

7-28-1981

Isabel's Nursery School - Legislative Hearing

Assembly, California Legislature

Follow this and additional works at: http://digitalcommons.law.ggu.edu/caldocs_assembly



Part of the [Legislation Commons](#)

Recommended Citation

Assembly, California Legislature, "Isabel's Nursery School - Legislative Hearing" (1981). *California Assembly*. Paper 185.
http://digitalcommons.law.ggu.edu/caldocs_assembly/185

This Hearing is brought to you for free and open access by the California Documents at GGU Law Digital Commons. It has been accepted for inclusion in California Assembly by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

ASSEMBLY
CALIFORNIA LEGISLATURE

ISABEL'S NURSERY SCHOOL
LEGISLATIVE HEARING
JULY 28, 1981
DAHLIA HEIGHTS ELEMENTARY SCHOOL



ASSEMBLYMAN RICHARD ALATORRE
CHAIRMAN

KFC
22
L500
H94
1981
no.1

LEGISLATIVE ADDRESS
STATE CAPITOL
SACRAMENTO 95814
PHONE: (916) 445-7587

DISTRICT OFFICE:
6801 NORTH FIGUEROA STREET
LOS ANGELES 90042
PHONE: (213) 255-7111

Assembly California Legislature

COMMITTEES:
LABOR AND EMPLOYMENT
UTILITIES AND ENERGY
SELECT COMMITTEE
ON FAIR EMPLOYMENT PRACTICES
SUBCOMMITTEE ON
AGRICULTURAL LABOR RELATIONS

RICHARD ALATORRE
ASSEMBLYMAN

CHAIRMAN
COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

ATWATER, BOYLE HEIGHTS, CITY TERRACE, CYPRESS PARK,
EAGLE ROCK, EAST LOS ANGELES, ECHO PARK, EL SERENO,
ELYSIAN VALLEY, GLASSSELL PARK, HIGHLAND PARK,
LINCOLN HEIGHTS, MONTECITO HEIGHTS, MT. WASHINGTON
December 7, 1981

LAW LIBRARY
GOLDEN GATE UNIVERSITY

Honorable Bill Lockyer, Chairman
Assembly Committee on Human Services
State Capitol, Room 3091
Sacramento, California 95814

Dear Bill:

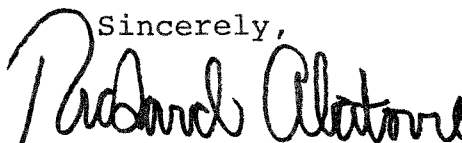
I am forwarding the transcript of a legislative hearing I chaired on July 28, 1981, concerning Isabel's Nursery School, a child care facility in my district that was closed earlier this year after police found thousands of explicit photos of young children in the home of one of the owners of the school.

I am forwarding the transcript to you as Chairman of the Assembly Committee on Human Resources because several important issues that were raised by witnesses will be of interest to your Committee. They include the question of when law enforcement officers should inform licensing agencies of alleged abuse or misconduct at a school. (Please note the opinion from Legislative Counsel I solicited on this point that is included at the end of the transcript.)

Testimony at the hearing also addressed issues raised by legislation considered by your Committee this year, including SB 800 by Senator O'Keefe, which would exempt all church-operated facilities from state licensing requirements.

I am sure you will find these proceedings of interest.

Sincerely,


RICHARD ALATORRE
Assemblyman

RA:jcw
Attachment

KFC
22
L500
H94
1981
no. 1

ASSEMBLY
CALIFORNIA LEGISLATURE

ISABEL'S NURSERY SCHOOL
LEGISLATIVE HEARING
JULY 28, 1981
DAHLIA HEIGHTS ELEMENTARY SCHOOL

ASSEMBLYMAN RICHARD ALATORRE
CHAIRMAN

81-12-591

CHAIRMAN RICHARD ALATORRE: My name is Assemblyman Richard Alatorre and I want to call the hearing to order at this time. I want to welcome all of you to this session and thank you for your interest and public spirit in joining with me today.

Sitting with me, to my left, is my Administrative Assistant, Dan Arguello. And seated to my right is my secretary, Eva Diaz.

All of us have been exposed on television and in the newspapers to the problem of child molestation. But for the citizens of our community the subject of child abuse was brought home vividly with the recent revelations of alleged, and I underscore alleged, molestation of children at Isabel's Nursery School here in Eagle Rock. The seizure by the Police Department of thousands of sexually explicit photographs and the closing of the school by the State Department of Social Services shocked the entire community.

I was first motivated to call this hearing after some parents of Isabel's students contacted me about holding a legislative investigation. The alleged events at Isabel's Nursery School have raised serious questions concerning the adequacy of government's procedures to regulate nursery and day care centers to assure that this type of abuse does not occur. It has been alleged that the photographing of small children who attended the school went on for some time before the practice was discovered.

I've convened this hearing for the purpose of finding out if there is anything that the Legislature can do to further protect our children so that this type of alleged abuse does not

repeat itself. This is the only purpose of the hearing. I am not out to harrass anyone or any agency that is involved or to fix blame, except as it will help to improve the quality of protection the State of California must provide to the most precious resource that we have, which is our children.

Today we will hear from many parents of children who have attended Isabel's. We will hear from top officials of the State Department of Social Services and from top representatives of the Los Angeles Police Department. At this time I would like to thank Susan Arcaris, the Principal of Dahlia Heights School, for her courtesy in making the school facilities available. I also want to thank the Eagle Rock and Highland Park Chambers of Commerce, the Highland Park Coordinating Council, B.L.E.N.D. and the many churches of this community that have been involved and concerned.

Most of all I would like to thank the parents of Isabel's students for coming here this morning. The easy thing for them to do would be to try and put this incident behind them and forget. I'm sure this is not an easy subject to discuss. But they are concerned and committed enough to come forward and share their stories with us.

A few words in relationship to the format: witnesses will be asked to state their name and organization, if any, make their presentation as briefly as possible, and answer any questions that we might have. Representatives from the state and law enforcement community will testify first and will be asked to stay around in case there is an opportunity that they would like to use to respond to any of the testimony that will be given after their presentations. Unfortunately, there is a time limit as to the number of witnesses

we can hear today.

The Sergeants-at-arms will be recording the proceedings and we will be producing a transcript of these hearings. If you would like to have a copy of this transcript, please let my staff here in Los Angeles know. Let me at this time call on Anne Bersinger, the Deputy Director for Community Care Licensing, State Department of Social Services, and Kathie Lester, District Manager for the Los Angeles Community Care Licensing Office.

MS. ANNE BERSINGER: I am Anne Bersinger, Deputy Director for Community Care Licensing for the Department of Social Services, and on my left is Kathie Lester, who is the Regional Manager for the Los Angeles Community Care Licensing District Office. I will be speaking for the Department and Mrs. Lester will provide any technical information that you may require. The Community Care Licensing Division is responsible for drafting and enforcing minimum qualification standards for non-medical out of home care facilities for California.

Licensure is prerequisite for operating community care facilities. There are approximately 50,000 facilities licensed and monitored by my staff or county staff who contract with the state to perform a licensing function. The 50,000 facilities represent 17 different categories of licensure. Some of these categories are foster family homes, group homes for children and adults, social rehabilitation facilities, family day care homes and of course child care centers. There are approximately 4,500 child care centers licensed and monitored by the Community Care Licensing Division. The average number of children cared for in these centers is 38, however, there are close to 600 child care centers which have licensed capacities that ranged between 76 to over 200 children.

Since this hearing will be focusing on the protection available for children in these child care centers, I will first summarize the current licensing standards for centers and then review some of the proposed revisions to these standards and finally I will discuss current trends in child care licensing.

Minimum standards for licensed child care centers are found in Title 22, Division II of the California Administrative Code. These standards were developed based on the California Community Care Facilities Act which was passed by the Legislature in 1973. The Act is contained in the California Health and Safety Code, beginning in Section 1500. In the Community Care Facilities Act, the Legislature directed the licensing program to develop child care center standards that are limited to health and safety considerations and substantially similar to the scope of the child care center standards that were in effect prior to the passage of the Act. This direction has been broadly interpreted to include the development of standards for staff educational qualifications, staff duties and responsibilities and some general program standards, for example, requiring that play equipment, crafts and activities are varied to meet the needs of the children in attendance.

The major areas in current child center standards are administration of the centers such as the financial records, personnel records and other general requirements; personnel standards, such as educational requirements for directors and teachers, responsibilities of directors and teachers, the use of substitute aides and assistants and health requirements for staff; enrollment of children including admission policies, procedures, non-discrimination, and child records; care provided at the center,

such as nutrition and food service, methods of discipline, play equipment and napping schedules. Safety provisions and health requirements, such as staff-child ratios, admission health evaluation, immunizations, emergency medical care and general sanitation; and buildings and grounds; for example playground size and location, fencing for playgrounds, waste disposal, toilet and handwashing facilities and indoor play space. Additional safeguards for children are offered during the licensing process. For example, the licensees, the director, the assistant director, if any, and the designated substitute for the director are fingerprinted for state and federal criminal record checks. Fingerprints are also required from new staff if and when they are hired to replace key federal personnel. A fire clearance and in some cases a local health department inspection are also required before a center may begin operation. Enforcement of these standards ranges from formal deficiency citations to various legal and administrative remedies.

The Community Care Licensing Division is currently taking action against 24 child care centers that have been found to be operating in such a way as to endanger the health and safety of the children in their care. Fifteen of these centers have been served with injunctions to cease operation without a license and nine have been referred for revocation action. The Community Care Licensing Division is in the process of revising the minimum health and safety standards for child care centers. The current child care center standards will be used as base, that is to say this revision is not a complete rewrite of regulations.

However, the major goal of the Division is to make the regulations clear so that we can enforce them. For example, current

child care center standards require the center staff to address qualities of warmth and friendliness. While this is a desirable objective it is not measurable and very difficult to enforce. This standard is obviously unenforceable and will not be included in the revisions. In this way not only will licensees clearly understand what is required but also my licensing staff will be able to effectively apply these specific regulations to all centers in order to identify those who are providing a substandard level of care and where children are experiencing significant health and safety risks. Some of the increased protection for children being proposed are additional safeguards for playground equipment, such as anchored swings and climbing equipment; stricter fencing requirements; specific regulations for the use of swimming pools, such as higher staff ratios during swimming periods, water safety certificates; required evacuation drills for fire and other emergencies. Increased safety requirements for cars and vans, which are used to transport children. Updated immunization requirements and expanded regulations for nutrition and food services. We are also considering the use of criminal record checks, that is fingerprinting for all adults who are in regular contact with children in licensed centers.

CHAIRMAN ALATORRE: Let me just stop you right there. You said just earlier staff are fingerprinted. Now it appears you're saying something different and I'm trying to understand the difference.

MS. BERSINGER: The current requirement is that the licensee, the administrator and the assistant administrator -- the key staff -- be fingerprinted.

CHAIRMAN ALATORRE: O.K., how do you determine key staff?

MS. BERSINGER: All designation which is the...those who have responsibility for managing and supervising the center's operation.

CHAIRMAN ALATORRE: So, in other words, it's only those and nobody else.

MS. BERSINGER: That is correct. We are considering expanding it to all of those that have regular contact with the child.

CHAIRMAN ALATORRE: Teachers?

MS. BERSINGER: Teachers, cooks would be in...

CHAIRMAN ALATORRE: Right!

MS. BERSINGER: That would be in line with the trend in residential care licensing. While from a programatic standpoint the Community Care Division is proposing increased protection for children in licensed child care centers. Other factors such as fiscal restraints are pushing towards a reduction in the monitoring level of child care center licensing, thereby reducing the health and safety protection.

For example, statutory language was recently amended into the 1981-82 state budget by AB 251 which, number one, it reduces the number of visits that my staff makes to licensed centers; number two, calls for automatic license renewals if no complaints have been registered against the center; and three, increases the license period from a two to a three year term. Additionally, SB 800, introduced by Senator O'Keefe, would also diminish the scope of regulatory authority over child care centers. His bill would exempt church operated preschools from licensure. SB 800 had already passed out of the Senate and is scheduled for hearing in the Assembly on August 11.

If that bill passes in its present form, approximately

30% or 1,200 of California's licensed child care centers could claim exemption for licensure and that would not be subject to the minimum health and safety regulations I described earlier. The resources requirement of a licensing program are directly related to the monitoring level maintained to review minimum health and safety regulations.

Currently, California's program is staffed at a level, whereby, each licensing evaluator who is responsible for monitoring child care centers is responsible for 114 such centers. This staffing ratio is far greater than the ratio that are found in some other states. By a way of reference, for example, an evaluator with comparable responsibilities in Illinois would have a case load of 85 child care centers; in Oregon, 70 centers; and in Texas, 50. These lower caseloads in other states generally translate into more frequent facility visits although I readily admit that a portion of that difference could be attributed to procedural efficiency.

While I'm not advocating a doubling of staff to license child care centers, it's important to note that in order to effectively increase protection for children through increased monitoring there must be a comparable increase in resources allocated to this function.

In conclusion I'd like to state that the Community Care Licensing Division will be proposing modifications to the regulatory safeguards for children in licensed centers and will continue to evaluate license centers to our fullest capability. Like any other enforcement agency, the Licensing Division needs to rely in part on assistance from parents and other concerned citizens in fulfilling its mandated functions. This assistance can be offered by registered complaints against child care centers that appear to be endangering

the children in attendance. Complaints can be made in writing or over the telephone to any of the ten different licensing offices throughout California. Licensing evaluators are required by law to investigate complaints within ten working days and most complaints are investigated immediately. Since the caseload from our staff is 114 centers for each evaluator, the complaint process and the involvement of community in general in oversight activities is absolutely essential in directing our resources toward situations that threaten the welfare of children in license centers. That is the conclusion of my formal statement Mr. Alatorre and I'll try to answer your questions.

CHAIRMAN ALATORRE: What is the procedure, in general, that you undertake whenever you get a complaint about any wrongdoing or any alleged wrongdoing or questionable act. What does your Department do in relationship to that complaint?

MS. BERSINGER: The first thing you do is differentiate between those complaints which seem to be less serious on the surface than others.

CHAIRMAN ALATORRE: Well, what do you consider to be less serious versus serious?

MS. BERSINGER: Any complaint that has to do with physical abuse or sexual abuse is a very serious complaint and we react to that immediately. The response, typically, involves a visit by the evaluator to the facility to determine if there appears to be any substantiation for the complaint at all.

CHAIRMAN ALATORRE: Now is it your testimony that it is your custom to notify the particular day care center or nursery that you're going to be there or is it just an on-sight investigation.

MS. BERSINGER: Virtually all of our visits are unannounced. This has been an operating policy of the Division for some time. We keep the complaints confidential. We do discuss with the licensee at that time that we are looking into the existence of a complaint. If there appears to be a problem with substantiation on a complaint of abuse, that would be referred to another portion of any organization, in fact, by special investigators who then look into the complaint and determine what kind of action would be appropriate from our division; and if it would require a revocation action.

CHAIRMAN ALATORRE: What procedure did you follow in relationship to Isabel's Nursery School and what was the approximate date you were notified of any alleged misconduct at the school?

MS. BERSINGER: Let me give just a frame of reference on Isabel's Nursery School. It was licensed for approximately seven years. During that period of time we had one complaint on the facility which had nothing to do with this and was not substantiated. We were notified by the local law enforcement agency of the existing sexual abuse problem at the facility.

CHAIRMAN ALATORRE: At what time were you notified by the police?

MS. BERSINGER: Approximately the 12th of May. My staff immediately began working with the local law enforcement people, and on the 13th of May I signed a temporary suspension order and an accusation to revoke the license and immediately close the school.

It was served to the licensee on Monday, the 18th of May.

CHAIRMAN ALATORRE: Let me ask you this question? If, say, there is an investigation going on of any alleged violation of the law by a law enforcement agency, is it law enforcement's

responsibility to immediately notify you of that investigation or is the law unclear on this in relationship to this matter?

MS. BERSINGER: I don't know whether they have the specific obligation to notify us immediately. My experience has been that when a complaint is at least received either by a law enforcement agency or child protective services, typically the communication to us is that...(Inaudible).

CHAIRMAN ALATORRE: In other words, you really do not know whether, in fact, it is their practice or it isn't their practice to notify you immediately?

MS. BERSINGER: I don't know at what point they notify other agencies. That's a fact.

CHAIRMAN ALATORRE: Well, from your standpoint as Deputy Director, how do you interpret the law?

MS. BERSINGER: I believe that when I turn it around, that when I receive the complaint, once I had any indication that it is substantiated and is in violation of criminal law as well as our Title 22 regulation, that at that point we refer immediately to the appropriate law enforcement agency.

CHAIRMAN ALATORRE: Now I understand that, but what is your reading of the law? That's what I'm trying to get at. If law enforcement has a case under investigation and even though -- say that they receive a complaint -- are they duty bound, according to the law, to notify your Department immediately?

MS. BERSINGER: I do not know the answer to that question. I do not know if they are duty bound to do that. I do know that they coordinate with us. I have no reason to believe that they are not coordinating with us.

CHAIRMAN ALATORRE: There may be some allegations that are going to be made by the parents that the law enforcement agency should have, in fact, notified you. And, according to your testimony, what I'm trying to get at is when are they supposedly duty bound to contact you within a fixed time? I guess I want the time and then the time for your particular operation to investigate it. You see, I'm not interested in impeding law enforcement's ability to investigate. All I'm trying to get at is whether, in fact, from your vantage point, once a complaint is filed or once an investigation starts, should you be notified of that particular investigation?

MS. BERSINGER: It's my belief that law enforcement probably would investigate prior to notifying us, that is they must feel that there is some reasonable belief that the complaint is indeed justified and at that point then they would notify the licensing agency so that we can look at it from our administrative perspective. I would suspect that upon receiving the complaint that they would not at that point notify us until they've had a chance to look at the complaint and the probability of its veracity.

CHAIRMAN ALATORRE: In other words the law is not clear on whether, upon a receipt of a complaint by law enforcement, you are supposed to be notified as the licensing agency? Is that correct?

MRS. KATHIE LESTER: I would say so.

CHAIRMAN ALATORRE: All right, so in other words, it is your testimony that the 12th of May was the first time that your department was ever notified or ever sent any information on alleged misconduct being conducted at that particular facility. Is that correct?

MRS. LESTER: That is correct.

CHAIRMAN ALATORRE: All right, did you -- and what's your name again?

MRS. LESTER: Kathie Lester.

CHAIRMAN ALATORRE: Thank you Mrs. Lester. Did you have any occasion to go over and visit that particular facility?

MRS. LESTER: I visited the facility when the temporary suspension order was served. Other than that I did not visit it.

CHAIRMAN ALATORRE: At no other time did you visit that particular facility and at no other time were you informed of any alleged misconduct occurring at that particular facility?

MRS. LESTER: That's correct.

CHAIRMAN ALATORRE: In other words, the 12th of May of this year was the first time that you ever heard of any misconduct?

MRS. LESTER: That's right.

CHAIRMAN ALATORRE: All right, now the 12th of May you received information? What kind of information on the 12th of May did you receive and why is it that within a three day period you closed the place down temporarily?

MRS. LESTER: On the 12th of May we received a call from the Police Department which informed us of the fact that they had served a search warrant that they had previously obtained on the facility and the licensee's home and had found the photographs that they felt needed to be investigated. They gave us this information and asked to have us come over to see them at the Police Department. We did that. We also went out to the facility to see who was at the facility at that time to begin the preparation of the information for the formal accusation.

CHAIRMAN ALATORRE: All right, so then, in other words,

within a certain period there was sufficient amount of information from your vantage point that you temporarily closed the facility?

MRS. LESTER: That's right.

CHAIRMAN ALATORRE: Now do you have any recommendations or any ideas as to how we could either administratively change regulations or how we could legislatively streamline the process so that this does not occur again? Evidently this was going on for a long time and, of course, there is the point of why didn't somebody let your Department know about it. Some people may say that they did let your Department know. Others will say they didn't let somebody know early enough. But is there anything that you can see now, looking back at this particular situation, that we could do legislatively or administratively to ensure that alleged abuse like this does not happen again?

MS. BERSINGER: In my opinion, there are many areas that can be looked at to deal with this kind of situation. The real problem is the facility. You can look at the application requirements and attempt to screen out to the greatest degree possible those people that may not be appropriate for this line of work. In that regard, I believe our application process now is fairly strong in that, the only area that we might increase would be the routine fingerprinting of other employees at the facilities.

CHAIRMAN ALATORRE: All right, would you go so far as to say that all employees working for a day care center where there are children should be fingerprinted?

MS. BERSINGER: My own view would be to advocate that any adult having regular access to children be fingerprinted, yes. That is the requirements that we've had in the last couple of years

imposed on the residential facilities and certainly as a double preventative protection in the licensing process.

CHAIRMAN ALATORRE: Have you ever advocated legislation to that affect?

MS. BERSINGER: Last year there was legislation passed which provided for the expansion of fingerprint requirements for the residential facilities and we are...

CHAIRMAN ALATORRE: Now these are different kinds of standards. I understand what law that is. I'm talking about the possibility of fingerprinting all employees, as an example, of day care centers.

MS. BERSINGER: We have not specifically proposed that as yet.

CHAIRMAN ALATORRE: Do you feel that your Department or the Brown Administration would support legislation like that?

MS. BERSINGER: I believe they would, yes.

CHAIRMAN ALATORRE: Now in terms of Isabel's School. If you look at the license, evidently on April 21st, 1980 their license was renewed for a year's period.

MRS. LESTER: No, a two year period.

CHAIRMAN ALATORRE: Now, what type of review, if any, was Isabel's given at that particular time?

MRS. LESTER: The effective date on that license, I believe, was April 21, 1980. Prior to that time an annual evaluation of the facility would have been conducted that would have been an unannounced visit. They would have reviewed the entire physical classroom facilities, looked at all of the recordkeeping requirements of the facilities, the staffing of the facilities, whether all those

staff had been fingerprinted appropriately and cleared. That was all done prior to the issuance of this most recent license, the only deficiencies that were sited were some recordkeeping violations which were corrected, and then the two year license was granted.

CHAIRMAN ALATORRE: So, in other words, both the gentlemen as well as I believe the two licensees were fingerprinted, a record check was undertaken and it came out.

MRS. LESTER: The original fingerprints on licensee were taken for the original license in 1974. The process that we go through there is upon application we request two sets of prints from both licensee, we do a fingerprint check for intrastate as well as interstate conviction. If there's a conviction of more than a \$50 fine, certainly a felony conviction, we require a review at Central Review of that record and only with our expressed approval can an individual with such a record be licensed. We also get follow-up criminal record information on all people that we have fingerprinted so that if...

CHAIRMAN ALATORRE: Is that automatic?

MRS. LESTER: That's automatic, yes. So that we keep track of those and, of course, if there's any problem there, any problem after licensing, we would deal with revoking licenses.

CHAIRMAN ALATORRE: So, it is your testimony that it wasn't until May 12th that you were made aware of this, whether it was by law enforcement or anybody else, that there was any wrongdoing going on at that school. Is that correct?

MRS. LESTER: That's correct.

CHAIRMAN ALATORRE: Very good. Thank you very much. All right, is Captain John Sparkenbach here?

CAPTAIN JOHN SPARKENBACH: Good morning, I'm Captain John Sparkenbach of the Los Angeles Police Department, Commanding Officer of the Juvenile Division. This is Lieutenant Chuck Long. He is the officer in charge of the Child Protection Section of that division.

There has been a lot of media coverage and a lot of community involvement. One of the things that I've heard is that the Police Department was informed of this matter long before it was investigated. But from all my investigations, from my reviewing of reports for the several years I've been Commanding Officer of Juvenile Division for 2 1/2 years, we were not aware of the case at all. April 7 of this year one of my officers received an anonymous telephone call that indicated that the owner of the Isabel's Nursery School was involved in a child molestation.

Now, you have to understand that was an anonymous telephone call and, at that time, we assigned one of our units to look into the background of the school. Checking the owners and possible records that they might have. And we did begin a **surveillance** of the school and also of the home of the owners of that school. And that was the first notification of any evidence that we had that anything might be going on at that school. On May 7 -- correction, that was April 7. On April 27, the parents of a student of that school brought their child to the Northeast Station that handles this area and made a report that the child had been molested at the school by the owner. Northeast began their investigation. I think, a few days later, they realized that it was a major investigation. And that's what my unit handles is major investigations in this area of pornography or child abuse or sexual exploitation in any way.

So the case was actually turned over the the Sexual

Exploitation Unit of Juvenile Division on May 7. We reinterviewed the victim that was brought into Northeast Station on May 8 and on May 11, we obtained a search warrant through the courts to search both the school and the home of the owners of the school. On May 12, the State Department of Social Services was notified of our investigation. On May 15, the District Attorney reviewed the evidence and we received a arrest warrant and made the arrest on May 22, of the owner of the school, Mr. Meacham.

And that is kind of a chronological report of the investigation and the time involved. From April 7 when we received an anonymous phone call to April 27, when a child is brought forth to Northeast Station, to May 7 when the case is turned over to a unit under my command, to May 22, well the search warrant was served May 11, and May 22 the arrest was made. At that time the District Attorney filed 22 counts of felony child molestation. I'm sorry, 18 counts of felony child molestation. That case has been heard at a preliminary hearing and 17 counts were held for Superior Court of felony child molestation. One count was dismissed because of the statute of limitation problems and it was over three years ago that it was to have occurred. So that's about where we're at in this case and I'm here to answer questions.

CHAIRMAN ALATORRE: Could you explain to me what is the procedure that you follow? Once that you receive a complaint, whether it be an anonymous complaint or whether it be a complaint where the person gives their name?

CAPTAIN SPARKENBACH: First of all, the cases are very sensitive that we handle on these very very serious matters. On the anonymous information there are certain things that we can do.

We can check into the backgrounds of people, make utility checks to see what type activities are occurring. We surveyed the school and the private residents of this owner looking for some type of activity that would give us further information to confirm that anonymous phone call so that we feel that a crime was being committed. That's the kind of process that we have to follow to get additional information.

In this particular case it wasn't the matter of having a child brought forth by the parents. You have to understand one thing here, the age of the children are very young, from age two to four. Many, many times I don't believe the victims would even tell the parents. If they did, their parents might not understand what they are trying to tell them. So they are difficult cases to handle. We handle many of them. We have had a special unit on the Los Angeles Police Department since 1976, for the past five years, where we have nine people assigned that do nothing but handle the major investigations.

CHAIRMAN ALATORRE: The major investigations are strictly on sexual molestation and child abuse or is it just a wide variety of various things?

CAPTAIN SPARKENBACH: No, we are broken into two units. One is the Child Abuse Unit that handles physical abuse and that type of stuff. And then we have a Sexual Exploitation Unit that handles child pornography, major sexual cases that would not be turned over...that would be turned over to us by the area. You have to understand that each one of the areas also have a juvenile unit that conducts investigations now.

CHAIRMAN ALATORRE: I understand basically how a major crime section operates and how effective the unit can be. But can there be a breakdown between, as an example, a report being made to

the local Northeast Division and your Division? And at what point do you then get involved in an investigation?

CAPTAIN SPARKENBACH: The only breakdown, if it occurred, was if the officer that receives the information didn't make a crime report. If a report of crime -- and I'm sure you know we're trained in this area to take crime reports. The report would be made at the area station. Then it would be forwarded to us if it looks like a case that they could not handle. But the report would still be on file in the Police Department. I don't want to leave it here with you thinking that maybe the report would be made in, say the Northeast Area, and we would not know about it or that it would not be investigated. It would be investigated either by Northeast or by the Juvenile Division, depending on the seriousness of the case.

CHAIRMAN ALATORRE: I understand that, but I think that, at least, initially you have a little problem. You undertook a major investigation. And prior to that there was a report made. Now what was the period of time that elapsed before you found out about the report that was made to the local Northeast Division?

CAPTAIN SPARKENBACH: April 27 and May 7 when it was actually turned over to the section.

CHAIRMAN ALATORRE: In other words they were...

CAPTAIN SPARKENBACH: We're talking about, about ten days.

CHAIRMAN ALATORRE: A period of about ten days. Over that ten day period of time did the Northeast Division or the individuals involved in that Northeast Division do things any different than what you would have done?

CAPTAIN SPARKENBACH: I think it would have been very similar. I think that they would have started interviewing the

victims or victim and I think in this case they interviewed the victim and the parents and thought that it might be more widespread than they could handle and that's why it was turned over to our unit.

CHAIRMAN ALATORRE: I know, but there was a ten day period before it was turned over to your particular Division. Now what I'm trying to ascertain is what they did in that ten day period. Obviously you were conducting an ongoing investigation. Now at what point did you find out that they were also conducting an investigation?

CAPTAIN SPARKENBACH: No, I would think it would probably be that ten days later. One thing that I think you have to understand is a ten day investigation is not an unreasonable length of time. We don't do these things overnight.

CHAIRMAN ALATORRE: No, I understand.

CAPTAIN SPARKENBACH: You know we don't do these things overnight. These are major investigations that take a lot of time to interview all the people involved. After getting a search warrant, for instance, we had approximately 4,000 photographs where we identified all the victims in those photographs and went out and interviewed all the parents and victims of those cases that were in the photographs. These are very time consuming events.

I don't see the ten day period...I'm sure what Northeast was doing was making a follow-up investigation on information they had. But when they found that it was a larger investigation than they first thought it might be, they immediately called us and turned it over to us. And ten days, probably the weekend involved, who knows -- you're probably talking about maybe a six or seven day work period which I don't think is unusual for such cases.

CHAIRMAN ALATORRE: At which point do you feel that the

Police Department should contact the appropriate licensing agency and notify them of an investigation.

CAPTAIN SPARKENBACH: I think the mandatory reporting law on child abuse cases requires us to report to Department of Public Social Services. That's the law.

CHAIRMAN ALATORRE: No, I understand that's the law and we've already heard that. But what I'm trying to understand is at what point do you feel, as law enforcement officers, that you were duty bound to notify the Department that has the licensing responsibility.

CAPTAIN SPARKENBACH: As a professional courtesy we work with many many departments and school boards, agencies. We notify them when we feel that it will not interfere with our investigation and as soon as they should be involved from the standpoint where they can assist us in that investigation. What I mean by that is that if we felt that for some reason the investigation could be hindered by anyone else knowing about it, we probably would not. In this case we notified the State Department of Social Services on the 12th. That was the day after the search warrant. That was the day after we had gathered sufficient evidence that we felt that we had a good case and that we were going to bring charges against this person, and that's when we notified them. I think that is probably the standard procedure.

CHAIRMAN ALATORRE: It is conceivable, as an example in this particular case, that you obviously did very quick police work and you were able to put together a case in a very short period of time. But is it conceivable that say, in a much more complicated case, that five months could elapse, six months could elapse, or whatever period of time could elapse and, because of your policy not

to bring in the licensing agency because it might impede your investigation, is it possible for a long period of time to elapse before you notify that agency?

CAPTAIN SPARKENBACH: I don't believe so. What they're doing here is examining, I think the events and the time involved in the step by step events. You have to understand that in the major investigations there's a lot of ground to cover, there's a lot of people to talk to, there's a lot of evidence to review, there's an interaction with the District Attorney's office, search warrants, there's interaction with the judges. So we just have a lot of work to do. I think that in all of the cases that we handle we bring in the other agencies very quickly because I think that we know the seriousness of cases like this. When we have charges that small children are being offended, we're working as fast as we can in a case like this, and that's our general policy. We don't call just the day we have possible information that something might be going on; no we generally don't.

CHAIRMAN ALATORRE: No, I understand that. See, that's not my point that you do not move in an expeditious manner once you've had what would be considered to be the complaint made. But what I'm trying to ascertain is whether if, in fact, you have parents involved as an example, right? And they are positive that their kids allegedly are being molested and supposedly that went on over a long period of time. If, say, that your investigation did not go as fast as it did in this case, what I'm trying to ascertain is whether, in fact, a long period of time could elapse before, as an example, the licensing agency is notified of your investigation?

In this case, you notified the agency on the 12th of May if I'm not mistaken and by that time you already had a search warrant.

I guess by that time you already had 4,000 photographs or whatever number of photographs so you could at least conclude that there was wrongdoing going on. So the licensing agency was brought in. But what I'm trying to figure out is whether, in fact, there could a lapse of time and whether, in fact, that lapse of time -- and I understand that the investigation is important and I applaud you for the swiftness of your investigation. But what I'm trying to ascertain is whether, in fact, there could be a long period of time where this kind of practice of child abuse could continue to go on without either the licensing agency or the other parents being notified?

CAPTAIN SPARKENBACH: I'm going to let the lieutenant, the officer in charge of that section, tell you exactly what he's done in the past.

CHAIRMAN ALATORRE: Just give us your name for the record, please.

LT. CHARLES LONG: Lt. Charles Long. In investigations that we're discussing here it's been my policy within that unit, when we come across a major case, initially we're going to take some action. And as soon as we find out from that initial action, if records substantiate, something that is occurring -- when if we are not at that point since we have some information one way or another that is still in planning stages -- we'll make contact with the highest individual we can in that organization so we can maintain some control over our investigation.

CHAIRMAN ALATORRE: O.K., now in this particular case, say a month or a month and a half elapsed between the time you became aware of the charges and where your hands were tied and the case went to the courts. Now at any time during that period was

the Department of Social Services, being the licensing agency, ever notified?

LT. Long: No sir! They were not, and there were reasons for that. During that month period of time we'd sent some surveillance and did primary investigations, we found no evidence that anything was occurring from that portion of our investigation. As soon as we got information that something was occurring, the time frame was sped up and our investigation was accelerated to a point where we didn't have the time to make the contacts we would normally make. We were going so fast in the investigation and the investigation culminated to a point where it was needless to contact them prior to culminating the entire investigation in seizing the evidence. And at that point we brought them up-to-date with what was going on. We had weekends that were occurring where there would be no children that were going to be in jeopardy. So we placed safeguards with them. Now, say our investigation would not have come to a point where we could obtain search warrants. Then we would make contact with the licensing agency, with the upper echelon, communicating to them in the strictest of confidence of what the investigation was, what we had determined so far in the investigation, and that we were going to have a continuing investigation so that we can either prove or disprove the allegations which were alleged.

CHAIRMAN ALATORRE: So, in other words, under normal circumstances, not in this circumstance, if in fact the investigation would have taken a longer period of time...I guess what I'm trying to determine is at what point would you notify the upper echelon people within a particular licensing agency, under the strictest of confidence, that an investigation is under way. At what point would

you notify a particular agency that something is going on? And what responsibility does the agency that licenses...what duty do they have to do anything about it? Do they just sit back and allow you to complete your investigation before they intervene or do they also have a duty to intervene?

LT. LONG: You're asking a question that is difficult to give an answer for because each case is individual and unique in itself. So you can't say that at some point and time...at a given point you're going to make contact with another agency or organization. You have to weigh factors as they're coming into your investigation whether or not it is appropriate at that time to communicate with that agency.

CHAIRMAN ALATORRE: Now, there might be times, in other words...

LT. LONG: There's a time when you may want to go ahead and do it.

CHAIRMAN ALATORRE: And there might be a time when you don't?

LT. LONG: In this particular case, we had nothing to substantiate that anything was going on, so there was no pressing need at that point.

CHAIRMAN ALATORRE: O.K., now at what point is this appropriate -- at what point during the investigation did you at least come to the conclusion that there was something to the investigation?

LT. LONG: That would have been when my Unit was contacted on the 7th day of May.

CHAIRMAN ALATORRE: When your unit was contacted on the

7th day of May?

LT. LONG: By Northeast Area indicating to us that they had received a prior report alleging that an incident did occur at the school which corroborated the information which we received one month prior which enabled us at that point to have grounds to obtain a search warrant.

CHAIRMAN ALATORRE: So, in other words, on the 7th you at least had some corroboration as to the...

LT. LONG: That's correct.

CHAIRMAN ALTORRE: Prior to the 7th you had no corroboration?

LT. LONG: We had no corroboration as to the anonymous call we received. Therefore, we could not take any type of action towards the search warrant until that information was corroborated. As Captain Sparkenbach stated, it was alleged that this activity was going on over a period of years at this school.

CHAIRMAN ALATORRE: And at no time...

LT. LONG: And at no time had our Department been contacted.

CHAIRMAN ALATORRE: Did the question then become, being that you obviously are charged with the major investigations in the section -- you do, I guess, the heavyweight investigation? Can there be a situation where you're never notified as to an inquiry or an anonymous phone call being made either on the phone or somebody is going to call, say, when the local division is making the report.

Is there a chance that you would never ever hear of it?

CAPTAIN SPARKENBACH: I'll answer that. Yes! You'll have to understand that we're decentralized. Understand a lot of the ways that we operate and certain units that are established at the areas. And we have 18 areas in the city that handle certain

crimes. You have to understand what we are responsible for.

CHAIRMAN ALATORRE: Now if I went, as an example, to Parker Center to file a complaint, now who would I eventually end up with. Would I end up with somebody from your operation, say, if it concerned a molestation situation with a child? Is there anyway that I could get lost at Parker Center and never get to the appropriate place that I should go to?

CAPTAIN SPARKENBACH: Well, you'd not get lost in Parker Center, but the report would be provided for the area that had the responsibility for that crime.

CHAIRMAN ALATORRE: If I went to Parker Center and I made a report or I filed a report with somebody or I went to discuss this matter with somebody, you would not get it but it eventually would filter down to, say, if I lived in Eagle Rock, it would filter down to the Northeast Division? If I lived in Boyle Heights it would filter down to the Hollenbeck Division?

LT. LONG: No, if you made a crime report, regardless of what area of the city, the child molestation -- at one point and time my unit will receive a copy of that report as it's filtered through channels and submitted to our records a recommendations unit. We receive all copies of child molestation reports.

CHAIRMAN ALATORRE: Now being that both of you are obviously experts in the field, do you see any areas where the Legislature can intervene to make sure that these abuses are not repeated? Maybe

stop something like this from occurring again?

CAPTAIN SPARKENBACH: You know there's legislation every year, and one of the things that we do in the Juvenile Division is support legislation and the Chief will support before the Council.

CHAIRMAN ALATORRE: Right!

CAPTAIN SPARKENBACH: There's many bills that concern this type of problem that are up before the Senate. This year there's some Assembly bills too.

CHAIRMAN ALATORRE: There's a major child molestation bill by Assemblyman Imbrecht that's out of the Assembly and on the Senate side. There was a bill that was alluded to by a representative of the Department of Social Services that would exempt churches and other organizations from even being licensed. Do you feel that is the way to go or do you think that that is a step backwards?

LT. LONG: Well I think we need greater control and there are several bills that talk about, not specifically a school of this nature, but talk about people working with young people and about having them fingerprinted and identified.

CHAIRMAN ALATORRE: Now, do you think that it would help, as an example, as the representatives from the Department of Social Services testified, do you think it would help right now if certain upper echelon people are fingerprinted and mugged. Do you feel that all people working with children in day care centers and the like should, in fact, fall under that particular requirement? Do you think that would help you?

LT. LONG: Yes!

CAPTAIN SPARKENBACH: I can kind of go through quickly some bills that I looked at here in the past couple of days that have to do with the crime -- and not necessarily specific incidents that we were talking about here. But Senate Bill 276 by Senator Rains talks about the statute of limitations, extending it from three to five years. One particular case we had here was about

four years ago, so there's something that might come into play.

CHAIRMAN ALATORRE: I would appreciate having a copy, if you would, of those bills.

CAPTAIN SPARKENBACH: I have a copy of each of the bills and I will submit them to your staff.

CHAIRMAN ALATORRE: Excellent! I would appreciate that. OK, thank you so much. Now, one thing that I would like to ask. I don't know if you're going to have time to stay around because there's going to be some people who are going to be testifying and you may like to respond. And I'd like to give you that opportunity to, in fact, respond in case there are some things that maybe you disagree with and that you feel should be elaborated on.

CAPTAIN SPARKENBACH: I have other appointments today but what I would like to do is, if you feel there's any problems, maybe your staff could get in touch with me later and I'll react to that.

CHAIRMAN ALATORRE: OK, I'll be more than happy to.

CAPTAIN SPARKENBACH: Thank you.

CHAIRMAN ALATORRE: Thank you very much.

All right, let me just talk to the members of the press. I'm going to be calling two parents -- or one person that formerly worked there and a parent. They do not want to be photographed. They do not mind being photographed from behind, but they do not want their faces to be photographed. We would appreciate your consideration of them.... All right, well as long as their faces are not photographed.

All right, Gloria and Lek!

REPORTER: Can we turn the table so that it faces away from us?

CHAIRMAN ALATORRE: Right! Sergeant!

CHAIRMAN ALATORRE: OK, let me just ask you several questions and we'll try to make it as easy as we can for you. Over a period of the last several years have you ever been associated with Isabel's Nursery School?

GLORIA: Yes, I have.

CHAIRMAN ALATORRE: In what capacity were you associated?

GLORIA: Teacher's aide.

CHAIRMAN ALATORRE: What length of time were you employed? Between what period of time were you employed with Isabel's Nursery School?

GLORIA: 1978 to January 1980.

CHAIRMAN ALATORRE: During that period of time did you ever notice anything out of the ordinary at the school and, if so, could you just please elaborate as to any of the things that you noticed.

GLORIA: I did. I saw Mr. Meacham take the children out of the school area on a regular basis, in the morning time when I was involved with art work. I saw Mr. Meacham take the children out of the school in the morning; two children, one at a time. Sometimes it would be two, the young children, the younger ones. That is when I saw him.

CHAIRMAN ALATORRE: On how many occasions did you notice that type of activity?

GLORIA: All the time that I was employed there. It was on a daily basis.

CHAIRMAN ALATORRE: It was on a daily basis that you noticed that the owner or one of the owners would take the children out of the nursery school?

GLORIA: Yes.

CHAIRMAN ALATORRE: Did you ever inquire during that period of time as to why the owner was taking the children from the campus... from the school?

GLORIA: No, I didn't. At the beginning I just thought she had such a good rapport with the children and I felt that they had consent as being I thought she being knowledgeable of all the laws pertaining to that type of situation.

CHAIRMAN ALATORRE: Now, was it the woman or was it the...

GLORIA: No, it was Mr. Meacham.

CHAIRMAN ALATORRE: It was Mr. Meacham that would take the children from school?

GLORIA: Yes!

CHAIRMAN ALATORRE: What did you do, if anything, to bring to the attention of either the parents or the owners that type of activity?

GLORIA: Well, I didn't know the parents that well and we weren't allowed that much contact with the parents. If we spoke to them it had to be briefly. But I quit working there and I just felt uneasy in that situation. Being there and feeling that something was improper was going on. Something not right there was going on. So I quit and then I went, a couple of months later, I ran into a parent and she confronted me and wanted to talk to me about a personal situation that happened with her child there. And she wanted to know if I had any knowledge of it.

CHAIRMAN ALATORRE: Now, anytime during the time that you worked at the facility did you ever have any contact with the department that licensed the school. Did you ever have any contact

with any agencies that are responsible for supervision of the school?

GLORIA: Not when I was there but when I left...after I left I did contact the Police Department.

CHAIRMAN ALATORRE: When did you leave?

GLORIA: January of '80.

CHAIRMAN ALATORRE: You're testifying that...

GLORIA: It was a few months later.

CHAIRMAN ALATORRE: You're testifying that you did, in fact, contact the Los Angeles Police Department, is that correct?

GLORIA: Yes I did after I was confronted by a parent with knowledge that her child had been taken out and had been photographed. And I asked her to report it.

CHAIRMAN ALATORRE: How did you know that her child was photographed?

GLORIA: She told me.

CHAIRMAN ALATORRE: How did that parent know?

GLORIA: Her child had spoken to the mother and told her that Mr. Meacham had taken her out and taken her picture.

CHAIRMAN ALATORRE: Now when was that; was that in 1980 or when? Approximately when?

GLORIA: Yes.

CHAIRMAN ALATORRE: Now you testified that you notified the Police Department as to some activities that were questionable at that time.

GLORIA: Of the incident.

CHAIRMAN ALATORRE: Of the incident? All right, when did you notify the Police Department and, to your knowledge, who did you speak to?

GLORIA: That was last year, 1980. I don't recall at that time...that was bothering me that she confronted me with this and I ask her to record it and to get back to me and find out what happened and I never heard from her so I went down there and recorded it.

CHAIRMAN ALATORRE: Where did you go?

GLORIA: Downtown to the Child Abuse Unit on Spring Street.

CHAIRMAN ALATORRE: OK, you went to the Child Abuse Unit on Spring Street? Do you or do you not recall who you spoke to?

GLORIA: No I did not recall. I may have a card at home and I...

CHAIRMAN ALATORRE: Was a complaint filed or was anything filed as a result of your interaction with the Police Department?

GLORIA: He did...the officer did take it down and asked me several questions and...and asked me information on how...where the school was located and if there were any other access to get through the school other than the front and information of that sort. Where they could go and investigate and sort of, I guess, undercover, that type of thing.

CHAIRMAN ALATORRE: So, in other words, you met with the Police Department back in 1980. Now was there any follow-up to the report that you made to them. Did they ever contact you again in relationship to the things that you discussed with them?

GLORIA: No, they did not. They said they would but I never heard from them again so I thought...they never contacted me again. They said they would and they didn't.

CHAIRMAN ALATORRE: So, it is your testimony that you did speak to the Police Department as far back as 1980 to report that particular incident?

GLORIA: Yes.

CHAIRMAN ALATORRE: Now, in relationship to the parent that told you about her child taking pictures, do you have any idea as to whether the mother or the parent notified the Police Department about pictures being taken of their child?

GLORIA: No, they did not because I spoke to the officer and I mentioned her name and I told him about the situation and they said, "No" that they did not.

CHAIRMAN ALATORRE: Do you have any idea as to whether the Police Department notified the parents in question as to the complaint or the allegations made about the pictures being taken of that child?

GLORIA: No, they did not notify them.

CHAIRMAN ALATORRE: They did not!

GLORIA: I gave them her name and the area she lives in, and they did not notify them.

CHAIRMAN ALATORRE: Now in terms...is it your understanding that when a license is posted whether, in fact, on that license there is a number in case there are any questions or any concerns that parents have in relationship to the conduct that takes place at that particular school?

GLORIA: Pardon me is there a...

CHAIRMAN ALATORRE: Is the license...

GLORIA: Yes, you mean if there's a number there to call?

CHAIRMAN ALATORRE: Right!

GLORIA: Yes.

CHAIRMAN ALATORRE: So in other words, parents did have access to a number in case there was concerns that they had about the conduct of the school?

GLORIA: Well, I don't know if they had access. I mean the license was hung up there in the office. I don't know if they had knowledge that they could do that.

CHAIRMAN ALATORRE: Outside of the one time that you went before the Police Department on Spring Street, was that the only time that you ever had any opportunity of discussing this with members of the law enforcement community?

GLORIA: Yes.

CHAIRMAN ALATORRE: And, to your knowledge, nothing was done as a result of, whether it was a complaint or whatever it was, the things that you told the Police Department about what's going on at Isabel's?

GLORIA: No.

CHAIRMAN ALATORRE: Is that the only person outside of...is that the only person that you ever discussed the matter with in any official capacity?

GLORIA: Yes with the parent, the mother.

CHAIRMAN ALATORRE: Now, to your knowledge, did any of the parents give permission to allow the children to be taken off the premises of the school?

GLORIA: No.

CHAIRMAN ALATORRE: OK Lek, why don't you just turn the microphone up, get closer to the microphone. How old is the child that you had attending the school?

LEK: She was two years and seven months old.

CHAIRMAN ALATORRE: How long did you child attend Isabel's?

LEK: One and a half years.

CHAIRMAN ALATORRE: During that year and a half period did

you ever notice unusual activity while your child was enrolled at Isabel's?

LEK: She mentioned to me once that Mr. Meacham had taken a lot of pictures of her.

CHAIRMAN ALATORRE: Was this on more than one occasion?

LEK: Yes.

CHAIRMAN ALATORRE: Did you ever report the fact that Mr. Meacham allegedly took pictures of your daughter to anybody?

LEK: First I confronted them both. Isabel and James.

CHAIRMAN ALATORRE: Can you tell me what was your conversation with both them?

LEK: With Mrs. Meacham, I asked her why she take her out of the school. I told her what my daughter told me and she denied it.

CHAIRMAN ALATORRE: In other words, Mrs. Meacham denied pictures were ever being taken of your daughter?

LEK: That's correct.

CHAIRMAN ALATORRE: Did you ever give permission to anybody to take pictures?

LEK: No!

CHAIRMAN ALATORRE: Or for either Mrs. Meacham or Mr. Meacham to allow them to take your daughter off the premises of the school?

LEK: No!

CHAIRMAN ALATORRE: Now, did you ever contact anybody, whether it was the Police Department or whether it was any other agency, about your concerns as a result of the things that your daughter talked about?

LEK: Yes, I called the police twice.

CHAIRMAN ALATORRE: Can you just go over that. Do you have any recollection as to when you called the Police Department, who you spoke to and how many times did you call? Let's take the first one.

LEK: The first one I called the Highland Park Police and it should be February. If I'm right it should be on February 11, 1981. I believe I talked to Detective Diaz. About the name I'm not really too sure about it.

CHAIRMAN ALATORRE: What did you tell Officer Diaz?

LEK: I notified that my child had said that Mr. Meacham had whipped her with a jacket and threw her in the chair and I asked him was this what he called child abuse.

CHAIRMAN ALATORRE: Now, what did he say about the fact that Mr. Meacham had allegedly abused your child.

LEK: His reply was that as long as her child did not come home with a broken bone there is nothing. That the Police Department could not do anything to the nursery school.

CHAIRMAN ALATORRE: Did you tell the officer about pictures that were taken of your child, too?

LEK: I did not.

CHAIRMAN ALATORRE: Do you have any reasons why you did not?

LEK: At this time I was so confused. Since I had talked to both of them and my second thought was that what if it didn't really happen.

CHAIRMAN ALATORRE: Why did you take your daughter out of Isabel's?

LEK: Because my daughter had told me about the incident.

The other two children, a boy and a girl had also told me the same thing. So I took her out of that school.

CHAIRMAN ALATORRE: Because of the incidents of Mr. Meacham alledgedly taking picture of your daughter?

LEK: No, it was because of the physical abuse. I have to say that.

CHAIRMAN ALATORRE: You said that you contacted the Police Department on two occasions, is that correct?

LEK: That's correct.

CHAIRMAN ALATORRE: Now was it the first occasion that you spoke with Officer Diaz?

LEK: That's correct.

CHAIRMAN ALATORRE: Do you have any idea who you spoke to on the second occasion?

LEK: I didn't really remember the name.

CHAIRMAN ALATORRE: Now, what was your conversation on the second occasion. What was the substance of the conversation that you had the second time with the Police Department?

LEK: Maybe I should tell you the second time that I called the police, because I had a chance to talk to Ms. Wong who was the cook at the school and also Gloria. Then I believed that what my daughter had told me had some grounds. That is the reason why I called the police a second time. And I called the L.A. police and told them that the pictures had been taken. And I told them what my daughter had told me.

CHAIRMAN ALATORRE: Now that was the second time that you called the Police Department, is that right?

LEK: That's correct.

CHAIRMAN ALATORRE: Do you have any idea when, more or less, when the second time, your call to the Police Department took place?

LEK: I didn't remember the date but I know it was in April of 1981.

CHAIRMAN ALATORRE: So, in April 1981, at that time you told...was it the Northeast Division, or was it in Los Angeles that you called? Do you know?

LEK: I know it was in Los Angeles, the second time.

CHAIRMAN ALATORRE: The second time?

LEK: Parker Center!

CHAIRMAN ALATORRE: Parker Center?

LEK: Right.

CHAIRMAN ALATORRE: So you called Parker Center and you spoke to somebody. And at that time you told them about your concern about pictures being taken of your daughter?

LEK: That's correct.

CHAIRMAN ALATORRE: What was their response to your conversation with them?

LEK: First they were told to get my name and phone number, which I did not give it out. But they said that they would send someone to observe this place and make sure that whatever I recall had some grounds for them to do the investigations.

CHAIRMAN ALATORRE: Now at that point was your daughter still, in April, in school?

LEK: No.

CHAIRMAN ALATORRE: When did you take your daughter out?

LEK: After February 13.

CHAIRMAN ALATORRE: You heard the representative of the

Police Department say that it wasn't until late April that they had ever gotten any complaints about conduct at Isabel's School. And what you're saying is that you did contact both the Northeast Division in February and you also contacted Parker Center in April about the incident, correct?

LEK: That's correct.

CHAIRMAN ALATORRE: But you didn't give...obviously you didn't give them your name and there was no follow up. Now did you ever give the officer at the Northeast Division your name?

LEK: That is correct.

CHAIRMAN ALATORRE: You did? Or you did not?

LEK: No, I did not.

CHAIRMAN ALATORRE: Both times. The first time they said nothing could be done?

LEK: He kept saying that he could believe that the child did something to deserve the whipping. That is what he said.

CHAIRMAN ALATORRE: Now the second time, the officer said that they would investigate?

LEK: They would observe the place.

CHAIRMAN ALATORRE: Now your daughter is...is it your daughter? Your daughter is now attending another day care center?

LEK: That's correct.

CHAIRMAN ALATORRE: Has your daughter had any problems as a result of this time that she was at Isabel's? Has she had any problems adjusting?

LEK: When I think of it right now I'll have to say yes.

CHAIRMAN ALATORRE: How?

LEK: Before she attended the Isabel's Nursery School she

was completely potty trained but right after I enrolled her in the school, she would wet the bed every day. You know, come to think about it, when I placed her in another child care center she doesn't wet the bed anymore. And she also had some nightmares, bad dreams. She would cling to me. Whenever I put her in the school in the morning she continued to cry; she would just hold onto my clothes and won't let me go. She didn't want to be left there.

CHAIRMAN ALATORRE: It is the testimony of both of you, that both of you did in fact contact...you on the one hand, you do not remember who you talked to at Parker Center, but you're sure that you did contact the Police Department?

LEK: Yes.

CHAIRMAN ALATORRE: And you're sure that you contacted them about the concern that you had about children being taken out of the center?

GLORIA: Yes, and what the mother...what the one mother had told me.

CHAIRMAN ALATORRE: And the mother...she told you that pictures were being taken of the daughter.

GLORIA: And that her daughter was being taken out of school.

CHAIRMAN ALATORRE: Right, and did you ever notice the license of the facility posted anywhere in the building?

GLORIA: I didn't see it.

CHAIRMAN ALATORRE: So you didn't see the license?

GLORIA: That is correct.

CHAIRMAN ALATORRE: Thank you very much. Diana Jacobs! Diana, if you could just give us your name for the records. Is

it Diana Jacobs?

MRS. DIANA JACOBS: Diana Jacobs.

CHAIRMAN ALATORRE: Diana Jacobs and Darryl Jacobs. What is the approximate age of your child who was identified in the pictures?

MRS. JACOBS: When she attended Isabel she was two and a half.

CHAIRMAN ALATORRE: How long was your daughter enrolled at Isabel's?

MRS. JACOBS: She was there for a year and a half.

CHAIRMAN ALATORRE: Now, during anytime that she was enrolled at Isabel's did you notice any unusual activities going on at the school?

MRS. JACOBS: I didn't notice anything at the school, but one day she came home and told me that James kept taking pictures of her butt. And when I questioned her, she said he had taken her to G G's home and he had taken pictures of her butt. When I questioned her she showed me that position and when I went down to identify her picture a year and a half later, they were in the positions that she had shown me. And it's needless to say that I was completely upset. And when I asked my husband he said don't be ridiculous, this couldn't happen, your child must be lying. I mean, these people are upstanding people in the community and you're trying to accuse them of something like this. And I've only decided that I can't go and talk to them, you know, to relieve my mind if nothing else.

CHAIRMAN ALATORRE: When during that time, do you have any idea when you wanted to speak to the people?

MRS. JACOBS: This was the end of July 1979.

CHAIRMAN ALATORRE: And what was the response to the concern that you had?

MRS. JACOBS: I went in and talked to Isabel and I told her what my daughter had said and, needless to say, what an embarrassing thing to have to present not knowing whether my daughter was lying or what the story was. And she laughed at me and said, "Oh these children, they make up the most ridiculous stories." James did not have her off the school grounds and did not have a camera because their daughter had it. And James was in the room adjoining her office and he came and said, "Oh, no I did take her to G G's house because I had to pick up G G and I did take pictures of her because she had such a pretty blouse on." And my heart just sunk. And I said I want the negatives. Three weeks later I got two pictures of her totally clothed and it never rested well in my mind, you know, that, and I just always felt that there might be some truth in what my daughter had said.

CHAIRMAN ALATORRE: Did you, as a result of your conversation, have any other conversations with anybody else about the incident?

MRS. JACOBS: Well, in December of 1979 at the Christmas party it was announced that Ms. Wong, Nancy and Gloria were all leaving here. And I kind of felt strange about that. I always liked Gloria because she seemed to really like the children.

CHAIRMAN ALATORRE: Who is Gloria and who is Ms. Wong?

MRS. JACOBS: Ms. Wong is the cook, and Nancy and Gloria

are teachers at the school.

CHAIRMAN ALATORRE: OK.

MRS. JACOBS: She told me that Gloria was leaving -- Isabel told me that Gloria was leaving because her mother was seriously ill.

In January 1980, I ran into Gloria in the bank, and I said, "How is your mother?" And she said, "Oh, she is fine." And I said, "Wait a minute, Isabel told me that you left because your mother was ill." And she said, "Oh, no -- there were some things going on in school that I wasn't too happy with." And right away I thought back to August of the previous year.

CHAIRMAN ALATORRE: Did you ever ask what things she was talking about?

MRS. JACOBS: Yes. I had asked her to wait for me after I got out of line and we talked for a long time. She told me that other parents had said things to her that just didn't seem right too. And she couldn't tell me what they were but that my suspicion were probably founded. She encouraged me to go to the police and I didn't. I'm really sorry that I didn't, but I was afraid, number one that they would not believe a two year old. And number two that James might in some way retaliate against my daughter. I was really afraid for my daughter.

CHAIRMAN ALATORRE: When did you take your daughter out of Isabel's?

MRS. JACOBS: We took her out February 12, 1980.

CHAIRMAN ALATORRE: February 12, 1980.

MRS. JACOBS: Yes, on her birthday, after the birthday party at school. And that was her last day.

CHAIRMAN ALATORRE: Did you ever notice the license posted on the premises?

MRS. JACOBS: I'm sure it was there but I never noticed.

CHAIRMAN ALATORRE: Does your daughter now, as a result of the time she had been there, anything unusual about the way she is

acting?

MRS. JACOBS: Well, now that she's out of the environment, not particularly, but when she was in the school she used to scream and cry that she didn't want to go. And when I would express my concern to Isabel, she would say, "Oh that's a phase she's going through." And she was an unusual child. After she was potty trained, she never wet her bed, and then she began wetting her bed and this was just so unusual...for a period of time, until I took her out of the school and then it stopped.

CHAIRMAN ALATORRE: Did you ever give permission to anybody at the school to take your daughter out of the premises?

MRS. JACOBS: Never!

CHAIRMAN ALATORRE: OK, Mr. Jacobs is there anything that you would like to add?

MR. JACOBS: Well, I would like to add two things on listening. I was listening to the testimony from the Department of Social Services and I had noted that Isabel had known about when the inspectors were going to be coming into the school.

CHAIRMAN ALATORRE: I didn't hear you. They knew?

MR. JACOBS: She had known. The Department of Social Services representatives who were the first ones to testify here, they said that they would arrive unannounced and yet Isabel seemed to know when they were coming. She used to be running around and saying, "We've got to get this together, we've got to get together."

CHAIRMAN ALATORRE: So, in other words, from your observations, it was contrary with what the Department of Social Services testified that no notice was ever given; that they just would show up unannounced.

MR. JACOBS: Yes.

CHAIRMAN ALATORRE: Now, do you know how many times during the period of time that your daughter was enrolled in the school the Department ever had an outside inspection of the facilities?

MR. JACOBS: I couldn't say, at the time I was working while she was in school. My wife was also working and we'd go to school and drop her off.

CHAIRMAN ALATORRE: Is there anything else?

MR. JACOBS: When we went down to Parker Center to identify the pictures of our daughter, the officer who was in the room there speaking to us and showing us the photographs of our daughter, had mentioned, "Well, we've known about the school for some time now." And I said, "About how long?" And he said, "About four years."

MRS. JACOBS: He said, "We've been watching this bird for four years."

CHAIRMAN ALATORRE: All right, do you have any idea who the officer that you spoke to at Parker Center was? Do you know his name?

MRS. JACOBS: McConnell, Detective McConnell.

CHAIRMAN ALATORRE: Detective McConnell? And to the best of your knowledge, can you just repeat to me exactly what the officer said about any responses that he had in relationship to Isabel's School.

MRS. JACOBS: In addition to what...

CHAIRMAN ALATORRE: But repeat that again.

MRS. JACOBS: Oh! He said he'd been watching "this bird" about four years.

CHAIRMAN ALATORRE: Now, did you ever say anything about that?

MRS. JACOBS: I felt like our children were guinea pigs. You know, like we'll keep this school open, we'll leave the children there until we can really pin something definite on them, and so our children were just exposed to this man and we had no knowledge of it, but the police did. The police are to protect us, not to use us as guinea pigs.

CHAIRMAN ALATORRE: Now are you aware of any other parents that went to identify the pictures of their kids and the same answer was given them.

MRS. JACOBS: Yes, I believe several other parents were told the same thing.

CHAIRMAN ALATORRE: That...?

MRS. JACOBS: That they had been watching the school and watching James for four years and they had known about it.

CHAIRMAN ALATORRE: Are you sure that Detective McConnell said that they had been watching the school for a period of four years?

MRS. JACOBS: Are watching James Meacham. I am sure that he said for four years.

CHAIRMAN ALATORRE: OK, thank you very much. Is Cynthia Taylor here and Yvonna Herrera? Can we turn the table around or do you not want to be...why don't we just turn it? Sergeant, why don't you just turn the table around please?

Okay, how long was your child enrolled in the Isabel's School?

MRS. CYNTHIA TAYLOR: For one year.

CHAIRMAN ALATORRE: Excuse me, can we just have some order please so we can hear, so the rest of the audience can hear people talking.

All right, how long was your child enrolled, Mrs. Taylor?

MRS. TAYLOR: For one year.

CHAIRMAN ALATORRE: For one year. Did you ever notice during that year's period any unusual activity occurring at the Isabel's School?

MRS. TAYLOR: No, I didn't.

CHAIRMAN ALATORRE: Your child is out of school, right? When was your child taken out of Isabel's School?

MRS. TAYLOR: May 18th.

CHAIRMAN ALATORRE: More or less when they closed the facilities, you removed your child?

MRS. TAYLOR: Right.

CHAIRMAN ALATORRE: Now, since that period of time, has there been anything unusual about your child that you've found out since the time he was taken out of Isabel's?

MRS. TAYLOR: Since he was taken out he has had nightmares. He had nightmares while he was going there, he had about a three month period when he would wet his bed, and he had been potty trained since he was eighteen months. So this is very unusual. He had erections 90% of the time at home, those have ceased now at this time. I realize that all little boys have them. But he had bruises on the back for six months; they have gone away now since he's been taken out.

CHAIRMAN ALATORRE: Now did you ever approach any of the people at the school and question them about your child's behavior or bruises that your child had?

MRS. TAYLOR: No, I did not.

CHAIRMAN ALATORRE: Did your child ever tell you as to how

he obtained bruises?

MRS. TAYLOR: I asked him and he just said he fell.

CHAIRMAN ALATORRE: OK. Did you ever give permission to the school to allow your child to ever be taken out off the campus of Isabel's?

MRS. TAYLOR: No, I did not.

CHAIRMAN ALATORRE: Did you ever notice the license of the institution posted?

MRS. TAYLOR: No, I did not.

CHAIRMAN ALATORRE: Was your child one of the children whose pictures were taken?

MRS. TAYLOR: Yes.

CHAIRMAN ALATORRE: Were you ever notified by the Police Department to go to Parker Center or the Northeast Division to identify your child?

MRS. TAYLOR: Yes, I was.

CHAIRMAN ALATORRE: Could you tell me what transpired during that time and who you spoke to and of any conversation you had with the law enforcement officer who showed the pictures?

MRS. TAYLOR: OK. I spoke with Detective Hales.

CHAIRMAN ALATORRE: Detective who?

MRS. TAYLOR: Detective Hales. And he informed me that it had been going on, that they had known about it for four years ~~and that they had been watching James for the last two years.~~

CHAIRMAN ALATORRE: Now, they had known about Mr. Meacham?

MRS. TAYLOR: Mr. Meacham, yes.

CHAIRMAN ALATORRE: For four years.

MRS. TAYLOR: Right.

CHAIRMAN ALATORRE: Now, did you ask them what they knew about him for four years?

MRS. TAYLOR: They just said this thing has been going on for four years, saying that he was a dirty old man. But there was no evidence at that time for them to do anything. So they had to wait.

CHAIRMAN ALATORRE: They had been investigating them for two years?

MRS. TAYLOR: Yes.

CHAIRMAN ALATORRE: What did they tell you about that?

MRS. TAYLOR: That they had been watching him.

CHAIRMAN ALATORRE: And at no time did they ever notify you or any of the other parents that he was under investigation or that they were watching him.

MRS. TAYLOR: Not to my knowledge.

CHAIRMAN ALATORRE: OK. Is there anything else.

MRS. TAYLOR: No.

CHAIRMAN ALATORRE: All right. Mrs. Yvonne Herrera. How old is your child?

MRS. YVONNE HERRERA: My son is four and a half now.

CHAIRMAN ALATORRE: OK. How long was your child at Isabel's School?

MRS. HERRERA: Two and a half years.

CHAIRMAN ALATORRE: While your child attended Isabel's School, did you ever notice any unusual goings-on at the school?

MRS. HERRERA: Not at the school. The only thing is my son came home with bruises on his legs, his thighs.

CHAIRMAN ALATORRE: Did you ever question your son about

his bruises?

MRS. HERRERA: Yes, I did.

CHAIRMAN ALATORRE: What did your son say?

MRS. HERRERA: He would just say he fell, then. Now it's a different thing.

CHAIRMAN ALATORRE: What he said, is that he fell. What is he saying differently now than what he said before?

MRS. HERRERA: Mrs. Meacham took him by his hair, threw him around the room, put him in the office, locked him in there, hit him with sticks.

CHAIRMAN ALATORRE: Did your child ever say why she did it?

MRS. HERRERA: All he would say is, "Mommy I guess I was bad."

CHAIRMAN ALATORRE: Did you ever give permission to anybody at Isabel's to take your child off of the school premises?

MRS. HERRERA: No, I didn't.

CHAIRMAN ALATORRE: Now was your son one of the children whose pictures were taken?

MRS. HERRERA: Yes.

CHAIRMAN ALATORRE: Did you have any occasion to meet with any law enforcement officers about those pictures and identify those pictures?

MRS. HERRERA: Yes.

CHAIRMAN ALATORRE: OK. Do you know the name of the person that you met?

MRS. HERRERA: Detective Hales.

CHAIRMAN ALATORRE: Detective Hales. Do you remember any conversation that you had with Detective Hales about the incidents?

MRS. HERRERA: Well there was a group of us. My family went and after seeing the pictures, I wasn't really too much there, but he was mentioning that they knew of him and of these things going on for about four years, and he continued to talk but I really wasn't paying that much attention.

CHAIRMAN ALATORRE: Your son was one of those whose pictures were taken and it is your testimony that the detective that you spoke to said that the Police Department was looking at Mr. Meacham for a four year period of time?

MRS. HERRERA: They knew it for four years.

CHAIRMAN ALATORRE: Did you ever meet any of the two people that testified here earlier from the Police Department?

MRS. HERRERA: No.

CHAIRMAN ALATORRE: Either -- I believe Lt. Chuck Long and Captain Sparkenbach?

MRS. HERRERA: No. I never saw them before today.

CHAIRMAN ALATORRE: They claim that they did not know about any of this activity going on until they received a complaint back around April. And it's your testimony that the detective that you spoke to said that they were looking at or investigating Mr. Meacham for four years?

MRS. HERRERA: He said they knew about it for four years.

CHAIRMAN ALATORRE: OK. Now in terms of your son, is there anything unusual that is happening to your son since the time that he left the school?

MRS. HERRERA: Unfortunately yes. We now live...

CHAIRMAN ALATORRE: Now, let me ask you something, would you rather not discuss it?

MRS. HERRERA: ...my husband and I live on a daily routine now of constant screaming in the night. He's not doing very well in his school. He has told me that he loves James and Isabel, and why can't I forgive them. His teacher now has told me that he has told her that he loves James and Isabel better than her. He is having a lot of problems in the school, being openly defiant during class, fighting with the other children. Things he's never done before. We're very surprised, that's not my son. Before, he'd always gotten along with everybody. Children especially.

CHAIRMAN ALATORRE: So, in other words, he's having problems in adjusting and he's having problems in his interactions with other children. Is that correct?

MRS. HERRERA: And teachers.

CHAIRMAN ALATORRE: And teachers. Is there anything else?

MRS. HERRERA: I can't remember.

CHAIRMAN ALATORRE: Can you tell me the age of the child you had enrolled in Isabel's?

MRS. JUDITH MULLENS: My daughter is now four.

CHAIRMAN ALATORRE: Your daughter is four. For what period of time was your daughter enrolled at the Isabel's School?

MRS. MULLENS: May of '80 to October of 1980.

CHAIRMAN ALATORRE: May of '80 to October of '80?

MRS. MULLENS: That's right.

CHAIRMAN ALATORRE: During the period, during that short period of time, did you ever notice anything unusual happening at the school?

MRS. MULLENS: Not at the school, but at home her and my little neighbor boy started playing a game which she called "Doctor."

CHAIRMAN ALATORRE: Why don't you just speak a little bit louder because I can't hear you that well.

MRS. MULLENS: Her and a neighbor boy were playing a game which she called "Doctor." I caught her and him in a back room; they were undressed under a blanket.

CHAIRMAN ALATORRE: OK. Anything else.

MRS. MULLENS: No.

CHAIRMAN ALATORRE: Did you ever confront your daughter about what she was doing? Do you recall what she said?

MRS. MULLENS: Well she just said that it was a game called "Doctor."

CHAIRMAN ALATORRE: Did you ever ask her how she learned how to play the game?

MRS. MULLENS: No.

CHAIRMAN ALATORRE: Did you ever see anything -- any incidents that you felt were unusual? Did you have any reason to confront the people at the school?

MRS. MULLENS: No I didn't.

CHAIRMAN ALATORRE: In terms of your daughter, I realize that it has been a significant period of time, has your little daughter had any problems adjusting?

MRS. MULLENS: When I take her to the doctor. I took her for an infection this last week. She was ready to run out of the office. She wouldn't go near him, she wouldn't even let him touch her anywhere. She clung to me...she did not remove her clothes, and said, "Please, no."

CHAIRMAN ALATORRE: Now did you ever give permission to anybody at the school to allow your child to be taken out.

MRS. MULLENS: Never.

CHAIRMAN ALATORRE: Was your child one of the children that was photographed?

MRS. MULLENS: Yes.

CHAIRMAN ALATORRE: Can you tell me when you were contacted by the Police Department to view any of the photographs that were taken?

MRS. MULLENS: I couldn't be contacted by the Police Department. Doug Fessler contacted my mother because my daughter's files were missing. They had no idea who she belonged to, so in return Doug gave me the phone number of McConnell.

CHAIRMAN ALATORRE: Fine. What was your conversation with -- to the best of your ability what was the conversation with Detective McConnell?

MRS. MULLENS: When I went down there and saw the pictures, he said they had been watching him for a period of time. He said approximately four years and now they finally got him, and they had my daughter's pictures; they were the last ones to be identified, and now that they had all the pictures identified they would go ahead and go with their procedure.

CHAIRMAN ALATORRE: So, in other words, it was the conversation you had with Detective McConnell, that they were investigating Mr. Meacham, or the school, for a period of four years. Is that correct?

MRS. MULLENS: Yes.

CHAIRMAN ALATORRE: Did you have any conversations with the detective about the fact that there was an investigation going on supposedly for four years and none of the parents were ever notified

of that investigation?

MRS. MULLENS: No, I was so surprised that there were pictures of my daughter.

CHAIRMAN ALATORRE: Did you ever see the license of the facility posted anywhere?

MRS. MULLENS: No, I didn't.

CHAIRMAN ALATORRE: Thank you very much.

Is it Ralph and Diana Kochner?

MR. RALPH KOCHNER: Kochner.

CHAIRMAN ALATORRE: I'm sorry. I don't know who wants to answer the questions and both of you can if you'd like.

MR. KOCHNER: Thank you.

CHAIRMAN ALATORRE: All right. Can you tell me the approximate age of your child?

MR. KOCHNER: She was two and a half years old when she was going to Isabel's.

CHAIRMAN ALATORRE: How old is she now?

MR. KOCHNER: She was two, she will be four in August.

CHAIRMAN ALATORRE: OK. How long was your daughter enrolled at Isabel's School?

MR. KOCHNER: From September to February of 1980. September '79 to February 1980.

CHAIRMAN ALATORRE: During that period of time did you ever have any indication to lead you to believe that there was anything unusual occurring at the school?

MRS. DIANA KOCHNER: No.

CHAIRMAN ALATORRE: OK. When did you take your child out of this school?

MRS. KOCHNER: I took her out February the 8th. My husband had gone to pick her up the previous day after 5:30 in the evening and our daughter was sitting in the front yard on the swing all by herself, no adult supervision could be found anywhere. She had just recovered from bronchitis, and we felt that it was absolutely unsafe for her to be in that school.

CHAIRMAN ALATORRE: So you took her out the following day because it was non-supervised. Or was there any other reason to lead you to take your daughter out of the school?

MR. KOCHNER: Well, mainly because of the non-supervision and also because of her health, because she was constantly getting sick whenever we took her to school. She would also -- like most of the other parents said -- she would also cling to us; she never wanted to go, and also the couple of times that I took her and -- my wife usually drops her off in the mornings because I usually have to be at work earlier -- and the couple of times I've taken her in, there was always a child sitting on Mr. James' lap. And I didn't think nothing of it because I thought he was trying to keep the child from crying. So I feel bad now because I use to tell Erica, you know, go to Mr. James because he, seems to me, like he was the comforter and we had no suspicion, whatsoever, of what was going on.

CHAIRMAN ALATORRE: But because you had no suspicion, obviously you had no reason to notify anybody, whether it be the Police Department or any appropriate department, about any of the conduct that you observed during that period of time, is that correct?

MR. KOCHNER: Yes.

CHAIRMAN ALATORRE: All right. How about Isabel? Did you ever have any conversations with the owners about the lack of

supervision or what you believed to be the lack of supervision or anything else; your daughter constantly being sick or the reasons why your daughter did not want to go to this school?

MRS. KOCHNER: During the last week of September, just after she had started the school, our daughter got a vaginal inflammation and we had to take her to the hospital and the next day I had asked Isabel, "Did my daughter fall or something that she was bruised and had they noticed anything she had been doing that was strange?" And Isabel laughed and she said, "Oh, no she probably fell off the tricycle." Which I accepted at the time, but on reflection she couldn't reach the pedals on the tricycle -- she was too small.

CHAIRMAN ALATORRE: Now, did the doctor tell you anything as to, or any reason, as to why she had the vaginal infection?

MRS. KOCHNER: They did a vaginal examination but they couldn't find anything. The doctor thought maybe she was exploring, but she was a little bit too young to do that.

CHAIRMAN ALATORRE: OK. Now was your daughter one of the children that was photographed by, allegedly photographed, by Mr. Meacham?

MR. KOCHNER: Yes.

CHAIRMAN ALATORRE: OK. Tell us when you were notified to go down to the police station to identify any of the photographs.

MR. KOCHNER: After the school was closed.

CHAIRMAN ALATORRE: OK. Who contacted you?

MR. KOCHNER: First of all, Officer McConnell called my mother because he could not get our phone number because we had our phone number changed. So then my mother gave him my work phone number and Officer McConnell called me at work and asked us to come down and identify pictures of our daughter. And I asked him at the

time, "Are you sure they're of my daughter?" And he said, "Yes, according to some of the parents she was the only one there with an eye patch." Because we were having her, you know, for corrective eye surgery. We were having her eyes done and she was, and so we knew it was her that night, but we went down there also. We asked him how, you know, because he showed us the photographs, you know, categorized and everything. And how can this be going on so long and nobody knowing about it?

CHAIRMAN ALATORRE: Let me ask you something? Your testimony is that you went to identify the photographs. Who was the detective that you had interaction with?

MR. KOCHNER: Officer McConnell.

CHAIRMAN ALATORRE: All right. What was the conversation or the substance of the conversation that you had with Officer McConnell?

MR. KOCHNER: Well, at first I asked him, I said, "Was this a normal thing, 'cause I don't know what's normal and what isn't. You know, how come it takes so long to close a school down, and how come it takes so long for an investigation of this type to go on?" And he says, "Oh, we've been watching him for at least the last two years and approximately two to four years." And I can't remember, after that we saw the pictures. So I cannot really remember what else was said after that. 'Cause after the pictures, that, you know, I even got lost Downtown, and I work half the time down there.

CHAIRMAN ALATORRE: All right. Was your testimony that Officer McConnell did tell you that some type of an investigation was going on anywhere from two to four years?

MR. KOCHNER: Yes, sir.

CHAIRMAN ALATORRE: And did he respond to the questions that you raised as to why he took so long?

MR. KOCHNER: I can't remember what the response was.

CHAIRMAN ALATORRE: Do you remember?

MR. KOCHNER: It was just an ongoing investigation.

CHAIRMAN ALATORRE: Now, did you ever give permission for your child to leave the premises of the school?

MR. KOCHNER: No, sir.

MRS. KOCHNER: No.

CHAIRMAN ALATORRE: Did you ever have any idea that your daughter was being taken out of the school at any time?

MRS. KOCHNER: I did. I had gone to the local grocery store, and someone had seen me with my daughter and she said, "Oh, she was in here just the other day with your husband." And my husband had been out of town for the past week, and I said, "No." And she said, "Well, it was an older man and he was kind of bald on top, I didn't know who she was with, but I will certainly find out." I asked, and it was James she was with.

CHAIRMAN ALATORRE: Now, did you ever have any conversations with either Mr. or Mrs. Meacham about your daughter's being taken out off the premises or away from the premises of the school?

MRS. KOCHNER: No, because at the time that this woman approached me that she had seen my daughter, I had already taken her out of the school. So I didn't bother going back to ask why.

CHAIRMAN ALATORRE: So the reason why you took your daughter from the school, took her out of the school because of health reasons?

MR. KOCHNER: Yes, and the supervision.

CHAIRMAN ALATORRE: And the supervision. Now, was there

only that one incident that your daughter was swinging, playing on the swing, was the only time that you saw that she was not being properly supervised?

MR. KOCHNER: No there were several other times. Also the weekends when I picked her up.

CHAIRMAN ALATORRE: Okay, now tell me what other things.

MR. KOCHNER: I don't have the exact date or anything.

CHAIRMAN ALATORRE: No, not but what do you...

MR. KOCHNER: I've seen her outside, and she'd come running up to me and there was no teacher around, nowhere. And a lot of times you'd have to, like they would have the jackets hanging on the fence, and on a cold night when the kid has bronchitis and a runny nose, you don't leave her running around without a jacket. Now I don't know if that is supervision in their eyes, I don't know.

CHAIRMAN ALATORRE: In terms of the license, did you ever see the license of the facility posted?

MR. KOCHNER: No, sir.

CHAIRMAN ALATORRE: Is there anything else that you'd like to say? Okay, thank you very much.

MR. KOCHNER: Thank you.

CHAIRMAN ALATORRE: Rita Walker.

Thanks, I don't know who wants to answer the questions, but either one of you can, feel free to answer the questions.

How old, approximately, is your daughter?

MRS. RITA WALKER: Son.

CHAIRMAN ALATORRE: Oh, your son.

MRS. WALKER: Six.

CHAIRMAN ALATORRE: Your son is six years old?

Turn that big microphone, there we go. OK. How long ago was your son enrolled in Isabel's School?

MRS. WALKER: About two years.

CHAIRMAN ALATORRE: From what period to what period?

MRS. WALKER: August '79 to April '81.

CHAIRMAN ALATORRE: OK. During that two year period did you ever notice any unusual activities going on on the campus or off the campus that caused you any concern?

MRS. WALKER: No. Just during the summer last year, he would cry about it. Because he was one of the first to be left in the morning.

CHAIRMAN ALATORRE: There was no other unusual activities that you were concerned with.

MRS. WALKER: No, no.

CHAIRMAN ALATORRE: Thank you. Did you ever give permission to allow your son to be taken off the premises of the school?

MRS. WALKER: Never.

CHAIRMAN ALATORRE: Was your son one of the children that were photographed?

MRS. WALKER: Yes.

CHAIRMAN ALATORRE: Can you tell me when you were notified by the Police Department to go down to identify the photographs?

MRS. WALKER: I was not notified. My brother who had a daughter at Isabel's went down to identify his daughter and I went down with him checking the pictures. They had not found my son's picture. When they did find pictures of my son they called my husband.

CHAIRMAN ALATORRE: OK, now the first time you went in with your brother, is that correct?

MRS. WALKER: Yes.

CHAIRMAN ALATORRE: Can you recall who the person was who your brother had a conversation with about the photographs?

MRS. WALKER: We all had a conversation with him. It was Hales, Detective Hales.

CHAIRMAN ALATORRE: Detective Hales?

MRS. WALKER: Yes.

MR. ROLAND WALKER: When we went we went with a group. We were part of a group. When we first went down, Diana's son has cousins who also attend school. So when she was speaking of family, she was speaking of Gary, Christine Jimenez, and us and herself. So it was rather a large group that went down. So we saw pictures of our nephews and nieces, and later I was called at my office and I had to come because they found pictures of my son.

CHAIRMAN ALATORRE: OK. When they found the pictures of your son, did both of you go or did you go alone?

MRS. WALKER: I went.

CHAIRMAN ALATORRE: And you identified those pictures, is that correct? All right. Do you recall the conversation that you had with, was that Detective Hales that you had the conversation with? Can you recall any of the conversation that you had with Detective Hales?

MRS. WALKER: At that time he didn't say anything. We had gone down with some friends to view the pictures to see if there were marks or bruises. At the time he did tell us that James was under investigation, they had known about it for four years.

CHAIRMAN ALATORRE: But you're sure that Detective Hales did say that they were either investigating him or they had suspicions

for a four year period?

MRS. WALKER: Yes, yes. Because we all got upset. We said, "How could you be under suspicion for four years and not do anything?"

MR. WALKER: Richard, we questioned him at that point.

CHAIRMAN ALATORRE: OK.

MR. WALKER: We were all upset with the pictures; the pictures were very explicit. There was a lot of crying, and people were upset and said, "How does this sort of thing happen?" "Why hasn't this school been closed down?" The pictures were dated on the sides. There were dates and names on the sides. And the dates had gone back a lot of years and we were very sad, and asked and he said, "Well, we've done away with Mr. Meacham for about forty years." At that point everyone started hollering and screaming and they said, "Now, why hasn't this school been closed down. Why weren't we notified?" He said, "Well, we didn't have any real evidence that we could go in and say anything against the school." Then he went on and proceeded to say that he had a Ph.D. in Bio-chemistry and gave us a long list of all the things that Mr. Meacham was and his standing in the community and it would be difficult to go in. It would create real problems without any kind of real evidence.

CHAIRMAN ALATORRE: But they did mention the fact that they had been and were aware of him for a four year period?

MR. WALKER: Yes.

CHAIRMAN ALATORRE: ...and at no time during that four year period were you or any other parents notified about the ongoing investigation?

MR. WALKER: That's the specific question that I asked

him: why we weren't.

CHAIRMAN ALATORRE: And his response was that he is an upstanding member of the community and they did not have any concrete evidence. Is that correct?

MR. WALKER: That's right.

CHAIRMAN ALATORRE: At no time did you give permission to take your child out of the premises, is that correct?

MR. & MRS. WALKER: No.

CHAIRMAN ALATORRE: Did you ever notice the license posted on the facility?

MRS. WALKER: No.

MR. WALKER: Also, Richard, just to add a few things. There were a few times when I took my son to school, very early in the morning because my wife had a meeting or something that she had to get to work earlier. Every time I took him to school, he had one particular girl in his arms. Never put the girl down to my knowledge. If I took him to school in the morning, he was holding her, when I picked him up in the evening, he was holding her. And I mentioned it to my wife and at that point I questioned her but I believe it was something about "he just really cares a lot about the girl." We had no reason to think of anything negative at that point.

Also, my son came home from school and the statement he said to us was, "James is taking pictures." Well, we didn't have any reason to think that they were any kind of negative pictures or anything like that, so we said fine, he's taking pictures. But we found out later what my son was referring to.

CHAIRMAN ALATORRE: Now, did you get your complaint to either Mr. or Mrs. Meacham about the things that your son said about

the pictures being taken?

MR. WALKER: The statement he made to us is, "James is taking pictures." He brought home a lot of things from school, like homework which involved photographs of the students, but they were all fully dressed and in a play mood, if you will. And we assumed that that's what he was referring to. But to answer your question, no we never did.

CHAIRMAN ALATORRE: Is there anything else that you would like to say at this time.

MRS. WALKER: Yes, the pictures were taken at the school. He never took him off the school.

CHAIRMAN ALATORRE: So in other words the sexually explicit pictures taken of your son were taken at the school?

MR. WALKER: Also, in the pictures, before I saw them the police officer called me; he said the pictures were strange, and I said, "What do you mean by strange." And he said it's very obvious that your son was forced and I said, "What do you mean by forced?" And he said, "Well, if you look at the pictures, he is crying and his face is full of mucus and he is obviously very upset, and has been threatened to do this, he is not doing this of his own initiative."

CHAIRMAN ALATORRE: All right. Thank you very much. All right, Christine Jiminez.

Could you tell us the age of your child.

MRS. CHRISTINE JIMINEZ: She's six years old.

CHAIRMAN ALATORRE: She six years old. How long was your child at Isabel's School?

MRS. JIMINEZ: Two years.

CHAIRMAN ALATORRE: Did you ever notice during that two

year period; any unusual activities either on or off the campus?

MRS. JIMINEZ: No.

CHAIRMAN ALATORRE: Did your daughter ever mention anything unusual to you about any activities at the campus?

MRS. JIMINEZ: Yes she did.

CHAIRMAN ALATORRE: Can you tell me what it was that your daughter mentioned?

MRS. JIMINEZ: One night, when I was changing her into her pajamas, she told me that James had taken her to this house, taken off her clothes and taken pictures of her.

CHAIRMAN ALATORRE: Do you recall when more or less it was?

MRS. JIMINEZ: In the summer of '80.

CHAIRMAN ALATORRE: OK. Did you, as a result of what your child had reported to you -- did you ever mention anything to either the owners of Isabel's, the police or any state agency?

MRS. JIMINEZ: Yes. I went into Isabel's the following day and my daughter also told me that the house was pink, and I asked Isabel, "Is your house pink?" She denied it. She said "No." She quickly changed her answer and said "Yes." And I told her my daughter said she was there; I said, "You made her believe you were taking her to your house," and she said, "Yes, I was." She'd run errands or pick up my little girl.

CHAIRMAN ALATORRE: Now is the house in the local vicinity, here in Eagle Rock?

MRS. JIMINEZ: Yes, it is.

CHAIRMAN ALATORRE: OK. So you did mention the events. Now did you ever discuss with her the pictures that were being taken?

MRS. JIMINEZ: No.

CHAIRMAN ALATORRE: What was the reason you took your child out of Isabel's.

MRS. JIMINEZ: I learned later that it did happen to one of the other little girls, so my daughter was telling the truth. So I took her out.

CHAIRMAN ALATORRE: OK. You never confronted anybody after that -- the police or anybody else?

MRS. JIMINEZ: No, I didn't.

CHAIRMAN ALATORRE: Did you ever give permission during the time that your daughter was a student at the campus...did you ever give permission for her to be taken off of the premises?

MRS. JIMINEZ: No.

CHAIRMAN ALATORRE: Mrs. Jiminez, was your child one of the children that was photographed?

MRS. JIMINEZ: Yes.

CHAIRMAN ALATORRE: Can you tell us whether you were notified by the Police Department to come to identify the photographs of your child?

MRS. JIMINEZ: Yes. I believe it was in May, 1981.

CHAIRMAN ALATORRE: OK. Do you recall who the person was that you talked with?

MRS. JIMINEZ: Detective Hales.

CHAIRMAN ALATORRE: Detective Hales. And can you tell me what, if any, conversation that you had with Detective Hales and what he said?

MRS. JIMINEZ: It was the same as all the other parents. They knew about it, they were watching, there was nothing they could

do until they found some evidence.

CHAIRMAN ALATORRE: But they did say that they were watching. Did they give you any specific period of time over which they -- over a period of time they had been watching them.

MRS. JIMINEZ: Four years.

CHAIRMAN ALATORRE: That there was something unusual going on?

MRS. JIMINEZ: Yes.

CHAIRMAN ALATORRE: Did you ever ask them why you were never notified as to this investigation that was going on?

MRS. JIMINEZ: Pardon?

CHAIRMAN ALATORRE: Did you ever ask Detective Hales or anybody else why you were never notified about the investigation that was going on at Isabel's?

MRS. JIMINEZ: Yes, he had mentioned it at the time that they didn't want to do anything because the people who complained about it didn't leave their name, so they had to stand back until just recently when parents complained. All they had were anonymous phone calls. So they couldn't do anything about it.

CHAIRMAN ALATORRE: Now it is your testimony that he told you that the reason why they did nothing about it was because the only information they had was coming anonymously. Is there anything else that you can recall of the conversation that you had with the detective?

MRS. JIMINEZ: No.

CHAIRMAN ALATORRE: OK, that's fine. OK, thank you very much. Linda Deal. Can you give us your name for the record, please?

MRS. LINDA DEAL: My name is Linda Deal.

CHAIRMAN ALATORRE: All right. Will you give me the age of your child?

MRS. DEAL: She is six years old.

CHAIRMAN ALATORRE: How long was she enrolled at Isabel's?

MRS. DEAL: She was only enrolled there for one month.

CHAIRMAN ALATORRE: Could you just speak a little closer into the microphone.

MRS. DEAL: She was only enrolled there approximately one month.

CHAIRMAN ALATORRE: Did you ever notice in that one month period that she was enrolled anything unusual going on?

MRS. DEAL: No, I didn't.

CHAIRMAN ALATORRE: In looking back now, can you observe anything strange, now that you know what was going on that you did not know at that particular time?

MRS. DEAL: Yes, in looking back now I remember when she was in the school, she had like a rash in her vaginal area and she complained of being sore and she was red. And I just thought it was because she was not wiping herself when she went to the bathroom. And that rash lasted about a week or two, and also she started playing with herself a lot more. At times she still has been for over a year, she still is doing that more-so than I thought. And also when she was in the school, when we would kiss and kid around....she said she wanted to French kiss. She'd want to kiss with her tongue, and I said "Where did you see this." And she just said, "Oh, I don't know," and she'd shrug her shoulders. Also, she plays with other children and she wants to play house a lot, an awful lot with little boys.

CHAIRMAN ALATORRE: Now was your child one of the children whose photographs were taken?

MRS. DEAL: Yes she was.

CHAIRMAN ALATORRE: Do you remember approximately when you were notified by the Police Department to come to the station to view those photographs?

MRS. DEAL: I got a phone call on May 18th, 1981...from Parker Center, from Detective McConnell.

CHAIRMAN ALATORRE: From Detective McConnell. Did you go to the station by yourself?

MRS. DEAL: No. I took my daughter. I went to the school with my girlfriend; within the hour we drove there and we spoke with Detective McConnell and my daughter spoke with him alone and she told him what happened at school; she remembers others things. When we got to see the pictures taken and she told Detective McConnell and he spoke with me alone.

CHAIRMAN ALATORRE: Do you recall the conversation that you had with Detective McConnell as to -- or was there any time during the conversation with the Detective -- about length of time...the amount of time they were investigating the Isabel's Nursery School?

MRS. DEAL: OK, he told me that the school had been under surveillance for the past two and a half years and that around May 11, 1981, that they had enough evidence to get a search warrant. They wouldn't do anything before because there was not sufficient evidence.

CHAIRMAN ALATORRE: But that there was an investigation going on for approximately two and a half years. Did you ever give permission for your child to ever be taken off of the premises?

MRS. DEAL: No, I never did.

CHAIRMAN ALATORRE: Did you ever see or notice the license posted on any place at the facility?

MRS. DEAL: No I didn't.

CHAIRMAN ALATORRE: Is there anything else that you'd like to tell us?

MRS. DEAL: No there isn't.

CHAIRMAN ALATORRE: Thank you very much. Dolores Torres.

MRS. DOLORES TORRES: I don't want to...

CHAIRMAN ALATORRE: You don't want to be photographed or anything. All right. All right, can you give us the age of the child.

MRS. TORRES: She's five and a half right now.

CHAIRMAN ALATORRE: How long was your child enrolled at Isabel's Nursery School?

MRS. TORRES: About two years.

CHAIRMAN ALATORRE: During that two year period did you ever notice anything unusual that was taking place either on or off the facility?

MRS. TORRES: Yes.

CHAIRMAN ALATORRE: Tell us please.

MRS. TORRES: Well, I thought it was very unusual that every time I dropped her off every morning he would always be in the back room with either one or two children and, you know, I just had a little suspicion.

CHAIRMAN ALATORRE: Well, how did you know that he was always in the back room with one of the children?

MRS. TORRES: Because I would always look for the adult supervisor on the premises; I didn't want to just drop her off. So

when I would find him, the children were talking to him in the back. He was always cleaning out the back room or the office with the door closed.

CHAIRMAN ALATORRE: OK. Did you ever give permission for your daughter to be taken away from the school site?

MRS. TORRES: No.

CHAIRMAN ALATORRE: Did you ever have any occasion to meet with any of the owners of the facility to express any concern or to meet with the Police Department about this matter.

MRS. TORRES: With Isabel, I spoke with her about the way I felt.

CHAIRMAN ALATORRE: About it? What was the substance of the conversation that you had?

MRS. TORRES: I just wanted the reason why he was always having to be in the back room; why wasn't he with the other children. Couldn't he handle all of the children at the same time? She just said that he would take them back there because they were upsetting the other youngsters...to calm them down and they were very upset. She always had a good answer.

CHAIRMAN ALATORRE: Was your child one of those that was photographed?

MRS. TORRES: Yes.

CHAIRMAN ALATORRE: Who notified you about going down to the police station to identify the photographs?

MRS. TORRES: I was not notified.

CHAIRMAN ALATORRE: Do you know if your child was in fact photographed?

MRS. TORRES: Yes, I saw them photos at the court hearing.

CHAIRMAN ALATORRE: The Police Department never notified you that your child's photograph was taken?

MRS. TORRES: Not me personally. They notified her father.

CHAIRMAN ALATORRE: OK. Now, did her father go down to identify?

MRS. TORRES: Yes, but he tried to keep it from me, also. For my own personal sanity.

CHAIRMAN ALATORRE: Are you married or are you separated?

MRS. TORRES: We lived together but...

CHAIRMAN ALATORRE: That's all right. We won't get into that.

MRS. TORRES: OK.

CHAIRMAN ALATORRE: All right. So in other words, you never had any knowledge that your daughter was photographed until the time that you went to court?

MRS. TORRES: Yes.

CHAIRMAN ALATORRE: Now, do you recall any conversation -- do you recall the conversation that your husband had with the police officer and who it was? He never did tell you?

MRS. TORRES: No, he didn't.

CHAIRMAN ALATORRE: OK. And you never gave any permission for your daughter to be taken off the premises?

MRS. TORRES: No.

CHAIRMAN ALATORRE: Is there anything else? All right. Doug Fessler.

MR. DOUG FESSLER: Yes.

CHAIRMAN ALATORRE: All right, will you give us your name.

MR. FESSLER: Doug Fessler.

CHAIRMAN ALATORRE: Did you have any children attending Isabel's School?

MR. FESSLER: Yes, a boy and a girl.

CHAIRMAN ALATORRE: What are their approximate ages?

MR. FESSLER: Now Carl is going to be six and Paula is four.

CHAIRMAN ALATORRE: All right. Did you ever suspect over a period of time that both your son and daughter were attending Isabel's School any unusual activity taking place at the school?

MR. FESSLER: Well, Paula accidentally burnt her arm and we took her to the doctor. My wife took her to the doctor. We were not called about that on the morning that it happened. We found out about it when she went to pick our daughter up. We approached Isabel and said, "How did that happen?" "Why didn't you call us. You know, my husband lives a block and a half away, and I'm a half a block away." She said, "Well, I didn't think it was that bad, so we just put baking soda on it."

CHAIRMAN ALATORRE: OK.

MR. FESSLER: And that's what happened there.

CHAIRMAN ALATORRE: Any other unusual activity?

MR. FESSLER: Only in the discussion with Paula and that in comment -- well we actually told her that she graduated because it was close to the end of the school term when this happened, and one night Jan and I were just talking with her about James and we said, "What are your feelings about sitting on James' lap?" And she said, "I don't want to sit on James' lap." We answered, "Why?" And she said, "Well, because if I want to get down, he won't let me go."

CHAIRMAN ALATORRE: Any other -- would you like to...

MR. FESSLER: No, that's pretty much...

CHAIRMAN ALATORRE: Did you ever give permission to allow your children to be taken out of the premises of the school?

MR. FESSLER: No, sir, never. Only to go to the beach or some outing, but as far as a general rule, no, sir.

CHAIRMAN ALATORRE: Were you ever notified -- were your children also photographed?

MR. FESSLER: No.

CHAIRMAN ALATORRE: They were not photographed.

MR. FESSLER: No, sir.

CHAIRMAN ALATORRE: Not to your knowledge or...

MR. FESSLER: Not to our knowledge, they were not photographed nor any comments made or by any suggestions. And we've asked our children "Have you been photographed?" "No," the answer was always "no."

CHAIRMAN ALATORRE: OK. Did you ever notice the license had been posted anywhere in the facility?

MR. FESSLER: No, sir. There was one other thing that I would like to comment on. Our daughter had a continuous bad odor down there and for a long time my wife was working hard to get it taken care of. We figured she wasn't wiping herself properly and so forth. After the school was closed, we did not have any problem at all with her in that way, not any.

CHAIRMAN ALATORRE: Did you ever have any conversations outside of the time that your daughter was burned? Any conversation with the owners of the facility? Any unusual activity or any concern that you had?

MR. FESSLER: I believe there was something that didn't

seem right to us, because I had a pretty full day in my job and my wife did on a few occasions discuss with Isabel things she did not like or agree with.

CHAIRMAN ALATORRE: OK. Looking back now, do you think that -- I think you listened to testimony from the representatives of the Department of Social Services proposing that all those that are dealing with children be fingerprinted and a background check be made on them. Do you feel that everybody working at a day care center, that have any contact with children, should in fact go through a check?

MR. FESSLER: Yes.

CHAIRMAN ALATORRE: Is there anything else?

MR. FESSLER: No. I just want to thank you for this opportunity. Thank you very much.

CHAIRMAN ALATORRE: All right, Nancy Meyers. Can you give us -- you are not a parent is that correct? What was your affiliation with Isabel's School?

MS. NANCY MEYERS: I worked there.

CHAIRMAN ALATORRE: OK. What was your position?

MS. MEYERS: A teacher's aide.

CHAIRMAN ALATORRE: You were a teacher's aide. What was the time period that you worked at the school?

MS. MEYERS: From September 1980 until January 1981.

CHAIRMAN ALATORRE: Did you ever notice any unusual activity during the time that you were working at the school?

MS. MEYERS: I noticed James taking the children all the time. It was art time and the children were not around so he would carry them all the time and just act strange. I noticed that right away.

CHAIRMAN ALATORRE: Now, did it happen some of the time or did it happen all of the time that he was taking children?

MS. MEYERS: Everyday. They were gone the whole time.

CHAIRMAN ALATORRE: Did you ever have occasion to discuss that issue with...

MS. MEYERS: Yes, I would ask Isabel where they were because it was art time and she would make me feel that it was okay, James had them at the park and I trusted her.

CHAIRMAN ALATORRE: Outside of James, was either Mr. or Mrs. Meacham taking the children out of the premises? Was there any other unusual activity that you could cite to us?

MS. MEYERS: Just that of the relationship between Isabel and James, it was cold and they would never talk nice to each other. She would always tell James to leave after we got there. I was supposed to be there at nine and James was always there early. Isabel got there around the same time I did, maybe a little before. She always wanted him to go home right away and he never wanted to go. He wanted to stay around and play with the kids. He had them all the time. In the office sitting with him.

CHAIRMAN ALATORRE: Did you ever notice him taking photographs of the children?

MS. MEYERS: No. They had a camera at the school, but it was out in the yard.

CHAIRMAN ALATORRE: Those were the only photographs that you noticed.

As an employee do you feel that it would be an invasion of your privacy -- whether you are a teacher or whether you are a teacher's aide -- to be fingerprinted and a background investigation

be made on you as a condition of work? You don't have any problem with that?

MS. MEYERS: No.

CHAIRMAN ALATORRE: OK, thank you very much.

You can just give us your name.

MS. YOLANDA KNDSKSTEDT: My name is Yolanda Knbskstetd and I was an employee there at Isabel's from January '80. And the things that I saw in March, the second week of March, he (James) would leave with the children and go to market; two of the children, he would be gone for hours. He did that about once a week. And on one occasion I was walking to the back room and he was in the back with them and the door was cracked open a little and he had Micha and Liza in there, and he had Micha on the counter, and he was feeling her bottom. And Isabel threatened a little boy once there. As he was new and he was upset. He was new that day and she said, "Stop crying, if you don't stop crying, I'm going to lock you up in the bathroom." She didn't know I knew this, because she had said it in Spanish and she didn't know that I understood it, what she had said.

And I also seen James, also hold these children a lot, the little ones especially and...

CHAIRMAN ALATORRE: Did you ever bring it to the attention of Isabel?

MS. KNDSKSTEDT: Yes, I did. One time I needed something in the back room and I needed James to help me with it and I said, "Where's your husband?" And she said, "He left for the market with the kids, with the children." That's what she said.

CHAIRMAN ALATORRE: Did you ever question them as to why he was constantly taking the children away from the school?

MS. KNDSKSTEDT: I never questioned him, but like I said before, I confronted her with it and I asked her why, you know, where is he, and all she said was that he left to go to the market.

CHAIRMAN ALATORRE: Is there anything else? Did you ever have any contact with the Police Department or the department that licensed the child care center?

MS. KNDSKSTEDT: No.

CHAIRMAN ALATORRE: Did either one of you ever have any contact with either the Police Department or the department that licensed the day care center? Neither one of you did? Thank you very much.

All right, Susan Arcaris. Will you just give us your name for the record.

MS. SUSAN ARCARIS: Susan Arcaris, Principal of Dalhia Heights School.

CHAIRMAN ALATORRE: OK. Can you just basically give us some ideas of the role that you had with the children and the parents at Isabel's Nursery School.

MS. ARCARIS: Mr. Alatorre, after the school was closed, I noticed the parents of the children who attended Dalhia Heights and also who had their children at Isabel's Nursery School were very upset and so we called a meeting for the parents here at the school on the 20th and had available two mental health counselors from the school district to answer any questions to relay any fears that they may have and, of course, primarily dealt with how they should deal with their children and the situation.

CHAIRMAN ALATORRE: Were you aware at any time during that period of time that the school or the pre-school was open

of any unusual activity that was going on?

MS. ARCARIS: While I was there at the school as principal I was not aware of anything unusual, although after this all came forward, the teachers that were here, they informed me, told me that Mr. Meacham did have a habit of taking the young children here to the school with him when he came to pick up the kindergartners.

CHAIRMAN ALATORRE: Is that unusual?

MS. ARCARIS: Well, I would think anybody that has charge of children, that it would be unusual to take them off the grounds.

CHAIRMAN ALATORRE: So, in other words, you had no reason to complain prior to the school being closed?

MS. ARCARIS: That's correct. No reason to complain prior to that.

CHAIRMAN ALATORRE: And you had no reason to feel that there was anything unusual going on at the school prior to the closing?

MS. ARCARIS: I did not feel that. You must remember that our children here would be children that are articulate and would be able to talk about something that went on. The children that dually went to both schools were in the primary grades: kindergartners, first, second and third graders. And as I understand he primarily dealt with children that were younger. But it did cause a lot of emotional problems for the parents and the community which, in turn, caused the children to be emotionally upset by it too. So then we further had the program with all the classrooms in school and the children were encouraged to talk about the situation with their parents and then also we're giving a little bit yet on how to handle themselves in situations where somebody tries to approach them in an unnatural way.

CHAIRMAN ALATORRE: Anything else? Thank you very much for your testifying and offering the facilities of your school for our hearing.

MS. ARCARIS: My pleasure.

CHAIRMAN ALATORRE: All right, let me just ask, would the parents that testified, if you could meet with my assistant in the library, I certainly would appreciate it. And let me at this time thank each and every one of you for coming.

To me I guess the problem is at what point do you act so as not to impede an investigation that is going on so that eventually the people that are alleged to have committed these crimes are brought to justice. And also, at what point is the department that licenses a nursery school, at what point are they given notification without impeding the investigation. At what point are they also notified of any investigation.

It is clear to me that something has to be done to try and bring together the various agencies that are responsible so that they can work on a cooperative basis, without it affecting the health and welfare of the children involved. There is some inconsistency -- on the one hand, listening to representatives of the Los Angeles Police Department testify about the time they found out about the incident is somewhat inconsistent with the testimony that was given by many of the parents who went to identify the photographs of their children.

For the police to conduct an investigation, does it take getting an individual to give their name and to have a specific incident in mind before an investigation takes place? It just seems to me that there appears to be some kind of an inconsistency in the time frame that was testified to as to the entrance of the Los Angeles Police Department

in the case and the testimony that was given by the parents as to the time frame that they were given, anywhere from a two and a half year period to a four year period.

I think it's clear that something has to be looked into in relationship to the people that work in the child care centers. That is something that I'm concerned about. I'm obviously concerned about the licensing procedure that goes on and the people that are given licenses and the type of ongoing monitoring that takes place. I don't think that is enough, as an example, to just allow a day care center to automatically be given an extension of their license without some kind of a background investigation taking place as to the fitness of the particular school and whether, in fact, the things they are purporting to do are, in fact, being done.

Those are some of the things that I think I would look into and I thank the parents and other witnesses for coming before this inquiry. I would hope that if, in fact, that things have been discussed did, in fact, take place that justice will prevail and the law will be dealt with in a fair and equitable manner. And I thank each and every one of you for being here. My office will continue to monitor the situation and if there's anything that comes up that you would like to discuss either with me or with members of my staff, feel free to contact us.

Thank you very much for being here.

LEGISLATIVE COUNSEL OPINION

INFORMATION SUBMITTED BY
CAPTAIN JOHN SPARKENBACH

LEGISLATIVE ADDRESS
STATE CAPITOL
SACRAMENTO 95814
PHONE (916) 445-7587

DISTRICT OFFICE
6801 NORTH FIGUEROA STREET
LOS ANGELES 90042
PHONE (213) 255-7111

COMMITTEES
LABOR AND EMPLOYMENT
UTILITIES AND ENERGY

Assembly California Legislature

RICHARD ALATORRE
ASSEMBLYMAN

CHAIRMAN
COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

ATWATER, BOYLE HEIGHTS, CITY TERRACE, CYPRESS PARK,
EAGLE ROCK, EAST LOS ANGELES, ECHO PARK, EL SERENO,
ELYSIAN VALLEY, GLASSELL PARK, HIGHLAND PARK,
LINCOLN HEIGHTS, MONTECITO HEIGHTS, MT. WASHINGTON

August 3, 1981

Bion M. Gregory
Legislative Counsel
State Capitol, Room 3021
Sacramento, CA 95814

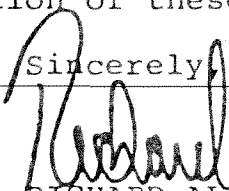
Dear Bion:

Penal Code Section 11166 states, "A law enforcement agency shall immediately or as soon as practically possible report by telephone every instance of suspected child abuse reported to it to county social services and the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and shall send a written report thereof within 36 hours of receiving the information concerning the incident to such agency."

What does "immediately or as soon as practically possible" mean? At what point after police agencies have information about suspected child abuse are they obligated to contact child protective agencies. Are anonymous calls to police agencies enough to require law enforcement to report suspected child abuse to the appropriate agencies?

Thank you for your consideration of these questions.

Sincerely,


RICHARD ALATORRE
Assemblyman

RA:esd

OWEN K. KUNS
RAY H. WATKINS
CHIEF DEPUTIES

JERRY L. BASSETT
KENT L. DECHAMPEAU
STANLEY M. LOUGHEED
EDWARD K. PURCELL
JOHN T. STUDEBAKER

JOHN CORZINE
ROBERT CULLEN DUFFY
ROBERT D. GRONKE
SHERWIN C. MACKENZIE, JR.
ANN M. MACKEY
TRACY O. POWELL, II
RUSSELL L. SPARLING
JIMMIE WING
PRINCIPAL DEPUTIES

3021 STATE CAPITOL
SACRAMENTO 95814
(916) 445-3057

8011 STATE BUILDING
107 SOUTH BROADWAY
LOS ANGELES 90012
(213) 620-2550

Legislative Counsel of California

BION M. GREGORY

Sacramento, California
October 1, 1981

Honorable Richard Alatorre
2188 State Capitol

Child Abuse Reporting - #14564

Dear Mr. Alatorre:

QUESTION

What does "immediately or as soon as practically possible," as used in subdivision (f) of Section 11166 of the Penal Code, mean? Must reports be made under that subdivision in response to anonymous telephone calls?

OPINION

"Immediately or as soon as practically possible," as used in subdivision (f) of Section 11166 of the Penal Code, means without delay or as soon as it is really, as opposed to theoretically, possible, a determination which would be made under all the facts and circumstances of a particular case. Reports must be made under that subdivision in response to anonymous telephone calls.

GERALD ROSS ADAMS
DAVID D. ALVES
MARTIN L. ANDERSON
PAUL ANTILLA
CHARLES C. ASBILL
JAMES L. ASHFORD
SHARON G. BIRENBAUM
AMELIA I. BUDD
EILEEN J. BUXTON
LINDA A. CABATIC
HENRY J. CONTRERAS
BEN E. DALE
CLINTON J. DEWITT
C. DAVID DICKERSON
FRANCES S. DORBIN
LAWRENCE H. FEIN
SHARON R. FISHER
JOHN FOSSETTE
HARVEY J. FOSTER
CLAY FULLER
ALVIN D. GRESS
JOYCE E. HEE
THOMAS R. HEUER
JACK I. HORTON
SANDRA HUGHES
MICHAEL J. KERSTEN
L. DOUGLAS KINNEY
VICTOR KOZIELSKI
ROMULO I. LOPEZ
JAMES A. MARSALA
PETER F. MELNICOE
ROBERT G. MILLER
JOHN A. MOGER
VERNE L. OLIVER
EUGENE L. PAINE
MARGUERITE ROTH
JERRY J. RUIZ
MARY SHAW
WILLIAM K. STARK
JEFF THOM
MICHAEL H. UPSON
RICHARD B. WEISBERG
DANIEL A. WEITZMAN
THOMAS D. WHELAN
CHRISTOPHER ZIRKLE
DEPUTIES

ANALYSIS

Initially, Article 2.5 (commencing with Section 11165) of Chapter 2 of Title 1 of Part 4 of the Penal Code* details a procedure for the reporting of child abuse. Section 11166 requires any member of various classes of designated persons to make a report to specified public agencies of instances in which he or she knows or reasonably suspects that a child has been the victim of child abuse. Any other person who has knowledge of or who observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.

Subdivision (f) of Section 11166 requires a county probation or welfare department to "immediately or as soon as practically possible report by telephone every instance of known or suspected child abuse" to the law enforcement agency having jurisdiction over the case, and to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, except as specified. These departments are also required to send a written report within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report.

Similarly, a law enforcement agency is required to "... immediately or as soon as practically possible" report by telephone every instance of known or suspected child abuse reported to it to county social services and the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, except as specified, and to send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report.

It is a cardinal rule of statutory construction that statutes must be given a reasonable and commonsense construction in accordance with the apparent purpose and intention of the Legislature (County of Alameda v. Kuchel, 32 Cal. 2d 193, 195). Moreover, it is also the rule that legislative enactments should be construed in accordance with the ordinary meaning of the language used (Pacific Gas & Elec. Co. v. Shasta Dam Area Public Util. Dist., 135 Cal. App. 2d 463, 468).

* All section references are to the Penal Code unless otherwise indicated.

In this regard "immediately" means "without interval of time: without delay: straightway" (Webster's Third New International Dictionary of the English Language, Unabridged, p. 1129). As soon as "practically possible" means "not theoretically: really"; "being within ... the limits of one's ability ... as determined by ... circumstances or other controlling factors" (Webster's, supra, pp. 1771 and 1780).

Thus, we think a reasonable construction of the above requirement is that the report must be made without delay or as soon as it is really, as opposed to theoretically, possible, a determination which would be made under all the facts and circumstances of a particular case.

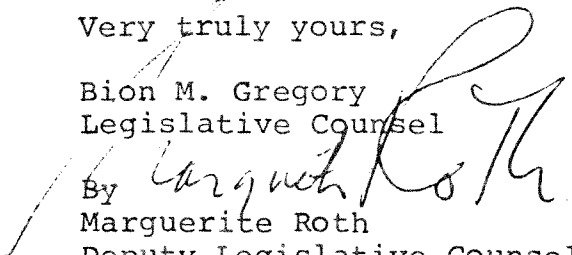
As to whether a report must be made in response to an anonymous call, persons other than those who are required to make reports of child abuse are not required to disclose their names when making reports of known or suspected child abuse (subd. (c), Sec. 11167). Inasmuch, as a practical matter, many reports of child abuse would be of such a character, we think a construction of the statute to require a report by the county probation or welfare department or a law enforcement agency only if the informant discloses his or her identity would not be in accordance with the apparent intent of the reporting provisions--to encourage the reporting of instances of child abuse in order to protect children subject to abuse.

Again, as stated above, statutes must be given a reasonable and commonsense construction in accordance with the apparent purpose and intention of the lawmakers; a construction that will lead to a wise policy rather than to absurdity (County of Alameda v. Kuchel, supra; In re Davis, 18 Cal. App. 2d 291, 297).

Thus, to summarize, "immediately or as soon as practically possible" as used in subdivision (f) of Section 11166 means without delay or as soon as it is really, as opposed to theoretically, possible, a determination which would be made under all the facts and circumstances of a particular case. Further, in our opinion, reports must be made pursuant to that subdivision in response to anonymous telephone calls.

Very truly yours,

Bion M. Gregory
Legislative Counsel

By 
Marguerite Roth
Deputy Legislative Counsel

(Note: Submitted by Captain John Sparkenbach, Chief,
Juvenile Division, Los Angeles Police Department)

- SB 276 (Rains) changes from 3 years to 5 years the time during which prosecution must be commenced for specified sex crimes.

Scheduled for hearing, August 10, in the Assembly Criminal Justice Committee.

- SB 277 (Rains) requires any person who applies for employment or volunteers for a position exercising supervision or disciplinary power over children shall consent to the employers receiving a record of all convictions involving any sex crime.

Scheduled for hearing, August 10, in the Assembly Criminal Justice Committee.

- SB 278 (Rains) requires the Court, after imposing sentence for a conviction of specified sex crimes, to order testing to determine the suitability of a person for treatment in the MDSO Program. The person shall not be placed on outpatient status and upon completion of any treatment, the person shall complete the term of imprisonment imposed.

Scheduled for hearing, August 10, in the Assembly Criminal Justice Committee.

- SB 331 (Stiern) prohibits any person from knowingly developing, duplicating, printing or exchanging any film, photograph, videotape, negative or slide in which a person under the age of 18 is depicted in an act of sexual conduct.

Scheduled for hearing, August 17, in the Assembly Criminal Justice Committee.

- SB 586 (Rains) revises existing law regarding certain sex offenses and increases the severity of punishment for perpetrators of sex crimes against children.

Scheduled for hearing, August 10, in the Assembly Criminal Justice Committee.

-
- SB 587 (Rains) allows the videotaping of aminor victims testimony in any sex crime prosecution.

Scheduled for hearing, August 10, in the Assembly Criminal Justice Committee.

SB 588 (Rains) provides for additional training for officers and district attorneys investigating or prosecuting cases of sexual exploitation or sexual abuse of children.

Scheduled for hearing, August 10, in the Assembly Criminal Justice Committee.

SB 776 (Ellis) increases penalties for violators of specified sex crimes.

Scheduled for hearing, August 10, in the Assembly Criminal Justice Committee.

SB 1078 (Ellis) provides that any matter consisting of films, photographs, slides or magazines which depict a minor under 16 engaged in sexual conduct as specified is a nuisance and shall be subject to confiscation and destruction. Now in the Senate Judiciary Committee.

AB 1568 (Torres) increases penalties for specified sex crimes against children when committed by persons over 18 years of age.

Now in the Assembly Criminal Justice Committee.
