

From: Jane

Sent: Monday, December 18, 2017 8:47:37 AM

To: Burgin, Jill

Subject: Fwd: Mandatory Notice Upon Allegations of Abuse

Dear Ms. Burgin,

I sent this message last week. I received a message that your address was blocked. Although some of my emails have been related to statewide legal goals, it was situations in Brentwood that led me to see the need for new legislation. So, I thought you should be aware of these issues.

In addition, I would like to know what the Mayor's role and the City Commission's role is with respect to law enforcement. It appears in some cities, Mayors have oversight over the city's police department.

Specifically, in our family's situation, our son was in a class where parents were left unaware their children were under the supervision of an alleged offender during the investigative process. We were informed of an incident between two juveniles a year after the reported incident. However, we did not learn of the severe allegations until after the conviction. Based on everything I can tell, it was based on the directive of Detective John Wood that the incident was kept confidential from the families.

I am attaching some email from BPD officers and will share my concerns below:

1. Two and a half years after the initially reported incident, Capt. O'Neil states he will seek out additional victims.
2. He also says he will pursue prosecution if the evidence supports it.
3. Upon research of the prior case, Detective Russ discovers that prosecution is not possible for other potential victims due to a prior plea deal.

I find it of great concern that the police are acknowledging the potential for additional victims two and a half years after a reported incident in a classroom setting. This is especially concerning when it was widely reported to have been a one-time, isolated incident.

As the Brentwood Mayor, I expect that you would want to be aware of handling of incidents when it involves the local police.

Sincerely,

(Jane)

From: Burgin, Jill <Jill.Burgin@brentwoodtn.gov>

Date: Mon, Dec 18, 2017 at 12:04 PM

Subject: Re: Mandatory Notice Upon Allegations of Abuse

To: (Jane)

Jane:

In reference to your question about oversight of the Police Department, that falls to the City Manager per our city's charter.

The charter sets out the roles and responsibilities of the Mayor, Commission, and City Manager. Essentially, the Mayor presides over the commission meetings and signs all official documents, etc. The Commission, as a body, sets the policies of the City, adopts ordinances, approves contracts, and appropriates funds for all city purposes. The City Manager implements the Commission's policies and directions through his/her oversight of all departments. So, if the Commission were dissatisfied with the direction or operation of any department, they would communicate that to the City Manager and hold him/her accountable. If the Manager's performance in this area is not satisfactory to the Commission, they can remove him/her and replace them with someone new.

I hope this clarifies things.

Sincerely,

Jill Burgin Mayor City of Brentwood, Tennessee 5211 Maryland Way Brentwood, Tennessee 37027 (615) 371-2200 ext.2800 jill.burgin@brentwoodtn.gov

From: Jane

Sent: Tuesday, December 19, 2017 12:46 PM

To: Bednar, Kirk <Kirk.Bednar@brentwoodtn.gov>

Subject: Re: Mandatory Notice Upon Allegations of Abuse

Dear Mr. Bednar,

I do want to add one additional issue of concern. During the time period that I corresponded with Captain O'Neil and Detective Russ, they asked me for names of those with signs of abuse and also names of families from the class. I don't believe they followed up with these names. Also, Detective Russ said that they could legally demand the names from the childcare, which I am not aware this was pursued. I am not sure why that was not considered at the time of the initial allegations in 2014. Considering the offender taught classes for multiple years and the original incident was in the first three weeks of a new session, how are officers assured that the families from the prior session came to the realization their child was exposed to the offender when there may have been no direct notice to them?

Sincerely,

Jane

Bednar, Kirk 12/19/ 17

to me

Jane –

I appreciate your e-mail and I am sorry that you feel the Police Department has not properly handled this situation. I know you have met with Chief Hughes and Chief Walsh regarding this investigation. I have also discussed this with them in detail. As you know, the nature of this case involving juveniles limits the amount of information that can be discussed both during the investigation and still today. From my conversations with the chiefs and based on my knowledge of the commitment and integrity of the officers involved, I feel the department acted appropriately to obtain a conviction in this case.

I wish I could provide a response that would provide you some greater sense of closure to this situation, but I don't believe there is anything more the Police Department can do with regards to this case and the perpetrator's status under the legal system.

Kirk Bednar City Manager City of Brentwood, TN 615-371-0060

ONeil, David <david.oneil@brentwoodtn.gov> Jan 19, 2017

to me, Jeff, Thomas

(Jane),

I receive both of your emails. As soon as you provide me the medical records I am going to have a detective take another look at your son's case. Also, we will seek out other possible victims. Please be patient. This will not be a quick process. It will not be helpful if you go out on your own trying to discover other victims. However, if for some reason someone provides you with additional information, passing that along is appreciated and helpful.

I want to ensure you again that we are committed to giving the parents of children harmed the best possible information so they can properly care for their child. If this investigation reveals enough evidence for additional criminal prosecution, we will present the information to the district attorney's office for prosecution.

Thank You,

David O'Neil, Captain Criminal Investigation Division

(Jane) Feb 21, 2017

to Lori

Lori,

Would you please explain to me why you said that you didn't think a grand jury would not find probable cause for an indictment related to (name) exposure at (Childcare)?

We retained new attorneys, one of whom has 20 years experience in the juvenile courts. Seven of these years she was employed as a youth service officer before becoming an attorney.

She told me there is no grand jury in the juvenile system. She also said there is no jury. Based on her experience and what she has reviewed, she has seen charges filed with less evidence than in (name) situation.

Based on my conversation with you and information learned from our new attorneys, I would like some clarification.

Thanks,

(Jane)

Sent from my iPhone

Russ, Lori <lori.russ@brentwoodtn.gov> Feb 21, 2017

to me

Good morning (Jane),

The attorney is correct. I typically deal with adult offenders and that is usually the avenue I take in cases that are felonies. A petition would be taken out in juvenile court if proof were obtained in a case involving a juvenile offender. My over-all point was that if we were to attempt to take what evidence we have to any court of law such as general sessions, circuit or juvenile, we would not have enough proof at this point for a conviction. I do not believe we have enough probable cause at this point to move forward. That was my point. Furthermore, as we discussed I do not know that it would be prosecuted due to it being part of his initial plea agreement. All the same, I am still looking into matter as promised. I hope this clarifies what I said.

Have a good day,

Lori

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Russ, Lori <lori.russ@brentwoodtn.gov>

Apr 14, 2017

to me

Good afternoon Jane,

I wanted to touch base with you in regards to the investigation into your son's case. I have completed my investigation and am going to close it. While your son was exposed to the suspect, we just cannot prove his health issues are a direct cause of being assaulted by the suspect. Furthermore, we feel assured that everyone whose children were exposed were made fully aware of the circumstances as best as could be permitted given the circumstances. I realize this is not the outcome you were hoping for but there simply is not enough evidence to move forward with charges. Captain O'Neil and I have conferred and agree this is the only possible outcome at this time. I wish you all the best and hope (your son's) health issues can be resolved.

Best wishes,

Detective Lori Russ

Criminal Investigations Division

Brentwood Police Department

5211 Maryland Way

Brentwood, TN 37027

Lori.Russ@brentwoodtn.gov

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