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Subject: Criminal background checks for non-SMMUSD employees, Carl Hammer
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Dear Ad Hoc Committee members,

In our last few meetings, Dr. Mike Matthews said that the SMMUSD currently does not have a policy concerning criminal background checks and fingerprinting for people who are involved with school activities who are not SMMUSD employees, such as parent volunteers and people who work for organizations which cooperate with schools. In our last meeting, several people felt that it would be good to work on such a policy, and I agree.

On this topic, one case which I brought up very briefly in previous meetings was the case of Dr. Carl Hammer. On August 6, 2004, Dr. Hammer, the former band director at Santa Monica High School, was arrested and charged with two felony counts of lewd and lascivious acts involving a 14 year old girl. On June 21, 2005, as part of a plea bargain, Dr. Hammer gave a plea of no contest to a felony charge of false imprisonment and was sentenced to 60 days of jail time and five years of probation. These facts are in the public record (news articles are linked below, as well as the court transcript), and I do not have any knowledge of the case which is not contained in these documents.

In our very brief discussion of this case in previous ad hoc committee meetings, Mike Matthews said that Dr. Hammer had been dismissed from his position at Santa Monica High School because of this offense, and could not be rehired given SMMUSD policy. However, the Santa Monica Band Parents Association (SMBPA) has since then paid Dr. Hammer for arranging music and the field show for the marching band. I don't know the precise payments which Dr. Hammer has received, but this year, the item in the SMBPA budget for music arranging is \$5000. In a previous meeting, Dr. Pedroza said that he knew that Dr. Hammer was employed by the SMBPA but that Dr. Hammer was disallowed from having any contact with students.

In my opinion, a person who has been found guilty of a felony involving sex-related charges with a minor should not be employed by a school-related organization. If I remember correctly, SMMUSD policy prohibits convicted felons from employment in the district, even for positions which do not involve student contact. I do not understand why school-related organizations should have a different policy.

By employing Dr. Hammer, the SMBPA, and Santa Monica High School generally, invites questions about its commitment to child safety. It signals that it is willing to tolerate, to some degree, the sexual misconduct of its former employees.

The SMBPA is composed of parents of students or former students in the Samohi marching band, and raises money independently, mainly through parent donations. It employs several people as part-time instructors for the band and recruits parent volunteers who help with the large logistical needs of the marching band. These instructors and parent volunteers travel with the band, in some cases on overnight trips (in December, the band is playing in London for one week). As far as I know, these parent volunteers and part-time instructors are not subject to criminal background checks or fingerprinting. Parents of students in the band thus must rely on the assurance of teachers and school administrators, knowing that they have approved the employment of a convicted felon. Thus the absence of a criminal background check policy for non-SMMUSD employees creates obvious concerns about child safety.

Best,
Michael Chwe

<http://www.smdp.com/site/archives/062205.pdf>
<http://www.smdp.com/site/archives/071605.pdf>