

MARJORY STONEMAN DOUGLAS HIGH SCHOOL  
PUBLIC SAFETY COMMISSION

VOLUME I of III  
(Pages 1 through 102)

PUBLIC SAFETY COMMISSION  
MEETING

DATE: December 12, 2018  
TIME: 8:30 a.m. - 6:15 p.m.  
LOCATION: Donald L. Tucker Civic Center  
Tallahassee, Florida

Reported by:

JESSICA RENCHEN, Court Reporter  
For the Record Reporting, Inc.  
1500 Mahan Drive, Suite 140  
Tallahassee, Florida, 32308

## P R E S E N T

CHAIR, BOB GUALTIERI; JASON JONES, GENERAL COUNSEL;  
CHRIS NELSON; BRUCE BARTLETT; RICK SWEARINGEN;  
MAX SCHACHTER; LARRY ASHLEY; MELISSA LARKIN-SKINNER;  
JUSTIN SENIOR; TIMOTHY NIERMANN; MIKE CARROL;  
JAMES HARPRING; GRADY JUDD; DOUGLAS DODD; LAUREN BOOK;  
RYAN PETTY; MARSHA POWERS; VICE CHAIR, KEVIN LYSTAD;  
CHRISTINA LINTON; REBECCA KAPUSTA

\* \* \*

## P R O C E E D I N G S

SHERIFF GUALTIERI: Good morning, everybody.  
We'll go ahead and call the meeting to order. If  
you would, please stand with me in a moment of  
silence in recognition of the victims and for the  
Pledge of Allegiance.

(Brief pause.)

(Pledge of Allegiance.)

SHERIFF GUALTIERI: Commissioners, you have  
been provided with a copy of the minutes from our  
last meeting a few weeks ago in November. Do we  
have a motion to approve the minutes?

UNKNOWN SPEAKER: So moved.

SHERIFF GUALTIERI: Commissioner Nelson,  
second. Senator Book, second.

Do we have any comments, revisions,  
suggestions on the minutes?

Okay. With a motion and a second, all in  
favor signify by saying aye.

(Chorus of ayes.)

SHERIFF GUALTIERI: Any opposed, same.

So the motion passes and the minutes from the  
November meeting are approved.

Just ask our general counsel, Jason Jones, to  
provide the Sunshine reminder to us and then we'll

1 move ahead.

2 MR. JONES: Morning. So this is just a  
3 reminder to have all of your conversations  
4 pertaining to the meeting business on the record.  
5 So no side conversations, no conversations at  
6 lunch or this evening. We are going to get into  
7 the findings and recommendations today, so it's  
8 more important now than ever to start being  
9 mindful of the conversations that you're having.

10 And I do want to point out that you guys were  
11 all sent a copy of the draft this weekend. You  
12 have a new copy of the draft in your book because  
13 we spent the two days making sure that there were  
14 no confidential or exempt information in the  
15 actual draft so that we could release it this  
16 morning to the public. Just want to make sure  
17 everyone is referencing the correct version. If  
18 you did print out a copy of that draft and bring  
19 it with you, please use the one that's in your  
20 book because we need to make sure that we do not  
21 discuss anything in the open meeting that is  
22 confidential and exempt. When we get into some  
23 stuff about his mental health history or his  
24 school history, we need to make sure that we're  
25 sticking to the copy that is provided to you in

1 your books that does not get into any of the  
2 specifics about it.

3 Does anybody have any questions?

4 Okay. Thank you.

5 SHERIFF GUALTIERI: Thanks, Jason. We will  
6 cover some more of that and kind of reiterate the  
7 -- give you a road map here as to where we're  
8 going to go for today and for tomorrow.

9 The only -- just for housekeeping, the only  
10 commissioner I know of -- I think we have  
11 everybody except for Commissioner Blackburn, and  
12 he's unable to join us due to a work conflict.

13 I want to give you some updates from the last  
14 commission meeting. The first has to do with the  
15 presentation on the medical response.

16 Can everybody hear me? Am I talking to this  
17 close enough for everyone to hear?

18 Has to do with the presentation of the  
19 medical response. On Slide 37, it stated this:  
20 That the Coral Springs Fire Department criticized  
21 the response due to a rescue task force not being  
22 deployed and utilized into Building 12. You  
23 remember that. We talked with Coral Springs Fire  
24 Chief Frank Babinec and received correspondence  
25 from Chief Babinec stating that the Coral Springs

1 Fire Department never took the official stance as  
2 represented in this item. This may have been  
3 brought up by an individual, but it was not the  
4 agency's official stance.

5 So this issue as presented in the slide is  
6 accurate and it was stated by Coral Springs Fire  
7 Department Deputy Chief McNally. Deputy Chief  
8 McNally made the public comments consistent with  
9 what is stated in the slide and he authored a  
10 writing that was made public to that effect.

11 When the deputy fire chief made these  
12 comments, it was not clarified in his writing or  
13 his public statements whether he was speaking as a  
14 deputy fire chief and in his official capacity on  
15 behalf of the fire department or expressing his  
16 personal point of view. We assume that when a  
17 deputy fire chief speaks regarding actions in his  
18 official capacity, that he is expressing an  
19 official viewpoint; however, the point made by  
20 Chief Babinec is well-taken. Deputy Chief  
21 McNally's views are not the official position of  
22 the Coral Springs department -- Fire Department on  
23 this issue and are Deputy McNally's views  
24 individually.

25 So with all that said and clarified, the

1 determination remains the same. There is no  
2 evidence whatsoever that anyone who needed medical  
3 care did not receive it, and that the decision to  
4 not form or allow rescue task forces in a hot zone  
5 at MSD was wrong under those circumstances.  
6 Tactical or SWAT medics were already inside  
7 Building 12 and they were effectively treating the  
8 patients.

9 While well-intended, Deputy Chief McNally's  
10 previously expressed conclusions are simply not  
11 accurate.

12 Another issue in the slide had to do with  
13 Slide 38, and in that same presentation it states  
14 that a Coral Springs Fire Department and ER  
15 physician expressed concern that the medical  
16 response was inadequate and resulted in  
17 unnecessary deaths, and Slide 41 attributes  
18 additional concerns to an ER physician. Chief  
19 Babinec and Dr. Peter Antevy, who is the Coral  
20 Springs Fire Department medical director,  
21 expressed concerns over these slides because they  
22 do not identify the physician by name and some  
23 believe that it was Dr. Antevy who made the  
24 statements, and he did not. These concerns were  
25 not raised by Dr. Antevy, but were raised by Dr.

1 Mark Matunga and reported in the media. When we  
2 spoke with Dr. Matunga during the investigation  
3 and shared the investigative results with him, his  
4 concerns were alleviated and the issues he raised  
5 revolved.

6 So hopefully that clears up what we need to  
7 in Dr. Antevy and Chief Babinec's concerns about  
8 what was attributed to the Coral Springs Fire  
9 Department.

10 Does anyone have any questions on that?

11 So let's move on to another topic. I met  
12 over the last couple of weeks both with  
13 Superintendent Runcie and with Sheriff Israel and  
14 referred information to each of them so that they  
15 can begin internal investigations regarding some  
16 of the employees who we heard about in our last  
17 meeting. Both Superintendent Runcie and Sheriff  
18 Israel assured me that they are committed to  
19 investigating their employees' actions, or  
20 inactions as the case may be, and reporting back  
21 to the commission. I anticipate that it will be  
22 several months before these investigations are  
23 completed because that's just how long it takes.

24 And then as we talked about, we will bring  
25 Sheriff Israel and Superintendent Runcie back to



1 report to the commission and answer questions that<sup>9</sup>  
2 you have for them that you couldn't ask last time  
3 because they had been presented with that  
4 information for the first time. So we'll try to  
5 balance that out and gauge how long it's taking to  
6 do these investigations and whether we bring them  
7 back to answer questions generally before then or  
8 we can do it all at once with the general  
9 questions and the results of these investigations,  
10 we need to just monitor that and see how long it  
11 takes them. But it is the norm -- for those who  
12 either are not familiar, especially with internal  
13 affairs investigations and law enforcement  
14 agencies and school board and its internal  
15 processes, it will several months to do this.  
16 This is not the kind of thing that's going to  
17 happen within a matter of weeks. They have to go  
18 through certain steps, so it's going to take a  
19 while, but we'll stay on top of it.

20 So getting to the report -- the draft report  
21 you have in front of you, my apologies to you for  
22 not getting this to you sooner other than Sunday  
23 when we were able to get it out, but know that for  
24 the last couple weeks, this has been a  
25 seven-day-a-week effort, and we're doing in months

1        what other post-shooting commissions literally  
2        took years to complete. I think we all embrace  
3        that challenge, but is a significant challenge,  
4        and as I know you will be, we have to be fluid and  
5        flexible in this process.

6                There are several people who have been  
7        working day and night to get the report in the  
8        form that it is today, and our thanks to all of  
9        them. I'm not going to start naming names because  
10       when you start naming names, you leave people out,  
11       but there's a whole bunch of people that have been  
12       working very hard day and night literally for the  
13       last several days and up till about 9:30 last  
14       night to get the product that you have in front of  
15       you today. So, again, many thanks to everybody  
16       for their hard work and diligent efforts in  
17       support of what we're doing.

18                Know that the report that you have in front  
19       of you is very much a draft, that it is far from a  
20       final product. I'm telling you that it's got  
21       grammar errors in it, it's got typos in it, it's  
22       got -- and that's what we expect at this juncture.  
23       It needs work, it needs editing, we realize that.  
24       So I'm going to ask you as we go through this,  
25       focus on the substance, and we'll figure out the

1 form and making it aesthetically where it needs to  
2 be at a later time. So really focus right now on  
3 the substance.

4 On a housekeeping note, as Jason mentioned to  
5 you but I'm going to reiterate, the draft that you  
6 received a few days ago contains confidential  
7 information in the chapters, specifically  
8 confidential information concerns mental health  
9 information and information that is FERPA  
10 protected, school record information. That draft  
11 report has since been edited, and the confidential  
12 information has been redacted from the printed  
13 version that you have in front of you that you  
14 were provided in the white notebooks. So the  
15 version you received a few days ago, because in  
16 the chapters themselves has mental health  
17 information, has FERPA information, has all the  
18 confidential information, so you either need to  
19 keep it confidential or you give it back to FDLE  
20 and they will dispose of it appropriately. But  
21 don't get mixed up in sharing or disseminating or  
22 letting anybody who is not authorized see or have  
23 access to that information that you received in  
24 the e-mail that you got on Sunday with that  
25 document. So you need to keep it separate.

1       Probably the easiest thing to do is to get rid of  
2       the prior copy, but if you do keep it, again, keep  
3       it confidential.

4               So what you're receiving today and what we're  
5       going to work from going forward as far as the  
6       draft report contains 16 chapters. It has several  
7       appendices. There's nothing in those 16 chapters  
8       that's not public in the report that we printed  
9       for you. It is in that white notebook today.

10              There are a few appendices that you have that  
11       contain confidential information. Those are  
12       labeled as such, and what is in those appendices  
13       has to remain confidential; again, it's mental  
14       health information, it's FERPA information, it's  
15       threat assessment information that resulted from  
16       the Cruz threat assessment. You all received that  
17       information in a different forum in the  
18       confidential section during -- I think it was the  
19       August or September commission meeting. There is  
20       nothing in the confidential appendices that you  
21       all haven't seen. It's just there for the report.  
22       And so we set the report up this way so that we  
23       only have one report, and it's Chapters 1 through  
24       16. The whole world can have it. The whole world  
25       can have all of the appendices except for those --

1 I think we're at three that are confidential. So<sup>13</sup>  
2 as we disseminate the report, everybody will get  
3 everything except for those appendices, and the  
4 only thing that authorized consumers will receive  
5 that everybody else doesn't are those three  
6 appendices. So -- and certainly with the  
7 legislature and others who are authorized to have  
8 that information, we will give them everything.  
9 But, again, the three will be real easy, you can  
10 just pull it out, anything that is confidential,  
11 in the appendix of the report.

12 So I want to just caution anyone and everyone  
13 who reads the current draft, not just the  
14 commission, but everyone to be mindful that it is  
15 a draft and that anything that is in this draft is  
16 subject to change and is not a finding or a  
17 recommendation of the commission until we publish  
18 the finalized report.

19 I received a number of correspondence from  
20 the public expressing concern over our, quote,  
21 recommendations after the last meeting when the  
22 PowerPoints containing commission members'  
23 thoughts were released. Those slides were not  
24 recommendations, they were nothing more than  
25 thoughts by commissioners for consideration, and

1           there's a big difference.

2           Now, the challenge that we have in doing  
3           business in the Sunshine, which we all embrace and  
4           is the right way to do this work, is that people  
5           don't get ahead of us and convey thoughts and  
6           discussion as a final product of the commission  
7           when that item may or may not come to fruition.

8           So I caution everybody again, what's here is  
9           a draft. We're going to discuss things over the  
10          next couple days. Please don't take what's in  
11          there as a, quote, recommendation. It's still in  
12          the draft and in the discussion phase.

13          I believe we have enough in this draft that  
14          we can get there and submit this report by the  
15          January 1st deadline, but it's going to require a  
16          lot of work over the next couple days and then  
17          finalizing and editing this report.

18          The goal is to leave here tomorrow with a  
19          product, especially the "Findings" and  
20          "Recommendations" sections, that the commission as  
21          a body has approved and that what we have left to  
22          do is to edit and finalize the report. Whether  
23          that happens, we'll see. If we can't get there by  
24          tomorrow, then we may have to schedule a  
25          telephonic meeting in the week between Christmas

1 and New Year's. So we'll see how this goes, but  
2 that's the goal is to leave here with the findings  
3 and recommendations settled, and all that's left  
4 to do is edit and make some minor adjustments to  
5 the fact sections.

6 So I hope that you all had an opportunity --  
7 I know it was a big ask for those several hundred  
8 pages within a couple days, but I hope you've had  
9 an opportunity to read the whole draft at least  
10 one time. The fact portions pretty much speak for  
11 themselves, but they're essential to the findings.  
12 Again, it needs editing, some more than others, so  
13 focus on the substance.

14 The way that we've set this up is that the  
15 facts in the report drive the findings, and the  
16 findings drive the recommendations. So what we're  
17 going to do is go chapter by chapter, finding by  
18 finding, recommendation by recommendation, and ask  
19 for input, feedback, and comment on each one and  
20 then ask if anybody has any proposed findings or  
21 recommendations that are not included. So we're  
22 going to one by one through each chapter with what  
23 we have and then we'll seek input from you all as  
24 to any tweaks, adjustments, or additions or  
25 deletions.

1           We're going to use a PowerPoint that contains  
2           the findings and recommendations to help  
3           facilitate the conversation, but know that that  
4           PowerPoint that we're going to use is just a  
5           replication of what's in the book, it's not a  
6           presentation. So it's somewhat wordy because it's  
7           pretty much verbatim from the report.

8           I've said this a few times. I just ask you  
9           to keep this in mind, that we cannot at this  
10          juncture -- it's impossible -- to include  
11          everything that everyone wants in this initial  
12          report. Can't happen. So we have to, I think --  
13          it would be a good idea to apply the adage don't  
14          let trying to be great get in the way of good.  
15          Let's realize that we can't shoot for the stars  
16          and get to the stars in what we've done in this  
17          short order. There will be plenty of opportunity  
18          in the future in 2019. So, please, see the forest  
19          through the trees on this because there's a lot of  
20          good that can immediately come to fruition out of  
21          our work over the last eight months. And other  
22          aspects of it are just simply going to take time.  
23          So let's not let trying to make this the  
24          penultimate product and be great get in the way of  
25          something that can immediately make a difference.



1           As we know, change is hard, and in many  
2           cases, it's controversial, and in some cases, it's  
3           resisted, but it's necessary if we're going to do  
4           better and ensure that every kid who goes to  
5           school in the morning comes home at night.

6           So we're going to begin by reviewing the  
7           findings and recommendations in Chapter 4.  
8           Chapters 1, 2, 3, and Chapter 16 don't have any  
9           findings or recommendations. We are going ask you  
10          that if you have any concerns with the material  
11          set forth in Chapters 1, 2, 3, and 16, that you  
12          provide your comments to Heather Pence at FDLE by  
13          the close of business Monday, December 17th.  
14          Those chapters are overviews. It's Devon Smith's  
15          historical background. It's a timeline. And 16  
16          is an update on the status of 7(d)26's  
17          implementation. So those chapters don't have any  
18          in findings or recommendations. They're factual  
19          information. So on 1, 2, 3, and 16, we're not  
20          going to talk about them here, but any comments  
21          that you have, any suggested changes,  
22          modifications, please e-mail them to Heather Pence  
23          at FDLE by close of business on Monday.

24          So as we go through Chapters 4 through 15  
25          again, if there are any concerns that you have

1       about the facts that impact the recommendations,  
2       then by all means raise them, because the facts  
3       drive the findings, and the findings drive the  
4       recommendation. So if there's anything that is  
5       factual that you see in there that is of concern,  
6       needs to be changed, don't have it right, whatever  
7       the case may be, raise it as we're going through  
8       this discussion. But if there's concerns about  
9       the facts that don't impact the findings or the  
10      recommendations, again, do the same thing and  
11      provide them to Heather by close of business on  
12      Monday, December 17th.

13           I'm just going to end these opening remarks  
14      with this, and then we're going to get into this:  
15      As we look at the various chapters and we look at  
16      the recommendations, keep in mind, and I ask you  
17      to keep in mind as hard as it is, that there has  
18      to be compliance and there has to be  
19      accountability. With that, I believe that some of  
20      our recommendations need to be asked of the  
21      Florida Legislature to mandate compliance and  
22      provide serious consequences for noncompliance.  
23      Now, that shouldn't be necessary, but as we've  
24      learned over the past several months, I believe it  
25      is. Because it's astonishing to me that after the

1 events of February 14th at Marjory Stoneman  
2 Douglas High School in Parkland, Florida, that  
3 some districts and schools simply blow off the  
4 requirements that were put in place in Senate Bill  
5 7026. It's wrong that when the legislature said  
6 "assign a safe school officer," meaning a good guy  
7 with a gun to every school, that the districts and  
8 charter schools contort the meaning of the word  
9 "assign" to allow them to, quote, assign someone  
10 that they do not actually have there at the school  
11 at all. Everyone knows what the legislature and  
12 the Governor meant when they said "assign," so  
13 just do it. But know that we're not going to play  
14 word games and try and get out of it, because  
15 that's what's happening today and it's just wrong.

16 It's wrong that the schools and the districts  
17 have missed the Florida Safe School Assessment  
18 Tool deadlines and have to be prodded by the  
19 Department of Education to comply. And today --  
20 but hopefully that will change -- that's all DOE  
21 can do because it has no oversight authority.

22 It's wrong that some districts discuss  
23 whether they should have threat assessment teams  
24 and some don't have one at every school when the  
25 law says you will have a threat assessment team at

1 every school in the state.

2 It's wrong that schools don't accurately  
3 report SESIR data to the Department of Education  
4 and keep from the public eye the true number of  
5 reportable incidents occurring on campus.

6 I can go on and on with this, but I'm not  
7 going to. But this culture has to change because  
8 the environment of perfunctory compliance, the  
9 mindset that security is a pain to one's side is  
10 not acceptable.

11 If we haven't learned anything else from  
12 Parkland, we need to know that bad things will  
13 happen anywhere and that no school is exempt. The  
14 idea that "It can't happen to me" is dangerous,  
15 and for those who don't take this seriously and  
16 genuinely, there should be consequences.

17 So as we go through this, please think about  
18 that, and as we're crafting these recommendations  
19 about compliance, and Senator Book, we're going to  
20 look to you and to the Legislature from what we  
21 have found to send a message loud and clear to  
22 everybody that's a stakeholder in this process  
23 that we say what we mean and we mean what we say,  
24 and it's not an option to disregard it. And  
25 there's too much of that going on. There's too

1 much decentralization in the districts, there's  
2 too many principals in this state that don't  
3 listen to the school superintendents and don't  
4 listen to the district office, and somebody says  
5 "do it," and they just turn around and say, "Well,  
6 that's nice, I'm going to do whatever I want."  
7 Those days are over, those days need to end, and  
8 there need to be compliance and there need to be  
9 consequences, and quite frankly, somebody needs to  
10 be example of because that's the only way we're  
11 going to get people's attention in this.

12 So we can make recommendations, and some of  
13 these that you'll see in these recommendations  
14 that we proposed are pretty strongly worded. You  
15 all will decide whether you agree with those or  
16 whether it's too much, maybe too little, and what  
17 we need to recommend to those that can make the  
18 decisions to ensure that people are doing what  
19 they're asked but really told to do, and what  
20 they're being told to do is not just because  
21 somebody decides, well, it would be nice to do it,  
22 is there's a reason behind it and because it works  
23 and because it's necessary.

24 So I'll stop with that, but we've seen a lot  
25 here in this noncompliance, as it is to me, I'm

1           guessing it is to many of you, if not all of you,  
2           is very troubling.

3           So before we start with Chapter 4 and go into  
4           this, does anybody have any -- Mr. Schachter go  
5           ahead.

6           MR. SCHACHTER: I would say -- I would like  
7           to say that the 17 families really appreciate all  
8           the work that the Florida Department of Law  
9           Enforcement has done, the sheriff and his staff as  
10          well. This was a lot of work, and the 400-page  
11          pdf that the commissioners received several days  
12          ago was very, very comprehensive. So thank you  
13          for all your work.

14          Secondly, there are over 400 million guns in  
15          the United States, 11 million AR-15s. The  
16          recommendations that we make today should be made  
17          with the mind set that the next mass murderer is  
18          already out there. The next gun that he will use  
19          is already out there. We either stop the murderer  
20          or his bullets. If we are stopping the bullets,  
21          we have failed and it's already too late.

22          Our goal here today is to stop the killing  
23          before it starts and to stop people from dying  
24          after it does. The entire country is watching the  
25          important work that we are doing here, and I look

1 forward to our report in January 1st.

2 SHERIFF GUALTIERI: Sheriff Judd.

3 SHERIFF JUDD: Sheriff, I only want to give  
4 you editorial comment about what you've already  
5 said. When this effort started with the  
6 legislature last year, the people that fought us  
7 the hardest were the educators. The one that  
8 opposed us the most were the educators. The ones  
9 that are responsible for keeping our children safe  
10 and secure while they're at school and teaching  
11 them fought us the hardest, to include the  
12 teachers' union across the state of Florida.

13 So let there be no mistake that the ones that  
14 have the primary responsibility to keep our  
15 children safe are the ones who want to do the  
16 least to keep our children safe. And I'm as  
17 passionate as Sheriff Gualtieri is about this, and  
18 I won't speak for the commission other than I've  
19 seen the passion here since we've met together.  
20 We have got to convince the Florida Legislature  
21 there has to be mandates and there has to be  
22 severe consequences for failure to implement the  
23 guidelines to keep our children safe so that they  
24 can learn in a safe environment. Otherwise, this  
25 is just another report that become a dusty report

1 on an obscure shelf in government. But I'm  
2 passionate about that.

3 The second thing -- and I'll ask the  
4 question; otherwise, it'll come up in the  
5 findings. I'm immensely concerned when Sheriff  
6 Israel testified and I asked about his policy that  
7 said they may enter the building, not that they  
8 shall or that they had to, and he took personal  
9 responsibility for inserting the word "may," and  
10 we all heard his reason. My question is in prior  
11 -- in conversations with him, has he agreed to  
12 change that? Because he gave them permission  
13 through that policy not to enter that school.  
14 He -- regardless of what their training may have  
15 been, his policy direction to them was for them to  
16 make the decision, and they made a decision, as  
17 poor as it was. So my concern is that starting at  
18 the very top of the organization, we've got to  
19 have the right policy in place. So I don't know  
20 if he has capitulated and agreed to that, and so  
21 I'll --

22 SHERIFF GUALTIERI: So he has conveyed to me  
23 that he is in the process of changing the policy  
24 and to get away from "may." I'm not sure exactly  
25 where he's going with the policy. I can tell you



1 as they provided me a copy of it, that they did a  
2 survey of Florida law enforcement agencies, and  
3 they're not alone. There are other agencies in  
4 Florida that have a policy that is permissive like  
5 that, and there are some that have variations to  
6 include "shall."

7 One of the things they found that is quite  
8 troubling is that -- and so I'll say that my  
9 message, maybe our message, but at least my  
10 message that I just sent to the schools, the  
11 school districts, et cetera, is the same message  
12 I'll send to the law enforcement agencies of the  
13 state, is that some don't have policies and some  
14 large agencies don't have policies. So, you know,  
15 come on, sheriffs and chiefs, what are you  
16 thinking? Is the -- seriously is that when you're  
17 asked for your active assailant policy in 2018,  
18 your response is, "Well, we don't have one"?

19 SHERIFF JUDD: But they're not thinking.

20 SHERIFF GUALTIERI: Right. So -- but Sheriff  
21 Israel is in the process of revising their policy.  
22 We will get a chance to see what it is when he  
23 finishes, but he is committed that they are going  
24 to change it is what he's told me. But, again,  
25 he's not alone and you got a whole bunch and some

1 big ones, some big agencies, that don't have one.

2 SHERIFF JUDD: It is absolutely astounding to  
3 me that in 2018 with Columbine, Paducah, Kentucky,  
4 Parkland, just keep on naming them, that we as  
5 professional law enforcement officers don't get it  
6 yet. And every one of them should be held  
7 publicly accountable in their communities, and  
8 it's a shame that we have to ask the Florida  
9 legislators to make not only the schools do their  
10 job, but the law enforcement agencies to do their  
11 job.

12 Our mission is to keep people safe and to  
13 protect people. And the policy in my organization  
14 clearly and unequivocally says, "You shall go to  
15 the threat and eliminate it." Now, should they  
16 choose to give up, that's wonderful. We'll take  
17 them before the criminal justice system. Should  
18 they hold that firearm, we will eliminate the  
19 threat and that's what we have to do.

20 So at the end of the day, I'm passionate, and  
21 it exceeds just the school system, that we all do  
22 what we're supposed to do to keep people safe, and  
23 especially our children in school. If we can't  
24 protect our children in schools, who can we  
25 protect?

1           So, anyway, that was my question, and I was  
2           hoping that he -- that he, you know, got the shot  
3           over the bow and --

4           SHERIFF GUALTIERI:   What he says.

5           SHERIFF JUDD:   And, once again, if he has  
6           some kind of policy and others have none at all,  
7           that's just shocking to me in 2018.   But if you'll  
8           flip open the history books, as chiefs or  
9           sheriffs, they can read clearly and unequivocally  
10          from the history of these active shooters why they  
11          need such a policy.

12          SHERIFF GUALTIERI:   Mr. -- Sheriff Ashley.

13          SHERIFF ASHLEY:   I just wanted to -- before  
14          the commission, through this process that we not  
15          forget about not just our response to an active  
16          shooter, but trying to prevent these things from  
17          happening.   And I think we really as a commission  
18          have to continue harping on our federal and state  
19          privacy laws that prevent us from seeing video,  
20          prevent us from seeing troubled behavior, and it's  
21          almost being hidden, and the lack of reporting  
22          from schools for parents to make good decisions on  
23          whether their school environment is safe or not.  
24          So I just hope we won't focus on just our  
25          response, but, rather, prevention as well.

1                   SHERIFF GUALTIERI:   These laws are  
2                   functioning as a *de facto* shield is what they are  
3                   and -- and they haven't been updated in years.  So  
4                   you'll see some of that in here in the  
5                   recommendations.  Some of it is that we're limited  
6                   and that all we can do -- and I don't say that as  
7                   that it's nominal, because I think we have a voice  
8                   and hopefully they'll listen to us, is to go to  
9                   the Florida congressional delegation and sit down  
10                  with them and hopefully maybe as a body and say,  
11                  "Look, this is what's happened, this is not good,  
12                  here's why, and this is what needs to be changed,"  
13                  because a lot of this can't be done by the Florida  
14                  Legislature, it certainly can't be done by us, and  
15                  it can't be done by any executive branch agencies  
16                  of the State of Florida.  So -- but we need to get  
17                  their attention on this and let them see.

18                 So I know I'm with you as far as being  
19                 committed to that, but as we now, you know, take  
20                 this a step at a time and we're progressing  
21                 through with these recommendations, and that will  
22                 be one of the things that I suggest we do, you  
23                 know, as soon as the report is out and we get our  
24                 game plan for moving forward is to get the  
25                 attention of the congressional delegation and to

1           make some serious recommendations to them. And  
2           there's all kinds of things that can be done to  
3           provide under the right circumstances where this  
4           information can be released while still balancing  
5           because it is important to balance privacy  
6           concerns, you know, and I don't want to get too  
7           far into it, but you can craft something where,  
8           you know, based upon a showing of relevant cause,  
9           that a judge can order it or things along those  
10          lines. Those exceptions aren't even there today.  
11          But, again, when FERPA, as an example, was enacted  
12          40 years ago, they weren't seeing what we're  
13          seeing today.

14                 So there do need to be changes, and I think  
15          that we can all -- we can push for that.

16                 SHERIFF ASHLEY: In relation to FERPA, I  
17          think the biggest thing we can do or recommend is  
18          they actually identify what is a school record  
19          rather than a criminal record or a behavioral  
20          record.

21                 SHERIFF GUALTIERI: Right, I agree. So  
22          that's something that -- but we'll definitely --  
23          that's in here. (Inaudible) one of the  
24          recommendations generally, but we'll get into more  
25          discussion about that and certainly can be on --

1           it will be on the follow-up list.

2           MR. HARPRING: Sheriff.

3           SHERIFF GUALTIERI: Sheriff Harpring, go  
4 ahead.

5           SHERIFF HARPRING: Just two things. First,  
6 notwithstanding whatever the Broward sheriff's  
7 policy says, there's no way that Peterson can  
8 stand behind the legalese of that policy and  
9 abdicate what was his moral responsibility on that  
10 day in any scenario; again, regardless of what the  
11 policy says.

12           In that regard, is there an update -- I know  
13 that litigation, having been involved of it, takes  
14 a long time, but is there an update, Jason or  
15 Sheriff, on the claim that Peterson filed against  
16 us and the status of his motion to quash the  
17 subpoena?

18           SHERIFF GUALTIERI: Well, we haven't decided  
19 because we've been focused on the report. Again,  
20 got only so many hours in a day and only so many  
21 days in the week, and right now, focus on the  
22 report. So we need to decide what we're going to  
23 do as far as Peterson is concerned and bringing  
24 him -- and going to court and bringing him in  
25 here.

1           But as far as the lawsuit that was filed, the  
2           lawyers are working on a response to that and  
3           we're within the window to respond and a response  
4           has not been filed. So it's being worked on, but  
5           we haven't done anything as far as going to court  
6           to enforce the subpoena because we need to focus  
7           today on this, and then we'll back to it and then  
8           we'll decide, you know -- and we'll have a  
9           discussion at the end of the day tomorrow on the  
10          path forward, and that certainly is an item for  
11          discussion when we have that tomorrow.

12                 Senator Book and then Mr. Petty.

13                 SENATOR BOOK: Thank you, Mr Chair, and again  
14           I want to echo everyone's comments on the yeoman's  
15           work that went into getting this prepared for us  
16           and our state to keep kids safe, and as we get  
17           into Chapter 4 and some of the security and staff  
18           response to the massacre, two weeks ago, I think,  
19           we were at the Broward delegation workshop with  
20           the district, and at that time, they still had not  
21           implemented the code red drills, they still had  
22           not implemented hard corners. Those were things  
23           that I brought. And something that really, really  
24           troubling I think percolated. It was that a  
25           school board member made the comment to

1 Representative LaMarca that, "Well, we can't  
2 possibly do code red drills with kids in the  
3 building," and so I think as we go down this path,  
4 A, *de facto* admitted they had not done, which  
5 violates law, and so when we look at the way that  
6 we deal with the findings driving the  
7 recommendations, I agree that we are going to have  
8 to be very prescriptive in the way that we address  
9 some of these things. It's not a choice. Kids --  
10 it's not a choice.

11 SHERIFF GUALTIERI: It's mind-boggling that  
12 they think that it's an option. So Mr. Petty.

13 MR. PETTY: Thank you, Mr. Chair. I want to  
14 also add my gratitude for the hard work by the  
15 staff of the commission in putting this together,  
16 not only this report, which I can only begin to --  
17 I can't even begin to imagine the number of hours  
18 and late nights that it took to put this together.  
19 So thank you from the bottom of my heart.

20 Second, and I don't want to jump ahead, but I  
21 do want to second the comments made by Sheriff  
22 Judd. And looking ahead as I've had an  
23 opportunity to do, we're very prescriptive in what  
24 we're telling the school districts to do with  
25 regards to active shooter policies. We're not as



1 prescriptive with law enforcement. And as a  
2 resident of Broward County, I'm not comfortable  
3 leaving it with I hope the sheriff changes his  
4 policy. So as we get to that section and have  
5 that discussion, I would like to have that  
6 discussion and get the best recommendations from  
7 law enforcement officers in the room here about  
8 what we should do in prescribing at a state level  
9 what the active -- that, A, an active shooter  
10 policy should exist, No. 1, and No. 2, our  
11 recommendations around language for that active  
12 shooter policy for law enforcement, because if  
13 we're going to tell the school districts what to  
14 do, I think we should also make recommendations  
15 for law enforcement.

16 SHERIFF GUALTIERI: Fair enough. Mr.  
17 Schachter.

18 MR. SCHACHTER: Thank you. Thank you,  
19 Sheriff.

20 As Senator Book has said, we've seen the  
21 Broward County Public Schools does nothing without  
22 prodding and pushing and pressure, and months  
23 after 17 beautiful souls were murdered, they still  
24 don't have a code red policy or hard corner  
25 policy.

1           After our report comes out in January, it  
2           should not be our job to hold the district's hand  
3           and make sure that it does their job. I would  
4           like to make a motion that in our report, the  
5           commission recommends the creation of an  
6           independent office of the inspector general for  
7           Broward County Public Schools. The OIG needs to  
8           have subpoena power. It needs to be an  
9           independent party with independent authority to  
10          ensure policies are implemented and make sure  
11          there are checks and balances. Policies without  
12          standard operating procedures to implement are  
13          worthless. Also, the OIG needs to make sure  
14          they're properly reporting SESIR to the states.

15          Additionally, there was a tremendous amount  
16          of theft, embezzlement, and fraud in the district  
17          due to their extreme lack of internal controls.  
18          The OIG can fix this as well.

19          SHERIFF GUALTIERI: So what I'm going to ask  
20          you all to do is that if you have -- because,  
21          frankly, that's too much for a motion, okay. And  
22          I -- is that if you're going to have suggestions,  
23          if you can -- and we'll cover them at the  
24          appropriate chapters. We want to start getting  
25          into Chapter 4. We'll cover these things that you

1 want to recommend that are not here in the  
2 chapters as we go through them. If you can, write  
3 if out, and if you can't type it out, write it  
4 out, get it to Christina or get it to somebody at  
5 the table over there, get it to Annie, and they'll  
6 type it out and we'll put it up on the screen so  
7 everybody can see it. And if you can type it out  
8 and you can give it to them on a thumb drive, do  
9 that. If you can't, write it out, whatever your  
10 suggestion is, and then we'll put it up so that  
11 we're very clear and there's no ambiguity as to  
12 what the suggestion is, but -- and also ask you to  
13 keep in mind that in motions or in  
14 recommendations, try and make them as succinct and  
15 direct as you can. It will be easier to  
16 understand and easier to deal with. So why don't  
17 we just do it that way, okay?

18 Before we get started, does anybody else have  
19 anything else they want to bring up?  
20 Commissioner.

21 MS. LARKIN-SKINNER: I was going to not say  
22 anything, but I'm sitting here listening and am  
23 extremely dismayed that the people around this  
24 table and the people working behind the scenes  
25 seem to be taking this much more seriously than

1 Broward County and the officials in Broward  
2 County. I -- it actually makes me physically ill  
3 because I would think that ground zero for this  
4 massacre would want to be ahead of the rest of the  
5 state. And I try very hard not to kind of show  
6 this emotion, but I'm sitting here and getting  
7 more and more pissed off by the minute.

8 SHERIFF GUALTIERI: I hear you.

9 Okay. So why don't we begin with Chapter 4.  
10 And if you look at Chapter 4, it begins on the  
11 "Fact" section on page 29. This is a short  
12 section that then concludes on page 32 with  
13 proposed findings. So we're not going to talk  
14 about the facts unless somebody has something in  
15 there that is necessary regarding the findings.

16 So, Harold, if you would -- and it's up on  
17 the PowerPoint, and you have in your book, the  
18 small books -- you've got the big three-ring  
19 binder that has the report. You've got the small  
20 spiral-bound PowerPoint presentation that has the  
21 findings that are on -- as an example, the  
22 findings on page 32 is exactly what is the top  
23 slide on page 2 of your spiral-bound book. So  
24 we've just taken the findings and recommendations  
25 that are in the 400 pages and put them into the

1 spiral-bound book because it will be easier for us  
2 to look at and isolate the findings and  
3 recommendations.

4 So the first that is based upon pages 29 to  
5 32 -- and I'm just going to kind of paraphrase  
6 this -- is that we know that Cruz arrived, we know  
7 that Medina saw him, we know that Medina didn't do  
8 anything about it as far as calling anything, but  
9 here's the key aspects of this is that Cruz  
10 entered the Stoneman Douglas campus through an  
11 open and unstaffed pedestrian gate that had been  
12 opened by Medina for afternoon dismissal. Cruz  
13 exploited this open and unstaffed gate and it is  
14 what allowed him initial access to the campus, and  
15 that this open and unstaffed gate was a security  
16 failure.

17 Does anybody have anything on that finding  
18 that they can't live with or think that it needs  
19 to include anything other than what's there?  
20 Again, these are all building, so hopefully you've  
21 had a chance to read them and you see that. But  
22 does anybody have anything on Finding 1 in  
23 Section 4 -- under 4.1 in the report?

24 So we'll move on to the second one, and that  
25 is that these unlocked and open gates were

1       unstaffed for long periods of time on the campus,  
2       that the school administrators cited that they  
3       didn't have enough personnel, and that that  
4       explanation is unacceptable as leaving open  
5       perimeter gates unstaffed is a breach of effective  
6       security protocols. Anything on that one that  
7       anybody wants to change or have any concern about  
8       or make any additions to?

9               The third one for this section is that the  
10       overall lack of uniform and mandated physical site  
11       security requirements resulted in voids that  
12       allowed Cruz initial access to the campus, and  
13       that that is a system failure. Anything on that  
14       one?

15              And believe me, I'm not under any illusion  
16       that it's all going to go this easy. So this is  
17       the beginning stuff. This is the low-hanging  
18       fruit.

19              So Sheriff Ashley.

20              SHERIFF ASHLEY: It just could be my  
21       inability to follow along in both, but the  
22       findings in the actual draft notebook did not  
23       appear to be the same findings as in the spiral  
24       notebook on Chapter 4.

25              SHERIFF GUALTIERI: Okay. We're on -- okay.

1           We have the three that are on page 32 in the  
2           three-ring binder. So if you look at page 32,  
3           what we just went through in 1, 2, and 3 that are  
4           Slides on 3 and 4 or page 2 of the spiral book, it  
5           should mirror up. I think it does.

6           Now, we're going to get into some other  
7           things in Chapter 4, and Chapter 4 is going to be  
8           a little bit unique as we get into these  
9           subsequent sections that it isn't going to mirror  
10          up exactly because there's a lot of verbiage and  
11          we paraphrased, but for what we're at right now  
12          under 4.1, page 32, 1, 2, and 3, the way I see it  
13          is that it does mirror --

14          SHERIFF ASHLEY: I found it. I was on page  
15          71 finding --

16          SHERIFF GUALTIERI: No problem.

17          SHERIFF ASHLEY: -- Chapter 4.

18          SHERIFF GUALTIERI: And you're right, that --

19          MR. SCHACHTER: So in the little spiral it  
20          says 37, right, page 37, for 4.1, No. 1?

21          SHERIFF GUALTIERI: No, 32. It says "page  
22          32." So if you go to the spiral and you begin  
23          with the front cover, if you go over to page 1,  
24          then over to page 2, it says "page 32" at the top.

25          MR. SCHACHTER: Okay. I'm with you. Thank

1           you.

2           SHERIFF GUALTIERI:   Anybody else?

3           All right.   So for 1, 2, and 3 under page --  
4           on page 32, anybody have anything else or are we  
5           good, we can move on?

6           Okay.   All right.   So now what we're going to  
7           do is we're going to take the "Fact" sections that  
8           begin on page 33 of the report and go up to 37.  
9           On 37 of the report, which is page 3 of the spiral  
10          handout, the PowerPoint, we're going to begin with  
11          these specific findings.   And so it's on page 3 of  
12          the spiral.   It says "4.1, Physical Security  
13          Findings, Building 12, Physical Security and  
14          Warning Systems, page 37," and it refers to,  
15          again, page 37 in the report.

16          MR. SCHACHTER:   Sheriff, do we know who  
17          ordered Medina to open those gates?   Was it  
18          administrations at the school that did that or was  
19          that something that he did on his own?

20          SHERIFF GUALTIERI:   No, that was something  
21          that he was told to do.   They had done it.  
22          Remember, their normal protocol there was to open  
23          the gates at 5:30 in the morning, school started  
24          at 7:40, they closed them around eight o'clock,  
25          they opened them at 2:15 in the afternoon for



1 dismissal for the 2:40, and generally when we  
2 asked why, well, that's just the way we've always  
3 done it and that it was a general direction and it  
4 had been done that way for a long period of time,  
5 and that they were totally unstaffed and that the  
6 only thing that did change a little bit, which is  
7 a little bit better, but still insufficient, at  
8 least in my view, was that after Wexler did his  
9 tour and gave his advice, that that's probably why  
10 Medina took that position out there by the 100  
11 building on the east side of the school is just to  
12 kind of watch things, but it still left an  
13 unstaffed gate. So after Wexler made his  
14 recommendations, they adjusted a little bit, but  
15 they were still opening the gates way early and  
16 leaving them unstaffed, and it was a general  
17 that's the way we do things. There's not any one  
18 person that we can pinpoint that to or attribute  
19 that to.

20 So No. 1 under the findings is that Cruz  
21 entered the 1200 building through the east  
22 unlocked door, and that that unlocked and  
23 unstaffed door allowed him access to the building,  
24 the fact that it's an unlocked and unstaffed door.

25 So in the previous section, we talked about

1 the gate. The gate that was unlocked, open,  
2 unstaffed, got him onto the campus. Now we're  
3 talking about the 1200 building. He got into the  
4 1200 building because that door was unlocked and  
5 unstaffed, and we say that that is a security  
6 failure. Any issues? Okay.

7 MR. SCHACHTER: Can we mention that Medina  
8 did nothing to pursue him, to interdict him, to  
9 prevent him from going in there?

10 SHERIFF GUALTIERI: We get there with this.  
11 You got to get to the section on Medina and what  
12 he didn't do. Remember, all this builds, okay, so  
13 we get there, but that comes up later.

14 All the classrooms could only be locked from  
15 the exterior. Teachers inconsistently locked  
16 classroom doors, and some of the doors were  
17 unlocked the day of the shooting and the teachers  
18 were reluctant to enter the halls to lock their  
19 doors. So that's No. 2. Again, this is based on  
20 the facts. So the facts drive this determination.  
21 I think we know that. Any concerns there?

22 The third one is that the fire alarm went  
23 off. That's what caused the fire alarm to go off,  
24 the beam of light, and that no pull stations were  
25 triggered or pulled anywhere on campus. And we

1 included that because we need to make clear  
2 that -- because there's still -- I still hear some  
3 people say and question that Cruz activated the  
4 fire alarm, and we know that he did not do that.  
5 So we need to make a finding to that effect so  
6 it's clear that -- what caused the fire alarm to  
7 go off.

8 Yeah, Senator Book.

9 SENATOR BOOK: Thank you, Mr. Chair. I was  
10 just wondering if we could also add -- and I can't  
11 recall if it was in the drafts -- that it also  
12 triggered the fire alarm in every single building,  
13 because I think we talked last time about how that  
14 could create an unsafe situation.

15 SHERIFF GUALTIERI: And that's not covered  
16 elsewhere, so did any other commissioners -- that  
17 is accurate, it's factual, it would be an  
18 appropriate place for the findings here.

19 So, Heather, with these -- you're going to  
20 take notes on these, correct? So -- is that the  
21 fire alarm activated, no pull stations were  
22 triggered, and we're going to include there that  
23 the activation of the fire alarm in Building 12  
24 caused the activation throughout the entire campus  
25 and within every building. Is that what you would

1           like to see in there?

2           Does anybody else -- anybody have any  
3           concerns about that that Senator Book is asking  
4           for?

5           Okay. We'll go ahead and include that -- is  
6           another sentence at the end of No. 3 as a finding.

7           Secretary Kapusta.

8           SECRETARY KAPUSTA: So I have a question. I  
9           may have missed this in some prior commission  
10          meetings, so I apologize if it's already been  
11          covered, but when we identify that the buildings  
12          were unlocked and it's a security risk, was there  
13          a policy or protocol in place at the school that  
14          was just not followed, or was there just  
15          oversight -- I mean lack of oversight (inaudible)?

16          SHERIFF GUALTIERI: So they cited is that --  
17          excuse me -- Medina and -- at least Medina, if not  
18          some of the other campus monitors, said in  
19          interviews that they had brought the issue forward  
20          in the 1200 -- remember, the 1200 building or  
21          Building 12 is the unique building on campus  
22          because it's the only multi-story building that  
23          actually has hallways and entrances, et cetera,  
24          and those entrances are on the east and west side.  
25          So they brought forward the suggestion that the

1 west door be locked, that the east door be the  
2 only one used to control ingress and egress and  
3 that -- to make it more secure. And it's unclear  
4 who vetoed that, who nixed that, but somebody  
5 within the school administration did and said that  
6 they can't do that because they don't have the  
7 personnel or the staff to do it. So the issue was  
8 at least raised or talked about, but it's unclear  
9 as to how far it went. But consistently with the  
10 other explanations that were provided, it was  
11 because there wasn't enough staff to do it.

12 SECRETARY KAPUSTA: So should that be a  
13 finding, that there's a lack of consistencies in  
14 policies and protocols around security on the  
15 campus and that is left to school administration  
16 that just didn't create anything and enforce it?

17 SHERIFF GUALTIERI: And you're taxing me now  
18 a little bit because I've got to remember  
19 everything that's in this whole 400-page thing.  
20 But I -- the point is that I think -- and,  
21 Heather, would you make a note on the side on that  
22 one? I believe that that is covered when we get  
23 into subsequent chapters, but make a note of that,  
24 and if not, we can come back to it, that that  
25 was -- but I believe we talk about that, that it

1           was raised -- I know it's raised in the factual  
2           sections on Medina. John, do you recall in a  
3           finding, do you recall, did we put anything in  
4           there on that he asked and it was cited for  
5           staffing reasons in a finding? Do you --

6           MR. SUESS: I don't believe we did. I don't  
7           think so.

8           SHERIFF GUALTIERI: All right. So there's  
9           probably to do that. So, Heather, if you just  
10          make a note of some of these that we need to come  
11          back to, and we will come back to it --

12          SECRETARY KAPUSTA: I think it should be more  
13          a finding rather than on Medina, on school  
14          administration. They had an opportunity to put  
15          some policies and protocols in place and just  
16          failed to do it or failed to enforce them.

17          SECRETARY CARROL: Along those lines, it  
18          would be interesting because the policy, I'm sure,  
19          is that exterior doors are locked. What makes  
20          this unusual is these were stand-alone buildings,  
21          and I know they have other campuses that have  
22          stand-alone buildings, and so the written policy  
23          around stand-alone buildings that has traffic  
24          going in and out is going to make it challenging  
25          for any school to have a policy in place, but I

1 believe they ought to have a policy, and I believe<sup>47</sup>  
2 they didn't have a, quote/unquote, policy for  
3 these stand-alone buildings, and the fact that  
4 folks were suggesting different alternatives would  
5 suggest that they didn't have a policy. So I  
6 don't know if it's covered specifically, but we  
7 may want to look at that because there are many  
8 high school campuses that have free-standing  
9 buildings where students go in and out, and is  
10 there a standing protocol for how you would secure  
11 them within the perimeter of a bigger high school  
12 --

13 SHERIFF GUALTIERI: I can tell you that  
14 there's not, you know. I had a meeting -- I guess  
15 it was two weeks ago now with the executive board  
16 of the superintendents' association, and we had a  
17 discussion, it was a very good discussion about a  
18 lot of things in this, and this topic come up in  
19 that discussion. But one of the things that I  
20 said to them is that "Where there's a will,  
21 there's a way." I don't accept that -- and as we  
22 get more into this, you'll see the way we've  
23 crafted these for initial recommendations is to  
24 implement the things that can be done now, can be  
25 done immediately, in essence can be done with a

1 stroke of a pen, that don't cost anything or have  
2 nominal cost and don't require law changes.  
3 There's a whole bunch of those things.

4 Now, one of the things that goes along those  
5 lines is that even if you can't have electronic  
6 locks and you can't change locking systems is that  
7 you can do -- and I don't accept that it can't be  
8 done -- is that if a principal is committed to it  
9 with the number of people that are on that campus,  
10 you can have a policy that says that any door that  
11 is open and not locked will be staffed and have  
12 somebody standing there. And you're telling me  
13 that for the 10 minutes, the 15 minutes, the 20  
14 minutes, whatever it is on a rotating basis that  
15 somebody's got duty or whatever, is you can have  
16 somebody standing there that sees something  
17 doesn't look right, they can shut the door and  
18 that that door is staffed at least as a deterrent.  
19 I don't accept that that can't be implemented and  
20 that can't be implemented across every district  
21 and every school in the state today if they want  
22 to do it.

23 SECRETARY CARROL: No, and I agree. I just  
24 don't think that's in policy right now --

25 SHERIFF GUALTIERI: It's not. It's not.



1           MR. ASHLEY: Back to the whether it's in  
2 policy or not, we said that the east gate,  
3 unstaffed, unlocked, was a security failure. We  
4 said the Building 12 door was unstaffed and  
5 unlocked, security failure. The classroom doors  
6 on No. 2 where we -- some were locked, some  
7 weren't, whether there's a policy or not, we can  
8 certainly make a finding that it was a security  
9 failure. It's not listed as a security failure,  
10 but page 3 at the top, Slide No. 2 reads, "All the  
11 classroom doors in Building 12 could only be  
12 locked from the exterior. Teachers inconsistently  
13 locked classroom doors" --

14           SHERIFF GUALTIERI: Right. So you want to  
15 add to that -- the last sentence in there, you  
16 want to add "The failure to maintain locked  
17 classroom doors is a security failure." Okay.

18           SHERIFF ASHLEY: Just adding "security  
19 failure."

20           SHERIFF GUALTIERI: Heather, you got that?  
21 Is everybody good with that? Hang on a second.

22           Let's go back to -- let's close out this  
23 issue that Commissioner Kapusta raised. Tell me  
24 what you said again as far as the finding that  
25 you're looking for.

1 SECRETARY KAPUSTA: That the failure to have  
2 a policy rests with the administration, that they  
3 should have had a policy and/or if they did have a  
4 policy, made sure it was enforced, because if  
5 those findings are driving recommendations --

6 SHERIFF GUALTIERI: Right.

7 SECRETARY KAPUSTA: -- then I would want -- I  
8 would think it would be --

9 SHERIFF GUALTIERI: So do you -- so we want  
10 to do -- so we can include that in there so that  
11 the -- the failure to have a policy  
12 establishing --

13 SECRETARY KAPUSTA: Was a security breach  
14 itself.

15 SHERIFF GUALTIERI: The failure to have a --  
16 I'm trying to figure out how we're going to word  
17 this so Heather can write it down is that the  
18 failure to have a policy requiring locked and/or  
19 staffed doors is a breach of security protocol.  
20 Does that work?

21 SECRETARY KAPUSTA: Yes.

22 SHERIFF GUALTIERI: Okay.

23 SECRETARY CARROL: But can we also make sure  
24 that that extends to free-standing buildings,  
25 because I think the school systems look at those

1 as --

2 SHERIFF GUALTIERI: So why don't we do this  
3 is that the failure to have a policy regarding any  
4 door or gate. Does that work, Secretary?

5 SECRETARY CARROL: Uh-huh.

6 SHERIFF GUALTIERI: Okay. The failure to  
7 have a policy -- Heather, can you read that back  
8 or tell me what --

9 MS. PENCE: "Failure to have an established  
10 policy on any door or gate is a breach of security  
11 protocol."

12 SHERIFF GUALTIERI: So the failure to have a  
13 policy regarding the locking and/or staffing of  
14 any door or gate on all school campuses is a  
15 breach of.

16 UNKNOWN SPEAKER: Is a security failure.

17 MR. BARTLETT: That's a pretty broad-reaching  
18 statement, though.

19 SHERIFF GUALTIERI: Yeah.

20 MR. BARTLETT: There's a lot of doors. That  
21 sounds like we're suggesting --

22 SHERIFF GUALTIERI: You're right. That's got  
23 to be -- that's why we're talking about it. It's  
24 hard to do this, but we got to work through this.  
25 We're just at that juncture. But you're right,

1           that is kind of broad.

2           SECRETARY CARROL: We don't have to wordsmith  
3           it here, but it does bring up a unique  
4           thing because I --

5           SHERIFF GUALTIERI: Right. We'll work on it.  
6           I think we get the gist of what you're looking  
7           for, and so we'll insert that, and probably the  
8           place to insert it is a new No. 3. That's  
9           probably the place to put it. And then we'll  
10          wordsmith it and -- I think we got the gist. But  
11          you're right, Commissioner, that's too broad. It  
12          needs to be, you know, student-occupied space or  
13          something along those lines. We need to be  
14          careful about that, that we don't overreach on  
15          that.

16          SHERIFF JUDD: Why don't we take a 30,000  
17          foot view on this and as we outline these things,  
18          just say security breach, security breach, and  
19          then at the end of it say the administration  
20          failed to have a policy, a training procedure  
21          culture, you know, and just kind of put it all  
22          together, just call these what they are, security  
23          breaches or failures, and then just lump it  
24          together and charge the administration because,  
25          ultimately, it's the administration's fault that

1 any one of these things -- that way, rather than  
2 getting down and try to wordsmith which doors and  
3 all of that, we just say it's a fail- -- it's a  
4 security failure.

5 SHERIFF GUALTIERI: Okay.

6 SHERIFF JUDD: And then charge it all off in  
7 our recommendation that, you know, the last  
8 finding should be that based upon the security  
9 failures, the administration, you know -- you  
10 know, was the failure by not having the policy and  
11 the training in place.

12 SHERIFF GUALTIERI: All right. So we've got  
13 1, we have 2, we have a new 3, and then what is  
14 there with the fire alarm one, we added sec- -- or  
15 Senator Book's suggestion there.

16 Commissioner Dodd, go ahead.

17 COMMISSIONER DODD: I just wanted to add on  
18 to Senator Book's comments about the fire alarm,  
19 because there's another aspect of that too that  
20 was misread or that the reading on the panel was a  
21 gas -- a leak, I believe it was. And so I think  
22 it would be important to put that in the findings  
23 because that would signify that, you know, there  
24 has to be more investigation on resetting alarm or  
25 a process for -- for that information that came

1 in. I mean, that was -- that was part of this  
2 fact-finding mission of the commission, right? So  
3 I just thought that might be a place to put that  
4 as well.

5 SHERIFF GUALTIERI: Okay. We've got to be  
6 careful we don't get, you know, too far in too  
7 much detail with something. We already got -- in  
8 this section we've got, you know -- I think there  
9 is something to that effect in the recommendations  
10 is that we've got -- you know, in this section  
11 alone we've got findings, we got 13. Porter  
12 originally looked at it and saw that it was the  
13 gas leak and then called for the evacuation based  
14 upon the gas leak.

15 I don't know -- so, Heather, make a note of  
16 that at the end of 3, "per discussion." Let me  
17 see if we can work something out and see if we can  
18 include something, again, without sitting here  
19 trying to wordsmith it. I get the concept. Let  
20 me see if we can include something in the back  
21 side of No. 3 about that fact and see if we can  
22 include it in there.

23 Senator, go ahead, and then Mr. Petty.

24 SENATOR BOOK: A good possibility is under  
25 4.2, when you talk about the different -- the

1 manual that they have, that basically it's a  
2 manual that's given, they have these cards, nobody  
3 really -- I mean, one of the findings could be,  
4 you know, put there, like relating to the code  
5 brown this was called, nobody really knew what to  
6 do, as a suggestion.

7 SHERIFF GUALTIERI: All right. Mr. Petty.

8 MR. PETTY: I may need a refresher here, but  
9 there was -- I believe we heard testimony that  
10 it's possible to have a fire alarm system with a  
11 delayed alert. In this case, Stoneman Douglas as  
12 a matter of finding -- and we can get to  
13 recommendations on this, but that the fire alarm  
14 activated immediately and alarmed in the building,  
15 and as we know, the teachers that heard the fire  
16 alarm put students out in the hallway. Just as a  
17 finding here, adding something with regards to the  
18 fact that the alarm activated immediately and that  
19 caused a certain response I think would be --  
20 would be important here. I think -- I believe we  
21 heard testimony that it is acceptable to have or  
22 recommended to have a fire alarm system with a  
23 delayed -- a delayed alert.

24 SHERIFF GUALTIERI: It's legally permissible.

25 So in there, we can add -- at the end of No. 3, we

1           can add something to that effect that the system  
2           at Stoneman Douglas was immediately activated,  
3           there was no delay, and that people immediately  
4           responded to it. So just make a note of that,  
5           Heather, and then we'll wordsmith it, but that  
6           premise, that concept, we can include in there as  
7           another sentence at the end of that one.

8           Go ahead.

9           SHERIFF ASHLEY: Sheriff, I think it might be  
10          just simpler to say that the conflict in having a  
11          lock-down versus an evacuation was a security  
12          failure. I mean, we had one where we're telling  
13          we've got a fire alarm and we're evacuating, and  
14          then we get a code red or the --

15          SHERIFF GUALTIERI: I think we get to that  
16          someplace in here, you know, about what happened,  
17          so I think we get there, I think.

18          All right. So let's try and move on to 4 is  
19          that -- this is pretty straightforward -- is that  
20          exter- -- Heather, do you have enough from what  
21          we're talking about, enough just to bookmark or  
22          put a place holder for this? Okay.

23          So for exterior video cameras, were  
24          inadequate to cover the exterior of Building 12  
25          and other areas of Stoneman Douglas. There were



1 camera voids.

2 Secretary.

3 SECRETARY KAPUSTA: So I believe that cameras  
4 on every school campus are not mandatory. So I  
5 think it's a positive that they had cameras;  
6 however, they clearly failed in getting them put  
7 in a place where they were useful.

8 SHERIFF GUALTIERI: Right.

9 SECRETARY KAPUSTA: So I just would want to  
10 make it clear that -- because if it's going to  
11 drive recommendations, I believe you need cameras  
12 on these campuses. And right now it's  
13 discretionary, I believe.

14 SHERIFF GUALTIERI: Let's talk about that  
15 when we come up to -- and I believe that is in --  
16 I believe it's in Appendix B, and I'm not sure  
17 what level. It's probably Level 2 in Appendix B,  
18 but let's come back to that in the  
19 recommendations, and if it doesn't adequately  
20 address your concerns, then we'll adapt it at that  
21 point. But for Stoneman Douglas, that statement  
22 is accurate that they had cameras, but that they  
23 were inadequate to cover the exterior of Building  
24 12 and other areas. Anybody have any from a  
25 finding standpoint on that one?

1           SHERIFF ASHLEY:  Would it be a security  
2           failure?

3           SHERIFF GUALTIERI:  Well, you know, I think  
4           it would be -- it would be -- not the way they  
5           were being used.  If they were being  
6           live-monitored, I'd say it is.  But, you know, if  
7           the consensus is that you want to say that that  
8           is -- I mean, you could read it either way.  So if  
9           you all want to say that that was a -- that that's  
10          a security failure, we can add it in.  What's  
11          the --

12          SHERIFF ASHLEY:  I guess my point, Mr. Chair,  
13          is that all of these things contributed to the  
14          security breach, and so every time that one of  
15          these was a security failure, I think we need to  
16          notate that.

17          SHERIFF GUALTIERI:  Well, and I think that  
18          may go back to Sheriff Judd's point is that maybe  
19          we could put something with these -- I want to  
20          make sure that all of these are -- we have 13 of  
21          them here, now 14 of them or whatever we're going  
22          to have -- want to make sure they all fall within  
23          that category, but we could -- is that we could  
24          begin -- I think, Sheriff Judd, this is what you  
25          were saying is to say at the beginning something

1 to the effect, "The following constitute a breach  
2 of accepted best practices and are a security  
3 failure," and then just list them, correct? Is  
4 that what you were -- so we'll look at that and  
5 maybe rework this and move it around. As we look  
6 at the rest of these, though, I want to make sure  
7 there isn't anything that falls outside of that  
8 category in the findings. Yeah.

9 SHERIFF ASHLEY: Thank you.

10 MR. BARTLETT: I think it's important to kind  
11 of highlight the biggest issues in this thing that  
12 caused -- the security failures that we would call  
13 them that caused this to happen, the gate, the  
14 failure of Medina to call, no monitor the door,  
15 the door that was -- the radio call that went out,  
16 nobody really reacted other than one guy inside of  
17 there.

18 To say that the cameras were inadequate, it's  
19 a security failure, well, if schools aren't  
20 mandated to have cameras, it's to their credit  
21 they even had any cameras anyway. So I don't  
22 think it's really fair to the school to suggest  
23 that that's a criticism.

24 You know, if a smoke alarm doesn't have a  
25 delay, is it is a criticism that it goes off and

1        says it's a fire? At my house, they go off right  
2        away if it hits and triggers it. That's the way I  
3        want to have it. So in this situation, it could  
4        have been a problem, but would anybody have been  
5        able to correct in that time? No, it doesn't  
6        sound like anyone was really at the panel box to  
7        figure it out.

8                So we can say everything was a security  
9        failure in the way it happened because of the  
10       chain of events, but I don't think it's -- for us,  
11       I don't think it's realistic to make a criticism  
12       on every teeny little thing that happened because  
13       that's the way it went down. They did make some  
14       efforts to have some security. They had a lot of  
15       those monitors in that school. You know, most of  
16       it -- if you ask me, a lot of it falls back on  
17       Peterson, but I think we need to take the big  
18       points and highlight them, like the gate and all  
19       that other stuff that stand out.

20               SHERIFF GUALTIERI: And I think that's the  
21       way we set this up originally is -- that's why you  
22       see some of these that as we set this up, some of  
23       them have that verbiage in there about it being a  
24       security failure and some of these don't for that  
25       reason. So, I don't know, maybe -- your point

1 well-taken, we should rethink that as opposed to  
2 -- because you're right, you could say that  
3 everything is, but what are the things that were  
4 clearly on that day that, you know, resulted in --

5 SECRETARY CARROL: Allowed these chain of  
6 events --

7 SHERIFF GUALTIERI: Correct.

8 SECRETARY CARROL: -- to go forward.

9 MR. PETTY: Mr. Chair, just to respond,  
10 Commissioner Bartlett, I agree on the video piece.  
11 I think the distinction I was trying to make with  
12 the fire alarm system is that later on I think  
13 we're going to find it contributed to chaos and  
14 confusion and to the response -- the staff at the  
15 school, their response to the shooting. So I  
16 think I agree with you on the video camera piece,  
17 but I think the fire alarm is material -- is a  
18 material finding here because of what happened --  
19 what it caused the teachers to do on the third  
20 floor.

21 MR. BARTLETT: I agree with that, but I don't  
22 know that a 30-minute -- 30-second delay would  
23 have changed anything is my point, you know, that  
24 it's the initial triggering of the fire alarm --

25 MR. PETTY: It's not the timing of the delay,

1           it's the fact that a human being goes to verify  
2           what it is before the alert goes out to the rest  
3           of the building, and as my understanding of the  
4           testimony we heard, that's best practice.

5           SHERIFF GUALTIERI: And I don't think,  
6           though, that that was anywhere -- I don't think  
7           from all the interviews and discussions that we've  
8           had is that, 1, I don't think that's common  
9           practice around the state in schools, No. 1, and  
10          2, I don't think that was really on the radar of  
11          anybody. And it might be -- the thing is -- and I  
12          think the points that Commissioner Bartlett is  
13          well-taken. We have to be careful that we don't  
14          try and -- we don't tag people with things that  
15          are -- the perfect world that doesn't exist. We  
16          have to be careful with that.

17          MR. PETTY: No -- agreed, Mr. Chair, and  
18          that's my point. I think as a matter of finding,  
19          it's relevant. Whether we make a recommendation  
20          that that change or not I think is a separate  
21          issue --

22          SHERIFF GUALTIERI: We can make a finding of  
23          it, but I wouldn't -- maybe we shouldn't go so far  
24          as to say that it is a failure on their part,  
25          because it's a finding, it's a fact, it happened,

1           this is what there wasn't, but should there be  
2           some accountability for it when --

3           MR. PETTY:   Again --

4           SHERIFF GUALTIERI:   That's a different story.

5           MR. PETTY:   -- let me be clear.  I'm not  
6           calling it a security failure.  I wanted it added  
7           because I think as a matter of finding, it's  
8           important because it informed the response of the  
9           teachers that day.

10          SHERIFF GUALTIERI:  We got that in there, but  
11          then it goes back to I think what Commissioner  
12          Bartlett was saying is that we probably  
13          shouldn't -- and I think the point is correct is  
14          that we probably shouldn't have just a general,  
15          broad statement at the beginning that says that  
16          these are all security failures.  You can have it  
17          for certain things that are, but not everything in  
18          here should be -- have that tag on it.

19          MR. PETTY:  Agreed.

20          SHERIFF GUALTIERI:  Correct, Commissioner  
21          Bartlett, that's the point?

22          MR. BARTLETT:  Yes, sir, I think that's --

23          SHERIFF GUALTIERI:  I think that's right,  
24          that's the fair thing to do.

25          SHERIFF JUDD:  And I agree with Commissioner

1           Bartlett. For example, the fire alarm system  
2           needs to be improved by the industry. The alarm  
3           did its job that day.

4           SHERIFF GUALTIERI: Right.

5           SHERIFF JUDD: It's just that it was  
6           responding to, you know, an environment that  
7           signified an alarm. So the alarm worked. The  
8           alarm didn't fail. But there needs to be a new  
9           way for the alarms to be dealt with, i.e. --

10          SHERIFF GUALTIERI: Well -- and it comes down  
11          to dollars, and this goes back to -- as you see  
12          when we get into this more -- and these first  
13          couple chapters, 4 and 5, are the ones that are  
14          going to take the time, okay, so I get it. So  
15          this is what's going to take the bulk of the time  
16          here. When we get into these is that the things  
17          that can be done immediately should be, but these  
18          type of things about -- and there's a name for  
19          them, and I'm going to misstate it, but it's not  
20          positive pressure, it's -- there's a name for it  
21          where it allows -- because current law allows that  
22          the alarm has to be acknowledged within the first  
23          30 seconds, and then once it's acknowledged, you  
24          have 180 seconds to make a determination, and at  
25          the 180-second mark, if you haven't made a



1 determination, then the alarm activates anyway  
2 unless you've cancelled it and reset it. So you  
3 have to have -- and the technology is out there,  
4 the alarm companies have them, but the schools  
5 have to have the funding and then change out their  
6 systems, and that's a big deal, that's a big  
7 process. So, you know, that's where we are with  
8 that.

9 So, you know, there's no problem with the  
10 finding and we've already included it in there and  
11 it will be, but we don't want to call that a  
12 failure.

13 MR. PETTY: I fully agree with that. I don't  
14 think that was a failure, and when we get to  
15 making recommendations based on that as a finding,  
16 to your point these are not quick wins, if you  
17 will, these are things that require significant  
18 investment and retrofits, and so we may -- we may  
19 choose not to recommend that school districts  
20 adopt the newer technology.

21 SHERIFF GUALTIERI: Right. Or they go into a  
22 Level 4 findings or something. So Secretary  
23 Kapusta, go ahead.

24 SECRETARY KAPUSTA: So I agree with  
25 Commissioner Bartlett on the fact that it is a

1 positive really for them that they actually took  
2 the steps and measures to have the cameras and to  
3 have them on the campus, and I agree with that  
4 point wholeheartedly because not everyone is  
5 required. So I commend them for actually doing  
6 that.

7 Where they fell short was -- and I believe  
8 it's the -- again, rests with the administration.  
9 They didn't make sure that they were placed in the  
10 right placements. They didn't make sure that they  
11 were useful. They didn't train on them. So it  
12 was just the overarching lack of operationalizing  
13 those systems in total, the, you know, code red  
14 protocols, the lock-down protocols, how to get  
15 through, making sure that the campuses were secure  
16 in terms of locked gates, locked doors, so on and  
17 so forth, and I think it all probably stemmed from  
18 their "It won't happen here" philosophy that  
19 really needs to be identified, because I agree,  
20 it's a positive that they did those things. They  
21 just fell short miserably in being able to  
22 operationalize any of it.

23 SHERIFF GUALTIERI: Yeah, so that's a good  
24 segue into -- Secretary Carrol, go ahead.

25 SECRETARY CARROL: Just a comment because I

1 read through a lot of these findings and I concur  
2 with almost all, but I go back to Commissioner  
3 Bartlett's comment because I strongly agree that  
4 not all these are security breaches.

5 And when I read through them, to me and where  
6 I strongly agree with you is the message needs to  
7 go out that some of these things can be done today  
8 at no cost. The fact that you allow someone to  
9 come through unlocked, unmanned doors, that can be  
10 fixed today. The fact that no one understood what  
11 a code red was, who could call it, they were  
12 delayed in calling it, that can be fixed today at  
13 no cost.

14 And so I think we just need to -- and then a  
15 lot of these others that we discuss -- and I agree  
16 with the findings, by the way, but a lot of them  
17 have to do with the technology that's used within  
18 the schools. That's inconsistent from school to  
19 school. Some -- more schools don't have cameras  
20 than do. Fire alarms are all over the place.

21 And so I think all of these findings are  
22 appropriate, but I don't know that I wouldn't try  
23 and group them or to make the distinction that  
24 these were security failures that can be fixed  
25 right now in every school and this is technology

1           that we need to look at because if you're going to  
2           make an investment in technology, it needs to be a  
3           smart investment in technology and it needs to  
4           work with what you're trying to accomplish with  
5           your safety and security protocols, because some  
6           of this stuff that we're talking about here and as  
7           we get a little bit deeper into this technology  
8           stuff is going to come with a price tag, and so  
9           the solution to that is longer term, school by  
10          school. But I don't want that to give schools an  
11          excuse for not implementing the other stuff that  
12          should have been implemented yesterday.

13                 SHERIFF GUALTIERI: Right, and you'll see  
14          that when we get there because we suggest that and  
15          say that as you saw in the findings and in the  
16          report is -- is that when we talk about the  
17          Appendix B higher-level findings, that should not  
18          impede immediately implementing some of the things  
19          that I hope that we're going to agree should be  
20          implemented immediately.

21                 Let's go on to No. 4 because I think this  
22          gets back to what Secretary Kapusta was talking  
23          about in that exterior video cameras were  
24          inadequate to cover the exterior -- we already did  
25          that one.

1           No. 5: "Most school personnel were  
2           inadequately trained in how to operate the camera  
3           system. The lack of familiarity and training  
4           adversely affected the law enforcement response."  
5           So that's what happened because, you know, Porter  
6           was in there with Morford running the camera  
7           system. They weren't that familiar with it. An  
8           AP by the name of Rosario was the one most  
9           familiar, but there wasn't across-the-board  
10          training, and that's what caused the situation  
11          where they were conveying the 20-minute delayed  
12          information as opposed to the live information and  
13          caused that whole mess. And it was a mess.

14          So the fact that personnel were not  
15          adequately trained in how to operate the system  
16          and their lack of familiarity adversely affected  
17          the response. Everybody good with that or anybody  
18          got any concerns with No. 5? Which goes hand in  
19          hand with what you just said.

20          All right. No. 6: Today the school district  
21          doesn't allow Broward County law enforcement live,  
22          real-time access to its camera systems. That  
23          inability to live view cameras in Building 12  
24          hindered the law enforcement response and caused  
25          officer safety issues because officers were unable

1 to determine whether Cruz had departed the  
2 building.

3 Secretary Carrol.

4 SECRETARY CARROL: I do have a comment on  
5 this one because I'm -- are we referring to live  
6 feed meaning to be able to patch in remotely to  
7 look at these videos? Because I do think they had  
8 the ability to live-watch it that day. They made  
9 the -- they elected not to based on their  
10 assessment of the situation, which I get, but if  
11 we're talking patch into a live feed, that's  
12 different, and, again, that's technology, and  
13 while I agree with it, I think we need to specify  
14 that here because there wasn't a refusal on the  
15 school's part to let law enforcement live-watch  
16 the film, which they wouldn't even have been able  
17 to live-watch it if they were rewinding it. But  
18 do you know what I'm saying? Because I don't want  
19 people to get the impression that they wouldn't  
20 allow law enforcement in to watch the cameras.  
21 They would. It didn't happen for other reasons.

22 SHERIFF GUALTIERI: They won't -- I mean, in  
23 today, they won't. And there's a number of ways  
24 that this could be accomplished. One of the ways  
25 is remote access. Again, that would take the

1 technology. It is done in some districts.

2 I can tell you as an example in our  
3 communication center, the Pinellas County  
4 Sheriff's Office, is that we have access in the  
5 communication center to every camera in every  
6 school in Pinellas County that we can dial up at  
7 any moment. So we get a call, we can go to  
8 Hallway X and we can see what's going on, and that  
9 the communication center can convey that to  
10 responding law enforcement.

11 Broward county will not allow that. A  
12 discussion -- they're working on it, and there are  
13 some districts around the state that allow it,  
14 there are some districts that do not allow it.  
15 But in any regard, no matter in what -- the  
16 district's position today is that in order to  
17 allow law enforcement access, and whether it's  
18 walking in and viewing or whether it is remote  
19 access, is that they want to go through a FERPA  
20 determination process and have law enforcement ask  
21 and have an administrator vet it before they'll  
22 give law enforcement access to the video systems  
23 in whatever modality in Broward County. I've had  
24 that discussion with the superintendent and with  
25 their general counsel recently, about a week ago,

1           you know. I think they're trying to work it out.  
2           I know it's very frustrating to Sheriff Israel and  
3           the Broward County Sheriff's Office and other law  
4           enforcement in Broward County, and they're working  
5           on it, but they don't allow it, they didn't allow  
6           it on February 14th, and it is a hindrance and it  
7           is an officer safety issue that law enforcement  
8           can't have, in whatever way it can be done, live,  
9           real-time access without having to ask an  
10          administrator permission, especially in an  
11          emergency situation, to access those cameras. I  
12          mean, they had some discussions about codes and  
13          some envelope and they could open it up and get  
14          the co- -- I mean, it's an issue.

15                 SECRETARY CARROL: No, I agree it was an  
16                 issue. I was not aware that they were refusing  
17                 them access to the camera room on that day.

18                 SHERIFF GUALTIERI: Well, they didn't  
19                 necessarily on that day. I want to be with that  
20                 is that I don't know on that day -- on that  
21                 particular day -- this is broader than that, and  
22                 if we need to clarify it, perhaps we should -- is  
23                 that I don't know -- the reason I want to be clear  
24                 with this is that Morford and Porter were in the  
25                 camera room. There is no evidence to support the



1 statement or a conclusion that a law enforcement  
2 officer asked to go into the camera room and they  
3 were refused access. That's not the case. In  
4 fact, there ended up with law enforcement  
5 eventually in the camera room. So there wasn't  
6 any of that, but the fact that law enforcement  
7 couldn't access it themselves and generally today  
8 can't access it themselves is what causes this.

9 SECRETARY CARROL: And I think specifically  
10 what you mentioned, your capability up in  
11 Pinellas, when that call comes in and you can  
12 immediately look at and patch into that film,  
13 there would be no mistaking what you had on your  
14 hands. And so I agree, but I just would like to  
15 see us -- I know we're not wordsmithing these, but  
16 I want to insert the word "remote" because that's  
17 what I would like it to be is if you want it  
18 realtime, then it needs to be remote access. They  
19 have to have access to those films before they get  
20 on-site. It can't be the chaos that took place  
21 that day trying to get access to a camera room,  
22 has to be remote access, because I think those are  
23 two different things.

24 SHERIFF GUALTIERI: Mr. Schachter, go ahead.

25 MR. SCHACHTER: So we have been trying to get

1 the district to do this for 10 months. They've  
2 refused. They refused prior to February 14th.  
3 That's why we're in this mess. Twenty school  
4 districts in the state allow their cameras to be  
5 monitored and a cooperation agreement -- an MOU  
6 between the school district and law enforcement.  
7 It is this district's refusal that caused a  
8 40-minute delay in law enforcement getting to the  
9 third floor. The reason law enforcement could not  
10 get there is because they thought the murderer was  
11 coming down the stairs, and that's the reason -- I  
12 mean, nobody's going to survive, you know, gunshot  
13 wounds after 40 minutes with getting no medical  
14 help. So I certainly think it needs to be  
15 inserted that this was a security failure. I know  
16 in one of our recommendations, we are recommending  
17 that all future school districts in the state  
18 allow access to their cameras, but you cannot as  
19 law enforcement be responding to a scene and not  
20 have live, actionable intelligence. I mean,  
21 you're walking in there blind. It needs to happen  
22 and I'm glad the commission put it as one of the  
23 recommendations.

24 SHERIFF ASHLEY: Sheriff, I think what the --  
25 the schools that don't allow it, they're relying

1 on FERPA, that FERPA prohibits it, it's a student  
2 record. So they're -- that's what they're  
3 identifying it as, this video, and I think  
4 incorrectly. But it is certainly something we're  
5 fighting in our district. They want clarification  
6 in statute or law that says, yes, this is not a  
7 student record, yes, this is allowable, let law  
8 enforcement review or have access to.

9 SECRETARY CARROL: The frustrating thing for  
10 me on FERPA continues to be --

11 SHERIFF ASHLEY: Interpretation.

12 SECRETARY CARROL: Exactly. Because we have  
13 20 school districts that say it's good and a bunch  
14 of others that say we don't know. Clearly,  
15 someone's made the decision.

16 SHERIFF GUALTIERI: What's happening is that  
17 people are using it as --

18 SHERIFF ASHLEY: As conversion.

19 SHERIFF GUALTIERI: Well, they're using it --  
20 they're using it as a sword to back into what they  
21 don't want to do. And when you have these laws  
22 that have some ambiguity to them and some  
23 discretion of application to them, is that people  
24 who don't want to do certain things -- or then the  
25 lawyers get involved and they are overly reading

1       it and applied a very conservative interpretation  
2       to it, and you don't have others that say "That's  
3       nice, okay, that's your job, thank you for doing  
4       what you did, but I'm going to make the decision,  
5       this is what we're going to do anyway," because  
6       it's not clear. And so you can't have the number  
7       of districts that do it and the number of  
8       districts that don't do it and say that this is  
9       FERPA. I think it's a stretch to say that it is  
10      FERPA, but they -- just like the whole HIPAA  
11      thing, and you know that well, Secretary Carrol,  
12      is that -- and others know that well is people  
13      throw that HIPAA card around like it's some big  
14      monster when it is overused, it is over-applied,  
15      and it is usually wrong when people say it. And  
16      so -- but when somebody says it, it becomes this,  
17      "Oh, my god, we've got a problem, the law says,"  
18      when it really doesn't say that. So it's being  
19      used, and then others don't know, they're not  
20      familiar enough to provide a counter-perspective  
21      or counter-view, and it's coming from somebody,  
22      the lawyer or general counsel or whoever that they  
23      think is knowledgeable and they people just accept  
24      it and run with it because somebody's backing into  
25      it.

1           So that's the problem here. And, you know,  
2           this is my view, whatever it's worth, this is not  
3           a FERPA issue, and it's something that they can  
4           do. I know they're working on in -- like I just  
5           said, I know they're working on in Broward, the  
6           district, from discussions with the  
7           superintendent, I know they're actively working on  
8           an agreement to fix this in Broward, they're  
9           actively working on it, but this was certainly  
10          what occurred and what was occurring on February  
11          14th and is still in place until they get this  
12          fixed and, you know, maybe in the next day or so  
13          they'll have an agreement, I don't know, but  
14          they're actively working on it. Go ahead.

15          SHERIFF ASHLEY: This all goes back to the  
16          culture of not to arrest. This all goes back to  
17          the discipline program and the discipline matrix,  
18          and they're using FERPA to not let law enforcement  
19          to have access to this. They're afraid that if  
20          law enforcement has access to the cameras, they're  
21          going to see these kids committing crimes on  
22          school and arrest them. Well, if they're  
23          committing crimes at school and on campus, they  
24          should be arrested.

25          SHERIFF GUALTIERI: So let's try and get to

1           your point here and see what we can do with No. 6  
2           because it says -- the first sentence of No. 6  
3           says, "The school district does not allow Broward  
4           County law enforcement live, real-time access to  
5           its school camera system." So to be clear, what  
6           it doesn't allow is it does not allow live,  
7           real-time remote access and it also doesn't allow  
8           independent access today. So if a law enforcement  
9           officer went and walked onto campus and said, "I'm  
10          going to the camera room," their position today is  
11          that there would have to be a determination by an  
12          administrator and the administrator would have to  
13          allow the law enforcement officer to do it after  
14          vetting it under FERPA.

15                 So it would be accurate and maybe even  
16          clearer to say that "The school district does not  
17          allow law enforcement live, real-time remote or  
18          independent access to its school camera system."  
19          Does that more accurately --

20                 SECRETARY CARROL: Yeah, and I think that  
21          would be much more specific in terms of what we're  
22          looking for.

23                 SHERIFF GUALTIERI: Is -- yeah, Secretary  
24          Kapusta.

25                 SECRETARY KAPUSTA: Can I ask a question on

1           that?   Was Peterson trained on the cameras?

2           SHERIFF GUALTIERI:   I don't know the answer  
3           to that.   I don't know.   I don't know that he was.  
4           There's no -- nothing that I know of that he was.

5           SECRETARY KAPUSTA:   Would he have had access?

6           SHERIFF GUALTIERI:   Yes.

7           SECRETARY KAPUSTA:   And so he was a BSO  
8           officer, correct?

9           SHERIFF GUALTIERI:   Correct.

10          SECRETARY KAPUSTA:   So that makes no sense to  
11          me that they wouldn't allow BSO access, live  
12          access.

13          SHERIFF GUALTIERI:   No, no, that's different  
14          because -- here's where you get into this --  
15          because as the SRO, okay, he's considered a school  
16          official.   So as a school official, then he has  
17          access to, quote, the FER- -- so as the SRO and  
18          for school purposes, he would -- and I don't want  
19          to get too more bogged down in this, but part of  
20          their concern is that because the SRO as a school  
21          official can have access to all of the  
22          FERPA-protected information and all, but if you  
23          took a detective from the sheriff's office who's  
24          investigating burglaries that has nothing to do  
25          other than suspects a kid on campus and he wanted

1 to walk in and just start viewing the camera  
2 system to see where the guy was, then that would  
3 be a problem, and because it's not related to the  
4 school. And so the SROs are a blended component  
5 where they are cops, but they're also school  
6 officials for the purposes of FERPA.

7 Okay. So is everybody good with this -- I do  
8 think it more accurately reflects. So we would  
9 say that the school district does not allow  
10 Broward County law enforcement live, real-time  
11 remote or independent access to its school camera  
12 systems, period. Everybody good with that? All  
13 right. Heather, you got that?

14 All right. Mr. Schachter, go ahead.

15 MR. SCHACHTER: I'd like to make it in here  
16 that that is a security failure, that was a  
17 security failure, and that contributed to the fact  
18 that law enforcement was not able to, you know,  
19 render medical attention for 40 minutes and to get  
20 to the third floor.

21 SHERIFF GUALTIERI: I don't know if we want  
22 to go that far with it. I mean, that's getting  
23 pretty detailed, but it does say in here -- now,  
24 you can say -- let's continue to look at this and  
25 see if we can incorporate, you know, some of what



1           you're looking for. Law enforcement's inability  
2           to -- and I think to be more accurate with  
3           Secretary Carrol's point, law enforcement's  
4           inability to remotely live view the cameras --

5                 SECRETARY CARROL: Independently.

6                 SHERIFF GUALTIERI: Or independently live  
7           view the cameras in Building 12.

8                 MR. SCHACHTER: Have live actionable  
9           intelligence.

10                SHERIFF GUALTIERI: Hindered the law  
11           enforcement response and caused officer safety  
12           issues because law enforcement was unable to  
13           determine whether Cruz had departed the building.  
14           You could add a sentence on there that this delay  
15           also hindered victim rescue in the medical  
16           response.

17                MR. SCHACHTER: Why not say the 40 minutes --  
18           that it took them 40 minutes to get there because  
19           they --

20                SHERIFF GUALTIERI: You can't get too far in  
21           the weeks with these things. We've got to be  
22           careful with that. We can have 30-sentence  
23           paragraphs here. These are findings. They need  
24           to be succinct. So -- but it would be accurate to  
25           say that that also hindered the victim rescue in

1 the medical response, and it captures the essence  
2 of what you're trying to say.

3 MR. SCHACHTER: I mean, saying security  
4 failure, does that --

5 MR. BARTLETT: Mr. Chairman, it seems to me  
6 the failure was the ability to communicate that  
7 there was a delay. They asked several times is  
8 this a delay, is it actual time, and they  
9 communicated back and forth, and Morford and  
10 whoever else was in there ostensibly were  
11 communicating that there was a delay, or just  
12 never did initially and finally it came out that  
13 there was a 20-minute delay. That's the problem.

14 SHERIFF GUALTIERI: The breakdown of that was  
15 between Porter and Medina and -- because when  
16 Sergeant Rossman is asking "Is this live  
17 real-time," yes, it's live real-time. And what it  
18 was being interpreted as, they're in there  
19 watching it live real-time, but what they're  
20 watching wasn't live real-time. So it was --  
21 you're absolutely right, I mean, that was a  
22 communication problem about that on that issue.

23 Now, the point is that if in the  
24 communication center at the Broward sheriff's  
25 office they had the ability to pull it up and

1 watch the cameras themselves, then you wouldn't  
2 have had to rely on that and that wouldn't -- then  
3 you could have got around the communication  
4 problem.

5 MR. BARTLETT: If they had said that there  
6 was a 20-minute delay right away, they wouldn't  
7 have had to stand around and wait and try to  
8 figure out where he was, anymore than when they  
9 went to the locked doors, the policy required them  
10 to stop and not move forward because they couldn't  
11 enter the door and they couldn't find a way to get  
12 in any doors. So that -- it all goes together for  
13 the delay to get to the children that were in the  
14 school.

15 SHERIFF GUALTIERI: So we're saying here, Mr.  
16 Schachter, back to your point here is that we're  
17 saying that it hindered it, it affected it. I do  
18 think that we need to be careful and judicious in  
19 the designation of a failure because everything  
20 could be deemed that. I think we should be  
21 careful. We say that it hindered it, it affected  
22 it adversely, you know. You start labeling  
23 everything one thing, then it gets swallowed up.  
24 The meaning of that designation gets swallowed up  
25 and is less effective.

1           SHERIFF HARPRING: And, Sheriff, in that  
2           regard, to avoid getting into the micro, I think  
3           there are some things that just are facts and they  
4           stand alone, there are some things that are  
5           contributing factors, and then there are other  
6           things very specifically that were security  
7           failures. And while that's not the only three  
8           things that we can put these findings in in terms  
9           of, you know, the umbrella of a determination, you  
10          know, again, I think there's a big difference  
11          between a security failure and just a contributing  
12          factor. You know, referencing back to the videos,  
13          it was good that they had cameras, but, you know,  
14          a contributing factor was that, you know, they  
15          didn't cover certain areas. It wasn't an actual  
16          objective security failure in the same way that  
17          having the gates unlocked and unattended was a  
18          security failure.

19          SHERIFF GUALTIERI: Heather, I think you can  
20          eliminate that sentence. Here's why. So here's  
21          what we're going to get to. Here's -- on page 75,  
22          okay, and we're on 6 right now is that under the  
23          6.1 response, here's one of the findings: "The  
24          Broward County Public Schools' decision not to  
25          allow law enforcement live and real-time direct

1 access to the school camera systems in Broward  
2 County, including the system at MSDHS, adversely  
3 affected the law enforcement efforts to locate  
4 Cruz and hampered its victim rescue efforts."

5 So why don't we just -- that's already  
6 covered in page 38 of this, okay.

7 SECRETARY KAPUSTA: And I would just add,  
8 because I agree with that wholeheartedly, to Mr.  
9 Schachter's point, I believe to your point is that  
10 it was the school district's decision not to allow  
11 that access and their failure to allow that access  
12 and then properly train in the event of them not  
13 having access on how to use those cameras  
14 certainly was a failure on their part. They  
15 should have trained. If they made the decision  
16 not to allow access, then they should have taken  
17 direct steps to make sure that they were properly  
18 and adequately able to handle the system, and they  
19 didn't.

20 SHERIFF GUALTIERI: Well, should have had a  
21 code red policy too, so it's probably asking a lot  
22 for that.

23 All right. So we made the changes to No. 6.  
24 I think we can move on to No. 7. Seven is that  
25 "there were no PA system speakers in the hallways

1 or exterior areas and that prevented effective use  
2 of the school's intercom system to communicate the  
3 code red and provide directions to students and  
4 staff. The lack of an communication system  
5 prevents building occupants from effecting an  
6 active assailant response and moving to a place of  
7 safety." And we say there that that is a breach  
8 of effective school safety best practices.

9 So I can see one thing there. Heather, add  
10 in there where it says "intercom system," there  
11 were no -- add "or PA." So there were no PA  
12 system speakers in the school, blah, blah, blah,  
13 which prevented code red, provide direction -- the  
14 lack of an effective communication system. All  
15 right. So say there, "there were no PA system  
16 speakers in the school building hallways and  
17 exterior areas, which prevented effective use of  
18 the school's intercom and/or PA system to  
19 communicate the code red." Need to add that  
20 "and/or PA system."

21 All right. Does anybody have anything with  
22 No. 7?

23 MR. SCHACHTER: Yeah, this is not a finding,  
24 but the recommendation I want to follow up with,  
25 that that -- their fire alarm system needs to be

1 silenced when the PA goes on.

2 SHERIFF GUALTIERI: Keep a note of that, and  
3 when we get to it, you can bring it up.

4 All right. No. 8, "The fire alarm caused  
5 confusion among the students and the staff in  
6 Building 12. Some treated it as a fire alarm  
7 (evacuation). Some treated it as an active  
8 shooter, i.e., a hiding place. As set forth in  
9 5.2, the lack of the called code red contributed  
10 to students and staff not treating this incident  
11 as an active shooter event, and that put students  
12 and staff at risk because they used evacuation  
13 protocols, not active assailant response  
14 protocols."

15 Anybody got anything on that? Okay.

16 No. 9, "The glass windows in the doors  
17 allowed Cruz line-of-sight access to target his  
18 victims, and there were no predesignated window  
19 coverings for teachers to quickly cover their  
20 classroom door windows."

21 Anybody have anything on that one? Mr.  
22 Schachter.

23 MR. SCHACHTER: Didn't they have those  
24 color-coded signs that they were supposed to put  
25 up?

1           SHERIFF GUALTIERI: I think that it was all  
2           ad hoc. There was no consistent -- so when they  
3           say "predesignated" in there is that there wasn't  
4           anything consistent; again, no policies, nothing  
5           that was -- some did, some didn't. It was, you  
6           know -- but there was no -- I guess where I was  
7           getting at that is that there was no device, which  
8           you're very familiar with, that could quickly be  
9           put up to block that line of sight in the window,  
10          and there's a bunch of devices or bunch of ways to  
11          accomplish that, as you know.

12          MR. SCHACHTER: Was that in Al Butler's  
13          presentation at all, do you remember? No?

14          SHERIFF GUALTIERI: There was some discussion  
15          there, I think, about covering the windows, but  
16          not anything -- again, but, you know, Butler's  
17          presentation was an hour and 15 minute  
18          presentation on all of the codes.

19          MR. SCHACHTER: Wow.

20          SHERIFF GUALTIERI: And this code red was  
21          only one segment of that overall code. Remember  
22          they got yellows and browns and blacks and reds  
23          and everything else. So, you know, it only  
24          covered a small portion.

25          All right. Does anybody have anything else,



1           No. 9?

2           So No. 10: "Two of the 30 classroom  
3 buildings had hard corners. To the extent that  
4 students attempted to hide in the classrooms' hard  
5 corners, they were mostly inaccessible due to  
6 teachers' desk and other furniture occupying the  
7 space. There was inadequate space in many  
8 classrooms' hard corners, and some students were  
9 squeezed out of the hard corners. Because  
10 classrooms lacked effective hard corners and/or  
11 students were not directed to the hard corners,  
12 some students were forced to seek cover in an area  
13 visible to Cruz."

14           Go ahead, Sheriff.

15           SHERIFF ASHLEY: I hope I'm not the only one  
16 that disagrees on the number of security failures,  
17 but they just had a security assessment given to  
18 them and did not implement this.

19           SHERIFF GUALTIERI: Let me finish this. This  
20 is continued. This is the same one, okay, this is  
21 the same No. 10. Look at the next page.

22           "Cruz only shot people" -- so what I just  
23 read, it's all one paragraph. So I'm continuing  
24 on. "Cruz only shot people within his line of  
25 sight, and he never entered any classroom. Some

1 students were shot and killed in classrooms with  
2 obstructed and inaccessible hard corners as they  
3 remained in Cruz' line of sight from outside the  
4 classroom. The district's failure to mandate and  
5 implement hard corners or safe areas in every  
6 classroom was a safety breach that contributed to  
7 students being shot."

8 SHERIFF ASHLEY: Thank you.

9 MR. SCHACHTER: I think it also needs to be  
10 included there, their failure to train their  
11 students and staff to know to get into the hard  
12 corners as well.

13 MR. ASHLEY: I think that's going to be a  
14 broad policy --

15 SHERIFF GUALTIERI: They didn't have code red  
16 policies, they didn't do a drill for the previous  
17 year, I mean, we're getting into all that stuff.  
18 So, I mean, this is saying that the lack of a  
19 mandated safe area or hard corner resulted in --  
20 and it did, unfortunately. It's a hard thing to  
21 say, but it's the fact and it's the truth and is  
22 what it is is that there were kids who were shot  
23 and killed because they couldn't get into the hard  
24 corners and they were trying to get into the hard  
25 corners and they were edged out of them.

1           MR. SCHACHTER: But even if they had a  
2           mandate and they had a hard corner safe area, if  
3           you don't train the teachers and the staff to --

4           SHERIFF GUALTIERI: Of course, but that gets  
5           into -- we're going to get there with all that.  
6           You'd have to -- that gets into having an  
7           effective active assailant response policy, and in  
8           the policy it's going to -- and having training  
9           and doing the drills and all that. So that --

10          MR. SCHACHTER: Not the failures, though, and  
11          the findings.

12          SHERIFF GUALTIERI: Right. So No. 11: "Some  
13          teachers said that they could use the PA to  
14          contact the front office." So, Heather, on that  
15          one, "the PA or intercom system." So "Some  
16          teachers said that they could use the PA or  
17          intercom to contact the front office, but did not  
18          want to risk harm making their way to the PA or  
19          intercom button." The classrooms lacked effective  
20          two-way communication -- this is the gist of this.  
21          The classrooms lacked effective two-way  
22          communication systems. That's really the finding,  
23          the classrooms lacked effective two-way  
24          communication systems, and then we put in there in  
25          parens "very few school personnel had issued

1 radios."

2 MR. SCHACHTER: Sheriff, I think it needs to  
3 be noted that even if the teachers were able to --  
4 and saying some of them were able to contact  
5 the -- use the PA to contact the front office,  
6 even if they called the front office, I don't  
7 think the person in the front office that receives  
8 that message can actually call the code red, you  
9 know, because it's a multiple step process.  
10 That's what I'm getting at.

11 SHERIFF GUALTIERI: We're getting into that,  
12 who can do that. I mean, again, this is all  
13 building, and you can't include everything in  
14 every finding. This is all a building process.

15 MR. SCHACHTER: Okay.

16 SHERIFF GUALTIERI: That's correct because as  
17 we say, it was unclear and people didn't know --  
18 still don't know who can call a code red, you  
19 know. The district says that they've all been  
20 told they can, but when you ask them, they don't  
21 know.

22 MR. SCHACHTER: That's not -- what I'm  
23 getting at is that even if the teacher can call a  
24 code red, can she call law enforcement and can she  
25 notify everybody, or does she need to call the

1 front office, and the front office goes gets the  
2 principal, and then principal calls -- you know,  
3 we got to make sure --

4 SHERIFF GUALTIERI: That's a problem with not  
5 having an effective active assailant response  
6 policy. All that needs to be covered in that  
7 policy.

8 MS. LARKIN-SKINNER: Mr. Chair, do we know --  
9 just for my edification so I know about our  
10 recommendations. Do we know where the PA buttons  
11 are? Because it would seem to me they should be  
12 in the hard corners.

13 SHERIFF GUALTIERI: Yeah, they were in  
14 different places. Wally, do you know where  
15 they -- different places in there, do you know?

16 MR. BONASORA: Classrooms were set up  
17 differently where the buttons were.

18 SHERIFF GUALTIERI: Okay. And one of the  
19 other problems they have -- and I made a district  
20 aware of this recently is that another thing that  
21 came up was -- and this is something that they  
22 have to address in order to effectively create the  
23 hard corners and not have all this stuff that is  
24 immovable is in most of the classrooms, the  
25 electrical outlets are in the hard corners. So

1           that's -- it's the teachers for their desk, for  
2           computers, for other things. Now, there are  
3           certainly things they can do on an interim basis,  
4           but ultimately they're going to have to make some  
5           adjustments because they're going to have to  
6           rework some of the electrical in those classrooms  
7           because you can't say to the teachers that, you  
8           know, don't have all your stuff in here, but those  
9           are the only electrical outlets that are in the  
10          hard corners. So there are some of those issues,  
11          but the PA buttons were in different places in  
12          different classrooms.

13                 UNKNOWN SPEAKER: Mr. Chairman, also for my  
14          edification, did they say there was a landline  
15          phone in those rooms?

16                 SHERIFF GUALTIERI: Yes.

17                 UNKNOWN SPEAKER: Was that phone located by  
18          the PA button, I assume?

19                 SHERIFF GUALTIERI: I don't know. Wally, do  
20          you know?

21                 MR. BONASORA: Usually on the teacher's desk.

22                 SHERIFF GUALTIERI: Usually on the teacher's  
23          desk? Okay. That would have been in the hard  
24          corner.

25                 UNKNOWN SPEAKER: They could have

1           communicated back to the office with that.

2           SHERIFF GUALTIERI:   Could have, right.

3           So No. 10, we're good with.

4           No. 11, we're -- are we good with No. 11?

5           Anybody else?

6           Okay.   No. 12, "Some bullets travel through  
7           drywall and metal doors.   Had Cruz intentionally  
8           shot through those doors, the casualties could  
9           have been greater.   Drywall and easily penetrable  
10          doors are a safety vulnerability."   Again, we're  
11          not saying it's a safety failure, we're saying  
12          it's a safety vulnerability.   There's a  
13          difference.

14          Sheriff Judd.

15          SHERIFF JUDD:   I had a note there that we  
16          eliminate that just because I don't want to give  
17          anyone more ideas and we will never eliminate  
18          drywall and normal doors in a school building.   So  
19          even though that is an absolute accurate finding,  
20          I don't think it gets us anyplace.   We're already  
21          going to talk about locks and safe zones and all  
22          of that sort of thing, but, you know, there's  
23          cover and there's concealment, and sometimes  
24          concealment is good and other times cover is good,  
25          but --

1           SHERIFF GUALTIERI:  What's the will of the  
2           group on that?  Sheriff Judd's proposal is that we  
3           take out No. 12.  I see the point.  I don't have a  
4           preference one way or the other on it.  I see his  
5           point, but -- it is accurate.  What's the will?  
6           Anybody else?

7           MR. SCHACHTER:  I think with the realization  
8           that eventually we'll be training our next mass  
9           murderer, I think it's a good suggestion, Sheriff.

10          SHERIFF GUALTIERI:  Anybody have any concerns  
11          about taking out No. 12?  Secretary Carrol.

12          SECRETARY CARROL:  A counter-point to that  
13          because we'll also be training folks to identify  
14          and use hard corners, and I don't want to herd  
15          everybody into one area that becomes very  
16          vulnerable to them without giving some -- some  
17          information around that.  So I don't care one way  
18          or the other whether it's in there, but schools  
19          need to understand that if we're going to start  
20          training folks to get into hard corners, there's a  
21          difference between what a real hard corner is as  
22          opposed to what's a hard corner with a soft  
23          barrier in front of it.  That's all.

24          Can I make a -- and I know that we're not  
25          wordsmithing this, but these were a lot easier



1           when the first sentence of it is the actual  
2           finding, and a lot of them are that way, but like  
3           the last two, the finding is actually the last  
4           sentence and then it comes with a descriptor. Do  
5           you know what I mean?

6           SHERIFF GUALTIERI:   Yep.

7           SECRETARY CARROL:   And it's just easier when  
8           your first sentence is the finding, and then the  
9           description of that finding comes afterwards.

10          SHERIFF GUALTIERI:   Point taken. This was  
11          three o'clock in the morning doing this.

12          SECRETARY CARROL:   No, I appreciate all the  
13          work that went into this.

14          MR. SCHACHTER:   In the Level 4  
15          recommendation, Sheriff, I would like to put in  
16          there that in the hard corners, there needs to be  
17          a space where the children are protected from that  
18          type of eventuality, and I think I would be fine  
19          with taking it out as long as we can make that  
20          recommendation that there be ballistic-hardened  
21          sections of that room, which would alleviate that  
22          problem.

23          UNKNOWN SPEAKER:   I think we can do that  
24          without stating -- I mean the obvious is when  
25          you're shooting a high-powered rifle, you know,

1           you can hide behind an engine block of a car and  
2           get shot through it. So it's stating the obvious.

3           UNKNOWN SPEAKER: I agree with the sheriff,  
4           but I'd also say it is the obvious, but is it  
5           obvious to our legislators and school districts  
6           that need the money to -- or at least changing  
7           laws regarding codes and building schools or  
8           future schools that we may not want -- we may want  
9           to create hardened -- actual hardened corners or  
10          ballistic-resistant glass and the like, and it may  
11          not be so readily known to them that rifle rounds  
12          will go through these sort of things and there's  
13          more resistant materials out there that we can  
14          build our schools with.

15          The last sentence, I mean, without the  
16          descriptor that some bullets travel through  
17          drywall and metal doors, I mean, just say drywall  
18          and reinforced glass and penetrable (inaudible) a  
19          safety vulnerability.

20          SHERIFF GUALTIERI: What if we did this,  
21          Sheriff Judd, thinking about something simple.  
22          Sometimes less is more and you accomplish  
23          everything we're trying to is that some doors --

24          UNKNOWN SPEAKER: What if we just said  
25          high-powered rifles can travel through many

1 different lay- -- many different objects or many  
2 -- I mean, it's -- I just don't want to layer out  
3 there --

4 UNKNOWN SPEAKER: Rifles can travel through  
5 doors and walls.

6 UNKNOWN SPEAKER: I had a thought that maybe  
7 we could just flip it and say not all of the  
8 construction materials were impenetrable.

9 SHERIFF GUALTIERI: Yeah, that's where I was  
10 going.

11 UNKNOWN SPEAKER: And then you don't have  
12 anything specific. It doesn't mean anything, they  
13 don't know what the materials are.

14 SHERIFF GUALTIERI: I think we get the gist  
15 of it. We'll seriously water that down. Heather,  
16 just make a note of that and we'll work on it and  
17 get it there. We'll just make it like a one  
18 sentence similar to that effect is that there --  
19 penetrable objects or whatever cause  
20 vulnerabilities or something to that -- just  
21 something real simple. We'll work on it. We get  
22 the gist. Point is well-taken, Sheriff Judd.  
23 We'll fix that.

24 So let's do one more and then we'll take a  
25 break. Get through this section. No. 13: "The

1 storm-resistant glass on the third floor teachers'<sup>100</sup>  
2 lounge mitigated the number of people shot because  
3 the rounds fragmented and prevented Cruz from  
4 effecting his sniper position. Despite trying to  
5 shoot from this sniper position, Cruz had 180  
6 rounds of ammunition left when he abandoned his  
7 gun and fled the school."

8 Very factual. Now, what that's going to lead  
9 to is -- and it does lead to and we get into the  
10 recommendations, it leads -- and I believe it's in  
11 Level 4 in Appendix B -- leads to a recommendation  
12 about ballistic glass. This happened to be  
13 hurricane/storm-resistant glass. I'd suggest to  
14 you that if you're going to do something, we don't  
15 recommend that it be -- it just so happened that  
16 this worked because it caused the rounds to  
17 fragment. If you're going to do it, then do it.  
18 And that means ballistic glass.

19 So we're making the point here in this  
20 finding that there was something, thankfully, that  
21 caused those rounds to fragment and prevented him  
22 from taking up that sniper position and using  
23 those 180 rounds on all those people that were in  
24 the courtyard below.

25 So anything with No. 13 that anybody wants to

1 change?

2 Okay. So I think we're at the point we have  
3 in the schedule for a break. Let's take about 10  
4 minutes or so. Let's come back at 10:45.

5 (Brief recess.)

6 (Whereupon, proceedings continued in Volume  
7 II.)

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## CERTIFICATE OF REPORTER

I, JESSICA RENCHEN, Registered Professional Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 12th day of December, 2018.

JESSICA RENCHEN, Court Reporter



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