

September 24, 2013

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street
New York, NY 10007

Re: The International High School
@ Prospect Heights
SCI Case #2013-3590

Dear Chancellor Walcott:

The Office of the Special Commissioner of Investigation (“SCI”) has concluded an investigation into the circumstances surrounding the death of Jean Fritz Pierre, a 16-year-old male student at The International High School @ Prospect Heights (“International HS”) in Brooklyn, who drowned during a class trip (“the trip”) to Bear Mountain State Park (“the Park”) in Rockland County on June 24, 2013.¹ We gathered evidence from many sources, including the New York State Park Police, the principal at International HS, chaperones, and students who attended the trip. This report describes our findings.

On June 25, 2013, SCI received inconsistent accounts about the circumstances of the trip. For the next few days, more purported facts surfaced, some in media reports. SCI initiated this investigation to determine an accurate set of facts. SCI also reviewed the conduct of the Department of Education (“DOE”) personnel involved with the trip.

SCI investigators met with Principal Nedda de Castro who said that she did not conduct an investigation of this matter and did not take statements from the students or staff who were on the trip. Principal de Castro provided the permission slips, the daily attendance forms for June 24, 2013, and the “Team 3” trip plan. Principal de Castro also named the five chaperones, four teachers and the parent coordinator, who attended the trip with 48 International HS students.

¹ No one was reassigned as a result of this investigation.

The New York State Park Police

SCI investigators responded to the Park and met with Detective Sergeant (“Det. Sgt.”) Steven Huff of the New York State Park Police who showed the investigators the area of Hessian Lake where Pierre drowned. Det. Sgt. Huff explained that the place where Pierre entered the water initially was shallow and then there was a sudden eight to nine foot drop off. Det. Sgt. Huff said that no one was allowed to swim in the lake; swimming took place at the pool, which required paid admission.

Det. Sgt. Huff forwarded a copy of the final report from his investigation. Det. Sgt. Huff interviewed a Park employee assigned to the Hessian Lake Boat Dock, three of the chaperones, and two students; he also spoke with the victim’s father. Det. Sgt. Huff located and photographed two signs which announced that there was no swimming in the lake.

Det. Sgt. Huff also supplied a copy of the report by the Chief Medical Examiner of Rockland County who determined that Pierre’s cause of death was “Asphyxia due to drowning” and the manner of death to be an “Accident.”

The SCI Investigation

SCI investigators spoke with all five chaperones and five students, including the two whom Det. Sgt Huff interviewed. We developed a consistent set of facts which are reported below.

On June 24, 2013, students from Team 3 at International HS and five chaperones – Teacher Melissa DeLeon, Teacher Bukola Awobamise, Teacher Alexander Harty, Teacher Randy Calderone, and Parent Coordinator Mariano Munoz – boarded a bus to the Park. The permission slips authorized specific planned activities: soccer, hiking, walking, lunch. The bus got a late start and arrived late, so soccer was eliminated. At various points during the trip, students asked about swimming, but the answer remained the same: absolutely no swimming was allowed.

Upon arrival, in the picnic area of the park, the students ate pre-packed lunches provided by the school. The students split into groups based on physical stamina and headed to the hiking trail to ascend the mountain. The chaperones also split up; Harty, Calderone, and Munoz hiked with the stronger students, while Awobamise and DeLeon stayed with the slower hikers. About ¼ to ½ way up the trail, maybe 15 to 20 minutes in, the students with Awobamise and DeLeon tired. DeLeon notified Harty that they were going to descend.

It was very hot that day and all the students complained about the heat.² At least one of the students with the male chaperones was not feeling well. Harty responded to DeLeon that he was with a couple of students who were weak and he needed help bringing them down. Awobamise spotted a passing Park Ranger and explained the situation. Awobamise went with the Ranger and picked up the students with Harty and Munoz. DeLeon descended with her group to the lake area. Calderone was with a group of about seven students who continued to hike and take photos. At about 2:20 p.m., those students were too hot and the group decided to descend.

By that time, DeLeon had finished the descent and gathered at the picnic area. As they waited for the rest of the students, four students decided to rent a paddle boat and go out on the lake. These students did not seek and did not have permission to do so and they acknowledged that it was not an authorized activity. When they were on the lake, the students saw Pierre and a second male student (“Student B”) going in the water. They called to the boys that there was no swimming, but Pierre would not listen.

A student alerted DeLeon that there were students from Team 3 in a boat. DeLeon headed to the boat dock and asked Park employee Michael Booth for help to retrieve the students who were using a boat. In response, Booth took the motorboat out on the lake and, on his way to the students in the boat, Booth saw a young male who was in the water and he yelled for the boy to get out. A second young male was on the shore and Booth told both of them that they were not allowed in the lake.

When Booth returned the students from Team 3 to land, he went back out on the motorboat and the boy at the shore told Booth that his friend was missing. Booth scanned the area where he last saw the other male, but there was no sign of the boy. Booth returned to the shore, radioed his supervisor, and called the Park Police. Booth took the motorboat out again and scanned the area, but there was no trace of the boy who had been swimming in the lake.

As she watched the boats, DeLeon noticed two people jump in the lake from a rock area; at that time, DeLeon did not know the identity of the two individuals in the water. Back on land, one of the students from the boat told DeLeon about Pierre and Student B. Before the student even finished her report, DeLeon was running toward the area. DeLeon met Harty on the way; when they arrived, Calderone and Munoz were in the water looking for Pierre. Student B said that he did not know Pierre’s whereabouts. DeLeon called the Park Police.

As Calderone’s group descended the trail, they reached the paved area by the lake, and he heard laughing and splashing. Calderone saw that Pierre and Student B were

² A search of the weather history for Bear Mountain on June 24, 2013, revealed that the temperature in that area peaked in the 90s that day.

about three feet from the shore splashing each other. Calderone told the boys that no one was allowed in the lake and they responded "OK." Pierre and Student B had their shirts and shoes off and Calderone instructed them to get their stuff and come down the path because they had to board the bus.

Calderone and his group continued down the path and he thought that Pierre and Student B were with them. When they were five to eight minutes farther down the path, a female student at the back of the group started calling Calderone's name. Calderone did not understand what she was saying, but as he walked toward her, he heard her say that Pierre went in the lake and was in trouble.

Munoz met up with Calderone and they questioned Student B who claimed he did not know Pierre's whereabouts. Calderone and Munoz called out for Pierre and continued to question Student B. Ultimately, Student B reported that Pierre had gone in the water, but he did not provide the specific location. Student B said that he turned around and, when he looked back, Pierre was not there. Calderone and Munoz dove in the lake looking for Pierre. The police arrived and asked Munoz and Calderone to get out of the water; they did.

Awobamise received a call from DeLeon who said they could not find Pierre. Awobamise brought her group to the lake area to be with the other students and saw Calderone and Munoz in the water searching for Pierre. Awobamise returned to the parking area and Student B met the rest of the group there. All Student B said was that they went swimming.

Student B, a 16-year-old male, acknowledged that the students were told that there would be no swimming on the trip to the Park. On the mountain, Student B met up with Pierre, and they went down together and got water. Pierre said he was going to the lake and started walking there. Student B asked whether Pierre could swim and Pierre responded that he could. Student B did not know how to swim. Student B and Pierre took off their shoes and got their feet wet; Pierre then went in the lake to cool off. Student B and Pierre were not wearing bathing suits.

Student B confirmed that four students in a paddle boat were in the area and they told Pierre to get out of the water. In response, Pierre cursed at the students in Creole. A Park employee in a boat spoke with Pierre, but Student B could not hear the conversation. Pierre started to come out of the water, but when the boat left, Pierre entered the lake again.

Student B was sitting at the shoreline when Calderone came by and instructed Pierre, who was in the lake, to get out. Pierre started to come out, but when Calderone was gone, Pierre went back in the water. Student B also told Pierre to come out of the

water, but Pierre said “no,” because the water was cool. Student B went to collect his belongings when Pierre called out because he was in trouble. Student B held out his hand, but Pierre was out too far, and was pulling Student B out. Student B, who could not swim, let go of Pierre’s hand. Student B tried to find Pierre with a stick, without success. Calderone and Munoz arrived and dove in the water looking for Pierre.

Sometime after 3:00 p.m. on June 24, 2013, at the request of the Park Police, dive teams from local fire departments responded to the southwest corner of Hessian Lake where Pierre was last seen. The divers located Pierre’s body at approximately 3:50 p.m.; he was 14 feet from the shore and in eight feet of water. Pierre was pronounced dead at 3:53 p.m.

Conclusion

The investigation did not find any misconduct or wrongdoing committed by a DOE employee. We refer our findings for your information.

We are forwarding a copy of this letter to the Office of General Counsel. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding this investigation. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By: _____

Regina A. Loughran
First Deputy Commissioner

RJC:RAL:gm

c: Courtenaye Jackson-Chase, Esq.
Laura Brantley, Esq.
Katherine Rodi, Esq.