

December 23, 2003

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

**Re: Walter J. Turnbull
Horace Turnbull
John King
The Choir Academy of Harlem
SCI Case No. 2003-0882**

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Walter J. Turnbull and Horace Turnbull (collectively, “the Turnbolls”), executives of the Boys Choir of Harlem, Inc. (“BCH”), which resides in the Choir Academy of Harlem, a Department of Education (“DOE”) school, failed to report serious allegations of sexual abuse of a Choir Academy student by a BCH employee.¹ In addition, the Turnbolls allowed the employee to continue to have access to students even after they were notified that the DOE had barred him from entering the school because of the abuse allegations. Because of this egregious failure on the part of the Turnbolls, we recommend that the DOE condition any continued association with the BCH on the Turnbolls’ dismissal from that organization. We have also substantiated that John King, the principal of the Choir Academy, failed to take adequate measures to prevent the BCH employee from entering the school after DOE officials barred him from it. Accordingly, we recommend that King be dismissed from employment with the DOE.

¹ The DOE succeeded the New York City Board of Education in July 2002. DOE and the New York City Board of Education are referenced collectively hereafter as “DOE.”

The abuse allegations concerned Frank Jones, Jr., 53, the BCH director of counseling, who was subsequently convicted after a jury trial of repeatedly sexually abusing a male student (“Student A”) when he was 13 and 14 years of age.² Testimony at the trial established that Jones digitally penetrated the student’s anus on three occasions. Horace Turnbull learned of Jones’s abuse directly from Student A. Walter Turnbull learned of it from the president of the BCH Alumni Association, in whom the boy confided. When the Turnbells failed to take action more than two months after Student A’s complaint, he told his mother, who reported Jones to the police and DOE officials in September 2001. This office’s investigation was undertaken as the result of correspondence from the Chief of the Sex Crimes Unit of the New York County District Attorney’s Office, who found it “extremely troubling” that the Turnbells took no action against Jones.

After Student A and his mother made their report, DOE officials notified Jones and King that Jones was barred from entering the Choir Academy. King advised the Turnbells – but practically no one else – of this directive. Nevertheless, Jones regularly appeared at his office at the Choir Academy, and the Turnbells took no action to prevent him from entering the school until after Jones was arrested in April 2002. Moreover, for at least ten months after the Turnbells learned from Student A that Jones had abused him, they permitted Jones to chaperone Choir Academy students on performance tours throughout the United States and Japan. The Turnbells also continued to allow Jones to supervise Choir Academy students residing in a dormitory at a BCH-sponsored summer music camp – the location where Jones had twice abused Student A. Jones chaperoned the students even after he and the Turnbells were notified that he was barred from entering the Choir Academy. Thus, the Turnbells allowed Jones, whom they knew to be an accused pedophile, to supervise unwitting children while they were away from their homes and families, and most vulnerable to a sexual predator.

The Boys Choir of Harlem and the Choir Academy of Harlem

The BCH, a not-for-profit corporation, was founded in 1974 by Walter Turnbull, who continues to lead the organization as president and director. The choir is renowned for national and international concert tours and televised performances. Walter Turnbull’s brother, Horace Turnbull, has served as second-in-command of the BCH as vice president for operations for several years.

In 1993, the BCH entered into an agreement with the DOE which established a public school, the Choir Academy of Harlem, with grades four through twelve. The school was overseen by the DOE Superintendent of Alternative, Adult, and Continuing Education Schools and Programs, and is staffed by a DOE principal, administrators, and

² Jones was convicted of 24 counts of Sexual Abuse in the Third Degree, a class “B” misdemeanor, and three counts of Endangering the Welfare of a Child, a class “A” misdemeanor, after trial in Supreme Court, New York County. He was sentenced to two years in jail on December 23, 2002.

teachers.³ Students are selected for admission to the Choir Academy after musical auditions before BCH employees. All 648 students enrolled in the Choir Academy are members of the BCH, or its newer analog, the Girls Choir of Harlem. The arrangement between the BCH and the DOE is memorialized in a “multi-use agreement.” The agreement is similar to a real estate lease, and specifies that the BCH will provide in-kind services and music instruction to the Choir Academy students. In exchange, the BCH is allowed to locate rehearsal space and its administrative offices in the DOE’s school. The Turnbulls and Jones each had private offices at the Choir Academy. Students at the Choir Academy remain in the building after the end of the school day to participate in rehearsals and music instruction supervised by BCH employees. Among the services provided by the BCH per the multi-use agreement are “individual and group counseling and guidance to students before, after and during school hours.”

The relationship between the BCH and the DOE is also guided by a memorandum of understanding (“MOU”) which modifies Chancellor’s regulation C-30 concerning, among other things, the selection of principals and the governance of the Choir Academy. Specifically, the MOU states a member of the administrative staff of the BCH shall serve on the initial screening committee that selects candidates for principal to recommend to the Chancellor.

Jones and Student A

Jones, whom Walter Turnbull has described as “my right-hand man,” was employed by the BCH since 1980.⁴ He held the position of director of counseling. His duties included chaperoning Choir Academy students during the many BCH concert tours, and as a resident counselor at the Summer Music Institute (“SMI”). The SMI is an annual three-week music program administered by the BCH for Choir Academy students on the campus of Skidmore College in Saratoga Springs.

Student A testified under oath at Jones’s criminal trial and in a civil deposition. He specifically described Jones’s inappropriate conduct and sexual abuse, culminating in three instances in which Jones inserted his finger in the student’s anus. Student A was also interviewed by investigators of the Special Commissioner of Investigation (“SCI”). The student’s trial testimony of Jones’s conduct is summarized below:

- Student A enrolled in the Choir Academy at age nine after an audition, and soon became acquainted with Jones. The student attended the SMI in 1998 at age 12, where his relationship with Jones grew “intimate.” Jones repeatedly kissed him on the forehead. The following fall, on the student’s 13th birthday, Jones was chaperoning Student A and other Choir Academy students on a concert tour in Atlanta. Jones summoned the student to his hotel room, and asked to give him a

³ The Choir Academy is currently under the supervision of the Region 10 Superintendent.

⁴ Walter J. Turnbull, *Lift Every Voice: Expecting the Most and Getting the Best from All of God’s Children* (New York: Hyperion, 1995) at vii.

massage. He removed Student A's shirt, rubbed his back, kissed his back and lips, and told the student that he loved him. Jones then presented him with a silver-plated watch.⁵

- Throughout the remainder of 1998 through June of the following year, Jones chaperoned Choir Academy students, including Student A, on concert tours throughout the United States and Israel. On several occasions during these tours, Jones, while in his hotel room, kissed Student A on the mouth.⁶
- In August of 1999, Student A attended the SMI at Skidmore College, where Jones was in residence as a counselor. Initially, the student shared a dormitory room with another Choir Academy student until Jones arranged for Student A to be moved to a private room. Thereafter, Jones visited Student A in his room on multiple occasions, and massaged the student's back and buttocks, and kissed his back, buttocks, legs and feet. Jones also rubbed his body against Student A, who could feel Jones's erect penis through his clothing.⁷
- Student A entered the ninth grade in the fall of 1999. Throughout the school year, on numerous occasions, Jones purchased lunch for the student, and they ate together in Jones's private office at the Choir Academy. During some of these meetings, Jones kissed Student A on the lips, and told him that he wanted to make love to him.⁸
- In the summer of 2000, Jones presented Student A with a compact disc player, and gave him a set of keys to his apartment in Manhattan. Student A visited Jones at his apartment three times during the summer. On the first visit, Jones massaged, kissed and licked the student, and told him that he loved him. Student A's second visit to Jones's apartment followed a shopping trip in which Jones bought music compact discs for the student. Once at the apartment, Jones massaged Student A with baby oil, and said to him, "You should not hold out from me." On the student's third visit to the apartment, Jones kissed, licked, and massaged him. Jones then inserted his finger into Student A's anus. Jones asked the student if he enjoyed it. Student A replied that he did not, and Jones apologized and said that he would not do it again.⁹ Jones then initiated a game in which he hid gifts for Student A (two shirts and a stuffed animal toy) throughout the apartment, and invited the student to search for them.¹⁰
- Jones arranged to hire Student A as a junior counselor at the SMI in Saratoga Springs in the summer of 2000. Jones abused the student in his dormitory room on two occasions that summer. In the first instance, Jones removed the student's shirt, and kissed and licked his buttocks and anus. He then inserted his finger in Student A's anus. On the second occasion, Jones asked the student if he would like a massage.

⁵ Testimony of Student A, People v. Frank Jones, Jr., Ind. No. 02276-2002, New York Co. ("Student A") at 49 – 50.

⁶ Student A at 55 – 60.

⁷ *Id.* at 60 – 66.

⁸ *Id.* at 67 – 70.

⁹ *Id.* at 82 – 120.

¹⁰ *Id.* at 122 – 123.

Student A declined, and Jones said, “This is the only time we are going to have together. You need to let me do this.” Jones removed the student’s shirt, pulled down his pants, kissed and licked his lips, back, buttocks, and anus, and again inserted his finger in Student A’s anus. Jones then fell asleep, and the student angrily left the room. Jones later found the student elsewhere in the dormitory, and apologized to him. The following day, Jones presented Student A with gifts from the college bookstore: Skidmore College T-shirts, a stuffed toy, and a greeting card containing a written apology with a request for the student to “be loyal to those who are loyal to you.”¹¹

Student A Informs Others of Jones’s Abuse

In the fall of 2000, Student A returned to the Choir Academy tenth grade. He was a member of “DyNaste,” a small pop music group comprised of BCH members, supervised by Timothy Battle, a former member of the BCH, and president of its alumni association. Battle and his business partner, George Reyes, had a contract with the BCH to direct and manage DyNaste. Battle and Reyes testified at Jones’s criminal trial, and were also interviewed by SCI investigators.

Student A and the other members of the group rehearsed at the Choir Academy after school hours. According to Battle and Student A, Jones regularly appeared at the conclusion of the group’s rehearsals to invite the student to dinner. Student A did not welcome Jones’s attention. The student had not reported Jones’s abuse out of fear that his schoolmates would ridicule and harass him. To prevent Jones from being alone with him, Student A invited Battle to join them at the dinners. Jones persisted in coming to the group’s rehearsals, and in November or December of 2000, Student A decided to tell Battle about Jones’s abuse. According to Student A, he did not feel close enough to his family to tell them about Jones, but he believed that Battle could help keep Jones away from him. Battle agreed to keep Student A’s disclosure confidential, and to help him avoid Jones, Battle dismissed the student early from DyNaste’s rehearsals.¹²

Despite Battle’s efforts, Jones continued his attempts to see Student A. Jones also tried to persuade the student to resume touring with the BCH, where Jones would be his chaperone.¹³ Student A complained again to Battle, who encouraged him to inform Reyes about Jones, and to seek his advice.¹⁴ Student A did so in approximately January 2001.¹⁵ The student told Reyes that he did not want Jones to be arrested, but asked him

¹¹ *Id.* at 126 – 129.

¹² *Id.* at 138; testimony of Timothy Battle, People v. Frank Jones, Jr., Ind. No. 02276-2002, New York Co. (“Battle”) at 511, 513.

¹³ Student A at 149 – 151.

¹⁴ Battle at 514.

¹⁵ Testimony of George Reyes, People v. Frank Jones, Jr., Ind. No. 02276-2002, New York Co. (“Reyes”) at 609 – 610.

for assistance in getting Jones suspended or removed from the BCH. Student A showed Reyes gifts, letters, and the apartment keys that he received from Jones.¹⁶

The Turnbolls are Informed that Jones Abused Student A

According to the trial testimony and investigators' separate interviews of Student A, Battle, and Reyes, the Turnbolls were subsequently made aware of Jones's misconduct, but failed to take action.

- In the late spring of 2001, Reyes met with Horace Turnbull and informed him "off the record" that Jones should be kept away from DyNaste because of a "sexual abuse problem," and that he had supporting evidence. Reyes said that Turnbull appeared "outraged and concerned," and said, "this could hurt the Choir." He told Reyes that he would do something about the matter.
- After a few weeks passed, Jones continued to visit Student A at the conclusion of DyNaste rehearsals. In order to avoid Jones, Student A decided not to attend the upcoming SMI at Saratoga Springs. Jones, however, telephoned the student's mother and persuaded her that he was needed at the SMI. Accordingly, she directed her son to attend the music camp. Student A informed Battle of Jones's most recent efforts, and Battle telephoned Horace Turnbull.
- In the telephone conversation, Battle informed Horace Turnbull that there was a sexual abuse problem involving Jones and Student A, that Jones had been "kissing and licking the student all over," and that the problem had continued over a couple of years. Turnbull agreed to meet with Student A.
- When Student A appeared at Horace Turnbull's office, Turnbull directed him to first meet with Jones and Walter Turnbull at the latter's office. Jones and Walter Turnbull asked the student why he had missed Choir rehearsals, and he replied that he did not wish to perform anymore. Walter Turnbull angrily replied, "How could that be? We're like family to you, and we looked after you." Turnbull then walked out, leaving Jones alone with Student A in the office. Jones closed the door and stared at the student for a period of time. Student A started to leave the room, and Jones grabbed him by the arm and asked what he was doing. The student explained that he had to attend a meeting with Horace Turnbull. Jones said that he would telephone Turnbull and explain that the student was meeting with him.
- Student A returned to Horace Turnbull's office. Turnbull told the student that he wanted to help him, and he acknowledged that Battle had told him of Jones's conduct. He said to Student A, "We need to stop it." Turnbull said that he could suspend Jones, or obtain his resignation. He suggested that he could get counseling for the student. Turnbull made no mention of reporting Jones to the police, SCI, or to DOE officials.

¹⁶ Student A at 152 – 153; Reyes at 612.

- Horace Turnbull subsequently told Battle that he wanted to hear the specifics of Jones's abuse from Student A. Within two weeks of their first meeting, Student A, accompanied by Battle and Reyes, met with Horace Turnbull in his office. Student A described Jones's abuse in detail, including his insertion of his finger in the student's anus. Reyes showed Turnbull the gifts and letters that Jones had given to Student A. Turnbull then asked the student to leave the meeting, after which he said to Battle and Reyes, "We all know that Frank Jones is gay." Turnbull said that he could fire or suspend Jones, and that he would have 30 days in which to take action against him. Reyes said that the situation was "very bad," and that Turnbull needed to act quickly. Turnbull indicated that he agreed with Reyes's assessment, and said that he would apprise his brother, Walter, about the matter.
- Approximately one or two weeks after the meeting in Horace Turnbull's office, Battle noticed that Jones was still coming to the Choir Academy. Battle then visited Walter Turnbull in his office. He told Walter Turnbull the details of Jones's abuse of Student A. Turnbull said that he was concerned. He told Battle, "I wish you had come to me," and "You know I'm not supposed to know." Battle understood the latter comment to mean that Walter Turnbull wanted their discussion to be considered "off the record."
- Horace Turnbull subsequently advised Battle that "they" – whom he did not specify – had spoken with Jones, and would arrange for Student A and Jones to be assigned to separate dormitories at the forthcoming SMI at Saratoga Springs, which was scheduled for August 2001. Turnbull did not tell Battle if he had discussed Student A's allegation with Jones.
- Sometime prior to the SMI in August 2001, Walter Turnbull encountered Student A in a Choir Academy hallway. He told the student that he had missed several rehearsals, and that he should speak with him about his problems. Accordingly, they met alone in Walter Turnbull's office within the next two days. Student A said that he told Turnbull that he had a problem with Jones. Turnbull replied that he knew of his problem with Jones, and asked the student why he did not first report the matter directly to him. He asked Student A what he wanted him to do concerning Jones. The student responded that Jones should be removed. Turnbull replied, "You don't make that decision," and that he needed Jones at the BCH. Turnbull informed Student A that Jones would not be in his dormitory at the SMI. He also told the student that because he had missed too many rehearsals, he would not be permitted to accompany the BCH on their planned September 2001 tour of Japan. Student A then told Turnbull that he believed that his actual reason for barring him from the Japan tour was to accommodate Jones, who would be chaperoning the students.¹⁷

¹⁷ As described below, Jones chaperoned the BCH tour of Japan from September 1 through 10, 2001. Walter Turnbull also accompanied the Choir.

- Student A and other Choir Academy students attended the SMI in August 2001, and Jones was again assigned to be a resident counselor.¹⁸ The student misbehaved in a class, and was sent by the teacher to meet with Walter Turnbull. According to Student A, he told Turnbull that he was wrong for not helping him. Turnbull replied that there was nothing he could do, and told him that he should leave the SMI. Student A replied, “If I leave, you’re not going to be here, either.” The student telephoned Battle to request a ride back to New York, and told him that he was ready to tell his mother of Jones’s abuse.
- Student A reported that he met with Walter Turnbull again before leaving the SMI, and told him that he was going to tell his parents about Jones’s abuse of him. Turnbull responded that he (Turnbull) “was always giving,” that the BCH is “my baby,” but that “people are after me and trying to destroy me.” Turnbull told Student A that he would arrange for Horace Turnbull to come to Saratoga Springs from New York to speak with him. Student A subsequently met with Horace Turnbull. According to the student, Horace Turnbull told him that there is something wrong with him, and advised him to return home. He also advised him to see a counselor, and said that he had a friend who dealt with “these things.”
- According to Battle, after he arrived in Saratoga Springs to take the student to New York, Walter Turnbull told him that Student A “is going to destroy us.” Battle replied that Jones, not Student A, was the problem. Acknowledging his awareness of Jones’s misconduct, Turnbull said in response that Jones “made a mistake – we all make mistakes.”¹⁹
- In September 2001, soon after school resumed at the Choir Academy, Student A, in Reyes’s presence, told his mother about Jones’s abuse. She brought her son to the police precinct on the same day and reported the matter. Reyes accompanied them and gave the gifts and correspondence that Jones had given the student to the detective assigned to the case.
- On September 13, 2001, Student A and his mother went to the Choir Academy, met with Principal King, and requested a transfer for the student. Student A and his mother told investigators that they told King that the reason for the transfer was Jones’s abuse. King told investigators that the student’s mother merely said that the transfer request was because of “a matter that cannot be resolved.” In either case, later the same day, Student A and his mother met with Gregory Hodge, principal of Frederick Douglass Academy, the school to which the student wished to transfer. They informed Hodge of Jones’s abuse, and Hodge telephoned Shelley Lander, Supervisor of Pupil Personnel Services at the DOE Office of the Superintendent of

¹⁸ According to Horace Turnbull, participation in the SMI is “part of the [BCH] program,” and thus mandatory for Choir Academy students.

¹⁹ Student A, who was not present, told investigators that Battle told him of this exchange with Walter Turnbull. BCH employee Larry Robinson, whom Battle said was present during his conversation with Turnbull, did not recall the exchange when asked by investigators.

Alternative, Adult, and Continuing Education Schools and Programs, and advised her of the matter. Lander then called King at the Choir Academy, and directed him to report the information to SCI.²⁰

- King telephoned Walter Turnbull the same day and advised him of Student A's allegation. According to King, Turnbull was silent for a moment, and then asked King if he had informed Horace Turnbull. King told him that he was about to do so. King then telephoned Horace Turnbull, who said in response to King's report, "You know what you have to do – you have to follow through." Neither of the Turnbolls informed King of their prior knowledge of Student A's accusation. Nor did the Turnbolls – at any time – contact DOE officials, SCI, or the police concerning this matter.

The Turnbolls Allow Jones Continued Access to Students

The following day, Margaret Bing-Wade, Deputy Superintendent of Alternative, Adult, and Continuing Education Schools and Programs, told King that she had written to Jones and advised him that due to the abuse allegation, he was not to enter the Choir Academy. According to King, Bing-Wade told him to "notify Boys' Choir that Frank Jones was not to be in the building." King then telephoned Walter Turnbull and told him of Bing-Wade's directive. In contrast to his silent response when King told him of the abuse allegation, Turnbull was, according to King, "a little shocked and a little upset." King concluded that Turnbull did not want Jones to be barred from the school but, according to the principal, Turnbull indicated that he "would follow through." King told investigators that he also telephoned Horace Turnbull on the same day and apprised him that Jones was not to enter the building. King said that he was "pretty sure" that Horace Turnbull told him that he would issue a memo concerning the directive. No such memo was issued until after Jones was arrested, nearly eight months later.

Bing-Wade's directive barring Jones from the Choir Academy had little effect. The private security guard employed by the BCH was unaware of it, as were School Safety Agents, and seven DOE teachers assigned to the school. The security guard, James Robinson, told investigators that Jones was exempt from the requirement of signing in and out of the building, and so there is no direct documentation of his presence.²¹ However, the BCH visitors log, which was obtained by SCI, indicates that persons visited Jones at the school on 14 occasions during the six months after Bing-Wade barred him from the building. Indeed, Student A, wearing a recording device at the

²⁰ At King's direction, Dennis Brennan, director of counseling at the Choir Academy, attempted to contact this office by telephone, but was unsuccessful due to the disruption in telephone service after the September 11, 2001 World Trade Center catastrophe. Brennan reported the matter to SCI by letter on the same day.

²¹ According to Robinson, aside from the Turnbolls, Jones was the only BCH employee not required to sign in when entering the building.

direction of the District Attorney's Office, visited Jones at his Choir Academy office on two occasions during this period.²² SCI investigators interviewed seven DOE teachers who were assigned to the Choir Academy for the 2001 – 2002 school year. Three of the teachers reported that they periodically observed Jones the building during the year; the remaining teachers could not recall if they saw him at school.

Even more disturbing than Jones's presence at the Choir Academy was his continued assignment as a chaperone of Choir Academy students on overnight performance tours. Horace and Walter Turnbull, aware of allegations of sexual abuse by Student A, allowed Jones to chaperone 42 students on a nine-day tour of Japan in September 2001. They continued to allow Jones to escort students after Student A reported Jones's abuse to DOE officials, resulting in his being barred from the school. Approximately three weeks after Jones was barred from the Choir Academy, he chaperoned 43 students on a seven-day tour of Chicago and Minneapolis.

In all, Jones chaperoned 40 to 50 students on eight performance tours after Bing-Wade barred him from the school. According to BCH itineraries obtained by SCI, Jones spent 60 nights in hotels with the students placed in his charge from October 2001 through approximately three weeks before his arrest in April 2002. The itineraries indicate that Jones was given a private hotel room, generally on the same floor as the students, who were assigned four to a room. DOE teacher Douglass George accompanied the choir on a two-week tour in December 2001. George, who was unaware of the abuse allegations and that Jones had been barred from the Choir Academy, confirmed that he was present on the tour. Gilbert Robinson, a BCH employee, also observed Jones on the tours. Robinson appears to be the only person whom Walter Turnbull advised of Bing-Wade's directive concerning Jones. According to Robinson, Turnbull privately told him in late September or early October 2001 that the DOE had issued Jones a letter barring him from the school because of allegations that he had sexually abused Student A. Robinson said that there was no memo or general announcement to the BCH staff regarding this directive. Not surprisingly, Robinson

²² Jones is even quoted in a newspaper article as a "spokesman" for the BCH during the time he was barred from entering the Choir Academy. In discussing the World Trade Center catastrophe, his choice of words has a chilling irony:

We often think that our communities are citadels, walls that will protect us from ugliness and decay. I think that this particular event on September 11 was a meltdown of all that. We were all standing there, naked. There's a humanizing, equalizing factor in all this. There's no such thing as a foolproof, safe environment. We're all at risk. I think children who come from disadvantaged backgrounds, poor backgrounds, where you don't have those shields, know all about that. Suddenly, we're all equal in that respect.

Beckerman, *Lift Every Voice and Sing; The Boys Choir of Harlem Rises to the Occasion*, The Record (Bergen Co., N.J., Oct. 10, 2001).

assumed that Jones would not be allowed to tour with the choir because of the allegations.²³ However, Turnbull told him that Jones would continue traveling with the students because the letter specified only that he could not enter the school building.²⁴

Walter Turnbull also accompanied the students on most of the performance tours, but he was not likely to be in a position to scrutinize Jones's conduct in the hotels. The BCH itineraries contain directions to request a "V.I.P." hotel room upgrade for Walter Turnbull in a quiet area away from the students' (and Jones's) floor.

Horace Turnbull's deferential treatment of Jones (as compared to Student A) continued even after his arrest in April 2002. Turnbull appeared at Jones's Criminal Court arraignment at the request of his defense attorney. BCH files indicate a \$2,000 "advance" to Jones – the amount of his bail – paid the day after his arrest. BCH Comptroller Nicholas John told an investigator that he was directed to cash a BCH check for \$2,000 and bring the money to Jones at Criminal Court, because he needed the money for bail. John said that he did not recall who told him to do this, but allowed that it "could have been" either Horace Turnbull or his assistant, Dorothy Mayhew. John said that he was unable to determine what to do with the money at the courthouse, and that he returned to the Choir Academy with the \$2,000. According to John, he later learned that another BCH employee, Jones's assistant, Sean Seymour, handled the matter thereafter. Criminal Court records indicate that Seymour paid Jones's bail on the day of his arraignment.

Horace Turnbull was also disingenuous in his public statements concerning Jones. A newspaper report of Jones's arrest quoted Turnbull as saying that in Jones's 19 years at the BCH, there was "not one" complaint about his behavior.²⁵ Apparently, Turnbull did not tell the reporter that Student A complained, and directly to him. Similarly, after Jones's conviction, Turnbull faxed a draft statement to the BCH board of trustees stating, "We consider the incident relative to a former employee and charges of sexual abuse to be an isolated incident in our over 34-year history." He failed to mention that three years earlier, Duane Whitley, a BCH employee, pleaded guilty to Endangering the Welfare of a Child after being arrested and charged with Sexual Abuse in the First Degree for inappropriately touching a 15-year-old male student he met at the Choir Academy.²⁶

²³ Robinson observed Jones with students in the Choir Academy gymnasium after school hours in November 2001, and informed Walter Turnbull. Robinson said that Turnbull telephoned Horace Turnbull and directed him to handle the matter.

²⁴ Margaret Bing-Wade reported that Horace Turnbull complained to her that barring Jones was "a hardship" because he was "an integral part" of the program. Bing-Wade said that she reiterated to Turnbull that it was "out of the question" that Jones work with students until the investigation ended.

²⁵ Ross, *Harlem Choir Officer Accused of Seducing Boy*, New York Daily News (April 17, 2002).

²⁶ See SCI, *Blind Faith: An Investigation into the Hiring Practices for Non-Board of Education Personnel Working in Schools* (Aug. 1999) at 20.

Whitley was sentenced to three years' probation, and ordered to have no contact with the victim.²⁷

The BCH was less than cooperative with the New York County District Attorney's Office during its prosecution of Jones. On June 27, 2002, an Assistant District Attorney wrote to counsel for the BCH to complain that only one of five subpoenas seeking documents from the BCH had been complied with, and indicated that she would ask the court to hold the BCH in contempt. According to the Assistant District Attorney, it was only after then that the BCH made an adequate response to the subpoenas.²⁸

Horace Turnbull

Horace Turnbull was interviewed under oath. He said that for the past eleven years he has held the position of vice president of operations and external affairs for the BCH, reporting directly to his brother, Walter, the president. He described himself as "an educator and administrator."

Horace Turnbull said that he first became aware of an accusation of inappropriate conduct by Jones at a meeting in his office on June 19, 2001.²⁹ According to Turnbull, Battle had telephoned him the previous day, and said that Student A had something that he needed to talk to him about; Battle did not specify the matter. Student A, Battle, and Reyes appeared at his office the following day. Turnbull said that Student A told him that while Jones was giving him a massage at the SMI three years earlier, Jones "touched my butt." Turnbull said that he asked Student A if he wished to tell his parents, or if anything else had transpired between him and Jones, and that the student replied in the negative.

Horace Turnbull testified that he did not ask Student A to specifically describe Jones's touching, or whether it occurred inside or outside of his clothing. Turnbull denied that anyone told him that Jones had placed his finger in the student's rectum. However, he allowed that he concluded that Student A's accusation was serious enough to warrant him to conduct, as he termed it, an "investigation." According to Turnbull,

²⁷ Whitley was arrested again in October 2000 and charged with sodomizing a 12-year-old boy whom he met while teaching a dance class at a YMCA. He is awaiting trial on a class "D" felony in Supreme Court, New York Co.

²⁸ The BCH was also lax in responding to requests and subpoenas from SCI in the course of our investigation. Horace Turnbull ignored one subpoena to appear at SCI for testimony. See also notes 29, 31, and 32, *infra*.

²⁹ Turnbull said that he recalled the date because of an entry in his appointment book. Although such materials were requested by an SCI subpoena returnable several weeks prior to his interview, Turnbull did not produce the appointment book entry until after he revealed its existence at the interview and was again directed to produce it.

this investigation, which he conducted entirely by himself, consisted of the initial conversation with Student A, followed by a conversation with Jones, who claimed to have no recollection of the matter, and discussions with some students, who said merely that Jones regularly gave therapeutic massages to students. Turnbull said that Student A subsequently visited his office, and he asked the student if there was anything more he wished to tell him concerning Jones; Student A responded in the negative. Based on this, Turnbull said that he “did not feel that [Student A’s accusation] was credible.” Turnbull did not memorialize or inform anyone of the results of his “investigation,” or even the fact that he had conducted it. He testified that he had never previously investigated an allegation of sexual misconduct at the BCH in his eleven years as vice president of operations.

Horace Turnbull testified that soon after speaking with Student A, he advised his brother, Walter, that “Mr. Jones has been accused of touching [Student A’s] butt while he was giving him a massage. There is nothing else that [Student A] is telling me that has transpired – that’s all I basically know. I don’t want you to try to deal with it. I have to deal with it.” According to Horace Turnbull, his brother replied, “Well, okay, just keep me informed because this is – this is – I don’t like this. This is serious.”

Contrary to the accounts of Student A, Battle, and Reyes, Horace Turnbull denied that he had any further conversations with any of them concerning Jones. Turnbull said that he did not hear that Jones had inserted his finger into Student A’s anus until after Jones was arrested. Turnbull also contradicted the victim and the two witnesses when he testified that Reyes did not show him any gifts, keys or correspondence that Jones had purportedly given the student until after Jones was arrested. However, by that time, Reyes had already given these items to the police. Regardless, Turnbull testified that in an unrelated business meeting with Reyes, he was shown a Walkman and a set of keys that Reyes said were to Jones’s apartment, and that Jones had given both items to Student A. Turnbull said that Reyes also told him at the meeting that Jones had written to the student. Remarkably, Turnbull testified that he did not even suggest to Reyes that he share this information and these items with the police or the District Attorney.

Paradoxically, although Horace Turnbull claimed that he concluded that Student A’s allegation was not credible, he nevertheless said that he directed Jones to stay away from Student A, and (consistent with the student’s account) arranged for Jones and Student A to be assigned to separate dormitories at the SMI.

Horace Turnbull confirmed what Principal King and his predecessor, John Treadwell, told investigators: That they advised him that BCH employees were to report sexual abuse allegations. Turnbull also confirmed that the principals had given him copies of the Chancellor’s regulations, and updates, concerning sexual misconduct

allegations, since his arrival at the school. King and Treadwell told investigators that they regularly conducted a joint staff meeting including BCH employees at the beginning of each school year. According to King and Treadwell, Horace Turnbull, and sometimes Walter Turnbull, were in attendance. The principals said that it was their practice to remind all those in attendance that they were obligated to report allegations of abuse per the Chancellor's regulations, and that copies of the regulations and updates were distributed. Despite this, Horace Turnbull declined to explain why he did not report the allegations concerning Jones and Student A to SCI, the police, DOE officials, or indeed, anyone other than his brother.³⁰

Even when he became aware that Student A had reported Jones's conduct to others, Horace Turnbull did not reveal his purported knowledge to the authorities. Turnbull testified that it was in a telephone conversation with Margaret Bing-Wade that he first learned that Student A had reported the allegation concerning Jones in the course of his transfer, and that Jones would be notified that he was not to enter the school. Turnbull said that when Bing-Wade "mentioned [Student A], I knew what the allegation was." When asked if he alerted Bing-Wade to the fact that he had investigated Student A's allegation, he equivocated: "I don't believe I talked to her in depth about that at that point. I don't remember having done that." He said that he had about three conversations with Bing-Wade concerning the matter, and he believed that he told her of Student A's allegation to him. He maintained, however, that he "can't swear to it." He said that he was certain that Bing-Wade did not tell him to report what he knew about the allegation to SCI or anyone within DOE.

An investigator asked Margaret Bing-Wade if Horace Turnbull told her that he was personally aware of information concerning Student A's allegation of abuse by Jones. She responded that she "does not recall that at all." Bing-Wade hastened to add that she believed that she would have remembered if Turnbull brought such information to her attention.

Turnbull testified that in his first conversation with Principal King concerning Student A's transfer and accusation of Jones, he advised King that the student had previously told him that Jones had "touched his butt." An investigator asked King about Turnbull's claim. He denied that Turnbull told him anything concerning a prior allegation, and emphasized that he "definitely" would have remembered if he had.

³⁰ Horace Turnbull has failed to follow DOE directives in the past. In 1999 we reported that he ignored several letters from the DOE, violated the provisions of the multi-use agreement, and placed numerous schoolchildren at risk. Until SCI intervened, more than half of all BCH employees had not been fingerprinted and granted security clearances. We recommended that the DOE closely scrutinize the BCH to ensure continued compliance with all contract terms and, if they were not met, that the DOE consider canceling the agreement. See *SCI, Blind Faith, supra*, at 32.

Even after Jones was arrested, Horace Turnbull said that he did not tell anyone in law enforcement about his “investigation” of Jones because “no one else asked me.” He kept silent even though – as he acknowledged in his testimony – he was aware that the District Attorney was seeking information from students’ parents that might have a bearing on the charges against Jones. In contrast, he quickly complied with Jones’s attorney’s request to appear at his arraignment in case the judge had questions concerning Jones’s employment. Turnbull testified that he received an inquiry from Jones’s attorney and the BCH comptroller concerning bail for Jones at the time of his arrest. Turnbull claimed that he responded that the BCH would not post bail for anyone. He said that he paid some of Jones’s back salary, but not until after he was released from jail and sent a written request for it.

Horace Turnbull testified that he “okayed” Jones’s assignment to chaperone the Choir Academy students on overnight tours, and continued to do so even after he was informed that Jones was barred from the school. Turnbull acknowledged that he did not discuss assigning Jones as a chaperone in these circumstances with Bing-Wade, King, Walter Turnbull, or anyone else.

Walter Turnbull

Walter Turnbull was also interviewed under oath. He contradicted Student A, Reyes, and Battle, and said that he never had a conversation with any of them concerning Jones and Student A at any time. Walter Turnbull testified that in June of 2001, his brother, Horace, told him that he was investigating an allegation by Student A of “inappropriate touching” concerning Jones. Contrary to his brother’s testimony, Walter Turnbull stated that Horace Turnbull did not describe the alleged touching to him, nor did he tell him where and when it had occurred. Walter Turnbull said that his brother told him that he did not need to do anything until he (Horace Turnbull) investigated the situation. He did not ask Horace Turnbull if he had reported the matter, nor did he direct him to do so.

Walter Turnbull testified that his next discussion of the matter occurred just before the BCH left for its Japan tour in September 2001. He said that he asked his brother if the investigation was still going on, only because it seemed to be taking a long time, and not because Jones was scheduled to chaperone the students in Japan. According to Walter Turnbull, his brother responded merely that the investigation was ongoing. Walter Turnbull said that he did not ask, nor was he told, any details of the investigation, or any description of the purported touching. He admitted that he did not discuss with Horace Turnbull – or anyone else – the appropriateness of permitting Jones to chaperone the students while this investigation was pending.

Walter Turnbull also testified that at no time did his brother inform him what he had determined in his investigation of Student A's allegations, or even if he had concluded the investigation. Walter Turnbull said that while DOE policies and Chancellor's regulations applied to BCH employees, no one ever informed him of steps to be taken regarding allegations of inappropriate touching.³¹

Walter Turnbull testified that he first learned that Student A specifically alleged that Jones touched him on the buttocks from his brother at the time of the student's transfer in September 2001. He said that Horace Turnbull also told him that Margaret Bing-Wade had directed that Jones was barred from the school as a result of the allegations. Contrary to King's testimony, Walter Turnbull denied that King told him that Jones was not to enter the building.

Timothy Battle provided copies of an e-mail exchange he had with Walter Turnbull after Student A transferred from the Choir Academy and reported the matter to the police.³² Battle's message, dated September 24, 2001, discusses a disagreement he had with Walter Turnbull concerning DyNaste, the pop group of which Student A was a member. It also contains the following paragraph, which Battle told investigators was a reference to Student A's allegations about Jones, which Walter Turnbull and Battle had discussed previously:

I am extremely concerned regarding working with Mr. Jones in any capacity at this time. I do not view him as a "safe place" and quite frankly I am also quite concerned for you and BCH. He needs help. I know that may be offensive but I must be honest.

Walter Turnbull's response to Battle's message is dated September 27, 2001. It appears below in its entirety:

Tim:

It would be better for us to talk face to face. I have never ever not been able to be straight forward. [sic] Anger is a strong accusation. I am concerned and feel things have been handled incorrectly. All of which we can discuss.

³¹ Turnbull testified that he received a DOE memo concerning sexual harassment, but was unclear about when he received it. He was directed to produce the memo, but has not done so as of this writing.

³² Turnbull acknowledged in testimony receiving and sending the subject e-mails. An SCI subpoena to the BCH demanded copies of all such e-mails. Turnbull, however, testified that he had not searched his files or computer for responsive materials, and did not know if anyone on the BCH staff had done so. Accordingly, he was directed to search his computer and files for responsive material, and advise SCI of the results. As of this writing, he has not done so.

It is always best to go straight to the source. There should be no speculation ! [sic] AS for mr. Jones I will not make such a statement. [sic] Although, people feel they have proof, there are two sides and I took the time to hear both, directly from the sources.

I feel strongly that all parties need help. I have not asked you to work with Jones since the allegations. However, we did agree to work together. That didn't happen.

Those boys are an anathema to what I am all about.

Contrary to Battle's account, Walter Turnbull testified that the e-mail references to "allegations," Jones not being a "safe place," "proof," and taking time to hear both sides, "directly from the sources," do not refer to Student A's allegations of sexual misconduct by Jones. Rather, Turnbull sought to explain the words in vague terms, and claimed that they referred to disagreements concerning DyNaste. He testified, for example, that the "allegation" was that Jones was not supportive of the pop group.

Walter Turnbull denied that he had any discussion concerning paying Jones's bail. Contradicting his brother, he said, however, that immediately after Jones's arrest, Horace Turnbull told him that he had authorized a disbursement to Jones, who was owed back salary. Walter Turnbull said that his brother was the only person permitted to authorize such a payment. Although he acknowledged that the BCH was in budgetary difficulty, Walter Turnbull said that he was not told and did not inquire as to the amount of the disbursement to Jones.

John King

Principal King testified that neither Student A nor his mother advised him of Jones's abuse when they came to his office to seek a transfer. According to King, the student's mother said that she wanted the transfer because of "a matter that cannot be resolved." Dennis Brennan, a DOE counselor at the Choir Academy who met with King, Student A, and his mother to process the transfer also told investigators that there was no mention of the abuse. King said that he first learned of the allegation later that day from Shelley Lander of the Superintendent's Office, who informed him that the student's mother told the principal of Frederick Douglass Academy.³³

³³ Student A said that he or his mother told Gregory Hodge, the principal, that they had told King of the abuse earlier in the day. Hodge told an SCI investigator that he does not recall if the student or his mother told him if they had informed King of the matter.

King initially testified that Bing-Wade told him that because of the abuse allegations, Jones could not remain in the school building. In subsequent testimony, King said that Bing-Wade specifically directed him to “notify Boys’ Choir that Frank Jones [is] not to be in the building.” King said that when he relayed this directive to Horace Turnbull, he was “pretty sure” that Turnbull “said he was going to write a memo” to the effect that Jones was barred from the school. King admitted that he “didn’t give [Turnbull] any specific instructions and on what he had to do and I don’t recall him saying he was going to take any particular steps on what he was going to do.” The only memo on the subject of Frank Jones was issued after his arrest in April 2002. In it, Horace Turnbull vaguely advised “all staff” that “[b]ecause of allegations that have been made, Mr. Frank Jones has been suspended pending completion of an investigation into all the facts.” Even at that late date, the memo gives no indication that Jones had been barred from the school.

King testified that after he spoke with Bing-Wade and the Turnbulls concerning Jones in September 2001, he summoned the Choir Academy DOE teachers to a staff meeting on the same or following day. The principal said that he told the approximately 34 teachers in attendance that there was an incident concerning Frank Jones and he had been ordered not to enter the building. SCI investigators separately interviewed seven DOE teachers who were assigned to the Choir Academy in September 2001. None of the teachers recalled any meeting as described by King, nor did they recall ever receiving any information to the effect that Jones was barred from the school.³⁴ All seven reported that they first learned of the allegations against Jones in news media reports of his arrest in April 2002, or at a school staff meeting soon thereafter in which King announced that Jones had been suspended. Even then, none of the teachers recall being specifically advised that Jones was barred from entering the building.

King also testified that on the day after he received Bing-Wade’s directive, he advised School Safety Agent Constance Campbell that Jones was not permitted to enter the building because of abuse allegations. King said that Campbell appeared to be alarmed by the news. Campbell told an SCI investigator, however, that she had no recollection of King or anyone else telling her that Jones was barred from the school. Campbell said that she knew nothing of allegations about Jones until his arrest.

³⁴ Dennis Brennan, the DOE Choir Academy counselor who, at King’s direction, reported the abuse allegations to SCI, appears to be the only DOE employee at the school who (incidentally) learned from King that Jones was barred from the school; King gave Brennan a copy of Bing-Wade’s letter to Jones to file with his report. Paula Collins, who has since retired as Assistant Principal of the Choir Academy, told an SCI investigator that she was told that Jones was barred from the school, but she did not recall how or when she was informed.

The BCH and Choir Academy Operations are Intertwined

As acknowledged by Horace Turnbull, Walter Turnbull, and King, the BCH and the Choir Academy function as a single integral unit. Members of the BCH are required to attend the Choir Academy. BCH employees serve as teachers and counselors to Choir Academy students throughout the school day, and at after-school rehearsals. According to the BCH website, its Counseling Department, which Jones directed, is “the linchpin for all [student] services, liaison to artistic and academic staff, parents and administration, and link to local community resources.”³⁵ Students are obligated to participate in the three-week summer camp at Saratoga Springs under the supervision of BCH employees. Choir Academy students selected for the BCH Performing Choir tour extensively, during which time they are under the sole supervision of BCH employees. King and his predecessor, Treadwell, say that they have told BCH employees that Chancellor’s regulations specifying reporting requirements are applicable to them.

Conclusion and Recommendations

Student A, Battle, and Reyes are consistent in their sworn trial testimony, and in their separate interviews with SCI investigators: They informed Horace Turnbull that Jones had sexually abused the student and, specifically, that Jones had inserted his finger into the student’s anus.³⁶ In contrast, Horace Turnbull’s account of being only vaguely informed that Jones had touched the student’s “butt” is not credible. In his version of events, Horace Turnbull has sought to minimize the allegation by denying that he was informed that Jones had penetrated the student’s anus, while characterizing the non-specific report of touching as serious enough to warrant his “investigation.” This investigation, according to Horace Turnbull, generally consisted of his asking the accused if it was true, and accepting his denial. Turnbull said that he did not memorialize his investigation, and had never conducted such an investigation at BCH in the past. Turnbull acknowledged that he was aware that the Chancellor’s regulations concerning reporting sexual misconduct were applicable to BCH employees, but failed to explain why he did not report what he termed a “serious” allegation in this instance.

Horace Turnbull similarly sought to minimize Reyes’s account of displaying corroborating evidence of Student A’s charge against Jones: The gifts and letters from Jones to Student A. He claimed that Reyes only showed the items to him after Jones was arrested. Even by Turnbull’s account, he acknowledged that he did not advise Reyes to share this information with anyone in authority.

³⁵ Available at <http://www.boyschoirofharlem.org/CAH/studentsvc.htm> (last visited Nov. 13, 2003). The web page still features a photograph of Jones, apparently counseling a student.

³⁶ SCI investigators also reviewed Student A’s sworn civil deposition, which is also consistent with his other accounts.

Horace Turnbull's minimizing of the allegations and corroborating evidence that was reported to him appears to be motivated, in part, by a desire to shield his brother and supervisor, Walter Turnbull, from culpability. Horace Turnbull claimed that he told his brother only that he was investigating Student A's allegation that Jones had "touched his butt," and that he would keep him informed of the investigation.

For his part, Walter Turnbull's account that he was told even less of the allegation than Horace Turnbull claimed is also not credible. The three witnesses are consistent in their accounts that Horace Turnbull was informed that Jones had inserted his finger into Student A's anus. It is contrary to logic that Horace Turnbull would not share this shocking information with Walter Turnbull, and instead merely report, as the latter claims, that Jones had "inappropriately touched" Student A. There is additional evidence that Walter Turnbull was aware of the specifics of Student A's allegation. The student said that after he specifically informed Horace Turnbull of Jones's abuse, Walter Turnbull told him that he was aware of his problem with Jones, and asked why he did not report the matter to him. Moreover, Battle said that when Jones continued to appear at Student A's rehearsals after he complained to Horace Turnbull, he visited Walter Turnbull and specifically advised him of Jones's abuse of Student A. Walter Turnbull's strange response to Battle that "you should have come to me," and "you know I'm not supposed to know," demonstrated that he preferred to be shielded from such damaging information, or wished to limit its dissemination. It also foreshadowed Turnbull's unbelievable testimony that he was ignorant of the specifics of Student A's allegation.

Similarly, his denials notwithstanding, Walter Turnbull's e-mail correspondence with Battle demonstrates his awareness of, and personal involvement in obtaining, information concerning Student A's accusation of Jones.

Equally troubling as their failure to report Jones to the proper authority, is the fact that neither of the Turnbulls took action to prevent their employee from entering the Choir Academy after each was directly informed that Jones was not to enter the school. Moreover, they permitted Jones to continue to chaperone young students at their most vulnerable moments – at an overnight camp, and while touring and away from their families for several consecutive nights. Audaciously, they continued to do so even after Jones was barred from the Choir Academy due to Student A's accusation. Whether the Turnbulls' inaction was motivated by fear of damage to the BCH's reputation (and, consequently, a decline in financial support from charitable grants and contributions) or deference toward a favored employee, they repeatedly placed dozens of DOE students under Jones's care in exactly the same circumstances in which he criminally abused Student A.

Walter and Horace Turnbull not only failed to protect Student A from Jones, but by their actions, they further victimized the student. They punished Student A by not

allowing him to take part in the trip to Japan, by sending him home from the SMI, and by suggesting that he needed counseling. In the end, they drove Student A from the BCH and the Choir Academy in order to protect Jones.

Had Horace Turnbull and Walter Turnbull been DOE employees in these circumstances, this office would make an unqualified recommendation that their employment be terminated, and that this matter be considered should they ever seek future employment with the DOE. Inaction and covering up of serious allegations of criminal sexual abuse, and allowing the alleged perpetrator continued access to children as an overnight chaperone would, if committed by a DOE employee, constitute a clear violation of Chancellor's Regulation A-412.³⁷ However, there appears to be no means of enforcing this and other pertinent regulations when they are ignored by non-DOE employees, including those who are in constant contact with children as they perform such functions as teaching, counseling and administration.³⁸

As the DOE is powerless to terminate the employment of Walter Turnbull and Horace Turnbull, we therefore recommend the following:

- The DOE should condition in writing any future relationship with the BCH on the following:
 - That Walter Turnbull and Horace Turnbull be dismissed and barred from future employment or affiliation with the BCH,³⁹
 - That the BCH agree to give a copy of Chancellor's Regulation A-412 and all other Chancellor's regulations, updates, and pertinent DOE directives concerning reporting sexual misconduct to each of its employees, as well as its contractors and affiliates who have regular contact with DOE students.
 - That each recipient be briefed on the requirements of the regulations, and return a signed certification acknowledging that failure to abide by them constitutes grounds for dismissal from employment by the BCH.
 - That the current MOU between the DOE and BCH be revised to ensure that the DOE has the undivided loyalty of the principal of the Choir

³⁷ Pertinent sections of this regulation are annexed hereto. Since November 2001, such failure to report on the part of DOE employees also constitutes a violation of New York City Charter § 526-a. (Administrative rules pertaining to this Charter amendment have not yet been promulgated).

³⁸ The Turnbulls' failure to take action is also, incidentally, contrary to Walter Turnbull's stated goals for the BCH: "My kids are as much at risk as anyone else, and we must provide them with as many opportunities as we can for them to be safe and motivated. We are, in fact, saving lives." Harpaz, *A Song of Joy; Harlem Boys Choir Out of Crisis*, New York Newsday (July 7, 1997).

³⁹ We recognize that unique artistic needs and performance commitments of the BCH may necessitate a brief transitional period in which to replace Walter Turnbull without harm to the institution. He should, however, be removed from the BCH as expeditiously as possible. In the interim, the DOE should obtain the commitment of the BCH that Walter Turnbull has been barred from any position of authority in that organization, especially with respect to Choir Academy students. No such circumstances exist with respect to Horace Turnbull, and he should be dismissed immediately.

Academy. Accordingly, the BCH should not have any representation on committees charged with selection of candidates for principal.

We further recommend that the first two conditions be incorporated into all DOE multi-use agreements with organizations whose employees have regular access to DOE students.

John King failed to take any meaningful action to ensure that Jones was kept away from Choir Academy students after being advised that he was accused of molesting a student. King's testimony that he advised DOE teachers and a School Safety Agent that Jones was not to enter the school is not credible. The Agent and seven teachers to whom he supposedly communicated this directive have no recollection of this extraordinary information. King abdicated his responsibility to the safety of the students by delegating this critical task to the Turnbills. He compounded this failure by doing nothing to confirm that Bing-Wade's directive was enforced, as confirmed by witness accounts and documentary evidence of Jones's continued presence at the school. We recommend that King be dismissed from employment, and that this matter be taken into account should he seek employment with the DOE or its affiliates in the future.

Should you have any inquiries regarding the above, please contact me or Deputy Commissioner Gerald P. Conroy, the attorney assigned to the case. He can be reached at (212) 510-1486. Please notify Mr. Conroy within thirty days of the receipt of this letter as to what, if any, action has been taken or is contemplated concerning the Boys Choir of Harlem, Walter Turnbull, Horace Turnbull, and John King. Thank you for your attention to this matter.

Sincerely,

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

By:

Gerald P. Conroy
Deputy Commissioner

RJC:GPC:gm

Encl:

c: Chad Vignola, Esq.