

September 28, 2020  
Alison L. Perine and William E. Olson  
Alexandria, VA

To the Honorable Members of the Alexandria City School Board:

We, the parents of a current Alexandria City Public Schools (ACPS) mixed-race, special needs student, submit this public comment relevant to your deliberations about whether to renew the Memorandum of Understanding (MOU) between ACPS and the Alexandria Police Department (APD). We submit that there are two significant issues relevant to these deliberations that are essential to ensuring that children's rights are protected while under ACPS's care. The issues are:

- (1) is APD sufficiently committed to ensuring that ACPS students, particularly special needs and minority students, subject to police interrogation when under the care of ACPS, have sufficient information to make informed decisions about participating in an interrogation without their parents present or without legal representation; and
- (2) is ACPS, particularly the ACPS Office of Safety and Security and its Director, John Contreras, sufficiently committed to ensuring that ACPS complies with ACPS School Board Policy KNAJ prior to police interrogations of ACPS students either by a School Resource Officer (SRO) under the MOU or an APD law enforcement officer?

The troubling experiences on December 13, 2019 of our then eight-year old special needs child ("our Child") at the Jefferson-Houston K-8 school (J-H), and the response of APD and Mr. Contreras to these events, demonstrate that the answer to both these questions is no. On December 13, as a result of misinformed instructions from the ACPS Office of Safety and Security, an APD law enforcement officer<sup>1</sup> interrogated our Child while under the care of ACPS knowing that we, the parents of the interrogated child, did not have actual knowledge of the interrogation.

As detailed below, the APD law enforcement officer, before the interrogation, knew that efforts to speak with our Child's mother, Alison L. Perine, had been unsuccessful and that no effort had been made to contact our Child's father, William E. Olson. Moreover, ACPS staff already had determined that our Child was not a threat and had permitted him to return to class. Thus, there was no law enforcement need to conduct the interrogation without our actual knowledge and the interrogation violated ACPS School Board Policy KNAJ because a "reasonable effort" to contact us had not occurred.

This violation of ACPS School Board Policy KNAJ subjected a special needs child to an unnecessary police interrogation that resulted in harm to his mental health. We also did not have

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<sup>1</sup> In this comment, we have not included the names of non-managerial level employees of APD and ACPS and redacted such names from the attachments. We have also redacted the name of our Child and our personal information.

the opportunity to assist him in deciding whether to invoke his Constitutional rights to legal counsel or to remain silent and our Child experienced continued negative mental health effects.

These events of December 13 illustrate that the relationship between APD and ACPS creates risks to children under ACPS's care, particularly special needs and minority students.

The actions of APD and the ACPS Office of Safety and Security, particularly its Director, John Contreras, after the interrogation of our Child, further highlighted the risk of police interrogations of children under ACPS's care without appropriate notice to the children's parents or guardians. In a phone call with Mr. Olson after the interrogation, the APD law enforcement officer misrepresented his awareness of our lack of knowledge of the interrogation before it occurred. When we filed a complaint with APD after discovering the APD law enforcement officer's misrepresentations, APD closed its investigation after a perfunctory review and without committing to any operational changes to ensure that a "reasonable effort" to contact the children's parents or guardians will be made before APD interrogations of ACPS students when under ACPS's care.

Moreover, Mr. Contreras's e-mail six weeks after the December 13 about the interrogation demonstrates a troubling lack of focus on compliance with ACPS School Board Policy KNAJ. Shortly after the interrogation, Superintendent Gregory C. Hutchings Jr. committed to take steps to ensure compliance with ACPS School Board Policy KNAJ going forward. Despite this commitment, Mr. Contreras, six weeks later, sent a January 29, 2020 e-mail about the events of December 13 that showed that neither he nor ACPS's Office of Safety and Security had conducted any investigation about how ACPS School Board Policy KNAJ was violated in connection with the interrogation of our Child. Mr. Contreras also described troubling actions that ACPS's Office of Safety and Security would take in light of the events of December 13 based on misinformation about the actions of our Child. Tellingly, his e-mail contained no information about remedial steps for ensuring compliance with ACPS School Board Policy KNAJ going forward.

For the reasons stated below, we submit that the MOU should not be renewed unless, at a minimum, both the APD and the ACPS Office of Safety and Security present a satisfactory detailed plan on how they will ensure that a "reasonable effort" is made to contact ACPS students' parent(s) or guardian(s) before APD interrogations of ACPS students occur.

**I. Unnecessary December 13, 2019 APD Interrogation of our Special Needs Child In Violation of ACPS Policy**

As of December 13, 2019, our Child was an eight-year old third grade special needs student at J-H. Our Child has been medically diagnosed with Anxiety Disorder with Obsessive and Depressive tendencies, Asperger's Syndrome (Autism Spectrum), Attention Deficit Hyperactive Disorder – Inattentive Type, Mixed-Type Dyslexia, and Mixed-Type Dysgraphia. ACPS has currently recognized that our Child is eligible for special education services and accommodations based on Autism. On December 13, 2019, our Child's IEP eligibility was based on his specific

learning disabilities. We are African-American and White respectively. Our Child is currently an ACPS fourth grader at a school other than J-H.

Our child re-enrolled in ACPS on October 8, 2019 after previously attending J-H for his Kindergarten year. In the weeks after his re-enrollment at J-H, our special needs Child struggled with functioning in the classroom. On January 15, 2020, we discovered that our Child was being bullied by fellow classmates at J-H. A subsequent investigation led by ACPS's Director of Alternative Programs and Equity confirmed that our Child was bullied when a J-H student.

**A. J-H Determined That Our Son Was Not A Threat to Himself or Others**

The events of December 13 arose from an incident early in the day between our Child and a classmate who later was confirmed to have bullied our Child. J-H staff told us that our Child allegedly made a threatening statement about his classmate while they were removing our Child from the classroom. Our Child allegedly made the statement at a location outside of the classmate's range of hearing.

A J-H Paraprofessional contacted Ms. Perine about this incident at 8:30 AM on December 13. Ms. Perine arrived at J-H at approximately 8:45 AM and was at the school between approximately 8:45 AM and 9:15 AM. During this time-frame, J-H Assistant Principal Tiffany Young and the Paraprofessional spoke with Ms. Perine about the incident and Ms. Young completed a threat assessment regarding our Child. At no time while Ms. Perine was at J-H did any J-H personnel inform Ms. Perine that APD would interrogate our Child and that Ms. Perine could be present for the interrogation.

After Ms. Perine left J-H, at approximately 9:15 AM, J-H staff permitted our Child to rejoin his class. That action indicates that J-H staff had determined that our Child was not a threat. Moreover, a text message from Darrell Sampson, Executive Director, Student Support Teams, to ACPS Chief of Student Services, Alternative Programs, and Equity Julia A. Crawford confirms that the threat assessment was completed and the alleged threatening statement was "transient," meaning that it was a statement that did not express a lasting intent to harm someone. *See* Text message chain from D. Sampson's phone at Ex. A. At 9:40 AM, our Child began music class with his classmates and was participating in class with no issue. J-H's action in permitting our Child to return to class establishes that there was no immediate need for APD to interrogate our Child.

Apart from Ms. Young and the Paraprofessional's interaction with Ms. Perine, a J-H School Security Officer (SSO) contacted the ACPS Office of Safety and Security about the events involving our Child. *See* J. Contreras's January 29, 2020, 11:19 AM e-mail attached as Ex. B. The ACPS Office of Safety and Security directed the J-H SSO to contact APD about the events and to inform J-H Academic Principal Dustin Barnes. *Id.* Mr. Contreras's e-mails show that the ACPS Office of Safety and Security based its direction to J-H to involve APD based on inaccurate and incomplete information.

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The ACPS Office of Safety and Security directed J-H to contact APD about our Child without knowledge that J-H already had conducted a threat assessment finding that his alleged statement was “transient” and determined that our Child could return to class reflecting that our Child was not a threat to himself or others. *See id.* Moreover, in an e-mail to Dr. Gerald Mann, Jr., ACPS Executive Director of Instructional Support, on December 13 at 10:54 AM, Mr. Contreras inaccurately described our Child’s conduct as consisting of a “direct threat” to a classmate when ACPS staff had already determined our Child’s statement was outside of range of hearing of his classmate and was transient in nature.<sup>2</sup> *See* J. Contreras December 13, 2019 10:10:48 AM e-mail at Ex. C.

Moreover, Mr. Contreras’s e-mails show that the ACPS Office of Safety and Security provided direction to J-H about how to handle our Child without any knowledge of his special needs which included Autism and Anxiety Disorder. *See* Exs. B and C. Mr. Contreras’s omission is especially troubling because our Child’s conduct on December 13 was clearly affected by his Anxiety Disorder and Autism that inhibited his ability to function in a difficult classroom setting that included bullying that had not yet been discovered.

While Mr. Sampson was contacted about the experience of our Child on December 13, we are not aware of any school counselor having direct contact with our Child on December 13 when he clearly needed such mental health support. Mr. Sampson exchanged text messages with J-H Principal MScott Berkowitz, J-H Academic Principal Barnes, and J-H Assistant Principal Young. Rather than being concerned about our Child’s well-being, one of the J-H administrators seemed more focused on how their handling of the events of December 13 would be viewed when one of them wrote: “Remember, we have experience even if it is not in ACPS. ***You made this harder and made our school look like we didn’t know what we are doing.***” *See* Text Message between D. Sampson, MS. Berkowitz, D. Barnes, and T. Young collected from D. Sampson’s phone, attached as Ex. D (emphasis added).

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<sup>2</sup> We have redacted Mr. Contreras’s descriptions in his December 13, 2019 and January 29, 2020 e-mails of our Child’s alleged statement because the contents of Mr. Contreras’s e-mails about our Child create significant reason to doubt the accuracy of his knowledge of our Child’s actions. *See* Exs. B and C. We also redacted a reference to Mr. Contreras’s views of our Child’s conduct in Mr. Sampson’s text chain with Dr. Crawford because it is again inaccurate regarding our Child’s conduct and also misstates a fact about our family’s living situation. *See* Ex. A. For the same reason, we also redacted Dr. Hutchings’s reference to our Child’s alleged conduct in a December 14, 2019 e-mail. *See* Ex. G.

**B. ACPS Violated ACPS School Board Policy KNAJ In Connection with the APD Interrogation of Our Child and the APD Law Enforcement Officer Knew That We Did Not Have Actual Notice of the Interrogation**

At some point after 9:40 AM, an APD officer arrived at J-H to interrogate our Child. ACPS policy requires that the school make a “reasonable effort” to contact the student’s parents before permitting the police to interrogate a student. Specifically, ACPS School Board Policy KNAJ provides that:

When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the school principal shall be contacted immediately. *The principal or his/her designee shall make a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the conference.* If the parent or guardian cannot be present for the conference, then the principal or his/her designee shall be present throughout the interrogation.

*See id.* (emphasis added).

ACPS/J-H personnel did not comply with ACPS School Board Policy KNAJ and the APD law enforcement officer conducted the interrogation of our Child with actual knowledge of this non-compliance. The APD law enforcement officer, in the presence of Assistant Principal Young, placed a phone call to Ms. Perine on his phone to inform her about the interrogation. *See* MScott Berkowitz January 29, 2020 12:22 PM e-mail attached at Ex. E. The APD law enforcement officer did not reach Ms. Perine and left her a voice-mail message at 10:17 AM. *See id.* Ms. Young also attempted to contact Ms. Perine on J-H’s landline. *Id.* Ms. Young left Ms. Perine a voice-mail at 10:25 AM. Neither the APD law enforcement officer nor anyone with ACPS made any attempt to contact Mr. Olson, or any of our Child’s other emergency contacts, prior to the interrogation.

At an unknown point of time, Ms. Young and the J-H Paraprofessional removed our Child from his class and brought him to the APD law enforcement officer for the interrogation that violated ACPS School Board Policy KNAJ. The APD law enforcement officer had no law enforcement purpose for conducting this interrogation of an eight-year old special needs child without his parents’ actual knowledge because the J-H staff already had determined our Child was not a threat and that his alleged statements were transient. ACPS’s actions that allowed this interrogation deprived us of our ability to help our Child choose whether to invoke his Constitutional rights to have legal representation or to remain silent.

While this violation of ACPS School Board Policy KNAJ did not result in our Child being arrested, these events caused our Child to suffer negative consequences. We were required to instruct our Child about how to invoke his Fifth Amendment rights because ACPS and the APD law enforcement officer had demonstrated that they would not protect our Child and ensure he had sufficient opportunity to invoke his rights. Moreover, our Child’s Anxiety Disorder, further exacerbated by J-H’s failure to protect our Child from bullying, led to our Child’s three week

medical leave from ACPS in late January 2020. Our child continues to experience anxiety and obsessions regarding uniformed law enforcement officers in light of his experiences on December 13, 2019.

**II. The APD and the ACPS Office of Safety and Security, and its Current Director, Have Not Shown A Commitment To Ensuring that Students' Rights Are Protected in Connection with APD Interrogations of ACPS Students**

The events surrounding the APD law enforcement officer's December 13 interrogation of our Child raise significant concerns about whether either APD or the ACPS Office of Safety and Security are committed to ensuring that students under ACPS's care have enough information to make informed decisions about participating in a police interrogation. The actions of APD and the ACPS Office of Safety and Security, particularly Mr. Contreras, subsequent to the December 13 interrogation, confirm these concerns.

Once Mr. Olson finally learned about the interrogation from his wife, Mr. Olson immediately called the APD Law Enforcement Officer to learn how this interrogation could have occurred without our knowledge. In that phone call, the APD Law Enforcement Officer misled Mr. Olson by giving the impression that he thought J-H's staff had informed us of the interrogation before it occurred. As noted above, the APD officer knew that we were not successfully contacted about the interrogation before he conducted it.

We did not confirm the APD law enforcement officer's misrepresentations until receiving J-H Principal Berkowitz's January 29 e-mail referenced above. *See* Ex. E. Once we fully understood APD's role in the events of December 13, we filed a complaint with APD's Internal Affairs Section and APD Chief Michael L. Brown on February 24, 2020 about these events.

APD's handling of this complaint demonstrates APD's insufficient concern about protecting the rights of ACPS students in connection with police interrogations. In particular, APD handled our complaint in a perfunctory manner. Rather than the Internal Affairs Section conducting an independent investigation, APD directed the APD law enforcement officer's direct supervisor to look into our complaint.

In a June 17, 2020 letter, APD Chief Brown informed us of the closing of the APD investigation of our complaint. Chief Brown wrote that the "investigation revealed that Officer [REDACTED] conduct did not violate any City regulation, Departmental policy, or state law." *See* June 17, 2020 M.L. Brown Letter at Ex. F. Chief Brown's letter contained no reference to any APD operational changes that would be implemented to ensure that unnecessary police interrogations of ACPS students, without actual notice to the students' parents, would occur in the future. *Id.*

In contrast, ACPS has recognized the mistakes made on December 13 and shown some willingness to address them. Specifically, Dr. Mann, in a June 23, 2020 phone call, stated that he recognized that the APD interrogation of our Child should not have occurred without our knowledge and expressed willingness to take steps to avoid such an event occurring in the future.

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We still, however, have concerns about whether ACPS will take sufficient action to ensure future compliance with ACPS School Board Policy KNAJ. Internal ACPS documents produced in response to our VFOIA requests do not show any written instructions to address problems with compliance with ACPS School Board Policy KNAJ after we immediately raised concerns about the events of December 13. Moreover, Mr. Contreras's e-mails raise concerns about whether he and the ACPS Office of Safety and Security have sufficient commitment to ensuring ACPS's compliance with ACPS School Board Policy KNAJ.

On January 29, 2020, Mr. Contreras sent an e-mail to Dr. Crawford about the events of December 13. *See* Ex. B. In the six weeks prior to this e-mail, we had contacted Superintendent Hutchings directly multiple times about the events of December 13, 2019 because we had immediate concerns about our child's safety in ACPS's care. On December 14, 2019, Dr. Hutchings wrote that "we will be sure to provide more specifics regarding [ACPS School Board Policy KNAJ] with our staff." *See* G.C. Hutchings, Jr. December 14, 2019 1:40 PM E-mail at Ex. G. Regarding the interrogation, Dr. Hutchings also wrote that:

[w]e definitely should have attempted to contact your husband as well in this situation. I've spoken with our team regarding this matter and we will be sure to make every attempt to contact a parent anytime a child is being questioned by a police officer prior to the meeting. As you mentioned, this should not have happened without exhausting all contact numbers to ensure that [our Child] had representation from a parent when speaking with the police officer. This will not happen again.

*See* G.C. Hutchings, Jr. December 17, 2019 9:29 AM E-mail at Ex. H.

Despite Dr. Hutchings's commitments to address the issues raised by the December 13 interrogation of our Child, Mr. Contreras's January 29, 2020 e-mail shows no concern about ACPS's compliance with ACPS School Board Policy KNAJ. The e-mail demonstrates that Mr. Contreras had made no inquiry about whether we were notified prior to the APD interrogation of our child. Six weeks after the APD interrogation of our child, Mr. Contreras wrote to Dr. Crawford that "Ms. Young and a police officer did speak to the student who made the threat. No S&SS personnel were in this meeting. S&SS is not aware what was discussed during the meeting or *if the parent was notified this was taking place.*" *See* Ex. B (emphasis added).

Mr. Contreras's January 29, 2020 e-mail also contains troubling directions about unwarranted APD involvement in addressing statements of ACPS students that could be perceived as threats, regardless of who made the statement and in what circumstances. In particular, Mr. Contreras, wrote on January 29, 2020 that "Safety & Security Services (S&SS) is not aware if a Threat Assessment was completed" and that it "has no information whether this threat was Transient Threat or Higher." *Id.* As noted above, J-H personnel had conducted a threat assessment of our special needs Child, had found our Child's statement to be transient and allowed him to return to class, reflecting a finding that our special needs Child was not a threat to himself or others.

Although he appears to have remained ignorant about our Child being a special needs student or about our Child's actual conduct and state of mind on December 13, 2019, Mr. Contreras informed Dr. Crawford that ACPS's Office of Safety and Security would take the following actions in light of the events of December 13:

S&SS will remind schools that the police department should be called when a threat involves a 'shooting' or when it is possible a crime has been committed.

S&SS will remind schools that they should involve the police to sit in on a threat assessment when possible.

*Id.* Notably absent in Mr. Contreras's directions was any recognition of the need for ACPS to comply with ACPS School Board Policy KNAJ. This omission is especially concerning if Mr. Contreras intends on APD sitting in on any threat assessment conducted within ACPS going forward. Moreover, it remains unclear why the statements made by a frustrated, bullied, Autistic, and anxious eight-year old warranted police involvement in the first place especially when our Child had been permitted to return to class.

**III. Renewal of the MOU Should, At A Minimum, Be Contingent on Evidence That APD and the ACPS Office of Safety and Security, and its Current Director, Have Taken Remedial Action to Show a Commitment To Ensuring that Students' Rights Are Protected in Connection with APD Interrogations of ACPS Students**

As a general matter, school districts throughout the country have been reassessing the appropriateness of School Resource Officers (SROs) in schools because their presence create a disproportionate danger of arrest for minority and special needs students. *See e.g.*, Goldstein, Dana, Do Police Officers Make Schools Safer or More Dangerous, *The New York Times*, June 12, 2020 (accessible at <https://www.nytimes.com/2020/06/12/us/schools-police-resource-officers.html>); ACLU, Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students (accessible at <https://www.aclu.org/report/cops-and-no-counselors>).

The troubling events of December 13 described above involved an APD law enforcement officer's interrogation of an ACPS mixed-race special needs student without parental knowledge. This police interaction could have resulted in the unwarranted arrest of an eight year old mixed race special needs student who really needed mental health counseling.

The MOU enables sworn APD law enforcement officers, in the role of SROs, to be stationed in ACPS buildings on a daily basis. The constant presence of SROs in ACPS buildings exacerbates the risk of police interrogations of ACPS students without providing sufficient protection of those students' rights and could ultimately result in arrests of ACPS students. Regardless of the actual language in the MOU on Investigation and Questioning, the circumstances of the December 13, 2019 interrogation of our Child, and the actions of APD and the ACPS Office of

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Safety and Security after that interrogation, raises significant doubts about whether a “reasonable effort” will be made to contact ACPS students’ parents prior to an APD interrogation occurring.

Because of these issues, we submit that the MOU should not be renewed unless, at a minimum, both the APD and the ACPS Office of Safety and Security present a satisfactory detailed plan on how they will ensure that a “reasonable effort” is made to contact ACPS students’ parent(s) or guardian(s) before APD interrogations of ACPS students occur.<sup>3</sup> Such a plan could include appropriate re-training of SROs and other APD law enforcement officers who interact with ACPS students on ACPS property as well as ACPS personnel, especially the ACPS Office of Safety and Security, involved with police interrogations.

Moreover, the language of any renewed MOU should explicitly require SROs to ensure that ACPS School Board Policy KNAJ has been complied with prior to proceeding with an interrogation of an ACPS student. In addition, the language of the MOU should explicitly require the SRO not only to inform the student “generally of the purpose of the investigation, warned against self-incrimination in a developmentally appropriate manner, and given an opportunity to present informally his or her knowledge of the facts,” but also that the student has the right to remain silent, that the student is free to leave the interrogation, and that the student has the right to request that his or her parent(s) or guardian(s) or an attorney be present at any time during the interrogation.

We thank the Members of the Alexandria City School Board for considering this public comment in your deliberations on the renewal of the MOU.

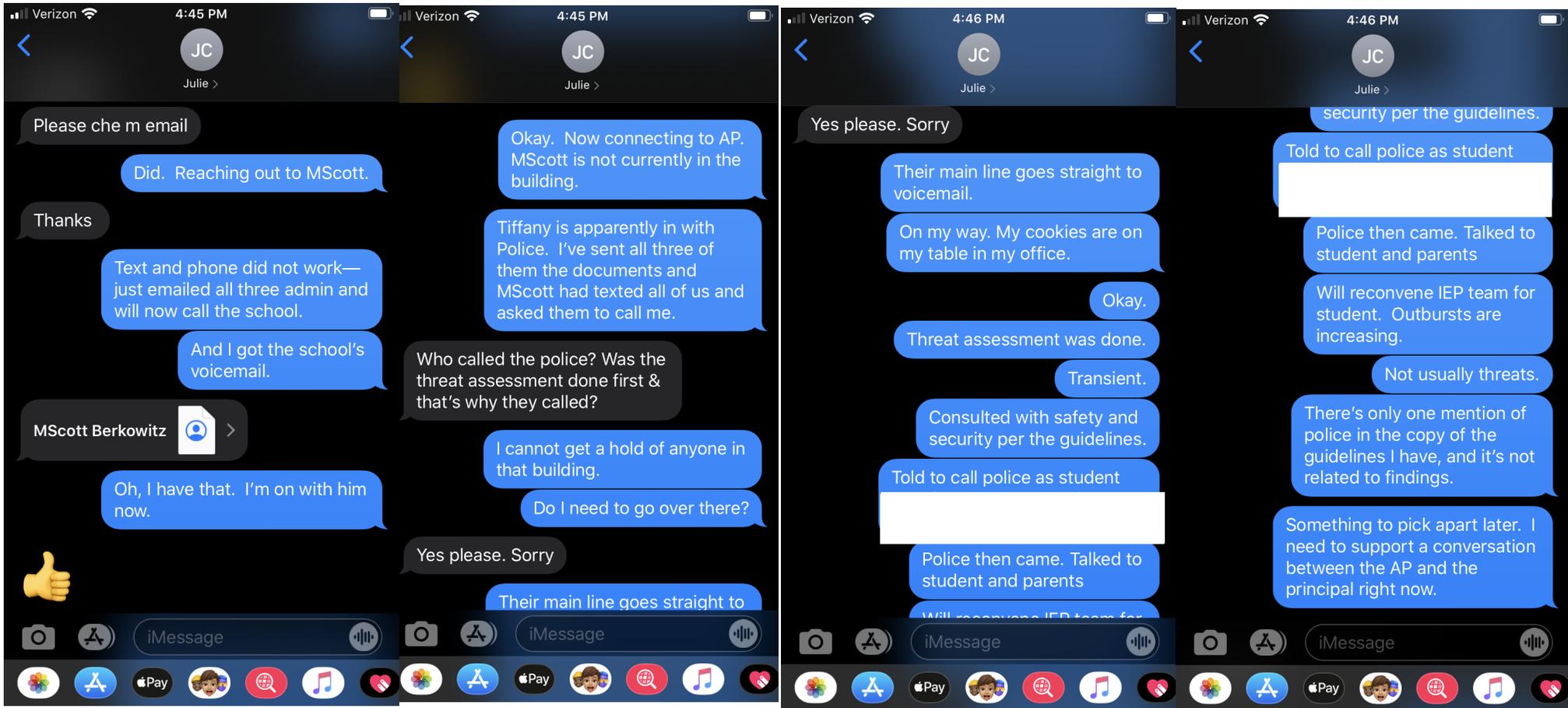
Respectfully submitted,

s/ Alison L. Perine /s William E. Olson  
Alison L. Perine and William E. Olson  
Alexandria, Virginia

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<sup>3</sup> In this comment, we are not offering an opinion on whether or not there are other grounds for not renewing the MOU.

# **EXHIBIT A**



Screenshots of text message conversation between Julie Crawford and Darrell Sampson, December 13, 2019. Collected from Darrell Sampson's phone.

# **EXHIBIT B**

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Re: Time to talk briefly this morning?

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**From :** John Contreras  
<john.contreras@acps.k12.va.us>

Wed, Jan 29, 2020 11:19 AM

**Subject :** Re: Time to talk briefly this morning?

**To :** Julie Crawford <julie.crawford@acps.k12.va.us>

**Cc :** James Bartlett <james.bartlett@acps.k12.va.us>,  
Dawn Daly <dawn.daly@acps.k12.va.us>

Hi

The short answer is, YES. Jefferson Houston was advised to notify the police department about this threat.

I spoke to Dawn and our SSO at Jefferson Houston. Here is what we know:

- MScott was not at JH on this day.
- Ms. Young and Mr. Barnes were present at JH on Dec. 13.
- Safety & Security Services (S&SS) is not aware if a Threat Assessment was completed.
- Parent of student making the threat did go to the school. Unsure if police had been notified yet, but police was not present when this parent was there.
- Sometime during this incident SSO [REDACTED] called Dawn to inform of the incident. SSO Bryant was advised that the police should be notified that a threat of a shooting was made. SSO [REDACTED] relayed this information to Mr. Barnes.
- S&SS will remind schools that the police department should be called when a threat involves a "shooting" or when it is possible a crime has been committed.
- S&SS will remind schools that they should involve the police to sit in on a threat assessment when possible.
- Sometime during this incident the police department was notified about the incident and arrived at JH. The parent of the student making the threat had already left the school.
- It is not clear if a Threat Assessment had taken place or not, by this time. Safety & Security Services had no information whether this threat was a Transient Threat or Higher.
- Ms. Young and a police officer did speak to the student that made the threat. No S&SS personnel were in this meeting. S&SS is not aware what was discussed during the meeting with the Student or if the parent was notified this was taking place.

That is what we have so far. Please let me know if you have additional questions.

(571) 255-9720 (Mobile)

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**From:** "Julie Crawford" <julie.crawford@acps.k12.va.us>  
**To:** "Dawn Caldwell" <dawn.caldwell@acps.k12.va.us>, "John Contreras" <john.contreras@acps.k12.va.us>  
**Cc:** "James Bartlett" <james.bartlett@acps.k12.va.us>  
**Sent:** Wednesday, January 29, 2020 9:55:11 AM  
**Subject:** Time to talk briefly this morning?

Good morning. I wanted to give you a heads up that we are providing some answers to parents from JH regarding the mid-December event where the police were called after the mom had left the building. I would like you to see the responses if you were there at the time the officer was. If you are around can you text or call me? 703-965-2028 Thank you!

Dr. Julie A. Crawford  
Chief of Student Services, Alternative Programs & Equity  
Alexandria City Public Schools  
1340 Braddock Place  
Alexandria, VA 22314  
703-619-8034

# **EXHIBIT C**

**Re: Threat at Jefferson Houston**

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**From :** Darrell J. Sampson  
<darrell.sampson@acps.k12.va.us>

Fri, Dec 13, 2019 10:40 AM

**Subject :** Re: Threat at Jefferson Houston

**To :** Julie Crawford  
<julie.crawford@acps.k12.va.us>

**Cc :** JOHN BAKER  
<john.baker@acps.k12.va.us>, Arnecia  
Moody  
<arnecia.moody@acps.k12.va.us>

I will. Reaching out to MScott now.

**Darrell Sampson, MA, LPC, NCC**

Director, K-12 School Counseling  
Alexandria City Public Schools  
1340 Braddock Place, 5th Floor  
Alexandria, Virginia, 22314  
703-619-8405

[darrell.sampson@acps.k12.va.us](mailto:darrell.sampson@acps.k12.va.us)  
[ACPS School Counseling Website](#)

Follow me on Twitter [@ACPS\\_SC](#)

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**From:** "Julie Crawford" <julie.crawford@acps.k12.va.us>  
**To:** "Darrell J. Sampson" <Darrell.Sampson@acps.k12.va.us>, "JOHN BAKER" <john.baker@acps.k12.va.us>, "Arnecia Moody" <arnecia.moody@acps.k12.va.us>

**Sent:** Friday, December 13, 2019 10:39:05 AM

**Subject:** Fwd: Threat at Jefferson Houston

Please see below. Can one of you connect with JH re the threat assessment that's needed? Please confirm

Sent from my iPhone

Begin forwarded message:

**From:** "Dr. Lisa Piehota" <lisa.piehota@acps.k12.va.us>

**Date:** December 13, 2019 at 10:17:03 AM EST

**To:** John Contreras <john.contreras@acps.k12.va.us>

**Cc:** Gerald Mann <gerald.mann@acps.k12.va.us>, Julie Crawford <julie.crawford@acps.k12.va.us>

**Subject: Re: Threat at Jefferson Houston**

John, Thanks. I am copying Dr. Crawford to support threat assessment and Gerald and I will make sure that an incident report is generated. Lisa

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**From:** "John Contreras" <john.contreras@acps.k12.va.us>

**To:** "Gerald Mann" <gerald.mann@acps.k12.va.us>, "lisa piehota" <lisa.piehota@acps.k12.va.us>

**Sent:** Friday, December 13, 2019 10:10:48 AM

**Subject:** Threat at Jefferson Houston

Hi

I wanted to make you aware of this. Your intervention may be needed.

A 3rd grade male student ( [REDACTED] ) made a direct threat to a female classmate. The verbal threat was [REDACTED]

The reason I am writing you is because I need to make sure Administrators at JH understand what they are supposed to do.

You should expect an incident report. I am not sure they understand when to complete one and when not to. This report should include details about when they notified police of the threat.

You should expect a Threat Assessment report. I am not sure they understand how to complete one, when to complete one, and who should be involved in a threat assessment.

That is all for now. Let me know if you need clarification.

Thanks.

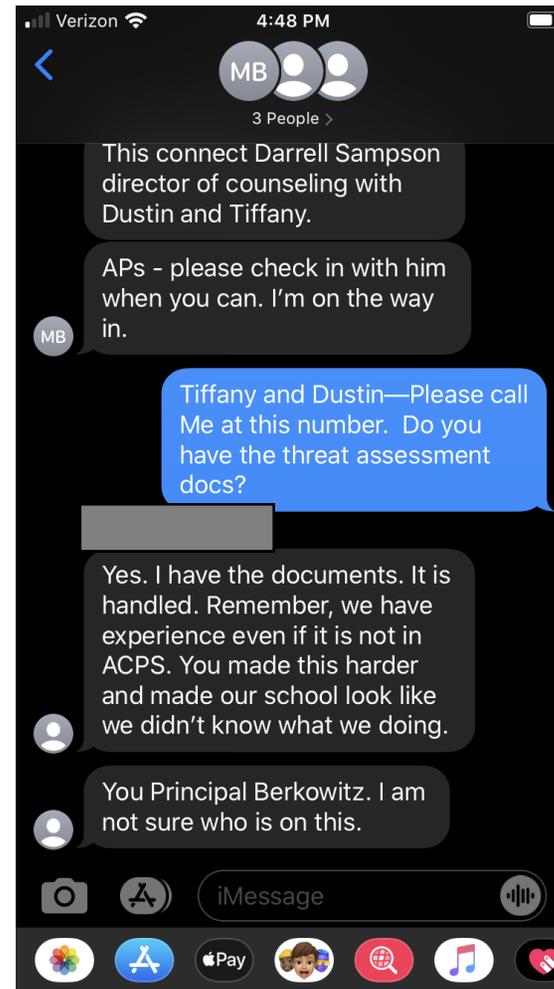
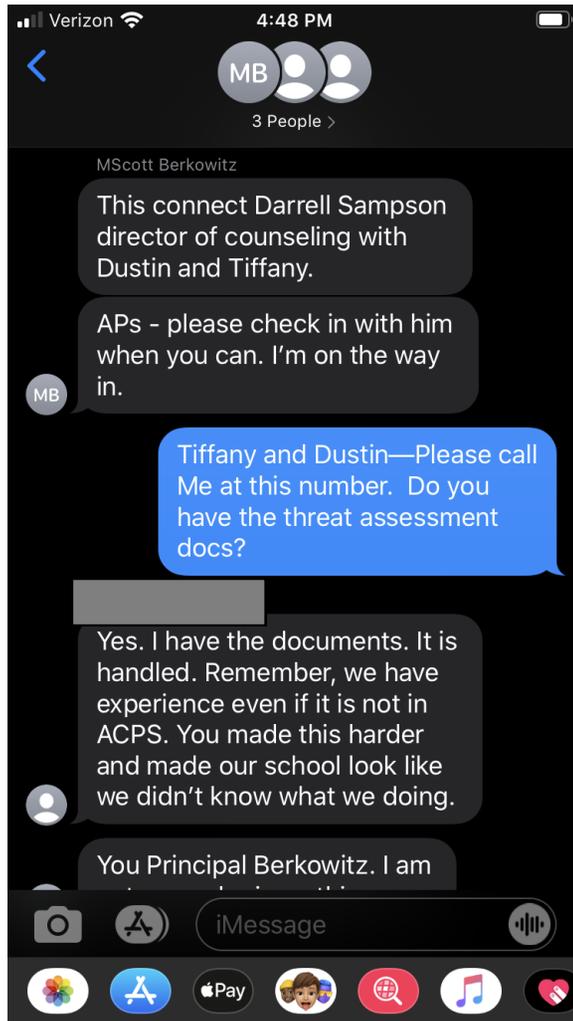
John Contreras, Coordinator  
Security and Emergency Management

Alexandria City Public Schools (ACPS)  
1340 Braddock Place  
Alexandria, VA 22314

(703) 619-8060 (Office)  
(571) 255-9720 (Mobile)

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# **EXHIBIT D**



Screenshots of text message conversation between MScott Berkowitz, Tiffany Young, Dustin Barnes and Darrell Sampson. Collected from Darrell Sampson's phone.

Phone number redacted in accordance with VFOIA Section 2.2-3705.1 (1), protecting personnel information, as it is not immediately evident whether the phone number is private or ACPS-owned.

# **EXHIBIT E**

## response to questions about December 13

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From: MScott C. Berkowitz (mscott.berkowitz@acps.k12.va.us)  
To: weo3c@yahoo.com; alisonperine@yahoo.com  
Cc: gregory.hutchings@acps.k12.va.us; julie.crawford@acps.k12.va.us  
Date: Wednesday, January 29, 2020, 12:22 PM EST

---

Hello Mr. Olson and Ms. Perine,

I hope you had a productive IEP meeting earlier today. I was able to confer with our assistant principal, Ms. Young, about these details and I'm happy to share the information you're requesting. I apologize for the delay and any missteps throughout this difficult incident. Given your specific questions, we can confirm all three points you've listed. It might be relevant to know that the police officer and Ms. Young made phone calls together, first on the officer's phone and then from the Jefferson-Houston office line. Another effort was made to talk to Ms. Perine, as there was a thought that she might still be at school as she had talked to Ms. Young about volunteering. You can find more details specific to your points below:

*(1) On December 13, 2019, did Assistant Principal Tiffany Young tell Alexandria Police Officer [REDACTED] that [REDACTED] parents had not been informed of the interrogation before he began interrogating [REDACTED]?*

The police officer was aware that the parent wasn't contacted since he and Ms. Young attempted to call [REDACTED] mother together, but were unable to reach her. Ms. Young also called Ms. Perine from the school's landline and left a voicemail.

*(2) Did Officer [REDACTED] leave Alison Perine a voice-mail at 10:17 AM and Ms. Young leave a voice-mail for Alison at 10:25 AM on December 13 before the interrogation occurred?*

Ms. Young does not recall if Officer [REDACTED] left a voicemail at 10:17 when they called Ms. Perine together. Ms. Young left a voicemail when she attempted to reach Ms. Perine before the officer spoke to Michael.

*(3) Did Officer [REDACTED] interrogate/question [REDACTED] on December 13 with knowledge that [REDACTED] parents were not actually aware that the interrogation was taking place?*

The police officer was aware that Ms. Perine had not returned the phone calls. Since Ms. Young was not able to reach Ms. Perine, she sat in for the duration of the time that the officer spoke with [REDACTED]. The paraprofessional who works with [REDACTED] regularly was also present.

Mr. MScott Berkowitz  
Principal  
Jefferson-Houston PreK-8 IB School  
703-706-4400  
Instagram: @JeffersonHoustonPrincipal  
[Sign up for our newsletter](#)



# **EXHIBIT F**



*City of Alexandria, Virginia*

*Department of Police*

*3600 Wheeler Avenue*

*Alexandria, Virginia 22304*

*www.alexandriava.gov*



*Michael L. Brown*  
*Chief of Police*

*Telephone 703.746.4700*  
*Fax 703.746.1945*

June 17, 2020

Mr. William E. Olson  
Ms. Alison L. Perrine

[REDACTED]  
Alexandria, Virginia 22314

Dear Mr. Olson and Ms. Perrine:

This letter is to inform you of the completion of the investigation regarding your complaint about the conduct of Officer [REDACTED] on December 13, 2020. This Department provides a rigorous internal review process so that citizens can redress grievances concerning the actions of our police officers.

Sergeant [REDACTED] thoroughly investigated the allegation. You may be assured that the Alexandria Police Department does not condone, nor does it tolerate, any behavior contrary to our policies and procedures. Sergeant [REDACTED] investigation revealed that Officer [REDACTED] conduct did not violate any City regulation, Departmental policy, or state law. As such, the matter is now considered closed.

Thank you for bringing this matter to my attention, and I regret that the situation with Officer [REDACTED] was less than favorable. If you have any additional questions concerning this investigation, contact the Office of Professional Responsibility at 703-746-6767.

Sincerely,

Michael L. Brown  
Chief of Police

# **EXHIBIT G**

Jefferson-Houston Violation Policy KNAJ - Police Questioning of Student  
Without Notice to Parents of Opportunity to Attend

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From: Gregory C. Hutchings Jr. (gregory.hutchings@acps.k12.va.us)

To: weo3c@yahoo.com

Cc: mscott.berkowitz@acps.k12.va.us; tiffany.young@acps.k12.va.us; [REDACTED]  
[REDACTED] jacinta.greene@acps.k12.va.us;  
michelle.rief@acps.k12.va.us; christopher.suarez@acps.k12.va.us; alisonperine@yahoo.com

Date: Saturday, December 14, 2019 01:40 PM EST

---

Thank you for your follow up! Yes, we will be sure to provide more specifics regarding this policy with our staff. We appreciate and value your input!

Sent from Dr. Hutchings' iPhone

On Dec 14, 2019, at 1:13 PM, William Olson <weo3c@yahoo.com> wrote:

Dr. Hutchings:

Thank you for the prompt response and the acknowledgment that contacting me about the police questioning of [REDACTED] would have been part of a "reasonable effort" to contact [REDACTED] parents under the policy.

I do question the accuracy of the timeline of events provided to you by Mr. Berkowitz. Based on Ms. Perine's cell phone call record, the first contact to her cell phone from Jefferson-Houston after she left the school at around 9:30 AM was a 10:25 AM voicemail from Assistant Principal Tiffany Young. Alexandria Police Officer [REDACTED] left a voice mail to Ms. Perine eight minutes earlier at 10:17 AM which suggests that the questioning already took place before Ms. Young's call. We also know from [REDACTED] that the questioning took place sometime after 9:40 AM because he was taken out of music class to be questioned.

Also, I think it is troubling that Jefferson-Houston personnel did not inform Ms. Perine of the upcoming police questioning, or explicitly tell her of at least the possibility of police involvement being undecided, when she was physically present at Jefferson Houston and cooperating with the threat assessment.

If there is an occurrence of this type in the future requiring law enforcement to be contacted, I ask that attempts be made to contact both of [REDACTED] parents before any questioning takes place. I think such a request is consistent with the language of the policy.

While our view is that no law enforcement questioning of [REDACTED] about allegations against him should take place without the presence of [REDACTED] parents when [REDACTED] is under ACPS's care, we have already instructed [REDACTED] on his Fifth Amendment right to remain silent and ACPS policy facilitating parents presence. It is a shame that we need to burden an eight year old autistic child who has trouble getting through the school day with this, but ACPS' actions yesterday illustrate why such instructions are necessary to protect him.

While I understand ACPS's obligations to take perceived threats seriously for the security of all students (while not agreeing that the police notice for this incident was warranted), I do think your commitment to try to implement Policy KNAJ more appropriately in the future is also very important. The accused, especially special needs students, can be severely adversely affected by law enforcement interactions and parents should have the opportunity to make sure their children's rights in those interactions are protected.

Thank you again for your attention to this matter.

Regards,  
Will

Sent from my iPhone

On Dec 14, 2019, at 11:46 AM, Gregory C. Hutchings Jr. <gregory.hutchings@acps.k12.va.us> wrote:

Will,

Thank you for your correspondence on this matter! I've followed up with the principal regarding this matter to get a better understanding of the situation. As you mentioned, a staff member was in contact with your wife regarding the threat assessment to determine if the threat [REDACTED] was feasible. The JH staff is required to report any threat claims to the Alexandria Police Department and they contacted the police to report the situation.

According to the principal, the APD wanted to ask questions to [REDACTED] regarding the situation and the JH staff attempted to contact Mrs. Perine and did not get an answer. Our staff did not attempt to contact you regarding the matter once the staff member was unsuccessful with contacting Mrs. Perine. An additional attempt to contact you would have been reasonable. The policy does state that we must make a "reasonable attempt" which can be interpreted in many ways. However, we will continue to work with our staff throughout ACPS to discuss more specifics about this policy.

Again, we appreciate you taking the time to inform us about this matter!

Sent from Dr. Hutchings' iPhone

On Dec 13, 2019, at 1:53 PM, Will Olson <weo3c@yahoo.com> wrote:

Dr. Hutchings:

I am writing to ask you to address a violation of Alexandria City Public Schools policy KNAJ this morning at the Jefferson-Houston School that resulted in my son, [REDACTED], to be questioned by Alexandria police without his parents present.

Michael is a Jefferson-Houston third grade student who has been diagnosed as being autistic, having ADHD, and having anxiety disorder. Today, [REDACTED] became agitated with another student. My understanding from Alexandria Police Officer [REDACTED] is that [REDACTED] threw a folder at another student with whom he was having a dispute. Office [REDACTED] claims that as ACPS staff removed [REDACTED] from the classroom (but when he was away from the student), [REDACTED] made a threatening statement about the student. This incident took place before 8:30 AM this morning.

My understanding from my wife, Alison Perine, is that Paraprofessional [REDACTED] contacted her about this incident at 8:30 AM and that Ms. Perine arrived at Jefferson Houston at 8:45 AM and was at the school from 8:45 AM and 9:15 AM. During this time-frame, Assistant Principal Tiffany Young and Ms. [REDACTED] spoke with Ms. Perine about the incident. At no time while Ms. Perine was at the school

did any Jefferson-Houston personnel inform Ms. Perine that Alexandria Police would interrogate [REDACTED] and that Ms. Perine could present for the interrogation.

Ms. Perine did not learn that Alexandria Police interrogated [REDACTED] until Ms. Young left a voice-mail for Ms. Perine at 10:25 AM. At no time did anyone attempt to contact me, [REDACTED] father, about the incident or that Alexandria Police would be interrogating him. Officer [REDACTED] informed me in a phone conversation that he did not know that Jefferson-Houston staff did not tell either Ms. Perine or me that Alexandria Police would questioning [REDACTED].

Jefferson-Houston's failure to inform us of Alexandria Police's interrogation of [REDACTED] and to give his parents an opportunity to be present for the interrogation is a clear violation of Alexandria Public Schools policy KNAJ. That policy provides that: "When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the school principal shall be contacted immediately. The principal or his/her designee shall make a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the conference. If the parent or guardian cannot be present for the conference, then the principal or his/her designee shall be present throughout the interrogation."

As a result of this clear violation of school policy, an eight year old autistic boy, without knowledge of his legal rights, was subject to police interrogation that could have led to him to be taken away from his parent and home. Such an event can never happen again.

Please let us know what action ACPS plans to take to remedy this failure of procedure and to prevent such harm to my son in the future.

Regards,  
Will Olson

**William E. Olson (Will)**

[REDACTED]  
Alexandria, VA 22314

[weo3c@yahoo.com](mailto:weo3c@yahoo.com)

Cell Phone: [REDACTED]

# **EXHIBIT H**

## Re: Contact Information for [REDACTED]

From: Gregory C. Hutchings Jr. (gregory.hutchings@acps.k12.va.us)

To: weo3c@yahoo.com

Cc: alisonperine@yahoo.com; mscott.berkowitz@acps.k12.va.us; tiffany.young@acps.k12.va.us;

Date: Tuesday, December 17, 2019, 06:18 PM EST

Thank you! Yes we definitely want to ensure that this does not happen again in the future. We look forward to continuing our collaboration to ensure that [REDACTED] is engaged in a safe and high quality learning environment. Please do not hesitate to contact us when needed. Enjoy your evening!

Sent from Dr. Hutchings' iPhone

> On Dec 17, 2019, at 10:12 AM, William Olson <[weo3c@yahoo.com](mailto:weo3c@yahoo.com)> wrote:

>  
> Dr. Hutchings:

> Thank you for this follow up email. I appreciate your further attention to this matter and the assurances you provide below.

> Regards,  
> Will Olson

> Sent from my iPhone

>> On Dec 17, 2019, at 9:29 AM, Gregory C. Hutchings Jr. <[gregory.hutchings@acps.k12.va.us](mailto:gregory.hutchings@acps.k12.va.us)> wrote:

>> Mrs. Perine,

>> Thank you for following up with us! We definitely should have attempted to contact your husband as well in this situation. I've spoken with our team regarding this matter and we will be sure to make every attempt to contact a parent anytime a child is being questioned by a police officer prior to the meeting. As you mentioned, this should not have happened without exhausting all contact numbers to ensure that [REDACTED] had representation from a parent when speaking with the police officer. This will not happen again. Please let us know if there are any additional supports needed for [REDACTED] due to this situation.

>> Sent from Dr. Hutchings' iPhone

>>>> On Dec 15, 2019, at 4:10 PM, Alison Perine <[alisonperine@yahoo.com](mailto:alisonperine@yahoo.com)> wrote:

>>>> To Jefferson-Houston Staff,

>>>> Below please find contact numbers for the parents of [REDACTED]. Although this information was provided in [REDACTED] registration information, I am providing it again in light of the events of December 13.

>>>> [REDACTED] has two parents and attempts should be made to contact the second parent if the first parent cannot be contacted. JH's failure to not contact [REDACTED] father on December 13 resulted in [REDACTED] being interrogated by an Alexandria City police officer without a parent being present. That is completely unacceptable. Although JH staff may have thought that the interrogation of an eight-year old autistic child with an anxiety disorder was a routine matter that didn't require parental involvement, you were wrong. The police officer informed my husband that he was considering incarcerating [REDACTED] so your failure to notify us prevented us from ensuring that [REDACTED] rights were protected.

>>>> We are working with [REDACTED] to prevent an incident like Friday from occurring again. However, we have also instructed him that he should never speak to a police officer on school grounds without a parent or lawyer present, and how to invoke his constitutional rights.

>>>  
>>> Alison Perine  
>>> Work: 2 [REDACTED]  
>>> Cell: [REDACTED]  
>>> [alisonperine@yahoo.com](mailto:alisonperine@yahoo.com)  
>>> [alperine](#) [REDACTED]  
>>>  
>>> William Olson  
>>> Work: [REDACTED]  
>>> Cell: [REDACTED]  
>>> [weo3c@yahoo.com](mailto:weo3c@yahoo.com)  
>>> [William.E.Olson](#) [REDACTED]  
>>>  
>>> Sent from my iPhone. Please forgive any typos or brevity.  
>