



## MORROW COUNTY DISTRICT ATTORNEY

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### **FOR IMMEDIATE RELEASE PRESS RELEASE**

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## **NO CRIMINAL CHARGES FILED AGAINST BOARDMAN TEACHER**

Morrow County District Attorney Justin Nelson today announced that no criminal charges will be filed against a Boardman kindergarten teacher alleged to have put diapers on three students.

"I have had an opportunity to review the police report submitted by the Boardman Police Department. I have also spoken to the family of the three students alleged to have had diapers put on them in class. Based upon the statements of the 15 kindergarten students interviewed in this case, there is insufficient evidence to go forward on criminal charges against the teacher. I want to be clear that this decision should not be taken as a determination that nothing occurred, but merely as a statement that there is insufficient evidence to go forward with any criminal charges. Any determination of discipline or employment will be left to the Morrow County School District."

"The citizens of Morrow County should be proud of the work done by the Boardman Police Department and Morrow County Sheriff's Office in this case. The agencies took this complaint seriously and worked together to investigate this case."

### **Overview:**

- On January 22, 2013, the Boardman Police Department received a report that a Boardman kindergarten teacher had removed the pants and underwear of a student and put a diaper on the student. It was reported that this conduct occurred in front of the other students in the class.
- The investigation done in this case was extensive. A total of 14 students were interviewed. Some interviews were done by law enforcement, and others done by the Mt. Emily Safe Center, in La Grande, Oregon.
- Lead investigators were Lt. Loren Dieter of the Boardman Police Department and Det. Karen Dike of the Morrow County Sheriff's Office.

## Synopsis of Interviews:

- Child #1: (alleged victim):
  - Said that teacher put a diaper on him, said teacher said he was a baby and pulled his pants down in front of everyone.
  - Said all the kids were laughing.
  - Said everyone saw his bottom.
  - Said he put the diaper on him one time.
  - Said that teacher put his clothes in the closet.
  - Said he wore the diaper home and put it in the garbage.
  - Said he did not see teacher put the diaper on anyone else.
  - Said he put the diaper on at his desk.
- Child #2: (alleged victim):
  - Said that when they misbehave they go to the office.
  - Said children put the diapers on.
  - Said teacher gave diaper to Child #3.
  - Said that Child #3 goes to the bathroom to put the diaper on, teacher does not go with him to put it on.
  - Said he never saw Child #3 with a diaper on.
  - Could not say how he knew Child #3 had a diaper on.
  - Said that teacher did not put diapers on anyone else.
- Child #3: (alleged victim):
  - When first contacted, father indicates that Child #3 had never mentioned anything about the incident or diapers. Father also indicates that child would tell him if anything like this had occurred. Father does not believe anything occurred, and that child asks when teacher is coming back to school because child liked teacher.
  - Interview:
    - Said when kids get in trouble they go to time out and go to the office.
    - Said that teacher has baby diapers.
    - Says he has never seen teacher put a diaper on anyone, and had not tried to put one on him.
    - Said he had never seen anyone wear diapers in class.
- Child #4:
  - Said she never had to wear diapers.
  - Said Child #1 got a diaper and got mad.
  - Said that Child #1 never put the diaper on.
  - Said Child #3 nor any other child got a diaper.
  - Said she never saw diaper on Child #1.
- Child #5:
  - Said he never saw the diapers.
  - Said that he heard teacher say that there was a diaper in the closet and heard the teacher say that if the children wanted to act like babies then they could wear a diaper.
  - Said teacher had shown them the diapers in the closet.

- Was very clear that teacher only threatened use of diaper, never actually put diaper on anyone.
- Never saw anyone wear a diaper.
- Child #6:
  - Tells mother:
    - Tells mother that only babies wear diapers, if you act like a baby, you have to wear diapers.
    - Tells mother that Child #1, who crawls around under the table, so he has to wear a diaper.
    - Tells mother that teacher put a diaper on Child #1 because he was acting like a baby.
    - Says that diaper is put under the pants.
    - Clothes are put back on Child #1.
    - Says that she saw Child #1 bottom.
    - Kids laughed at Child #1.
    - Says that this happened to Child #1, Child #2, and Child #3.
  - Interview:
    - Said that people wear diapers in the classroom.
    - Said that the first day she was in class, she saw teacher start to put a diaper on Child #1.
    - She said that every time that a student peed their pants the teacher would put the diaper on.
    - Said that no-one else got a diaper put on them.
    - Said that teacher put diaper on Child #1 on the table.
    - She was not clear if the diaper was put over or under the clothes when questioned.
    - Child kept on looking at mother before answering questions.
    - Story continued to change during interview.
- Child #7:
  - Told mother that teacher had put diapers on kids when they act like babies.
  - Interview:
    - At first she said nothing happened, but when mother told her it was o.k., Child #7 put her head down and just said “he puts diapers on”.
    - Said that he put diapers on Child #1, Child #2, and Child #3.
    - She said that he puts the diapers on under their clothes, takes off their pants and underwear.
    - She did not see the teacher put the diaper on any child.
- Child #8:
  - Said that kids wear two baby diapers when they are bad.
  - Said that children wear three diapers at the same time.
  - Does not know if the diapers are over or under the clothes.
  - Said he could not see the diapers on any child.
- Child #9:

- Says that Child #1 was given a diaper.
- Says no-one else got diapers, said that Child #1 put diaper in the trash.
- Said that Child #1 put diaper on himself, not the teacher.
- Child 10:
  - Says that teacher tells lies because he says he is going to put diapers on them but never does.
  - Said that kids put diapers on themselves, on top of their pants.
  - Said that Child #4 and Child #2 only got the diapers, said that Child #1 and Child #3 did not.
  - Said teacher really does not put the diapers on them, that children put the diapers on themselves.
- Child 11:
  - Teacher tried to put diapers on, but did not do it.
  - Said that he has a lot of diapers in the classroom.
- Child 12:
  - Said she never saw anyone in a diaper.
  - Said that she has seen diapers in class before when the teacher took out a diaper and pretended it was a big bandage when a student got a cut.
- Child 13:
  - Said that kids get diapers on their potty spots.
  - Said that Child #4 had diaper on under the pants.
  - Said she did not see anyone wear the diapers.
  - Said that Child #3 and Child #1 did not have to wear diapers.
- Child 14:
  - Said that when children crawl on the floor like babies they get diapers.
  - Said this happened to Child #1 and Child #3.
  - Said that Child #4 got a diaper for pretending that she was sucking on a bottle.
  - Said that Child #3 and Child #1 put diapers on their heads.
  - Said diapers were on top of the pants.
  - Said Child #3 was happy when he got the diaper put on him.
  - Said they all got diapers at the same time.
  - She then talked about getting diapers that they could put on their heads when it rains.
  - She first said it happened all at one time, then said it happened twice, but could not say who it happened to.