

1. On December 8, 2023 an individual wishing to remain anonymous for fear of retaliation came into the police station. The individual informed me they were concerned about images in a book they saw in a classroom at the W.E.B Dubois Middle School. They stated they saw the book in the 8th grade English classroom of a teacher with the name [REDACTED]. The individual explained on another occasion they also observed a student sitting on the teachers, [REDACTED] lap. The individual was concerned about this conduct as well as the teacher and a few other staff meeting with students in private, and discussing subjects related to LGBTQ material and telling them not to tell their parents about it.

2. The individual then presented 3 photographs of a book that was located on a desk in [REDACTED] class room in the last 2 weeks. The photographs were of the book titled "Gender Queer" and then of one interior page of illustrations. The captions with the images discuss a strap on dildo and then shows one individual with their pants undone wearing what appears to be a strap on dildo and the other individual kneeling down in front and performing oral sex by placing the dildo into their mouth. Without additional information at that time, the drawn characters appeared to be young individuals that may be meant to portray children under the age of 18, which may be a violation of Massachusetts General Law 272/29 Dissemination of obscene matter.



3. Based on the three photographs and the reported conduct of students sitting on a teachers lap, I immediately contacted Chief Storti of the report and he made contact with Berkshire Hills Regional School District Superintendent Peter Dillion. Based on the conversation it was arranged for me to meet with Principal Miles Wheat of W.E.B Dubois Middle School and attempt to

follow up on the complaint. It was arranged that I would go in plainclothes and meet with him after school let out for the day.

4. Upon arriving I rang the intercom and informed the person who answered I was there to meet with Principal Miles Wheat at which point I was buzzed in and the receptionist brought me to Principal Wheat's office. Once in the office I spoke with Principal Miles Wheat about the report. Principal Wheat informed me that [REDACTED] [REDACTED] is an 8th grade English teacher who also runs a LGBTQ club/meeting group that typically meets during the day. When asked about any concerns in her contact with students based on the allegation that a student was sitting on [REDACTED] lap. He stated he had no concerns and that during the meetings the doors are kept open. Additionally he was aware the group on occasion may suggest not talking to parents or others about what is discussed as if a student opens up they don't want other kids in the group discussing that with others outside. Up to this point he has no complaints or concerns of inappropriate behavior by [REDACTED] [REDACTED] or any other teacher involved in that club or other book clubs in the school.

5. Principal Wheat then brought me to [REDACTED] classroom on the second floor south side of the building. Principal Wheat asked if he could speak with [REDACTED] [REDACTED] prior to bringing me in and upon going into the room he emerged quickly and stated she was not currently in the room. Principal Wheat left to locate [REDACTED] while I waited in the hallway of the second floor. Principal Wheat returned after a couple of minutes with [REDACTED] who he had a brief discussion with in private. Principal Wheat then invited me into the classroom and upon entering the room, I activated my body worn camera and advised both Principal Wheat and [REDACTED] that I was turning on my body worn camera.

6. I stated to [REDACTED] that maybe it would help her to know which book was in question and showed her a picture. Upon showing [REDACTED] the images of the book I was looking for "Gender Queer" [REDACTED] acknowledged the book and that it should be on a book shelf with books of similar themes that was directly in front of the door however she did not see it there currently. She stated that only children with permission may take books from there. Principal Wheat then knelt down and browsed the bookshelf.

7. In looking [REDACTED] stated, she did not see the book "Gender Queer" on the shelf. [REDACTED] acknowledged that she had read the book herself when it first came out however she didn't recall the content specifically. While speaking with [REDACTED] [REDACTED] I showed her the image in question and explained it is not the subject matter of the book in general but the image could be content that can't be given to children under 18 which was part of our concern. [REDACTED] stated the book was more about coming of age

and we were welcome to remove it if we see it but she didn't see it. She stated she does not keep track of it, it is meant to stay there but another teacher could have it.

8. I asked what the book looked like in size, shape, and compared to ones on the shelf. [REDACTED] bent down and grabbed a book and stated it was probably smaller than the book she grabbed. [REDACTED] stated again she doesn't see it and its not something that is out for everyone and the shelf needs special approval. I asked if any other books would have similar images and [REDACTED] stated not that she was aware of and stated I was welcome to flip through them to which I advised her I would not be.

9. After not seeing the book on the shelf, I asked [REDACTED] if it could be any place else in the room and she stated I was welcome to look around but she had not seen it. I informed her again it did not appear it was on the shelf from where I was standing and that if it did turn up she should turn it over to Principal Wheat which again I stated it was the images that were in the book that were of concern. I asked if there was any specific teacher that may have it and [REDACTED] stated she could ask around. I informed her that just because a teacher has the book does not mean they are in any kind of trouble either.

10. I walked the perimeter of the room upon reaching [REDACTED] desk area I stated to [REDACTED] that it appeared her desk was where the book was in the photograph. [REDACTED] stated I was welcome to look but she didn't recall seeing it there. [REDACTED] walked over to where I was and she stated in the photograph it was the desk in the center in the classroom surrounded in a circle by student's desks. [REDACTED] stated it's definitely not over there as she had just cleaned it off but I was welcome to look. I checked the center desk and observed the book was not there. I again stated that it appeared the book was there at one time and if it turns up to turn it over to Principal Wheat and suggested maybe to look through the other books to make sure of the content in them in case there was other images that could be construed as dissemination of obscene matter. It was agreed we were not going to check any place else in the school and that Principal Wheat would follow up with us on the following Monday.

11. [REDACTED] stated she felt like she hasn't seen it in a long time, and I advised her supposedly the photograph was from a week or two prior. [REDACTED] stated she didn't think a student had it and checked a student book sign out sheet and stated no student has it signed out currently. [REDACTED] stated she would assume it's not with a kid. It was suggested to ask the other teachers where the book was at and at least take it out of circulation for now till we can follow up on it. Principal Wheat and I returned to his office briefly and I provided my contact information to follow up with on Monday December 11, 2023.

12. Upon returning to the police station on December 8, 2023 I spoke further with Chief Storti. Chief Storti requested I contact the District Attorneys office and apprise them of the complaint and for guidance. I subsequently placed a call to the Berkshire District Attorneys Office and made contact ADA Andrew Giarolo. I provided ADA Andrew Giarolo with the information we had at that time.

13. On December 13, 2023 at approximately 1201 Hrs, Chief Storti and I again spoke with ADA Giarolo by phone and updated him on the complaint. Based on the conversation I was advised that I may need to prepare to write a search warrant to obtain to obtain any additional documentation from the school.

14. On December 14, 2023 at 1135 Hrs I received a phone call from ADA Giarolo. ADA Giarolo advised me that DA Shugrue and Superintendent Peter Dillion had talked directly and that it was no longer a criminal matter and the school would handle internally. I requested that ADA Giarolo send an email stating this to Chief Storti and myself. At 1140 Hrs. I received an email stating the following;

Chief and Joe,

Upon further review, the DA has stated that this is not a criminal matter. DA has discussed this issue with the Superintendent. They will handle this matter internally and will determine the appropriate audience, if any, for this book. Thank you for your efforts to try to investigate this matter.

Andrew Giarolo

Assistant District Attorney

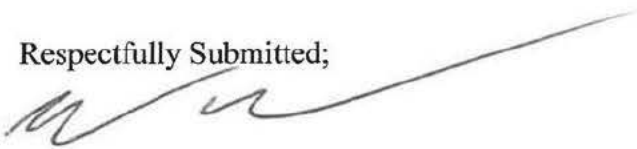
Berkshire District Attorney's Office

7 North Street, First Floor

Pittsfield, MA 01201

15. The above report reflects my involvement in this complaint. Refer to Chief Storti's report for final disposition.

Respectfully Submitted;



Inv. Joe O'Brien