

**Report To The School District Of Philadelphia Of An Independent  
Investigation Into Possible Racial/Ethnic Conflicts At South  
Philadelphia High School on December 2-3, 2009**

**REPORT AND RECOMMENDATIONS**

James T. Giles  
Of Counsel  
Pepper Hamilton LLP  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799

## PREFACE

Pepper Hamilton LLP was asked to conduct an independent investigation to ascertain causative events and circumstances surrounding attacks on Asian<sup>1</sup> students inside and outside of South Philadelphia High School (“SPHS”) on December 3, 2009.<sup>2</sup> We have concluded that there was a confrontation in the school between small groups of students on December 2, 2009, which resulted in a fight after school dismissal that day. What occurred, or what was rumored to have happened in the fight, became the springboard for events on December 3, 2009. Motivations for the student confrontations, fight and attacks, in-school and out, by the actors are not knowable with any clarity. Street gang influences cannot be excluded from consideration.

There are important limitations to this investigation and on the opinions expressed in this Report that must be understood and appreciated. They include the following:

- This is a general overview and not a specific fact-finding undertaking as to individual student culpability;
- For their safety and privacy interests, we must respect the confidentiality and privacy of students who were interviewed by us;
- Constitutional rights of students who are, or might be, subject to punishment through School District processes or criminal investigations were respected; therefore, we did not ask to interview them.
- Student interviews were conducted with the use of translation assistants to allow them to tell their stories in their native tongue; however, it is possible that some

---

<sup>1</sup> This Report uses the term “Asian” rather than “Asian American” to identify students involved in the incidents on December 2nd and 3rd because most, if not all, are immigrants born outside of the United States and we do not know if any are naturalized citizens. The words “Vietnamese,” “Cambodian” and “Chinese” are used for the same reasons.

<sup>2</sup> The investigation was not able to get underway vigorously until January 4, 2010, due to the boycott by Asian SPHS students, December School District Holidays for all students, staff and administrators, the need to honor CBA notice provisions before attempting to interview members of a collective bargaining group, and the need to obtain parental consent to speak to students.

oral statements lost important content or context during the translation process. In addition, all statements by the students were oral, and no disclosure was made under oath or sought to be taken under oath;

- This Report is sensitive to on-going, separate administrative investigations by School District personnel of the events that occurred on December 2 and 3, 2009. Due process suspension hearings and related school reassignment assessments continue; and
- This Report is written so as not to compromise or prejudice on-going or contemplated investigations or “listening sessions” by agencies, state, local and federal.

School incident reports and witness statements delivered to the SRC were reviewed. These sources, in many respects, recite hearsay. We have credited fully what students related as first hand experience and we have endeavored to determine if the hearsay is corroborated by objective evidence.

Interviews were conducted with some, but not all, Asian students who received physical injuries, or were threatened, on December 3, 2009. These students were identified by Asian Community Organizations, including Boat People SOS (“BPSOS”) and Philadelphia Chinatown Development Corporation (“PCDC”), who contacted the students and helped to arrange the interviews. These students’ ages ranged between 17 and 21 and they had been in the United States for 6 months to 3 years.

We interviewed most of the SPHS administrative staff, including Principal LaGreta Brown, the Assistant Principals and most of the teachers who may have had interaction with events relevant to our investigation, including the English for Speakers of Other Languages (“ESOL”) teachers. Some, but not all, of the school police or City police on duty outside SPHS on December 3rd were interviewed. City police interviewed included the Captain of the 4<sup>th</sup> Police District and the Lieutenant currently assigned as a liaison to SPHS.

All persons interviewed were cooperative, courteous and helpful. BPSOS, PCDC, and the interpreters provided by the School District are all commended for their helpfulness and cooperation.

SPHS has approximately 1000 students enrolled. Prior to December 3, 2009, its daily attendance rate per day was 80%. Students of Asian descent comprise roughly 20% of the student body. Of the total population of students at SPHS, only a small number of students had physical involvement in all of the altercations that occurred over this two day period. Based upon witness interviews and our review of lunchroom area security camera footage provided to us, we estimate that the number of on-lookers or by-standers at any one of the events on December 3, 2009 may have totaled up to 75 students within the school and 120 outside of the school. The number of actual participatory assailants related to events that will be hereafter described may have been 10 to 20 persons within the school and 20 to 40 persons outside the school.

Thus far, the School District has conducted at least 22 student suspension hearings related to the events of December 2nd and 3rd and has transferred a number of students to disciplinary or other schools.<sup>3</sup> All may be subject to expulsion proceedings. Transferred students may be subject to a permanent prohibition from re-enrolling at SPHS. Several students prevailed at their suspension hearings and have been readmitted or seek readmission to SPHS.

Generally speaking, the suspected in-school assailants are 9<sup>th</sup> graders. Some are 10<sup>th</sup> graders. That observation does not diminish the seriousness of the events but might raise

---

<sup>3</sup> Most student identifications were based upon eye-witness accounts of individual school police or SPHS staff. Some were based on security camera recordings, but, according to School District investigative reviewers, the recordings were not all sufficiently clear to assist in identifying all students involved. Almost all of the Asian student victims were unable to identify their attackers.

some educational, maturation or placement issues regarding the process of transitioning from elementary school (1-8) to high school (9-12). According to SPHS administrators and ESOL teachers, generally speaking, upperclass SPHS students get along very well irrespective of race, color, ethnic origin, cultural heritage, or immigration status.

The evidence accumulated to date raises the question, but does not answer, whether the events on December 2-3, 2009 were all gang-related or gang-influenced in some way. City police interviewees stated that around SPHS there are a number of street gangs that recruit young persons as early as the 7<sup>th</sup> grade into their ranks. Some have names similar to organizations that originated on the West Coast and now have tentacles in many major cities of this country. Most are known by a street or block in South Philadelphia. Membership or association may be dependent upon where one lives, and not upon one's place of birth, race, sex or color. Gang associations also cross the once-expected line of race, sex and ethnic origin, although some gangs are all Black and some are all "Asian." Where a group comprised of African-Americans and Asians attack a group of Asians, one may have to look deeper than race or ethnicity to discern the true cause of the attack. The cause may be a turf war or a power struggle. Street gangs contest with each other about territory and settle old scores. The administrative Lieutenant for the 4<sup>th</sup> Police District, who, since December 3, 2009, has operated as the liaison to SPHS, sees street gang tension as the primary policing issue facing SPHS and the surrounding area. He ties much of the crime in the 4<sup>th</sup> District to gangs, which he sees as territorial groups. With any violence, innocent persons may become victims because they happen to be in the wrong place at the wrong time or because they become identified in some way with the "opposition."

## OPINIONS

- The events that occurred on December 3, 2009 were probably triggered by in-school and out of school events that occurred on December 2, 2009 involving two small groups of individuals.
- We believe that the earliest the school police or administration had any knowledge of the out of school events that occurred after school on December 2nd was in the late morning on December 3rd.
- Race and/or ethnicity were contributing factors to some degree in all the attacks on Asian students that occurred on December 3rd. There is, however, insufficient evidence to conclude that Asian students were attacked based solely on their immigrant status.
- We believe that most of the Asian student victims on December 3rd had no direct connection to the events on December 2nd. Most, but not all, of the victims were recent immigrants in their 1st year of study at SPHS. We believe that in some instances they were randomly attacked or attacked because someone in their group was identified or misidentified as being connected to the earlier events.
- Although the majority of the assailants were identified as African-American, in the attacks on Broad and McKean Streets, there were some Cambodian and Caucasian persons observed by victims as being part of the group. The assailants were both male and female. The in-school assailants were in the 9<sup>th</sup> grade, although some were in the 10<sup>th</sup> grade. Some were in special education classes.
- There is circumstantial evidence that the in-school and out of school attacks on December 3rd were coordinated and planned. Video footage and witness statements suggest that there were "leaders" of the groups that conducted the attacks. It is not known who the leaders were. It is also not known if the same person or persons are responsible for the planning of all the attacks that occurred.
- There is evidence that suggests a Cambodian female and other students central to these events were not in attendance at SPHS on the December 3rd. The out of school attack on Broad Street could have been planned by "outsiders," that is, SPHS students absent that day or non-SPHS persons.
- It is our impression that the assailants lacked appropriate fear of the possible criminal confinement consequences for their actions. Many of the assaults within the school on December 3, 2009 occurred despite the presence or close proximity of school police. The assault on Broad and McKean Streets occurred despite the presence of City police officers on foot, school administrators, and a well known community coordinator. The lack of respect and fear for authority is a core problem that presents danger for SPHS and portends life-altering consequences for the assailants themselves. This mindset must be changed, somehow, to enable all students to appreciate that school safety is a mutual endeavor that is essential

for everyone and that actions threatening this protective shield cannot be tolerated and must be punished.

- Persons who perpetuated hostility and anger against Asian students on December 3, 2009, but did not participate physically in the attacks, share moral responsibility with those who carried out the attacks. Examination of security camera footage from the lunchroom incidents reveals students who, by their conduct, seemed to have supported the attacks on Asian students that occurred in the lunchroom and in the hallway outside of the lunchroom.
- Further investigation is needed into the histories and relationships of every antagonist/assailant/victim in the December 2, 2009 SPHS 2nd floor confrontation to try to discover the real motivations for actions that set off the incidents on December 3, 2009.

**REPORT TO THE SCHOOL DISTRICT OF PHILADELPHIA OF AN  
INDEPENDENT INVESTIGATION INTO POSSIBLE RACIAL/ETHNIC  
CONFLICTS AT SOUTH PHILADELPHIA HIGH SCHOOL  
ON DECEMBER 2-3, 2009**

**I. Events Occurring On December 2, 2009**

Based on several school police incident reports and the hearsay statements of students and staff, we believe that there were events that occurred on December 2, 2009, both during school hours and after school dismissal, which led to, or contributed to, the attacks that occurred on December 3, 2009.

**1. Altercations at SPHS during school hours**

The first reported incident on December 2, 2009 occurred around 1:30 p.m. in the 2nd floor hallway, near Stairway #3. A school incident report described a confrontation between a group of "Asian male students" and a group of "African/American students." Three school police officers responded promptly.<sup>4</sup> The first on the scene observed that the loud confrontation was verbal and saw no punches thrown. She inserted herself into a gap between the two groups of students to help deflate the situation. Other school police quickly arrived to assist. The

---

<sup>4</sup> School police officers carry no weapons. They are authorized to carry handcuffs. They are authorized by state law to take such action as may be necessary to carry out the educational objective of the School District. This is a vague definition that puts the school police officer in the position of not putting hands on students unless it is obvious that there is going to be physical contact between students. School police officers have the power to detain a student involved in an assault until the City police arrive. Generally, only City police have authority to make an arrest that puts the student into the state criminal process. In limited circumstances, school police acting as attendance officers authorized by the Court have the ability to arrest truant students.

The school police officers interviewed have considerable experience with teenagers, having worked in social work or as juvenile probation officers. In any school setting, the school police officers would probably advocate for more officers to increase their chances of observing any developing confrontation between students and reacting to situations with more officers while not leaving unprotected critical school entry or other places within a school. However, in any school, the officers will always be outnumbered by students. The officers depend on fairness and diplomacy, mutual respect between student and officer, and student respect for authority. Lack of respect creates a risk that the officer will be injured by unruly students in any confrontation. All officers interviewed stated that he or she understands that being prepared to risk physical injury without concern for self – for student safety – is part of the job. SPHS students generally understand and respect this in the school setting.

confrontation had drawn a curious crowd of Asian and African-American students. At the center of the confrontation were two African-American males and two to four Asian males. The perception of the officers at the scene was that this was a standoff among “equals” and neither side was backing down from the other.

School police dispersed the crowd. Two African-American students were taken to a room separate from the room to which two of the four Asian students were taken. School police officers chose to handcuff the African-American students because they were seen to be acting out of control at the time. A brief investigation was conducted by the school police officers. Separate questioning of two Asian students and two African-American students occurred. Both groups told the officers that the other group started the confrontation. The African-American students told school police that the Asian students bumped them and did not apologize. None of the Asian students reported any fear or concern for their safety or that of other Asian students. The school police wrote up these four students and drafted proposed discipline that would have been delivered to the Dean of Students at the end of the day. The detained students were released when it seemed that all had calmed down. The school police considered calling in the Philadelphia anti-gang network but that approach was not taken. Tempers seemed to have cooled and there was no indication to school police that further confrontation was being considered. There were no further reports of in-school incidents between this group – or other students – on December 2, 2009.

There are a couple of “hearsay” versions of the cause of this confrontation recounted during our investigation, versions that appear to have resonated into SPHS the following day. They are:

- There was a “bump” of an African-American student by a Vietnamese student, with no apology. This was understood as a challenge by the

Vietnamese group to a fight after school, and it was accompanied by what was understood to be a racial slur stated to the assembly of African-American students on the 2nd floor. Some say the racial slur was spoken in Vietnamese, but was understood by some African-Americans familiar with the phrase through street associations with Vietnamese persons.

- Around 3d period, a Cambodian female had “challenged” a group of three Vietnamese students to a fight before she was pulled away by an African-American male senior who seemed to know her. Fearing for their safety, these three students attempted to leave school but were caught by school police and told to return to class. Later, during lunch period, an African-American male student walked up to one of these Vietnamese students and pulled the earphones out of his ears and then “cursed at him.” The same three Vietnamese students were later involved in the 1:30 p.m. confrontation on the 2d floor.

Beyond the bump that occurred, none of these versions were reported by students to school police. It is possible that these four or six particular Asian and African-American students knew each other, or knew of each other.

## **2. Altercations between SPHS students after school dismissal**

It was reported to school police on December 3, 2009, that at approximately 3:15 p.m. after school on December 2, 2009, there was an incident between a group of African-American students and a group of Asian students. The primary participants appear to be some of the same students who were involved in the earlier incident in the 2d floor hallway at Stairway #3. It appears that there were additional students or other persons involved on both sides. Some of these individuals may have been involved in the earlier incident, but had not been questioned by school police because they had followed the officers’ direction to disperse. The after school confrontation appears to have begun near the corner of Broad Street and Snyder Avenue, near the Footlocker store, moving into the vicinity of the Rite-Aid store, before finishing up at the Walgreens store where it was broken up by passers-by (hereinafter referred to as the “Walgreens incident”). Although the true circumstances of this incident are not known to us, there are multiple versions that have been recounted to us through hearsay statements, including:

- A popular and well known “crippled/disabled” African-American student that was not part of the challenge to fight was unfairly “jumped” by the group of Asian students and beaten up.
- A “crippled/disabled” student, and at least 3 African-American male students, attacked a group of Asian students at the Footlocker, but the Asian students fought back. The “crippled/disabled” student was seen being hit by an Asian student multiple times with a shoe. This “crippled/disabled” student may have told the Asians that he was “not part of the fight,” but was attacked anyway when his African-American student friends began attacking the Asian students.
- Three Vietnamese students who had been harassed earlier in the day by African-American male students, and threatened by a Cambodian female student, were attacked by a group of African-American males and females, and the Cambodian female. The arms of one of the Vietnamese students were held by African-American females while the Cambodian female struck him in the head rendering him “unconscious.”
- A group of five Vietnamese students were attacked while they were walking home from school near the Walgreens/Footlocker area on Broad Street by 13-14 African-American students.

There appear to have been witnesses to the Walgreens incident or parts of it, including students and possibly an SPHS teacher who witnessed the aftermath of the altercation and spoke to at least one of the students involved.<sup>5</sup> Based on reports made to school police the next day, a number of students identified as having been involved in this fight were also central figures in the events that occurred at SPHS on December 3, 2009. They include the “crippled/disabled” African-American student, the Vietnamese student allegedly beaten “unconscious,”<sup>6</sup> and the Cambodian female.

---

<sup>5</sup> SPHS and other investigating bodies should talk to these witnesses, as well as any City police patrols that were in the area.

<sup>6</sup> Notably, this student was not specifically identified on the school incident report made on December 3, 2009, as a victim, witness or defendant. A description of the events, including the allegation that he was beaten up by African-American students, was recounted to the school police by his grandmother on the morning of December 3, 2009 around 9:00 a.m. It does not appear she reported anything about the student being beaten unconscious, or being beaten by females or a Cambodian female, in particular.

What is clear from these reports, and from persons interviewed, is that throughout the day on December 2, 2009, there was a brewing controversy involving factions of African-American students, Vietnamese students and at least one Cambodian student. While we cannot say that this controversy was gang-related, there was concerted activity by one discrete group versus another discrete group reminiscent of a street gang conflict.

## **II. Events Of December 3, 2009 Occurring At School**

### **1. The morning: an attack, rumors, threats and early release**

On the morning of December 3, 2009, the school police<sup>7</sup> and administration were still unaware of the altercation that had occurred after school on the day before or its apparent connection to the incident at Stairway #3. Probably most SPHS students were also unaware of these events. However, rumors quickly began to circulate. These rumors served two separate purposes: to frighten and to incite. The first rumor came from African-American students: a “crippled/disabled” African-American student was jumped by Vietnamese or Asian students either on the afternoon of December 2, 2009 or on his way to school on the morning of December 3, 2009. This rumor served both to anger and polarize some African-American students, particularly those who knew and liked this popular student.

The second rumor came from Vietnamese students: that a group of Vietnamese students had been attacked and beaten by African-Americans and a Cambodian female. This rumor sent a general undercurrent of fear through many Asian students, including the Vietnamese students friendly with the alleged victims.

---

<sup>7</sup> The SPHS school police corps was short two officers on December 3, 2009 due to injury and illness. Normally there are 11 officers assigned to the school.

Both rumors instilled a sense that either further attacks on Asians would be occurring or that there would be retaliation against Asians for the alleged actions of the day before.

Some of the students that we interviewed have suggested that during 1st period, African-American students were walking around the 2nd floor looking into classrooms for specific individuals.<sup>8</sup> One student was heard to say, "c'mon, he's not here." Other students also reported seeing groups of students, mostly African-American, looking into classrooms and some of the ESOL teachers had the perception that the groups were looking for specific individuals, including an ESOL teacher who asked one of her Vietnamese students if the group of students outside her class were looking for him. She was told by him that they were.

At approximately 8:45 a.m., a group of predominantly African-American students attacked an Asian student in classroom 424 when class had been dismissed. There were about 10 to 11 students in a group near the classroom, but it is believed that only one or two of these students participated in the actual attack. A witness to the event identified two individuals, both of whom were common to the aforementioned trigger events that had occurred the day before, including the "crippled/disabled" student who was seen to be in the vicinity of the attack. The victim was questioned by City police and chose not to press criminal charges against anyone.

The circumstantial evidence would suggest that the Room 424 attack was a retaliatory strike related to the Walgreens incident the day before and that the victim was identified as having participated in the fight by someone associated with the African-American

---

<sup>8</sup> The students that we interviewed suggested that these targeted searches for Asian students continued during 3rd period, when a group of African-American students were walking around the 5<sup>th</sup> floor looking into classrooms. One student suggested that three African-Americans tried to pick a fight with two Chinese students, but the Chinese students ran into room 520 to escape. This incident was allegedly reported to school police; however, we have not seen an incident report for this event.

students. It is not clear, however, what his involvement had been, if any. His name does not appear on the incident report for December 2nd, and his name was not mentioned during the interviews that we conducted. The Room 424 attack may have had retaliatory intent, but it was likely a case of mistaken identity. The victim shared distinguishing characteristics with another Vietnamese student known to have been involved in the December 2nd events, including a similar hairstyle and other distinct features.

At approximately 9:00 a.m., the grandmother of the Vietnamese student allegedly beaten “unconscious” on December 2nd arrived at the school and spoke with school police Sergeant Chomentowski to inform him that because of her grandson’s injuries at the hands of African-American students, he would not be attending school that day. The grandmother’s presence may have lent added credibility to Asian students’ fear that they were going to be attacked.

Around 10:30 a.m., approximately eight Vietnamese students came to the Sergeant’s office on the 1st floor, including at least one identified as being involved in the Walgreens incident and who might have been the one who was believed to have “attacked” the “crippled/disabled” student the day before. They identified four African-American students as assailants, including the “crippled/disabled” student. Apparently, someone also identified a Cambodian female student as an assailant as her name appears in the school police incident report as a possible defendant. The Asian students informed the Sergeant that they wanted to go home because they believed they would be attacked in school due to the Walgreens incident the day before. The Sergeant proceeded to take the students to the 2nd floor office of the principal ESOL teacher for dismissal in accordance with school policy or practice.

When interviewed by us, SPHS Climate Control and Safety Manager, Mr. Laskowski, who is not part of the school police force, stated his understanding that School District policy permitted students 18 or older to leave without parental consent, but that students under the age of 18 need to be picked up by their parents. The ages of the students who requested early dismissal are not stated in his report, but it is believed that the Sergeant was escorting all or most of these students to the 2nd Floor to sign witness statements and to wait for their parents to pick them up after they had been contacted. When the Sergeant left his office, room 106, to escort the Asian students to Room 217A, a group of 7-8 African-American students in the 1st floor hallway began yelling at the Asian students. The group seemed prepared to move toward the Asian students, despite his presence. He yelled at them to stop and disperse. They stopped. It appeared to him that the students had come down the stairs from the 2nd floor after having been moved off the floor by Officer Jackson. The students' hostility may have been focused at a particular Vietnamese student who is common to the events of the previous day. The most vocal of the African-American students – who has since been identified as having been involved in the December 2nd Walgreens incident – was physically restrained after he failed to comply with school police officers' instructions to disperse and go to class. He was taken to the Dean's office by school police. The other students dispersed. The Sergeant proceeded to take the Asian student group to Room 217A.

**2. Principal Brown's efforts to secure the school**

There had been a safety meeting the morning of December 3, 2009 with the Principal, administrative staff and school police discussing school safety issues. It ended around 8:30 a.m. There was no indication of any ongoing or imminent problem. Around 9:00 a.m., Walli Smith, community coordinator, proceeded to room 424 where he observed school police

officers there detaining two students. He considered that incident under control. He later attended the City police interview of the victim of the assault.

Around 11:00 a.m., Principal Brown heard "traffic" on her walkie-talkie. She proceeded up the stairway to the 2nd floor when she saw a group of "extra" African-American students that did not appear to be there for classes. Upon seeing the Principal, the students retreated down the stairs. The Principal did not observe any violence and the group did not appear hostile, but she had a feeling that there could be a problem brewing. She put calls into the Regional Superintendent's office, without reaching him; then to Walli Smith, who was out of the building by this time attending a meeting at the Audenreid School.

Walli Smith responded to the Principal's call and came to SPHS to assist, bringing with him two City police officers to execute the Principal's plan to "lock-down" the floors and increase school police officer presence. He believes he arrived around 11:30 a.m.

The plan included the following:

- All halls cleared and stairwells inspected and secured;
- Officers established on all floors and in all stairwells;
- Passes revoked and lavatories locked;
- City Year volunteers enlisted to assist;
- Assistant Principal Johnson and school police Officer Swander assigned to assist on the 2nd floor for the remainder of the day;
- Principal present on the 2nd floor after 5<sup>th</sup> period lunch;
- African-American students not to be allowed on the 2nd floor unless they had classes there, and subject to questioning by school police before accessing the floor.

The Principal's plan was executed. There appeared to be calm in the school.

**3. "Rush" onto 2nd floor by African-American students**

At a point possibly coincident with the lunchroom attacks described in the next section, there was a group of 30 to 40 African-American students that tried to enter the 2nd floor en masse, mostly from stairway #5. School police officers who witnessed the attempted entry onto the floor stopped the initial attempts and directed the students back into the stairway. However, the students reportedly separated into two groups: one went to the 3rd floor to come down stairway #1 and the other went to the 1st floor and attempted to come up stairway #1. Officer Swander, who was stationed in stairway #1, tried to resist this double barreled push of students seeking access to the door leading onto the 2nd floor hallway. However, she was unable to restrain the push of bodies and Sergeant Chomentowski, who believed that Officer Swander was in immediate danger of physical harm, and knowing that there was additional school police presence on the floor at the time, including the Principal, pushed open the doors so that Officer Swander could avoid injury.

This resulted in a surge of students onto the 2nd floor. As the surge occurred, the Principal and other adults on the floor moved Asian students who were in the hallway into nearby classrooms. All witnesses agree that no attacks were observed on the 2nd floor at this time. The crowd of African-American students dispersed, apparently after seeing the significant presence of school police, City Year volunteers, and school staff on the floor. To some school police observers, it seemed that this surge could have been a protest, possibly related to the African-American students being told by 2nd floor school police officers that African-American students could not come onto the floor unless they had a class there. However, it is likely that students were affiliated or sympathetic with the group of African-American students that had "challenged" the Asian students earlier in the morning when they were being led from room 106. Whether there would have been violence against Asians on the 2nd floor, were the Principal and

other personnel not on the floor, is open to speculation. However, the brazen acts of physical disrespect shown to Officer Swander and Sergeant Chomentowski makes it probable that the intent was not benevolent. No student has been identified and disciplined for pushing past Officer Swander.

#### 4. Lunchroom attacks on Chinese students

At some point, prior to, or following this surge of students onto the 2nd floor, there was a series of attacks that occurred first, in the lunchroom hallway and then in the lunchroom, between the 6<sup>th</sup> and 7<sup>th</sup> lunch periods.<sup>9</sup> Asian students on the 2nd floor has been told to stay with ESOL teachers on the 2nd floor and to eat lunch in rooms 217A and 217B. Assistant Principal Johnson arranged for lunch to be delivered to them. Some Asian students, however, went to the lunchroom. Other Asian students who were on the 2nd floor stated that they were assured by the Principal that it was safe for them to go to the lunchroom. The Principal does not recall any statement by her to this effect. Some Asian students may have been confused as to who the Principal was in relation to other persons on the floor who may have seemed to them to have authority.

Some Chinese students have suggested that they were escorted to the lunchroom by a school police officer and were attacked at the bottom of the stairwell implying that the school police officer gave no assistance. That officer has not been identified to us. The Principal recalls that she did encounter on the 2nd floor, and then chastised, a school police officer who had left his post on an upper floor to escort Asian students intending to go to the

---

<sup>9</sup> It is not known at this time how many separate attacks occurred in the lunchroom on December 3rd. We have viewed some lunchroom area security camera footage provided to us by the School District showing at least two separate attacks occurring at approximately 12:31 and 12:34 p.m. The first lasted about a minute. The latter about ten seconds. The circumstantial evidence suggests that these time periods captured the entirety of the attacks. The lunchroom stopped serving while these attacks were occurring. When order was fully restored, service started again and continued without incident until the lunchroom closed at 1:00 p.m.

lunchroom located in the basement. She told the officer that he was not to escort students to the lunchroom and to maintain his post. Therefore, she reasons that she would not have authorized school police to escort students to the lunchroom and she was under the impression that lunch was being brought to Asian students on the 2nd floor.

Based on the information that we have gathered, there does not appear to be a clear connection between the lunchroom attacks and the events of December 2nd. However, there does appear to be a link between the “surge” attacks in the lunchroom and the “surge” of students onto the 2nd floor. Security footage of the lunchroom hallway that we reviewed shows a rather sudden, seemingly orchestrated, wave of as many as 60 to 70 students, mostly African-American, surging forward with a much smaller faction attacking a small group of Asian students. It is possible that this group of African-American students is related to, or is the same as, the group of students that had left the 2nd floor when its likely mission went unaccomplished.

There is circumstantial evidence that the attacks were not random. Some Asian students told us that they were in the lunchroom during this time and were not attacked. Security camera footage of the lunchroom and hallway attacks shows Asian students eating without incident, even while the attacks are occurring. One student stated that he was about to be attacked, but a member in the group called the would be attackers off, saying “Not that guy, he is my friend.” Other Asian students stated that they were not attacked until they left the lunchroom and that they observed Asian students in the lunchroom eating without incident. Of the attacks that we were able to observe, there is evidence that at least one Asian student was specifically targeted by two African-American males in the hallway outside of the lunchroom. In addition, witnesses have stated that an Asian student was targeted by an African-American student who was wearing a red shirt.

We have been told by Ms. Lawson, a teacher whose classroom for pregnant teens is on the basement floor, that she heard a disturbance in the hallway outside the lunchroom. When she went to look, she observed an Asian student being “pummeled” by African-American students and she dove into the fray, wrapping herself around him to protect him from further attack. These statements are consistent with security camera footage at 12:31 p.m. showing a closed fist attack on Asian students in the hallway to the lunchroom by at least 8 to 10 African-American students, with African-American students in the background observing and appearing to approve the attacks.<sup>10</sup> Security footage shows two African-American students putting on hoodies and then quickfire attacks occurred that were obscured by the crowds, with the exception of one very visible attack where as many as 5 to 6 students hit and kicked an Asian student and one attack of a fleeing Asian student by at least one African-American student. The lunchroom hallway attacks appear to have lasted up to 45 seconds before they were broken up by school police, City Year volunteers, and SPHS staff.

Coincident with these attacks, some Chinese students had walked down the stairs to the lunchroom and into the melee. These students were hit in the head, hands, arms, and back by flying fists and kicking feet. Some of these students may have been the students who can be observed being attacked on the security camera footage. Chinese students interviewed described curling into balls and shielding their faces to protect themselves. This made it impossible for them to identify their attackers later on. Some of the attackers were described as large and bulky. Several Chinese students suffered facial and head injuries. One had a broken nose that

---

<sup>10</sup> Asian witnesses described a strong African-American female presence, both as assailants and as members of the crowd heard to be “laughing” while the attacks were ongoing. Security footage of the hallway incident reveals some African-American females laughing while an injured Asian student is escorted to safety. There is no evidence from the video footage that any school police officer, staff or other adult was laughing at the situation.

has thus far required two surgeries. No offensive weapons were used in these attacks, but fists and feet can do serious injury. School police, teachers, and staff, risking harm to themselves, inserted themselves into the crowds of student bystanders, and attackers, to get the Chinese students to safety. In addition to Ms. Lawson, Assistant Principal Johnson came upon the melee in the hallway, as did Teacher Troy. They too pulled assailants off the Chinese students. Ms. Troy had been alerted to the situation by African-American students who ran to her room.

Injured and non-injured Chinese students were secured in the ROTC room located just outside of the lunchroom area until order could be restored. The injured students were subsequently taken by school police to the Nurse's Office located on the 1st floor.

A lunchroom worker assigned to the deli station that day believed that attacks in the lunchroom started with attacks on three Asian students waiting in line in front of the deli station. The worker recalled that everything seemed to be peaceful and then like lightning, there were African-American male students coming after the Asian students waiting in line. She recalls vividly seeing Ms. Lawson rushing in to shield Asian students, loudly daring the African-American students to attack her or the Asian students. According to Ms. Lawson, the attacks in the lunchroom occurred minutes after the attacks in the hallway. This is corroborated by the time counter on the security camera footage. Ms. Lawson described hearing a commotion in the lunchroom after the hallway attacks had occurred. She went quickly into the lunchroom and saw Asian students in the lunch line being attacked. The video shows a wave of as many as 70 students either shielding attackers or observing the attack on a group of Asian students in the lunchroom about 2 minutes after the hallway attacks were broken up. The lunchroom attack was relatively short, lasting less than 10 seconds before Ms. Lawson can be seen intervening by putting out her arms to protect the Asian students and yelling at the African-American students

to back down. They hesitated, then relented. School police, City Year volunteers and climate management personnel responded speedily, but they had to navigate through a crowd of student observers. School police, aided by other officers who were called for emergency assistance, secured the area. The video shows Ms. Lawson leading Asian students out of the lunchroom. Calm was restored. The lunchroom service resumed.

We have been told that some officers physically restrained and handcuffed assailants from the hallway attacks, including at least three male students observed by school police or staff to have hit Asian students. They were taken to the security office on the 1st floor. While it is not clear how many identifications have been made from review of the security footage of these events, our review suggests that there were as many as 15 to 20 different assailants. We recommend that further investigation of the lunchroom area security camera footage be undertaken with respect to identifying both assailants and those who appear to be directing attacks on particular Asian students.<sup>11</sup>

According to a school incident report and witness statements, at around 1:30 p.m. on December 3rd, there was an incident involving two to four African-American female students and an Asian female student (possibly Cambodian) who allegedly assaulted an Asian female student before “dragging” her by the hair down the steps of a stairwell. The accused students were apprehended and detained by school police. The victim was not injured.

**5. No evidence that cafeteria worker cheered during the attacks**

Our investigation has revealed no support for the assertion that a female lunchroom worker “cheered on” or otherwise verbally encouraged African-American students to

---

<sup>11</sup> As part of future or on-going investigations, we specifically recommend that a student in a red shirt who appears to be taking cell phone pictures or video of the attack be questioned.

attack Asian students in the lunchroom. No physical description has been given of any such person. The video shows a female person suddenly appearing and being assertive. This person is Ms. Lawson. It is possible that her words to restrain the attackers has been misconstrued as words encouraging an attack. Such a mistake would be unfortunate.

Lunchroom Manager policy instructs lunchroom servers to immediately pull down roll-up metal screens to shield work stations in the event of a fight of any kind, both for worker protection and to prevent serving utensils from being used as weapons. The servers remain behind the screens, leaving it up to school police to break up any altercation. It appears to us that when the attacks were occurring the lunchroom workers followed this policy.

There are four elderly African-American women who work on the lunchroom floor, clearing the tables of trash and otherwise keeping the lunchroom clean. We did not interview them.

The deli server interviewed was asked if she said anything that could remotely be perceived to have provoked or encouraged an assault on any Asian student, or if she heard anything of that nature from any SPHS employee along the serving line or any other place in the lunchroom. She responded in the negative. To a person, the lunchroom employees, all of whom have been questioned by the Lunchroom Manager, are bewildered and saddened by this accusation. Of the Asian students interviewed by us, not one student, not even from hearsay, suggested that any of the cafeteria workers supported or cheered on the attacks in the lunchroom.

The deli station worker stated that the lunchroom servers have tried to discourage students from cutting in line in front of Asian students by withholding service from the line cutter until that student resumes his proper place in line. They have played, heretofore, in their opinion, protective roles, not destructive roles, as to Asian students.

6. **Early dismissal confusion**

Following the lunchroom attacks and the surge onto the 2nd floor, more Asian students requested early dismissal because of concern for their safety. ESOL teachers recounted stories of a similar 2nd floor “invasion” that occurred the year before and, following the incident, the former Principal had permitted students to go home without parental escort so long as there was verbal parental consent. From their accounts, it appears that Principal Brown initially gave consent to allow a similar dismissal of Asian students, but later changed her mind. Asian students who were interviewed stated that their parents and the parents of other Asian students were being called for consent to allow their children to leave early. Some of the students interviewed stated that they received parental consent and were given early dismissal notes. Some of the teachers who were interviewed stated that they had the impression that the Asian students who received oral parental consent and had early dismissal notes were going to be allowed to leave school early. One teacher stated that one of her students was allowed to leave early.

However, at some point an administrative decision was apparently made that students under the age of 18 would not be allowed to leave without their parents. It is not clear, however, that this change was communicated or communicated clearly to students and teachers. Some of the Asian students who tried to leave school with early dismissal notes were sent back to class by school police officers. Students were told by teachers and staff that they had to attend their 9th period class. None of the students or teachers interviewed was provided with an explanation for why students with early dismissal notes were no longer allowed to leave school.

7. **Dismissal strategy meeting**

Sometime after 1:00 p.m., the Principal was informed that the school was secure. She called for a dismissal strategy meeting. The Assistant Principals, the Climate Control and

Safety Manager, the SPHS Police Sergeant and, by telephone, the Regional School Police Commanders Callahan and Whelan,<sup>12</sup> met with the Principal to discuss a plan for the secure exit and safe passage home for SPHS students at school dismissal. The Principal decided that there would be a “silent dismissal,” that is, no general bell dismissal would sound, and a floor-by-floor dismissal would take place. The dismissal plan started with the second floor,<sup>13</sup> and when students had been cleared from the floor, the next floor would be similarly dismissed until the entire school was empty. School police and administrative staff were assigned strategically to the different floors and exists in order to accomplish the dismissal. The dismissal plan was made in reliance upon a “beefed up” City police presence outside the school that had been promised and assured.

The Regional Commanders made contact with School District police forces, City police and SEPTA police for augmentation of the “Safe Corridor Program.” The Safe Corridor program<sup>14</sup> has been in place at SPHS for several years and utilizes the assistance of police officers from the South Police Division (1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 17<sup>th</sup> Districts), SEPTA police and SPHS school police. This also includes the two dedicated City police officers from the 4<sup>th</sup> District who are assigned to SPHS. The dismissal plan was premised upon assurances that significantly more officers would be in place outside the school on all normal travel paths for students. Assurances

---

<sup>12</sup> Commander Callahan assesses need and coordinates with in-school police and the Principal. Commander Whelan coordinates with City police and SEPTA police to establish safe passage corridors for all students in all directions from the school.

<sup>13</sup> Some of the transferred school police officers that we interviewed, who were assigned to school exits, stated that it was their impression that the dismissal started with the 5th floor and moved down. However, the SPHS staff and personnel that conducted the dismissal all uniformly stated that the dismissal began with the 2nd floor as planned.

<sup>14</sup> The officers and other participants in the Safe Corridor program normally take their positions about 30 minutes before dismissal to check for students congregating in groups on the streets outside of the school. Their goal is to keep students moving after dismissal and if the officers see groups forming they will work to disperse them.

were given that the augmented safe corridors would be in place 30 minutes before regular dismissal time.

### **III. December 3, 2009 School Dismissal And Attacks On Broad Street**

#### **1. Fear of attack circulates among Vietnamese and Asian students**

Students interviewed stated that they went to 9th period classes as instructed. Some African-American students volunteered to walk some Asian students to class. Other students told us that despite instruction to attend 9th period classes, a group of approximately 7-8 Vietnamese students decided to leave school. They left through Exit 6. Once outside the building, they observed a group of "American" students, consisting primarily of African-Americans, but also some Caucasians, walking toward the McDonald's on Broad Street. The Vietnamese students were scared by this group of students and decided to return to their 9th period classes. They were assisted back into the school through exit 6 by a school police officer. It is believed that some of these students informed their Vietnamese friends of what they had seen outside the school, possibly by cell phone. Rumors circulated among the Asian students that they were going to be attacked when they left school.

#### **2. School dismissal**

On the afternoon of December 3, 2009 the members of the Safe Corridor force included two police officers from the 4<sup>th</sup> District,<sup>15</sup> 3-4 Officers from the Criminal Intelligence Unit (some of whom were in plain clothes) as well as police officers from the different districts. The "beefed up" force was seen in place about 30 minutes prior to dismissal by Mr. Laskowski, who was in charge of coordinating the silent dismissal. However, he observed at the conclusion

---

<sup>15</sup> On December 3, 2009, the two 4<sup>th</sup> district City police officers normally assigned to the school were not present. One of the officers was on leave and the other officer was in the first week on the job.

of the dismissal that the overall number of officers comprising the Safe Corridor was smaller than was originally seen. He later learned that some City police officers had been pulled from the SPHS Safe Corridor force shortly before dismissal for emergency response to a drive-by shooting that had taken place right in front of the Audenreid School in the 17<sup>th</sup> District.

Uniformly, the SPHS personnel interviewed stated that they were not told that the Safe Corridor force had been reduced in any way and that the dismissal continued with SPHS personnel under the impression that the significant police presence was still in position outside SPHS to assure the safe passage of all students.

Inside SPHS, school police, staff, counselors and administrators conducted the staggered, silent dismissal. School counselors and other staff were stationed on each floor to make sure the floor was clear of students before proceeding to the next floor. According to school staff and students, the dismissal itself went fine with no incidents within the school. As the dismissal proceeded, there was no direction to students who expressed fear of leaving school that they had to leave. Indeed, more than 20 Asian students who did not want to leave school because of expressed safety concerns were taken to the Auditorium by an Assistant Principal to await parental or SPHS staff volunteer transportation home. Parents for some students in this group did come and did take their children home. Teachers and school police took the remainder of this group to their homes when school duties were completed. There were Asian students dismissed from the 2nd floor, and other floors, who were observed to have left the school building and negotiated the safe corridor pathways without incident.

### **3. Decision to escort students up Broad Street**

Following dismissal, a group of 4 to 5 Vietnamese students had waited outside of exit 6, but were afraid to go any further off school grounds because of the crowds of African-American students that they saw gathered along Broad Street at Snyder Avenue. School police

officers at exit 6 questioned the students, in English, asking them why they weren't leaving school and heading home. The students answered that they were waiting for a friend. When another Vietnamese student appeared, presumably the friend that they were waiting for, after what is believed to be dismissal of the 5th floor, the group still did not leave. At that point, the school police officers, testing the students, told the students that they had to leave. The students then told the officers that they were afraid to leave school because a group of African-American students had been seen running towards Broad Street along one of the small streets north of Snyder and they believed that they were going to be attacked. Although the school police officers had not witnessed the group of students as described, they had no reason to doubt the Vietnamese students. These school police officers told us that they feel that the school should be a sanctuary if there is a perceived danger to any student. One of the school police officers offered – or was going to offer – to take the students back into the school, when Principal Brown and Walli Smith appeared stating that the students were to hurry up and come with them. The officers did not tell the Principal what they heard from the Vietnamese students.

The Vietnamese students went with the Principal. They assembled with some other Vietnamese students who had exited the main entrance and had walked in the direction of Broad and Snyder as if they wanted to go home. Home for these students was generally north of St. Agnes Hospital at Broad and Passyunk Avenue. The students told the Principal that they were afraid to go home without a police escort.

Principal Brown made requests to the City police Sergeant stationed at Broad and Snyder to walk the assembled students home. However, the Sergeant did not perceive an immediate threat and stated to the Principal that it was not a police function to walk students home. When interviewed, he stated that he had no knowledge of clashes that had transpired during

the school day between SPHS students and thus had no reason to suspect that anything unusual might be occurring outside of the school. He also stated that had he known of the racial or ethnic clashes occurring earlier in the day, he might have assessed the situation differently.

In consultation with Mr. Laskowski, who had gone over to assist the Principal, along with Counselor LaRocco, a decision was made that a group of adults would escort the Asian students up Broad Street in the absence of a police escort. The Principal made or approved the decision to walk the students home. She was still under the impression that the "beefed up" Safe Corridor force was in place. She had not been told by anyone that the plan that had been developed to protect students at school dismissal had changed in any way. Principal Brown has stated that if she had known of the reduction of City police officers that she would have assessed the situation differently. Ten or 11 Vietnamese students proceeded with the Principal, Walli Smith (well known community coordinator), Mr. LaRocco in his ROTC uniform, and Ms. Lawson, up the east side of Broad Street. The Vietnamese student group was comprised of more females than males.

Mr. Laskowski, a former City police officer, stated that when the Principal started walking the students, he had the sense that the crowds on Broad Street were not only larger than normal, but were not dispersing quickly as had been his experience when the City officers regularly assigned to the corner of Broad and Snyder were there. He decided to follow the group because of his concern for their safety. The City police Sergeant had a change of mind, maybe upon Mr. Laskowski's request, and he sent three foot patrol officers after the Principal's group who, when interviewed, stated that they were only a few yards behind the Principal until the students in the group began to run. At this point, the officers say they began to run after the

students. The Principal's group was unaware that police officers and Mr. Laskowski were following the students.

#### 4. Attack on Broad Street

At first, the Principal's group of adults and students progressed easily along the east side of Broad Street. Something, though, caused the students to move faster. The Vietnamese students began to walk fast and in some instances to run up the Broad Street sidewalk and into the street. The speed of the students created a gap between the adult escorts. Many of the students that were interviewed stated that they believed their adult escorts were still with them so they did not look to see where they were. When the Asian students ran, they were followed by a group of 20 to 40 persons that had been on the east sidewalk. At the Snyder Avenue intersection (near Walgreens), one of the Vietnamese students crossed over to the west side of Broad Street to go in the direction of where he lived. After crossing the street he saw a group of predominantly African-American persons following behind his friends and urged them to cross the street to get away from this group. The Vietnamese students then made the decision to cross over to the west side of Broad Street to try and escape from the crowd that was following them. Walli Smith and Mr. Laskowski have stated that they yelled to the students not to cross Broad Street, but their instruction was not heeded.

The Vietnamese students were running by the time they reached the busy intersection of Broad, Passyunk and McKean Streets. After crossing over Passyunk Avenue, near a wall on the outside of St. Agnes Hospital, a group of predominantly African-American persons wearing hoodies crossed over from the East side of Broad Street in front of them to cut off their forward path. Another group of persons converged from behind. A wave of onlookers numbering more than 100 surrounded them, creating a further wedge between the Vietnamese students and their adult escorts. At this point, most of the group of Vietnamese students came

together and huddled together for support. Several students made it further up Broad Street beyond the attack. One student ran home and was not followed. Two to three of the students decided to turn around to help out their friends who were being attacked.

The attack was quick and did not involve the use of any offensive weapons. It involved 20 to 40 male and female assailants wearing hoodies. Most were perceived by the victims as being African-American. The Vietnamese students interviewed believed that were some Caucasian and Cambodian persons as well. Whether they were all students is not known. A Cambodian female recognized by staff at the scene as an SPHS student was the first to attack the students and was reported to have been the most violent. As previously described, this student was identified by others as having been involved in the Walgreens incident on December 2nd.<sup>16</sup>

The Vietnamese students interviewed stated that they were pushed, punched, shoved, and kicked. One of the students suggested that a majority of the attackers were female, while other students stated that the majority of the attackers were male. Observers of the attack stated that rather than a coordinated wave, their perception was that individuals or small groups would rush the students, hit them and leave, followed by other similar attacks. It was suggested by one of the students that the incident may have been taped by cell phones that had been taken out while the attacks took place; however, no sign of a video of these events has been found on the Internet.

According to City police, approximately 10 to 20 seconds after the attack began, the Principal's group, City police and others arrived at the scene and the attackers and those

---

<sup>16</sup> It is our understanding that the School District of Philadelphia has both suspended her and transferred her to another school. It is not known whether she has enrolled.

observing the attacks quickly scattered. Two female African-American social workers at St. Agnes hospital arrived first to the scene. They happened to be passing by and came to the students' assistance. They repelled attackers and gave solace to the victims. Almost simultaneously, a City police Sergeant in a squad car coming down Broad Street with two City police officers saw the situation, stopped and immediately chased away all attackers and secured the safety of the students. The Principal's group of adult escorts arrived next, by their account. The City police officers on foot arrived next according to their account. They too witnessed the attack, and its duration, as they pushed through and dispersed onlookers. Next came the Sergeant from Broad and Snyder who had responded to radio traffic and sped north by squad car with non-uniformed officers.

None of the students interviewed was able to identify their attackers when questioned by police at the scene. Most of them did recognize the role that the Cambodian female played in initiating and participating in the attack. The Principal and other SPHS staff were close enough to the attack that they were able to clearly identify the Cambodian female kicking a particular Vietnamese female student. At the scene, the Principal called by walkie-talkie for assistance from Assistant Principal Johnson and for Ms. Sol, an ESOL assistant teacher. The Principal and staff, the social workers, and the police officers stayed with the injured students until ambulances that were called to the scene departed with the students and SPHS personnel assigned by the Principal to go with them. Even though some students had not been hurt and did not want to go to the hospital, the Principal insisted that all of the students in the group that was attacked be taken to a hospital. Students were transported to Jefferson Hospital and CHOP. They received evaluations and treatment, as necessary. Some had small facial lacerations. There were no reports of serious injuries. All students were released home to

the care of their parents. Several other Asian students who were not attacked were given transport home by school police officers from the Broad Street scene.

When the Principal returned to school from Broad and McKean, she became engaged in a meeting at SPHS with the Captain of the 4<sup>th</sup> District to discuss the effectiveness of the Safe Corridor Program that day.

**5. No evidence that Principal Brown abandoned the students**

Our investigation has revealed no support for the accusation that has been spread in some media that Principal Brown “abandoned” the students that were attacked on Broad Street. Principal Brown, the adults accompanying her, Mr. Laskowski, and three City police officers trailing the group were separated from the students just prior to the attack because the frightened students had begun to run, and to cross over Broad Street. The fact that the St. Agnes employees and the City police officers were first to arrive made some of the students interviewed feel as if they had been “abandoned.” These students did acknowledge that Principal Brown and the adult escorts arrived shortly after the police.

**IV. Treatment Of Injured Chinese Students By School Nurse And School Police**

Injured Chinese students from the lunchroom attacks were taken to the Nurse’s office for treatment. They gave witness statements, written in Chinese, to school police Officer Davis who tried to determine if the students could identify their attackers. The statements were later translated by ESOL teacher Mr. Mei. The school nurses evaluated and treated the injuries with icepacks or cold compresses. They did not deem the injuries to be life-threatening or serious. Initially, there were no interpreters in the office; however, nurses stated that they requested translation assistance. The students interviewed stated that about 20 minutes after they arrived in the office Mr. Mei and Ms. Zeng, the bilingual ESOL teachers, came to assist with translation issues. In addition, Ms. Miu was brought in to help translate calls to students’

parents. Students were asked if they wanted to go to the hospital by the Head Nurse. At that time, all said that they did not want to go to a hospital. When interviewed, some students stated they responded in the negative because they did not feel it was necessary. Others interviewed stated they responded in the negative because of concerns over who would pay any hospital bill.

After school dismissal, while the Principal and other SPHS personnel were outside assisting the Asian students on Broad Street, some Chinese students interviewed stated that they had been asked to leave the school and to go home. None of the students interviewed, however, identified the person that told them they had to leave.<sup>17</sup> The students stated that they voiced fears that they would be attacked again. A Chinese student ambassador was in the Nurse's office at this time to help the Chinese students. He stated that after hearing students were being asked to leave school, he called Xu Lin, a community advocate with PCDC, to help students whose parents had not come to school and were afraid to leave by themselves. At that time, either one of the students or a family member had put a call into Victim/Witness Services of South Philadelphia for assistance. Ms. Zeng stated that at least two families of injured students came to the school. The father of the student who had the broken nose insisted that 911 be called. There was some confusion over who would call 911 and who would pay for the cost of the students' medical treatment at the hospital. Apparently, no one called the Principal, Assistant Principals, or the school police Sergeant or School District Administrators.

When the representative from Victim/Witness Services arrived, they placed the call to 911 for an ambulance to transport the students to the hospital. That organization promised

---

<sup>17</sup> One student suggested that it was "security officers" and "teachers" that told the students to leave, but none of the ESOL teachers interviewed stated that they told students they had to leave; conversely, they were actively trying to help the students get safe transport home or to the hospital. The school police officers interviewed would not have required students to leave SPHS and enter a situation known to be dangerous.

to take care of all payments, including hospital bills. Mr. Lin assisted with translating for the students, who were then taken to Jefferson hospital in an ambulance to receive treatment for their injuries. The Chinese student ambassador, Mr. Lin and Mr. Mei also went to the hospital to check up on the students.

#### **V. Student Statements Regarding Previous School Violence**

Students that we interviewed had different impressions of the types and amounts of school violence or intimidation that they have experienced, witnessed or heard about during their time at SPHS. About half of the students that we spoke with stated that they had no knowledge of any previous school violence and had never had any problems with other students. The other half of the students with whom we spoke had experienced or witnessed some violence or intimidation at SPHS or by SPHS students after school.

#### **VI. Post December 3, 2009 Changes At SPHS**

We are aware of measures undertaken by SPHS following the events of December 3, 2009. We express no opinion about the efficacy of these measures, but we note that there has been no repeat of the December 3rd activities, which may be relevant to assessing the value of current school suspensions and/or these measures. The measures that have been implemented, include, but are not limited to: i) utilization of additional security cameras in the school; ii) augmentation and changes to school police corps; and iii) clarified lines of communication between all sections responsible for student and school security, including use of a liaison City police Lieutenant. We are also aware of additional ongoing or contemplated measures that are best articulated by the School District of Philadelphia or the SPHS Principal.

## RECOMMENDATIONS

It is a necessary assumption that, despite its reputation as a “tough school”, the vast majority of the students want to remain at SPHS, want to be and feel safe and secure in a challenging learning environment, do not want to be drop-outs or to be suspended or expelled, and want to obtain their high school diplomas.

A further necessary assumption is that SPHS students will comply with and conform to school rules when they know for certain that punishment shall arise from breaking rules put in place for student safety. Based, in part, on these assumptions, we recommend the following:

1. School rules must be fair and punishment for proven violations must be fair, stern, and consistently applied. For example, if any suspensions for cause upheld shall also preclude return to SPHS then potential perpetrators may hesitate before acting wrongfully.
2. Severe discipline for any student who attacks or assaults any student or aids and abets to attack or assault or conspires to attack or assault any student in the school or outside of the school, because of race, color, ethnic origin, or sexual orientation. Any such offender should be removed from SPHS as a “menace to the school” and not allowed to return.
3. The preparation of every suspension charge should be done with the assistance of counsel to maximize probability of success at hearings.
4. All suspension hearings and notices require appropriate translation, including any suspension or disciplinary communications that are sent to the parents of students.
5. Every entering student with parent or guardian should be counseled in small group formats on the importance of school safety, that the student is part of the safety system existing for the protection of all, that any student or parent or guardian can dial anonymously a telephone number and report information about students, school police officers, or staff behavior that the student believes may be threatening to him or her or to SPHS students generally. Rules governing student conduct should be reviewed, explaining the relevancy of the rule to school safety, e.g., the “no hoodies” rule discourages the commission of assaults for fear of identification and a “no lunch line cutting” rule prevents student conflicts and promotes respect for all concerned. Further, the counseling session should emphasize that because these rules are important, they will

be strictly enforced,<sup>18</sup> and there is no tolerance for violations which will incur significant punishments.

6. SPHS police officers, staff and administration should come up with a targeted plan to increase efforts to prevent students from loitering in the hallways or in bathrooms during class time.
7. Students should be made to understand that assisting in the planning of an assault upon another student, teacher, or staff or facilitating the carrying out of a plan – such as arranging a fight in or outside of school – will be punished as severely as if the planners physically participated in the assault.
8. Onlookers to violent activity in the school should be subject to lesser punishment, but some punishment is warranted because their presence encourages the activity and, in some extreme instances, evidences a callous disregard for others. Therefore, onlookers should understand that they make themselves witnesses who have identification information on assailants and can be compelled to reveal it.
9. Sufficient cameras should be placed around the school to capture the images of assailants, victims, and onlookers.
10. Failure of any student to report acts of violence or threatened violence witnessed in the school should also be subject to some level of punishment. Any potential in-school assailant should expect to be identified.
11. Where a SPHS staff member or school police officer witnesses a physical assault by a student, to whatever degree or for whatever reason, the School District should consider initiating criminal charges as the charging party under the theory that the victim of the assault is under the guardianship of the school.
12. A reliable, rapid system of communication should exist between all administrative staff, school police officers, climate control and safety manager, and City police such that information about every act of student violence or threatened violence in SPHS or out of school is seen and shared at every critical level of school safety assurance. Every such act or threat should be presumed to be related to a conflict between groups of students. Effective intervention and avoidance opportunities are dependent upon the acquisition and sharing of information.
13. A written policy needs to be disseminated re:
  - Dismissal protocol when students fear danger in school.

---

<sup>18</sup> Review of security camera footage on December 3, 2009 showed a large number of students, mostly African-American, wearing “hoodies,” and some of those hooded students were also observed to be attacking Asian students.

- Authorization for calls to 911 for hospital transport assistance for student in-school violence whenever there are reported blows to the head, chest or abdomen.
  - Ambulance assistance for students injured on property and payment assurance upon authorization of school official(s) to be identified.
  - Disclosure of the status of school disciplinary proceedings to victim of student violence.
14. A guest lecturer or lecturers should be brought in to engage students in discussion regarding federal and state conspiracy laws and repeat offender statutes.
  15. School administrators, teachers, staff, school police officers, City police, SEPTA police, community coordinators, parents, guardians, and community spokespersons must stand united in support of student and school safety.

