
REPORT OF THE INDEPENDENT ADMINISTRATIVE REVIEW

To: Deirdre Hargrove-Krieghoff, Executive Director of Human Resources
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From: Malina Piontek, Attorney

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The District retained my services as an attorney to conduct an Independent Administrative Review (Review) of its field trips policies and procedures following an incident that occurred during an East High School (EHS) DECA club overnight trip to a conference in Minneapolis, MN. Following the field trip, concerns were raised regarding the District's alleged failure to make a mandatory report; and failure to immediately commence its own investigation. Therefore, I have also conducted an analysis of these issues as part of this Review.

I was given discretion as to what efforts the Review entailed. Other than providing me with access to District documents, staff and resources, the District did not direct my Independent Administrative Review in any manner.

During the course of the Review, I analyzed numerous documents including relevant Board policies and procedures; protocols for requesting permission to take students on overnight/extended field trips; examples of past overnight/extended field trip requests from all four high schools; police reports relating to the Minneapolis incident; DECA, Inc., documents regarding conference supervision and attendance; and District emails. I analyzed applicable state laws and Department of Justice guidance. I interviewed six District staff members having relevant, firsthand information including the EHS principal and former principal; the chaperone for East's DECA overnight trip; and West High School's (WHS) DECA advisor who, along with her students, attended the same DECA conference in Minneapolis. This Report of the Independent Administrative Review is based upon the preponderance of the evidence gathered during the course of the Review.

RELEVANT DISTRICT POLICIES AND GUIDELINES

The following information is from relevant District policies and guidelines.

Board Policy 3350, Field Trips, provides for the opportunity for staff to take students on field trips, extended trips and other excursions to further student learning, offer new experiences and connect students to their communities. Field trips are expected to provide educational experiences that are related to classroom programming. Extended trips are those which extend

overnight or required travel in excess of 150 miles each way. Board Policy 335 requires that for extended trips, a minimum of one District employee shall supervise the trip, and there shall be a minimum ratio of one adult chaperone supervising every ten students. The Policy provides that it is preferred that all additional chaperones needed to maintain the 1-to-10 ratio be District employees, but exceptions may be made¹.

Board Policy 3350 further requires that an application for approval of an extended trip be submitted to the Principal, Chief of School Operations and the Superintendent at least two weeks prior to the trips. Said application shall include the following:

1. The names and emergency contact information for students, employees and other chaperones attending;
2. The method of transportation to be used;
3. A complete, detailed itinerary for the trip, including regularly scheduled driving breaks;
4. The name of the chaperone who has current CPR certification and copy of the certification card
5. The name of the chaperone who has first aid training and a copy of the certification card;
6. Verification by the Principal of the employee chaperone who has received DPI training for the administration of medication; and
7. A description of the instructional purpose of the trip.

To effectuate the Policy, the District has compiled an eight-page packet of materials, consisting of Forms A through G, that must be completed for final approval of any Extended Trip.

Board Policy 4222, Reporting Child Abuse or Neglect, essentially codifies Wisconsin statute [48.981](#) which mandates that, *inter alia*, all school employees report child abuse or neglect. [https://go.boarddocs.com/wi/mmsd/Board.nsf/files/ABYSRB6EB3F2/\\$file/Policy%204222%20-%20Reporting%20Child%20Abuse%20or%20Neglect.pdf](https://go.boarddocs.com/wi/mmsd/Board.nsf/files/ABYSRB6EB3F2/$file/Policy%204222%20-%20Reporting%20Child%20Abuse%20or%20Neglect.pdf) The Policy and state law require staff who has reasonable cause to suspect that a child seen by the staff member in the course of their professional duties has been abused to make a report to the county or law enforcement. According to the Policy, a report must be made by staff on the same day the information becomes available; and assistance should be sought from the principal and school social worker prior to making the report. Pertinent to this Review, the definition of abuse includes a violation of Wisconsin statute [948.05](#), sexual exploitation of a child.

To effectuate state law and Board Policy 4222, the District has Child Abuse and Neglect Reporting Procedures which provide, in relevant part, as follows:

- Report to Child Protection (CPS), at 261-KIDS, or contact police
- Reports should be made as soon as possible

¹ No volunteers were involved in this Review.

- In the event that the alleged incident occurs in an MMSD facility or during an MMSD sponsored activity, or involves an MMSD employee, contact MMSD Legal Services and Coordinator of Safety & Security.
- When making the decision to report child abuse and/or neglect, please refer to the below definitions. . . .
 - Sexual Exploitation of a child involves forcing, defrauding, or coercing a child to engage in a sexually explicit way for the purposes of recording, displaying, and/or distributing the recording.

The District has ***Social Media and Digital Communication Guidelines for Staff*** (hereinafter Communication Guidelines) which serve as a reference tool for staff to inform decisions regarding their selection and use of social media resources and digital communication devices. The District does not generally issue cellular phones to staff members for daily use. The Guidelines direct staff, in pertinent part, as follows:

- Communicate with families and students through district-provided devices on district systems.
- Staff must avoid communicating with families regarding school or MMSD matters through personal social media accounts
- Staff must avoid communicating with students and families through personal communications devices such as cell phones, tablets, etc. for any school or MMSD matters. Staff members who choose to communicate with students . . . through text messages should do so using a district-provided device or district-sanctioned technology. Staff should avoid giving students and families' personal phone numbers, especially cell phone numbers.

FINDING OF FACTS

The DECA Club at EHS has been consistently successful over the past several years, which has in turn resulted in an increase in student membership. David Krutchen² was an EHS teacher and DECA's advisor for all times relevant herein. Another EHS teacher was a volunteer chaperone for DECA for the past three years, chaperoning approximately 11 DECA extended trips.

An extended trip for the DECA Central Regions Leadership Conference in Minneapolis, which was held from December 6 through December 8, 2019, was the impetus for this Review. Krutchen sought approval for the trip from EHS Principal Brendan Kearny.³ Krutchen solicited the EHS teacher⁴ who had chaperoned past DECA trips to be a chaperone for the Minneapolis trip. All District-required forms were completed and approved in advance of the trip.

² Due to his incarceration, I was not able to interview Mr. Krutchen.

³ Principal Kearny was an interim principal at the time. He did not have a personal relationship with Mr. Krutchen (other than that of an interim supervisor) and had limited contact with Krutchen. Principal Kearny did review and approve the DECA trip before it was submitted to central office for final approval.

⁴ The teacher did not have a personal relationship with Mr. Krutchen other than the two were teachers in the same department at EHS, and both accompanied students on DECA trips.

Registration and hotel arrangements, including room assignments for individual chapters, were required to be made through EHS's [chartered association advisor](#), WI DECA.

In addition to the DECA Advisor and the EHS staff chaperone, fifteen EHS students participated in the trip to the Central Regions Leadership Conference.⁵

While on the trip, Krutchen used his personal cell phone to communicate with students, parents and the other chaperones.

The Conference required advisors to pick up key packets for their groups, rather than having individuals check in at the hotel front desk⁶. The Conference provided one room key per individual staying in each room. Upon arrival to the hotel in Minneapolis, Krutchen obtained room assignment information and key packets for all EHS participants from the Conference organizers. He distributed some of the keys (but not all) to students⁷. Likewise, the WHS Advisor obtained room assignments and keys for her students. However, the WHS Advisor distributed all of the keys to students, giving each a key to the shared room in which s/he was staying.

The Incident

What follows is a very brief description of the incident, as the focus of this Independent Administrative Review is not on the criminal misconduct that occurred, but on the action taken by District staff relating to the extended trip.

On or about December 7, 2019, at approximately 11:45 pm, an EHS student discovered an air freshener in the hotel room bathroom that, upon inspection, revealed the inner workings of a surveillance camera. The student told students in another room, who upon searching, discovered a similar air freshener with electronics in it. Students reported their findings to the chaperone, who happened to answer the door to the room he shared with Krutchen when the students came to report their findings. When Krutchen finished his shower, the chaperone told him what had transpired and gave him the devices. Krutchen took the devices to the hotel front desk. Students searched their hotel rooms and discovered other similar devices. Devices were discovered in a total of three rooms, all occupied by EHS students. Krutchen collected these devices and, according to his report, turned them over to security.

Students were understandably upset. Throughout the night and into the morning, students communicated with parents about what had transpired.

⁵ WHS's DECA Club shared a bus with the EHS DECA group. WHS's DECA advisor was the only chaperone for that group as there were less than 10 students participating.

⁶ DECA has since revised its process for distributing keys to participants.

⁷ Due to the trauma experienced by the EHS students, a determination was made not to interview students for this Review. Moreover, neither the chaperone nor the WHS advisor witnessed Krutchen distributing keys to EHS students. Therefore, a finding cannot be made as to what explanation Krutchen gave students about not giving a key to every student.

No staff member contacted parents, the EHS principal, District administration or law enforcement on the evening of December 7, 2019, or during the early morning hours of December 8, 2019.

On the morning of December 8, 2019, parents contacted the hotel which contacted Minneapolis law enforcement. The Minneapolis Police Department (MPLPD), having jurisdiction over the location of the incident, commenced an investigation. Two MPLPD officers interviewed EHS DECA students and Krutchen following the Conference closing at 10:00 am. Following the interviews, the students boarded the bus to return to Madison.

Communication with District

On December 8, 2019, at approximately 11:42 am, a parent of a student on the trip contacted the District's Executive Director of Student & Staff Support, Jay Affeldt, and alerted him about the incident and the related trauma that students were experiencing. Mr. Affeldt immediately contacted the District Critical Response Team (DCRT) alerting members that cameras had been found in hotel rooms, and that parents had not had any contact from Krutchen. Mr. Affeldt also contacted EHS Principal Brendan Kearney.

In the meantime, Krutchen contacted Principal Kearney from the bus on the way back from Minneapolis. At approximately 1:00 pm, Principal Kearney called the District's head of Safety and Security, Joe Balles, to advise of the phone call he received from Krutchen regarding surveillance cameras being located in students' hotel rooms, and that MPLPD was investigating. By 3:00 pm, Mr. Balles called Madison Police Department (MPD) Captain Brian Ackeret to advise of possible surveillance cameras being located in EHS students' hotel rooms in Minneapolis, and that the MPLPD was investigating.

Several times during the bus ride back to Madison, Principal Kearney contacted Krutchen to ask additional questions about what had transpired so that he had as much information as possible prior to the students' return. Krutchen was succinct in his responses, describing that students had found devices in their rooms, he had turned them over to hotel staff, the police had been contacted and interviewed students and him, and they had been released to get on the bus to return to Madison.

When the bus returned to EHS from Minneapolis at approximately 3:00 pm, Principal Kearney met with students and families to learn what had transpired and to discuss next steps. Following their return, Principal Kearney personally reached out to every family with a student on the DECA trip.

At approximately 6:00 pm Principal Kearney and Mr. Balles interviewed Krutchen about what had occurred. Thereafter, Mr. Balles identified the MPLPD precinct likely to be investigating, and requested MPD to reach out to same so that he could share information with them⁸. MPD agreed to assist the District with sharing and obtaining information from the MPLPD.

⁸ Mr. Balles was not aware of what information had already been provided by Krutchen to MPLPD; as it turns out, Krutchen provided substantially the same information to Mr. Balles that he had provided to the MPLPD.

At this point in time, there were no suspects identified by the MPLPD, and no concerns or suspicions had been brought to the District's attention about any staff members who accompanied the students on the DECA trip. However, because an issue of student safety was involved, on December 10, 2019, the District placed Krutchen on paid administrative leave. On December 12, 2019, the Cottage Grove Police Department (which had jurisdiction over Krutchen's home property) in conjunction with the state Department of Justice, Division of Criminal Investigations, executed a search warrant for Krutchen's property. On January 30, 2020, Krutchen was taken into custody. Mr. Balles (and other District staff) had remained in contact with all involved law enforcement units at all times relevant to this Review.

As parents and students met and talked about what occurred during the Minneapolis trip, they grew more suspicious about Krutchen's behavior. Some of those suspicions were realized through a Grand Jury indictment of Krutchen in the Western District of Wisconsin Federal Court. It bears noting that Minnesota law enforcement have still not had the opportunity to arrest Krutchen for his actions which occurred in their jurisdiction, as he was taken into custody and indicted in Wisconsin first.

Krutchen resigned from the District and remains in custody awaiting trial.

CONCLUSIONS AND RECOMMENDATIONS

Based upon the preponderance of the evidence analyzed during this Independent Administrative Review, I conclude that there has been no failure on the part of District staff to follow Board Policies 3350 and 4222, or statutory requirements for making mandatory reports of child abuse. However, Krutchen violated the Communication Guidelines by using his personal cell phone to communicate with students and parents during the DECA trip to Minneapolis.

Finally, I conclude that the District acted appropriately when it waited to commence its own investigation until law enforcement completed its investigation and issued a Grand Jury Indictment against Krutchen. Each will be addressed in more detail below.

I. Extended Field Trip Process

While I have not found any violations of the District's field trip policy and procedures, I have identified recommendations for improvement to further support student safety. One key recommendation is that District staff be issued, and be directed to use, a District device for communication while on an extended trip. While there is no evidence of foul play during the DECA trip involving a personal cell phone or device, the District's guidelines call for the use of District devices for any school matters. In the future, the District should shore up its efforts to have staff use District devices while on extended trips.

For the following recommendations, please refer to the MMSD - Sponsored Extended Trip or Tour Request for Final Approval, District Guidelines and Checklist, Forms B - G. Each bullet below identifies verbiage from the forms and recommendations related to same.

Form B

- *“NOTE: Only MMSD students who meet the criteria . . . and **authorized chaperones** may participate in a school-sponsored trip or tour” (emphasis added).*

While Form B references “authorized chaperones” (as do other Forms), the term “authorized chaperone” is not defined. Moreover, there is no chaperone policy or procedure. I conclude that the District would benefit from having a chaperone policy, even if it is part of another policy such as Policy 3350. For example, my Review revealed that it was the EHS chaperone’s understanding that Krutchen was responsible for all aspects of the extended trip, while the chaperone was simply to do as directed by Krutchen. While there is a valid need to have a designated leader on an extended trip, that should not diminish a chaperone’s responsibility to adequately supervise students on the trip. Indeed, one would think that a chaperone stands *in loco parentis* on extended trips; yet with the incident at hand, no one filled that role - in large part because Krutchen’s actions were designed to shield his inappropriate behavior, and because Krutchen had essentially diminished the role of the chaperone, again likely to prevent the chaperone from discovering his inappropriate behavior.

In short, I recommend that the District create a written definition of “authorized chaperone” and delineate the responsibilities and duties of a person acting in the capacity of an “authorized chaperone,” which would include supervisory and *in loco parentis* responsibilities.

- *Health/Accident/Behavior What protocols will be made for possible emergency action that might be required related to⁹:*
 - 1. Serious student discipline? Parents will be required to come and pick up students who fail to follow code of conduct.*
 - 2. Students have received instruction regarding any special risk situations that can be anticipated.*
 - 3. Student health or accident problems? Insurance information and health issue collected from parents.*
 - a. Name of staff member chaperone with First Aid Training: DK*
 - b. Name of staff member or chaperone with CPR training: DK*
 - c. Name of staff member chaperone with DPI Training in administration of medication: DK*

As one can see, this section of Form B is titled “Health/Accident/Behavior,” and asks the question, “What protocols will be made for possible *emergency action* that may be required?” However, there is no mention of emergency safety

⁹ The responses set forth herein are from the EHS DECA trip to Minneapolis.

protocols in the questions that follow; instead they are centered on health and behavior, despite the fact that there could be other types of emergencies/safety issues that arise on an extended trip.

I recommend that the District identify other safety protocols to be included on this form, such as, for example, “Other trauma or harm to students and/or chaperones.” The recommended response would be for the trip requestor to identify the person(s) responsible for calling law enforcement, parents and District administration, as warranted.

Another possibility is to add a statement to the form such as: “Advisors and chaperones should err on the side of caution and immediately contact the principal and parent/guardian in situations involving student safety.” For example, the MMSD Volunteer Expectations provide: “If a student tells me something or I notice something that may indicate his/her safety is at risk or he/she is in emotional distress, I will report that information to my supervising teacher or a support staff member (social worker, psychologist, nurse).” From the same policy: “Notify the teacher, principal, or social worker if a student tells you something or you notice something that may indicate his/her safety is at risk or he/she is in emotional distress. Staff will do the necessary follow up.” For extended trips, instead of “supervising teacher,” or “teacher, principal, or social worker,” the language could be “supervising teacher AND the building principal AND the parent/guardian.” If a report of a risk of harm to student safety is made to two (or more) people, theoretically the District can avoid a situation like the DECA incident in which Krutchen kept critical information about student trauma to himself to avoid being caught.

- *Prior to signing Form B is the phrase: “In the judgment of the undersigned, every reasonable precaution will be taken to avoid accidents to students participating in this activity.”*

I recommend that the word “harm” either be added to the phrase, or replaces the word “accidents.”

Form C

- *To ensure the health and safety of all participants the following checklist must be followed.*

Form C states, “To ensure the health *and safety* of all participants the following checklist must be followed.” But the checklist doesn’t address *safety* at all. It also provides: “I will . . . provide chaperones with copies of student emergency

information;” yet there is no training or hand-outs or discussions about a chaperone’s role in an emergency situation.

Again, this points to the need to have a written chaperone policy. For example, there should be a process by which one is approved to be a chaperone for an extended trip. For non-staff the process is to complete a volunteer background check and obtain the approval of the superintendent or her/his designee; while there is no process at all for staff chaperones.

Finally, the District should add to the check list that the requestor and chaperones shall obtain and use a District device for all communications while on the extended trip.

- *“I agree to report an infraction within 24 hours via and email or phone call to the school site or district administration.”*

First, there needs to be a more defined process for who the requestor contacts. A phone call to the “school site” is simply inadequate. Second, in this day and age, 24 hours is too long of a window in which to make contact with someone from the District. There should be no reason (short of a situation in which no one is physically able to make a call or no one has a working cell phone available) that an advisor or chaperone would not have the ability to make immediate contact with a designated person, be it the building principal or another District administrator.

I recommend that this section be updated as mentioned above. In addition, I recommend that a similar statement be included in which the requestor agrees to report student safety/trauma/harm as soon as possible to a designated person, such as, *“I agree to immediately report issues involving student safety/trauma via phone call or email to my building principal or district administration.”* Finally, I recommend that all chaperones be required to sign the same agreements that the requestor is required to sign indicating that s/he will make immediate reports of issues involving student safety/trauma to the District.

- *“I am aware that each adult chaperone must follow all district rules and regulations during the extend of the trip, and have informed them of this requirement.”*

This language is nebulous at best. The District has numerous policies, rules, regulations and guidelines. Taken literally, if an advisor told a chaperone that s/he needs to comply with all District rules and regulations, but then doesn’t tell them what District rules and regulations apply, s/he would be in compliance with this language. I recommend that key policies, rules, regulations and guidelines be identified, such as the Field Trip Policy, the BEP, the Mandatory Reporting

Policy and related procedures, and the Social Media Guidelines. I also recommend that the District institute a multi-part sign off: one by the requestor and another by chaperones.

II. Process for Distributing Room Keys While on Extended Trips

The District does not have a process for distributing room keys to students on extended trips. The District's extended trip policy and procedures should be modified to add a procedure for distributing keys to students and chaperones. I simply cannot identify any legitimate reason that a key to each room would be held by an advisor or chaperone. If there is an emergency need to enter a student room, an authorized District employee can gain access through the hotel, through law enforcement's assistance or through another student who has a key to the room.

It would be best for students to receive their room keys directly from the place of lodging if possible; however, I recognize that many establishments cannot rent rooms to minors and, on that basis, may have policies that prohibit them from giving keys to minors who are not accompanied by their parents/guardians. Therefore, I recommend that the trip requestor be designated as the individual who will collect keys from a hotel to distribute to students, but that a second person (such as a chaperone) be required to observe the requestor distributing all the keys to students. Then both individuals would need to sign a statement attesting that all keys have been distributed to all participants. In the absence of a second adult (for trips with less than 10 students), perhaps a student could be designated to fill the role of the chaperone and verify that all keys have been distributed.

III. Board Policy 4222, Reporting Child Abuse or Neglect

Per the District's Extended Field Trip Policy and procedure, Krutchen and chaperone completed mandatory reporting training in September, 2018. I conclude that staff were aware of what is required to be reported under Board Policy 4222, and further, they did not violate Board Policy 4222 by not making a report of child abuse to law enforcement while in Minneapolis.

The Policy (which echoes state law) requires staff who have reasonable cause to suspect that a child seen by the staff member in the course of their professional duties has been abused to make a report to the county or law enforcement. According to the Policy, a report must be made by staff on the same day the information becomes available. Pertinent to this Review, the definition of abuse includes a violation of Wisconsin statute 948.05, sexual exploitation of a child.

District Policy defines sexual abuse as: "Sexual intercourse or sexual touching of a child, sexual exploitation, forced viewing of sexual activity or permitting, allowing or encouraging a child to engage in prostitution." Sexual Exploitation of a child involves forcing, defrauding, or coercing a child to engage in a sexually explicit way for the purposes of recording, displaying, and/or distributing the recording. I conclude that, based on the present facts, there was no sexual abuse or exploitation warranting a report.

Even if the existence of surveillance cameras in student hotel rooms amounted to abuse requiring an immediate report, District administration quickly made a report to local law enforcement upon learning about the devices. [MMSD Child Abuse and Neglect Reporting Procedures](#) state: “In the event that the alleged incident occurs in an MMSD facility or during an MMSD sponsored activity, or involves an MMSD employee, contact MMSD Legal Services and Coordinator of Safety & Security.” Upon being notified by a parent of the incident, Executive Director of Student & Staff Support Jay Affeldt contacted other administrators, including the Coordinator of Safety & Security, Joe Balles. Mr. Balles in turn immediately contacted the MPD North District Captain (EHS is within MPD North’s jurisdiction). Thus, the District’s procedure was followed.

Moreover, District policy, in accordance with DPI guidance and state law, provides that staff are *not to investigate*, but to report without investigating. The District did not investigate, but made a report to law enforcement as soon as possible upon Mr. Affeldt and Mr. Balles learning what occurred.

Despite the aforementioned conclusion that no reportable abuse occurred, common sense should dictate that, given the placement of the devices, they could have been used to record nude images of students; and that those actions may be criminal, such that a report to the District administration, police and parents/guardians should immediately have been made. My recommendations for changes to the extended trip procedures above, i.e., that staff be directed to err on the side of immediately reporting student safety/trauma issues, should ensure that, in the future, reports will be promptly made to administration, parents/guardians and/or law enforcement.

IV. Delay of District’s Investigation

For the reasons set forth herein, I conclude that the District properly refrained from conducting its own investigation while various law enforcement agencies conducted their investigations.

The District was immediately informed that the MPLPD had commenced an investigation into potential criminal activity involving students which had occurred at the Minneapolis hotel. It is a commonly accepted best practice for public school districts to delay personnel investigations into potential criminal conduct until law enforcement has completed its investigation, requests the school district’s cooperation, or agrees that the school district’s investigation will not compromise its own investigation. The premise for this best practice is to avoid interfering with, or obstructing, law enforcement’s efforts to fully and completely address criminal activity. The District has a longstanding history of adhering to this best practice.

While the District was aware that a police investigation was under way, it was not made aware of the exact nature of the criminal activity, which could have included some form of child maltreatment since cameras were found in students’ rooms¹⁰. According to the [Wisconsin Department of Justice \(DOJ\) Safe Schools Legal Resource Manual](#), Wisconsin law assigns to

¹⁰ The District first learned that MPLPD was investigating a felony charge of interference with the privacy of a minor on or about February 7, 2020.

law enforcement and county departments of social or human services the responsibility and authority to investigate certain reports of child maltreatment¹¹. In fact, a child abuse or neglect report must be made to the local department of social or human services or the law enforcement agency with jurisdiction to investigate the matter. Schools do not have statutory authority to investigate reports of child maltreatment. Consequently, they must refrain from conducting investigations, leaving these investigations to trained CPS and law enforcement personnel. According to the DOJ, in cases of sexual exploitation, the law requires a coordinated investigative response between CPS and law enforcement.

In the matter at hand, the incident occurred in Minneapolis. The MPLPD commenced its investigation on the morning of December 8, 2019. Mr. Balles immediately reported the incident to the MPD. The MPLPD contacted the Wisconsin DOJ Division of Criminal Investigation to assist with its investigation regarding the hidden cameras found in student hotel rooms. The MPLPD also worked with the Cottage Grove Police Department, which is the jurisdiction in which Krutchen lived.

District staff was aware of the need to allow law enforcement to conduct its investigation(s) and stand aside unless and until asked to assist. On December 16, 2019, the DOJ emailed Mr. Balles stating that the MPLPD would continue to investigate the incident which occurred in Minneapolis; and that the DOJ would lead the investigation into any event that occurred prior to December 6, 2019.¹² The DOJ asked the District to stay as the first line for any crisis counselling needed by students and staff¹³. The DOJ further advised Mr. Balles that its investigation was a priority and that it would work with the District to collect information about past events and attendees to those events.

Finally, per the DOJ manual, “While monitoring or participation by school personnel may be appropriate--even valuable--in certain cases, it must occur at the discretion of the social worker or law enforcement investigator.” In this case, the District closely monitored the investigations of the MPLPD and the DOJ, largely through Mr. Balles’ contacts with those units. Moreover, the DOJ clearly communicated that it expected the District to provide crisis counselling and information about past events, and nothing more. The District fully and expeditiously complied with the DOJ’s request to remain the first line responder for crisis counselling, and with the DOJ’s requests for information. In sum, the District’s actions were proper in refraining from conducting its own investigation until the other law enforcement agencies had completed their investigations.

This concludes my Independent Administrative Review. If you have any questions about the Findings, Conclusions or recommendations set forth herein, please do not hesitate to contact me.

¹¹ Child maltreatment is broadly defined in Wisconsin. It includes, but is not limited to, sexual, physical, and emotional abuse; as well as neglect.

¹² The DOJ was also working with the MPD and the Cottage Grove Police Department as information was received.