1   MARJORY STONEMAN DOUGLAS HIGH SCHOOL
                PUBLIC SAFETY COMMISSION
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5
                    VOLUME III of III
6   (Pages 299 through 420)

7   PUBLIC SAFETY COMMISSION
                        MEETING
8

9   DATE: December 12, 2018
        TIME: 8:30 a.m. - 6:15 p.m.
10   LOCATION: Donald L. Tucker Civic Center
                    Tallahassee, Florida
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                    Reported by:
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        JESSICA RENCHEN, Court Reporter
21   For the Record Reporting, Inc.
          1500 Mahan Drive, Suite 140
22   Tallahassee, Florida, 32308

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1   P R E S E N T

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

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

2   (Proceedings continued from Volume II.)

3   SHERIFF GUALTIERI: All right. We'll go

4   ahead and start again. Before we move into

5   Chapter 5, we have one last thing I think Chief

6   Lystad wanted to bring up regarding Chapter 4.

7   Chief, go ahead.

8   CHIEF LYSTAD: Thank you, Mr. Chair.

9   I just want to make sure -- because I heard

10   it from a couple other commissioners, I think it

11   was James who talked about making sure we have a

12   credible report. And so the recommendations that

13   are in 4 that we have as for Level 4 -- this Level

14   4 -- these are kind of high-dollar, high complex,

15   and I don't there's complete agreement on the

16   commission of what these are, and I think we're

17   kind of outside of our lane, at least most of us.

18   I'm not going to defer to the school -- I'm going

19   to defer any question about school to the people

20   that work in the school system, just as I would

21   expect them to defer questions about law

22   enforcement, and I think there's agency experts

23   and there's industry experts that would be better

24   suited to provide these recommendations.

25   So I would like to recommend to the

1   commission that we not make these Level 4

2   recommendations, but more of other items for us --

3   for schools and others to consider for

4   implementation, and kind of defer those

5   recommendations to if the Office of Safe Schools

6   puts together a commission to look at

7   target-hardening, which I totally agree they

8   should, I think the legislature should do that,

9   that they look at our recommendations and provide

10   us guidance or provide those recommendations at

11   school. I want to make sure that our report is

12   credible, that we stay in our lane, and I know Mr.

13   Schachter has done a lot more research in this

14   area, but I think that's outside the lane of most

15   of our commissioners, and so I don't know that I'm

16   comfortable with Level 4, I think it would be

17   others, and let someone else pick up that ball to

18   provide those guidance.

19   SHERIFF GUALTIERI: So is your suggestion

20   that as opposed to the label for everything that's

21   in Level 4, to then just title that "Other

22   Considerations"?

23   CHIEF LYSTAD: Yes, "Other Considerations,"

24   and that we list each item in there is basically

25   just as the first title says, "Consider the use of

1   metal detectors, consider implementing real-time

2   crime centers, consider gunshot locations," and

3   then allow the Office of Safe Schools and whatever

4   commission is formed for that to provide further

5   guidance to the schools.

6   MR. SCHACHTER: What is your apprehension --

7   which ones are you specifically --

8   SHERIFF GUALTIERI: Everything in Level 4.

9   So we'll have Level 1, 2, and 3 that are actual

10   commission recommendations that are that tiered

11   approach, and then Level -- everything that is now

12   Level 4, as opposed to calling it a Level 4 and

13   make it an actual commission recommendation, it

14   will just be titled "Other Considerations" and

15   leave it at that as opposed to making it an

16   actual, because they are so high level and they

17   are so costly and they are so unvetted by us and

18   outside our collective area of expertise, that it

19   would be better and not detract from the

20   credibility of our work or the credibility of our

21   recommendations, because we really don't have a

22   clue with a lot of that stuff what we're talking

23   about, is just to put it in there for other

24   considerations and then let it be vetted by the

25   appropriate people to vet it.

1   SHERIFF HARPRING: Perhaps the exception of

2   the metal detectors and x-rays, which maybe we

3   could move to 3, because that's kind of standard

4   technology that we have and that actually we tend

5   to control in our courthouses and even in our own

6   agencies to some extent. I would fully support

7   that, Chief.

8   MR. SCHACHTER: And what about real-time

9   crime centers or the equivalent of live video

10   monitoring capability with all the cameras?

11   SHERIFF GUALTIERI: Those are just other

12   considerations. That is so costly and so, you

13   know --

14   MR. SCHACHTER: That's why it's in 4 though.

15   SHERIFF GUALTIERI: But -- right. So it

16   would just be -- we're not saying anything other

17   than we're just saying other considerations.

18   That's all we're saying.

19   SHERIFF ASHLEY: Recommend additional

20   research, I mean, you could do that.

21   SHERIFF GUALTIERI: Yeah. That way it's not

22   part of -- it's not part of the tiered approach.

23   What we're signaling by that -- and I think Chief

24   Lystad has a point on that and I agree with him --

25   is that it's not part of what we're saying is a

1   tiered approach to look at. It -- that requires

2   additional work.

3   And the other thing that -- and it does

4   require -- I agree on the technology side,

5   commissioner Harpring, is the x-ray machines and

6   the metal detectors. Boy, that is going to take

7   an extremely significant amount of human resources

8   and human capital, and it is something that needs

9   to be looked at and needs to be -- it's an other

10   consideration as opposed to run out and put it in

11   a Level 3. That's a big deal, you know. Across

12   Florida, to consider that, that's almost

13   insurmountable.

14   MR. SCHACHTER: I agree, and to your point,

15   Marjory Stoneman Douglas did -- had a site survey

16   for metal detectors, and we were going to make it

17   down to three entrances, and with our student

18   population, we would need 13 different metal

19   detectors, we would need about 30 personnel, and

20   it would cost us a million dollars a year just for

21   one high school. So I agree with you in that

22   aspect, but --

23   SHERIFF GUALTIERI: Is there anybody that

24   can't live with just changing -- not going to do

25   anything else, just take what it says is Level 4

1   and just move it to "Other Considerations"?

2   Anybody can't live with that?

3   Okay. So, Heather, we'll make that note,

4   that's what we're going to do, and let's move on

5   to Chapter 5.

6   Okay. So in Chapter 5, going over to Slide

7   53, the chapter itself, the "Facts" section begin

8   on page 77. The first findings are for 5.1 and

9   they begin on page 86 of the report and Slide 53.

10   And first finding says this: "Former Deputy

11   Scot Peterson was derelict in his duty on February

12   14th. He failed to act consistent with his

13   training and fled to a position of personal safety

14   while Cruz shot and killed MSDHS students and

15   staff. Peterson was in a position to engage Cruz

16   and mitigate further harm to others, and he

17   willfully decided not to do so."

18   Anybody have anything on that?

19   Second one -- second finding: "There is

20   overwhelming evidence that Peterson knew that the

21   gunshots were coming from within or within the

22   immediate area of Building 12. Furthermore, there

23   is no evidence to suggest that Peterson attempted

24   to investigate the source of the gunshots. In

25   fact, the statement of Greenleaf confirms Peterson

1   did not attempt to identify the source, and by all

2   accounts, including surveillance video, and he

3   retreated to an area of safety."

4   Any changes to that one, or concerns?

5   MR. BARTLETT: Mr. Chairman, Greenleaf

6   indicated that it was his opinion it was coming

7   from inside the building, and he's standing next

8   to Peterson at the time that he hears the shots.

9   SHERIFF GUALTIERI: Right.

10   MR. BARTLETT: So, I mean, he said he was

11   pretty sure it was from inside the building that

12   the shots were coming from. So, I mean, you can

13   further conclude that Peterson can say he

14   didn't -- couldn't tell where all the gunshots

15   were, but all indications are everybody else --

16   nobody else had a problem with figuring out where

17   the gunshots were.

18   SHERIFF GUALTIERI: And I think that goes

19   to -- doesn't that go to the overwhelming evidence

20   that Peterson knew that they were coming from

21   within or the immediate area? Is that what

22   that --

23   MR. BARTLETT: I guess --

24   MR. SCHACHTER: Correct me if I'm wrong.

25   Didn't Peterson say, "You better get out of here,

1 you don't have a" --

2   SHERIFF GUALTIERI: He told Greenleaf to get

3 out of there because he didn't have a gun.

4   Are you okay, Commissioner Bartlett, with the

5 recitation of the statement in there, the

6 findings?

7   MR. BARTLETT: Yes, sir.

8   SHERIFF GUALTIERI: Okay. Moving on to

9 Section -- continuing on Section 5.1 and No. 3:

10 "The confusion in identifying the source of the

11 shots due to echoes around the structure was

12 eliminated as an excuse for Peterson not entering

13 12 due to an abundance of evidence." And I think

14 this goes to some of what you just said.

15   "Peterson had been told by Medina that the

16 noises were coming from within 12. Peterson was

17 dropped off at the doors to 12. He repeatedly

18 referenced 12 on the radio and told Officer Best

19 from Coral Springs that the shooter was on the

20 second or third floor. Peterson identified in his

21 interview that the gunshots were coming from

22 within or the immediate area of 12."

23   So any concerns about that finding, No. 3?

24   No. 4: "On the 14th, the BSO law enforcement

25 response was hindered in part by Peterson's

1   erroneous directions and other improper

2   information relayed over the BSO radio channel,

3   including directing deputies to shut down nearby

4   intersections and requesting no pedestrian traffic

5   anywhere on nearby roads."

6   Are we good on that one? Anybody -- okay.

7   "Peterson told deputies to stay back 500 feet

8   from the twelve or thirteen hundred building, and

9   that conflicts with current law enforcement

10   response procedures to active shooter, and that is

11   that law enforcement officers should try to

12   eliminate any immediate threat, even if that

13   requires approaching the gun fire and danger."

14   I think we're all okay with that hopefully.

15   All right. Moving on to No. 6: "Peterson

16   responded to the area in 1 minute and 39 seconds

17   after the shots were fired. Prior to his arrival,

18   21 victims had already been shot, 9 of which were

19   fatally wounded."

20   So this makes clear that seconds matter and

21   that SROs cannot be relied upon as the only

22   protection for schools. Even if there is a rapid

23   response by an SRO, it is insufficient in and of

24   itself to safeguard students and teachers.

25   Any thoughts, discussion on that one?

1   Moving over now, we're going to get into

2   Peterson's training. So we're going to move over

3   to page -- 87 is where it begins in the text, and

4   then the findings begin over on 88. So the first

5   finding under 5.2 is that "The sheriff's office

6   trained Peterson in active shooter response and he

7   was familiar with solo deputy protocols. He knew

8   through his training that the appropriate response

9   was to seek out the active shooter and not

10   containment."

11   He made a reference in his interview with The

12   Today Show that he trained, and he mentioned the

13   word "containment." Containment was the process

14   that was used or the protocol that was used prior

15   to Columbine, and that law enforcement would set

16   up a perimeter, wait for additional resources to

17   get there, including the SWAT team, and would not

18   go in. You're containing the scene, you're

19   containing the shooter, and that has not been the

20   protocol since Columbine. So we just explained

21   that there -- that he was trained, he knew solo

22   deputy response protocols, and he knew through his

23   training the appropriate response was to seek out

24   the shooter and not containment despite what he

25   said in his interview on The Today Show. That's

1   the reason why we included that.

2   Anybody have any thoughts or considerations

3   on that? Questions? Concerns?

4   No. 2 is that "He also knew that the

5   shooter -- the situation called for a code red.

6   Based on interviews conducted, Peterson never

7   called out a code red over the radio."

8   I think we've established that pretty

9   clearly.

10   This next one, No. 3: "He was an SRO for 28

11   years, and that provided him with a great deal of

12   experience in some aspects; however, it also

13   contributed to his inadequate response."

14   This is tied into the next one, so we're

15   going to cover this at the same time.

16   "SROs typically are not faced with many

17   high-risk, high-stress situations. The normal

18   patrol officer or deputy encounters domestics,

19   robberies, et cetera. So they're not afforded the

20   chance to maintain and exercise their tactical

21   skills, and for that reason it's of the upmost

22   importance that SROs be provided with frequent,

23   thorough, and realistic training to handle

24   high-risk, high-stress situations, which will also

25   test their -- at least in a training setting their

1   ability to act and react."

2   So anything on 3 and 4 together?

3   Secretary Kapusta, go ahead.

4   SECRETARY KAPUSTA: So I thought when Sheriff

5   Israel was here and testified before the

6   commission, that his testimony was that Peterson

7   wouldn't have gone toward the active shooter under

8   any circumstances, even if he hadn't been an SRO

9   for 28 years. So I just want to make sure that --

10   and while I have no expertise, I would assume that

11   28 years as an SRO would impact one's natural

12   instincts or training to go in toward the active

13   shooter, but that was inconsistent with what his

14   testimony was, if I recall correctly.

15   SHERIFF GUALTIERI: You're saying that his --

16   him being an SRO for 28 years would impact it

17   positively or negatively?

18   SECRETARY KAPUSTA: Negatively, as is written

19   here in the finding. And that was my assumption,

20   but I recall Sheriff Israel saying "I don't think

21   that has anything to do with it. I believe that

22   he just would not have done it regardless."

23   SHERIFF GUALTIERI: Well, you know -- and I

24   do recall as well Sheriff Israel making that

25   statement. Just because he said it doesn't

1   mean --

2   SECRETARY KAPUSTA: No, I agree, I agree

3   wholeheartedly. I think No. 4 is completely on

4   point. No. 3, that was just my only hesitation

5   with that.

6   SHERIFF GUALTIERI: Right. It's hard to tell

7   what -- you never know -- at the end of the day,

8   you never know for sure how somebody's going to

9   react, but I can tell you that realistic training

10   environment that simulates in a significant way

11   does test people and does give you some

12   indication. Now, it does fall somewhere short, it

13   may be slightly short, but it does fall short of

14   the real thing but if you're using simunition

15   rounds and you're creating an environment that is

16   very similar to the real thing, you'll have some

17   idea about somebody's reaction. So that's why it

18   says that it's important that that's what they do,

19   especially with the SROs who don't encounter these

20   high-risk situations on a regular basis, that they

21   should be trained, and what goes with training is

22   also testing somebody the best you can.

23   Mr. Schachter.

24   MR. SCHACHTER: And I think this goes to the

25   training aspect that they received and the

1   frequency. We'll get this -- we'll get to it in

2   the recommendations, but I think that's extremely

3   important and that was deficient.

4   SHERIFF GUALTIERI: So everybody's good with

5   No. 3 and 4, right?

6   No. 5, "At the time of the incident, Peterson

7   did not have a ballistic vest or a patrol rifle

8   with him." Those are just facts.

9   Then we're going to move over here to 5.3,

10   which is on page 89. And that is that -- No. 1 is

11   that "One SRO per campus is inadequate to ensure a

12   timely and effective response to an active

13   assailant, and some campuses require additional

14   armed personnel."

15   Anything on that one?

16   "And that the Broward County Sheriff's Office

17   decentralized the supervisory structure of its SRO

18   program raises concerns about whether Peterson was

19   adequately supervised."

20   SHERIFF HARPRING: Is that a strong enough

21   statement? I mean, my -- I guess my take on it

22   was that he affirmatively was not based on the

23   information that we got from the sergeant who was

24   responsible in that district. I mean, I can live

25   with it. I just bring up the fact that it seems

1   that it was pretty clear that -- that he wasn't

2   based on the statements about what the frequency

3   was of supervisory contact with the SROs.

4   SHERIFF GUALTIERI: He said -- the sergeant

5   said that he had contact with him about once a

6   week. Captain Jordan commented on that as well,

7   that it wasn't regular or certainly it wasn't

8   daily, and that sergeant supervising is a

9   collateral responsibility.

10   We're wording it this way for a reason. I

11   don't know that -- it is a pretty strong thing to

12   say definitively that he was not adequately

13   supervised. Define "adequately." It depends

14   upon -- I think it raises concerns about it, but

15   if anybody wants to go stronger than that, we can

16   certainly have further discussion about it. I

17   would just caution some about going too much

18   further because I don't think we can say for sure

19   that it was totally inadequate. It may not have

20   been the best practice, and I don't think it was,

21   but to say that it was totally inadequate, I --

22   personally I'm not comfortable with that, but --

23   Sheriff Judd, go ahead.

24   SHERIFF JUDD: It's very difficult to say

25   whether he was adequately supervised or not, but I

1   think we can say from the research that not having

2   a dedicated school resource officer supervisory

3   infrastructure is a weakness, because these SROs

4   report to the different districts, and, of course,

5   I can tell you from at one time being a district

6   commander and a division commander, if it doesn't

7   squeak, you don't have any time to deal with it.

8   So if they're over there taking care of the

9   schools and that's not my primary responsibility

10   and there's no issues going on, you really don't

11   know what he's doing over there. Whereas if you

12   have sergeants, lieutenants, captains, majors,

13   depending on the size of the infrastructure, and

14   you have a division -- in our office we have a

15   division of safe schools where there are people

16   specifically responsible for the SRO program, the

17   training, the interactions with the kid, how many

18   counselings they have, if there's discipline, if

19   there's arrest. There's an infrastructure that's

20   concerned with the entire process.

21   It's an afterthought at BSO. It is -- and

22   apparently -- I believe we were told at some point

23   in time it was during the downturn of the economy,

24   they kind of did that as a cost-saving method, but

25   I think rather than question about how much

1   supervision he had, I think if we, once again,

2   went toward the system and said, you know,

3   evidence clearly suggests that there's no unified

4   command of the school resource officer program in

5   BSO, that that would be more --

6   SHERIFF GUALTIERI: We can say it

7   differently. That's what they're kind of trying

8   to say there where there's a decentralized

9   supervisory structure. That kind of goes to that.

10   We could say it differently if it's not clear

11   enough.

12   SHERIFF JUDD: That way we're not -- we don't

13   challenge whether or not he was, quote/unquote,

14   adequately supervised, because obviously, you

15   know, his training would indicate that he should

16   have gone in and he certainly was a total failure,

17   but, once again, I'm after the system here that if

18   we say -- and it's a safe statement in that

19   everybody's testified before us that there is no

20   school resource officer --

21   SHERIFF GUALTIERI: At the time, the SROs

22   weren't -- didn't even fall under the Department

23   of Law Enforcement. They were in the Department

24   of Community Affairs. And so give us some

25   proposed language.

1   SHERIFF HARPRING: For my part, I guess if we

2   were to add -- thank you, Sheriff -- if we were to

3   add Sheriff Judd's concerns that it reflects a

4   system failure, then we could just simply tag that

5   on to the sentence that exists now because it goes

6   to one of our statutory responsibilities, which is

7   to identify system failures. So I would support

8   that.

9   SHERIFF GUALTIERI: So what are you

10   proposing, leave it B-S- -- go ahead, Sheriff.

11   SHERIFF JUDD: BSOs does not have a unified

12   command and control system in place for the school

13   resource officer program. As a result -- then you

14   can say as a result, the decentralized supervisory

15   structure of the SRO program creates an

16   environment for inappropriate, not enough, weak,

17   absent, supervisory --

18   SHERIFF GUALTIERI: Inadequate.

19   SHERIFF JUDD: -- inadequate supervisory

20   checks and balance.

21   SHERIFF GUALTIERI: We'll take all --

22   Heather, you got most of that? We'll take it,

23   we'll tweak it, we'll figure it out. We'll just

24   revise it.

25   COMMISSIONER DODD: Mr. Chairman, just to

1   follow up on the first one, just want to make sure

2   we are consistent with our recommendation that

3   every campus have a backup. It does say, "One SRO

4   per campus is inadequate to ensure timely and

5   effective response to an active assailant

6   situation, and some campuses require additional

7   armed personnel." Wouldn't it be better if we

8   took the "some campuses" off and just ended it

9   there? Because our recommendation is going to be

10   that all campuses have an immediate backup. Isn't

11   that right?

12   SHERIFF GUALTIERI: So one SRO per campus is

13   inadequate to --

14   COMMISSIONER DODD: Aren't we saying --

15   aren't we going to recommend that all campuses

16   have --

17   SHERIFF GUALTIERI: Adequate backup?

18   COMMISSIONER DODD: Yeah, that's in a

19   recommendation that's coming. So I just -- when

20   you said some campuses were -- we say all

21   campuses --

22   SHERIFF GUALTIERI: Okay. What about this --

23   point well-taken because it's consistent with the

24   other recommendation we already, I think, approved

25   here is that active assailant and --

1   SHERIFF JUDD: We could just end it there.

2   Then we could address it over here saying you had

3   to have backup. One SRO is inadequate to ensure a

4   timely and effective response to an active

5   assailant on school campuses.

6   SHERIFF GUALTIERI: Leave it at that? Okay.

7   That's fine. So anybody can't live with that?

8   So it'll read, "One SRO per campus is

9   inadequate to ensure a timely and effective

10   response to an active assailant," period.

11   SHERIFF JUDD: Period. And then we address

12   in the recommendations what to do about that.

13   SHERIFF GUALTIERI: All right.

14   MS. LARKIN-SKINNER: Mr. Chair, I was

15   wondering if we want to just note that it's best

16   practice to have a unified command structure,

17   because you mentioned it when you were talking

18   about it and the legislature doesn't know that

19   it's best practice.

20   SHERIFF GUALTIERI: It's in the

21   recommendations when we get there. So we're in

22   the findings now, and it will dovetail into

23   recommendations.

24   MS. LARKIN-SKINNER: Okay.

25   SHERIFF GUALTIERI: It's in there now.

1   All right. We go over to -- continue here,

2   Chapter 5 recommendations. Now we're going over

3   to page 90, 91, and we're into recommendations.

4   So the first one in the recommendations --

5   and this gets right to that. Good segue. "BSO

6   and all law enforcement agencies should ensure

7   their SROs are part of a single unit and that they

8   are closely supervised. A single unit and

9   centralized supervisory structure provides SRO

10   supervisors the ability to effectively communicate

11   with and evaluate the officers and deputies at the

12   various schools."

13   Y'all good with that?

14   Okay. Next one: "It should be made clear to

15   all stakeholders that the primary responsibilities

16   of the SRO shall be the enforcement of the laws,

17   and safety and security of the campus, students,

18   and personnel. The SRO may still have teaching

19   and counseling duties, but these are secondary to

20   that of safety and security."

21   Good with that one?

22   All right. Next one, Slide 62, the

23   contracts. This is getting to the contract.

24   Every district has a contract with a law

25   enforcement agency that provides the SROs. And it

1   says, "The contracts between the agencies and the

2   school board should require a high level of

3   information sharing that the -- between the SRO

4   and the administrator."

5   It should also state that "The SRO or

6   applicable agency have access to educational

7   disciplinary records provided by the school,

8   decisions regarding enforcement actions are solely

9   within the discretion of the officer, and that

10   school administrators shall not interfere with

11   enforcement decisions, and that they have

12   consistent operating procedures, staffing levels,

13   and clearly-defined roles and responsibilities for

14   the SRO personnel." So that's all that should be

15   in the contract that governs the relationship and

16   what the SROs do.

17   Anybody have anything there they want to make

18   any changes or recommendations on?

19   SHERIFF JUDD: One -- and I'm not sure this

20   is the appropriate place. There may be another

21   place. One of the things that we are doing in the

22   process of now is mandating that there is a

23   database of these students so that if we have a

24   disciplinary issue or a problem and that student

25   moves to another town or something like that, or

1   moves to another school, that that database of

2   discipline are -- occurs. I don't know that

3   that's necessarily -- the contract with the SRO is

4   the right place to put that in.

5   SHERIFF GUALTIERI: I think if you make a

6   note of it, Sheriff, I think when we get maybe to

7   Chapter 15 with information sharing, that's

8   probably the best place to address that.

9   SHERIFF JUDD: Okay. No, this is fine with

10   me.

11   SHERIFF GUALTIERI: Okay. The next one there

12   on 62 was that "All SROs should be issued patrol

13   rifles and ballistic vests and have those

14   immediately available to them on campuses."

15   Mr. Schachter.

16   MR. SCHACHTER: So this goes to one of the

17   recommendations about the mandatory wear policy.

18   We're just talking about them having them issued.

19   Do you -- do we want to make that recommendation?

20   SHERIFF GUALTIERI: No.

21   MR. SCHACHTER: No? What about the fact that

22   if they choose not to wear them, that should not

23   impede their decision to go in as a -- trying to

24   disencourage them to get dressed?

25   SHERIFF GUALTIERI: I think that's got to be

1   addressed by an individual sheriff or police

2   chief. That's a -- that's certainly the

3   expectation. I can tell you that you're going to

4   have a very, very hard time with the unions

5   getting that type of a statement into any policy

6   and, you know, that's my take on it, but --

7   MR. SCHACHTER: I don't think that should

8   discourage us from making a recommendation. We

9   saw that as a problem here. Why not address it?

10   SHERIFF JUDD: I don't know about the labor

11   contracts, but I think Sheriff Israel referred to

12   the fact that he wanted a mandatory wear policy

13   and he was fighting the union. State law mandated

14   it as an SRO. You see, now we're not telling the

15   sheriff what to do for everybody, but if you're

16   going to be assigned to the school there's a

17   mandatory wear, then everyone -- you know, when

18   you signed up for the job, you know that was

19   mandated by law, but, once again, that's kind of

20   down in the weeds about --

21   SHERIFF GUALTIERI: I know there's differing

22   views on it, as you well know, and I don't know,

23   you know. I'm reluctant, I don't think that it

24   should be in the law, I don't think that there

25   should be a mandatory wear policies. I certainly

1   encourage everybody to wear them in the strongest

2   of terms, but mandating them I don't think is

3   appropriate.

4   SHERIFF HARPRING: And I think that we should

5   recall that some of the most striking delays that

6   we saw didn't have anything to do with SROs. They

7   had to do with responding deputies who were taking

8   time to go into their vehicles to, to quote them,

9   get dressed, as it were, to put their -- put their

10   vests on, and I think that -- you know, I think

11   that does get a little outside of the parameters

12   and --

13   SHERIFF GUALTIERI: Yeah. I think we're kind

14   of getting too far below the water line of where

15   we should be.

16   MR. SCHACHTER: I mean, I was going to bring

17   this up in 6, but this is apropos to here. He

18   didn't wear a vest and didn't go in. So if you're

19   not going to wear a vest, then that should not

20   prevent you from going in.

21   SHERIFF GUALTIERI: I said that, you know,

22   extensively, so I wholeheartedly agree with you

23   and couldn't agree more is that it's your choice,

24   but if that is your choice, then you go in. But

25   to put that into a policy, I don't think you can

1   do that.

2   MR. SCHACHTER: But if we don't put it on

3   paper, how do we expect this to change? I think

4   it's an acknowledgment that this happened here and

5   we need to make sure --

6   SHERIFF GUALTIERI: If you start going down

7   there, Mr. Schachter, you start going down there,

8   then you start having to figure out all of the

9   exceptions. You can't just have a blanket policy

10   because, well, I strongly believe that any law

11   enforcement officer that encounters this type of

12   situation needs to immediately go in; however,

13   there has to be some level of discretion and there

14   has to be some level of exception. This should be

15   something to immediately kill the killer,

16   neutralize the threat, and save people, but it

17   also shouldn't be an absolute suicide mission for

18   the person going in. So there are times, there

19   are circumstances where that person may have good

20   reason. The person sitting there with a bomb in

21   their hand or an IED or -- I'm not going to even

22   get into all the different hypotheticals, but you

23   just can't blanketly [sic] say is that you wear a

24   vest, and if you don't wear a vest, you shall go

25   in, because then you got to start getting into the

1   discussion about carving the right language out

2   for the exceptions and those (inaudible)

3   circumstances or those unusual occurrences so that

4   they have it, and I just don't think that we

5   should go down that path. It's too far below the

6   water line.

7   SHERIFF JUDD: We can tell them they got to

8   go in, whether they wear a vest in or not.

9   SHERIFF GUALTIERI: Right. And that's what

10   it is, and that's what -- I think we all agree on

11   that, I know I agree on that, I think everybody

12   here does, we've talked about it, is the policy

13   should say shall do it, you will, that is the

14   expectation, and make it unequivocally clear. And

15   it doesn't differentiate between whether you're

16   wearing a vest or not. So it should be

17   encompassing all of that without trying to get

18   into those situations.

19   MS. LARKIN-SKINNER: I actually think that it

20   might help in the next chapter, No. 3, in the

21   findings addresses the issue of taking so long to

22   put on the vests. So I think that gets at what --

23   you just want it to be -- the point to be made.

24   So --

25   SHERIFF GUALTIERI: All right. Number --

1   page 63: "SROs should be among the most

2   well-trained, well-equipped personnel to confront

3   active shooters, and in order to do so, they

4   should receive additional training in this area."

5   So what that goes to is additional training

6   above and beyond the ordinary training that

7   agencies do and that they should go through it

8   more often, more frequently.

9   MR. SCHACHTER: And I'll bring this up now.

10   I was going to make this recommendation in 6

11   because they talk about this, but I'd like to make

12   a recommendation active shooter training should be

13   mandated every year. The prime example was Coral

14   Springs PD, not every three years like the Broward

15   Sheriff's Office. You have to do sexual

16   harassment training every year; is that correct,

17   Sheriff?

18   SHERIFF GUALTIERI: Right.

19   MR. SCHACHTER: Okay. So they should be

20   doing active shooter training every year. You

21   have to do CPR training every two years. If you

22   don't use the skills, you lose them, you'll react

23   the way you train, muscle memory.

24   SHERIFF GUALTIERI: So I'd be good with if

25   you want -- and others can weigh in -- is that

1   SROs should receive annual training in this area,

2   just remove the word "additional" and substitute

3   it with "annual training." Anybody not good with

4   that? Okay. So we'll put "annual" as opposed to

5   "additional" for SROs.

6   "The SRO's immediate supervisor should

7   regularly walk the school with the SRO to discuss

8   the layout, identify vulnerable target areas and

9   effective methods of response." Make sure you got

10   supervisory engagement.

11   Any concerns about that?

12   We get into Slide 64: "SROs should receive

13   adequate training on records laws and there should

14   be a required number of hours focusing on

15   trauma-informed care, social/emotional learning,

16   restorative justice, problem-solving and cultural

17   competence."

18   SHERIFF HARPRING: Sheriff, I don't want to

19   sound stupid, but it won't be the first time

20   today. I'm not exactly sure what all that means

21   and what practical effect it will ultimately have

22   because the language there, while not in a vacuum

23   objectionable, really has such a wide umbrella in

24   terms of what type of training and things like

25   that, and, again, trying to maybe narrow the focus

1   a little bit and have some practical

2   application --

3   SHERIFF GUALTIERI: Some of those things

4   probably don't apply to this area. It is probably

5   a little bit much.

6   SHERIFF HARPRING: And even as to the public

7   records, normally, at least in my experience, it's

8   not the SRO that's going to get in the argument

9   about whether they should or should not see an

10   educational record or disciplinary record. It's

11   going to kind of go up the chain to somebody. So,

12   I mean, I would recommend that maybe we just

13   remove that for clarity.

14   SHERIFF ASHLEY: Second that.

15   SHERIFF GUALTIERI: Okay. Anybody have a

16   problem with that? We'll just take that out.

17   Okay. So we're going to remove that bullet. I

18   agree.

19   "SROs should receive frequent, thorough,

20   realistic training to handle high-risk,

21   high-stress situations, especially single officer

22   response."

23   I think that we've already talked about that.

24   I think that needs to get incorporated back --

25   that should probably get moved up. Heather, on

1   Slide 63 is that let's incorporate maybe some of

2   that with the first bullet on 63, okay?

3   Going over to Slide 65. So this one I will

4   just remind y'all we're going to go through it,

5   but this is one that is verbatim that we already

6   approved at an earlier meeting when we were

7   talking about the SROs, and what it says is that,

8   again, I'll remind everybody "There should be a

9   minimum of at least one law enforcement officer on

10   ever middle and high school campus and a minimum

11   of one law enforcement officer or guardian on

12   every elementary school campus."

13   We also said that "The campuses should be

14   defined," and that goes into the asterisk, "and

15   that each allocation of law enforcement officer or

16   guardian should be staffed sufficiently to provide

17   for an immediate backup and an immediate, timely

18   response consistent with the circumstances of an

19   emergency."

20   Again, we've already approved that, but I'll

21   open it up if anybody has any -- go ahead.

22   MR. SCHACHTER: I know we talked about this,

23   but I do feel bad about not having an SRO on an

24   elementary school campus. Next Thursday -- no,

25   no, I'm sorry. Tomorrow is the anniversary of --

1   sixth anniversary of Sandy Hook. I feel like

2   that's a mistake.

3   SHERIFF GUALTIERI: But we have guardians on

4   those campuses and we have a good guy with a gun

5   on the campus. So --

6   MR. SCHACHTER: What's the rationale, I mean

7   that we don't have an SRO on the elementary school

8   campuses?

9   SHERIFF GUALTIERI: We're going to talk about

10   this a little bit more as far as this is

11   concerned, but I'll tell you right now is that, 1,

12   there's not enough money to do it, and 2, there's

13   not enough cops to do it. So it simply can't be

14   done. There are not enough cops and there's not

15   enough money, and that is the bottom line.

16   MR. SCHACHTER: Listen, if we made every

17   recommendation based on the amount of money that

18   we have, a lot of this wouldn't be in there,

19   but --

20   SHERIFF GUALTIERI: Money is realistic, Mr.

21   Schachter. You have 3,900 schools in the state of

22   Florida, and it would cost -- to put a cop on

23   every campus, you're talking 400 million for just

24   one. Right now, there's about 2,100 SROs. You

25   know, you can go on and on.

1   MR. SCHACHTER: Let me ask you, since in my

2   view the SRO is going to be able to better protect

3   a school than a guardian, that's inherent, can we

4   increase the number of guardians at an elementary

5   school to compensate?

6   SHERIFF GUALTIERI: Well, that's something --

7   we'll talk more about that. Just hold on to that

8   thought. We're going to talk more about that here

9   in a second.

10   Sheriff Ashley.

11   SHERIFF ASHLEY: With all due respect, and

12   you know how much I respect you, I totally

13   disagree that we don't have the ability to fund or

14   have enough officers to do this. We do it in my

15   county and we have for a while. I don't know why

16   we would take the most -- the least capable of

17   protecting themselves -- certainly the guardians

18   would be great to augment, but I don't know why we

19   would require an SRO in a high school and middle

20   school when they certainly have better ability to

21   protect themselves or run or hide or fight than

22   elementary school kids. And so I just

23   wholeheartedly disagree with this decision to say

24   that -- from this commission that elementary

25   schools are not deserving of sworn law enforcement

1   officers.

2   SHERIFF GUALTIERI: Okay. But it comes down

3   to -- you know, and -- that there's simply -- and

4   it's great that you all are able to do it in your

5   county, but there are simply not enough to do it

6   across the state of Florida and there's simply not

7   enough dollars to do it across the state of

8   Florida. I know --

9   SHERIFF ASHLEY: If we require the state to

10   fund it, I would agree, but the counties -- our

11   county funds it. The state just subsidizes it.

12   And it's not just Okaloosa County that does it.

13   There's a great number of counties in Florida that

14   do all elementary schools as well.

15   SHERIFF GUALTIERI: The only ones that I know

16   of -- and correct me if I don't have this right

17   and you know of it -- the only two that I know

18   that do it are Seminole and Okaloosa.

19   SHERIFF ASHLEY: Walton County I know does,

20   which is our neighbor.

21   SHERIFF GUALTIERI: How many elementary

22   schools do they have in Walton County?

23   UNKNOWN SPEAKER: Martin County does it as

24   well.

25   SHERIFF GUALTIERI: How many elementary

1   schools, do you know?

2   UNKNOWN SPEAKER: Twelve.

3   SHERIFF HARPRING: Citrus does it. We have

4   11.

5   SHERIFF GUALTIERI: Eleven. So you've got a

6   whole difference between those of us that have got

7   like 80, you know, in that.

8   So let's just do this -- and I'm going to

9   raise it here since we're talking about all this

10   issue because it's all hand and hand. So one of

11   the things that we know for sure, and I think that

12   we can all agree on this, that there is no profile

13   of the next shooter, there is no set of indicators

14   that's going to identify that person. But we can

15   also, I hope, agree that we can look at the

16   history to know what has happened in the past and

17   what the best chances that we have of mitigating

18   the harm when one of these incidents happen. When

19   we look at the history, there are four or five

20   things in the history that tell us what it is that

21   will best provide for the defense of the kids and

22   the staff and the schools.

23   So we talked about this several times today,

24   and I'll say it one more time is that as we talk

25   about all this hardening and we talk about single

1   ingress and egress points, we talk about

2   biometrics and we talk about all this other stuff

3   is that in the majority of the cases, it wouldn't

4   make a difference because we know that in 43 of

5   the 46 prior K-12 incidents in the last 20 years,

6   they are committed by people who had authorized

7   access because they were current or former

8   students.

9   We also know that the predominant number of

10   all of these K through 12 targeted attacks over

11   the last 20 years are committed by people with

12   handguns. So what does that tell us? It tells

13   that handguns are, 1, easily concealed, and that

14   means that they have the ability to be quickly

15   produced at will. We also know that the majority

16   of these events, including this one at Stoneman

17   Douglas, are over within less than 4 minutes. So

18   Cruz shot and killed 37 people in 3 minutes and 51

19   seconds. He shot and killed 23 people on the

20   first floor in about a minute and 45 seconds. So

21   these things happen fast, are over with fast, and

22   even if -- it goes without saying you all -- you

23   know, Scot Peterson was derelict in his duties,

24   but Scot Peterson didn't arrive at the east door,

25   and even if you had a stellar deputy who was

1   willing to go in and take action and do what that

2   man should have done that that man didn't do is

3   that Scot Peterson didn't get there until 23

4   people were shot and killed -- or 23 people were

5   shot and/or killed. So these things happen fast.

6   Somebody's got to be there to take immediate

7   action. You have to take immediate action because

8   these things happen fast.

9   And we also know and it's been talked about

10   today that the majority of these incidents are not

11   stopped by cops. The majority of these incidents

12   are stopped by school personnel. Why? Because

13   they are there and in a position to do it.

14   Now, you take that the majority of people who

15   are doing these are authorized to be where they

16   are, the majority of them at will can produce a

17   weapon and quickly use it whenever they want to,

18   the majority of them are over with very fast, and

19   the majority of them are stopped by school

20   personnel. Then you take that and you apply it to

21   what happened at Stoneman Douglas. What happened

22   at Stoneman Douglas was Cruz was in there

23   shooting -- and remember, that first magazine that

24   he used only had six rounds in it -- that he

25   unloaded that weapon and had to reload it and

1   change the magazine five times, three times on the

2   first floor and two times on the third floor.

3   That means that he had an empty gun in there.

4   And you take certain things that happened in

5   there. When Coach Hixon ran into that building,

6   knowing that he was going into gunfire, and he ran

7   in because he was going to try and do something

8   about it and he showed all that courage and all

9   that fortitude to do that, and when he went

10   through that west door, he was shot in the legs,

11   fell down to the ground and he crawled over to the

12   hallway. We know what happened. We know that

13   Cruz continued to fire.

14   Now, I don't know this, I don't have a

15   crystal ball, and I can't get in Coach Hixon's

16   mind, but I'm willing to guess that if that man

17   had the courage to go into that school that day

18   and get shot in the legs and crawl across the

19   hallway, that as he saw Cruz coming down the

20   hallway and then Cruz executed him, that he would

21   have shot Cruz if he had a gun.

22   When you take the third floor and you take

23   Rospierski, and Rospierski was on that third floor

24   in no-man's land, or a teacher that is in there

25   doing what Ernest Rospierski did and saved all

1   those kids, that there are teachers, there are

2   school personnel, there are staff that have the

3   mindset, that have the willingness, that have the

4   fortitude, have the ability to be that person that

5   reacts, because cops cannot be there, you know,

6   all the time.

7   Take that campus. Stoneman Douglas is an

8   example. 45 acres, 16 buildings, 3,200 students

9   and about 200 staff. There is no way that you can

10   have one, two, or even three cops there that in

11   that minute and 45 seconds is going to be able to

12   stop this. You can make the case, well, you're

13   never going to have enough. True, I would

14   acknowledge that. But two is better than one,

15   three is better than two, four is better than

16   three, and there are limits on that. But you've

17   got to have enough people that are going to be

18   able to stop the event when it happens.

19   And there is no doubt, unfortunately and

20   sadly, that it's going to happen again. The

21   question is when and where. And I suggest to you

22   the real question is and the most important

23   question is what is in place to mitigate the

24   threat and stop it when it happens because one

25   death, two deaths, one or two way too many, but

1   one is better than 34 people shot or killed.

2   So you got to have people that have the --

3   who want to do it, who have the ability, who have

4   the mindset, who are willing to go through the

5   right amount of training, and we need more than

6   what we have because one person on every campus is

7   not enough. That is why -- and remember this --

8   that is why when we interviewed the teachers --

9   and the unions can say whatever they want and the

10   advocate groups can say whatever they way, but

11   when we interviewed the teachers at Stoneman

12   Douglas, that's what they said, "We should have

13   the ability to be armed if we want to." And I

14   suggest to you that the current program, the

15   current guardian program, authorizes a lot more

16   people to be guardians than what are being

17   utilized in the districts across the state is that

18   some districts are allowing school personnel who

19   are now authorized under the guardian program to

20   participate, but a whole bunch of districts are

21   not. A whole bunch of them are only allowing

22   people who are dedicated guardians. They're not

23   allowing the people who are currently authorized,

24   the principals, the assistant principals, the

25   counselors, the plant personnel, the janitors,

1   the -- whoever it is, or even for that matter

2   those that are teachers who are now permitted,

3   which are current or former law enforcement

4   officers, ROTC people, et cetera, and they're only

5   limiting it so you have just that one gun on

6   campus.

7   So getting back, Sheriff Ashley, to your

8   point, Mr. Schachter a little bit to yours, is

9   that when we look at this, there is simply not

10   enough, simply not enough law enforcement

11   officers.

12   The reason why I say that is this: First of

13   all, just to do one in every school would cost 400

14   million. And so with that 400 million that we

15   would have to have is that right now we have -- in

16   the schools, we have -- last count is somewhere

17   around 2,100 current SROs. So that means to hit

18   the 3,900, we would need another roughly 1,800

19   more cops and 180 million in new, recurring

20   revenue.

21   Now, I asked our HR folks about a week and a

22   half ago to do a survey and an analysis of 15 of

23   the largest law enforcement agencies in Florida,

24   and as of a week and a half ago to tell me how

25   many current openings they had for police

1   officers. What they came back with was that there

2   were about 800 current openings. That's just 15

3   out of about 400 law enforcement agencies. So I

4   think it's a fair statement that probably across

5   Florida, out of 400 -- and we only surveyed 15 of

6   the largest -- there's probably around 1,500

7   openings. So we can't even fill those 1,500

8   openings, and then we're talking about putting a

9   cop in every school and we would need another

10   1,800. Where are we going to get all these cops?

11   We can't get those cops. They don't exist. We

12   can't hire what we need now and we don't have the

13   money.

14   So I suggest to you, and I'm going to put up

15   a recommendation here in a second and ask Harold

16   to put it up, that we consider this and that we

17   consider a recommendation to encourage the

18   districts to expand the current authorizations

19   under the guardian program to allow people who are

20   volunteers, people who are well-selected,

21   well-trained, well-qualified, to participate in

22   the guardian program. And that we also consider

23   asking the legislature to expand the guardian

24   program to include those teachers who fit the same

25   criteria, because I think people should have a

1   right to defend themselves and people shouldn't be

2   in a situation where they're doing what guys like

3   Chris Hixon and Ernest Rospierski did and they're

4   putting themselves in these situations and

5   somebody is saying to them "No, you can't be

6   armed."

7   We need to put aside these ideological

8   positions and realize what reality calls for. And

9   people will say what about this, what about this,

10   what about this. Those are parades of horribles.

11   There's a parade of horrible for everything.

12   There's risk with everything. Well, what if the

13   teacher drops the gun, what if the teacher does

14   this, what if the teacher does that? There's ways

15   to address all that because you do weapon

16   retention training, you do fragmentation drills,

17   you do shoot houses, you do shoot/don't shoot

18   scenarios, you properly train these people and you

19   mitigate all that the best you possibly can,

20   because I'll tell you, in my view, there's no

21   greater parade of horrible than dead kids, and we

22   got to do something different. If you always do

23   what you've always done, you're always going to

24   get what you always got. And what we got right

25   now ain't working, so we need to do something

1   differently. And having one cop on every campus

2   or one guardian on every campus is not enough.

3   Could we add more guardians? Possibly. But you

4   got -- and another thing that goes hand in hand

5   with this, so I'll just couple this in the

6   discussion. This is a problem, and I have a

7   recommendation for you.

8   Right now you've got sheriffs, and I'm --

9   don't like to hear this, but we have sheriffs in

10   the state of Florida that will not authorize the

11   guardian program in their counties. Sheriffs need

12   to be part of the solution, not part of the

13   problem. And you have districts that want to use

14   the guardian program, but the sheriff won't

15   authorize it. And so we've got to figure out a

16   way around the sheriffs in those counties because

17   I can tell you that the intention that I know from

18   talking to the Governor and talking to members of

19   the legislature is that they thought the sheriffs

20   were going to be the best people to provide

21   consistent training, consistent policies,

22   consistent implementation, and that the sheriffs

23   were going to get this done. But we've got some

24   of our colleagues that aren't doing it. So you've

25   got a situation where you talk about adding more

1   guardians. Well, you've got some sheriffs that

2   won't add it and won't authorize it at all.

3   We have to give people a fighting chance.

4   We've got to give them an opportunity to protect

5   themselves, in my view. We don't have enough to

6   put cops in every school or multiple cops in every

7   school, and we're not maximizing the use of the

8   guardian program, and one person, one good guy

9   with a gun on every campus is not adequate.

10   So I'm going to open it up for discussion,

11   but before I do that, I want to tell you what the

12   proposal is, and then anybody and everybody can

13   weigh in on it. That's the proposed

14   recommendation, that the school districts and the

15   charter schools permit the most expansive use of

16   the guardian program under existing law to allow

17   volunteer personnel who are properly selected --

18   here's another thing I hear: "Well, I know this

19   teacher and I wouldn't want that person carrying a

20   gun." Well, you know what, I may not want them

21   either. That's why you properly select them.

22   Just because they want to, I'm suggesting a very

23   lasered approach, a very narrow approach to this

24   is that you got people who first want to do it,

25   then we decide if we want them and you go through

1   a very rigorous selection process, you thoroughly

2   screen them with background checks, et cetera, you

3   extensively train them, and that these are

4   concealed weapons that are there for

5   self-protection and the protection of others, and

6   that the districts and the charter schools should

7   not restrict the program only to dedicated

8   guardians and expand the eligibility to other

9   school employees.

10   Then the third item suggesting there is that

11   the legislature expand the guardian program to

12   allow volunteer teachers in addition to those now

13   authorized who are selected -- properly selected,

14   thoroughly screened, and extensively trained to

15   carry concealed firearms on campus for

16   self-protection and protection of others.

17   So that's where I am on it and that's what

18   I'm going to throw out to you for discussion.

19   Sheriff Ashley, go ahead.

20   SHERIFF ASHLEY: All great points, Sheriff,

21   and I totally agree, I'm all for arming teachers

22   and I'm all for arming anybody that needs to be

23   armed as long as they meet the criteria and are

24   trained. But what I'm asking the commission to

25   consider is our priorities is if we're suggesting

1   that we have a law enforcement officer -- a single

2   law enforcement officer in every high school and a

3   single law enforcement officer in every middle

4   school, why are they bigger priorities than

5   elementary school, even if we use guardians as

6   augmentation to any of them? I'm just saying why

7   would we not require -- if we're going to require

8   a law enforcement officer at all, why wouldn't it

9   be in elementary schools first rather than high

10   schools and middle schools?

11   SHERIFF GUALTIERI: I think it's because the

12   function of the law enforcement officer, the SRO,

13   in the middle and high schools is a hybrid and a

14   blend and is less of a security function -- or put

15   it this way, it's an important security function,

16   but they also have collateral duties, where in the

17   elementary schools it is predominantly security.

18   It's a totally different role in the elementary

19   schools. So you're trying to put the law

20   enforcement officers in the middle and the high

21   schools because you have fights, because you have

22   all the other things that happen where in the

23   elementary schools, really what it is, it's that

24   good guy with a gun that can stop an active

25   assailant situation.

1   SHERIFF ASHLEY: Which brings the other

2   issue, one of the ones that concern me the most is

3   sharing intelligence with guardians. We don't

4   have that capability yet. And so if you have

5   custody orders, child abuse issues, the list goes

6   on and on, it's much more than a security role in

7   elementary schools, or at least what our deputies

8   are doing. So, again, the priority is the issue

9   with me -- is the concern with me.

10   SHERIFF GUALTIERI: Anybody else? Mr.

11   Schachter, go ahead.

12   MR. SCHACHTER: And I agree with the sheriff.

13   I think that the elementary schools are as at risk

14   as a middle and a high school, and I would like to

15   re-vote on that issue.

16   SHERIFF GUALTIERI: Mr. Schachter, if we say

17   in this recommendation that there shall be at

18   least one law enforcement officer in every middle,

19   high school, and elementary school -- and that's

20   your suggestion -- where are you going to get them

21   from? Where are they going to come from? They

22   don't exist.

23   MR. SCHACHTER: We have them in our county.

24   SHERIFF GUALTIERI: You're asking for

25   something that's not attainable and can't happen.

1   MR. SCHACHTER: We have them in our county.

2   SHERIFF GUALTIERI: Did you not hear what I

3   said? Right now, just in 15 law enforcement

4   agencies, there are 800 openings. That's just in

5   15 out of 400. Where are you going to get them

6   from? It's easy to sit there and say, oh, you

7   should do this. Well, I'm in the trenches doing

8   it. I got 40 openings right now I can't fill. We

9   got 80 elementary schools. Where am I going to

10   fill them from?

11   MR. SCHACHTER: If you're prioritizing middle

12   and high schools over elementary schools, and I'm

13   just saying that they are as at risk as a middle

14   and high school. Sandy Hook is a prime example.

15   SHERIFF GUALTIERI: Sheriff Judd, go ahead.

16   SHERIFF JUDD: The initial reason to put SROs

17   in high schools -- and that's where it started --

18   and then middle schools was because the size of

19   the children and the proclivity for them to create

20   problems and to be a problem and to cause a

21   problem.

22   We're not suggesting -- I'm not suggesting --

23   I want to say "amen" to what Sheriff Gualtieri,

24   our chair, said. We're not suggesting -- I would

25   never suggest that elementary schools are less

1   important. What I would tell you, that under the

2   current -- under the current system, our guardians

3   have 25 percent more training and qualify at a

4   higher percentage in order to be a guardian. Day

5   1 out of the guardian academy, Day 1 out of the

6   policy academy, the best trained of the two are

7   the guardians. So if you tell me on Day 1 out of

8   the academy which one I want in a gun fight,

9   because the guardians have gone through the

10   backgrounds, they've gone through the

11   psychologicals, they've gone through the testing,

12   Day 1, the one that's proven to meet the highest

13   standards, the guardians.

14   So I don't think anyone's suggesting that

15   school resource officers wouldn't be nice, and

16   certainly the counties that can afford them and

17   can find them can put all the SROs they want to on

18   campus.

19   What we have to underscore here is that --

20   and -- is that one SRO or guardian on a campus is

21   not enough. I would submit to you that two on a

22   campus is not enough. We have to get to this

23   proposed recommendation, and it shouldn't be

24   "should permit," it should be "must permit" if

25   they meet these recommendations, and part of that

1   background process is the principals, the

2   supervisors saying, "Hey, look, I know old Grady

3   wants a gun, but that teacher doesn't need a gun."

4   Well, that teacher hasn't passed the background

5   then because they got washed out of the background

6   process.

7   But the facts are the facts are the facts,

8   and it's not just Parkland. You go back and look

9   at the data. But Parkland is a great instant

10   example. At a minute and 40 seconds, 22 had

11   already been shot, nine had been killed.

12   The question remains, what would have

13   happened if there had been an interested teacher?

14   What if Aaron Feis could have had a gun?

15   The reality of it is that cops live in this

16   denial that they believe that they're the only

17   ones capable of handling guns, just like school

18   unions think there should never be a gun on a

19   campus. We have these two perceptions. Neither

20   of them are right. And the reality of it is that

21   the more people we have appropriately trained and

22   appropriately equipped after they are

23   appropriately selected, the safer kids are because

24   we have to get there in seconds, and minutes don't

25   help us. And Sheriff Ashley, who is a dear friend

1   of mine and I highly respect him as the consummate

2   police professional and administrator, his county

3   is fortunate enough to be able to do that. Today,

4   in my county, we would need 95, and I've got 39

5   openings, and I don't know how many openings my

6   colleagues from the police departments have.

7   So we've got to get away from ideal

8   circumstances and get to reality, and the reality

9   is this is a good proposal and recommendation

10   because it strikes right at the very core of what

11   we want to do or what we need to do. In the ideal

12   world, we shouldn't have to need anyone on campus

13   with a gun, we shouldn't need an SRO at all, but

14   that's not the world we live in today.

15   So at the end of the day, I agree with my

16   colleague, Sheriff Ashley, if the folks want it

17   and can afford it, go for it, but there's an

18   alternative that's already in legislation. All we

19   need to do is make the school districts understand

20   that one's not enough, two's not enough. We need

21   multiple people in order to ultimately protect the

22   children.

23   SHERIFF GUALTIERI: And you may have three at

24   a school, you may have zero at a school, you --

25   and I again suggest that it's a significant

1   deterrent effect if it's authorized, and people

2   don't know how many people are at that school that

3   are armed and nobody knows, that's a good thing.

4   And if you got five, you got five, if you got

5   zero, you got zero. And it should be laser

6   focused, it should be very selective and making

7   sure that you got the right people that can do

8   this. So I --

9   SHERIFF ASHLEY: I just got one response

10   to --

11   SHERIFF GUALTIERI: Go ahead.

12   SHERIFF ASHLEY: Is I think we're all saying

13   the same thing. The more, the better. I'm just

14   saying that if our guardians are so much better

15   than law enforcement, why aren't we hiring them

16   for law enforcement? If they're that much better

17   in a gun fight, then put them a uniform and --

18   SHERIFF GUALTIERI: But I don't want to speak

19   for him on this, but I think to that point is I

20   feel this way about it is the reason is because

21   the guardian's sole responsibility is to be that

22   good person with the gun that can protect and

23   defend against the active assailant. The SRO has

24   significantly more responsibilities that are doing

25   other things within the school such as

1   participating on threat assessment teams and such

2   as the traditional function of the SRO in building

3   relationships with the kids and all that. So I

4   think that's the reason is that it's not a one

5   size fits all, and if you had to select, it is

6   more important to have the copy in the middle

7   schools and the high schools because of the

8   collateral issues they deal with, because of the

9   relationship building, and because of those other

10   things. So that's my take, but I don't want to

11   put words in your mouth, Sheriff, if you feel

12   differently or --

13   SHERIFF JUDD: No, that's exactly correct,

14   and quite frankly, for those who want to put a

15   police officer or a deputy on every campus and can

16   find them and afford them, more power.

17   SHERIFF GUALTIERI: More power, and I'll

18   suggest this and recognize Secretary Carrol is

19   that I agree with that, if you can in your county

20   or your city and you want to put a cop in every

21   elementary school, middle school, and high school,

22   I still suggest to you that that one is not

23   enough.

24   SHERIFF JUDD: You're still not there.

25   SHERIFF GUALTIERI: You're still not there,

1   and you should allow one under existing law for

2   that person to be augmented with -- under this

3   strict criteria, and that should include -- and

4   that should include teachers who fall into this

5   category for the reasons I said. So, again, if

6   you want to do it, great, fantastic, but one is

7   not enough.

8   SHERIFF ASHLEY: But the ratio -- the whole

9   ratio issue that we got into earlier that we

10   really don't have a way to measure, every one of

11   our high schools have two, and elementary school

12   and middle schools are smaller and they're smaller

13   facilities, so they're easier to secure, or at

14   least cheaper to secure than the larger high

15   schools and institutions.

16   SHERIFF GUALTIERI: Secretary Carrol, go

17   ahead.

18   SECRETARY CARROL: Just a comment because I

19   too have a great deal of respect, Sheriff Ashley,

20   and I -- actually I applaud you too for getting

21   your county because I think it was your leadership

22   that kind of forced that issue in the county and

23   they were able to fund those positions. So I

24   think that's great.

25   I do want to comment on the issue about how

1   we're prioritizing middle schools and high schools

2   and elementary schools, because I don't look at it

3   that way. I do think there's a difference.

4   Sheriff Gualtieri alluded to the statistics

5   earlier about how most of the folks who perpetrate

6   these crimes are either current or former

7   students. The difference in middle school and

8   high school is the perpetrator is -- it's more

9   pervasive in that they -- like in this case, he

10   may have been a former student, but he certainly

11   fit the demographics to be at that school if you

12   look from afar. If I walked into that school, I

13   would not be able to tell he should not have been

14   there.

15   In the elementary schools, that's not true.

16   They are smaller facilities, they are easier to

17   secure, they are easier to funnel folks through a

18   single-entry point, and it's usually a former

19   student, not a current student -- I don't see mass

20   murders being perpetrated by 7-year-olds -- it's

21   usually a former student like in Sandy Hook that

22   return there. So there's a fundamental difference

23   between the threat that face an elementary school

24   than what faces a middle school and a high school.

25   I have been struck by this -- and I -- the

1   last meeting that I changed my mind on this

2   because originally I didn't think there should be

3   lots of guns on schools, but I tell you, based on

4   all of the research that was provided to us on how

5   quickly these event unfold, I am now convinced

6   that the reason schools have become such a target

7   is because for a long time, they're easy targets.

8   You could go there and there was going to be

9   little to no resistance. And I do think the three

10   recommendations that I see up here, I do think

11   long term is even more the answer than having

12   school resources at every place because I think if

13   you have folks with guns and you expand the amount

14   of folks and as a student you don't even know

15   which teachers have these guns, then that target

16   that was once easy is a lot more unpredictable now

17   because if you walk into the wrong hallway and you

18   show a gun, you could be stopped before you get

19   the first shot off because you're in the wrong

20   place. It becomes a guessing game. And so I

21   think if you adopted this, I think it -- schools

22   cease to be easy targets.

23   In terms of the school resource funding

24   issue, I've got to tell you, not just the issue of

25   where do we find all these cops, but if you're a

1   legislator, and I don't want to speak for Senator

2   Book, but they are faced with so many different

3   priorities. We want money for more teachers, we

4   want money to get rid of the portables, we want

5   money to harden schools, we want money for

6   resources to better teach our kids, we want money

7   for more school resource officers, we want money

8   for more mental health funding to treat kids that

9   have mental health issues and head some of this

10   off, and that pot of money is not limitless, and

11   there's many other people at that trough every

12   legislative session even beyond that that are

13   competing for the dollars that are available.

14   The long-term solution to this is finding

15   something that's economically viable going into

16   the future. And I think if you set a goal and say

17   I want to secure these, and a lot of what we

18   talked about and making schools safer in

19   Recommendation 1 and 2 that have no cost, I think

20   are great because I think it goes a long way

21   toward making schools safer, I think you follow

22   our recommendations in terms of the school

23   resources officers, I think it takes us further

24   but you do these three things up here and then, A,

25   it's more economically sound because teachers have

1   to be there anyway, they're going to teach,

2   administrators have to be there because they have

3   to administrate, and it becomes a lot more

4   unpredictable for a shooter. That's an

5   economically sustainable model into the future and

6   I think it would keep kids safer.

7   So I would like to see us keep at least in

8   the short-term the recommendation that we voted on

9   earlier the same, and it's no disrespect to

10   Sheriff Ashley because, like I said, I applaud

11   what they did in his county and I would like to

12   see every county get there. But in the meantime,

13   if you can't get there, that's what I'd like to

14   see, and if you supplement it with the

15   recommendations that we made and school districts

16   embrace that, then I think we've gone a long way

17   to making these schools safer.

18   SHERIFF GUALTIERI: So why don't we do this

19   because -- try and -- how to frame this. With

20   what we have on page 65 where we stopped before we

21   went further into this, that is the recommendation

22   that we had already previously approved. So

23   that's already been approved by the commission.

24   So unless there is a motion and a second and a

25   majority vote to change that, then we're going to

1   leave it as is.

2   SHERIFF JUDD: I would just like, once again,

3   instead of "should," "must," but --

4   SHERIFF GUALTIERI: And where -- I'm looking

5   at page sixty --

6   SHERIFF JUDD: "These allocations of law

7   enforcement officers/guardians must be staffed

8   sufficiently to provide an immediate backup."

9   Take away "should" and add "must."

10   SHERIFF GUALTIERI: Are there any other

11   motions on Slide 65's recommendations? Is that a

12   motion, Sheriff Judd, to amend this?

13   SHERIFF JUDD: That's a motion.

14   SHERIFF GUALTIERI: Is there a second on

15   that?

16   MS. LARKIN-SKINNER: I'll second it.

17   COMMISSIONER NELSON: I'll second.

18   SHERIFF GUALTIERI: Second by Chief Nelson.

19   Is there any further discussion on Sheriff Judd's

20   motion seconded by Chief Nelson that "should" be

21   changed to "must"? Any other discussion on it?

22   COMMISSIONER DODD: Just for clarification

23   because I've been asked this a lot and this is the

24   way I explain it, every middle school and high

25   school should have at least a law enforcement

1   officer, and every elementary school should have

2   at least a guardian --

3   SHERIFF GUALTIERI: Right.

4   COMMISSIONER DODD: -- and every campus

5   should have at least a guardian, is that --

6   SHERIFF GUALTIERI: Not should have, must

7   have.

8   COMMISSIONER DODD: Must have. But the

9   immediate backup is the minimum of a guardian,

10   correct?

11   SHERIFF GUALTIERI: Correct, yes. And --

12   yes, correct, and is that -- right now is that

13   because of the narrow permissions that many

14   districts have put on guardians, they won't allow

15   the people who are eligible to be guardians, to be

16   guardians. But, yes, we'll have that discussion

17   more here in a second, but the answer to your

18   question is yes.

19   So any other -- on Sheriff Judd's motion to

20   change "should" to "must," any other discussion on

21   that?

22   MR. SCHACHTER: So we're not voting on the

23   motion, we're just voting on the change?

24   SHERIFF GUALTIERI: We're voting on the

25   change from "should" to "must."

1   Any other discussion on that?

2   Hearing none, all in favor, aye.

3   (Chorus of ayes.)

4   SHERIFF GUALTIERI: Any opposed, same.

5   So we'll change "should" to "must."

6   All right. So any other motions on what is

7   in Slide 65? So seeing none, we'll move on now.

8   So I can't make a motion as the chair under

9   the rule. So before we go further on this is that

10   those that I put up there are just that,

11   recommendations. So before we go further with

12   this and we see if we have further discussion and

13   see if we take a vote on it, is there any motion

14   regarding those?

15   COMMISSIONER NELSON: (Inaudible) motion.

16   SHERIFF GUALTIERI: So all three of those?

17   Is your motion to adopt all three of those?

18   COMMISSIONER NELSON: Yes, sir.

19   SHERIFF GUALTIERI: So the motion by Chief

20   Nelson is to adopt all three of those

21   recommendations that are up there on the slide.

22   Do we have a second on that?

23   SHERIFF JUDD: Second.

24   SHERIFF GUALTIERI: Second by Sheriff Judd.

25   So any discussions on these? Mr. Schachter.

1   MR. SCHACHTER: So I -- if we look at

2   other -- other countries that have tried to arm

3   teachers before, Israel has tried it before once,

4   and I understand that Israel is a different

5   threat, I understand that in Israel they have an

6   outsider threat of terrorists that are trying to

7   attack the schools and they're not insider threats

8   like we have 14, 15, 16, 17, 18, 19-year-olds.

9   But there is a tremendous threat in Israel

10   nonetheless. Israel tried this in the past to arm

11   teachers. They gave 14,000 teachers guns, and

12   what they found was the teachers were leaving

13   their guns in the drawer, they were leaving their

14   guns in the bathroom, leaving their guns at home,

15   and they were extremely nervous that, you know,

16   bad things were going to happen. As a result of

17   that, they took all 14,000 guns away from their

18   teachers, they accounted for all of them except

19   for two, and they did a massive investigation to

20   find those two guns. They found one. One is

21   still lost. But the reason I say this, I

22   understand the sheriff's point that we do need

23   more good guys with a gun on campus, and nobody

24   understands that wish that we had more at Marjory

25   Stoneman Douglas than myself and the other

1   commissioner on this task force, Commissioner

2   Petty. But I do not -- I would be in favor of

3   arming certain personnel; for instance, assistant

4   principals. I don't think teachers should be

5   carrying guns. I think they have enough on their

6   plate. I think their priority is teaching. It

7   just creates a lot of -- host of -- more problems.

8   I am in favor of the guardian program, and I do

9   understand that we need more ways to stop an armed

10   intruder if he approaches the campus. There are

11   other tactics that are available out there that

12   would be able to notify law enforcement, you know,

13   but we haven't discussed those. But that's the

14   way I feel.

15   SHERIFF GUALTIERI: I want to be clear with

16   this because you just made the reference, and it's

17   so important because it's been misstated and

18   misreported what I've said in the meeting, you

19   know. The headline in the paper was "Sheriff:

20   Give Teachers Guns." That is not what I said.

21   That is not what I'm saying is that I'm not

22   talking about giving 14,000 people guns. And I'm

23   not saying give everybody a gun who wants a gun.

24   What I'm saying is that those who express an

25   interest and volunteer, that they go through a

1   very, very stringent and rigorous selection

2   process to see if we want them to do it. Then we

3   go through a background process to make sure that

4   there's nothing there that gives us concern about

5   it. That they go through a very rigorous -- and

6   that includes a psychological, it includes a

7   polygraph, includes all those things that we do

8   with the cops. And then we go through really an

9   even more rigorous training process that we do now

10   to make sure that we're including things that

11   people are concerned about like weapon retention,

12   like shoot/don't shoot, realistic scenarios

13   involving frag drills where they're getting that

14   so that we really take it to a level where these

15   people are, as Sheriff Judd had said, extremely

16   well-trained, that we can have a high level of

17   confidence. And, again, it needs to be lasered,

18   it need to be surgical, it's not just this en

19   masse, oh, if anybody wants a gun, have one.

20   That's not what I'm saying. And it's so important

21   that people understand that because we are not

22   just talking about heave-ho and give people guns,

23   because when you said that, it was like what the

24   headline in the paper was, and that is not what

25   I'm saying. It's a lot more nuanced, it's a lot

1   more precise, and the first thing I'm saying is

2   the districts by policy should maximize the use of

3   the existing guardian law because they're not

4   maximizing it; in fact, they're prohibiting it.

5   And so when you're talking about, Mr. Schachter,

6   the APs or these other people, by law, they can

7   participate now, but the districts won't allow it.

8   Why? Because it's ideological, philosophical,

9   parade of horribles, all these other things

10   that -- because they just don't like it. Well, as

11   you don't, I don't like dead kids. We got to do

12   something. You always do what you've always done,

13   you're always going to get what you always got.

14   You got to change and we have to be -- we got to

15   see the forest through the trees on this.

16   Sheriff Ashley.

17   SHERIFF ASHLEY: On that question about

18   trying to expand this, would that be an amendment

19   to Senate Bill 7026 on the exclusion of teachers

20   actually --

21   SHERIFF GUALTIERI: This is a recommendation.

22   Again, the recommendation here is that we would

23   adopt this recommendation in No. 1 and 2, and that

24   is to suggest -- and by no way, shape, or form is

25   any part of the suggestion any type of a mandate

1   to anybody, but it's saying to the districts use

2   the existing law and maximize the resources that

3   are available to you under existing law and stop

4   saying no to everything and figure out a way to

5   get it done and provide a safer environment in

6   this -- is coupled with the other things, like

7   Secretary Carrol pointed out, is that it's going

8   to get us there. So to maximize it.

9   Then the other thing on the next slide is

10   that it would be a recommendation of the

11   legislature that they do expand it, but it can't

12   be an amendment. 7026 is last session. You'd

13   have to find somebody that files a bill in both

14   houses -- in both chambers of the legislature and

15   --

16   SHERIFF ASHLEY: I'm just trying to clarify

17   what is -- if we can clarify what 7026 says. Now,

18   does it say teachers can't?

19   SHERIFF GUALTIERI: Yes, it says -- so 7026

20   right now --

21   SHERIFF ASHLEY: (Inaudible).

22   SHERIFF GUALTIERI: Okay. Let me tell you

23   this. 7026 right now says that there's a

24   requirement that there be a safe school officer on

25   every charter, elementary, middle, and high school

1   campus in the state of Florida. The safe school

2   officer can be a police officer or deputy sheriff

3   employed by a sheriff or police department, or a

4   police officer employed by a school board, or

5   somebody who is a guardian. A guardian is defined

6   as a person who is employed by the school district

7   who is not predominantly a classroom teacher,

8   unless that classroom teacher is a current or

9   former law enforcement officer or a member of

10   ROTC.

11   So there is a wide breadth of people that the

12   districts could permit to be guardians and

13   participate in the guardian program that they are

14   absolutely prohibiting, and that this says to them

15   use the existing law and allow these people under

16   these right circumstances -- again, narrowly

17   focused, selective -- to do this.

18   SHERIFF ASHLEY: My last statement on this --

19   and I certainly agree, I think we all agree that

20   the more people with -- the more trained,

21   selective people with firearms on our campuses,

22   the safer our kids will be. So for the media's

23   sake and public's sake, I want you all to know we

24   agree on that. I just disagree on the priority on

25   how we get there. So --

1   SHERIFF GUALTIERI: Secretary Carrol, go

2   ahead, and then Mr. Petty.

3   SECRETARY CARROL: Because it says up there

4   "the properly selected" -- question, then a

5   comment. On the -- with respect to the guardian

6   program that's currently operating, those are

7   folks who are employed by the school district, but

8   who makes the final decision on whether they are

9   actually hired and qualified to be guardians? Is

10   it the school system or is it law enforcement?

11   SHERIFF GUALTIERI: The sheriff -- the

12   sheriff has to approve them, and so the way that

13   it's working is that the school district

14   authorizes it, the sheriff authorizes it, and I

15   can just tell you, and others can talk to it if

16   it's any different that they know about, is a

17   school district goes through an initial -- first

18   of all, the board authorized the use of the

19   guardians, but like in our county, it's only

20   dedicated guardians, it's not everybody else we're

21   talking about, it's only those people who are in a

22   dedicated guardian function, which is largely

23   looking like a security officer function.

24   And so they do an initial screening. Then

25   they get turned over to our human resources. Our

1   human resources does the polygraph, the

2   psychological, the background check, and all of

3   that. And then those files are brought to me and

4   then I sign off on those files or I don't. And

5   there's a whole bunch I don't sign off on. Then

6   we put them through our training, and they're

7   trained because it says that all these people have

8   to be trained by criminal justice standards and

9   training commission certified instructors. So

10   it's law enforcement officers that have to do the

11   training, and then they go through the training

12   process.

13   So it's got to be authorized by the school

14   board and the sheriff, and then they've got to be

15   selected, and then they are trained by law

16   enforcement.

17   SHERIFF ASHLEY: Are they about half the

18   cost, Sheriff, as a deputy?

19   SHERIFF GUALTIERI: Oh, probably less than

20   that because I can tell you most of the charters

21   are paid a little bit more. The charters are

22   paying the guardians generally somewhere about

23   thirty to even 35,000. The school districts are

24   paying the guardians probably somewhere around

25   twenty-three, 24,000, somewhere in there. So the

1   guardians -- and you talk about the average cost

2   of a cop. The average cost of a cop, average

3   across the state of Florida, is about 100,000,

4   fully loaded. So you're talking about the

5   guardians are exponentially less.

6   And I'll tell you is that one of the concerns

7   I had going in, that we wouldn't get the quality

8   of the people. And my expectations -- they have

9   far exceeded my expectations. We have had very

10   little attrition. In fact, most of the guardians

11   are former law enforcement, former corrections,

12   former military, private security people. We have

13   had little to no attrition and it is working

14   extremely well and well exceeded what I thought

15   that the issues or problems would be. It couldn't

16   be going better in that respect.

17   So Mr. Petty, go ahead.

18   MR. PETTY: I guess a question on -- there

19   seems to be two issues you're asking us to think

20   through, right? One is -- on the first slide is

21   really recommending that school districts

22   implement the guardian program as the legislature

23   defined it, not as they've determined to interpret

24   it.

25   SHERIFF GUALTIERI: Narrowed it.

1   MR. PETTY: Or -- and -- but, yeah, certainly

2   narrowed it. That's one.

3   SHERIFF GUALTIERI: Right.

4   MR. PETTY: And then the second -- the second

5   piece on the next slide is really an expansion of

6   the guardian program to redefine it to a certain

7   extent.

8   SHERIFF GUALTIERI: Correct. So right now it

9   says that classroom teachers -- "those who are

10   predominantly classroom teachers except" couldn't

11   participate. And what I'm saying is recommend

12   that they allow -- again, narrowly tailored

13   without rehashing it -- those classroom teachers,

14   because there are classroom teachers -- and don't

15   forget that when the teachers are asked at

16   Stoneman Douglas "What do you want to see," they

17   said, "Allow us -- allow those who want to be to

18   be armed." And nobody's going to agree on all of

19   this. There is no perfect here. But, again,

20   that's what the recommendation is and is based on

21   everything I've said, including listening to the

22   teachers that we interviewed that made that

23   recommendation to us.

24   MR. PETTY: Yeah, and I know, you know,

25   having been involved with the legislature as we

1   were contemplating some of these issues and it

2   being labeled very early on that the bill is being

3   about arming teachers and then having to explain

4   the guardian program and defend it, I'm well-aware

5   of the -- of the challenge there.

6   Would the proposal here to expand the

7   guardian program include the same guardian

8   training that we're seeing today with guardians?

9   So no -- when it says "expand and allow

10   volunteers, in addition to properly selected,

11   thoroughly screened," it would be the same

12   guardian training that's already implemented by

13   the sheriffs and the counties that have

14   implemented the guardian program, correct?

15   SHERIFF GUALTIERI: Absolutely, yeah. And,

16   you know, perhaps there's even room for discussion

17   that it even be enhanced. I don't have a problem

18   with that. I can tell you that we're doing more

19   than what the minimum requirements are, again, to

20   include some of the things I'm talking about, you

21   know, involving the shoot houses, the shoot/don't

22   shoot and the frag drills and the weapon retention

23   drills and those things. They're not just going

24   in and throwing a bunch of rounds down a range and

25   just shooting at a target. They're getting real

1   scenario-based training. And, you know, I'd be

2   okay with that. I think that that's a good thing,

3   that's why we're doing it. But, no, they would

4   absolutely go through rigorous selection process

5   and rigorous training. And some of them don't

6   make it and some of them probably shouldn't make

7   it. And if you front-load the process and you're

8   very selective, you're going to have a decent

9   outcome, from my experience.

10   MS. LARKIN-SKINNER: I have a question

11   regarding the training. It's not a one and done,

12   right? There's ongoing training?

13   SHERIFF GUALTIERI: Correct. They come back

14   and -- yes, they come back.

15   SHERIFF JUDD: Quarterly training --

16   SHERIFF GUALTIERI: Yes, they come back. We

17   bring them back regularly. We have monthly

18   open-range drills and the guardians are allowed to

19   come to that.

20   Mr. Petty.

21   MR. PETTY: I guess back to original comment,

22   then. I could see supporting very easily the

23   first set of -- or the first category of

24   recommendations where we -- we essentially honor

25   the language in Senate Bill 7026 very easily

1   because I think that was the intent of the

2   legislature, that was the discussions we had, that

3   was hard-fought. And to see districts and/or

4   sheriffs' departments artificially restrict that

5   when we know there's a need, when there's a lack

6   of staffing within many of the law enforcement

7   agencies that are -- that are asked to provide

8   resources to these districts for school safety, I

9   like this idea a lot.

10   I've got to think about the other -- the

11   other section. Would the Chair entertain the idea

12   of splitting the recommendation into this

13   component here, which is to honor 7026, and then

14   we can have a little bit more discussion? Because

15   I'd like to hear some more perspectives on the

16   idea of expanding it.

17   SHERIFF GUALTIERI: So what we have right

18   now -- and we're going to follow the protocols --

19   we have a motion on the floor, we have a second,

20   we're in discussion on it. So we need to take a

21   vote, which is the motion from Chief Nelson to

22   recommend that in total. So we will take a vote

23   on that. If that passes, then it passes. If it

24   doesn't pass and there's another motion, then we

25   can have that consideration.

1   I think Senator Book, did you have --

2   SENATOR BOOK: Well, there's a motion on the

3   table, so I don't want to, you know --

4   SHERIFF GUALTIERI: We're in discussion on

5   the motion.

6   SENATOR BOOK: Okay. Wondering -- and to

7   really dove-tail off of what Commissioner Petty is

8   saying, no one -- no one has -- like within the

9   legislative process has been more integrated into

10   what this is than I have. And I -- I believe that

11   we have to have more guardians on campus, good

12   guys with a gun to protect our students and our

13   teachers.

14   Would you be willing -- and I understand

15   there's a motion on the table, but just to further

16   look at this? Perhaps there could be penalties to

17   districts that are not applying the guardian

18   program as it was intended. And my fear is that

19   adding this second component within the

20   legislative process at this point, I'm concerned

21   about support for what that could be from all

22   around. And so I -- if it's the will of the

23   commission, it's the will of the commission, you

24   know.

25   I, along with the rest of the commissioners

1   who watched all of the surveillance videos that we

2   have, cannot un-see the things that we have seen

3   and cannot argue that we need to have more good

4   guys with a gun on school campuses. I just -- I

5   caution about -- I don't want the perception to be

6   that the legislature does not care if they don't

7   act so aggressively, or that there isn't support.

8   And so it becomes a highly political issue. And

9   so I'm just -- I just want to put that out there

10   for the commission to think about.

11   SHERIFF GUALTIERI: Any other discussion on

12   the motion? Sheriff Ashley, go ahead.

13   SHERIFF ASHLEY: Just one. I'm just

14   concerned -- or not concerned -- a little confused

15   about the word "to allow volunteer personnel."

16   These aren't volunteer personnel, are they? Or

17   they can be, but they're not necessarily volunteer

18   personnel, they're paid?

19   SHERIFF GUALTIERI: Well, that's not the

20   intent of it, and to the extent that you think

21   that needs to be tweaked, instead of "volunteer

22   personnel," you could say "personnel who

23   volunteer."

24   SHERIFF ASHLEY: It just kind of limits --

25   SHERIFF GUALTIERI: It's not volunteers

1   because under the -- and you can't have that

2   anyway, Sheriff, because this is under the

3   guardian program, and the guardian program, in

4   order for them to participate, the law requires

5   they be an employee of the district. So, you

6   know, it says --

7   SHERIFF ASHLEY: It's kind of misleading, or

8   it was to me when reading it.

9   SHERIFF GUALTIERI: It means, in other words,

10   we're not forcing anybody, there is no mandate.

11   It's somebody that wants to do it and wants to

12   apply, in essence, because, again, I want to make

13   clear just because somebody says "I want to do it"

14   doesn't mean we want them, it doesn't mean they

15   should. So it's people who want to apply, and

16   then, again, go through a selection process and

17   everything else we've talked about. So it's not

18   volunteer. They can't be under the law anyway.

19   Secretary Carrol.

20   SECRETARY CARROL: That was the point I

21   wanted to talk about was that these -- while they

22   are not volunteers, participating in this program

23   is voluntary. We're not going to force anybody to

24   do it. If somebody feels they're capable and it's

25   something they want to do, they can step forward

1   and volunteer to do that. They're going to be

2   vetted by the school system, they'll be vetted by

3   law enforcement, they'll receive training. I

4   believe there should be processes put in place, if

5   folks are leaving guns around and stuff, they

6   should forfeit their right to participate in the

7   program. I mean, that's a pretty easy solution to

8   that. And I think if you set that up, I think it

9   can work.

10   I think the misnomer that every teacher's

11   going to have to do something that they don't have

12   the capability to do or the desire to do is just

13   not true. I do think, you know, if you have a

14   school teacher who can teach -- I don't even mind

15   if the school district can afford to give these

16   folks a stipend. It would be easier for me to

17   give an extra stipend to teachers to be guardians

18   than to hire folks to do it full-time as a

19   guardian. I could have five teachers do it with a

20   stipend rather than one do it as --

21   SHERIFF GUALTIERI: It's already in the law

22   that, you know, would include the teachers if this

23   was expanded is a $500 a year stipend, and in 7026

24   it was 67 million in nonrecurring revenue, but

25   500,000 of recurring revenue for -- it was largely

1   for the stipend. So the stipend is already in the

2   law.

3   Any other discussion? Commissioner Dodd.

4   COMMISSIONER DODD: Yes, I just want to see

5   that third -- the third item again on -- so this

6   is the wide-ranging change that we're talking

7   about here that we're recommending. So I wanted

8   to make sure that anyone who volunteers in any

9   position in a school to become a guardian, as long

10   as they go through that same guardian training,

11   they would be able to arm themselves. I notice we

12   didn't use the word "self-protection," which I

13   haven't --

14   SHERIFF GUALTIERI: It's up there, self --

15   COMMISSIONER DODD: Yeah, self-protection,

16   right?

17   SHERIFF JUDD: It's not just the training.

18   It's first the background, then the training.

19   COMMISSIONER DODD: Right, the background and

20   the training.

21   We would open the door for any school -- or a

22   teacher to become a guardian and still be a

23   guardian, though, we're still --

24   SHERIFF GUALTIERI: Correct. Just like the

25   teachers at MSD that day who acted the way they

1   did and that those that have told us that they

2   would like the opportunity to protect themselves

3   and their students.

4   Secretary -- are you finished, Commissioner?

5   COMMISSIONER DODD: Yes.

6   SHERIFF GUALTIERI: Secretary Kapusta, go

7   ahead.

8   SECRETARY KAPUSTA: Which background screen

9   do they have to be able to pass? Is it Department

10   of Education's background screen or --

11   SHERIFF GUALTIERI: No. It's ours, law

12   enforcement's.

13   SECRETARY KAPUSTA: Okay.

14   SHERIFF GUALTIERI: Sheriff.

15   SHERIFF ASHLEY: Last consideration I would

16   ask the commission to consider when thinking about

17   this is what grounds do you refuse a potential

18   person that wants to come do this and you start

19   refusing a number of people that maybe just have

20   some gut feeling about --

21   SHERIFF GUALTIERI: I don't know about you,

22   Sheriff, but I do it all the time in the hiring

23   process, you know, and you got a file that's this

24   thick and you're looking through it and you're

25   looking at references, you're looking at

1   (inaudible), you're looking at psychologicals,

2   you're looking at neighborhood checks, you're

3   looking at colleague interviews, you're looking at

4   all this stuff, and you know as well as I that

5   those of us that are decision-makers in that

6   process do that all the time. And -- and

7   sometimes, you know, you go with your gut and you

8   hope you're right, and sometimes your gut is that

9   ain't happening and you nix the file. Sometimes

10   you go with your gut and you say, man, there's

11   some things there, but I'm okay with it. That's

12   part of being accountable and part of being the

13   decision-maker, and it rests with you -- and I say

14   "you" collectively -- with me and with everybody

15   else, that's your responsibility and you're

16   charged with making that decision and you own the

17   decision, so you hope you get it right.

18   SHERIFF JUDD: Part of that is -- part of

19   that background is evaluating -- looking through

20   their current employee files and talking to their

21   current supervisors. So if their current employee

22   files are not appropriate and/or the supervisor

23   goes, "You know, that's the last person in the

24   entire world I would trust with a gun," and --

25   that's part of the background process. So

1 certainly we wouldn't force upon a principal or a

2 superintendent, some employee of theirs --

3 that's to -- that they could carry a firearm if

4 they're looking at us and going "This is not

5 somebody I want on my campus with a gun."

6   SHERIFF GUALTIERI: That's why I say when

7 people say, "Oh, my God, we shouldn't do this

8 because X person shouldn't have a gun," well, I

9 might agree with you. That's why we're going to

10 ask you, that's why we're going to do the

11 backgrounds, that's why we're to vet these people

12 and we're going to make sure, just like we do when

13 we're hiring the cops. We don't hire everybody

14 that applies.

15   Mr. Schachter, go ahead.

16   MR. SCHACHTER: I would -- we all agree that

17 we need to have more good guys with a gun on

18 campus. I would definitely be in favor of

19 expanding the program, but to not include

20 teachers, to other personnel, for instance,

21 assistant principals and anybody else that I'm not

22 thinking of that's not in a classroom the whole

23 day, that's the only objection that I have.

24   SHERIFF GUALTIERI: Senator Book, go ahead.

25   SENATOR BOOK: I want to also clarify that I

1   think that some of the debate that went on during

2   the passage of 7026 was that -- that -- I just

3   want to be clear that that guardian would use that

4   weapon in the instance of a shoot -- an active

5   assailant with a weapon. That is when they would

6   use that weapon, or anytime they felt threatened.

7   SHERIFF GUALTIERI: No, it's in response, and

8   the guardian statute allows them to do it in

9   response to an active assailant incident. They

10   don't have general -- they don't have any police

11   powers, they don't have any authority to do

12   anything other than to stop killing when the

13   killing is occurring.

14   SENATOR BOOK: Not just because they feel

15   threatened themselves perhaps?

16   SHERIFF GUALTIERI: I want to be clear with

17   that, you know. If you got somebody that's

18   walking down the hallway and they're pointing a

19   gun at somebody and they haven't actually fired --

20   SENATOR BOOK: If they have a gun, they have

21   a gun.

22   SHERIFF GUALTIERI: Right. Or they come in

23   there with a big 'ol machete or they're coming in

24   there with anything el- -- you know, whatever it

25   may be, no, they have to -- they have to

1   reasonably be in fear of their life or the life of

2   somebody else in order to be able to justifiably

3   use deadly force. So it isn't the kind of thing

4   where -- absolutely not is that if it's the kind

5   of thing where somebody thinks, oh, my God, these

6   two kids are fighting and they're just going to --

7   that is not it at all. And this is why they go

8   through the training. This is why they get legal

9   guidelines. That's all part of the training.

10   They get all the things I'm talking about so that

11   these people, if they go through it, they are

12   extremely well-trained. You're not going to have

13   that.

14   SENATOR BOOK: Within that, too, perhaps, if

15   this recommendation were to pass, I know that this

16   says to carry on their person, concealed. That

17   would mean they cannot take that weapon off while

18   on school property, correct?

19   SHERIFF GUALTIERI: Correct. I don't think

20   they should. And one of the things about carrying

21   a concealed, and I purposely put that in there, is

22   because you know the adage, and it's a good one,

23   just because you can doesn't mean you should, and

24   it doesn't mean just because they have it, that

25   they should take it out. It may not be a

1   tactically sound decision. It may not be the

2   right decision. That's one of the reasons why I'm

3   a big opponent, always have been and always will

4   be, of open carry. It's dangerous. Somebody sees

5   you have it. You should be able to decide when

6   and if and under the right circumstances.

7   So here is that be discreet about it, carry

8   it concealed in an appropriate retention-type

9   holster that's safe, and then under the right

10   circumstances consistent with your training and if

11   you think -- especially when you got a guy like

12   Cruz, the way that magazine's out of the gun and

13   you don't even have to engage in a fire fight

14   because he's stripped it out, take the guy out.

15   SENATOR BOOK: And that would be -- and what

16   happened here -- for example, Mr. Rospierski would

17   be somebody as an example that is -- I'm just

18   going along the thread here. A classroom-based

19   teacher who may or may not want to volunteer to do

20   this program. That is like where we're --

21   SHERIFF GUALTIERI: Absolutely, that's what

22   we're talking about. And there may be -- in all

23   of Stoneman Douglas, there might be five, there

24   might be ten, there might be one, there might be

25   none. That's okay. But whatever we can get out

1   of it is better than what we got now, and it's a

2   force multiplier and it provides that backup and

3   accomplishes what we're trying to accomplish.

4   Again, I can't stress it enough, this is not just

5   give people guns. This is in a precise, lasered,

6   surgical, whatever adjective you want to use to

7   describe it, in a very specific way that's

8   limited.

9   SENATOR BOOK: One other one, Mr. Chair, and

10   I apologize, but one of the -- several of the

11   teachers that have reached out and expressed

12   concern -- again, you know, this is -- you would

13   have to want to do it and engage, do the training,

14   all of that. What would they do if they are a

15   classroom-based teacher, they are in their

16   classroom? Are they to leave their -- I think

17   like those are some of the conversations. No,

18   there's no you have to go --

19   SHERIFF GUALTIERI: Absolutely not. Again,

20   it's all within their discretion. Just because

21   you can doesn't mean you should and it doesn't

22   mean it's the right thing to do. And the right

23   thing to do depends upon the circumstances. It

24   may be for them to -- they get the lock-down

25   directive, the code red directive, whatever you

1   want to call it, and under those circumstances,

2   depending upon what's happening, it may be the

3   best thing for them to turn the lights off, put

4   that cover on the door, get all the kids in the

5   hard corner, and the best thing that they can do

6   under those circumstances with a gun is make sure

7   they're ready if somebody comes through the door,

8   not go out and -- you know, that's a discretion --

9   a discretionary decision that they're going to

10   have to make depending upon the circumstances and

11   what they feel comfortable doing at that time, and

12   that's nothing anybody can tell them what to do or

13   how to do it. That's something that they got to

14   decide.

15   SECRETARY CARROL: One follow-up question

16   based on the senator's question because I know --

17   and this has become high profile in some

18   communities, the whole issue around stand your

19   ground. So how does that come into play? It's

20   school fight, some kid is beating up another kid,

21   teacher breaks it up. Now the fight turns, the

22   teacher feels threatened. You're aware of that --

23   what happens.

24   SHERIFF GUALTIERI: Yeah, my favorite topic,

25   stand your ground.

1   SECRETARY CARROL: And I only bring it up

2   because that's not what this is -- this program is

3   intended to deal with. This program is intended

4   to deal specifically with active assailants.

5   SHERIFF GUALTIERI: Right. And there's a

6   difference between -- I'll say it this way:

7   There's a difference between permitted force and

8   authorized force. You know, citizens are

9   permitted to use force and permitted to stand your

10   ground under the right circumstances. Cops are

11   authorized to use force, guardians are authorized

12   under the right circumstances to use force. So

13   there's a difference. There's a difference

14   between permitted and what a statute affirmatively

15   allows you to do as opposed to just you're

16   permitted to do it. I don't know, Commissioner

17   Bartlett, if you want to weigh in on any of that,

18   you're welcome to.

19   MR. BARTLETT: I think I'll stay out of that.

20   Thanks for inviting me, though.

21   SHERIFF GUALTIERI: You're welcome. Glad to

22   bring you to the party.

23   Go ahead, Senator.

24   SENATOR BOOK: I just want to make the point

25   again because I think, again, a lot of the debate

1   centered around some of these issues, and I want

2   to make sure that we're -- that I'm clear. This

3   would be in an event of an active assailant only?

4   SHERIFF GUALTIERI: Right. That's what the

5   guardian program is, right. That's the only thing

6   it allows them to do.

7   MR. SCHACHTER: But if you arm teachers and

8   they feel threatened, like you said, they could be

9   authorized to take a subject out. What if they're

10   in a fight and, you know, somebody -- and a kid

11   goes to take a swing at them and they're in a

12   fight and they feel threatened, are they

13   authorized to shoot the subject -- to shoot the

14   person?

15   SHERIFF GUALTIERI: Well, just because -- you

16   have to be autho- -- you have to be permitted to

17   use deadly force, and it's got to be -- that does

18   get into some of the other areas, you know. But

19   just because -- If somebody just strikes you,

20   you're not authorized to use deadly force,

21   somebody just hits you.

22   SHERIFF JUDD: The guardian program is

23   specifically created to deal with active

24   assailants and active assailants only. And that's

25   why under the proposed recommendation -- when you

1   listen to the concern, which is valid, of Senator

2   Book, if we said further the legislature should

3   expand -- you could say "should consider,"

4   whatever, but, anyway, the guardian program to

5   allow volunteer teachers in addition to those now

6   authorized, okay, if you took out the "who were

7   properly selected, thoroughly screened, and

8   extensively trained to carry concealed firearms,"

9   if you took all that out and say "Further, the

10   legislature should expand the guardian program to

11   allow volunteer teachers who -- volunteer teachers

12   to carry concealed firearms on campuses for --

13   for, you know, protection from active assailants,"

14   because you don't need to go through that properly

15   screened and selected and all of that because

16   that's already in language, that's already in the

17   guardian language, you see. So all we're saying

18   is expand the guardian --

19   SHERIFF GUALTIERI: Yeah. Okay. But the

20   guardian program says that they can only -- it's

21   for active assailant response. So it's inherent

22   that if it's -- this is part of the guardian

23   program.

24   SHERIFF JUDD: Yes. What I'm suggesting is

25   just not regurgitate the properly selected,

1   thoroughly screened, extensively trained, because

2   that's already required to be a guardian. So this

3   sounds like, well, you've got another set of

4   standards. You see? The legis- -- the guardian

5   already says you have to do all that.

6   SHERIFF GUALTIERI: Right. But the thought

7   is -- I'll tell you the thought is because people

8   are going to contort this, you know, is I want to

9   make it clear and reiterate it, that this is not a

10   heave-ho and just give people guns. This is --

11   and it's important to remind people, I believe,

12   that these people would be properly selected, they

13   would be thoroughly screened, they would be

14   extensively trained, we're not creating a new

15   category is, again -- this is all under the

16   existing -- so to put it differently is that all

17   we're doing and suggesting here is under the

18   current law is simply removing the provision that

19   excludes those who are exclusively classroom

20   teachers. That's really all this is doing.

21   Go ahead.

22   SENATOR BOOK: I'm not sure which

23   commissioner has the motion on the table, but --

24   and since it already says it, if we could just add

25   "for active assailant situations only," it may

1   make everyone feel less agita perhaps.

2   SHERIFF GUALTIERI: So -- go ahead, Sheriff.

3   SHERIFF JUDD: Doesn't 7026 already say that?

4   SHERIFF GUALTIERI: It does.

5   SENATOR BOOK: That's why --

6   SHERIFF GUALTIERI: It does. But she's --

7   you're asking to reiterate it?

8   SHERIFF JUDD: Just explain it once --

9   SENATOR BOOK: I think that that will help us

10   --

11   SHERIFF GUALTIERI: So Chief Nelson is the

12   one that has the motion. So if you're -- so

13   "Further, the legislature should expand the

14   guardian program to allow volunteer teachers. In

15   addition -- to carry concealed weapon for

16   self-protection and the protection of staff and

17   students in response to an active assailant

18   incident," something like that, Senator? Is that

19   what you're sug- --

20   SENATOR BOOK: Yes.

21   SHERIFF GUALTIERI: You can ask Chief Nelson.

22   SHERIFF ASHLEY: Is that the only exclusion,

23   Sheriff? The only exclusion currently in statute

24   is a teacher that's actively teaching?

25   SHERIFF GUALTIERI: Correct.

1   SENATOR BOOK: Correct, classroom --

2   SHERIFF GUALTIERI: So what it is is it

3   establishes the guardian program. Anybody --

4   anybody that's an employee of the school district

5   can be a guardian, anybody, unless you are

6   exclusively a classroom teacher.

7   SHERIFF ASHLEY: And all this does is undo

8   that?

9   SHERIFF GUALTIERI: Undo it, that's all it

10   does. That's all it does.

11   And, now, there's a carve-out -- you've got

12   the premise that anybody can be. Then you've got

13   a carve-out for classroom teachers. And then

14   you've got an exception to the carve-out that if

15   you're current or former law enforcement or ROTC.

16   So you've got a general anybody can do it, you've

17   got an exception, and then you got exceptions to

18   the exception that put them back in those that

19   can. So that's the current framework. So the

20   only thing this is doing is saying those that are

21   teachers are not exempted.

22   UNKNOWN SPEAKER: Not excluded.

23   SHERIFF GUALTIERI: Excluded, I'm sorry.

24   Good -- yes.

25   SECRETARY CARROL: This is to Chief Nelson if

1   he's -- it's his motion. First of all, I agree

2   with the senator, and it only has to be the last

3   couple of words. "During active assailant

4   incidents" is all you have to have --

5   SHERIFF GUALTIERI: I'm okay with that if you

6   want to ask Chief Nelson --

7   SECRETARY CARROL: But I want to add one more

8   change, and it's insignificant, it's just a word

9   thing, but I don't like the term "volunteer

10   teachers." I like the term "allow teachers who

11   volunteer."

12   SHERIFF GUALTIERI: That's fine.

13   SENATOR BOOK: I agree.

14   SHERIFF GUALTIERI: That's fine.

15   SENATOR BOOK: Commissioner Nelson.

16   COMMISSIONER NELSON: Mr. Chair, as long as

17   the proposed recommendations by Senator Book and

18   the secretary will still meet the intent of the

19   current law, then I'll amend my motion.

20   SHERIFF GUALTIERI: So is the motion, then --

21   is the motion to recommend these three, but to --

22   in all -- in this section -- go back to the first

23   one, Harold, go back to the first one, make sure

24   how many places we have this here. So we've got

25   it in -- Bullet No. 1 is to reverse the words

1   "volunteer personnel" and change that to

2   "personnel who volunteer," and do that in Bullet 1

3   and in Bullet 3, correct, Chief?

4   COMMISSIONER NELSON: Correct.

5   SHERIFF GUALTIERI: Okay. And then going

6   back to No. 3 is that you would add on there

7   "trained to carry concealed firearms on campuses

8   for self-protection and the protection of other

9   staff and students" --

10   SHERIFF JUDD: During active assailant.

11   SHERIFF GUALTIERI: -- "during or in response

12   to an active assailant incident." Is that what

13   you'd like?

14   COMMISSIONER NELSON: And that meets the

15   current statute?

16   SHERIFF GUALTIERI: Yes.

17   COMMISSIONER NELSON: Then yes, sir.

18   MR. SCHACHTER: Can I ask a question?

19   SHERIFF GUALTIERI: Go ahead.

20   MR. SCHACHTER: Senator Book --

21   SHERIFF GUALTIERI: Hang on one second before

22   you do, make sure we're -- so that's your motion.

23   Who was the second on this?

24   UNKNOWN SPEAKER: Sheriff Judd.

25   SHERIFF GUALTIERI: Sheriff Judd. So as a

1   second, you're okay with that?

2   Okay. So we've got an amended motion and an

3   amended second. So we're back in discussion. Go

4   ahead.

5   MR. SCHACHTER: Senator Book, under the form

6   of the amended motion, how will the legislature

7   view this motion, in your opinion?

8   SENATOR BOOK: There are a lot of us, and I

9   don't ever and would never pretend to speak for

10   the entire legislature, but I -- you know, I think

11   they'll take it just like they will the entire

12   report. We've done a tremendous amount of work,

13   and they will take this report seriously and give

14   it the same consideration as every other

15   recommendation that we put forward.

16   MR. SCHACHTER: I mean, this is a very

17   controversial topic, and I am certainly afraid

18   that if we pass this motion, this will be the only

19   thing anybody talks about, and think, you know, in

20   an effort to try to get more good guys with a gun

21   on campus, or ladies, I mean, I would certainly

22   like to amend teachers to assistant principals or

23   somebody other than teachers, but --

24   SHERIFF GUALTIERI: That already exists, Mr.

25   Schachter. You don't need to amend anything.

1   That's in the current law.

2   MR. SCHACHTER: Right now, is anybody doing

3   that, or it's just guardians that we hire and

4   train?

5   SHERIFF GUALTIERI: There are some that are.

6   MR. SCHACHTER: There are some assistant

7   principals?

8   SHERIFF GUALTIERI: There are some districts

9   that are allowing it, but the point is -- and that

10   gets back to Bullet 1, Harold, go back to Bullet

11   1, if you would, please -- is that there are some,

12   and they're mostly in the rural counties, where

13   the rural districts -- I don't know of any

14   mid-size or large districts. The ones I know

15   about are largely the small and the rural

16   districts that are allowing staff currently

17   employed who are not designated, and that would

18   include principals and assistant principals, plant

19   operators, whatever. That already exists. The

20   point of No. 1 is that it is not being done enough

21   and that that should be expanded and that the

22   districts should use the law to its maximum

23   potential, and they're not now doing that.

24   SHERIFF HARPRING: Chairman, I support the

25   amended motion and the language. The only

1   question I have is are we remiss in leaving out

2   associated with school districts and charter

3   schools, a reference to the sheriff since the

4   sheriff plays an integral role --

5   SHERIFF GUALTIERI: We'll come back to that.

6   That issue with the sheriff, we'll address that

7   separately.

8   Commissioner Bartlett and then Secretary

9   Kapusta.

10   MR. BARTLETT: When I started this, I was

11   adamantly opposed to the idea of arming any

12   teachers and ran through my mind numerous, you

13   know, what-ifs then scenarios, as Mr. Schachter

14   said today, you know, teacher shooting a kid in a

15   fight and a teacher using the restroom and leaves

16   the gun sitting in the bathroom like we've had

17   with some law enforcement officers in the past,

18   but realistically, after going through what we've

19   gone through and watching the videos of the

20   incident and comparing the other school shootings,

21   it's become a reality that unless you have an

22   immediate response, I mean an immediate response,

23   you're not going to effectively reduce the number

24   of potential victims that exist in the case. And

25   that is not -- I mean, right now, it's just not

1   practical and it never will be practical, I don't

2   think, that law enforcement will respond in a

3   sufficient amount of time to stop some of the

4   killing. Therefore, the people that are best

5   placed to do that are our teachers. You know, you

6   can't guarantee that there will be an armed

7   teacher there when it happens, but you certainly

8   increase the odds and the percentages, I think,

9   that you may be able to effectively respond

10   quickly by having them there.

11   The idea that to vet the group down to a more

12   trained, specialized group that you have close,

13   watchful eye on through the sheriff's office

14   supervision ostensibly, that they get training and

15   everything else I think makes my comfort level go

16   up as far as arming that particular teacher.

17   And as the sheriff pointed out earlier, we're

18   losing a lot of students anyway in these things,

19   and they're going to continue to happen. Let's

20   try to do something that's a little bit different

21   than the norm and see if we can't make some

22   headway into the number of lives that are lost in

23   these tragic incidents, and this is a way to try

24   to get there.

25   SHERIFF GUALTIERI: Secretary Kapusta and

1   then Mr. Petty.

2   SECRETARY KAPUSTA: To go on what I believe I

3   heard Sheriff say earlier, which is that there may

4   be no volunteers in any one particular school,

5   maybe it would behoove the commission to consider

6   amending the prior finding of making sure that

7   there are SROs in the middle schools and high

8   schools dependent upon how many guardian

9   volunteers are at either the elementary, middle

10   school, or high school level. That way, no one is

11   left vulnerable without protection.

12   SHERIFF GUALTIERI: Mr. Petty.

13   MR. PETTY: I started in the same spot as

14   Commissioner Bartlett as we worked on this bill,

15   but I agree with everything that you've said.

16   I would add to that I was -- I guess I was a

17   bit surprised by the responses from the teachers

18   at MSD, but I think one of the more compelling

19   things to me is that those teachers were

20   defenseless sitting in those classrooms along with

21   those students at the wrong end of a

22   semi-automatic rifle. And to not give them the

23   opportunity to protect themselves I think is a

24   disservice to the teachers. So I am -- I'm in

25   favor of making the changes.

1   SHERIFF GUALTIERI: Mr. Schachter, go ahead.

2   MR. SCHACHTER: One more comment. You know,

3   all the teachers that I spoke to recommended for

4   me not to support arming teachers. I didn't hear

5   from any teachers that were in favor of it. But

6   what I am probably the most disappointed is that

7   we did not hear testimony from the safest school

8   in America, that's been called that on NBC news,

9   and is a solution to the problem without having to

10   arm teachers, and that was they have smoke

11   cannons. They fill up the hallway with smoke, and

12   the active assailant is not able to see the

13   victims. In a matter of seconds, that happens.

14   The key fob goes on, law enforcement is notified,

15   and then law enforcement activates the smoke to

16   blind the suspect and fill the hallway with smoke

17   so none of the -- nobody can see anything. So

18   that would be a solution. We're not able to hear

19   testimony on that subject, but that would be a

20   solution to arming teachers that I would be in

21   favor of.

22   SHERIFF GUALTIERI: Anybody -- Commissioner

23   Larkin-Skinner and then anybody else that hasn't

24   had an opportunity to weigh in on this, and then

25   we're going to call a vote.

1   MS. LARKIN-SKINNER: What I'm curious about

2   is something that I found very compelling that you

3   said and pointed out about the guardians as

4   opposed to law enforcement is the guardians have

5   one job. And it struck me in talking about school

6   personnel, including those that are already

7   included as people who can become guardians, but

8   then tossing teachers into that as well, is I

9   would like to make sure that they get a special, I

10   don't know, hour of training on just that, that

11   they have another job, and this -- the guardian

12   job is very specifically the assailant and their

13   other job is different, because I think that needs

14   to be talked about regularly with those teachers

15   and school personnel. It needs to be at the

16   forefront so that we can avoid the things that Mr.

17   Schachter is concerned about is we never let it

18   drop that we know you have two roles here, but we

19   trust that you will do both of them. This is the

20   one time you do this. The rest of the time you're

21   doing your teacher, your assistant principal, your

22   whatever.

23   SHERIFF GUALTIERI: Okay. Anybody else that

24   has not had an opportunity to weigh in who wants

25   to?

1   So we're going to call the vote on it, and if

2   we would, for the voting members of the

3   commission, we have a motion on the floor, we have

4   a second on the floor, so for the voting members

5   of the commission, all in favor, raise your hand

6   and signify aye.

7   Want to count those?

8   Thirteen, okay.

9   All not in favor, all opposed, please raise

10   your hand.

11   Mr. Schachter. So that motion passes 13 to

12   1. So those recommendations on the amended motion

13   are adopted by the commission.

14   So we'll -- what I'm going to do with the

15   other issue that you raised, Commissioner

16   Harpring, on the sheriffs, we'll take that up

17   first thing tomorrow morning. I have a proposal

18   on that, don't have it to put up. I'll get it so

19   we can put it up tomorrow morning and y'all can

20   take a look at it and we'll address that.

21   Before we conclude for the day, I would like,

22   if we can, to conclude with Chapter 5. Other than

23   that issue, we only have a couple of, I think,

24   should be quick things left, and one of those is

25   on page 66 and it has to do with -- and this is so

1   hard, and coming up with one of the things that

2   we're required by statute to do, and that is

3   recommended ratio for SROs.

4   So what we have here is a model -- Slide 66

5   is a model for SRO staffing is provided. A point

6   value -- and we're not suggesting what that point

7   value would be because this is hard -- is that

8   this is just a guide for districts to use

9   something or for others to use something. A point

10   value would be used under this model to determine

11   how many SROs and/or guardians should be

12   decided -- should be dedicated to a campus. And

13   these are factors. We're talking about -- we're

14   going over to 67. The number of students and

15   staff on the campus, the school design of the

16   campus, physical barriers, and, again, getting in

17   all the school design, whether there's camera

18   systems, passive/active monitoring, continuous

19   monitoring, proximity to other schools, the school

20   location, whether it's urban or rural, staff to

21   student ratios, law enforcement officers or

22   guardians. Those are just factors, and the

23   suggestion is that you would have to assign a

24   point value to that. And this is just a starting

25   place.

1   None of us collectively, none of us, came up

2   with -- in the recommendations came up with

3   anything better than this. So if anybody's got

4   anything now that you want to put on the table, we

5   can absolutely have that discussion, but this has

6   already been put out to you all. This is not

7   perfect. This is a hard thing, and it's largely a

8   lot of intangibles trying to figure this out.

9   So do y'all want to accept this on Slide 66,

10   67, and 68, or do you want to make any

11   modifications to that? Sheriff Judd, go ahead.

12   SHERIFF JUDD: The other part of this may

13   have already been covered, but this needs to be

14   based upon our findings that one's not enough,

15   that when you look at these ratios, that you don't

16   submit that less than 500, that one person is

17   ideal. It still needs to be plus --

18   SHERIFF GUALTIERI: I think that's a given.

19   SHERIFF JUDD: I think it needs to be plus --

20   you know, the ratio needs to be do you need two or

21   more at least. So -- but other than that, it

22   looks well-thought-out.

23   SHERIFF GUALTIERI: Sheriff.

24   SHERIFF ASHLEY: I would just suggest that

25   maybe we add the whole purpose of this, and the

1   goal is to have an immediate response to an active

2   shooter or any other major incident that may

3   happen on campus. So I guess on 66 I would just

4   add in there the whole purpose for coming up with

5   this model or this ratio is for an immediate

6   response. I mean, that's how we come up with

7   ratios on Priority 1 calls, Priority 2 calls,

8   Priority 3. It's all in response time, and our

9   response time has to be, you know, immediate. So

10   that's why we have to come up with --

11   SHERIFF GUALTIERI: So you want to say

12   something -- and, Heather, just kind of take some

13   notes on this. We can wordsmith it, just get the

14   gist of it. So what your suggestion there is is

15   that we add a bullet, let's say, that says, you

16   know, the purpose of the ratio is for --

17   SHERIFF ASHLEY: Immediate response.

18   SHERIFF GUALTIERI: Okay. Do we want to say,

19   because it's consistent with what we said

20   elsewhere, "immediate response and adequate

21   backup"?

22   SHERIFF ASHLEY: Yes.

23   SHERIFF GUALTIERI: Is that --

24   SHERIFF JUDD: That works.

25   SHERIFF GUALTIERI: Okay. So, Heather, if

1   you would, just include that and then we'll make

2   sure we wordsmith that.

3   Anything else there, or are we good?

4   COMMISSIONER DODD: I've got a question. So

5   what you're saying is that there would be a

6   point -- somebody's going to assign a point value

7   to the -- it's not going to be -- when I read, I

8   was thinking, man, that's going be a lot of work

9   for us to kind of decide this. We're not going to

10   do that?

11   SHERIFF GUALTIERI: We can't do that. This

12   is just providing some guideline and some model,

13   and then the individuals, if they want to use

14   this, then they can decide the point values, they

15   can decide how to implement it. I don't see any

16   way -- and, again, the collective wisdom in 21 of

17   us that have had an opportunity haven't been able

18   to come up with anything that is better, and I

19   think that we have considered this at length, some

20   collectively, some individually or with others,

21   and we have looked and there is no -- in the

22   entire country that we've been able to find, there

23   is nothing better than this that anybody's come up

24   with, you know.

25   And remember when we asked -- and I'm not

1   knocking them -- but we asked for -- NASRO, the

2   National Association of School Resource Officers,

3   had a one to a thousand ratio, and when we asked

4   them what their methodology was, they said they

5   don't have one, they just thought that was a good

6   number.

7   So, you know, this is -- I don't want to say

8   it's impossible, but I think that what we have,

9   we've come up with some structure for it, and I

10   think it's about the best that we're going to get

11   it.

12   SHERIFF ASHLEY: Too many variables.

13   SHERIFF GUALTIERI: Yeah, too many variables,

14   there's just too many. There's no -- this is one

15   of those, it's an art, not a science. There's no

16   way to hard and fast do this.

17   All right. So if nobody has anything else,

18   that will conclude --

19   MS. POWERS: Can I just --

20   SHERIFF GUALTIERI: Go ahead.

21   MS. POWERS: -- one quick thing on this

22   question?

23   SHERIFF GUALTIERI: Yes.

24   MS. POWERS: One of the things I notice that

25   is missing is the accountability and sanctions. I

1   think that that should be similar to what school

2   boards and superintendents are subject to for

3   sheriffs that refuse to follow --

4   SHERIFF GUALTIERI: We're going to cover that

5   tomorrow morning.

6   MS. POWERS: Okay.

7   SHERIFF GUALTIERI: There will be an

8   opportunity for you to bring that up tomorrow

9   morning. We are going to cover that issue

10   tomorrow morning.

11   Secretary Carrol, go ahead.

12   SECRETARY CARROL: This is a little bit in

13   terms of Commissioner Schachter's concerns with

14   the teachers. I really think that we need to

15   develop some talking points around that to educate

16   folks because it is not what you said the headline

17   said, that we're giving guns to teachers. This is

18   voluntary and there's a process.

19   But I also think the expectation from bodies

20   like this can't be of teachers the same as it is

21   of law enforcement or even a full-time guardian

22   who is being paid specifically to protect the kid,

23   and by that I mean law enforcement goes towards

24   the threat, eliminates the threat. It's okay for

25   a teacher to take a defensive posture, and there's

1   not an expectation, even though they're carrying a

2   concealed weapon, that they seek out to eliminate

3   the threat. Do you know what I mean? So there's

4   a fundamental difference. And I think teachers

5   need to be made aware of that, that if they have

6   an opportunity and they have to protect

7   themselves, that this is what this is intended

8   for. They do not -- and we do not expect them to

9   be acting as if they were law enforcement and with

10   the need to attack the threat and eliminate the

11   threat.

12   SHERIFF GUALTIERI: It will be very important

13   if the legislature goes this path and school

14   districts expand the current scope, that people be

15   properly educated. And the misinformation that is

16   out there about what it is and what the

17   expectations are have to be dealt with, and I

18   think that the -- largely and some -- the false

19   narratives on some of this and the fact that --

20   and some people have raised concerns. They are --

21   and I want to be clear with this. Some of the

22   concerns that people have raised are legitimate

23   concerns, but those concerns can be mitigated,

24   those concerns can be addressed, and there are

25   ways to address those concerns. So like

1   everything, perspective is important.

2   So we do have one more slide before we have

3   two citizen comments and close out for the

4   evening. That last one that's up there has to do

5   with funding, that the legislature should increase

6   the allocation for resource officers or guardians,

7   provide adequate, recurring funding for the

8   guardian program, consider increased funding for

9   individuals who are hired solely to fill that

10   role, and one of the things I know as it goes on

11   in there, I know it's important to you, Sheriff

12   Ashley and to others, the current safe school

13   allocation, the new money, the hundred million in

14   new money, it says in there that it can only be

15   used for new SROs and it disadvantages you and I

16   know Seminole because you already have all SROs.

17   So it's a request that they revisit that and

18   change that language because I think that was just

19   an oversight on their part. They didn't realize

20   to be able to use that second or new allocation --

21   because that allocation is recurring, that they

22   allow it to be used for existing SROs.

23   SHERIFF ASHLEY: We were able to overcome it

24   this year because the ones -- we added additional

25   officers in all the high schools or larger high

1   schools, and so they paid 100 percent of that.

2   SHERIFF GUALTIERI: All right. Any concerns

3   with that slide anybody have?

4   All right. So we're done with Chapter 5

5   except for the issue -- Commissioner, go ahead.

6   COMMISSIONER DODD: I just want to make sure

7   the issue that we're going to talk about tomorrow

8   is the training of the guardians, is that --

9   SHERIFF GUALTIERI: No. The issue -- well,

10   no, the issue tomorrow is that -- the sheriffs who

11   won't authorize the guardian program.

12   COMMISSIONER DODD: Right, okay, that's what

13   I mean.

14   SHERIFF GUALTIERI: Yes.

15   COMMISSIONER DODD: Thank you.

16   SHERIFF GUALTIERI: So we have two comment

17   cards and then we'll be done for the evening.

18   First is Debbie Hixon.

19   MS. HIXON: My name is Debbie Hixon, and I'm

20   the wife of Chris Hixon, a campus monitor killed

21   doing his job at Marjory Stoneman Douglas. Chris

22   was a caring, passionate, adventurous, and

23   responsible man. He was a wonderful son and

24   brother, an incredible father to two his sons, and

25   a devoted husband. He was a sailor in the U.S.

1   Navy, both active duty and reserves, where he

2   served as machinist mate and military police

3   officer for 27 years.

4   He was passionate about sports and became an

5   athletic director in the Broward County public

6   school system in 1994 where he was able to share

7   that passion with his athletes. He was a great

8   leader to his coaches and a true model -- true

9   role model for his athletes. He always put others

10   before himself, and he had a way of making you

11   feel like you're his family.

12   He lived his life helping others and trying

13   to make the world a better and safer place, and he

14   will be forever remembered as a hero because he

15   exemplified the motto "If not me, then who"

16   throughout his actions every day, including

17   February 14th.

18   He ran into Building 12 at Marjory Stoneman

19   Douglas, and when he saw the shooter, he didn't

20   turn around and run away like many others;

21   instead, he ran towards him in an attempt to stop

22   him from harming others without any regard for his

23   own life.

24   He shouldn't have had to do that. This was a

25   completely preventable situation. So many things

1 went wrong that day, and they all need to

2 addressed.

3   I wanted to take a moment to thank Governor

4 Scott for forming this commission, and the

5 commission for your time and effort to investigate

6 how this horrible event was able to happen on that

7 faithful day and all the events that led up to it.

8   We can't change the direction of the future

9 if we don't reflect on what happened in the past

10 and try to improve policies and procedures to

11 ensure this doesn't happen again.

12   I am also an employee of the Broward County

13 public school system. I'm a teacher, and I look

14 forward to the recommendations you lay out for our

15 schools and hope that our district will see the

16 urgency in fixing the problems and implementing

17 the recommendations you offer. But I would like

18 to publicly state that I strongly oppose your

19 recommendation for classroom teachers to carry a

20 weapon under any circumstances. I agree that if

21 Chris had a gun, the situation would be vastly

22 different. Chris was a security monitor, as well

23 as a trained military police officer, and he would

24 have been a perfect person to carry a gun. He was

25 not in a classroom and he didn't have anything

1   else to be concerned about except for the safety

2   and security of the students and staff at that

3   school.

4   Classroom teachers cannot and should not be

5   distracted with the responsibility of being armed

6   inside a classroom even if they think they want

7   to. The probability of something going wrong

8   clearly outweighs that one time that there may be

9   a shooter in the classroom.

10   The recommendations should really focus on

11   keeping people with weapons from ever getting

12   inside the school in the first place. If we can

13   keep the perimeter of the school safe and secure,

14   then teachers can do their job and just focus on

15   making sure our students learn their lessons.

16   Thank you.

17   SHERIFF GUALTIERI: Thank you.

18   Next is Tony Montalto.

19   MR. MONTALTO: Good afternoon.

20   The work you're going through this week to

21   produce this entire report is vital to securing

22   the safety of our state students and staff members

23   while they are at school. This report should not

24   be your final act. Some of the issues you have

25   explored need to be further investigated. Most of

1   the day, I had little to disagree with regarding

2   what was presented; however, I do feel the need to

3   address a couple of subjects.

4   First, I notice that Sheriff Judd had no

5   trouble telling the legislature what they should

6   do, but I heard a lot of equivocating from all the

7   law enforcement officers on the panel when it came

8   time to mandate bullet-resistant vestwear by SROs.

9   I watched with disgust as deputies from the

10   Broward County Sheriff's Office who chose not to

11   wear their vests then took the time to put them on

12   and protect themselves while my daughter and all

13   the students in Building 12 were being shot at.

14   This commission should recommend mandatory SRO

15   vestwear.

16   On another subject, as an airline pilot in

17   the post-911 world, I know what it took to get the

18   pilots armed and add a layer of security to our

19   nation's skies in order to prevent future

20   highjackings. The program was carefully developed

21   and rolled out slowly. Before being allowed to

22   expand, it was evaluated and changes were made.

23   One of the many areas of concern was weapons

24   retention. Today the program is integral part of

25   our nation's strategy to secure the nation's

1   skies.

2   The families who lost loved ones on February

3   14th all supported the Marjory Stoneman Douglas

4   High School Public Safety Act. At the time, we

5   all agreed that teachers should teach, and

6   dedicated security folks should provide the

7   security. The current law allows more people than

8   ever to carry a weapon on the grounds of our state

9   schools. I urge this panel to slow its rush to

10   recommend expanding the guardian program.

11   It is important to remember that the tragedy

12   created -- that the tragedy that created the need

13   for this commission started because a gate was

14   unlocked and unattended. Prevention, keeping the

15   bad guys away from our children and staff at

16   school, is the key.

17   Thank you for your work so far.

18   SHERIFF GUALTIERI: Thank you, Mr. Montalto.

19   One question for you all before we adjourn so

20   we know for tomorrow. I asked you earlier

21   about -- because we didn't go it into closed

22   session. Does anybody, commissioner, have

23   anything in those confidential appendices that

24   needs to be discussed that we need to go into

25   closed session and discuss tomorrow? Does anybody

1   want to ask that we do that? No?

2   Okay. So we'll begin tomorrow morning, we'll

3   finish up with -- we won't go into closed session

4   at all. It will be an open session all day. We

5   will begin with the last issue in Chapter 5, and

6   then we'll get through 6 through 15. As I said, I

7   really think that it will move along pretty

8   quickly as we get into some of those later

9   chapters.

10   So we'll be adjourned until tomorrow morning

11   at 8:30.

12   (Thereupon, the proceedings were concluded at

13   6:15 p.m. on December 12, 2018.)

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1   CERTIFICATE OF REPORTER

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3

4

5   I, JESSICA RENCHEN, Registered Professional Court

6   Reporter, certify that I was authorized to and did

7   stenographically report the foregoing proceedings and

8   that the transcript is a true and complete record of

9   my stenographic notes.

10

11   DATED this 12th day of December, 2018.

12

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15   _____

         JESSICA RENCHEN, Court Reporter

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