manner in which Scott Kolar's report of Ruggieri was made to Principal Kociela. At the time Kolar reported that he had learned of

rumors alleging inappropriate conduct between Ruggieri and Victim 3, Kolar was seeking admission to the Teacher's Association. Ruggieri, as an officer of the Teacher's Association, was openly against the inclusion of the ROTC teachers in the union. Kolar and Kociela both testified that Kolar had asked Kociela to keep Kolar's name, as the reporter, anonymous so as not to jeopardize the acceptance of ROTC teachers into the union. Kociela testified that he was aware that Kolar's report of Ruggieri's conduct could be discredited by the Superintendent because of the union issues that existed at the time. Kociela told this Grand Jury that he "wanted to follow through with the concerns that Mr. Major Kolar was bringing to my attention, and I thought it [disclosing Kolar's identity] might cloud and invalidate the concerns. ..."

One witness described Ruggieri as the Vice President of the union and as such, he was the individual "that stood before us to discuss our conduct, how we should behave, how we shouldn't give people our cell phones, how you should not e-mail students, how you should not be on social media ... [h]e's very educated on ... how he should behave."

Another member of the faculty informed this Grand Jury that Ruggieri was a bright guy and had represented a lot of union teachers over the years. This Investigative Body accepts that in his representation of his colleagues he would have also gathered knowledge of the indiscretions and reprimands of every teacher in the building. Those teachers likely would have felt not only indebted to him, but they also would have been aware that Ruggieri knew of each teacher's proverbial "skeletons in the closet." Admittedly, there was no evidence presented

that he made it a practice to hold that information over anyone's head. Common sense, however, dictates that a teacher who hears an unbecoming rumor about Ruggieri would be reluctant to come forward if Ruggieri has knowledge of that teacher's own indiscretions.

Contrary to the opinions of some of his peers, Ruggieri at times was flagrant in his disregard for professionalism when it came to certain female students. This Grand Jury had an opportunity to review a school email between Joseph Ruggieri and another teacher on February 20, 2014 at 11:19 am, regarding one of the students with whom Ruggieri was rumored to have been involved. This email was one of few that were able to be recovered from the school's server. It reads as follows.

Teacher: maybe you should put her desk up front close to yours so she pays attention

Ruggieri: She sits favorably close and I am a mover. This is a rookie suggestion.

Teacher: give her all the answers and whisper sweet nothings in her ear....

Ruggieri: This is entrapment. You are a mandatory reporter. HAHA

In a place where adolescent girls are learning to be strong independent adults, this Grand Jury finds it to be disgraceful that they are objectified by the very people who are charged with the duty of protecting and empowering them.

Dennis Swogger, an art teacher at Plum High School, testified about his report of Cooper to Principal Kociela. Swogger testified that some students approached him about inappropriate contact between a teacher and a student. At the time, Swogger did not know the identity of the teacher. He was unsure what to do with this information and stated he did not have any evidence at the

time to believe that the "inappropriate contact" involved a sexual relationship. Swogger, looking for guidance on what to do with this unusual and disturbing information, immediately contacted Ruggieri for guidance. Swogger testified that Ruggieri served as a "go between" for teachers and administrators and that he was available as a union representative to give general guidance. He believed that Ruggieri would know what to do in this situation. Swogger testified to his belief that Ruggieri was "held in high regard generally by most people."

Swogger sent a text message to Ruggieri immediately after speaking to his students. Ruggieri responded by thanking him and saying that he had already dealt with this issue once this year and that he would talk to Ryan [Kociela]. The miscommunication between the two teachers became readily apparent when Ruggieri admitted to Swogger that he believed that Swogger was speaking of him (Ruggieri).

Ruggieri assumed his role as "advisor" and did, in fact, advise Swogger of his responsibility in such a situation. He told Swogger that he was a mandatory reporter and that if he witnessed something that he must report it. He later stopped down to Swogger's classroom in person to speak with him. Ruggieri told Swogger of an instance when he saw something inappropriate and just kept walking as if to imply that Swogger, too, should just do nothing. Swogger, uncomfortable with that advice, did report the information that he received from his students the next day on January 16, 2015.

Another teacher testified regarding Joseph Ruggieri's role in the school

Q In your opinion, did [Ruggieri] have more power than any other teacher in the school?

A: Yes. ... there were times where Ryan [Kociela] would go to Joe [Ruggieri] about a teacher or about the bell schedule or about the buses or just – I think Ryan would bounce things off Joe, What are the teacher going to think about this if we do this? Do you have any suggestions for me? So I would say yes to that question, because I think Ryan used Joe as a buffer between himself and the faculty. So I would say yes.

This witness went on to testify that in his opinion, teachers appreciated Ruggieri's role in serving as a spokesperson of sorts for the teachers because "[Ruggieri] helped bridge that communication between the teacher and the principal."

Principal Kociela acknowledged to the Grand Jury that, even back in 2011, Ruggieri was one of the teachers' representatives for disciplinary matters and that Ruggieri was part of the district liaison committee. Kociela admittedly had more interaction with Ruggieri than the other teachers in the building. He has known Ruggieri since they were both teachers going back over 15 years and agreed that Ruggieri was well-respected among his peers. Principal Kociela testified that he believed it would have been understood by Dr. Naccarati and Attorney Lee Price that in the "internal investigation" conducted in December, 2011, Ruggieri's position as a representative of the Teacher's Association created a unique and awkward situation in that Ruggieri was typically the teacher who represented other teachers. Principal Kociela further agreed that Ruggieri probably did "carr[y] more power because he had the support from other teachers."

B. Greater Concern for Teachers and Institution than the protection of Students

Throughout the testimony of witnesses, it became apparent to this Grand

Jury that Plum administration had a greater concern for teachers, union relations and the reputation of the school than for the safety and wellness of female students.

Teacher's Association President Martha Freese testified that she learned of rumors surrounding Ruggieri from a student in 2012. Rather than report this information to the Superintendent or ChildLine, she instead told Ruggieri that students were talking about him. She testified that she took this information as "kids were talking about a teacher," and not a report of suspected exploitation of a teenager. In fact, she told the student that it was "not nice when kids talk about teachers" and clarified that she was "explaining [to him] what gossiping is." She never followed through with this information in a manner which would have served to protect a student from sexual exploitation by a teacher.

David Gray, Teacher's Association Grievance Chair and Contract Negotiator, testified that upon receiving advice from counsel of the Teacher's Association that he must make a report to his superintendent, he and Freese inquired as to whether or not they needed to reveal their sources of information. Martha Freese consulted with counsel from Pennsylvania State Education Association (PSEA) and was told that she did not. Although they may not have been legally required to reveal their sources withholding their sources certainly would impede any investigations into such serious allegations. While this Grand Jury commends David Gray and Martha Freese for taking action and making a report to Superintendent Glasspool in accordance with the law in effect at the time, it is clear that their actions were in no way motivated by concern for a

victim, but rather a sense of obligation based on their union positions. Text messages between Martha Freese and David Gray state: "We provided the name of the teacher AND the student. Our help ends there." Martha Freese testified that when she called legal counsel in Harrisburg from the PSEA, she was told that she had no reporting obligation since she had "no knowledge," but that she could report to her superintendent if it would make her feel more comfortable.

One of the most disturbing displays of disregard for teacher's duties is in the advice provided to teachers during a union meeting that was called after the arrests of Cooper and Ruggieri. In preparation for that meeting, Teacher's Association President Martha Freese prepared a list of "talking points" for the members and emailed it to Plum School District's representative through the PSEA for review. Included in those "talking points" for teachers was the following statement: "...if you are one of those people saying, 'Who didn't see this coming?' your [teaching] certificate is in jeopardy. As a mandated reporter you are obligated to report misconduct and if you have failed to do so, your certificate is in jeopardy..." Freese noted, parenthetically, that she was instructed to include this warning by counsel for the PSEA. While this Grand Jury does not necessarily believe that the intention of either Freese or any member of the PSEA was to insinuate that teachers should deny any knowledge of past wrongdoing by Ruggieri in an effort to preserve their teaching certifications, this statement has a potentially chilling effect on a teachers' cooperation with law enforcement. Approximately 80 teachers from the entire district were in

attendance at that meeting.

Guidance Counselor Kerry Plesco testified that at one point in time, while Dr. Naccarati was the Superintendent, they were all told not to make notations about the students. Guidance Counselor Nadia Abbondanza testified that she was made aware of a "no documentation" policy that existed under either Dr. Naccarati or Dr. Glasspool. She learned of this policy orally through other guidance counselors. This policy was implemented to protect teachers and the institution from parental complaints.

Joseph Tommarello explained to this Grand Jury that when he was a School Board member, he was explicitly told by Dr. Glasspool that sensitive matters should not be put in writing or documented in an email. Rather, topics of a sensitive nature should be discussed by phone or in person because, as employees of a school district, their communications are subject to the Sunshine Act and therefore recoverable by any citizen through a Right to Know request.

That practice was reiterated in a discussion between Dr. Glasspool and Teacher's Association President Martha Freese. Freese testified that at some point in either April or May, 2015, Dr. Glasspool had approached Martha Freese and told her that the media was making Right-To-Know request for e-mails and asked her to inform the other officers that "we need to use less e-mails." She made note of this discussion in an agenda that was shared amongst union officers for a union meeting. Specifically, she wrote "Tim [Glasspool] and RTK There will be less emails for communication."

C. *Relationship of Kociela and Ruggieri*

At least two witnesses spoke of the personal relationship maintained between Kociela and Ruggieri saying that they spoke regularly and that one witness knew of at least one instance where the two were together at a small social gathering that took place at Kociela's home.

Principal Kociela acknowledged to this Grand Jury that, given his working relationship with Joseph Ruggieri as a building representative for the Teacher's Association, he was in an awkward position investigating him in 2011. Joseph Ruggieri was typically the person involved when *other* teachers were in trouble. He characterized his relationship with Ruggieri as "personable" and acknowledged that he had a good relationship prior to becoming assistant principal when the two were both teachers and colleagues. The two spent time together socially when they were both teachers. This Grand Jury also had an opportunity to review a letter of recommendation written by Joseph Ruggieri on behalf of Ryan Kociela's wife for admission to a fellowship program. While this letter was written in 2003, it clearly evidences a history of friendship and apparent mutual respect towards one another.

The nature of their relationship is just one of many reasons why investigations into allegations of inappropriate conduct between a teacher and students need to be handled by professional law enforcement rather than internally within a school district.

VII. Failure of Plum School District to effectively utilize Law Enforcement in Criminal Investigations

The testimonial evidence presented to this Grand Jury has clearly

established that, until the initiation of this Grand Jury Investigation in May of 2015, it was the practice of the administration and staff to refrain from involving police when allegations of criminal behavior amongst students and teachers were raised. Through its investigation, this Grand Jury was unable to identify any written policy, procedure or guideline of Plum School District that overtly prohibited staff from cooperating with law enforcement agencies in criminal investigations. However, it was clearly the practice of administration to conduct its own "internal investigations."

This Grand Jury was presented with evidence that, at one point during the 2014-2015 school year, administrators were confronted with an allegation that a male high school student used his cellular telephone to record a female high school student performing a sex act on him. A third student reported to administrators that an offer was made to him, by another student, to watch the video. Administrators responded to this report by calling the alleged perpetrator to the office and looking at his phone. Despite the fact that this alleged act constitutes a clear violation of the law and that there was a police officer in the building to give guidance on the appropriate procedure to address matters of this nature, no action was taken by law enforcement. Instead, this Grand Jury learned that no police officers, not even the school resource officer, were made aware of this allegation because administrators couldn't find anything incriminating on the alleged perpetrator's telephone. No evidence was uncovered that any of the administrators who responded to this complaint were ever trained on how to properly handle evidence derived from a cellular device.

Law enforcement officers are trained to retrieve such data and do so on a regular basis. Furthermore, no evidence was discovered of how much warning the alleged perpetrator had of his meeting with administrators. Obviously, it takes mere seconds to delete incriminating electronic evidence on a cell phone, but such evidence can often be recovered by law enforcement.

Just as disturbing was an allegation of rape that this Grand Jury learned of through the review of Assistant Principal Shannon Crombie's personal notes from the 2014-2015 school year seized from her office by way of a Grand Jury search warrant. Her notes indicated that three male students approached a female student, hereinafter Jane Doe 1, at lunch and asked her if a male classmate, hereinafter John Doe 1, had raped her. Jane Doe was upset by the questions and reported the encounter to administrators. According to Crombie, Jane Doe 1 was upset about the use of the word "rape" and wanted the students to stop making this claim. The alleged act had occurred in the evening hours at John Doe's home. Crombie first testified that she did not notify Officer Kost. However, after further questioning, she stated that she did "believe[d] that we spoke to Officer Kost about this." Rather than allowing law enforcement to handle the matter, she called John Doe 1's mother and father, separately, and confirmed his whereabouts for the evening in question before she informed them of the reason for the call. She insisted to this Grand Jury that school administration was concerned about the use of the word "rape." However, she still took steps to confirm the whereabouts of an alleged perpetrator during the time in question, which was after school hours. Her notes of her conversation with Jane Doe 1

state "Mrs. G and Mrs. C talked to [Jane Doe 1] regarding the use of the word 'rape.' Assured her no one believes that she was attacked." It is worth noting that Crombie was an attorney and had a former career in the practice of law. Nonetheless, she still apparently did not understand the ramifications and harm she could have caused by conducting her own investigation of the matter. Officer Kost's police reports contain no mention of this complaint.

These instances are simply two examples of the apparent gross negligence with which administrators acted by internally managing potential criminal situations. The school policy, while not prohibiting the involvement of police, do not seem to dictate the involvement of police when there exists the potential of criminal conduct. Likewise, it seems apparent that School Resource Officer Kost was unable to articulate, and was in fact, unaware, of any school policy regarding when administrators should refer a matter to him.

An "internal investigation" conducted by educators who lack both the skill and the resources to adequately perform such a function can irreparably harm a future criminal investigation. The actions taken by school administrators in conducting student interviews regarding potentially criminal matters could have, and likely did, result in the destruction of electronic evidence available on a student's telephone and provide targets of the investigation with time to prepare false alibis or explanations.

Nowhere is the potential for harm more evident than when evaluating the manner in which Principal Kociela and then Assistant Superintendent Glasspool handled the investigation into Ruggieri's involvement with Victim 3 in 2011

Joseph Ruggieri was interviewed first and then warned that administrators were going to interview the victim. Consequently Victim 3 appeared calm and confident in her denials of outside contact with Joseph Ruggieri during her interview. In fact, Plesco had reported to ACDA Detectives that Victim 3 was so unexpectedly calm during the meeting that "[i]t's like she knew this was coming." This is not surprising as she was most likely prepared for each question and coached on her responses by her "mentor."

While fault is fairly placed on administration for not involving law enforcement where there existed clear allegations of criminal conduct, it cannot be ignored that one likely reason for not involving Officer Kost may have simply been due to Kost's own lack of effectiveness and competence as a police officer.

A. *The Role of a School Resource Officer*

Plum Police Chief Jeffrey Armstrong testified before the Grand Jury regarding the role of School Resource Officer Mark Kost. He testified that the role of a school resource officer is to "act as a conduit between the School District and the police department, so that the School District ... [has] an officer there accessible at all times who is familiar with the climate and the students and the faculty..." During all relevant times, Officer Mark Kost served as the school resource officer at Plum High School and had a working office in Plum Senior High School.

Chief Armstrong described for this Grand Jury the process by which Plum Police officers are tasked with documenting their actions. Specifically, he testified that "everything that the police department does, that an officer performs

in the capacity of a police officer, is required to be documented with a complaint report.... The complaint report is the minimum documenting standard for the Plum Borough Police department field reporting policy.” Where a complaint leads to a matter that is criminal in nature, then officers are tasked with authoring an incident report.

Chief Armstrong provided, pursuant to a *subpoena duces tecum*, every report that School Resource Officer Kost has authored since 2007. None of those reports mention any investigation, whether conducted by school administration or law enforcement, into any allegations of illegal or inappropriate behavior by Joseph Ruggieri prior to the investigation into Ruggieri’s assault of Victim 2 in January, 2015.

B. Failure of School Resource Officer Mark Kost to act in his role towards the protection of children and enforcement of the law.

Plum Police Officer Mark Kost had served as a school resource officer for Plum School District for the last 13 years. Officer Kost, as a sworn law enforcement officer of the Commonwealth, was charged with the duty of protecting our citizens and enforcing the law. His duties did not change whether he was assigned to patrol in his community or tasked with policing the inside of a school. He had a constant responsibility to be vigilant, investigate, and work towards the goal of performing his duties as a sworn law enforcement officer. In his capacity as a member of law enforcement, he did not enjoy the same ability to turn a blind eye towards suspected criminal activity or dangerous situations as the ordinary citizen

Kost testified before this Grand Jury that the majority of the time, whenever allegations of criminal conduct surfaced, Principal Kociela would conduct his own investigation, even to the point of requesting video from surveillance cameras. Typically, if Kociela obtained evidence of a crime and a culprit, he would then turn it over to Kost. Kost was unsure as to why Kociela would not simply go to him, as a police officer, immediately. He suggested that this practice was the way it had been done in the past and so it simply continued. Kost testified that he never warned Kociela of the potential dangers in conducting his own internal investigations as a school administrator.

Plum Police Chief Armstrong testified before this Grand Jury that he had a meeting with Kost on February 26, 2015, to discuss Kost's substandard police reports and his involvement in the investigations occurring at Plum Senior High School. Kost reported to Chief Armstrong that the first he ever heard of any information regarding Cooper was on January 28, 2015. It was during that same meeting that he learned of concerns by Dr. Glasspool of Ruggieri's behavior towards Victim 2. Officer Kost admitted to Chief Armstrong that he was aware of concerns at the school that Victim 2 was spending too much time in Ruggieri's classroom prior to January 28, 2015, but said he knew nothing beyond that. Officer Kost denied to Chief Armstrong that he was aware of any allegations or rumors. It is the belief of this Grand Jury that this self-serving statement by Officer Kost is not accurate. Several witnesses testified to the close relationship that existed between Officer Kost and Principal Kociela and the fact that Kost was generally at least knowledgeable of any "internal investigations" that Kociela

was conducting. Unfortunately, the Grand Jury was unable to recover any written documentation, made by either Officer Kost or by members of the school administration, proving Officer Kost's involvement in discussions regarding the allegations against Ruggieri prior to 2015.

However, police reports authored by Kost regarding the initial investigation into Cooper include information from students that had made reports of Cooper's wrongdoings; included in that information was the content of the report made by student Witness 1. Witness 1 had reported to Kociela that Ruggieri had been engaging in sexual relationships with students for years and provided the names of four separate female students as well as an account of a substitute teacher who had engaged in sexual relationships with students. In his police report, Kost made only vague reference to allegations regarding another teacher, but did not include the names of Ruggieri or the suspected victims in his report. When asked why he did not include the allegations against Ruggieri in his report, he only replied that he didn't think he needed to

Dennis Swogger testified that he approached Kost before school one day to inform him that he had made the mistake of informing Ruggieri that he had made a report of Cooper to Kociela. Kost's only response to him was, "don't worry about it . . . don't think about it anymore ." Had Kost done his duty and made some inquiry of Swogger concerning those discussions with Ruggieri, he would have learned that Ruggieri had believed that the rumors Swogger reported had been about Ruggieri himself and not Cooper. Officer Kost did not even document the conversation with Swogger in a report

When Kost was asked by Chief Armstrong if he was aware of any other allegations of inappropriate relationships between Ruggieri and any other students in the past he answered, unequivocally, that he was not. When asked if Kost participated in any meetings or discussions with administrators at the school regarding Ruggieri prior to January 28th, Kost replied that he may have, but only regarding the fact that girls were spending time in his classroom.

Officer Kost never authored even a complaint report about his involvement in discussions with administrators about Ruggieri. This Grand Jury knows that Officer Kost's statements to Plum Police Chief Armstrong appear to be in direct contradiction to the credible testimony of former security guard Tonya Osowski. She testified that she reported rumors of Ruggieri and Victim 3 to Kost years ago. In January, 2012, after school was back in session from the winter break, Osowski asked Kost if he was aware of the report about Ruggieri that she had made to Principal Kociela. Kost reportedly nodded his head in the affirmative, but offered no further information. After a few days had passed and Osowski had seen no change in Ruggieri's status, she inquired again of Officer Kost. To this he responded "no victim, no crime." She was never asked to document her report to Principal Kociela in any way, by anyone.

Tanya Osowski has since left the employ of Plum School District. After she learned of the arrest of Cooper in February, 2015, she testified that she called Kost. Kost told her to "wait until the second one – the second arrest." Osowski had asked him if there would be any surprises with the second arrest, to which he responded "no." She testified that she was able to determine from

that response that the second arrestee was going to be Ruggieri. When she spoke to Kost a second time after Ruggieri's arrest, she asked whether or not she should call the Allegheny County District Attorney's office about her report to Kociela that she had made concerning Ruggieri and Victim 3. At that time, Officer Kost spoke as though the two never had a conversation about suspected Victim 3 in 2012. He told her that he would call her back. A few minutes later he called her back and told her that he was going to have to report what she told him about Ruggieri, as though this conversation was the first he was hearing of this information. Soon thereafter, she saw in the newspaper that Officer Kost had retained an attorney. He only authored a police report regarding his conversations with Tanya Osowski after his conversations with her in February, 2015. He wrote no police reports in 2012 memorializing her report of an allegation against Ruggieri.

Officer Kost testified that he had learned of Victim 3 from Kociela. He testified that before Kociela met with Victim 3 and her parents, Kociela had asked Kost about the parameters of statutory sexual assault and what Kociela needed to do if he learned of a crime. Kost told this Grand Jury that he did not reach out to anyone for advice on this matter even though he had never investigated a sex assault case before. This Grand Jury found his response to be alarming. Officer Kost had at his disposal, the entire Plum Police Department and the legal acumen of the Allegheny County District Attorney's Office. Either the detective bureau of the Plum Police Department would have been capable of handling this investigation or the Allegheny County Police Department.

Chief Armstrong also testified before this Grand Jury, that while Officer Kost was never a strong report writer, the reports regarding Cooper and Ruggieri were particularly deficient. These reports were so devoid of any substantive content that they were completely lacking in usefulness. Chief Armstrong testified that these reports were "by far the worse reports [Kost] has ever written." It is worth noting, Officer Kost admitted that he would not write reports even where instances of documented theft or similar crimes occurred at the school. He testified that report writing was "one of his weaknesses."

Armstrong asked Kost specifically about his knowledge of Victim 3. Kost was asked if he was aware of any inappropriate relationships between Joseph Ruggieri and Victim 3. He replied that he knew only that she spent time in Ruggieri's classroom. Kost was asked how he became aware of that, to which he replied that Kociela told him. Chief Armstrong asked specifically "what action did you take as a result of learning this?" Kost replied "nothing."

Principal Kociela testified that Kost was made aware of Kolar's allegations of Ruggieri because it involved a matter that was potentially criminal in nature. However, Kost informed Kociela that, since the age of consent at that time was 16 years old, a sexual relationship between Ruggieri and Victim 3 would not have constituted a crime and so he could not offer any assistance

This Grand Jury recognizes that the laws were significantly different in 2011 when allegations of Ruggieri relationship with Victim 3 first came to light. Information made available to this Investigative Grand Jury indicate that Victim 3 was likely 16 years old during any potential sexual acts that had occurred

between she and Ruggieri. At that time, 16 remained the age of consent. However, the law has since changed. Sexual interaction between a student and teacher became illegal 2012. Kost has a duty to be aware of that fact. Regardless of how school administrators choose to act, or not act, in protecting their students, Kost had an independent duty to protect the string of female students he knew were spending an unnecessary amount of time in Ruggieri's classroom. Although Officer Kost was never asked by school administrators or members of the teacher's union to document or report suspected criminal conduct, his job required him to do so. Furthermore, school administration's feelings that concerns about Ruggieri were unsubstantiated did not alleviate Kost's responsibilities to look further.

As Kociela continued to receive reports of rumors about Ruggieri into 2012, it should have become apparent to Kost and school administration that the matter had become worthy of criminal investigation. Specifically, Assistant Principal Loughren's report to this Grand Jury was that meetings held with Ruggieri, Victim 3 and her parents were during Victim 3's senior year of high school. At that point in time, Institutional Sexual Assault was a crime. Loughren testified also that he had made a report to Officer Kost in either 2012 or 2013 concerning Victim 3's presence in Ruggieri's classroom. Kost's reply to him that it was an "internal matter" was simply not accurate as it related to the commission of a crime in an area where Officer Kost, as a police officer and school resource officer had jurisdiction to act.

Even if Kost hadn't recognized the seriousness of the situation, something

as simple as writing a complaint regarding any discussions or meetings about Ruggieri over the years would, most likely, have garnered the attention of his lieutenant and been enough to initiate an investigation. It seems evident to this Grand Jury that Officer Kost aligned himself with administrators at the school rather than his police department, and to the detriment of the student body. Had he acted as a police officer, and not an employee of the school, and performed his duty to investigate, he undoubtedly would have protected at least one victim and possibly more.

It is also evident that administrators and teachers in the school did not view Kost as a valuable resource in the area of investigation, likely with good reason. But instead of voicing these concerns to Chief Armstrong, they just seemed to work around Kost. Kociela testified before this Grand Jury that he wished he had more investigative resources at his disposal to determine exactly what may have been going on between Ruggieri and Victim 3 outside of school, or look at phone records. He discussed the possibility of hiring a private investigator with Officer Kost. Ironically, it apparently didn't occur to either of them that they did have more investigative resources at their disposal – all the resources of the Plum Police Department, the Allegheny County Police, the District Attorney's Office, and even the Pennsylvania State Police.

In today's climate, it is more important than ever to have competent, well-trained police officers serving inside our schools. There may have been a time when police departments could assign their less than competent officers to a school, rather than making them responsible for handling the rigors and dangers

of typical police work. Unfortunately, the dangers and rigors of the outside world have travelled to the inside of our schools. In a day and age when school students are increasingly the targets of terrorism, school violence¹³, bullying, and sexual assault via direct contact and electronic, it is imperative that only the highest quality police officers be consistently present in school buildings. Anything less is not only ineffective, but potentially dangerous. One teacher told this Grand Jury that Kost served as "more of a presence than anything." It is the opinion of this Investigative Grand Jury that it is not enough for a school resource officer to be merely a "presence" in our schools. School resource officers have the same obligation as every other officer in a police department to be well trained in the technical aspects of safe and effective police work and intimately aware of the elements of crimes, procedures for questioning witnesses and suspects, and the collection and preservation of evidence necessary to successful prosecution.

It is the opinion of this Grand Jury, that where an officer is regularly assigned a duty as school resource officer, he or she be required to take part in the same mandatory reporting training as the educators in a school, not only to remind officers of their own obligation to report, but also to serve as resources regarding teachers' obligations to report. This Grand Jury heard no testimony from any person, or saw any documentary evidence, that any school resource officer ever warned any teacher or administrator that failure to report constituted a crime. The very person who was charged with the duty of recognizing

¹³ We include in acts of school violence the acts of mass violence, gang violence and student on student violence that have, unfortunately, become all too common in our schools.

violations of the law and enforcing those laws, at no point in time felt it necessary to remind administrators or teachers of Plum about the potential of criminal violations for failing to make a report to ChildLine. This Grand Jury is sorely disappointed with the conduct of, and more importantly, lack of action by Officer Kost.

VIII. Misconception of obligation to report

A. *Misunderstanding of "reason to believe"*

It is clear from the testimonial evidence that the staff and administration of Plum School district were regularly trained on their obligation to make reports of suspected child abuse. While this Grand Jury recognizes the importance of extensively training employees on their mandatory reporting requirements, there appears to have been a significant amount of confusion and hesitation by teachers and administrators regarding whether to actually make a report. The reason for such is puzzling to this Grand Jury especially because the names of reporters are kept confidential. Furthermore, without clear direction or support for school administration, school staff seemed unable to determine when a report is necessary. The administrators of Plum School District have continuously refused to comply with the mandatory reporting statute, themselves citing a lack of sufficient proof to meet the standard of "reason to suspect" child abuse as their reason for noncompliance.

One witness testified that while she had undergone training regarding her obligation to report allegations of child abuse, she did not feel as though she was adequately trained in 2011. She felt that, back in 2011, she had complied with

mandatory reporting requirements because there had been an internal investigation. In 2011, her only legal requirement was to report her concerns to a supervisor. It has been only since Ruggieri and Cooper were arrested that she has been made aware, through training provided by the school, that she is now personally responsible to report allegations of abuse and that it is not her place to investigate the matter. Rather, she knows now her duty is to report to ChildLine any concern she may have of suspected physical or sexual abuse.

Another witness testified that while she was aware of the fact that she was responsible for making a ChildLine report of suspected sexual abuse of a student at the hands of a teacher, she didn't believe that she needed to in the instance of Ruggieri because she had not actually *witnessed* anything that led her to believe an actual sexual relationship between student and teacher existed.

Principal Kociela testified before this Grand Jury that he never felt as though he was able, through his internal investigation, to reach a determination as to whether or not a sexual relationship between Ruggieri and Victim 3 existed. He stated that, at one point, he had a conversation with Superintendent Naccarati that "in order to get to the bottom of the circumstances, it might take a little more than what we have within in our administration to do ...". It is incomprehensible to this Investigative Grand Jury that, even with this thought in mind, no one considered calling ChildLine – which does have the power to initiate a proper investigation when so required. In this case, there clearly existed a "reason to suspect" the sexual exploitation of a child.

Eugene Marraccini is the Director of Business Affairs for Plum School

District. His office is located just across the hall from Superintendent Glasspool in the Plum Senior High School building. He testified before this Grand Jury that on February 6, 2015 he had a lunch meeting with Board Member Joe Tommarello. During this meeting, Tommarello expressed some surprise over the termination proceedings for Jason Cooper and said that he "thought it would have been Mr. Joe Ruggieri." He went on to inform Marraccini that Ruggieri has been rumored to "fool around with students" and spoke of an instance where one girl was rumored to have been found in Ruggieri's apartment. Marraccini testified that Tommarello told him this information had been reported to Dr. Glasspool and that Dr. Glasspool said he was going to investigate the matter.

Eugene Marraccini immediately inquired of Grczyk, the person responsible for conducting mandatory reporter training for teachers, as to whether or not he was obligated to report Tommarello's information. He testified that Grczyk advised, since he didn't know the victim or the time period of when this happened and since he was learning this information from someone with no direct knowledge, he had no obligation to report.

Marraccini then shared this information with Dr. Glasspool. Glasspool asked him to prepare a memorandum about the discussion. Eugene Marraccini then wrote in his memorandum dated February 6, 2015, that he believed he had "no further obligation to pursue a formal mandated reporting action since Mr. Tommarello did not tell me the name of the student, when the alleged incident happened (two-year limitation) and due to the fact that he is a third party and not one who actually witnessed this matter firsthand."

Marraccini explained to this Grand Jury that he was taught, in his mandated reporter training if you learn of something that happened more than two years ago it is past the statute of limitations and so does not need to be reported. He reiterated he believes he needs to have the name of a victim the name of a perpetrator and the time period to make a ChildLine report; however, he admits he never asked Tommarello who the student was that he referenced. He testified that he also learned in mandatory reporter training you are not supposed to react to rumors, only "firsthand facts." This is, most certainly, not an accurate statement of the applicable law. Regardless of whether the training provided by Plum School District was deficient or Marraccini simply misunderstood what he was taught, the consequences remain the same; Marraccini made no report to ChildLine or law enforcement. He testified later that he had prepared the memorandum as a "CYA," or "cover your ass" so that he could refer to this document later and ensure that he "went as far as [he] needed to go with the information that [he] had."

Marraccini testified that he had lunch with Glasspool about three days per week but yet did not feel that he could ask Glasspool whether Tommarello had shared this concerning information and if so, whether Glasspool had followed up on it. Likewise, Marraccini never asked if Glasspool had ever heard this rumor himself. He explained that he did not question Dr. Glasspool about such a sensitive matter because they do not talk about "personnel matters." Marraccini testified that he regarded this allegation as a "personnel matter" and not a report of a potential sexual assault of a student.

After Ruggieri was arrested, less than two weeks later, Marraccini still did not feel it necessary or appropriate to discuss the matter with Glasspool testifying that, at that point, it was a "police matter." While he acknowledged that the student he learned about from Tommarello very well could have been the same student that was victimized by Ruggieri, he still did not feel it necessary to report any information to the police as it was a "mandated reporting issue."

David Gray testified before this Grand Jury that when he learned of a rumor of Ruggieri and Victim 2, he first called Teacher's Association President Martha Freese to inquire about what to do with the information since it was only a rumor. He testified:

"I was very careful when I talked to [Martha Freese] that night. I said, 'I want to just make sure we do – we need to do what we need to do. We need to do our jobs, and I need to make sure we are doing the right thing. Are we supposed to report a rumor? There is no reasonable suspicion of abuse here. Nobody saw anything. But are we supposed to report a rumor?' So that's why I went to her. I wanted to know. I wanted to know what do we do in this situation here."

It is worth noting that the Allegheny County District Attorney's Office offered to conduct training regarding the changes in the laws in 2012 to every school district in Allegheny County. Specifically, this Grand Jury learned that the Allegheny County District Attorney coordinated a presentation for mandated reporters in schools so that school officials would understand all the significant changes in the law. Offers to conduct this training were sent out to 65 school districts in the county and over 45 school districts accepted the offer and invited attorneys from the District Attorney's office into their school. Three separate offers were made to Plum School District from January, 2012 through July, 2013.

Plum School District did not accept any of the invitations

Martha Freese learned of the District Attorney's offer of training during a meeting with other union Presidents from Western Pennsylvania. She inquired of Dr. Glasspool as to why Plum had not participated. He referred her to their Director of Administrative Services.

The Director of the ChildLine and Abuse registry testified before this Grand Jury regarding the process of making a ChildLine report. She testified that, when making a report either online or by telephone, there are four options a reporter can select to describe how they came about the information reported. Those options are: (1) told by another party; (2) media; (3) rumor; or (4) observed. It is clear that the ChildLine obviously intends, and is designed to accept, reports from sources that have no direct knowledge of suspected abuse. In fact, "rumor" is an anticipated source of information. This is in compliance with Section 6311(b)(1)(iii) of the CPSL, Persons Required to Report Suspected Child Abuse, which states that a mandated reporter shall make a report of suspected child abuse where "a person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse." There are no limits or restrictions for the basis of the information.

B. Failure of Administration to act on their duty to make a report to ChildLine

On February 13, 2015 Officer Kost reported that he received a telephone call from Principal Kociela stating that he called CYF at (412) 473-2094 at the advice of the school Solicitor. Kociela reported to Kost that he had been

informed by CYF that he should have the police department call CYF so as not to interfere with a police investigation.

This Grand Jury had an opportunity to review the ChildLine reports that were ultimately submitted by Principal Ryan Kociela regarding the assaults against Victims 1 and 2.

Jason Cooper was arrested on the afternoon of February 11, 2015. Principal Kociela made a report to ChildLine on February 11, 2015 at 4:44 pm by phone. By his own testimony, Principal Kociela first learned of potential inappropriate contact by Jason Cooper on January 16, 2015. Kociela made a formal report to Officer Kost on January 28, 2015. However, it was not until February 11, after Cooper's arrest by Plum Police, that Kociela submitted a report of suspected child abuse to ChildLine. In the description of the "maltreatment that the victim has suffered," he reported: "Ap was arrested and arraigned today. The charge [sic] are 'corruption of minor and furnishing alcohol to a minor'. No dates of incidents known except that it is believed to have happened prior to ch turning 17."

During testimony before this Grand Jury, the Director of the ChildLine and Abuse Registry indicated that her office oversees Child Abuse hotline. Reports received from the ChildLine Hotline are then disseminated to the appropriate county's CYF agency. The results from a county CYF agency investigation are then reported back to the ChildLine and Abuse registry. When a report is made via ChildLine, it is categorized by caseworkers as either a "Child Protective Services" (CPS) report or a "General Protective Services" (GPS) report. Where a

report does not meet the standard of an allegation of "child abuse" as defined by the Child Protective Services Law, it is categorized as a "General Protective Services" report. A CPS Report requires that a county respond by ensuring the child's safety within 24 hours. A GPS report allows for a county to respond as they see appropriate and does not make it necessary to report the outcome of any investigation they chose to pursue or not to pursue with the ChildLine and Abuse Registry.

In this particular instance, Principal Kociela had access to information that Jason Cooper had been arrested for Institutional Sexual Assault. He was most certainly aware of the allegation that Jason Cooper had had sexual contact with Victim 1. Nonetheless, he did not include that information in his ChildLine report. As such, his ChildLine report was only categorized as a "General Protective Services Report." The Director of the ChildLine and Abuse Registry testified specifically as to why Kociela's report was not classified as an allegation of child abuse:

Q: Had accurate information been included in here, that being that the alleged perpetrator was, in fact, arrested for institutional sexual assault and not simply for corruption of a minor and furnishing alcohol to a minor, what would have changed in the way ChildLine would have responded to this referral?

A: We would have categorized it as a CPS [Child Protective Services] report.

Both Principal Kociela's lack of immediacy in making the report and the misinformation contained within the report thwarted the entire goal of making a ChildLine report, which is to ensure the protection of children.

With regard to Ruggieri, Principal Kociela was likewise derelict in his duty

to make a ChildLine report. A report was not made identifying Victim 2 as a potential subject of child abuse until February 12, 2015. Despite the fact that the administration at Plum Senior High School was initially made aware of the potential abuse of Victim 2 in October, 2014 and the fact that Principal Kociela was aware that police were investigating the matter as of February 10, 2015, he still did not make an immediate report in accordance with his obligations as outlined in 23 Pa.C.S.A. § 6313.

This Grand Jury is cognizant of documentary evidence from Dr. Glasspool indicating that he was acting upon the advice of legal counsel in some of the decisions that he had made. Furthermore, this Grand Jury has reviewed billing records to the School District from the Plum Borough School Solicitor for his involvement in the "internal investigation" in 2011, from which this Grand Jury infers that administration more than likely sought advice again in 2014 and/or 2015.

This Grand Jury is also aware of evidence indicating that Officer Kost was made aware of the allegations that existed in the fall of 2014. Specifically, Dr. Glasspool told David Gray that Glasspool would need to make Kost aware of the allegations that Gray had brought forth. Additionally, one witness told this Grand Jury that "given what I saw in Ryan and Mark [Kost]'s relationship and how closely we all worked with Mark [Kost], my assumption was that Mark [Kost] would have been in the loop from the beginning." More than one witness expressed this same sentiment. While neither Principal Kociela nor Dr. Glasspool ever formally documented a referral made to Officer Kost, it is the

belief of this Grand Jury that Officer Kost, was, at least to some extent, involved and aware of the allegations that came to light in October, 2014. Section 6319 (Failure to Report) of the Child Protective Services Law, provides an exception to criminal liability where a report is made to law enforcement in lieu of a report to the ChildLine. If any one of a number of Plum School employees with information about Ruggieri's inappropriate conduct with female students did in fact, make a report to Officer Kost, Officer Kost never officially acted on that report or memorialized it in any way.

We are convinced that administration's intention in making belated reports to ChildLine was not to protect the victims, which is the primary goal of making an anonymous ChildLine report, but rather to protect themselves. Had there been actual concern for the safety of Victims 1, 2, or any other student at Plum Senior High School, a report would have been submitted weeks, if not years, earlier. In the matter involving Joseph Ruggieri, a timely report submitted in 2011 may well have prevented other students from becoming victims.

IX. Hurdles presented with "reasonable cause to suspect" language

A. Sexual assault does not result in clear evidence of child abuse so as to offer mandated reporters a "reasonable cause to suspect" child abuse.

Despite the sweeping changes made to the Child Protective Services Law in recent years, the basic standard by which a mandated reporter is obligated to make a report of child abuse has not changed. The statute, as it read both before and after the changes of December 31, 2014, still requires that the mandated reporter make a report of suspected child abuse where that person

has "reasonable cause to suspect that a child is a victim of child abuse." Unlike the obvious results of physical child abuse, such as marks and bruises on a child's body, sexual assault does not necessarily yield the same obvious physical manifestations as physical abuse. Furthermore, sexual assault is not typically carried out in public. Where the sexual conduct is consensual in nature, as can be the case with an institutional sexual assault, it most likely would take place in private. This Grand Jury heard from numerous witnesses that they did not feel that they had a "reasonable cause to suspect" child abuse. Most witnesses claim that they did not have any direct knowledge of the sexual assault and only heard through rumors of a sexual relationship between teachers and students. The only parties that would likely ever have direct knowledge are the perpetrator and the victim of the sexual abuse or exploitation. It was unreasonable for any of the witnesses to believe that they would need direct knowledge in order to make a report of their suspicions. In fact, had anyone taken the time to view the online ChildLine reporting website, they would have seen that the categories of "source of information" options include "rumor," "media," and "told by another party."

While it is the opinion of this Grand Jury that teachers and administrators used the "reasonable cause to suspect" standard as an excuse to avoid having to perform the unpleasant duty of making an accusation against a respected colleague and powerful union representative, the fact still remains that the standard of "reasonable cause to suspect" without clarification or examples likely has a chilling effect on the successful prosecution cases of failure of a mandated reporter to make a report. The statute is void of a definition of what constitutes a

“reasonable cause to suspect.” Where the act of child abuse is that of consensual sex between a student and teacher, especially in a situation where a student initially denies of the existence of the relationship to the mandated reporter, it is problematic to prove beyond a reasonable doubt that the mandated reporter had “reasonable cause to suspect.”

B. Difficulties presented in mounting a successful prosecution for failure to report

Section 6319 of Title 23 provides for the criminal prosecution of mandated reporters where there is a willful failure to make a report of child abuse. However, several practical impediments exist to the successful prosecution of this offense. For example, a mandated reporter is obligated under § 6313 to made a report “immediately.” Prompt reporting is certainly in keeping with the purpose of the statute which is to “provid[e] protection for children from further abuse.”¹⁴ However, the language of the offense for a Failure to Report does not include lack of prompt report as a specifically enumerated element of the offense. In order to successfully prosecute an offense under § 6319 arguably there would need to be a total failure to report, not a failure to *immediately* report, even though an *immediate* report is the obligation of a mandated reporter. In an instance such as the situation at Plum Senior High School, where reports were finally made but only after such a delay that the report was meaningless, one could argue that no criminal violation of § 6319 occurred

By way of further example, the crime requires a *willful* failure to report

¹⁴ 23 Pa C.S.A. § 6302

The element of willfulness is defined in the Crimes Code as being satisfied "if a person acts knowingly."¹⁵ "A person acts knowingly with respect to a material element of an offense when if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist."¹⁶ This language places the burden on the Commonwealth to show that a mandated reporter knew he had a "reasonable cause to suspect" child abuse where the only basis for the cause to suspect is a rumor.

Further legislative action to amend this statute would serve to both assist mandated reporters in understanding their obligations and to aid prosecutors in pursuing criminal charges where appropriate. Clarification of what constitutes "reasonable cause to suspect," perhaps in line with the four categories of "source of information" contained in the ChildLine online reporting site, would provide mandated reporters with more meaningful guidance. The addition of an annual mandatory training requirement, to include signed verification by every category of mandated reporters, would ensure that all mandated reporters are aware of their obligations and any changes in the law. A requirement that each school district provide employees with contact information for a designated expert consultant would allow for mandated reporters to make further inquiry when uncertain of their obligations. Finally, if additional amendments along these lines were to be adopted, the "willful" language could be removed making the failure to report a *per se* offense.

¹⁵ 18 Pa.C.S.A. § 302

¹⁶ 18 Pa.C.S.A. § 302

X. Actions taken by Plum School District Thus Far to Remedy their Shortcomings

On December 2, 2015, the Office of the Allegheny County District Attorney received a letter from Attorney Lee Price, Solicitor for Plum Borough School District, on behalf of the school district. The letter was accompanied by documents representing the school district's efforts to remedy its obvious and now exposed deficiencies. This Grand Jury recognizes that, since the arrests of Joseph Ruggieri and Jason Cooper, the school district has worked towards implementing policies that will ensure greater transparency and scrutiny regarding teacher/ student relationships and improve training of their teachers on mandatory reporting requirements.

Specifically, the school district has undertaken measures to offer ongoing education on reporting procedures related to child abuse to staff and students. Plum Borough School District has put a second police officer in the building, posted mandatory reporting requirements in all the staff lounges and increased staff training. The District has also instituted a new "tipline" focused on reporting "sensitive information to school officials . . . regarding student safety, substance abuse or potential threats to individuals or [our] facilities."¹⁷ There has already been an increase in staff training focused on, not only mandated reporter training, but also professional integrity, appropriate student/ teacher boundaries and the use of social media.

This Grand Jury is hopeful that these remedial actions will result in an increased awareness among teachers and administrators of their own duties and

¹⁷ Plum Borough School District Website, School District Report Line

responsibilities to protect our Commonwealth's students from predators, whether those predators are inside or outside of the school as well as contribute to a more professional learning environment. More importantly, we are optimistic that these changes will move beyond simply new policies added to a website and actually effectuate substantive positive changes to the culture that existed in the Plum School District.

XI. Conclusions and Recommendations:

It is the opinion of this Grand Jury that an insular culture existed within Plum School District that promoted the dysfunctional environment which allowed for the misbehavior of teachers, administrators and the school resource officer, as described herein. It is imperative that school leadership, both within schools and within the community, be aware of indicators of a school culture that lends itself to the creation and promotion of the types of issues experienced at Plum Senior High School.

The investigation undertaken by this Grand Jury leads to the firm conclusion that, until the initiation of this Grand Jury investigation, the staff and administration of Plum Borough School District left their students vulnerable and enabled teachers to behave inappropriately by: (1) failing to take appropriate administrative action against Joseph Ruggieri in prior years before criminal action became necessary, (2) failing to document what little administrative action had been taken against Joseph Ruggieri in his personnel file, (3) ignoring their obligations as mandatory reporters; (4) failing to involve law enforcement when an allegation existed that a crime had occurred; and (5) conducting "internal

investigations" that potentially interfere with a proper investigation by law enforcement and create conflict of interest situations among staff.

Arguably, the failure of Principal Ryan Kociela, Superintendent Timothy Glasspool and Officer Mark Kost to make a report to ChildLine regarding allegations against Joseph Ruggieri, dating back from at least February, 2012 could constitute the crime of Failure to Report (23 Pa.C.S. § 6319). However, as an investigative body we are not convinced that the conscious objective of the staff and administration of Plum Borough School District was to purposely put children at risk. Rather, the course of conduct described herein seems to be the product of a dysfunctional culture fostered by administration's concern for their peers and the reputation of the educational institution over and above their statutory obligation. In addition, the failure to involve law enforcement where there is an allegation of a criminal offense, combined with a total lack of appropriate guidance from the School Resource Officer and School Solicitor regarding how to respond to allegations of criminal conduct contributed to these failures.

The Grand Jury does make the following recommendations:

- 1 That the General Assembly of the Commonwealth of Pennsylvania reconsider the language in 23 Pa.C.S.A. § 6311 which requires that a mandatory reporter have a "reasonable cause to suspect" child abuse, or at least provide clear guidance to mandatory reporters as to the actual meaning of that language, especially where such language could cause confusion and potentially impede a mandatory reporter from reporting possible child abuse

The Grand Jury joins in the recommendation made by the Eighth Dauphin County Investigative Grand Jury that the law "should preclude school officials from making preliminary inquiry into the veracity of the information."

2. That the General Assembly of the Commonwealth of Pennsylvania reconsider the language of the offense of Failure to Report, 23 Pa C.S.A. § 6319, to include as an element of the crime that a report of suspected child abuse is made "immediately," just as a mandated reporter is required to do as dictated in the Reporting Procedure in § 6313 of the Child Protective Services Law. Specifically, we ask that the time frame of "immediate" be explicitly defined to require a mandated reporter to make a report of suspected child abuse as soon as possible, and no later than 24 hours after learning of the suspected abuse.
3. That all school districts in the Commonwealth of Pennsylvania refrain from conducting internal investigations of potential criminal offenses, but rather immediately involve law enforcement when such conduct is suspected.
4. That school districts establish policies and offer training to students, parents, and community members of appropriate student/ teacher boundaries and appropriate electronic communication between educators and students within that school district so that inappropriate contact may be more easily recognizable.
5. That the Pennsylvania Department of Education establish clear standards for educational institutions regarding

- a. Rigorous annual training of educators and school employees on their obligation to make reports of suspected child abuse to ChildLine including the importance of providing complete and accurate information necessary to insure effectiveness of ChildLine's efforts. Moreover, it is the recommendation of this Grand Jury that training should be accompanied by an exam testing the mandated reporters knowledge and understanding of their obligations.
 - b. The conspicuous posting of mandatory reporters and their obligations in a place visible to employees, such as in staff lounges or offices
6. That in accordance with the wisdom of the Eighth Dauphin County's Investigative Grand Jury's recommendation that the General Assembly institute legislation creating a central repository for records of disciplinary action against licensed teachers and administrators, clear standards for record keeping be established to capture allegations of inappropriate student/teacher boundary concerns, including the inclusion of a report in a teacher's personnel file.
7. That School Resource Officers undergo specialized training to meet the specific concerns faced in an educational institution, such training to include all relevant child protective statutes.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: THE 2014 ALLEGHENY : Criminal Division
COUNTY INVESTIGATING : AD-12-203-CR
GRAND JURY :
CP-02-MD-944-2016

Case A

ORDER OF COURT

Filed on behalf of the
2014 Allegheny County
Investigating Grand Jury

Hon. Jill E. Rangos
Supervising Judge of the
2014 Allegheny County
Investigating Grand Jury

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: THE 2014 ALLEGHENY
COUNTY INVESTIGATING
GRAND JURY

CRIMINAL DIVISION
AD-12-203-CR
CP-02-MD-944-2016

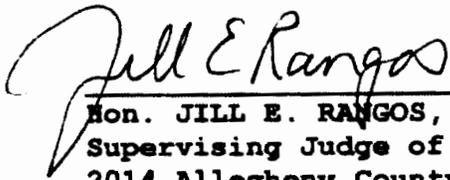
ORDER OF COURT

AND NOW, this 10th day of May, 2016,

it is the finding of this Honorable Court that Report No. 1 of the 2014 Allegheny County Investigating Grand Jury (Report No. 1) is critical of certain individuals not indicted for any criminal offenses.

Pursuant to this finding, it is hereby ORDERED that, in accordance with 42 Pa.C.S.A. § 4552 (e), responses to Report No. 1 submitted by Michael C. Loughren and Martha Freese are accepted and shall be attached to Report No. 1 as part of the Report and made public record in accordance with 42 Pa.C.S.A. § 4552 (b).

By the Court,



Hon. JILL E. RANGOS,
Supervising Judge of the
2014 Allegheny County
Investigating Grand Jury

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

IN RE: THE 2014 ALLEGHENY
COUNTY INVESTIGATING
GRAND JURY

CP-02-MD-2124-2016

**RESPONSE TO REPORT OF GRAND
JURY PURSUANT TO 42 Pa. C.S§4552**

Filed on behalf of:
Martha Freese

Counsel of Record:

THOMAS N. FARRELL, ESQUIRE
PA I.D. NO. 61969
Farrell & Associates
100 Ross Street, Suite 1
Pittsburgh, PA 15219
(412) 201-5159

JUDGE JILL E. RANGOS

MAY 2 2016

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: THE 2014 ALLEGHENY
COUNTY INVESTIGATING
GRAND JURY

CP-02-MD-2124-2016

RESPONSE TO REPORT OF GRAND JURY PURSUANT TO 42 Pa. C.S. § 4552

AND NOW, to wit, this 2nd day of May 2016, comes MARTHA FREESE, by her attorney, THOMAS N. FARRELL, Esquire, and files this Response to Report of Grand Jury Pursuant to 42 Pa.C.S. § 4552 and avers the following:

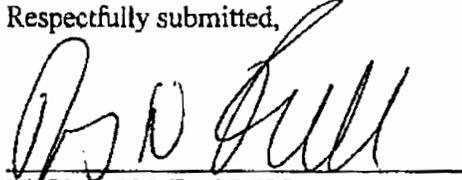
1. The Grand Jury was aware that Martha Freese was a Plum Borough elementary school teacher who never worked in the Plum Borough High School.

2. The Grand Jury was also fully aware that the “talking points” discussed in page 56 of the Report included a directive by Martha Freese to cooperate with all law enforcement personnel concerning any and all on-going investigations (at that time) of the Plum High School.

3. The Grand Jury discusses a conversation with Martha Freese and “a student” on page 55 of the Report. Again, the Grand Jury characterizes Martha Freese as the “Teachers Association President” but fails to point out that she was an elementary school teacher who did not work in the high school. The Grand Jury misleads the reader into believing that the relationship between Ms. Freese and the student was a teacher/student relationship. Nothing could be further from the truth. Ms. Freese was instructing her own child about unfounded gossip. There is no violation under Pennsylvania law for a parent to properly instruct her own child about the dangers of gossiping, nor should there ever be such a law.

WHEREFORE, counsel for Ms. Freese respectfully submits this Response to Report of Grand Jury Pursuant to 42 Pa. C.S. §4552 to be attached to the Report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. N. Farrell', written over a horizontal line.

THOMAS N. FARRELL
ATTORNEY FOR THE DEFENDANT
PA I.D. NO. 61969

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

In Re: The 2014 Allegheny County : Criminal Division
:
Investigating Grand Jury : AD-12-203-CR
:
: CP-02-MD-2129-2016

RESPONSE OF MICHAEL C. LOUGHREN TO REPORT NO. 1 OF THE
2014 ALLEGHENY COUNTY INVESTIGATING GRAND JURY

COMES NOW Michael C. Loughren, by and through counsel, Christopher M. Capozzi, Esquire, and states as follows for his response to Report No. 1 of the 2014 Allegheny County Investigating Grand Jury:

A. MR. LOUGHREN'S TESTIMONY WAS TRUTHFUL AND COMPLETE.

Mr. Loughren was forthcoming with the Investigating Grand Jury about his knowledge and memory of the events. In fact, although testifying about events and meetings that had occurred at a former job and at least 2½ - 3½ years previously, he recalled the substance and important details of those matters, including:

- who he saw, where he saw them, what he saw and when he made his observations; as well as,
- what meetings he attended, when and where the meetings occurred, who was present, the substance of what was said and who said it.

Neither Mr. Loughren's actions at the time of the events nor his testimony before the Investigating Grand Jury were colored by a friendship with or a sense of gratitude to Joseph

Ruggieri. Mr. Loughren and Mr. Ruggieri were colleagues, nothing more.

Mr. Loughren sought a letter of recommendation from Mr. Ruggieri because he believed it would provide perspective on his qualifications as a school administrator from a current teacher, who was also an active member of the teacher's union and a union official.^{1,2} He also sought and obtained letters of recommendation from the Plum High School Principal, the former Plum High School Principal, two Plum High School Guidance Counselors, a Plum High School Psychologist, a Plum Borough School District Assistant Superintendent and two retired Plum High School teachers, as well as administrators and teachers from other school districts. Further, it is common for someone applying for a school administrator's position to seek recommendations from current teachers and union officials.

B. MR. LOUGHREN COMPLIED AT ALL TIMES WITH THE CONTROLLING LEGAL AND PROFESSIONAL STANDARDS.

Mr. Loughren was a present, observant and involved Vice Principal at Plum High School. He made an observation that left him uncomfortable, which is discussed in Section C, and he promptly reported it to a Plum Borough Police Officer (who was

¹ The Investigating Grand Jury did not ask Mr. Loughren whether or why he had obtained a letter of recommendation from Mr. Ruggieri; in fact, it did not ask him a single question about this letter of recommendation.

² Letters of recommendation do not connote a special relationship between the author and the subject; they are intended to provide perspective on the strengths, abilities and accomplishments of the applicant.

also the assigned School Resource Officer ("SRO")) and the Plum High School Principal - his boss. He acted on a gut instinct, absent any hard evidence of an inappropriate relationship, and reported what he saw to the two people who were best positioned to address it. Mr. Loughren subsequently participated, at the request of the Principal, in two follow-up meetings, which are discussed in Section D.

At the conclusion of Mr. Loughren's involvement in this matter, (a) the Principal and law enforcement were on notice of his concern and (b) the student's step-father had been advised that there were rumors of an inappropriate relationship.

C. MR. LOUGHREN SEES MR. RUGGIERI AND A STUDENT IN MR. RUGGIERI'S CLASSROOM.

In 2012 or 2013, Mr. Loughren was making his regular rounds when he passed by Mr. Ruggieri's classroom and observed Mr. Ruggieri and the student identified as Victim Number 3. They were not touching; they were not in close proximity to one another; and, there was nothing occurring between them that required Mr. Loughren's intervention. Something about the situation, however, struck Mr. Loughren as peculiar.

Mr. Loughren to this day cannot say with certainty what made him uncomfortable. It was not because he had knowledge or information from any source that Mr. Ruggieri was carrying-on inappropriate relationships with students, he did not. It was

likely a combination of factors, including his knowledge of the student's academic and disciplinary record, that she was not a student in one of Mr. Ruggieri's classes and that she ought to have been at lunch at that time.

On the same day that he made these observations he reported them to two people who were in positions of authority and whose judgment he trusted implicitly. Mr. Loughren first spoke with the SRO. The SRO suggested to Mr. Loughren that this was an internal matter and he should make the Principal aware of it. Later the same day, Mr. Loughren reported his observations to the Principal. As for the Principal asking Mr. Loughren to "keep his eyes and ears open," this was Mr. Loughren's job as an Assistant Principal; it was what he did as he made his regular rounds of the campus.

D. THE PRINCIPAL INFORMS MR. LOUGHREN OF RUMORS CONCERNING MR. RUGGIERI AND THE SAME STUDENT.

About three weeks after making these observations, the Principal informed Mr. Loughren that a guidance counselor had reported that she had been advised of rumors of a sexual relationship between Mr. Ruggieri and the student identified as Victim Number 3. At the request of the Principal, Mr. Loughren attended two meetings: one meeting was with the student, her step-father and the Principal; the other meeting was with the Principal and Mr. Ruggieri. The student denied having an

inappropriate relationship with Mr. Ruggieri and her step-father stated that he believed the relationship between Mr. Ruggieri and his step-daughter to be one of mentoring; Mr. Ruggieri also denied having an inappropriate relationship with the student.

E. CONCLUSION

Other than the one time the Principal informed him of rumors reported by a guidance counselor, Mr. Loughren never learned, or even heard rumors, of inappropriate relationships between students and employees before they were reported by local news organizations beginning in early February 2015. Mr. Loughren not only acted in accord with the law and his professional obligations, but also in a personally caring and responsible manner; he did all he could reasonably do or reasonably be expected to do given the circumstances known to him.

Respectfully submitted,



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