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**IN THE JUSTICE COURT
in and for SUMMIT COUNTY
STATE OF UTAH**

<p>THE STATE OF UTAH, Plaintiff, vs. PARK CITY SCHOOL DISTRICT, a Utah limited purpose entity and a as party to the offense, Defendant.</p>	<p>INFORMATION</p> <p>OTN No.</p> <p>Case No.</p> <p>Judge Shauna L. Kerr</p> <p>LEA Case No.</p>
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The undersigned prosecutor states on information and belief that the defendant, either directly or as a party, committed the crime(s) of:

1. FAILURE TO REPORT, in violation of Utah Code 62A-4a-411, a class B misdemeanor, as follows, to wit:

That on or about October, 2021, in Summit County, State of Utah, the defendant, did, being a person, official, or institution required to report a case of suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, willfully fail to make the required report.

2. FAILURE TO REPORT, in violation of Utah Code 62A-4a-411, a class B misdemeanor, as follows, to wit:

That on or about January, 2021 through March, 2022, in Summit County, State of Utah, the defendant, did, being a person, official, or institution required to report a case of suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, willfully fail to make the

required report.

3. FAILURE TO REPORT, in violation of Utah Code 62A-4a-411, a class B misdemeanor, as follows, to wit:

That on or about December, 2021, in Summit County, State of Utah, the defendant, did, being a person, official, or institution required to report a case of suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, willfully fail to make the required report.

This Information is supported by a statement of probable cause as follows:

This document refers to Park City School District Personnel as "SDP".

In October 2019, at a Park City School District school located within Summit County, Utah Parent#1 attended a face-to-face meeting with SDP#1 and SDP#2. Parent#1 told SDP#1 and SDP#2 that the parent's child said he had been touched on the penis by SDP#1 ("the 2019 allegation"). Parent#1 soon left the school.

SDP#1 and SDP#2 immediately called an unidentified person in the superintendent's office, SDP#3, and reported the 2019 allegation to SDP#3.

No report was made to law enforcement or to Child Protective Services.

SDP#1 and SDP#2 never heard back from the superintendent's office.

On November 29, 2021, Parent#1 told a medical professional treating the child about the 2019 allegation. The medical professional immediately reported the 2019 allegation to law enforcement. As a result of the report, law enforcement and the Division of Child and Family Services ("DCFS") immediately visited the school to check on the child. A Child First interview was conducted at the school that time.

Later that day, DCFS spoke with the Park City School District superintendent over the phone. The superintendent said she was made aware of the case and that there were allegations made two years ago that SDP#1 had "touched [Parent#1's child] on his privates". The superintendent said that it was resolved [in 2019] and encouraged investigators to talk to SDP#5. DCFS asked the question "[To whom were the allegations reported in 2019?]" The superintendent answered "[SDP#1 and SDP#2]". DCFS articulated the concern that school district personnel are mandatory reporters and that no one at the school district reported the 2019 allegation to law enforcement or Child Protective Services. The superintendent said she did not know whether or not the 2019 allegation was reported to law enforcement or Child Protective Services. DCFS asked the superintendent ["Whose responsibility is it to report allegations of child abuse?"]. The superintendent replied, "the parents." When DCFS inquired further, the superintendent stated that she did not know because she wasn't working at the district in 2019.

Law enforcement issued Investigative Subpoena#1 to the defendant in early 2022 and

nearly 600 documents were produced. There is no evidence that the defendant conducted any investigation into the allegation that SDP#1 touched Parent#1's child's penis, nor is the defendant qualified or authorized to do so.

Investigative Subpoena#1 discovered an email sent on October 13, 2021 by SDP#4 to Parent#1 about the 2019 allegation. The email said:

"I just wanted to follow up with you about our conversation. My school psychologist colleague brought up that, as mandated reports, we are obligated to report any abuse is suspected or known of. Since this happened two years ago, I don't want to stir up things that were resolved already, but I also do not want to ignore potential issues that could still be a concern. I do not want to make any assumptions so please let me know if it is a current concern."

When SDP#4 was interviewed by law enforcement in March, 2022, they said they reported the 2019 allegation in 2021 to a colleague at the Park City School District, SDP#5. Neither SDP#4 nor SDP#5 reported the 2019 allegation to law enforcement or Child Protective Services in 2021.

No one reported the 2019 allegation to law enforcement or Child Protective Services until the medical professional reported it in late 2021. SDP#1, SDP#2, SDP#4 cooperated with law enforcement in March, 2022. SDP#5 has not returned phone calls from law enforcement.

In early March, 2022, and in the course and scope of the investigation of a separate incident involving juveniles, Parent#2 told law enforcement about a past allegation that Parent#2's male child had been raped by a fellow student. Parent#2 said they learned of the allegation from SDP#6 and that the report of rape came from a student. Although SDP#6 informed Parent#2, SDP#6 did not report this allegation to law enforcement or Child Protective Services.

Further investigation revealed that in December, 2021, a Park City School District school received information about an allegation that a female child was raped by a fellow student. No report was made in December 2021 to law enforcement of Child Protective Services. Instead, documents produced pursuant to Investigative Subpoena#2 reveal that, in December 2021, SDP#7 interviewed the male child about the rape allegation. SDP#7 then interviewed the female child about the rape allegation and asked "if she told her friends she was raped or sexually assaulted." SDP#7 then held a mediation among and between the parents and children involved in the allegation.

Allegations relating to rape and Parent#2's child and the female child did not come to the attention of law enforcement and Child Protective Services until they were unearthed in the course and scope of an entirely separate law enforcement investigation in March, 2022.

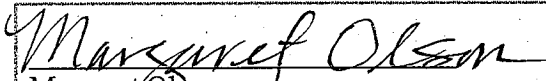
This information is based on evidence obtained from the following witnesses:

**[The State reserves the right to supplement its
witness list as additional discovery warrants]**

**[Pursuant to Utah Code Annotated § 46-5-101 (2007) I declare
under criminal penalty of the State of Utah that the foregoing
is true and correct to the best of my belief and knowledge.]**

Authorized for presentment and filing this March 21st, 2022.	
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MARGARET H OLSON
Summit County Attorney

 Margaret Olson Summit County Attorney	
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