

From: Chapman, Mike

Sent: Wednesday, November 10, 2021 3:57 PM

To: Scott Ziegler <Scott.Ziegler@lcps.org>; Mark.Smith@lcps.org; Poland, Mark <Mark.Poland@loudoun.gov>

Cc: BOS <BOS@loudoun.gov>; BOS-EMAILS <BOS-EMAILS@loudoun.gov>; Hemstreet, Tim <Tim.Hemstreet@loudoun.gov>; LCSB@LCPS.org; Troxell, Kraig <Kraig.Troxell@loudoun.gov>; Corwin, Karen <Karen.Corwin@loudoun.gov>

Subject: Response to Dr. Ziegler's 11/5/21 Letter

Dr. Ziegler,

Attached is the letter you sent to me on Friday, 11/5/21, along with my response (with attachments). Please feel free to contact me if you have any questions or concerns.

Thank you. Mike

Michael L. Chapman

Sheriff

Loudoun County Sheriff's Office

803 Sycolin Road, SE

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Sheriff Michael L. Chapman

LOUDOUN COUNTY SHERIFF'S OFFICE

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November 10, 2021

Dr. Scott A. Ziegler
Superintendent
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148

Dear Dr. Ziegler,

This letter is in response to correspondence I received from you on Friday, November 5, 2021 (Attachment #1). In your letter, you state that Loudoun County Sheriff's Office (LCSO) Colonel Mark Poland shared what "may be inaccurate information" to the Board of Supervisors at the November 3, 2021, meeting regarding a sexual assault that occurred at Stone Bridge High School on May 28, 2021. You detail a response by Colonel Poland to Supervisor Matt Letourneau's question as to whether Loudoun County Public Schools (LCPS) was notified of the arrest of the individual who committed the offense. Colonel Poland's response was, "They (LCPS) were absolutely notified."

You fixated your question on whether the arrest notification was made specifically by the LCSO – not on whether you had received "official notification" of the subject's July 9, 2021 arrest. Nothing in your letter addresses the following facts:

- That you knew of the alleged sexual offense the day it occurred.
- That despite a public statement at a School Board meeting on June 22, 2021 denying any knowledge of sexual assaults in any LCPS bathrooms, you sent an email on May 28, 2021 to members of the School Board advising them of the incident – thus invalidating your public statement (see Attachment #2).
- That LCPS was aware of the offense the day it occurred, and an official notification of the suspect's July 9, 2021 arrest was made to LCPS by Juvenile Intake as required by law.
- That LCPS was aware of the Juvenile Intake, Commonwealth Attorney, and Judicial process throughout this case.
- That despite knowing the serious nature of the offense, LCPS decided to place this individual back into (another) high school population.
- That the consequences of that decision resulted in a second student being victimized by the same defendant.

To address your concern more clearly, it is important to recognize Code of Virginia requirements and its application, as well as the sequence of events. You state, "Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such report, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult." Unfortunately, two critical points were omitted from your letter.

- The section you refer to, *Code of Virginia §22.1-279.3:1*, stipulates “offenses,” not arrests. This offense was reported to the LCPS the day it occurred as evidenced by your email on May 28, 2021. You were unmistakably aware of the offense as you personally reported it to the School Board that same day.
- You failed to articulate that the July 9, 2021 arrest did not occur on LCPS grounds, but at Juvenile Intake while school was on summer recess. All investigations involving minors, that involve Juvenile Intake during the process (as did this case), **require** that Juvenile Intake provide notification to the LCPS regarding certain arrests (sexual assaults included). This is stipulated in §16.1-260 Section G of the Code of Virginia which states, “the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court.”

This process was properly followed as evidenced by the timeline of communications below:

- Just prior to the July 9, 2021 arrest, case investigator Detective Czekaj of the LCSO Special Victims Unit, communicated with Mr. Jason Bickmore of the Loudoun County Juvenile Court Service Unit (JCSU). She asked if “we” (LCSO) should make the arrest notification to LCPS. Mr. Bickmore advised that JCSU would make the notification as it is their responsibility to do so. In a post-arrest conversation between Detective Czekaj and Mr. Bickmore, Mr. Bickmore confirmed the notification was sent by letter to LCPS, which LCPS could then disseminate for safety purposes.
- On October 27, 2021, conversations about this case occurred between Sergeant Promisel and Mr. Bickmore (JCSU). On that date, Mr. Bickmore advised Sergeant Promisel that he was “surprised” that LCPS, in conjunction with the Commonwealth Attorney’s Office, had determined to place the defendant in another school.
- The fact that all required notifications were made to LCPS was further validated on October 28, 2021, by Greg Davy, the Virginia Department of Juvenile Justice Public Information Officer, who was quoted by WTOP stating, “*notifications required by 16.1-260G of the Code of Virginia are met in the Loudoun District Court Service Unit by mailing a hard copy notification letter to the office of the District Superintendent of Schools.*” It is critical for arrest notifications to be made under this Virginia law, by the JCSU, as many incidents involve arrests made by outside jurisdictions other than where the offender resides. Therefore, the JCSU, which is considered a state agency, can assure notifications are made to the proper school system.
- On October 28, 2021, Lieutenant Colonel Bobby Miller confirmed with Mr. Ira Holland, Director of Loudoun County Juvenile Court Service Unit, that a notification was made to LCPS. Mr. Holland stated, “*we followed the law.*”
- Finally, on November 8, 2021, Mr. Bickmore informed Sgt. Promisel, that in late August 2021, he had conversations with both Mr. Doug Fulton, Director of School Administration, and Mr. Dave Spage, the Principal of Broad Run High School, regarding the defendant’s court-ordered disposition.

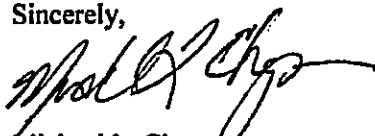
The sequence of events and review of applicable Virginia Codes clearly demonstrate that you and your leadership staff at LCPS were aware of the offense; the suspect’s arrest; and the judicial process involving the Commonwealth Attorney’s Office, Juvenile Intake, and Juvenile Court from the time of the original sexual assault to the time of the defendant’s conviction. Despite that, LCPS opted to place this individual in another school where a second sexual assault allegedly occurred. If there were any lapses in

communication directly to you throughout this process that impacted your decision making, it would seem it occurred within LCPS' own administration.

Finally, I noticed that you commissioned an "independent" review, which I assume will be paid for by the LCPS using Loudoun County taxpayer dollars. You announced this a day after incoming Attorney General Jason Miyares stated publicly that he intends to investigate this incident. While I believe an independent review would be helpful, I have concerns of the legitimacy of such a review conducted at your direction. As the Attorney General is accountable to the citizens of Virginia, I feel an Attorney General review is the most objective way to move forward on this issue.

Please feel free to contact me if you have any questions or concerns. Thank you.

Sincerely,



Michael L. Chapman
Sheriff

cc: Loudoun County Public Schools School Board
Loudoun County Board of Supervisors



LOUDOUN COUNTY PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT

21000 Education Court
 Ashburn, Virginia 20148
 (571) 252-1020

Scott Ziegler, Ed.D.
 Superintendent

Sheriff Mike Chapman,

We are committed to providing our community with good, solid information as we work to provide all students with a safe learning environment.

With that in mind, we are writing to address what may be inaccurate information that was shared at the Board of Supervisors meeting on November 3, and reported in the media last evening.

Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult.

During the quarterly crime update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:
 Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office: "I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public Schools when the individual was charged?"

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified."

At this point, LCPS cannot confirm that we have received the required notification of charges from the Loudoun County Sheriff's Office regarding this case.

We request that LCSO forward a copy of the notification of charges, the date it was sent, and to whom it was addressed, directly to the superintendent and principal of Stone Bridge High School, as required by the Code of Virginia. Moving forward, we need a clear understanding of who in the Loudoun County Sheriff's Office will be responsible for communicating this required information with the superintendent and building principal.

We believe our partnership with LCSO is critical in ensuring a safe environment in our schools and overall community.

Best,


 Dr. Scott A. Ziegler
 Superintendent

Cc: Loudoun County School Board
 Loudoun County Board of Supervisors
 Col. Mark J. Poland, Loudoun County Sheriff's Office

SZ/mw

From: [Scott Ziegler](#)
To: [School Board Confidential](#)
Cc: [Ashley Ellis; Timothy Flynn; Kevin Lewis; Joan Sahloren](#)
Subject: CONFIDENTIAL School Incident
Date: Friday, May 28, 2021 4:09:00 PM

Good Afternoon, Board Members,

The purpose of this email is to provide you with information regarding an incident that occurred at Stone Bridge HS. This afternoon a female student alleged that a male student sexually assaulted her in the restroom. The LCSO is investigating the matter. Secondary to the assault investigation, the female student's parent responded to the school and caused a disruption by using threatening and profane language that was overheard by staff and students. Additional law enforcement units responded to the school to assist with the parent.

The school's counseling team is providing services for students who witnessed the parent's behavior. The alleged victim is being tended to by LCSO.

As LCSO is investigating both incidents, further updates may not be available.

Scott A. Ziegler, Ed.D.
Interim Superintendent of Schools
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