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D.C. attorney general sues Washington Hebrew Congregation preschool, contends it failed to protect children from alleged sexual abuse

By Perry Stein

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The D.C. attorney general has sued Washington Hebrew Congregation, alleging that the synagogue's preschool frequently ignored city laws designed to keep children safe amid accusations that a teacher sexually abused at least 15 toddlers and young children for more than a year.

The high-profile sexual abuse investigation began in August 2018 and has yielded no criminal charges but resulted in multiple lawsuits and the departure of the preschool's top leader.

The latest lawsuit, which was filed Tuesday in D.C. Superior Court, states that the preschool in Northwest Washington violated local consumer-protection laws by failing to adequately report dozens of concerns expressed by staff about potential misconduct by the suspect. Washington Hebrew Congregation also wrongfully made parents believe the preschool had the proper licenses to operate and that it hired qualified staff, the complaint alleges.

The preschool operated a summer program without a license for three years and hired staffers who did not meet the minimum education and training requirements, according to the suit.

Washington Hebrew school also failed to conduct background checks on all of its employees and, according to the suit, had received at least two warnings about that from city regulators.

The U.S. attorney's office had investigated criminal charges against the suspect, who was an assistant teacher at the preschool, but in January the D.C. police department said there was "insufficient probable cause" to make an arrest.

In a statement Tuesday, Washington Hebrew Congregation said it has already addressed licensing issues and is in good standing with city regulators. The statement also said the congregation had self-reported the abuse allegations to authorities on Aug. 15, 2018, the same day it learned of them.

"Our commitment to child safety and compliance with all DC regulations, and our support of all in our community, has been steadfast," the statement said. "We will take all necessary steps to defend our congregation and our school against this misleading and inaccurate lawsuit."

The D.C. attorney general's office cannot pursue serious criminal charges against the suspect — only misdemeanors — but the office has criminal authority over the District's child-care licensing regulations. The office also enforces the city's mandatory reporting laws, which state that school officials, teachers and other workers who care for children are legally obligated to report suspicions of sexual abuse to government officials.

“When you have these kind of allegations and you meet these family members, it is the kind of case that is difficult and challenging,” D.C. Attorney General Karl A. Racine said in an interview. “It is also the type of case that merits the full attention of the government.” His office is seeking damages for the families and civil fines.

One parent, who spoke on the condition of anonymity to protect the identify of his child, said Tuesday that the lawsuit is an “indictment of the leadership” at Washington Hebrew Congregation.

“[The] leadership ensured the school was run under a ‘shroud of secrecy’ and the parents were not alerted to the warning signs of danger,” the parent said in an email. “Now, after years of investigation and careful review of untold thousands of documents seized through search warrants, the Attorney General has thoroughly repudiated any lingering claim of innocence by this temple.”

Because the teacher was not criminally charged or listed as a defendant in the lawsuit, The Washington Post is not naming him.

The alleged consumer-protection wrongdoings laid out in the complaint do not hinge on whether the suspect is guilty of the accusations, but rather aim to show how the preschool repeatedly failed to follow city protocols designed to keep children safe.

For example, city regulations require at least two staff members to supervise groups of children at all times. But the preschool reportedly allowed staff members, including the suspect, to be alone with children. Staff members also could take children alone to isolated areas — including to bathrooms, the woods and empty classrooms — for extended periods with no questioning, according to the lawsuit.

Deborah “DJ” Schneider Jen-sen — the director of the preschool at the time of the alleged abuse — is named in the lawsuit and was placed on administrative leave in April 2019. She has since left the school.

When the parents who accused the suspect of abusing their children learned that officials did not press criminal charges in January, they said they believed the prosecutors were unequipped to work with young victims and ignored key evidence.

Investigations involving victims who are toddlers can take longer and be more complicated because the young victims may struggle to communicate what occurred.

Shanin Specter and Patrick Fitzgerald — lawyers at the firm Kline & Specter who represent three families who filed a separate suit against Washington Hebrew — said in a statement that the temple should be held accountable for the “unlawful operation of its school.” A group of eight families filed a separate suit against the school.

“These civil charges are a necessary step in the right direction,” the statement said. “But they are not sufficient to achieve justice for our clients or the other families who have suffered enormously these past two years.”

The attorney general’s office said Washington Hebrew Congregation violated two counts of the Consumer Protect Procedure Act and, in a third count, said the temple abused its power under D.C. law.