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**STATEMENT REGARDING AN EXTENSIVE REVIEW BY THE OFFICE OF THE BRONX
DISTRICT ATTORNEY INTO ALLEGATIONS OF SEXUAL ABUSE
AT THE HORACE MANN SCHOOL**

Sunday, April 28, 2013

In June of 2012, a New York Times Magazine article detailed a pattern of sexual abuse at Horace Mann School in the Bronx. In response to that article and a request by the New York City Council, The Bronx District Attorney's Office set up a hotline for victims and others to report allegations of abuse directly to our Child Abuse and Sex Crimes Bureau. We established a line of communication with the current administration of Horace Mann and began to review the school's child abuse reporting policies and procedures. We also pursued other investigative leads.

In the 10 and a half month period following the creation of the hotline, approximately 30 calls came into the hotline, most of which were fielded in the first few months. From the onset of the hotline, The Bronx District Attorney's Office worked closely with the NYPD, Bronx Special Victim's Squad, to address allegations of abuse and to further investigate these allegations.

This joint effort resulted in over 60 separate interviews to date, over 25 of which were with victims of alleged abuse. Interviews were conducted with individuals both inside and outside the State of New York. Members of the Bronx Special Victim's Squad traveled to several other states including California, Colorado and Vermont to speak to individuals regarding allegations of abuse. Any and all victims of abuse were offered the services of the Crime Victim's Assistance Unit of The Bronx District Attorney's Office. This is the unit which provides essential support and services to crime victims through a combination of direct supportive counseling, referrals, and other services. The unit has services specifically tailored to sexual assault survivors.

The interviews conducted by The Bronx District Attorney's Office and the NYPD reveal a systemic pattern of alleged abuse beyond what was outlined in the original New York Times Magazine article. In total, we received direct information regarding at least 12 separate alleged abusers. The

reported abuse ranges from what may be characterized as inappropriate behavior to child endangerment, actual instances of sexual contact, sexual intercourse and criminal sexual acts. The earliest instance of abuse that was reported to us occurred in 1962. While the majority of the abuse was said to have occurred in the 1970s, additional instances of abuse were reported from the 1980s and 1990s. The last reported occurrence of abuse was in 1996.

To date, all instances of reported sexual abuse occurring at Horace Mann between 1962 and 1996 are beyond New York State's Criminal Statute of Limitations (CPL 30.10.) Prior to August 1, 1996, the Statute of Limitations for all felonies, other than homicides, was 5 years. The Statute of Limitations for all misdemeanors was 2 years. In August of 1996, the Statute of Limitations was expanded for Child Sex Crimes. With this change, the 5 year period of limitation does not begin to run until the child's 18th birthday or until the case is reported to law enforcement or the state central registry, whichever occurs earlier. On June 23, 2006, the Statute of Limitations was eliminated altogether for all Class "B" felonies contained in Article 130 (entitled "Sex Offenses") of the Penal Law. Neither of these Legislative changes provides any recourse for a prosecution of any act of past sexual abuse at Horace Mann which has currently been reported. It might be noted that the United States Supreme Court has held that once the criminal statute of limitations has expired in a particular case, it cannot be revived without violating the *ex post facto* clause of the federal constitution. Stognerv. California, 539 U.S. 607 (2003.)

It has been reported that throughout the almost four decade period of sexual abuse at Horace Mann, there were instances of abuse coming to the attention of school officials without law enforcement being notified. This certainly highlights an alarming gap in New York State's mandatory reporting laws. New York State's Social Services Law (sections 411-415) mandates specifically enumerated professionals, including all school officials, to report suspected child abuse or maltreatment by a parent or "other person legally responsible" for the child. "Other person legally responsible" refers to a

guardian, caretaker, or other person 18 years of age or older who is responsible for the care of the child. Thus, this statute requires private school officials to report sexual abuse by parents or guardians, but not by other employees. Another statute, New York State's Education Law (sections 1125-26) outlines the duties of specifically enumerated employees upon receipt of an allegation of child abuse in an "educational setting." However, "educational setting" only includes a public school district, not a private one, so private school officials are not mandated reporters under this law. In order to effectuate real change to New York State's Mandatory Reporting Law, under the Social Services Law, the context of the abuse should be broadened to include child abuse committed by anyone employed by a school or occurring on school property or at a school sponsored event. Additionally, New York State's Education Law ought to be expanded to cover private school districts. We will press for these changes.

In September of 2012, Horace Mann added to their "Family Handbook" a new "Policy on Reporting Child Abuse of Students by School Employees." Just recently, after some discussions with the Bronx District Attorney's Office, the language in this policy has been amended to highlight the importance of immediate notification to law enforcement. The Bronx District Attorney's Office encourages other educational institutions to adopt similar guidelines until legislative change is appropriately effectuated.

The Bronx District Attorney's Office would like to thank those individuals who shared their accounts of abuse with us, and commend them for their courage in doing so. We remain available to provide the services which our Crime Victim's Assistance Unit offers. We also remain available to continue to receive information from victims of sexual abuse at Horace Mann, as well as from all victims of sexual abuse.