

MARJORY STONEMAN DOUGLAS HIGH SCHOOL
PUBLIC SAFETY COMMISSION

VOLUME IV of V
(Pages 421 through 615)

PUBLIC SAFETY COMMISSION
MEETING

DATE: December 13, 2018
TIME: 8:41 a.m. - 4:46 p.m.
LOCATION: Donald L. Tucker Civic Center
Tallahassee, Florida

Reported by:

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P R E S E N T

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

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P R O C E E D I N G S

(Proceedings Continued from Volume III.)

SHERIFF GUALTIERI: We're ready to begin.

Where we left off yesterday was finishing up with Chapter 5. Before we do that, I want to just make a brief comment on the letter that was sent to you. I received yesterday from Superintendent Runcie a letter that was a follow-up from his presentation to the Commission addressing some of the things that were asked of him and questions that were directed to him about what's going on, and a copy of that letter was forwarded to you. We will have additional discussion with Superintendent Runcie and continue to follow up. We talked about bringing him back before the Commission.

But one of those things in there, and Senator Book raised this yesterday, that he addresses in the letter and there's a disconnect on this, and I'm trying to figure out and I will continue to try to figure out if I can shed any light on it. In the interim I'll share it with you. But there's a disconnect because in my discussions with the

1 Superintendent over the last couple of weeks,
2 he has indicated to me several times and the
3 staff has indicated to me several times that
4 the Broward County schools are conducting
5 active assailant drills that do involve the
6 students. He says in his letter, which is
7 consistent with the discussions that we've had,
8 that they've conducted about 1,000 active
9 assailant drills. Whatever the number is,
10 because of the number of schools in Broward,
11 they're doing them monthly. The point is that
12 they say they're doing them. So my question
13 for them in trying to do some limited follow-up
14 on it is, Why this disconnect and why are you
15 being told one thing and another. There seems
16 to be -- and perhaps this is the answer to it
17 and I don't know, but we're going to get to the
18 bottom of it and figure it out because they
19 need to be doing them -- we know this. They
20 need to be doing active assailants drills that
21 involve the kids, and they should be doing them
22 every month in every school. There was a
23 version of what they're doing initially that
24 involves only the teachers, and some initial
25 versions of this where it was in the classroom.

1 But what I've been told, and we'll see if we
2 can verify this and set the record straight
3 because it is important. It's super important
4 that when they are doing the drills they
5 involve the kids, they involve hiding in the
6 classrooms, they involve running, they involve
7 evacuation. They involve all those things that
8 we want them to. Right now I don't know the
9 answer to it, but it is something that we will
10 follow up on to see if we can get an answer
11 because you're being told one thing, and
12 they're saying something else. So we've got to
13 reconcile that.

14 SENATOR BOOK: Thank you,
15 Mr. Chairman. And it was said in the
16 superintendant's presence at an open meeting.

17 SHERIFF GUALTIERI: And he didn't pipe up
18 on it?

19 SENATOR BOOK: No, sir.

20 SHERIFF GUALTIERI: So -- all right. I
21 think it is extremely important. So let me see
22 what we can do to provide some clarity.

23 Mr. Petty.

24 MR. PETTY: And just to corroborate what
25 Senator Book is saying -- like she needs

1 corroboration -- I was in the room, heard the
2 same comment she heard.

3 SHERIFF GUALTIERI: Yes. My reason for
4 brining it up and my concern about it is is
5 that there's definitely a disconnect someplace.
6 We all want the same thing and to ensure that
7 it is where it needs to be. If it is and there
8 is a miscommunication, then we need to clear
9 that up. If it's not, then we need to
10 encourage them to get it where it needs to be.
11 So let's get it figured out and find out the
12 why on that.

13 Anyway, you did receive -- I asked
14 Jennifer Miller to forward it to you, so you
15 all did receive a copy of that letter this
16 morning. I'm not going to go further into it.
17 It's got a lot of information on it. But we
18 will analyze that and then get back to you on
19 what's in there.

20 So finishing up on Chapter 5 on the issue,
21 I think the only issue in Chapter 5 that we
22 have left is the problem. And it is a problem.
23 We talked about yesterday the framework of the
24 Guardian Program. I think everybody is up to
25 speed on who can be a guardian. But we put

1 that up.

2 Heather, put that up, the one I sent you
3 from last night.

4 On the guardian is that who can be a
5 guardian, et cetera. To kind of bring that
6 full circle and close the loop on it --

7 No, not that one. The one on the
8 sheriffs. There.

9 So as a result of 7026 and under current
10 Florida Law in Florida Statute 30.15(k), it
11 says that a sheriff may -- it doesn't require
12 that the sheriff do. It says, The sheriff may
13 establish a Guardian Program.

14 And how it works in every county in order
15 for the Guardian Program to exist it has to be
16 authorized by the school board, and it has to
17 be authorized by the sheriff. If either one,
18 the school board or the sheriff, don't
19 authorize it, then it doesn't happen in that
20 county. If it is authorized then the Sheriff
21 trains, as we talked about yesterday, the
22 guardians are trained as required by law by
23 Florida Criminal Justice Standards & Training
24 Commission certified instructors and go through
25 the course in the process. But if the sheriff,

1 is as is happening, and this came to light when
2 I met with the Board of Directors for the
3 School Superintendent Association a couple of
4 weeks ago, and they were expressing dismay, and
5 I think correctly so, that they want to in
6 their counties, they have superintendents and
7 school boards that want to use the Guardian
8 Program, but the sheriff in those counties will
9 not authorize the Guardian Program. And so as
10 we talked about with the shortage of law
11 enforcement officers and the shortage of school
12 resource officers, it's putting them in a bind
13 and in a jam because they want to use the
14 Guardian Program, but the sheriff won't allow
15 it. So as I said to them and I'll say here and
16 say to all of my colleagues, is that we need to
17 be part of the solution, not part of the
18 problem. We can't be a cog in the wheel and
19 that we have to come up with a way to allow
20 these counties and these districts that want to
21 do it to get around the sheriff in those places
22 where the sheriff won't do it.

23 Now, my understanding -- and I haven't
24 talked to all of them or done an in depth
25 survey of it. But the way I understand the

1 problem with the sheriffs is that they're being
2 told that it's a liability problem and they
3 don't want to train because they don't want the
4 liability and it's a problem with their
5 insurance carriers. And it is primarily in the
6 medium to small counties where this is
7 happening. And it is largely driven by this
8 issue that they're being advised about
9 concerning liability. Whatever the reason is,
10 is that it's a problem and it's something that
11 we need to discuss, and I think that we need to
12 recommend a fix. And I think there has to be a
13 fix to this because these counties that want to
14 use the Guardian Program, much less expanding
15 the Guardian Program, the ones that want to use
16 it should be able to use it.

17 I know, Sheriff Judd, you want to pipe in
18 and others do, but let me just tell you what --
19 go to the next slide.

20 So this is the proposal, and then can have
21 all the discussion you all want about it. The
22 proposal will be to recommend the legislature
23 amend 30.15 to allow a school board to
24 establish a Guardian Program that otherwise
25 complies with the requirements of the law

1 without the sheriff's approval if the sheriff
2 declines to approve the Guardian Program in his
3 or her county after being requested to do so by
4 the school board.

5 So it doesn't change anything. You still
6 have to have concurrence between the -- it
7 keeps the sheriff in the loop. But if the
8 sheriff says no after being asked, then the
9 school board can do it unilaterally and
10 establish the Guardian Program. So that's the
11 proposal.

12 Sheriff Judd, go ahead.

13 SHERIFF JUDD: Let me give you a little
14 history. When this horrible event at Parkland
15 occurred, the Governor was game on to make
16 changes. I spoke to him personally and then I
17 spoke to him in a meeting. And he wanted one
18 person in the county to be ultimately
19 responsible for security to make sure it
20 occurred. And I suggested the elected sheriff
21 because we are the people's representative.
22 And that's the way we went. The Governor
23 anticipated through those conversations, the
24 committee anticipated through those
25 conversations that the Florida sheriffs would

1 create Guardian Programs if in fact the school
2 system wanted a Guardian Program as opposed to
3 or in concert with school resource officers and
4 school resource deputies. The sheriffs that
5 aren't doing that, that may be operating in
6 good faith based upon what their insurance
7 folks are telling them, shame on the insurance
8 people. Shame on you. You're part of the
9 problem. You're not part of the solution.

10 I disagree with this proposal. What I
11 recommend is that we go back to the original
12 intent of the Governor and the committee that
13 the sheriffs take leadership. If the school
14 board votes to have the Guardian Program, I
15 think we need to change one word. The sheriffs
16 shall create the program. Otherwise, you're
17 creating an environment if the school board
18 says, I want the Guardian Program and the
19 sheriff says, fine, I'm not providing the
20 training, I'm not providing the range, I'm not
21 providing the Criminal Justice Standards &
22 Training trainers. You know, there is just
23 cascading events. I think we ought to take the
24 same position there that we're taking with the
25 school board about forcing them to do it. We

1 look at those sheriffs and tell them clearly
2 and unequivocally this was the intent of the
3 legislature. This certainly was the intent of
4 the Governor. That we as elected sheriffs
5 because we are the ones that were selected to
6 represent the people, when our school board
7 asks us you to do the Guardian Program, you
8 dang sure better do it. And the insurance
9 companies can do what they want to do. But
10 they need to get on board, too. Because all
11 that to me is white noise.

12 Aside from that, I asked the legislature
13 last year, and they chose not to, could they
14 indemnify us for our legal action as long as it
15 was within the law and the rules and the
16 regulations and the training, and they didn't
17 do that. And I'll give you an example for
18 those that are not familiar. If we make a
19 domestic violence arrest based on probable
20 cause, we have no civil liability because the
21 legislature indemnified us and said you have no
22 civil liability if you in good faith make a
23 domestic violence arrest. I asked the
24 legislature to take the extra step, to do that
25 same philosophy as it dealt with the guardians

1 as long as the guardians were in-line with
2 state approved training, hours and their
3 actions were in-line with that. Not any
4 malicious or culpability or lack of paying
5 attention culpability, but as it deals with
6 that.

7 So anyway, at the end of the day, my
8 proposal would be upon the vote of the school
9 board asking for the sheriff to do it. The
10 sheriff shall do it. And I request of the
11 legislatures will you indemnify us in a small
12 narrow area. If not, the insurance companies
13 need to get over it.

14 SHERIFF GUALTIERI: Just for clarity,
15 Sheriff, I hear you, but the Florida
16 Legislature cannot indemnify the sheriffs and
17 absolve the sheriffs of liability under federal
18 civil rights law in section 1983. That's where
19 these claims are going to come from, and I
20 think that's what the concern is. I agree with
21 you. And I don't agree -- there is a liability
22 when you wake up in the morning or a business
23 that has liability everyday. We take risks.
24 You need to manage the risk. You need to
25 mitigate the risk, but you got to take the risk

1 because that's what we do. But there is an
2 issue that they raise, and you know where this
3 is coming from as far as the insurance end of
4 it is concerned, but it is driving that I know
5 of. And there might be some that's
6 philosophical or ideological. I don't know.
7 But that's something that they're going to say
8 on that issue that you're raising is is that
9 the Florida Legislature can't do that.

10 SHERIFF JUDD: Well, I understand that
11 they can't mitigate 1983 Action. But 1983
12 Action will not funnel over to the sheriff if
13 his policies and his training and his
14 certifications are in place. And then the 1983
15 Action is going to be between the guardian and
16 their employer, which is the superintendent,
17 the county school system.

18 SHERIFF GUALTIERI: There is a lot of
19 legal nuances there.

20 Sheriff Ashley, go ahead.

21 SHERIFF ASHLEY: That would be the key is
22 is whose employee is it. If we're going to
23 accept the liability, then guardian is
24 currently a school district employee and not a
25 sheriff's officer.

1 SHERIFF GUALTIERI: They have to be --
2 under the statute they have to be an employee
3 of the district.

4 SHERIFF ASHLEY: Exactly. But then again,
5 so whose liability is it? My biggest concern.

6 The other is I don't know whose proposal
7 this is, but we're currently involved with a
8 dispute with CALEA and probably CFA in the
9 future auxiliary officers.

10 SHERIFF GUALTIERI: Right.

11 SHERIFF ASHLEY: And the training that's
12 required for them -- I mean, this is --

13 SHERIFF GUALTIERI: So I had a discussion
14 -- let me interrupt you. I had a discussion
15 with the CALEA people about this. Their view
16 of this -- and CALEA for those of you who are
17 not familiar, is the accrediting body, the
18 national accrediting body for law enforcement.
19 It's the Commission on Accreditation For Law
20 Enforcement. You have Florida accreditation.
21 You have national accreditation, and there's a
22 whole bunch of agencies that are nationally
23 accredited through CALEA. Their position on
24 this from my discussions with them is is that
25 they do have a problem and they are going in

1 that direction as far as the reserves are
2 concerned. You're correct. I think they're
3 trying to work through some resolution of that.
4 But on this issue they're taking the position
5 that issue is inapplicable because the
6 guardian's are not employees of the sheriff.
7 So as long as they're not employees of the
8 sheriff, the CALEA position, the way I
9 understand it is is that it's a nonissue.

10 CHIEF NELSON: And I think that's the
11 problem with some of these sheriffs is we're
12 being asked to accept liability for somebody
13 that's not even an employee of ours. And so --

14 SHERIFF GUALTIERI: You can get sued for
15 anything, right?

16 SHERIFF JUDD: But you can get
17 successfully sued in this instance.

18 SHERIFF GUALTIERI: Well, if you're
19 deficient in the training and the allegation
20 is -- you're going to get sued under 1983
21 because what somebody's going to allege is is
22 that -- you're right. It has to be a policy or
23 custom. It has to be a Monell claim. And
24 somebody's going to say that it -- they're
25 going to say -- now whether they prevail is a

1 different issue. But they're going to say --
2 and this is where the insurance company because
3 of the cost of defense and everything else.
4 They're going to say in order to have a 1983
5 claim it has to be a policy or custom of the
6 decision maker that results in the
7 constitutional deprivation. They're going to
8 bring it if they feel like it's colorable.
9 Nine times out of ten and 9.9 times out of ten
10 you're going to win it, but you've got to go
11 through the process.

12 And I'm not defending it. I just want to
13 put the whole landscape out here because this
14 is what the issues are and this is where the
15 insurance companies, and one in particular
16 that's affecting us, I believe, is not willing
17 to not jack up the rates so that the sheriffs
18 are willing to do it.

19 SHERIFF JUDD: Well, I think right now
20 what we have is, you know, the St. Bernard tail
21 wagon, the chihuahua dog. We need to tell the
22 sheriffs do your job and the insurance
23 companies have to figure it out. But we need
24 to be as hard on us as we have been on the
25 school system. And we've got to get outside of

1 the normal operating systems to protect
2 children. And clearly, I would suggest that
3 probably a majority of those sheriffs want to
4 do the Guardian Program, but fear the Guardian
5 Program because of the insurance companies.

6 I think the Florida legislature says,
7 Look, if the school board votes for the
8 Guardian Program, the sheriff shall do it. And
9 then the sheriff goes to his insurance company
10 and says, Figure it out. Figure it out.

11 SHERIFF ASHLEY: The reverse of this, too,
12 is when the school board doesn't want the
13 Guardian Program, but the sheriff does. And
14 that's not included in this proposal.

15 SHERIFF JUDD: Well, and the reality of it
16 is that's -- to me that's up to the school
17 board because if they don't want the Guardian
18 Program, they've got to come up with the money
19 for the cops.

20 SHERIFF GUALTIERI: Well -- and
21 Commissioner Dodd I know wants to pipe in on
22 this, and his county is one of these the way I
23 understand it, and he can speak for himself.
24 But the Sheriff of Citrus County won't
25 authorize it, but the school board wanted to do

1 it; is that correct?

2 COMMISSIONER DODD: Yes. Yes.

3 SHERIFF GUALTIERI: So you want to pipe in
4 on this?

5 COMMISSIONER DODD: Yes. Well, my
6 question on your proposal is you say that would
7 allow a school board to establish the program.
8 How would the school board have the training?
9 I mean, what was your --

10 SHERIFF GUALTIERI: Well, those are all
11 the details that have to get worked out. There
12 are options. Again, with all of this, there's
13 a will, there's a way. There's a number of
14 options, and I can throw out a bunch of them.

15 One option could be that the school
16 board is a sheriff in an adjacent county can be
17 willing to do it. Another option, and this is
18 something we had a discussion with FDLE about,
19 Commissioner Swearingen with CJSTC, is you have
20 about 28 I believe, Commissioner, training
21 centers, 28 CJSTC approved law enforcement
22 training centers throughout the state. This is
23 a multilevel class. The curriculum is
24 established. I can't speak for them, but I
25 would say that it's at least a pursuable option

1 to have guardian training put on by the
2 training centers. It's something that can be
3 pursued. There's a number of options to do
4 this. Again, there's a will, there's a way to
5 get that training done. Who does it? The only
6 thing that's in the requirement is that they be
7 the right instructors with the right
8 curriculum. So that's a detail that would have
9 to get worked out.

10 COMMISSIONER DODD: Municipal agencies
11 within your county can do it as well.

12 SHERIFF GUALTIERI: Well, they could do
13 it. There's nothing that says that a municipal
14 agency can't do the training.

15 But I'd say this, and this is something --
16 I know Sheriff Judd's point, and I think all of
17 us would share this, is is that -- and this is
18 why it was set up the way it was for the
19 sheriffs to be the ones who authorize and did
20 the training, so you have consistency in the
21 training and you have quality control in the
22 training. You want to make sure that that
23 training doesn't get watered down. And nothing
24 against our city police departments, and I'm
25 sure a lot of them would do it extremely well,

1 but when you have more people doing it and then
2 you have a few people doing it here and there,
3 it's a hodgepodge. I think it should be
4 consistent in having the sheriffs do it or
5 having the training centers do it. But it
6 could happen that way. Well, that's a good
7 way, but I have reservations about just letting
8 anybody do it. I think there's room also to
9 enhance this training, but it needs to be
10 consistent so we don't run into problems and
11 properly administered. I think it should
12 either stick with the sheriffs or with the
13 training centers.

14 SHERIFF JUDD: That's why we thought
15 through all that and the sheriffs agreed to
16 take it. This wasn't done in a vacuum. The
17 sheriffs wanted the leadership on this. And
18 once again, I think by and large the insurance
19 companies have scared the sheriffs, that few
20 sheriffs, and they don't get to manage the
21 process. And I agree with my colleague here.
22 They've gone through a dickens of a time in
23 Citrus County because they want the Guardian
24 Program. And quite frankly, if it were legal,
25 I would train the guardians. But that's not

1 fair for the local sheriff. What we need to
2 say is, Sheriff, the law said you will do it.
3 Just like we mandated the school systems to do
4 stuff. We've asked the school system to learn
5 a new normal that they were totally
6 uncomfortable with. And I disagree with that
7 proposal. I think we go back to the original
8 language, we strike it and say, Upon the
9 request of majority vote of the school board
10 the sheriff shall do it, and let the insurance
11 companies figure out the business side of it on
12 their own.

13 COMMISSIONER DODD: Well, my question here
14 is that if we go allowing the school board to
15 establish the program, I think we should have
16 the course for us to establish it. I mean, I
17 had made the recommendation that we look at the
18 Criminal Justice Standards & Training as an
19 avenue to offer those throughout Florida for a
20 guardian to go and have the training and then
21 could be hired by a school district. That
22 could be an option. If we can't define how a
23 school district is going to establish the
24 program, then I tend to agree with Sheriff
25 Judd, that we should just make the word "shall"

1 for the sheriffs.

2 SHERIFF GUALTIERI: So do you have any
3 notion? Is it something that could be pursued
4 with the training centers and CJSTC? Do you
5 have any feeling on that? I know you don't
6 speak for them. Do you think that's an option
7 even? If you don't, just say you don't?

8 COMMISSIONER SWEARINGEN: No, I don't want
9 to speak for them, Chair.

10 SHERIFF GUALTIERI: Whether it can happen
11 or not it?

12 COMMISSIONER SWEARINGEN: I don't.

13 SHERIFF GUALTIERI: Okay.

14 Commissioner Carrol.

15 SECRETARY CARROL: Aside from all those
16 technicalities one of the things that I support
17 the guardianship for is that it forces
18 accountability for the safety of the schools
19 down to locally elected officials in that
20 county. So if you ask who's responsible for
21 the security and safety of the school, it's the
22 superintendent, it's the sheriff in that
23 community because they're working
24 collaboratively. The schools vet the person.
25 They recommend them to the sheriff. The

1 sheriff does the background. They then approve
2 them so there's some collaboration. It's joint
3 decision making where both bodies have blessed
4 this going forward. The sheriff is responsible
5 for the training, takes responsibility for that
6 training. That's the beauty of the
7 guardianship is is the local community is
8 taking ownership over the security and safety
9 of kids in schools. And I think when you go
10 down this path, you're beginning to send a
11 message that says we don't have to have that.
12 You can bifurcate it. And then I think when
13 you do this, then more sheriffs have the
14 authority or the out to say I don't want to do
15 it either. And then we're right back to where
16 we were before where you have 67 different
17 school districts doing it 67 different ways.
18 And who has the oversight of it in whether it's
19 done or not? So I would much prefer to change
20 a word and say shall do it and then figure out
21 the insurance issues later than to go away from
22 what I think -- why I know I support this
23 system, because of that synergy of having
24 locally elected folks responsible for the
25 safety and security of the schools in the area.

1 SHERIFF GUALTIERI: Anybody else?

2 SENATOR BOOK: Thank you, Mr. Chair. I
3 just want to echo your comments about how
4 paramount it is that that training be as
5 strenuous and not watered down and consistent
6 as it possibly can be. You're only as strong,
7 as we have seen, as your weakest link. So we
8 want to make sure that training is what it's
9 supposed to be, what we want it to be and
10 anything else would just be a recipe for a
11 problem.

12 SHERIFF GUALTIERI: Especially with the
13 recommendation and the motion that passed here
14 yesterday. That makes it even more important.

15 Mr. Harpring, go ahead.

16 MR. HARPRING: Thank you. I think the
17 issue of insurance for my part is probably a
18 red herring to some extent in that all of our
19 agencies, our municipal partners, our sheriff
20 offices are already insured for the worst case
21 scenario, regardless of what it is, to include
22 1983 claims and the like. I think that the one
23 thing that strikes me about requiring the
24 sheriffs to do so, and I qualify this by saying
25 that 3015 already requires the sheriffs to do

1 certain things which are a natural and logical
2 implication from the office of the sheriff is
3 is to some extent the legislature impeding a
4 bit on the independent constitutional authority
5 the sheriff to make certain decisions. And
6 again, I qualify that by saying the legislature
7 already requires sheriffs to do certain things
8 under 3015. That being said, we have a
9 structure in place in regards to the CJSTC
10 authorized training facilities throughout the
11 state that have established over time uniformed
12 training standards for law enforcement
13 officers, correction officers. You know, they
14 have the cadre of either full-time instructors
15 or instructors that come from our agencies that
16 work to do the training. And I have a concern
17 that we're requiring the sheriff to engage in
18 training individuals who will ultimately not
19 work for them. Not from the insurance
20 standpoint. Because I tell people all the
21 time, the courthouse doors are open to anybody.
22 You have a filing fee, you can file a lawsuit
23 and we'll defend it. I completely understand
24 that. But I think there is perhaps a better
25 logic associated with the CJSTC and the

1 training centers conducting a standardized
2 training that's the same across the state that
3 doesn't require the sheriff to train people
4 that ultimately aren't going to be in his
5 employee who the sheriff ultimately doesn't
6 have some standardized control over.

7 And, you know, if the school district
8 wants to engage in it in light of our vote
9 yesterday on those provisions, I think the
10 school district should be allowed to have the
11 Guardian Program. But I do have some concern
12 about imposing the training requirement on the
13 sheriff when we have a structure in place with
14 the training center statewide that we could
15 establish a uniform training standard and have
16 it done that way.

17 SHERIFF GUALTIERI: I hear you on that.
18 My concern with that is, in all due respect to
19 CJSTC and the process, is is that --
20 Commissioner Swearingen, if I'm wrong on this,
21 please correct me. But the process through
22 CJSTC, to develop the curriculum, to get it
23 approved and have everybody is not going to be
24 a two day or two-week process. It is a very
25 long process and is pretty extensive. And this

1 is something that I think in my perspective
2 needs to be fixed now, today, not six months or
3 a year from now. It has to go through a whole
4 Commission and a rule making and it's a very
5 long process. Am I correct in that?

6 COMMISSIONER SWEARINGEN: That's correct.

7 SHERIFF GUALTIERI: Yes. So, I mean, it's
8 certainly something to be looked at and
9 considered, but that is not going to solve this
10 problem in the near future. So I agree with
11 the concept, but I don't think it can be
12 implemented quickly. That's my concern with
13 it.

14 SHERIFF HARPRING: I just want to clarify
15 it by saying one more thing. The sheriffs that
16 don't want to do it have either unilaterally
17 themselves or partnered with municipalities to
18 have law enforcement officers in the schools.
19 I think the question is volume quality. In
20 other words, they're required to have those
21 people in the schools one way or the other
22 whether it's a guardian or a law enforcement
23 officer in the provisions of 7026.

24 SHERIFF GUALTIERI: And what's happening
25 now in Citrus County, Commissioner Dodd, the

1 way I understand it is is that it is costing
2 Citrus County an inordinate amount of money and
3 more money because you're having to pay for the
4 law enforcement officers when you want to use
5 the guardians. And there is the issue of
6 availability of law enforcement officers. So
7 in most places it'd be done with overtime and
8 it's being done at a much higher cost. But
9 they want to do it in an economical way. Is
10 that true?

11 COMMISSIONER DODD: Well, we're looking to
12 this next step I think and to better ways to
13 secure campuses having a secondary purse. We
14 are already on that. Our County Commission has
15 been funding more than half of our SRO program
16 and they continue to do that. So we've got
17 great community support. So right now we have
18 an SRO in every one of our 22 schools. So
19 we're okay. But as we look down the road and
20 we see what's going to be recommended and as we
21 as school board members want to protect our
22 schools, our students, we want to have that
23 option. And so we don't have that option right
24 now. But that's what's so important for us to
25 get this changed.

1 And again, I felt strongly that the
2 Criminal Justice Standards & Training
3 Commission would be -- I mean, to me it seemed
4 simple. It seems like it would almost remove
5 some responsibility from the sheriffs. In the
6 long run and wherein this long haul, this long
7 process, we're going to be continually working
8 to add safety and security measures that we
9 have a statewide system that could train
10 someone just like we train law enforcement
11 officers, corrections officers. That would be
12 included. So I was just offering that as an
13 option. But could it be the standard? Could
14 it become where the training is done? These
15 are school board employees. If they're trained
16 in a local -- local academy and they were to
17 move from one county and come into our county
18 and they would want to be hired as a guardian,
19 if they have the certification that would be a
20 simple way to do it.

21 MS. LARKIN-SKINNER: Who currently
22 supervises guardians?

23 COMMISSIONER DODD: Well, we don't have
24 guardians.

25 MS. LARKIN-SKINNER: Who supervises and

1 who do they answer to? Whose policies do they
2 follow? Is it the school district that does
3 the discipline, the supervision, the
4 scheduling; who handles all that?

5 SHERIFF GUALTIERI: I think the answer is
6 it's probably different in different places.
7 But most of it as far as what you're talking
8 about it's all done by the school board, the
9 school district. So they're employees of the
10 school district. They get their paycheck from
11 the school district. They get their time off
12 approved from the school district. They are in
13 all aspects for terms and conditions of
14 employment employees of the school board. The
15 policies that they are governed by are school
16 board policies.

17 And I don't know. And Sheriff Judd can
18 weigh in. He's using them. But I can tell you
19 that I also have a guardian unit. I have
20 deputies that are assigned. Because we're
21 working in collaboration with the district is
22 that these deputies are going out in the school
23 every single day and they're checking on the
24 guardians and working with the guardians and
25 making sure that they're doing what they should

1 be doing from a law enforcement, if you will,
2 security -- probably a better word --
3 standpoint -- because it's not law enforcement
4 -- and answering any questions and going
5 through. So we are active in monitoring the
6 Guardian Program with a dedicated unit. But as
7 far as your question, directly they answer to a
8 supervisor. But if we see things, we're taking
9 remedial action. So I don't know how you're
10 doing it.

11 SHERIFF ASHLEY: The thing I would follow
12 up with that if that's the case and if they're
13 school employees, then they're supervised by
14 school supervisors. I don't know what
15 liability the sheriff other than the training
16 --

17 SHERIFF GUALTIERI: It's the training.
18 That's all it comes down to, Sheriff Ashley.
19 Because the sheriff doesn't have to do, as an
20 example, what I'm doing, which is to be
21 actively involved and have a dedicated guardian
22 unit and going out every single day and they go
23 to the schools and they're involved with the
24 guardians and they're overseeing them, if you
25 will, because I'm good with it. That's what I

1 want, but they don't have to do that. The only
2 thing the sheriff has to do is to authorize the
3 program, do the training and wash their hands
4 and say see you.

5 But what the concern is -- and again, this
6 is a parade of horrors, is is that what if
7 some guardian does something and then the thing
8 that the guardian might do is something that
9 somebody could make a colorable claim on
10 training, then we might get sued. That's what
11 this comes down to. And they're going to say
12 if I do the training right, I can still get
13 sued, which gets back to what Commissioner
14 Harpring said and we're saying, anybody can get
15 sued for anything at anytime. It goes back to
16 what I said yesterday, this whole thing, we
17 need to stop the parade of horrible. Because
18 all the what ifs and that is that anything can
19 happen anywhere anytime. We've got to be
20 realistic about this. But that's all it comes
21 down to. All it comes down to is the training.

22 SHERIFF JUDD: Let me wrap this up. There
23 was a great deal of work between the committee
24 that the Governor put together and what the
25 Governor and the executives both from the

1 police departments and the police association
2 and the sheriff's association to get what we
3 have in place. Everybody contemplated that
4 every sheriff would do the guardian program
5 upon request of the school superintendents.
6 I'm going to give the benefit of the doubt that
7 the majority of the sheriffs that aren't doing
8 it aren't doing it because we've got an
9 insurance group saying, we don't want to insure
10 you. So let's shove that off the table. Even
11 if they go to CJSTC and all of that sort of
12 stuff, who are those trainers? My deputies.
13 Your police officers. If we start down that
14 path where the superintendents can do it and
15 the sheriff can do it then it will be, well,
16 this police department and that police
17 department. And that all flies in the face of
18 what we tried to avoid originally.

19 I have a difficult time being passionate,
20 you know, but I'm daggone passionate about
21 this. We need and I'm recommending that we
22 change "may" to "shall" at the request of the
23 majority vote of the school board.

24 SHERIFF GUALTIERI: So here's what -- and
25 then you can decide if you want to make this

1 motion. Here's what 30.15(1)(k) says now, it
2 says that the sheriff can establish, if the
3 sheriff so chooses, a Coach Aaron Feis Guardian
4 Program to aid in the prevention, et cetera.
5 That's what it says now.

6 So what you can change, and this can be
7 the motion after I get done reading it, begin
8 (1)(k) with this, At the request of the school
9 board the sheriff shall establish a Coach Aaron
10 Feis Guardian Program.

11 So it removes the words "if the sheriff so
12 choses" with "at the request of the school
13 board the sheriff shall establish."

14 Is that what you're trying to get at?

15 SHERIFF JUDD: That's exactly what I'm
16 trying to get at because that way we still have
17 a unified training system, we have a unified
18 Guardian Program, and we've not backtracked on
19 everything we did to prevent this from
20 occurring. So --

21 SHERIFF ASHLEY: I second that.

22 SHERIFF GUALTIERI: So the motion by
23 Sheriff Judd and a second by Sheriff Ashley to
24 revise Florida Statute 30.15 (1)(k) to read, At
25 the request of the school board the Sheriff

1 shall establish a Coach Aaron Feis Guardian
2 Program.

3 SHERIFF ASHLEY: Majority request.

4 SHERIFF GUALTIERI: So the motion is --
5 What is the motion?

6 SHERIFF ASHLEY: I would just ask to say
7 the majority of the school board. I mean, it
8 has to be school board approved.

9 SHERIFF GUALTIERI: You want it to say not
10 at the request of the school board, but upon a
11 vote, which a vote has to be -- it's your
12 motion. How do you want it to read?

13 SHERIFF JUDD: Upon majority vote of the
14 school board the sheriff shall establish.

15 SHERIFF GUALTIERI: So it will read, "Upon
16 majority vote of the school board, the sheriff
17 shall establish a Coach Aaron Feis Guardian
18 Program."

19 Is that the motion?

20 SHERIFF JUDD: Yes, sir.

21 SHERIFF GUALTIERI: So that's the amended
22 motion.

23 Any discussion on the amended motion?

24 MS. POWERS: So what we approved yesterday
25 kind of took the authority away from the school

1 board to decide whether they wanted the
2 Guardian Program. But now we're saying that
3 this has to be approved by the school board in
4 order to engage the sheriffs. So I'm just --

5 SHERIFF GUALTIERI: No. I don't think
6 it's true because it still -- what we approved
7 yesterday is not a mandate on the school board
8 whatsoever. What we approved yesterday, the
9 first two bullets were encouraging the school
10 boards to use the current Guardian Program as
11 expansively as possible and to its limits that
12 they're not doing now with principals,
13 assistant principals, counselors, janitors,
14 coaches, et cetera. That was the first two
15 bullets. And in order -- that's existing law,
16 and we're just saying use existing law to its
17 most expansive parameters.

18 The third bullet was to remove the
19 disqualification of classroom teachers. But in
20 order for that disqualification to be removed
21 and still take effect, the school board still
22 has to authorize the Guardian Program. So the
23 discretion is still with the school board. So
24 nothing we did yesterday is any type of a
25 mandate on the school board at all. It's

1 seriously urging and significantly encouraging,
2 but there's still no mandate on what we did
3 yesterday.

4 MS. POWERS: Okay.

5 SHERIFF ASHLEY: And if the school doesn't
6 approve it, they still have to have a school
7 resource officer or law enforcement officer in
8 there.

9 SHERIFF GUALTIERI: Correct. Right. And
10 if they don't, then they've got to figure out
11 with the cost and the current void of law
12 enforcement officers how -- they still have an
13 obligation -- regardless of all, they still
14 have an obligation to place a safety school
15 officer, which is one of those options in the
16 schools. So it still leaves discretion with
17 the school board.

18 MS. POWERS: Okay.

19 SHERIFF GUALTIERI: Any other discussion?

20 MS. LARKIN-SKINNER: I just wanted to make
21 an argument in support of this. Basically it's
22 based on Commissioner Carrol's point. This is
23 a community problem and needs to be addressed
24 by the community and the best people to do that
25 are the sheriff and the school board. And so I

1 am wholeheartedly in support of it being the
2 sheriff and the school board working together.
3 I think that is the absolute best scenario.

4 SHERIFF HARPRING: Quick comment. I fully
5 support the school districts, the school boards
6 not having to be constrained by whether the
7 sheriff wants to do the Guardian Program or
8 not. I think I prefer your original proposal.
9 I still just want to articulate some concerns
10 about making recommendations to change statute
11 to require sheriff to train non-employees.

12 I will say this. I believe in most
13 communities that if the school district wanted
14 to do the Guardian Program and had the
15 authority to do it without the approval of the
16 sheriff and they voted to do so, I think the
17 sheriff would be hard-pressed to say, No, I'm
18 not going to train them. I think that would
19 happen as a logical consequence of the school
20 district making that request. I just still
21 articulate a little reservation about requiring
22 the sheriff to conduct the training for
23 non-employees. But I want to be clear that I
24 fully support the removal of the current
25 impediment that requires the sheriff to approve

1 it if the school district so wants it.

2 SHERIFF GUALTIERI: Mr. Petty.

3 MR. PETTY: I would speak in support of
4 Sheriff Judd's motion. I think we've all seen
5 the devastating consequences of the word "may",
6 the use of the word may. And so I don't want
7 to give anyone -- I don't think anyone should
8 have, including the sheriffs in the counties of
9 this state, should have any wiggle room to get
10 around the legislative intent of 7026. So I
11 speak in support of the motion and sheriffs
12 shall establish a Guardian Program.

13 SHERIFF GUALTIERI: Before I call a vote,
14 anybody else want to be heard on this?

15 Senator Book.

16 SENATOR BOOK: I would say again in light
17 of the gravity of where we -- the
18 recommendation we made yesterday in the
19 Guardian Program, any watering down creates a
20 whole host of other issues. And so this is
21 really the only way that I would feel
22 comfortable with what we did yesterday. So I
23 would just urge for everyone's support because
24 these guardians must be trained and trained
25 appropriately and be consistent and

1 standardized into the highest level that it can
2 possibly be.

3 SHERIFF GUALTIERI: Mr. Schachter, go
4 ahead. And then Commissioner Carrol.

5 MR. SCHACHTER: Chair, you referenced how
6 we can strengthen the Guardian Program
7 especially in the training. I would certainly
8 support that and I'd like to entertain the
9 thought about how we can do that especially in
10 light of our positive vote yesterday on that
11 amendment. Even though I voted no, I strongly
12 support that there be a school safety officer
13 in every school to protect the children, and I
14 support this motion.

15 SHERIFF GUALTIERI: Mr. Carrol.

16 SECRETARY CARROL: Obviously I support it,
17 but I do want to remind the Commission too that
18 one of the things we've talked about from the
19 beginning was a lack of standardization and how
20 the decentralization of schools in that whole
21 system where it's not mandated, but it's
22 suggestions needed to change. I've got to tell
23 you the whole reason that I supported that
24 expansion of the Guardian Program yesterday was
25 because of the structure we were doing it under

1 and the standardization. If this is going to
2 rollout 67 different ways in 67 different
3 counties, then I want to go back and visit what
4 we did in the previous day. So I absolutely
5 support what Sheriff Judd is advocating.

6 SHERIFF GUALTIERI: And just for the
7 record for clarity is is make sure that the
8 curriculum and the training doesn't allow for
9 variables because the curriculum's specifically
10 set forth in the current statue. So just so
11 we're clear with that. So nobody's under the
12 misunderstanding that -- you can do more, but
13 the base, the floor is set. There is no
14 ceiling and you can do more. But the base is
15 certainly set by statute. So you have a
16 minimum consistency.

17 Secretary Kapusta, go ahead.

18 SECRETARY KAPUSTA: While I appreciate the
19 differences and the variation of elementary
20 school students, middle school students and
21 high school students, I feel I need to express
22 that when it comes to elementary school
23 students and teachers having -- being armed,
24 even if they are trained through the
25 guardianship Program, those kids in the event

1 that a teacher leaves a gun in eye's view, an
2 elementary student is going to be much more
3 inquisitive. They're going to be much more
4 readily, you now, grabbing the gun, looking at
5 it, pointing it, so on and so forth as if it's
6 a toy versus a middle school student or high
7 school student. So I would just encourage the
8 Commission to consider some extra parameters
9 around those elementary school students to make
10 sure that safety is of utmost important.

11 SHERIFF GUALTIERI: Okay. We're going to
12 call the vote here.

13 Go ahead.

14 MR. SCHACHTER: The Guardian Program,
15 that's former law enforcement, former military,
16 is that a requirement?

17 SHERIFF GUALTIERI: No, it is not a
18 requirement to be a guardian that you be former
19 law enforcement or former military. It is not
20 a requirement.

21 MR. SCHACHTER: I thought Broward County
22 had at least a requirement that they had one
23 year experience.

24 SHERIFF GUALTIERI: That's self-imposed by
25 Broward County. You don't have to have that.

1 Nothing in the law that requires that. We have
2 guardians. We have over 100 of them in
3 Pinellas County. Some do. Some don't. There
4 is no requirement. That's a self-imposed
5 requirement by Broward County, but it is not a
6 requirement in Florida law.

7 SHERIFF ASHLEY: There's currently on the
8 market and additional items on the market by
9 Matrix in weapons that only a teacher, only
10 that individual can fire that weapon. It won't
11 operate without that. So that would be a
12 consideration.

13 SENATOR BOOK: I apologize, Mr. Chair,
14 because I want to make sure that we're really
15 clear and we did cover this yesterday. Those
16 guardians that are in school must keep that
17 weapon on their person. Not leave it on a
18 desk, not leave it anywhere so as to create
19 that situation. I just want to make sure when
20 we're talking about this that we speak about it
21 not to raise concerns because I think that's
22 important, but to be very, very clear as you
23 have always said about the facts of what has
24 happened.

25 SHERIFF GUALTIERI: Correct.

1 SHERIFF ASHLEY: One last thing on that,
2 Sheriff. I know the concern especially with
3 the Teachers Association and the like, the
4 weapon retention, target acquisition, tethering
5 the weapon, to the type of ammo you use, all
6 that can be established in the rules of how
7 that works.

8 SHERIFF GUALTIERI: So for the voting
9 members, we'll do it just by show of hands. We
10 have a motion, we have a second and closed
11 discussion, so we'll take a vote on it. All in
12 favor of the motion signify by raising your
13 hand.

14 Anybody opposed?

15 So that motion carries unanimously and
16 passed.

17 Heather, if you would, Mr. Jones has got
18 to work it through here and he'll send it to
19 you and then include that in the Chapter 5
20 recommendations, if you would, along with what
21 we did yesterday. So Jason will send this to
22 you and then quote it in the Chapter 5
23 recommendations.

24 So we're finished with Chapter 5.

25 Let's go onto Chapter 6, and it deals with

1 the -- very significant chapter -- on the
2 off-campus law enforcement response. The first
3 section of Chapter 6, the text of that begins
4 on page 95 in the proposed report, the draft
5 report, and the first set of findings begin on
6 page 155.

7 So this is a response by the Broward
8 County Sheriff's Office, Coral Springs Police
9 Department and other law enforcement entities
10 where we begin with the recommendations in the
11 spiral notebook that you have which breaks out
12 those recommendations that begin on page 155.
13 We begin on page 71 of that PowerPoint and the
14 6.1 first finding. These are the findings.

15 First one is is that while several
16 deputies had been identified as not properly
17 responding to hearing gunshots, many other
18 duties responded in the proper manner by
19 running to the scene, seeking out the shooter
20 and providing medical aid and evacuating
21 victims.

22 Anybody have any problems with that?

23 No. 2, The sporadic functioning of the
24 Broward Sheriff's Office radios' undoubtedly
25 hindered the BSO response. To an unknown

1 extent the school structure itself also
2 hindered radio functionality.

3 Any problems with that?

4 The third finding is is that, Several
5 uniformed Broward Sheriff Office deputies were
6 either seen on camera or described taking the
7 time to retrieve and put on their ballistic
8 vests sometimes in excess of one minute in
9 response to hearing gunshots.

10 I'm going to read the next one here. It's
11 a continuation on.

12 Deputy sheriffs who took the time to
13 retrieve vests from containers in their
14 cruisers removed certain equipment that they
15 were wearing so that they could put on their
16 vests and then replaced the equipment they had
17 removed all while shots were being fired or had
18 been recently fired is unacceptable and
19 contrary to accepted protocol, which the
20 deputies should have immediately moved towards
21 the gunshots to confront the shooter.

22 I think somebody raised that yesterday in
23 a prior section about addressing that as a
24 recommendation and it's here as a finding.
25 That is addressed here. Does anybody have any

1 comments, thoughts, recommendation, changes on
2 No. 3?

3 Hearing none, we'll move onto No. 4 that
4 says that, Several deputies arrived on Holmberg
5 Road north of Building 12 while shots were
6 being fired. And most of them heard shots.
7 The deputies were identified as Deputies Kratz,
8 Eason, Stambaugh, Perry, Seward and Goolsby.
9 The deputies remained on Holmberg and did not
10 immediately move toward the gunshots to
11 confront the shooter. The deputies' actions
12 appear to be a violation of accepted protocol
13 under which the deputy should have immediately
14 moved toward the gunshots.

15 One of the things that you'll see missing
16 there for those of you that are really paying
17 attention to detail with this will notice that,
18 and we talked a lot about him, Sergeant Miller
19 is missing from there. That's because when we
20 get to the supervisory section, he is addressed
21 in the supervisory section. So that is a
22 finding remember and there will be
23 recommendations that correspond to the
24 findings. But from a finding standpoint,
25 anybody have anything on that one?

1 Okay. So we'll go over to No. 5. Law
2 enforcement officers within the building became
3 confused over which rooms had been cleared and
4 which had not. The BSO SWAT team used a
5 color-coded glow stick method to mark certain
6 rooms, but the inherent shortcoming in that was
7 that the glow sticks could be easily kicked out
8 of place.

9 As we saw in the videos that we watched,
10 there was confusion as they were clearing the
11 rooms as to which -- and that also to some
12 degree delayed the response because there was
13 redundancy. Nobody knew who was doing what and
14 it did pose a problem as far as effectively
15 clearing the building. So from a findings
16 standpoint we propose here that BSO needs a
17 more effective system for its SWAT team to
18 denote cleared rooms than glow sticks.

19 Any issues? Okay.

20 So city officials, school board members,
21 and county commissioners and other politicians
22 were unnecessarily present at the command post
23 in the early stages of the response. Their
24 presence interfered with command and control
25 operations.

1 We heard testimony about that and that
2 they commingled which should have been probably
3 a staging area for officials, non-law
4 enforcement officials in the command post
5 itself. And in all the interviews that were
6 done with the law enforcement command that was
7 there is that they did say that did interfere
8 with operation of the command post, so that's
9 why the finding is there.

10 Anybody have any problems or suggestions
11 about that one?

12 No. 7 is is that, Abundant confusion over
13 the location of the command post and the role
14 of the staging area. This stemmed from the
15 absence of command and control and an
16 ineffective radio system.

17 Anything on that one?

18 A unified command consisting of command
19 staff from the Sheriff's Office, Coral Springs
20 Police Department and Coral Springs Fire took
21 an excessive amount of time to establish.

22 No. 9, While it's not law enforcement's
23 fault, the school's staff lacked adequate
24 ability to operate the camera's playback
25 system. The fact that law enforcement

1 erroneously believed for a considerable amount
2 of time that Cruz was still in the building and
3 was being watched on camera misled officers and
4 deputies and adversely affected their decision
5 making and victim rescue efforts.

6 Anybody got any questions about that? I
7 just draw you to the body camera video that we
8 watched from Sergeant Rossman from BSO when he
9 was sitting there with Medina and for way too
10 long trying to figure out what was going on
11 there.

12 Mr. Petty, go ahead.

13 MR. PETTY: I actually have a comment on
14 8.

15 SHERIFF GUALTIERI: Sure. Go ahead on 8.

16 MR. PETTY: On 8, and Coral Springs Fire
17 may be a separate issue, but BSO had
18 jurisdiction. It was actually the delay in BSO
19 setting up command staff that impacted the
20 response. Coral Springs was just an agency
21 providing aid to BSO, right, or they were
22 responding also? It was really BSO's
23 responsibility to establish incident command.
24 Am I incorrect on that?

25 SHERIFF GUALTIERI: No, you're correct on

1 that. So if you wanted to change that you
2 could change that to "it took the BSO an
3 excessive amount of time to establish a unified
4 command consisting of the Sheriff's office,
5 Coral Springs and Coral Springs Fire." Is that
6 what you're getting at?

7 SHERIFF JUDD: Wait a minute. In the
8 unified command system the first responder for
9 fire is also responsible for setting command,
10 so to -- you know, because the initial response
11 group for Parkland was Parkland Fire, they had
12 a responsibility to set a unified command as
13 well as BSO. So if there's problems there they
14 share that because they should have setup a
15 joint command.

16 MR. PETTY: Okay. That's fair. That's
17 why I said I think Coral Springs Fire may be a
18 separate issue here. But on the law
19 enforcement side it was not -- the way this
20 reads today it was Coral Springs. It should
21 really be BSO should have set that incident
22 command, correct?

23 SHERIFF JUDD: BSO should have set the law
24 enforcement command. Fire should have set fire
25 command.

1 SHERIFF GUALTIERI: No, that's what a
2 unified command is.

3 SHERIFF JUDD: Right.
4 Their job is to join together.

5 SHERIFF GUALTIERI: Pine Island and
6 Holmberg is where you have the Fire Command
7 post and Sawgrass and Pine Island is where you
8 had the law enforcement command post and then
9 you had the TOC, the tactical operations
10 center, which is over in the north parking lot,
11 and everybody was all mixed up because you
12 really had two law enforcement CPs and then you
13 had Fire, and it all should have been in one
14 place under one umbrella with fire, police.

15 SHERIFF JUDD: One place. And that's why
16 they both share the responsibility to set up a
17 unified command.

18 SHERIFF GUALTIERI: Whatever you all want.
19 I don't think it assigns any blame, if you
20 will. It just says, A unified command
21 consisting of took an excessive amount of time.

22 SHERIFF JUDD: And that's accurate.

23 SHERIFF GUALTIERI: So as it reads it just
24 says it took an excessive amount of time. It
25 really doesn't assign it to anybody. Point's

1 well-taken, Sheriff Judd, is that under ICS
2 Fire does have some and Coral Springs as the
3 fire provider. But your point is is that on
4 the law enforcement side and everybody is
5 really looking to BSO for that leadership
6 because it is their primary service area.

7 SHERIFF JUDD: I think it's more accurate
8 like this unless you want to get down in the
9 weeds.

10 SECRETARY CARROL: Can I ask a question?

11 SHERIFF GUALTIERI: Go ahead.

12 SECRETARY CARROL: Later, and you
13 mentioned that Sergeant Miller would appear
14 later under the supervision piece, what about
15 Captain Jordan? Because to me when we say we
16 don't affix blame, clearly Broward County
17 Sheriff and their responding folks, who would
18 be the natural folks to take command or
19 supervision of that site, didn't. Lots of
20 reason why, but didn't. And that confusion
21 just kept seeming to grow as more and more
22 folks showed up. So is that addressed some
23 place else? And if not --

24 SHERIFF GUALTIERI: We're getting to it.

25 6.2 is all the command and control, so we're

1 getting to get into it more deeply. This is
2 really just saying just that there should have
3 been a command and control and it took an
4 inordinate amount of time to set it up. And,
5 you know, this is passive voice and it is
6 purposely worded that way, so that it doesn't
7 assign any blame.

8 Commissioner Dodd.

9 COMMISSIONER DODD: I want to say I do
10 have a little problem with Coral Springs Police
11 Department. When I read this I associate some
12 fault here. Coral Springs Police Department
13 was responding as an assisting agency. And if
14 I recall, they were proposing the questions on
15 where command was and they were doing a lot of
16 things right. So I understand Coral Springs
17 Fire Department has juris -- or they are
18 responding fire agency. Broward is the
19 responding police agency. I think that's where
20 those two responsibilities lie on unifying
21 command.

22 MR. PETTY: I would agree with
23 Commissioner Dodd, so I would be for rewording
24 this. So if it needs to be BSO and Coral
25 Springs Fire then so be it. But the way I read

1 this it sort of equally shares --

2 SHERIFF GUALTIERI: Sure. One of the
3 things you could do is you could take the names
4 out. One of the things you could do is just
5 say that it took an excessive amount of time to
6 establish unified law enforcement and fire
7 command. You could do it that way and it
8 accomplishes the same thing.

9 Go ahead, Sheriff.

10 SHERIFF ASHLEY: I'm sure we get to it in
11 a later area, but when we start assigning blame
12 the last sentence in No. 9, Officers and
13 deputies or -- being watched the camera misled
14 officers and deputies adversely affected their
15 decision making and rescue efforts. Peterson
16 misled responding officers and deputies and
17 adversely affected their decision making and
18 victim rescue efforts by basically staying away
19 500 feet, set up perimeter on the road. I
20 mean, when we start assigning blame or
21 accountability, then I --

22 SHERIFF GUALTIERI: We did that. We did
23 that yesterday that he misled. That's in a
24 finding yesterday in Chapter 5.

25 SHERIFF ASHLEY: I just wanted to point

1 that out as far as when we start assigning
2 accountability.

3 SHERIFF GUALTIERI: So do you all want to
4 change it to read that it took an excessive
5 amount of time to establish a unified law
6 enforcement and fire command?

7 SHERIFF JUDD: I would be better off just
8 take Coral Springs PD out. Just take them out
9 because --

10 COMMISSIONER DODD: I would agree with
11 that.

12 SHERIFF GUALTIERI: If you want to take it
13 the other way is is that you had Coconut Creek
14 there. It should be the FBI. A unified
15 command, as you know, is the leadership of
16 everybody that shows up. And Coral Springs was
17 an intricate part of this. You couldn't have a
18 unified command without Coral Springs being
19 part of that.

20 SHERIFF JUDD: That's correct, but your
21 first two responding agencies, your primary two
22 responding agencies they should have set the
23 unified command for the others to come to.
24 Because Coral Springs kept asking for it,
25 asking for it. BSO didn't do it. And Coral

1 Springs Fire apparently didn't do it either. I
2 don't have the knowledge. I'm okay with taking
3 it all out. But the reality is I like
4 accountability and BSO didn't do it and Coral
5 Springs didn't do it. But either way. It's
6 not --

7 SHERIFF GUALTIERI: What's the will of the
8 group? You want to take them out or you want
9 to --

10 SECRETARY CARROL: Can we defer that? I
11 don't mind taking it out if later we get very
12 specific on who didn't do what because we were
13 specific on what Peterson didn't do yesterday.
14 But with respect to Sergeant Miller and Captain
15 Jordan and others, it needs to be clear that
16 the folks who responded first would be expected
17 to take the leadership in establishing that
18 didn't for various reasons.

19 SHERIFF GUALTIERI: You all want to come
20 back to this one?

21 MR. BARTLETT: Pass it and come back if
22 it's a problem. I'm pretty confident from what
23 I read that Jordan gets dragged around.

24 SHERIFF GUALTIERI: She does. And we're
25 going to get to it in a second. I'll just make

1 a note of it. We'll come back to No. 8 on
2 slide 74. And No. 9 let's move onto that.
3 We'll come back to 8.

4 No. 9, anything in No. 9? Mr. Schachter.

5 MR. SCHACHTER: So we talk about while not
6 law enforcement's fault, the school's staff
7 lacked adequate ability. I would like to
8 strengthen that and say that they didn't have
9 adequate training. I just want to point out
10 that it was fault of Greenleaf and Morford that
11 did not communicate the fact that he had
12 already left the building. That delayed the
13 response to the third floor by over 40 minutes.

14 SHERIFF GUALTIERI: We did that yesterday.
15 That's fair and it's accurate. So do you want
16 to say that the school staff lacked adequate
17 training and the ability to operate?

18 MR. SCHACHTER: Yes.

19 SHERIFF GUALTIERI: That work?

20 MR. SCHACHTER: Yes.

21 SHERIFF GUALTIERI: Anybody have a problem
22 with that?

23 So Heather, would you add that? So it
24 would read what we said.

25 Anybody else have anything else in 9?

1 MR. SCHACHTER: Yes. And then the fact
2 law enforcement erroneously believed there was
3 a considerable amount of time. Can we also
4 point out that it was Greenleaf and Morford did
5 not communicate that fact in that second
6 sentence?

7 SHERIFF GUALTIERI: Well, I don't think
8 that's fair and here's why. I think we have
9 no -- what you saw was you saw Greenleaf and
10 Morford in the camera room communicating with
11 Porter, and Medina was out there and Porter's
12 on the radio. And to say that they didn't
13 properly communicate or Porter didn't properly
14 understand what they were saying is uncertain.
15 There was miscommunication between them. Now,
16 because what Porter kept saying was, when he's
17 asked, Is it live, is it live, is it live, he's
18 telling Sergeant Rossman and telling others
19 it's live because what he's telling them is
20 yes, they're in there watching it live. And
21 they're being asked are you watching it live.
22 They're watching live is a delay. That's where
23 it got all jumbled up.

24 So to say that Greenleaf and Morford are
25 the ones that were at fault for the

1 communication being ineffective, I don't think
2 it's fair just to say it was limited to their
3 fault.

4 MR. SCHACHTER: Did they say that he's
5 coming down the stairwell?

6 SHERIFF GUALTIERI: Yes. Apparently they
7 did, but we don't have those communications to
8 make that finding without having to have
9 listened to it, being able to hear it
10 ourselves. They said that because they were
11 watching the delay, which is what we saw, you
12 all saw when Cruz was coming down the 3rd floor
13 landing.

14 MR. SCHACHTER: But they knew it wasn't
15 live.

16 SHERIFF GUALTIERI: No, they didn't know
17 it at that point. It's unclear whether they
18 knew that. Again, there is miscommunication
19 about it. And there's some communication that
20 they say that they always knew it was in delay
21 and that they were communicating it. And in
22 their interviews they seem to allude to that.

23 MR. SCHACHTER: It wasn't on delay. It
24 was a live feed. They had rewound it to try to
25 find out, so they knew what they were watching.

1 SHERIFF GUALTIERI: Correct. But it's not
2 clear that they didn't communicate that, and
3 that the communication mixup wasn't with Medina
4 and Porter, and that it was only with Greenleaf
5 and Morford. That's not established. That is
6 not established. That's not fair to them.

7 MR. PETTY: If I can, I think the
8 confusion though is why would they communicate
9 that he's coming down the stairwell if they
10 knew they were watching a delayed video, or
11 they were watching -- you know, that they had
12 rewound the video? Why would they say that?

13 SHERIFF GUALTIERI: This is second and
14 third time repeated. So as it's repeated
15 second and third time, we're not privy to those
16 communications. So it could be we saw him. It
17 could be, and I don't know. Let me be clear.
18 It could be that we saw him going down the 3rd
19 floor stairs and somebody then turns around and
20 says they're seeing him come down the 3rd floor
21 stairs. We don't know.

22 MR. SCHACHTER: I thought we were watching
23 body cam video that showed -- had heard him
24 saying that, heard the APs in the camera room
25 saying that live, that we were watching it when

1 they said it.

2 SHERIFF GUALTIERI: Again, and it's the
3 semantics of, if you will, of are you watching
4 -- is what you're watching live, or are you
5 watching live what you're seeing? And there's
6 a difference. And is this really that
7 important to -- we're having this discussion.
8 I'm telling you and I know it that this is not
9 clearly established. And if it's not clearly
10 established, then we shouldn't be beating this
11 up just to assign blame with two names in
12 there. I'm all about assigning the blame where
13 it needs to be. Believe me. And I think we've
14 demonstrated that. But there is not clearly
15 established here enough to insert their names
16 there in my view.

17 MR. SCHACHTER: Okay. And that's fine and
18 I'll end this. But the reason I brought this
19 up is because this is the reason or one of the
20 contributing factors to law enforcement not
21 getting to the third floor to remedy, to
22 administer medical attention to the six kids
23 that died on the 3rd floor. And that's what's
24 upsetting.

25 SHERIFF GUALTIERI: Yes. Well, we've said

1 that previously and you're correct about that,
2 and there's no question about that. And we
3 have made that finding previously.

4 So we'll move onto No. 10.

5 CHIEF LYSTAD: One more thing on No. 9. I
6 don't remember how it actually reads now. On
7 the first part of that, While not law
8 enforcement's fault. I'm not sure that's
9 entirely correct because wasn't Sergeant
10 Rossman aware that it was not live and waited
11 over a minute to transmit that information?

12 SHERIFF GUALTIERI: True. And I don't
13 think it had been put out over the Coral
14 Springs radio. He did wait before he did that,
15 the school staff lacked that --

16 CHIEF LYSTAD: I agree it's not entirely
17 law enforcement's fault.

18 SHERIFF GUALTIERI: I think where that
19 goes to, and maybe it's not clear, I think that
20 goes to it's not law enforcement's fault that
21 the staff lacked the training and ability to
22 operate the camera system. I think that's
23 where that goes to because there is a period
24 there after that, beyond that I think. The not
25 law enforcement's fault goes to -- because it

1 wasn't law enforcement's responsibility to
2 ensure that the school staff was trained and
3 had the capability of operating the camera
4 system. That's my read of that, but I may not
5 be reading it right. As long as it goes to
6 that and we're clear that that's what that goes
7 to, are you okay with that?

8 CHIEF LYSTAD: I'm okay with that.

9 SHERIFF GUALTIERI: All right. No. 10,
10 The Broward County School's decision not to
11 allow law enforcement live and real-time access
12 to the camera systems in Broward County
13 including the system at Stoneman Douglas
14 adversely affected law enforcement efforts to
15 locate Cruz, and it hampered victim rescue
16 efforts.

17 SHERIFF ASHLEY: I just have a question.
18 Did Peterson have access to the camera? Was he
19 trained on it? Did he know how to use it?

20 SHERIFF GUALTIERI: I believe that the
21 statement and the testimony is is that he had
22 some, but not great familiarity. He had some
23 knowledge of it, but he certainly wasn't an
24 expert.

25 SHERIFF ASHLEY: I just keep going back to

1 his -- I mean, he didn't say it was a
2 recording. He didn't get on the radio and say,
3 "this is not live, we're watching a recording."
4 I mean, again, going back to while not law
5 enforcement's fault, I think they have some.

6 SHERIFF GUALTIERI: The only person that
7 came out that had any real significant
8 knowledge and was kind of the person was an AP
9 by the name of Rosario. And that was the only
10 person who came out with any of the statements
11 who was really the person who knew the camera
12 system.

13 MR. SCHACHTER: Sheriff, can you remind me
14 what time, the soonest Broward Sheriff's Office
15 deputy that got on-scene, how many minutes
16 after the shooting was that? Do you remember?

17 SHERIFF GUALTIERI: The first one was
18 Kratz. He came from the west to the east up
19 there besides Peterson. I'd have to look. It
20 was within a couple of minutes.

21 MR. SCHACHTER: The point -- the reason I
22 asked you that is because I don't think No. 10
23 is strong enough. I feel that if -- and I
24 understand what we're trying to say here, but I
25 really would like to emphasize the fact that if

1 Broward County had given access, they would
2 have been able to communicate to Kratz that
3 this was going on, there was a mass murder
4 happening. And I think there is a tremendous
5 amount of blame that should be placed on
6 Broward County's refusal to share live access
7 video.

8 And so I'd like to strengthen No. 10 by at
9 a minimum putting in severely adversely
10 affected law enforcement's efforts to locate
11 and -- and I know we had this discussion before
12 about the fact that even if they would have
13 been able to get there sooner.

14 SHERIFF GUALTIERI: Remember, too, that
15 these are succinct findings at the end of a
16 chapter. Everything you're talking about,
17 you've got about 100 pages here, and it's all
18 in here.

19 MR. SCHACHTER: I understand, but nobody's
20 going -- this is what people are going to look
21 at, and it needs to accurately reflect the
22 severity of their decisions.

23 SHERIFF GUALTIERI: So what do you -- I
24 mean, again, it's findings. You can't add six
25 sentences to this.

1 MR. SCHACHTER: That's fine.

2 SHERIFF GUALTIERI: So what -- including
3 the system which -- it says, adversely. What
4 do you want to change it to, significantly?
5 What word are you looking for?

6 MR. SCHACHTER: Severely.

7 SHERIFF GUALTIERI: So severely and
8 adversely?

9 MR. SCHACHTER: Yes. Just get rid of
10 adversely. Severely affected. You guys can
11 wordsmith it, but I just --

12 SHERIFF GUALTIERI: It's fine because it
13 was severe. I agree with you. So is everybody
14 okay with removing adversely and replacing it
15 with severely?

16 Okay. So Heather, will you do that?

17 MR. SCHACHTER: And what about replacing
18 hampered with -- it didn't hamper it. It
19 delayed it.

20 SHERIFF GUALTIERI: Okay. So replace
21 delayed with hampered. That's accurate.

22 Anything else, Mr. Schachter?

23 Okay. Next one in No. 11. Coral Springs
24 officers consistently praised their training as
25 preparing them for a proper response. And when

they're interviewed, each officer without hesitation knew the active shooter training that they had received annually for the past several years, and the officers had no difficulty in identifying the proper response to an active shooter.

Any issues with that?

No. 12, On the other hand, Broward County Sheriff's Office deputies remembered that they attended training in the past few years. But some could not remember the last time they attended active shooter training. Some BSO deputies could not even recall the type of training they received. Several were specific in referencing their policy that says deputies "may" go toward the shooter.

MR. SCHACHTER: I think it's worth mentioning that some deputies -- I understand we're making general references, but to emphasize the point that some did not remember if they had had it in 20 years.

SHERIFF GUALTIERI: That's captured in there.

MR. SCHACHTER: Okay.

SHERIFF GUALTIERI: That's what he said,

1 but of course it wasn't true. But you're
2 correct. That's what he said.

3 Anybody have anything else, Mr. Schachter,
4 on 12?

5 SHERIFF JUDD: I would like to be
6 stronger, if I could, in the findings that
7 apparently BSO's training at best is
8 inconsistent, and it was evident with their
9 failure to appropriately respond or something
10 like that.

11 SHERIFF ASHLEY: And inconsistent with
12 current best practices.

13 SHERIFF JUDD: Yes, this is just the
14 overarching. I just want --

15 SHERIFF GUALTIERI: You want to add that
16 to this paragraph?

17 SHERIFF JUDD: Yes.

18 SHERIFF GUALTIERI: Can we say that again
19 slowly so Heather can type?

20 SHERIFF JUDD: I don't know if I can
21 remember it again.

22 MS. POWERS: At best inconsistent.

23 SHERIFF JUDD: BSO's training was
24 inconsistent at best and was reflected in their
25 poor response to this active shooter event.

1 SHERIFF GUALTIERI: Everybody concur with
2 that?

3 MR. SCHACHTER: Yes.

4 SHERIFF GUALTIERI: Anybody not concur
5 with that?

6 So Heather, just add that as a last
7 sentence to No. 12.

8 Moving onto 13. A significant number of
9 officers and deputies said that additional
10 training would be beneficial; however, they
11 also said that no amount of training can
12 prepare you for such an event.

13 Anything else on that one?

14 MR. SCHACHTER: No. I have something
15 after we're done with that.

16 SECRETARY SENIOR: I think you could be
17 poorly prepared, you could be better prepared.
18 We might want to say something in there that no
19 amount of training can totally prepare or
20 perfectly prepare you for such an event.

21 SHERIFF GUALTIERI: Okay. That's fair. I
22 think that's accurate, consistent with what
23 they said.

24 MR. SCHACHTER: Sheriff, I feel that kind
25 of absolves some sort of responsibility because

1 we know that muscle memory is extremely
2 important and you have to train, train, train.
3 And we saw a tremendous difference if you train
4 every year versus every three years.

5 SHERIFF GUALTIERI: What's the point? It
6 says -- what Secretary Senior is suggesting, I
7 think it's right is is that no amount of
8 training can totally prepare you for such an
9 event.

10 MR. SCHACHTER: Okay.

11 SHERIFF GUALTIERI: Totally prepare you.
12 I think that's pretty accurate.

13 MR. SCHACHTER: Okay.

14 SHERIFF GUALTIERI: So Heather, you got
15 that?

16 Let's go over to --

17 MR. SCHACHTER: Chair.

18 SHERIFF GUALTIERI: Yes.

19 MR. SCHACHTER: Before we move on, I just
20 wanted to -- I would like to add a finding that
21 due to Marjory Stoneman Douglas's decision to
22 lock the bathrooms that delayed the response as
23 well because we remember that they were having
24 problems. They didn't know if people were in
25 there. Weren't people searching for keys?

1 SHERIFF GUALTIERI: That wasn't a bathroom
2 that they got delayed in. It was a storage
3 closet. The video that you saw where they were
4 trying to, that was a storage closet. That
5 wasn't a bathroom.

6 MR. SCHACHTER: Okay.

7 Did we mention that, the bathrooms being
8 locked, in another section as one of our
9 findings?

10 SHERIFF GUALTIERI: I don't know. I don't
11 recall that we did. What do you think would be
12 the proposed finding on that?

13 MR. SCHACHTER: That the children could
14 have and tried to hide in the bathrooms to
15 escape the murderer. But due to the bathrooms
16 being locked, were not able to escape and died
17 as a result of that. Meadow Pollack and
18 Joaquin Oliver. Joaquin tried to go from one
19 bathroom to the next bathroom and both of them
20 were locked and died because of that and might
21 have been able to be saved if that decision
22 would not have been made.

23 SHERIFF ASHLEY: Maybe bathrooms being
24 locked prevented possible safe haven for
25 victims.

1 SHERIFF GUALTIERI: Yes. I'll make a note
2 of it. Let me see. And I don't recall. But
3 if not, we can try and figure out a place.
4 This is not the chapter for that.

5 MR. SCHACHTER: Okay. Fine.

6 SHERIFF GUALTIERI: But let me see. And
7 that might be in 4 where that could go. It's
8 true. The bathrooms were locked and they tried
9 to get in and that prevented them from getting
10 in. We need to state the facts.

11 MR. SCHACHTER: It needs to be a finding.

12 SHERIFF GUALTIERI: So I made a note of
13 it. We'll see if we -- let me do it at a
14 break, and see if we can figure it out.

15 MR. SCHACHTER: Thank you.

16 All right. Over to 6.2. Now we're going
17 to get into the incident command. So we begin
18 with talking about a finding regarding Sergeant
19 Miller. No. 1 on slide 77, and that begins now
20 because the incident command in the report goes
21 from page 157 to page 185 beginning on slide 77
22 on No. 1 for findings.

23 Sergeant Miller was the first responding
24 supervisor. He arrived at least by 2:27:03.
25 By his own statement he heard three to

1 four shots upon arrival. Miller was not
2 wearing his ballistic vest and took time to put
3 it on. He was on-scene for approximately seven
4 minutes before BSO's radio throttling began;
5 therefore, radio capacity issues did not exist
6 at the time of Miller's arrival.

7 I've put that in there because of Miller's
8 statements. He indicates that he tried to
9 transmit and couldn't. And remember he's
10 making these statements well after the incident
11 and knowing about the issue with radio
12 throttling and radio capacity. And I don't
13 think that Miller's statements to that effect
14 are accurate or hold water. And so I put it in
15 there specifically to show that for the first
16 seven minutes that he was there -- and we know
17 that from others that were transmitting and
18 there weren't enough people on-scene at that
19 point. He was the first supervisor on scene.
20 He came from the Parkland Office, which is a
21 couple miles away. He got there within
22 minutes. There weren't enough people there.
23 Remember throttling is a radio capacity issue.
24 And there wasn't enough radio capacity issues
25 at that point. So there's a whole bunch of

1 reasons you can articulate why his claim that
2 he tried to transmit and couldn't at that
3 juncture are not right. They're erroneous.

4 Miller failed to coordinate or direct
5 deputies' actions and did not direct or
6 coordinate an immediate response into the
7 school. Miller was observed behind his car on
8 Holmberg Road, and he didn't initiate any radio
9 transmission until approximately ten minutes
10 after arriving at the scene. His actions were
11 ineffective and he did not properly supervise
12 the scene.

13 SHERIFF ASHLEY: I would like to be
14 stronger in that. Not that he didn't properly
15 supervise the scene. He wrongfully refused to
16 accept responsibility for that scene. I mean,
17 he didn't do anything.

18 SHERIFF GUALTIERI: Propose some language
19 there, Sheriff.

20 SHERIFF ASHLEY: Where it says, the last
21 sentence, "Sergeant Miller's action were
22 ineffective and he did not properly supervise
23 the scene," but "Sergeant Miller's action were
24 ineffective and he did not or he refused to
25 accept responsibility for the scene."

1 SHERIFF GUALTIERI: So you want to replace
2 that and he refused to accept responsibility
3 for the scene?

4 SHERIFF ASHLEY: Refused acceptance of the
5 supervision of the scene, yes.

6 SHERIFF GUALTIERI: Refused acceptance --

7 MS. LARKIN-SKINNER: I'm sorry.

8 SHERIFF GUALTIERI: Yes, go ahead.

9 MS. LARKIN-SKINNER: It would make more
10 sense to say he did not take responsibility for
11 supervising the scene.

12 SHERIFF GUALTIERI: So did not take
13 responsibility for supervising the scene.
14 That's the proposal.

15 MR. HARPRING: I think maybe we, you know,
16 use the language that he failed if we're
17 qualifying that. I just don't want any
18 inference that he was supposed to take
19 something from somebody else. He was there.
20 He failed to assert his responsibility and
21 obligation as the -- basically, as the incident
22 commander, and he just failed in that
23 responsibility.

24 SHERIFF GUALTIERI: Okay. You've got to
25 be careful. You know, I mean, we're

1 wordsmithing, so I think we -- we've got to
2 make it stronger. So what do you have,
3 Heather?

4 HEATHER: His actions were ineffective as
5 he failed to assume responsibility for --

6 MR. HARPRING: I can live with that.

7 MR. SCHACHTER: I think if you use the
8 word ineffective, that his actions were
9 ineffective that annotates that he tried to do
10 things, but it didn't work. What actions did
11 he take that were not effective?

12 MR. BARTLETT: Just say Sergeant Miller
13 took no action to supervise the scene.

14 SHERIFF GUALTIERI: Yes. You can say
15 that. Like Mr. Bartlett just said, Sergeant
16 Miller took no action and then continue on with
17 what Sheriff Ashley had suggested.

18 MR. PETTY: Would that include the word
19 ineffective? I actually think ineffective is
20 not the right word. It was detrimental. I
21 like that word.

22 SHERIFF JUDD: My colleague here, he was
23 an absolute total failure.

24 SHERIFF GUALTIERI: Okay. So --

25 SHERIFF ASHLEY: We've got some adjectives

1 in there, but I think fail --

2 SHERIFF JUDD: I mean, we all agree we're
3 not happy with his conduct is what I think,
4 but --

5 SHERIFF ASHLEY: I think failure certainly
6 needs to be included. He refused and failed to
7 accept responsibility for the scene.

8 SHERIFF JUDD: I like that.

9 MR. SCHACHTER: I like that.

10 SHERIFF GUALTIERI: Sergeant Miller
11 refused and failed to accept responsibility for
12 the scene.

13 Everybody good with that?

14 So Heather, you got that, Sergeant Miller
15 refused and failed to accept responsibility for
16 the scene.

17 So that will be the last sentence in the
18 recommendation No. 1 under 6.2. So strike
19 what's there and replace it with that.

20 No. 2, Captain Jordan failed to timely
21 establish an incident command and was
22 ineffective in her duties as the initial
23 incident commander. While Captain Jordan
24 experienced radio problems that hindered her
25 ability to transmit, nobody reported receiving

1 command and control directions from Jordan
2 in-person. Jordan spent approximately the
3 first seven minutes after her arrival in
4 Building 12 and then transitioned to a position
5 of cover in north parking lot behind a car with
6 Deputy Perry.

7 Anybody got anything on that one?

8 No. 3, There was confusion over the
9 location of the command post, staging area and
10 TOC. After taking over as the incident
11 commander, Colonel Polan remained at the TOC
12 and was not present at the command post.
13 Colonel Polan's absence at the command post
14 confused others as to who was the incident
15 commander.

16 MR. SCHACHTER: Can we also put in there
17 -- was it Chief Perry that took over the
18 command post or said I'm going to be the IC.

19 SHERIFF GUALTIERI: No because I don't
20 think he did that.

21 MR. SCHACHTER: There was a Coral Springs
22 officer that -- who assumed command.

23 SHERIFF GUALTIERI: Chief Pustizzi was
24 there at that time. Then Deputy Chief Perry
25 was there. A lot of people were there around

1 that command post area.

2 MR. SCHACHTER: Who ended up taking
3 incident command?

4 SHERIFF GUALTIERI: Well, Colonel Polan.
5 He got on the radio and announced he was the
6 incident commander. But the problem was is
7 that people assumed that Captain Jordan was
8 when she wasn't at that juncture because he
9 remained over at the TOC and he didn't come.
10 And that's what that gets to. That's what that
11 gets to. That's what the confusion was.

12 No. 3 gets to confusion by just about
13 everybody as to who the incident commander was
14 because he stayed at the TOC. He didn't come
15 over to the command post. When he arrived, he
16 assumed command and he was the incident
17 commander.

18 MR. SCHACHTER: I'd like to assign some
19 kind of praise to Colonel Polan for doing that.

20 SHERIFF GUALTIERI: For doing what?

21 MR. SCHACHTER: For taking over the
22 incident command due to the fact of Captain
23 Jordan's inability to.

24 SHERIFF GUALTIERI: There's is no
25 evidence. He was the highest ranking command

1 staff in the Broward County Sheriff's Office
2 there, and as soon as he got on scene he just
3 immediately took command and announced it.
4 There is no evidence that he had any
5 information of that or that he did what you're
6 suggesting for the reason that you're
7 suggesting. It doesn't exist.

8 SENATOR BOOK: Thank you so much,
9 Mr. Chair. I think we get to it some in the
10 recommendations, but for a lay civilian reading
11 this, is this, like, the way it was supposed to
12 be, like, not -- I mean, I know that we've gone
13 through this for a long, long time. But if
14 someone is picking up this report and reading
15 it and they don't necessarily know the who,
16 what, where, when, why, does this make complete
17 sense to them?

18 SHERIFF GUALTIERI: Well, no, probably if
19 they just read the findings. If they read the
20 report, then it would by the time they get to
21 the findings.

22 SENATOR BOOK: Okay.

23 SHERIFF GUALTIERI: But we can, and
24 Heather, would you make sure that in there that
25 you, if you will, spell out TOC and make sure

1 it's put in there as Tactical Operations Center
2 and then in parentheses (TOC), et cetera. And
3 we'll make sure that as we go through the
4 editing process with some of these acronyms
5 that we try and clear some of that up. And as
6 far as the command post, that we say command
7 post as opposed to CP, and we'll eliminate some
8 of these acronyms.

9 Point well-taken.

10 SHERIFF ASHLEY: I think for layman's
11 terms the whole command and control issue is
12 they're receiving ineffective and even
13 detrimental instructions and orders on how to
14 deal with this. If it's not established,
15 they're not getting anything.

16 SHERIFF GUALTIERI: So No. 4, now this
17 might be the point where we come back to No. 8
18 in the previous section.

19 The law enforcement command post and fire
20 department command post were separate and they
21 should have been unified.

22 So if we go with No. 4 here with that,
23 perhaps we could just eliminate No. 8 in
24 section 6.1.

25 Thoughts?

1 SHERIFF JUDD: We've got a lot of work to
2 do, and I would agree with that. Since we
3 address it in 4, let's strike 8 and go on.

4 SHERIFF GUALTIERI: Chief Nelson.

5 CHIEF NELSON: Would you maybe add
6 excessive amount to establish just to kind of
7 drive that point home?

8 SHERIFF GUALTIERI: So in No. 4 on page
9 79, The law enforcement command post and fire
10 department command post were separate. They
11 should have been unified and took an excessive
12 amount of time to establish.

13 CHIEF NELSON: Yes.

14 SHERIFF GUALTIERI: Heather, you got this?
15 Everybody good with that?

16 So we'll eliminate No. 8 and merge that
17 with Chief Nelson's recommendation into No. 4
18 on page 79.

19 So we're good with that?

20 So now we're going to go into the
21 training, which is section 6.3. And that
22 begins on page 185 and then the recommendations
23 in the book start on page 188.

24 So the first one is is that, The Broward
25 County Sheriff's Office deputies had some level

1 of knowledge and familiarity their active
2 shooter policy. Several of them referenced
3 that their policy states that they may enter a
4 building or structure to engage an active
5 shooter.

6 Any comments on that one?

7 SHERIFF JUDD: Well, we already know it's
8 horrible.

9 SHERIFF GUALTIERI: What's that?

10 SHERIFF JUDD: Well, we already know the
11 word "may" is horrible there, that it should
12 have been shall. But the finding is accurate.

13 SHERIFF GUALTIERI: Right. They're just
14 saying what they said that they know is
15 accurate.

16 SHERIFF JUDD: Yes.

17 SHERIFF GUALTIERI: Okay. Anybody else on
18 that?

19 Next one. The use of the word "may" in
20 the BSO policy is ambiguous and does not
21 unequivocally convey the expectations the
22 deputies are expected to immediately enter an
23 active assailant scene when gunfire is active
24 and neutralize the threat.

25 SECRETARY SENIOR: I feel like that could

1 be strengthened to be a little more judgmental
2 of may.

3 SHERIFF GUALTIERI: So what do you -- just
4 take it sentence by sentence. The use of the
5 word may in the policy is ambiguous and does
6 not unequivocally convey the expectation that
7 deputies are expected to immediately enter the
8 active assailant scene.

9 I guess it is all one sentence.

10 Where the gunfire is active and neutralize
11 the threat.

12 What are you suggesting?

13 SECRETARY SENIOR: At least before
14 ambiguous having the word inappropriate.

15 SHERIFF GUALTIERI: Use of the word "may"
16 in the BSO policy is inappropriate and
17 ambiguous.

18 SECRETARY SENIOR: Yes.

19 SHERIFF GUALTIERI: Anybody else?

20 SECRETARY SENIOR: I'll certainly defer to
21 the law enforcement officers about whether that
22 should be -- I mean, inappropriate really
23 captures it, but the "may" really caused so
24 many problems here.

25 SHERIFF JUDD: Well, it's not as

1 inappropriate as it is insufficient.

2 You know this is just the findings of what
3 we saw. We're going to make specific
4 recommendations later on.

5 MR. HARPRING: Well, in reality it's just
6 not consistent with training and law
7 enforcement practice.

8 SHERIFF GUALTIERI: Well, to go back to is
9 is that -- and I said it yesterday, so I'll
10 just remind you again -- is is that, and I
11 agree with the comments and the view on it, but
12 they're not alone. There are other agencies in
13 Florida today that have "may" in their policy.
14 So it isn't like that they were the only ones
15 that --

16 SECRETARY SENIOR: Perhaps "does not"
17 could be changed to "fails to."

18 SHERIFF GUALTIERI: Sure. That's
19 accurate. The use of the word "may" in the BSO
20 policy is ambiguous and fails to unequivocally
21 --

22 SECRETARY SENIOR: -- convey the
23 expectations.

24 SHERIFF GUALTIERI: Everybody good with
25 that?

1 So how do we change that? Fails to
2 unequivocally convey the expectation the
3 deputies are expected to immediately enter an
4 active assailant scene where gunfire is active.
5 And it should probably say "and to neutralize
6 the threat," Heather.

7 MR. SCHACHTER: Sheriff, did you also
8 change the word "ambiguous" to what Sheriff
9 Judd said, "not consistent"?

10 SHERIFF GUALTIERI: Not consistent with
11 what?

12 SECRETARY SENIOR: He said insufficient.

13 MR. SCHACHTER: Not ambiguous, but
14 insufficient.

15 SHERIFF JUDD: I think we're good here.

16 SHERIFF GUALTIERI: What do you want;
17 ambiguous or insufficient?

18 SHERIFF JUDD: Well, I like insufficient
19 better than ambiguous, but it doesn't make any
20 difference. We'll be specific with our
21 recommendations.

22 SHERIFF GUALTIERI: You can change it to
23 insufficient. That's fine.

24 Anything else?

25 All right. So let's go over to No. 3.

1 Some deputies could not remember the last
2 time they attended active shooter training.

3 Anything on that one?

4 No. 4, Some deputies could not recall what
5 type.

6 And just to be clear with this, let's just
7 say it this way, Some deputies could not recall
8 what type of active assailant training they
9 received.

10 No. 5, Coral Springs officers had a high
11 level of knowledge and familiarity with their
12 active shooter policy. Many referenced the
13 policy states they "shall" engage the threat.

14 Anything on that one?

15 All Coral Springs officers remember their
16 active shooter training because they attend the
17 training on an annual basis. Many of the
18 officers praise the quality of their training
19 and the equipment which they are provided.

20 Probably should say "the equipment that
21 they are provided."

22 MR. SCHACHTER: Should we mention anything
23 to the effect that Coral Springs provides all
24 this equipment and wasn't it BSO that had to
25 buy their own equipment? Or there were some

1 pieces --

2 SHERIFF GUALTIERI: You're talking about
3 the cameras in the Parkland budget? I think
4 there was some discussion about that in the
5 Parkland budget. Maybe that's what you're
6 talking about. It was a body camera issue. I
7 don't know of anything -- they don't -- I'm not
8 sure.

9 Go ahead.

10 SHERIFF ASHLEY: It may be somewhere in
11 there and I'm just missing it, but I think one
12 finding certainly needs to be the absence of a
13 mandatory wear policy hindered or delayed the
14 response. They took the time. I think that
15 has to be a finding. Because even though a lot
16 of agencies have that, the absence of policy
17 that says if you chose not to wear, it doesn't
18 mean you get to take the time to get prepared
19 for a shooting. You should always be prepared.
20 I think that has to be one of our findings.

21 MR. SCHACHTER: We mentioned that in one
22 of the previous slides about the fact that it
23 took them over a minute to get dressed. Maybe
24 we should add it in that section.

25 SHERIFF GUALTIERI: Well, we already

1 addressed the issue back on slide 72.

2 SHERIFF ASHLEY: Well, I think it's the
3 absence of the policy that we can't say that it
4 didn't hinder or delay the response.

5 SHERIFF GUALTIERI: That's a finding, but
6 it's not a recommendation about whether there
7 should be a policy to the fact that the
8 deputies weren't wearing their vests. So if
9 we're going to do that, where it belongs is
10 back on No. 3 in slide 71 and 72.

11 So will you go back there, Harrall, slide
12 71?

13 So several deputies were seen on camera
14 taking time to retrieve their vests in excess
15 of a minute.

16 And then we go on in slide 72, Deputies
17 took the time to retrieve, et cetera.

18 We said, it's unacceptable and contrary to
19 accepted protocol, under which the deputy
20 should have immediately moved toward the
21 gunshots and confront the shooter.

22 So do you want to add a sentence on there
23 that --

24 SHERIFF ASHLEY: Unnecessarily delayed the
25 response.

1 SHERIFF GUALTIERI: The lack of a
2 mandatory vest wear policy --

3 SHERIFF ASHLEY: Unnecessarily delayed
4 officers' preparedness to respond.

5 MR. PETTY: So at the risk of offending
6 everyone that's wearing a star on their chest
7 today and whether this is rising to the level
8 of finding or not, there is one reason and one
9 reason alone that BSO has the word "may" in
10 their active shooter policy. And we heard
11 testimony from Sheriff Israel himself who said
12 he put the word in there. And whether we as a
13 commission want to act on that as a finding or
14 not, I do want to say on the report
15 unequivocally that the reason "may" is in there
16 is because Sheriff Israel has put that in
17 there. And while I understand that other
18 counties also may have the word "may" in there,
19 when we get to the recommendations section, I
20 think we should make it clear as a commission
21 that not only BSO should revise their policy,
22 but the counties that also include the word
23 "may" in their policies should change that to
24 "shall."

25 SHERIFF GUALTIERI: So hold onto that

1 thought. Let's close out the issue on the
2 vest. Okay.

3 Heather, can you read what Sheriff Ashley
4 suggested as the last sentence in No. 3 on
5 slide 72?

6 HEATHER: Wear policy unnecessarily
7 delayed officers' preparedness to respond.

8 SHERIFF GUALTIERI: Everybody good with
9 that? Anybody not good with that?

10 So add that into that.

11 So now let's go back to Mr. Petty's point.
12 Let's go back to section 6.3. And we say here
13 in No. 2 on slide 80, The use of the word "may"
14 in the BSO policy is ambiguous and does not --
15 no, we changed that. Anyway, that's -- this is
16 where that belongs.

17 So Heather, can you read what we revised
18 No. 2 on slide 80?

19 HEATHER: The use of the word "may" in the
20 BSO policy is insufficient and fails to
21 unequivocally convey expectations at an active
22 assailant scene where gunfire is active and
23 neutralize the threat.

24 SHERIFF GUALTIERI: Just trying to think
25 this through. We're good with that, but do you

1 want to do something else here, or do you want
2 to do it with when we get to the
3 recommendations that no agency should have a
4 policy that has the word "may" in it?

5 COMMISSIONER DODD: I think I'm trying to
6 make two points. One is in the recommendations
7 we have it listed as BSO, and I know we're
8 going to get to that. I think it needs to be
9 all agencies, not just BSO.

10 SHERIFF GUALTIERI: We can do that.

11 COMMISSIONER DODD: But as a statement of
12 finding, I would propose that we add that the
13 BSO policy was modified or changed I believe
14 Sheriff Israel testified to us by him
15 personally and he personally put the word "may"
16 in the policy.

17 MR. BARTLETT: Why don't you just in the
18 beginning put Sheriff Israel's use of the word
19 "may" in the BSO policy and that makes him own
20 it.

21 SHERIFF GUALTIERI: We can do that.

22 SHERIFF JUDD: And let me just respond to
23 Commissioner's concern about offending us.
24 That doesn't offend me at all. That's fact.
25 That's the truth and I support you 100%.

1 Sheriff Israel said that he put the word "may"
2 in there. And I agree with you in the
3 strongest terms. "May" gave them the out not
4 to enter because it pushed the responsibility
5 back to them to make the decision, and they
6 decided to be cowards instead of going in and
7 being heros.

8 SHERIFF GUALTIERI: Do you want to say
9 this is that -- okay. So Sheriff Israel
10 inserted the word "may" in the BSO policy and
11 it is -- and then what's the word that we --
12 and is insufficient. So it would begin Sheriff
13 Israel inserted the word "may" in the BSO
14 policy and it is insufficient and it goes on
15 from there.

16 Is that what you're looking for,
17 Mr. Petty?

18 MR. PETTY: I think so, but we probably
19 should also make the finding that it's
20 inconsistent with law enforcement best
21 practices. Correct?

22 SHERIFF GUALTIERI: I think it is. I
23 think Sheriff Judd thinks it is. Probably
24 Sheriff Ashley does. Others do. But that's
25 a -- you know, when you have a whole bunch of

1 other agencies that have that, you know -- I
2 guess we could. But that is, I guess, that's
3 what we're doing. That's our view, but there
4 may be a disagreement on it. I don't think we
5 can say that unequivocally. Maybe we can. I
6 don't know. It's a tough one.

7 SHERIFF JUDD: I can.

8 MR. PETTY: As a Commission I would say we
9 should. I would like to see us find that it is
10 inconsistent with best practices. We've known
11 this since Columbine. And for a law
12 enforcement agency to reject that I think puts
13 our most vulnerable citizens at risk. And I
14 think as a statement of fact and finding I
15 think this Commission should put forward a
16 position on that.

17 SHERIFF GUALTIERI: Did we say that
18 someplace else in here?

19 SHERIFF ASHLEY: Mr. Chair, while we're
20 looking for that, the Court's just found that
21 Deputy Peterson had an obligation, a duty, so
22 his suit is continuing to go forward.

23 But the other thing is we certainly knew
24 it's a moral and ethical responsibility and
25 duty to go forward and "may" takes that moral

1 and ethical responsibility away. And I'm in
2 100% agreement with you it should be "shall."

3 SHERIFF GUALTIERI: I agree with that,
4 too, obviously.

5 I'm trying to think it through and make
6 sure that we're getting this right. So at the
7 end of that, if you wanted to, you could
8 probably at the end of it add a sentence on the
9 use of the word "may" in the BSO policy.

10 Because this is the Commission's view, the
11 Commission as a whole, the Commission's view of
12 this. And it is an opinion of the Commission,
13 so it is appropriate even if others -- whether
14 they agree or not. So you could put in there
15 that the use of the word "may" in the BSO
16 policy. And you want to be more accurate about
17 it say is a poor practice or say that it's
18 poorly worded. If you want to just get right
19 to it and say that, I think it's -- or you
20 could say it's inconsistent with best
21 practices.

22 MR. PETTY: Yes.

23 MR. SCHACHTER: Yes, I agree.

24 SECRETARY CARROL: Can I weigh in on this
25 real quick?

1 SHERIFF GUALTIERI: Yes, please.

2 SECRETARY CARROL: Listening to Sheriff
3 Israel, his reason he switched it or the reason
4 he gave for it was he said he doesn't want
5 folks going in blindly on a suicide mission.
6 By the way, I agree with him. But I think
7 that's pieces that you pick up in training. By
8 putting the word "may" here, I do think that
9 word is ambiguous because it creates
10 indecision. It should be shall. But his point
11 about you ought to do it smartly and all that
12 type stuff, I just assume that that's built
13 into the training that nobody is asking you to
14 go in on a suicide mission. You need to do it
15 smartly. Assess the situation. Everybody gets
16 that. But the piece that you need to -- that
17 you shall go towards the threat and eliminate
18 the threat, there should be no question about
19 that.

20 But I do think by us putting it out
21 there -- because I think the pushback will come
22 from what he said afterwards, that he doesn't
23 expect folks to go blindly on suicide missions.
24 Well, neither do we. I would expect them to do
25 it smartly and according to their training.

1 And I would expect them to make assessments.
2 In this case Peterson made no assessment. He
3 ran and hid and stood there for the entire
4 incident.

5 SHERIFF GUALTIERI: I guess his view of it
6 was that we're going to put "may" and then in
7 training tell them what the expectation is as
8 opposed to putting shall and then in training
9 letting them know it's not a suicide mission.
10 I think that that's what the problem is. And I
11 think we all agree that it should be shall.

12 SECRETARY CARROL: Right.

13 SHERIFF GUALTIERI: It should be
14 unequivocal and it should be something that is
15 almost mandated. But in training is where you
16 apply the mitigation to it. And so I think our
17 view is is that it was backwards.

18 SHERIFF JUDD: And to support Commissioner
19 Petty, I think we need to say in the strongest
20 terms that it was a poor decision to use the
21 word "may." It should have been and should be
22 "shall." That is a best practice. And I think
23 the overwhelming majority of people in our
24 industry agree with that, and there's certainly
25 nothing wrong with this Commission to, based

1 upon our law enforcement expert testimony
2 before this Commission, to establish that it is
3 a best practice to go in and immediately engage
4 and eliminate the shooter.

5 SECRETARY CARROL: I would argue that it's
6 not a best practice. I would argue that it's a
7 standard practice. Best practice is saying
8 that only some people who are at the forefront
9 of the industry do it. I would argue that this
10 has become standard practice.

11 SHERIFF JUDD: Yes, best practice or
12 mandate.

13 MR. SCHACHTER: And I think it's in our
14 charter to be developing these best practices.

15 SHERIFF GUALTIERI: So let's just figure
16 out what we're going to put there. We're all
17 in agreement that we're going to put something
18 in there that's going to say it shouldn't say
19 "may." So let's get to it and figure out what
20 that is.

21 So we want to say that Sheriff Israel's
22 use of the word "may" in the BSO policy is
23 inconsistent with accepted and best law
24 enforcement practices. Does that work or no?

25 SHERIFF ASHLEY: I like the use of

1 Commissioner Carrol's standard practice.

2 SHERIFF GUALTIERI: Okay.

3 SHERIFF ASHLEY: Because I mean the vast
4 majority of agencies are doing it. There may
5 be some that don't, but vast law enforcement
6 agencies are.

7 SHERIFF GUALTIERI: Okay. So Sheriff
8 Israel's use of the word "may" is --

9 SHERIFF ASHLEY: Contrary to standard
10 practice.

11 SHERIFF GUALTIERI: And the BSO active
12 assailant practice is inconsistent with --

13 SHERIFF ASHLEY: Standard practice,
14 industry standard practice.

15 SHERIFF GUALTIERI: Standard law
16 enforcement practice.

17 Is everybody good with that?

18 SHERIFF ASHLEY: Sheriff, if you wanted to
19 add the word current, because these were all
20 veteran officers.

21 SHERIFF GUALTIERI: Is inconsistent with
22 current and standard law enforcement practice.

23 MR. PETTY: What do you do with the rest
24 of that sentence where it unequivocally conveys
25 the expectation of deputies are expected to

1 immediately enter, et cetera, et cetera?

2 SHERIFF ASHLEY: Contrary to standard
3 practice, that's the part that ineffectively
4 guides them or directs them.

5 SHERIFF GUALTIERI: We've got the
6 sentence. We'll figure out where to put it in
7 there. But we'll insert that sentence in that
8 paragraph.

9 Mr. Petty, are you good with that?

10 MR. PETTY: I am, and I appreciate the
11 dialogue on it. I'll remind the Commission
12 that Chief Perry from Coral Springs also
13 reminded us or testified to us that this
14 inconsistent policy between agencies creates a
15 officer safety issue, so I'm concerned about
16 that, too. All the responding agencies should
17 have the same policy and we should have
18 consistent policy across the state.

19 SHERIFF GUALTIERI: That's a whole other
20 topic.

21 MR. PETTY: That is in fact what he
22 testified.

23 SHERIFF GUALTIERI: Well, you've got 400
24 law enforcement agencies. Each have their own
25 police chief. Each has their own sheriff.

1 Chances of that happening are probably slim.

2 MR. PETTY: Understood, but then we should
3 expect to have future commissions investigating
4 more school shootings and more killings.

5 SHERIFF JUDD: And I think what the Chair
6 is talking about is current practicality when
7 you have diverse law enforcement agencies. But
8 I can clearly go on the record and say if a
9 police chief or sheriff doesn't have an active
10 shooter policy and isn't actively training to
11 engage and stop the threat immediately, they
12 shouldn't be a chief or a sheriff.

13 SHERIFF GUALTIERI: Well, I think we all
14 agree on that, but you can't have one policy
15 that somebody develops that is mandated to
16 every agency. That's not going to work.
17 That's my point. You can't have where you have
18 one policy where somebody sits down and
19 develops and every police chief and every
20 sheriff is going to and you're going to take
21 that and that's the only policy you're going to
22 have. The concept we all agree on, but you're
23 not going to have one policy that is to
24 everybody.

25 SHERIFF ASHLEY: Those standards,

1 accreditation standards, there is some
2 standardization. There is a lot of
3 standardization in law enforcement where we all
4 agree on the best practice and current
5 practices. So I don't want the Commission to
6 get the notion that somehow everybody is doing
7 their own thing. There are some subtle
8 changes. There's subtle ways of doing things
9 differently, but the vast majority of those,
10 and especially when it comes to this, there is
11 a professional standardization that we all
12 accept.

13 SHERIFF GUALTIERI: But along those lines,
14 one of the things that's lacking here that we
15 should probably add without getting into is
16 that, and I told you the other day, which is
17 shocking, that when this recent survey was done
18 that we have law enforcement agencies and
19 large, very large law enforcement agencies in
20 the State of Florida today that responded that
21 they do not have an active assailant policy.
22 So that should probably be one of the
23 recommendations in here if we don't have it in
24 here. And perhaps without telling them how to
25 do it.

1 Maybe that's something that would be
2 appropriate for legislation is is that every
3 law enforcement agency shall have an active
4 assailant policy. Now, you don't get into what
5 it is, but you've got to have one and then you
6 hope it contains the best and most accepted and
7 current practices and what the right thing to
8 do is.

9 SHERIFF JUDD: And I have that note here
10 when you get into the recommendation. And
11 quite frankly, the professionals and the people
12 who have been proactive won't wait on
13 legislation to have to tell us that. But
14 obviously they should have already done it
15 anyway.

16 SHERIFF GUALTIERI: I'm boggled that
17 anyone today doesn't have one.

18 Senator Book, go ahead.

19 SENATOR BOOK: I started to look into some
20 of the active shooter policies throughout the
21 state after this came up. And I could be
22 wrong, but I think West Palm Beach says
23 individual action discouraged or they don't
24 want anybody. So --

25 SHERIFF GUALTIERI: There are some.

1 SENATOR BOOK: -- clearly across the board
2 we need to look at sort of.

3 SHERIFF GUALTIERI: Frankly, yes, you are
4 correct. There are some that are worse than
5 the BSO policy. The BSO policy says "may."
6 And there are some written policies today by
7 some law enforcement agencies in Florida that
8 say you shouldn't go in. These are the
9 existing policies. So that's even worse than
10 Broward's policy.

11 SENATOR BOOK: I don't think we want to
12 get into the weeds of that necessarily here and
13 now, but clearly needs to be. Again, nobody
14 should have to live or die because of a Zip
15 code that they're in or a place that they are
16 in in our state. It should be standardized to
17 the extent possible within parameters that are
18 acceptable by larger governing bodies perhaps.

19 MR. SCHACHTER: What is CALEA's position
20 on this?

21 SHERIFF GUALTIERI: I don't know. I don't
22 know that. And, of course, some of these
23 agencies may not be CALEA accredited. There's
24 no requirement that agencies be accredited.

25 MR. SCHACHTER: In my view the best we can

1 do is let's make a recommendation. Let's make
2 that this is a best practice. And let's
3 encourage these accreditation bodies and large
4 police organizations to recommend that as well
5 down from the organization. I know we've got a
6 lot to get to here.

7 SHERIFF GUALTIERI: I think we're at a
8 stopping place with Chapter 6 as far as the
9 findings are concerned. We'll move onto the
10 recommendations on slide 2.

11 Unless anybody else has got anything with
12 the findings, let's take a break and come back
13 in 15 minutes. I've got 10:37, so let's start
14 again at 10:55.

15 (Whereupon, a recess was taken.)

16 SHERIFF GUALTIERI: All right. We're
17 going to get started again.

18 Before we move into the Chapter 6
19 recommendations, I just ask you to look at
20 slide No. 5, it's under 4.1 under No. 2, to
21 address Mr. Schachter's point about the
22 bathrooms. So this is something we covered
23 yesterday. So it's slide 5 in the spiral book
24 that you have. It's on page 3, slide 5 under
25 No. 2.

1 And so, Mr. Schachter, if you would, I
2 don't have this. I'm going to read it and
3 suggest this is the language and see if this
4 works for you.

5 No. 2 right now says, All of the classroom
6 doors in Building 12 -- this is a finding --
7 All of the classroom doors in Building 12 could
8 only be locked from the exterior. Teachers
9 inconsistently lock classroom doors, and some
10 doors were unlocked the day of the shooting.
11 Teachers were reluctant to enter the halls.

12 And just add onto that because it's
13 talking about locked doors, School
14 administrators' decision --

15 MR. BARTLETT: I think we already added a
16 sentence that said, Failure to maintain locked
17 doors is a security failure. That followed it.

18 SHERIFF GUALTIERI: Yes, we added it. So
19 this is going to be following that then. This is
20 going to get to the bathroom issue.

21 School administrators' decision to lock
22 the second and third floor bathroom doors --

23 MR. SCHACHTER: I'm sorry. Second and
24 third?

25 SHERIFF GUALTIERI: I'm sorry. First and

1 third.

2 School administrators' decision to lock
3 the first and third floor bathroom doors
4 preventing students from entering the bathrooms
5 as a place of safety to avoid being shot.

6 MR. SCHACHTER: And contributed to the
7 death of Joaquin Oliver and Meadow Pollack.

8 SHERIFF GUALTIERI: I don't want to get
9 into -- I don't know. I think that's a little
10 strong.

11 MR. SCHACHTER: That's based on BSO
12 information right from the detectives
13 investigating the shooting, and I think the
14 video shows that.

15 SHERIFF GUALTIERI: Okay. So as far as --
16 so the language would be school administrators'
17 decision to lock the first and third floor
18 bathroom doors prevented students from entering
19 the bathrooms as a place of safety to avoid
20 being shot and contributed to some students
21 being shot.

22 MR. BARTLETT: Or just contributed to loss
23 of life.

24 SHERIFF GUALTIERI: I don't know. What do
25 you all --

1 You want that in there with the specific
2 names?

3 MR. SCHACHTER: I'd like that Porter
4 locked the bathrooms.

5 SHERIFF GUALTIERI: How do you know that
6 Porter locked the bathrooms?

7 MR. SCHACHTER: Isn't that --

8 SHERIFF GUALTIERI: No, it's a school
9 administrator's decision, and we could not
10 establish exactly who made that determination
11 so we can't do that.

12 MR. SCHACHTER: Okay.

13 SHERIFF GUALTIERI: And contributed to
14 Meadow Pollack and Joaquin Oliver being shot.
15 Is that what you want?

16 MR. SCHACHTER: That's factual.

17 SHERIFF GUALTIERI: Everybody good with
18 that? Anybody not good with that?

19 SECRETARY CARROL: I think it prevented
20 them from seeking a safe haven is what I think.
21 If they went in the bathroom, there's no -- I
22 mean, he could have gone into the bathroom.

23 SHERIFF GUALTIERI: Right. I'm not super
24 comfortable with -- we're saying and prevented
25 them from entering a place of safety to avoid

1 being shot. I think that's spot on. It's
2 accurate. It gets it. I think taking it to
3 the next level and saying that that contributed
4 to the deaths --

5 MR. SCHACHTER: Okay. Can we say it
6 prevented those two students, those specific
7 students from seeking shelter in those
8 bathrooms?

9 SHERIFF GUALTIERI: Okay. You could. So
10 school administrators' decision to lock the
11 first and third floor bathroom doors prevented
12 students, including Meadow Pollack and Joaquin
13 Oliver, from entering the bathrooms as a place
14 of safety to avoid being shot.

15 That's accurate. Are you good with that?

16 MR. SCHACHTER: Yes, sir.

17 SHERIFF GUALTIERI: Everybody good with
18 that? Anybody not good with that?

19 Heather, you have that? If not, I got it.
20 Just ask me and I'll give it to you.

21 So we've taken care of that. So let's go
22 now to where we left off. And where we left
23 off is recommendations for 6.

24 MR. SCHACHTER: I'm sorry, Sheriff. On
25 that issue, on the bathroom issue, can we make

1 it a recommendation that it be policy that
2 schools do not lock bathroom doors because that
3 students need to have a place to hide as a safe
4 haven during the next mass murder in a school?

5 SHERIFF GUALTIERI: Probably where that
6 would go is in the corresponding
7 recommendation, which would be page 23, slide
8 74. I made a note of that. Without getting
9 into how to wordsmith right now, we'll include
10 it in the revisions that we're making as a
11 result of this.

12 MR. SCHACHTER: Thank you.

13 SHERIFF JUDD: I'm not good with that.
14 Schools face a lot of problems everyday with
15 bathrooms and to unilaterally say you can never
16 lock the bathroom doors is not good. I mean,
17 we may need to put signs on it. But when you
18 start trying to manage their day-to-day
19 operations, and bathrooms are day-to-day
20 issues, I think we need to tread cautiously on
21 that.

22 SHERIFF GUALTIERI: Okay. So you could
23 say something along the lines of, Schools
24 should be cautious about or give consideration
25 to or something along those lines.

1 COMMISSIONER STEWART: I have a little bit
2 of a concern. I think it's kind of a leap to
3 say that if those bathrooms had been unlocked,
4 they definitely would have been able to go in
5 there and it be a safe haven. We don't know if
6 he would have opened that door had he seen
7 students go in there. I think the bathroom
8 doors should be unlocked as a matter of course,
9 but I worry about --

10 SHERIFF GUALTIERI: This is a tough one.
11 I'm trying to work through this. But there
12 were doors -- so does that mean -- if you
13 follow that line of thinking and there were
14 doors in there that were janitorial facilities,
15 storage rooms, et cetera, does that mean that
16 no school ever anywhere anytime should ever
17 have a locked door because somebody might need
18 to get into it? The thing is that, you know,
19 that leans me a little bit more towards what we
20 just decided on with this, and that is that
21 people would, I think, see the bathrooms as a
22 place that are easily accessible and that they
23 can get to as a safe place because most of the
24 time bathroom doors aren't locked. You know,
25 janitorial closets and those things, if

1 somebody is thinking that, a lot of times they
2 are locked, so it's an expectation there. My
3 personal reason for being okay with this is
4 because it is not the norm that these bathroom
5 doors are locked and people would seek them out
6 as probably what happened here. But we do need
7 to be careful about it. Because the reality is
8 that vaping and other bad behaviors are
9 occurring in the bathrooms and the schools are
10 challenged with how to handle that.

11 MR. SCHACHTER: The reason this is
12 important to mention is because in an active
13 assailant assault one of the ways to hide is to
14 go into the bathroom and get on top of the
15 toilet and try to be as quiet as possible and
16 try to conceal so the shooter doesn't know
17 you're in there. And that needs to be a place
18 that's available and accessible.

19 SHERIFF GUALTIERI: Well, we've got it in
20 the finding. Maybe we should just leave it out
21 of recommendations. You know, it's in the
22 finding. This is a tough one. It's a tough
23 one to word and we can spend a lot of time
24 discussing it. But probably having a
25 recommendation -- again, it's all

1 recommendation. But if we want people to
2 listen to what we're saying and we want to
3 carry credibility, you do have to be careful
4 that we're being operationally realistic in all
5 of this. But to say to the districts that you
6 should have a policy that you can never lock
7 bathroom doors, that might be a little bit too
8 far.

9 SENATOR BOOK: Thank you, Mr. Chair. I
10 think that you're correct when you look at the
11 totality of things that happen on a daily
12 basis. You know, I remember, I think it was in
13 our district perhaps, a bathroom in a further
14 away space and there was sexual assaults and
15 assaults happening in restrooms, and so they
16 had to close those things off. And that is not
17 uncommon. And so I think that we just need to
18 be cautious.

19 SHERIFF GUALTIERI: So whatever the will
20 of the group is. My suggestion would be one of
21 the two. Either we leave it out of the
22 recommendations, or the recommendations say
23 something to the effect is is that Districts
24 should give great consideration as to whether
25 they should lock bathroom doors, or something

1 along those lines. It brings it to a point
2 where they have to consider it, but that we not
3 tell them that that is a recommendation of this
4 Commission.

5 MR. SCHACHTER: I would be in favor of
6 plan B.

7 SHERIFF GUALTIERI: The district should
8 give consideration as to whether the doors
9 should be locked.

10 Everybody good with that?

11 That just brings it to their attention and
12 let's them decide.

13 So Heather, would you make a note of that?
14 And it probably goes, like I said, on slide 74,
15 page 23 in the book.

16 Let's go over to recommendations for
17 Chapter 6. The first one is on slide 83, that
18 is, The Broward County Sheriff should conduct
19 an internal review the conduct of Deputies
20 Kratz, Eason, Stambaugh, Perry, Seward, Goolsby
21 and Sergeant Miller. If there's cause to
22 believe their actions violated agency policy,
23 the Sheriff should conduct a formal internal
24 affairs investigation and take action he deems
25 appropriate.

1 COMMISSIONER SWEARINGEN: I assume Captain
2 Jordan was left off of this because of her
3 retirement or resignation.

4 SHERIFF GUALTIERI: Correct. She's no
5 longer employed by the Broward Sheriff's
6 Office. He has no ability to discipline.

7 SHERIFF JUDD: Should -- I'm sorry.

8 SHERIFF GUALTIERI: Go ahead Sheriff.

9 SHERIFF JUDD: Should our recommendation
10 be the Broward County Sheriff's Office complete
11 a detailed and thorough after action report and
12 address every issue that they find as well as
13 what's in here and then hold people
14 accountable. Rather than target these people
15 at this time we need to recommend that their
16 after action report is global.

17 SHERIFF GUALTIERI: I don't know. I think
18 if you want to recommend that they conduct an
19 after action review or an after action report,
20 make that recommendation. But I think what
21 information we've already given them and
22 probably to some degree the Police Officer Bill
23 of Rights 180 day rule as probably already
24 begun to tick, at least arguably has, and I
25 don't think there's time for them to do all of

1 that. We've already presented the information
2 to Sheriff Israel. He already put at least two
3 deputies on restrictive duty, which is in
4 essence a form of suspension. So I don't think
5 they've got time to do all that. I think
6 they've got to get going with this internal
7 affairs investigation.

8 We could include something in there about
9 an after action and look at everything, but
10 these are the ones that stuck out that clearly
11 identified these. I think they need to get
12 going on that.

13 SHERIFF JUDD: What if we say -- well,
14 instead of in addition we just put in another
15 sentence? An after action report must be
16 completed and all of the weaknesses addressed
17 or something.

18 SHERIFF GUALTIERI: And I think and I
19 would hope that they would use this report
20 certainly as a resource of evaluation of what
21 happened and that -- you want to put another
22 sentence or another bullet as a recommendation
23 that the Broward County Sheriff's office should
24 conduct a complete and thorough after action
25 review regarding all aspects of their

1 operations and personnel; something like that?

2 SHERIFF JUDD: Comprehensive action.

3 SHERIFF GUALTIERI: As a separate bullet?

4 SHERIFF JUDD: Yes.

5 SHERIFF GUALTIERI: And then we can begin
6 with that and then go down to these.

7 Anybody not okay with that? I think that
8 would work.

9 SHERIFF ASHLEY: Are you doing the entire
10 agency or just the response to the active
11 assailant?

12 SHERIFF GUALTIERI: Just to this incident.

13 SHERIFF ASHLEY: Okay. I'm good with
14 that.

15 SHERIFF GUALTIERI: Just make a note of
16 that and then we'll tweak the language on it,
17 please.

18 As far as the bullet that's here about the
19 recommendation that they conduct an internal
20 affairs investigation, on that language does
21 anybody have any problem with that language?

22 Okay. The next one is Broward County
23 public schools should immediately provide law
24 enforcement with live and real-time access to
25 all school camera systems.

1 MR. SCHACHTER: So currently the MOU is
2 specifically around code reds. What is the
3 opinion of the Commission; do they think that
4 it should be strictly restricted to just that?

5 SHERIFF GUALTIERI: Are you talking about
6 the one that they come to an agreement on the
7 last day or two; is that what you're talking
8 about?

9 MR. SCHACHTER: To my knowledge there
10 hasn't been an exact agreement, but I'm just
11 saying in general --

12 SHERIFF GUALTIERI: I believe there has
13 been. I haven't had time to review it. They
14 sent it to me. I believe I've got it in this
15 plethora of emails that I got sitting here that
16 I haven't read. But I think they have come to
17 something very recently on this, like in the
18 last day, and that it's -- so I would suggest
19 that that should not effect what we have here
20 because it's not implemented yet. But I know
21 they are either very close to or have come to
22 an agreement with law enforcement on doing
23 this.

24 MR. SCHACHTER: On very strict
25 circumstances.

1 SHERIFF GUALTIERI: I don't know that. I
2 don't know.

3 MR. SCHACHTER: The interview that I've
4 seen and the feeling that I -- you know, their
5 attorney has been very protective in not
6 letting law enforcement look. And so I'm just
7 asking if we should put another sentence in
8 here that says it should not just be restricted
9 to --

10 SHERIFF GUALTIERI: Mr. Schachter, we're
11 wordsmithing. It's a blanket thing. The
12 Broward County public schools should
13 immediately provide law enforcement with live
14 and real-time access to all school camera
15 systems. It doesn't restrict it to anything.
16 It just says that this is what they should do.
17 I think it covers it.

18 Go ahead.

19 SHERIFF ASHLEY: Could the Commission --
20 this is a recommendation. Could the Commission
21 also put the Broward County public schools and
22 all Florida public schools.

23 SHERIFF GUALTIERI: Sure. I think that's
24 a good point. Sure. I think that all Florida
25 public schools including the Broward County

1 public schools should immediately provide law
2 enforcement with.

3 That work?

4 SENATOR BOOK: Would that also include
5 charters?

6 SHERIFF GUALTIERI: Yes, we can be
7 specific with that. So all Florida public
8 schools and public charter schools, and
9 specifically the Broward County schools, should
10 immediately provide law enforcement with live
11 and real-time access to all school camera
12 systems.

13 Work?

14 COMMISSIONER STEWART: Can I make one
15 friendly little change?

16 SHERIFF GUALTIERI: Sure.

17 COMMISSIONER STEWART: That it say, all
18 public schools including charter. Small
19 nuance, but --

20 SHERIFF GUALTIERI: No, we appreciate
21 that. That's why you're here because it's
22 important so that we get this right and the
23 right terminology, the nomenclature.

24 COMMISSIONER STEWART: It implies that
25 there are private charters and there are not

1 private charters. All charters are public.

2 SHERIFF GUALTIERI: So we want to say all
3 Florida public schools including charter
4 schools and then we go on from there.

5 Heather, do you need further
6 clarification?

7 All Florida public schools including
8 charter schools, and specifically the Broward
9 County public schools, should immediately
10 provide law enforcement with.

11 Commissioner Dodd.

12 COMMISSIONER DODD: Yes. I would like to
13 add to that protocols and training be
14 established for law enforcement agencies to
15 access those live videos. I mean, you know,
16 there's got to be a coordinated effort. If
17 access is being given, then there has to be a
18 second of that is it has to be utilized. It
19 has to be available and there has to be a
20 process to know how to get to that information.
21 And with technology the way it is now with
22 access in vehicles, could it be accessed at the
23 command post. We should encourage --

24 SHERIFF ASHLEY: You're talking about
25 remote access?

1 COMMISSIONER DODD: Yes. And I don't know
2 if we want to go that far, but there should be
3 protocols and training for the law enforcement
4 agencies to access that information.

5 SHERIFF GUALTIERI: So something like
6 this, The school district should provide law
7 enforcement with adequate training to operate
8 the camera systems. We'll add that.

9 SHERIFF ASHLEY: I'm sorry. We're talking
10 about operation or access to.

11 SHERIFF GUALTIERI: Well, both. Because
12 if you access it, you've got to be able to
13 operate it. We can put it in there, with
14 training on how to access and operate the
15 system. We'll do that on there.

16 The school district should provide law
17 enforcement with training on how to access and
18 operate the camera systems.

19 The next one is all Broward County law
20 enforcement, fire, EMS agencies should enter
21 protocols for unified command at all MCI, which
22 is mass casualty incidents and we'll spell that
23 out, or similar incidents.

24 Every Florida County should be required to
25 have a major incident unified command

1 interlocal agreement that establishes the
2 protocols for unified command structure.

3 That's one of the things -- Senator,
4 that's one of the things that, you know, we
5 think would be -- could ensure -- that would be
6 something I would think would be good for
7 legislative package because it's requiring an
8 interlocal agreement, making sure that
9 everybody does it and then they're going to
10 have to come together and establish one of
11 those.

12 The next one, slide 84, The incident
13 commander should be present at the command post
14 and not at the tactical operations center to
15 avoid confusion as to who is in charge and
16 effectively participate in a unified command.

17 SHERIFF JUDD: If we start giving that
18 direction we're going to start messing with
19 that ICS stuff, which automatically says how
20 that should be done. If we want to address
21 that, we just say the ICS system shall be
22 followed and because that lays out everything
23 they're supposed to do. And it also takes care
24 of more than just that incident commander.

25 SHERIFF GUALTIERI: So you want to take it

1 out or you want to --

2 I mean, it's a given; isn't it?

3 SHERIFF JUDD: Yes, it is.

4 SHERIFF GUALTIERI: So you want to address
5 it at all, or you could say the incident
6 commander should be present at the command
7 post, or you want to just take it out?

8 SHERIFF JUDD: I would take it out. It'd
9 be easier.

10 SHERIFF ASHLEY: I think a replacement
11 would just be that the incident commander
12 should follow ICS standard protocols. I mean,
13 because it's already in our training on where
14 you should be.

15 SHERIFF GUALTIERI: You can say that if
16 you want. The incident commander should
17 follow, establish ICS protocols; do that?

18 SHERIFF JUDD: That's good.

19 SHERIFF GUALTIERI: So, Heather, just
20 change it to that. So we're good on that.

21 SHERIFF ASHLEY: If you want to add to
22 that sentence to avoid confusion --

23 SHERIFF GUALTIERI: We'll just keep it
24 simple.

25 MS. POWERS: Are we going to say should or

1 shall?

2 SHERIFF GUALTIERI: Shall.

3 A staging area outside the command post
4 should be standard protocol for meeting
5 arriving elected officials.

6 SHERIFF JUDD: That's also covered by ICS,
7 I believe.

8 SHERIFF GUALTIERI: But I don't think it's
9 inconsistent with -- we make a finding on it.
10 Do we want to address it? So is it -- I don't
11 know off the top of my head. Is that statement
12 inconsistent with ICS?

13 SHERIFF ASHLEY: It's consistent with it,
14 but it doesn't hurt to keep it. It is a
15 finding.

16 SHERIFF GUALTIERI: As long as it's not
17 inconsistent I would suggest we leave it in
18 because I think it's something that needs to be
19 highlighted.

20 SHERIFF JUDD: I'd changed it to shall
21 then.

22 SHERIFF GUALTIERI: A staging area outside
23 the command post shall be standard protocol for
24 meeting arriving elected officials.

25 Here we go. This is --

1 BSO should revise its active assailant
2 policy to make unequivocally clear that
3 deputies are expected to immediately seek out
4 an active assailant and that containment is not
5 the policy of BSO.

6 So what do you want to do with that?

7 SHERIFF ASHLEY: Mr. Chair, if I could
8 just correct my last statement. The ICS is all
9 non-law enforcement and media personnel. It
10 doesn't specifically say elected officials, but
11 all non-law enforcement --

12 SHERIFF GUALTIERI: But they fall within
13 that.

14 SHERIFF ASHLEY: Yes.

15 SHERIFF GUALTIERI: This next one about
16 BSO active assailant policy make unequivocally
17 clear. What's your will on that?

18 Go ahead, Senator Book.

19 SENATOR BOOK: I do think that we should
20 not exclude the entirety of the state in this
21 one. While I don't want to dictate what that
22 should be right now or maybe there are experts
23 that have other suggestions, I think that,
24 again, we have some that say do not go in at
25 all. We have some that say may go in. We have

1 some that say you have to go in. So I want to
2 make sure that we address the totality of the
3 state. Because I'm sure that there are people
4 within our legislature that have no idea that
5 that is what it is true.

6 SHERIFF GUALTIERI: So you don't want to
7 just limit this recommendation to BSO; you want
8 to make it broader?

9 SHERIFF JUDD: Actually, add just another
10 bullet. That we say, All law enforcement
11 agencies must have a proactive response policy
12 to active shooter situations to immediately
13 respond to the active shooter or something. So
14 we address BSO specifically because they're
15 laced all in here. And then you have another
16 bullet or another sentence that says, All other
17 law enforcement agencies must have a proactive
18 active shooter response policy, which includes
19 immediately responding to and stopping the
20 threat.

21 SHERIFF GUALTIERI: Heather, you got it?

22 So I suggest we do that as a separate
23 bullet. So with that as a separate bullet, is
24 there anybody who wants to tweak that at all or
25 has any disagreement with that?

1 Okay. So we'll add that, Sheriff Judd, as
2 a separate bullet there.

3 And we can move onto slide 85 unless
4 anybody has anything else there.

5 BSO should enhance its active assailant
6 training with the number of deputies who can
7 not recall the training or recall the last time
8 they attended training. It does not seem to be
9 resinating with deputies, especially those who
10 responded to Stoneman Douglas.

11 MR. SCHACHTER: Sheriff.

12 SHERIFF GUALTIERI: Yes.

13 MR. SCHACHTER: Coral Springs trains once
14 a year. I said this earlier. I think it
15 should be every year.

16 SHERIFF ASHLEY: Or you could just say
17 frequency, increase the frequency rather
18 than --

19 SHERIFF GUALTIERI: You can't say that.
20 Agencies that size -- we talked about this --
21 is that they're too big. With all the other
22 training that they have to do -- you know, I
23 can tell you that we don't train our people
24 every year. We're trying to, but we don't.
25 We're too big. And there's too much other

1 mandated training. Smaller agencies can do
2 that. Coral Springs can do it because they're
3 smaller. Big agencies would have a hard time
4 doing that. So say BSO should enhance and
5 increase the frequency of its active assailant
6 training. That would work. To recommend they
7 be mandated every year I think is too far.

8 So BSO should enhance and increase the
9 frequency of its active assailant training, and
10 then the rest of that.

11 Is everybody okay with that?

12 MR. SCHACHTER: What about saying at least
13 every two years, or you just want to make it no
14 specific time period.

15 CHIEF LYSTAD: From the sheriffs'
16 prospective I'm not sure I understand what
17 Commissioner Schachter is trying to accomplish.
18 Would it be feasible -- I understand with the
19 manpower, the numbers, would it be feasible for
20 all SROs to go through active shooter training
21 every year?

22 SHERIFF GUALTIERI: We did that. We
23 already did that. And I absolutely agree with
24 that.

25 MR. SCHACHTER: That's every year, right?

1 SHERIFF GUALTIERI: Yes. We did that
2 yesterday.

3 CJSTC and individual law enforcement
4 agencies are encouraged to require single
5 officer response to active assailant training.

6 Anything with that one? Go ahead,
7 Sheriff.

8 SHERIFF ASHLEY: I think encouraged
9 certainly leaves it up to debate. I would say
10 should.

11 SHERIFF GUALTIERI: Okay. So CJSTC and
12 individual law enforcement agencies should
13 require single officer response to active
14 assailant training.

15 Anybody not in agreement with that?

16 All right. So we'll change that to
17 should.

18 All right. So we'll move onto Chapter 7.
19 First one is on page 197 of the proposed
20 report, the first set of findings.

21 The first one is that, There is no
22 evidence that any victims in Stoneman Douglas
23 did not receive appropriate medical care.

24 Second one, There's no evidence that law
25 enforcement commanders' decision to not

1 authorize rescue task forces affected anyone
2 from receiving appropriate and timely medical
3 care. Rescue task forces are only appropriate
4 to operate in the warm zone and not the hot
5 zone. Building 12 was a hot zone.

6 That needs to come out. That's a typo.

7 The decision not to use rescue task forces
8 at Stoneman Douglas was the correct decision.

9 Anybody got anything with that?

10 No. 3, there is no evidence that any
11 medical personnel, doctors, et cetera, who
12 arrived at the scene were inappropriately
13 denied access to Building 12 to provide medical
14 care or that victims were not timely and
15 appropriately removed so they could receive
16 medical care.

17 Anybody have anything on that one?

18 SECRETARY SENIOR: And it certainly wasn't
19 the fault of the medical personnel, but there
20 were definitely some delays that occurred
21 because of camera confusion. So timeliness
22 could be a question at least, although, not the
23 fault of the paramedics or any of the --

24 SHERIFF GUALTIERI: Well, what we could do
25 with that one, if you wanted -- I hear you and

1 your point's well-taken on that -- there is no
2 evidence that any medical personnel who arrived
3 at the scene were inappropriately denied access
4 to Building 12 to provide medical care. And
5 then we can take out the rest of that. We've
6 probably already covered the rest of that in
7 other places, so we can take that out and that
8 does clean it up.

9 MR. SCHACHTER: Including the delay is
10 covered elsewhere.

11 SHERIFF GUALTIERI: Yes, it's covered
12 elsewhere. Because there is the issue, and Mr.
13 Schachter brought it up a few times and it's
14 correct, there was a delay. But it was for
15 other reasons. It wasn't because of the
16 medical treatment. It was because of the delay
17 in the law enforcement response which was
18 caused by the camera system, et cetera. So if
19 you put a period after medical care and we just
20 take out "or that victims were timely and
21 appropriately" then that makes it more
22 accurate.

23 Is anybody not in agreement with that?

24 Moving onto No. 4 then.

25 The tactical medics followed the standard

1 procedures of a mass casualty incident to
2 identify, assess and tag the patients within
3 Building 12.

4 Any issues?

5 No. 5, the first responding law
6 enforcement officers acted appropriately and
7 consistent with their training when they first
8 removed victims who were verbal and/or
9 conscious during the initial 7 to 14 minutes.

10 COMMISSIONER SWEARINGEN: We're talking
11 about the first people to enter Building 12?

12 SHERIFF GUALTIERI: Correct.

13 COMMISSIONER SWEARINGEN: Because the
14 first responding, I don't want to get that
15 confused with -- we know that there were a lot
16 of issues with the first --

17 SHERIFF GUALTIERI: Right. We're talking
18 about the two teams that went in through the --
19 the first ones that went into the west entrance
20 and then east entrance, they started removing
21 people immediately. That's what we're talking
22 about there.

23 SHERIFF ASHLEY: I think we just add
24 "first responding law enforcement officers who
25 entered Building 12."

1 SHERIFF GUALTIERI: Sure. So the first
2 responding law enforcement officers who entered
3 Building 12 acted appropriately and consistent,
4 et cetera.

5 Anybody not okay with that?

6 COMMISSIONER SWEARINGEN: Who were
7 responding?

8 SHERIFF GUALTIERI: Okay. So just the
9 first law enforcement officers who entered
10 Building 12.

11 COMMISSIONER SWEARINGEN: Yes.

12 SHERIFF GUALTIERI: Okay. So we'll take
13 that out. I think that cleans it up.

14 Anybody else?

15 Over on 7. I'm sorry. Slide 89, No. 6,
16 The lack of a clearly identified command post
17 and BSO command personnel being split between
18 the command post and the tactical operations
19 center impeded communication with Fire
20 Department command staff.

21 Anything on that one?

22 It's true.

23 No. 7, radio communication problems
24 including the lack of interoperability and
25 throttling affected the tactical operations

1 inside of Building 12 including the medical
2 response.

3 SHERIFF ASHLEY: If we could be stronger,
4 that severely affected.

5 SENATOR BOOK: And almost caused
6 blue-on-blue, like, because that was like a big
7 concern, put officers' lives at risk.

8 SHERIFF ASHLEY: It's a true statement.
9 It is. But if there was some way to point out
10 that that was a serious -- one of the most
11 serious failures of that day.

12 SHERIFF GUALTIERI: Hang on a second
13 because we're focused here on medical response.
14 The next section we're going to get to where
15 there is a lot about that and probably the
16 place to be for that is in Chapter 8 when we're
17 talking about the radio systems. So this isn't
18 intended to accentuate that issue, and we'll
19 deal with that. So as it relates to the
20 medical is what this is.

21 So radio problems including
22 interoperability and throttling affected
23 tactical operations inside of Building 12
24 including the medical response.

25 And I guess the point when we were putting

1 that together is is that the impact and the
2 effect on the tactical operations impacted and
3 affected the medical response. That's really
4 where we were going with that. If you all
5 don't think it's clear, we can adjust it. But
6 that's really focusing on the medical response.

7 SHERIFF ASHLEY: We're going to get to it?

8 SHERIFF GUALTIERI: We're going to get to
9 it next.

10 So the next one then, the Fort Lauderdale
11 PD medics who self-deployed into Building 12
12 without dispatch or briefing should not have
13 entered the building without approval. The
14 officer at the door did not direct the medics
15 to a BSO medic or brief them on conditions.
16 The officer at the door should not have allowed
17 these medics into Building 12 without
18 authorization.

19 That continues on in slide 90. It's the
20 same one.

21 The self-deployed medics conducted their
22 assessments not seeing or ignoring black tags
23 on the victims identifying them as deceased.
24 The medics entered Building 12, conducted their
25 patient assessments well over one hour after

1 the first emergency personnel entered Building
2 12.

3 SHERIFF ASHLEY: I would just add the
4 officer at the door should not have allowed
5 these medics into the building without
6 authorization or notification to the rest of
7 the team. Even if they were necessary, you
8 need to notify folks that are there.

9 SHERIFF GUALTIERI: Without authorization
10 or notification to -- who did you want,
11 Sheriff?

12 SHERIFF ASHLEY: On-scene personnel. The
13 on-scene personnel didn't know there was
14 another team in there.

15 SHERIFF GUALTIERI: Or personnel already
16 in the building.

17 SHERIFF ASHLEY: That's perfect.

18 SHERIFF GUALTIERI: Okay. Or notification
19 to personnel already in the building. And then
20 it would go on from there.

21 Does anybody have anything else in that
22 one?

23 The medics claim that feeling a pulse was
24 medically incorrect. The removal of this
25 patient was unnecessary and created a false

1 perception that medical care was not provided
2 in a timely manner.

3 Yes.

4 MR. SCHACHTER: If we're going to put
5 Montalto, I just would like her first name in
6 there as well.

7 SHERIFF GUALTIERI: Sure. We can do that.

8 Anybody else?

9 So we're under recommendations, slide 92,
10 in medical.

11 Law enforcement and fire department in
12 each county should have established agreements
13 governing self-deployment and establishing
14 response protocols to avoid inappropriate
15 deployments. Self-deployment is going to occur
16 due to any significant event and it must be
17 managed.

18 Anyone have any thoughts on that one?

19 Law enforcement agencies are encouraged to
20 formalize rescue task force protocols with fire
21 EMS agencies and to train with them on a
22 regular basis.

23 The next one, fire EMS providers must be
24 part of a unified command at any mass casualty
25 incident or other significant event, and fire

1 EMS should not have a separate command post
2 from law enforcement.

3 Good with that?

4 All right. Now, we're into Chapter 8.

5 SECRETARY CARROL: This is related to what
6 Commissioner Schachter said. There are
7 multiple places within the body of our report,
8 not the recommendations, that we do mention the
9 names of victims. And I too would like to --
10 every time you mention the name of a victim, I
11 would like to see their first and last name. I
12 think it's respectful to them, and I think that
13 should be the case anytime we mention a victim
14 in our report.

15 MR. SCHACHTER: Just to let the other
16 commissioners know, in the front of the report
17 we're going to put pictures and a little
18 paragraph of all the victims. All the families
19 have submitted that. So I want to thank all
20 the commissioners and the FDLE. I think that's
21 very nice.

22 SHERIFF GUALTIERI: We're going to do
23 that. And I can tell you we rustled and
24 struggled about using any victims names at all.
25 But what we found as we were drafting this is

1 that if we didn't use victims' names, it just
2 became gibberish and mush and you couldn't
3 figure out what you were talking about. We
4 tried actually not to do that out of respect,
5 but it became impossible because you're talking
6 about he went there and he did this and he and
7 that and she, and it just doesn't make any
8 sense. And you couldn't figure it out. And
9 follow it. So that's why we did it.

10 But we'll make sure, Commissioner Carrol,
11 that we implement your recommendation in there.

12 So we'll go over to Chapter 8, and we're
13 going to begin on page 207.

14 And so that begins with, The 911 system on
15 February 14th and the current 911 system in
16 Parkland, the Parkland 911 calls from cellular
17 phones routed to Coral Springs hinders a swift
18 and effective police response by BSO. All
19 Parkland 911 callers from cell phones who need
20 police assistance have to explain their
21 emergency to Coral Springs, who then tells the
22 person to standby while Coral Springs calls
23 Broward County Regional Communications. The
24 Coral Springs dispatcher tells the BSO
25 dispatcher that they have a caller on the line

1 with a police emergency, and the 911 caller
2 repeats the reason for needing the police call
3 over again to the BSO dispatcher.

4 Anybody have anything on that one? It's a
5 lot, but that's what the system is.

6 MR. SCHACHTER: Can we talk about the
7 amount of time it takes for all that to happen?
8 Do you think that would be an important point
9 to emphasize?

10 SHERIFF GUALTIERI: Well, let's read the
11 rest of it. Go on over to slide 95.

12 In many instances the original 911 caller
13 hangs up before being transferred to BSO by
14 Coral Springs, and this hinders the BSO
15 dispatcher because they're unable to speak
16 directly to the caller needing police help in
17 Parkland.

18 It also creates an officer safety issue
19 for Parkland deputies because they can not
20 obtain updated information while responding to
21 the emergency because the caller hung up and
22 the dispatcher can not reestablish contact with
23 the caller. Many callers also become
24 frustrated because they have to explain their
25 emergency a second time and they do not

1 understand the necessity of the redundancy.

2 This call transfer system prohibits BSO
3 from receiving direct 911 calls from its
4 service area in Parkland and creates a
5 situation as it did on February 14th where
6 there is an information void adversely
7 affecting an effective law enforcement
8 response.

9 It's hard to say -- Mr. Schachter, it's
10 hard to provide a specific time in there. It
11 certainly does delay it. I think what we know,
12 what they said is the average time it takes it
13 adds about 30 seconds. That's an average,
14 but --

15 MR. SCHACHTER: You spelled it out
16 perfectly in our testimonies at the BB&T Center
17 how it took this amount of seconds for this to
18 happen, this amount of seconds for this to
19 happen.

20 SHERIFF GUALTIERI: That is in the report.

21 MR. SCHACHTER: Okay.

22 SHERIFF GUALTIERI: That's all in here.
23 This is the findings.

24 MR. SCHACHTER: Yes, but people need to
25 understand how much time it really takes and

1 those facts are important. People are not
2 going to read this, the 450 pages. They're
3 just going to read the findings. And the
4 recommendations, to frame everything, that all
5 of these loved ones were killed and the
6 shooting took over four minutes, but it took a
7 minute and a half or two minutes or whatever
8 the number was for the call transfer to get
9 through needs to be emphasized strongly to get
10 people to understand why this needs to be
11 changed.

12 SHERIFF JUDD: I believe if we made a
13 statement that the convoluted 911 system
14 delayed emergency responses to saving people --
15 to the opportunity to save people's lives.
16 That's important.

17 SECRETARY CARROL: And this is -- it's
18 part of what Commissioner Schachter is saying.
19 I don't think it's important to note here that
20 most of these incidents -- because we've said
21 this over and over -- most active shootings,
22 it's very quick. And the first time this was
23 effectively communicated over the 911 system
24 was at this time. Well, by that time there
25 were already many casualties and that time

1 frame is so critical not just to the convoluted
2 911. It also relates back to everything we
3 talked about about needing an immediate
4 response because the folks relying on the 911
5 system it isn't there because by the time the
6 actual 911 call was made, you already had "x"
7 number of casualties in place.

8 SHERIFF GUALTIERI: You could add in there
9 on 95, after that paragraph is it says in there
10 where there is information void, adversely
11 effecting the law enforcement response. We
12 could put something in there is that,
13 Specifically, because of this system on
14 February 14, 2018 it took -- and this is the
15 number -- it took 69 seconds before the first
16 law enforcement officer was dispatched, and
17 work it out. But at that point Cruz had
18 already shot and killed "x" number of people on
19 the first floor.

20 You want to add something like that?

21 SECRETARY CARROL: Yes.

22 MR. SCHACHTER: And the reason that's
23 important is because of the key FOB hardening
24 recommendation I made and the fact that it
25 takes so long for a 911 call to even get

1 through in these mass emergencies. That key
2 FOB depression in two seconds law enforcement
3 knows. Here it took 69 seconds and 24 people
4 were already shot and killed by then.

5 Sheriff, what were the numbers at that
6 point in time?

7 SHERIFF GUALTIERI: 21.

8 MR. SCHACHTER: At 69 seconds how many
9 people were shot and killed?

10 SHERIFF GUALTIERI: At that point probably
11 22.

12 MR. SCHACHTER: That needs to be in the
13 report to get people to understand why the
14 immediate notification is so critically
15 important to saving lives.

16 SHERIFF GUALTIERI: I've got a note on it.
17 We'll work it out. We'll work out the language
18 and put it in there and include it.

19 MR. SCHACHTER: Thank you.

20 SHERIFF JUDD: And maybe Commissioner
21 Carrol's point, we need to make as a matter of
22 findings maybe the beginning sentence, When the
23 911 call is made the active shooter is already
24 on campus, was already on campus killing
25 innocent people, and responding to a 911 call

1 is not the initial solution because that lends
2 credibility to all the other stuff.

3 SHERIFF GUALTIERI: But he's talking
4 about -- we're in the 911 section now. We're
5 talking about radio stuff. His point is going
6 to the key FOB thing.

7 MR. SCHACHTER: I'm just saying this is
8 all painting the picture to get people to
9 change and --

10 SHERIFF JUDD: I think the 911 system was
11 convoluted and cost us time. But is it
12 appropriate here to say the 911 system is not
13 the initial answer?

14 SHERIFF GUALTIERI: With that key FOB
15 thing that you're talking about, that key FOB
16 thing as I understand it is that it
17 automatically calls 911.

18 MR. SCHACHTER: Yes. You hit the button
19 and law enforcement is notified.

20 SHERIFF GUALTIERI: How does it transmit,
21 Mr. Schachter? It transmits by cellular?

22 MR. SCHACHTER: I don't know the answer to
23 that question.

24 SHERIFF GUALTIERI: Probably, right? And
25 so it doesn't matter. So my point is it's not

1 going to matter. Because when you push a key
2 FOB and it transmits by cellular, if everything
3 goes to Coral Springs --

4 MR. SCHACHTER: It's not a phone call.
5 It's a signal to law enforcement that there is
6 an emergency in that school and there's a GPS
7 attached to the key FOB. They know exactly
8 where the emergency is.

9 SHERIFF GUALTIERI: We're in the weeds on
10 the key FOB thing. But then it depends upon
11 where that gets routed to and I would assume
12 and hope that it would go to BSO.

13 MR. SCHACHTER: BSO, yes.

14 SHERIFF JUDD: I still has to get through
15 that system.

16 SHERIFF GUALTIERI: I don't think we know
17 that.

18 SECRETARY CARROL: My point for adding the
19 detail is there are some -- everything is in
20 context, right? So if you said, Well, it took
21 a minute for this to happen, there are some
22 folks that would say, well, a minute is not
23 that long. But if you put it context that in
24 situations like this a minute means that you
25 already have 22 shot or killed folks in place,

1 that one minute means a whole lot of different
2 things.

3 SHERIFF GUALTIERI: No, it's a big deal,
4 and we've been stressing that all along. So
5 we'll make sure we include that in there, and
6 we'll talk about what this process created that
7 day. It was an initial period of time, about
8 30 seconds, from the time that Coral Springs
9 received it until Coral Springs transferred it.
10 And then it was about another 42 seconds from
11 the time the BSO call taker got it until the
12 BSO call taker then give it to the dispatcher
13 and then the dispatcher got on the radio. When
14 you put all that together, it's right around 69
15 seconds. So the first time from the time the
16 first call came in, 911, the kid in the
17 classroom, the very first one, until somebody
18 put voice to radio and told a cop about it, it
19 was 69 seconds, and at that point he's pretty
20 much done on the first floor. That's the
21 point. So we'll include that in there.

22 The next one in No. 2, the system is
23 designed for Coral Springs to transfer all law
24 enforcement calls it receives from Parkland to
25 BSO. On February 14th Coral Springs

1 transferred very few calls it received and this
2 resulted in BSO as the primary response law
3 enforcement agency not knowing all the
4 information -- we've got a typo there -- not
5 knowing all the information -- no, it's fine --
6 not knowing all the information known to Coral
7 Springs and this hindered BSO's response.

8 Anything on that one?

9 No. 3, On February 14th the Coral Springs
10 911 communications center treated the Stoneman
11 Douglas shooting solely as a fire EMS event
12 because it provides those services to Parkland,
13 not police. Coral Springs waited 4 minutes and
14 22 seconds from the time it received the first
15 call of shots fired until it dispatched the
16 first Coral Springs officer. Coral Springs
17 could not affect a quicker response by BSO
18 because it had to transfer the call to BSO, and
19 Coral Springs could not communicate directly
20 via radio with BSO Parkland deputies.

21 We could put in there, Commissioner
22 Carrol, if you want, and we can put some
23 context for that because at 4 minutes and
24 22 seconds he was in the 3rd floor teacher's --
25 all the shooting was done at that point.

1 SECRETARY CARROL: It was over, yes.

2 MR. SCHACHTER: That's a good idea. I
3 like that.

4 SHERIFF GUALTIERI: We could put some
5 context in there with that.

6 SHERIFF JUDD: Sheriff, I was going to
7 suggest when you talked about that timeline and
8 you said here's when it was received, here's
9 what happens, if you'll put one more column to
10 show how many were shot at each of those second
11 intervals then it closes the loop on what
12 Commission Carrol said that when you took only
13 30 seconds, well this many people were shot at
14 that time. So if that at some point in time
15 was in here, I think that would give the visual
16 of how seconds matter.

17 Does that work?

18 SECRETARY CARROL: Absolutely.

19 SHERIFF GUALTIERI: We'll try and do
20 something like that. We'll see what we can do
21 there.

22 SHERIFF ASHLEY: I still think that other
23 than medical care and the delay that was caused
24 because of communications in that regard, the
25 only person that arrived on-scene with the

1 capability of doing anything to mitigate the
2 number of people shot and killed was Peterson.
3 And, I mean, that's going to show on the
4 timeline as well.

5 SECRETARY CARROL: And I agree with that,
6 but the part I disagree with is only because he
7 elected not to go into classrooms. Because if
8 he elected to continue expending the 180 rounds
9 he had left and he had gone into classrooms, he
10 could have spent much more time in that school
11 and the delayed response could have made this a
12 lot worse if he had acted differently.

13 SHERIFF JUDD: I think it'll give
14 startling reality when we list the seconds of
15 the 911 call and what the active shooter did
16 during that same period of time.

17 MR. SCHACHTER: Because most people are
18 not going to spend the time to understand the
19 whole picture here. They're just going to read
20 this, and we need to paint the picture in the
21 findings as best we can so people understand.

22 SHERIFF GUALTIERI: Okay. So we've got
23 it. We're going to try and beef that up with
24 some of what is consistent with what we're
25 talking about. We'll see what we can do in

1 that regard to add that.

2 No. 4, The decision to route all Parkland
3 calls that originate from cell phones to Coral
4 Springs and not Broward Regional Communications
5 was made by the City of Parkland. The transfer
6 process delayed the law enforcement response to
7 Stoneman Douglas on February 14th. The City of
8 Parkland has the authority to decide where its
9 911 calls are routed and the City can change
10 that routing process at will.

11 MR. SCHACHTER: I think it's worth noting
12 and people are going to ask by reading this why
13 would they do that. I think we should also
14 include the reason they did that was because 80
15 or 90 percent of the calls that come into 911
16 are medical calls for medical service.

17 SHERIFF GUALTIERI: That's what they say.
18 You want to get into -- you know, that is --

19 MR. SCHACHTER: I mean, those are the
20 facts.

21 SHERIFF GUALTIERI: Well, that decision
22 was made. I don't know. Do you all want to
23 get into that? To me it sounds like you're
24 defending the decision.

25 MR. SCHACHTER: Okay.

1 SHERIFF GUALTIERI: If you want to defend
2 the decision and that's the will of the
3 Commission, then we can do that. I don't think
4 that -- I think -- you know where I am on it.
5 Parkland needs to change that. It's a bad
6 system.

7 MR. SCHACHTER: I agree with you. I
8 wholeheartedly agree with you. People are
9 going to read this and say, Why would they do
10 that.

11 SENATOR BOOK: Then let them read it and
12 ask why.

13 SHERIFF GUALTIERI: I hope they read it
14 and ask why would you that because it's a bad
15 system.

16 MR. SCHACHTER: We need to answer that
17 question that people are going to have when
18 they read this.

19 SENATOR BOOK: Well, then let them ask.

20 SHERIFF GUALTIERI: What's that?

21 MR. SCHACHTER: I think we need to answer
22 that question when they read this. And if we
23 added a little bit of context, it would answer
24 that question. I certainly don't want to give
25 them a pass, but that is the answer to that

1 question.

2 MS. LARKIN-SKINNER: I just want to say I
3 respectfully disagree with Commissioner
4 Schachter. I think the City of Parkland needs
5 to answer that question; not this Commission.

6 SHERIFF GUALTIERI: Yes. Let them answer
7 it.

8 MR. SCHACHTER: Okay.

9 SHERIFF GUALTIERI: Let them defend it if
10 that's what they want to do. I don't think
11 it's a good policy and a good process, and
12 they're the ones that are solely in the
13 position to change it and they should change
14 it.

15 MR. SCHACHTER: And I'm certainly not
16 defending that at all. I agree with you.

17 MS. LARKIN-SKINNER: I have a question.
18 I'm hoping someone can refresh memory. My
19 recollection is that landline 911 calls go to
20 BSO.

21 SHERIFF GUALTIERI: Right.

22 MS. LARKIN-SKINNER: Which is another
23 complication in this. And what I do not
24 remember at all is why. Is there something
25 about landlines that can't be routed?

1 SHERIFF GUALTIERI: Yes. So back in the
2 day when all this was decided is that the
3 majority of 911 calls were landline calls and
4 not cellular calls. And so what they decided
5 is that since most of the calls were coming
6 from landlines on this that they would set it
7 up that way. And now it's changed in that the
8 majority of calls now are cellular calls. So
9 that was the rationale that was stated to us,
10 and what we've been told and what we have read.
11 That was the rationale behind it when that
12 decision was made many years ago. But, of
13 course, the landscape has changed now.

14 But to your point and to answer it and to
15 provide the clarity is the same thing holds
16 true in reverse. If you get somebody that's
17 sitting in their living room on a Sunday
18 afternoon and starts having a heart attack and
19 they pick up their landline phone and they need
20 paramedics right now is is that they're going
21 to get connected to the Broward County Regional
22 Communications Center. They're going to say
23 what's your emergency. The person's going to
24 say, I'm having a heart attack and I need EMS,
25 et cetera. That Broward County Regional

1 Communications person is going to say, Hold on,
2 stand by. And they're going to pick up the
3 phone and they're going to call over to Coral
4 Springs. Coral Springs is then going to go
5 through the process and the person's going to
6 have to repeat it all over again to Coral
7 Springs.

8 So that bifurcated process works both
9 ways. If you are calling from a cell phone in
10 Parkland and you need the police, you go to
11 Coral Springs and then you get transferred, you
12 tell your story again and there's a delay. If
13 you need EMS and you call from a cell phone,
14 you get right to Parkland and they're going to
15 dispatch it. But if you need EMS or fire and
16 you're calling from a landline, hardline phone
17 then it's going to go the reverse. It's going
18 to Broward and then Broward's going to transfer
19 you to Coral Springs and then Coral Springs is
20 going to begin EMD, emergency medical dispatch,
21 and go through their process. So you've got a
22 delay. The problem works both ways.

23 MS. LARKIN-SKINNER: And I did read that
24 we have a recommendation regarding 911 call
25 centers that I think will address it in both

1 directions.

2 SHERIFF GUALTIERI: There is one in there,
3 yes.

4 So it says here, and this is what we know
5 is, BSO brought the Parkland 911 call workflow
6 issue to the City of Parkland in 2014, but
7 there have been no discussions resulting in a
8 resolution since that time.

9 MR. SCHACHTER: I don't think that's 100
10 percent accurate. There have been a lot of
11 discussions on resolving this since February
12 14th.

13 SHERIFF GUALTIERI: What do you want --

14 MR. SCHACHTER: As far as the call
15 transfers there is -- the issue that would
16 resolve this is the CAD, is if Coral Springs
17 was on the same CAD and --

18 SHERIFF GUALTIERI: That doesn't resolve
19 it. I've got a letter that -- I haven't read
20 it. I got a letter from the city manager a
21 couple days ago. Having the CAD -- and I
22 glanced at it. It's something about that.
23 Having the same CAD still doesn't allow you to
24 talk to the caller is that they can still -- so
25 I don't know. The CAD does not resolve this

1 issue.

2 MR. SCHACHTER: I was told by the Chief of
3 the Coral Springs Fire Department that it does.

4 SHERIFF GUALTIERI: Well, I don't really
5 care what he says. I'm telling you that it
6 still results in a call tree. They get it and
7 put it into the CAD. The CAD is digital.
8 Voice is voice. It's two different things.

9 So anyway, we can change that if you want
10 to say BSO brought this issue to, or we can
11 eliminate it. I don't care.

12 MR. SCHACHTER: They don't need to
13 transfer it because everything is entered into
14 the CAD and Coral Springs can see it. So they
15 don't need to transfer it to Coral Springs to
16 get all the information. It's already in the
17 CAD.

18 SHERIFF ASHLEY: That would require
19 self-dispatching.

20 SHERIFF GUALTIERI: What are you talking
21 about, Mr. Schachter?

22 MR. SCHACHTER: If the caller calls into
23 BSO, they enter everything into the CAD, Coral
24 Springs sees it.

25 SHERIFF GUALTIERI: But they still can't

1 talk to the caller. And I'm talking about in
2 law enforcement calls. If a law enforcement
3 call from somebody in Parkland says I need the
4 police, then it goes into Coral Springs and
5 Coral Springs has the BSO CAD and that Coral
6 Springs call taker is entering it digitally and
7 it is going into the CAD system, they're still
8 not talking to the BSO deputy. So when the BSO
9 deputy says, What's the description of the
10 robber, what's the description of the guy in
11 the backyard, what's happening, where's the guy
12 with the knife, that person who's entering in
13 digitally, still is not talking to the deputies
14 because the only person talking to the deputies
15 are the people over at regional communications.
16 There is still not direct communication between
17 the caller and the person in the communication
18 center who is directly communicating with
19 responding law enforcement. You still don't
20 have that. And that is imperative for officer
21 safety and for an effective law enforcement
22 response.

23 MR. SCHACHTER: If a call comes in and it
24 goes to BSO, the person that's taking the call
25 is interrogating the caller and asking these

1 questions and typing it into the CAD. And then
2 if it's a -- no, initially it would go to Coral
3 Springs. If a cell phone call comes in, it
4 would go to Coral Springs. The Coral Springs
5 dispatcher would interrogate the call, types it
6 into the CAD. And then if it's fire, obviously
7 Coral Springs. If it's BSO, then it's
8 dispatched and they can see everything because
9 it's in the same CAD.

10 SHERIFF GUALTIERI: You're missing it.
11 Seeing it and seeing what somebody is putting
12 in is not the same thing as being able to
13 communicate it over the radio and for that
14 deputy to be able to say to the dispatcher and
15 be able to have, you know, live, real-time
16 communication. There is a huge difference.

17 MR. SCHACHTER: It's a different agency
18 responding.

19 SHERIFF GUALTIERI: Huge, huge difference.
20 Correct. Because they still don't have the
21 ability. In the Coral Springs communications
22 center they have radio communications with the
23 Parkland deputies who are responding. That's
24 the way a law enforcement response works. When
25 you're responding to an in-progress call is

1 you're not sitting there looking at the CAD and
2 seeing what people are. Is that you're getting
3 a shots fired call, and where's the shooter,
4 what's the description of the shooter. All
5 that's being put out over the radio. And that
6 person who is entering all this stuff in that
7 CAD, isn't communicating with the deputies or
8 responding because they can't communicate with
9 them. It does not solve the problem.

10 COMMISSIONER DODD: One of the things that
11 we don't have here is any reference to the 911
12 calls from the school because I'm not clear if
13 there ever were 911 calls made from landline.

14 SHERIFF GUALTIERI: No calls from the
15 landline that we know of.

16 COMMISSIONER DODD: So when we have safe
17 school plans at all of our schools that
18 identify incidents, one of the top things on
19 the list is to call 911. Now, we did cover the
20 staff response section in another chapter and I
21 don't know if we would want to put it in there,
22 but I think there would have to be something to
23 reference that because you can't assume that if
24 you have a law enforcement officer on a campus
25 of any size that there's not more information

1 that can be shared through a 911 call, that the
2 officer would know everything. So my concern
3 is would it be a place here to put a finding
4 that there were no 911 calls made from the
5 landline at the school, no one took
6 responsibility for notifying?

7 SHERIFF GUALTIERI: You can put a
8 statement in to that effect. I want to make
9 sure that --

10 I don't know of any. Do you know of any?
11 No.

12 So we can put a statement in there, we can
13 make a finding in there that were no 911 calls
14 -- no known 911 calls received from any
15 hardline or landline phones at Stoneman
16 Douglas. Is that -- we'll put that in there?

17 COMMISSIONER DODD: Yes.

18 SHERIFF GUALTIERI: Okay. We'll just find
19 the right place to put that in there.

20 Okay. I got it. We'll make sure we put
21 that in there.

22 MR. SCHACHTER: Chair, I do think it's
23 factually incorrect to state that no
24 discussions have been taking place.

25 SHERIFF GUALTIERI: We can resolve that.

1 So BSO brought the Parkland 911 workflow issue
2 to the City of Parkland in 2014, but there has
3 not been a resolution since that time.

4 MR. SCHACHTER: I'm good with that.

5 SHERIFF GUALTIERI: Okay. We'll just
6 change it to that.

7 No. 1 on 98, Coral Springs and BSO have
8 independent CAD systems so officers and
9 deputies cannot see each other's calls in
10 addition to not being able to hear each other's
11 calls on the radio. There is no electronic
12 data sharing of CAD data between Coral Springs
13 and BSO.

14 No. 2, There are no known substantive
15 issues regarding the actual entries made into
16 the CADs on February 14th other than they
17 couldn't see each others.

18 So there was no problems with what was
19 entered in the limited data. That's just what
20 we're getting at there.

21 Anybody have anything with 1 or 2?

22 Going over to 99, No. 3, The initial CAD
23 entry into the Coral Springs Fire Department
24 computer-aided dispatch, and not the Coral
25 Springs police department computer-aided

1 dispatch delayed the law enforcement response.

2 Remember they treated it as a fire event
3 and they're putting all the stuff in the fire
4 CAD and they didn't put anything in the police
5 CAD.

6 So different law enforcement agencies
7 using different CAD systems within the same
8 county creates information silos and barriers
9 to sharing emergency information as well as
10 delaying response to emergency calls.

11 Anybody have -- yes, go ahead.

12 SENATOR BOOK: I just want to make sure
13 that I remember. With No. 3, doing that that's
14 not the right way, right?

15 SHERIFF GUALTIERI: Well, it actually was
16 consistent with the protocols and the policies
17 that were in place because the Coral Springs
18 Communication Center, they actually handled it
19 correctly within the framework that was set up
20 because what they had been trained to do and
21 their policies and their protocols, for Coral
22 Springs to treat it solely as a fire EMS event
23 because they were not responsible for law
24 enforcement.

25 And so they got on the radio and they

1 notified the fire department and they started
2 making these fire department CAD entries. So
3 they're actually putting in the fire department
4 CAD that there is a shooting at MSD, that
5 there're casualties, et cetera. So they're
6 starting to put that stuff in. So they
7 actually followed what the protocol was that
8 was set up.

9 SENATOR BOOK: That is true; however, is
10 it also correct that law enforcement has to go
11 out first before fire can go?

12 SHERIFF GUALTIERI: Yes. And something
13 like that, fire EMS is not going to go in until
14 law enforcement says the scene is clear. And
15 they're going to do what's called staging. And
16 they're going to get to a certain point at some
17 distance and they're going to stage and stay
18 until they receive authority, if you will, or
19 clearance, probably a better word, from law
20 enforcement that they should go in.

21 So while they're putting all this out and
22 dispatching fire -- and you heard some of the
23 dispatchers from Coral Springs say that, well,
24 we're going to stage and we're going to stage.
25 That's because they're getting them going and

1 they're putting information out over the radio,
2 and they're putting it in in their fire CAD.
3 But it's getting them to a holding pattern or a
4 holding place. And as they're sitting there
5 they're going to keep holding this or getting
6 this information until law enforcement says
7 it's safe to go in.

8 SENATOR BOOK: Were they simultaneously --
9 they did simultaneously notify BSO, correct?

10 SHERIFF GUALTIERI: I think the first
11 call, yes, it was transferred. And about that
12 time is is that they were also putting that
13 over the fire radio and the fire CAD. So yes,
14 they were sending it over to BSO and they were
15 putting it over the fire radio and the fire
16 CAD, and all of that was happening together.
17 And they treated the whole thing as a fire
18 event for those first 4 minutes and 21 seconds.

19 Sheriff Ashley.

20 SHERIFF ASHLEY: Can you put in 3 that the
21 initial CAD entry in the Coral Springs Fire
22 Department CAD and not the Coral Springs Police
23 Department CAD significantly delayed the Coral
24 Springs Law Enforcement response? I mean, it's
25 4 minutes and 46 seconds.

1 SHERIFF GUALTIERI: Significantly delayed.

2 SHERIFF ASHLEY: And I would put it
3 significantly delayed Coral Springs' response.
4 Because once they got it, they were there in
5 19 seconds.

6 MR. SCHACHTER: I thought you said that
7 was protocol.

8 SHERIFF ASHLEY: It was. Doesn't mean it
9 was good.

10 SHERIFF GUALTIERI: It was, but it doesn't
11 mean it was good. Yes. You know, yes it was.

12 MR. SCHACHTER: Okay.

13 SHERIFF GUALTIERI: And as you heard Chief
14 Perry say, he's now changed that in response to
15 this. And he's made policy changes, procedure
16 changes to rectify this, so that it won't
17 happen again.

18 I mean, Chief was very straight up about
19 it and accepting. And immediately, once he
20 found out about it, I know from talking to him
21 he was floored about that. But they've made
22 changes on it.

23 MR. SCHACHTER: I think it also needs to
24 be noted that the calls that came in once -- I
25 forget the terminology -- their bank was

1 filled.

2 SHERIFF GUALTIERI: Right.

3 MR. SCHACHTER: -- the calls came back
4 inside them as opposed to going to the other
5 PSAP that that should be a finding as well.

6 SHERIFF GUALTIERI: So Coral Springs
7 received --

8 MR. SCHACHTER: It went to their
9 nonemergency line.

10 SHERIFF GUALTIERI: Well, it went to EOC,
11 which is the emergency operations center, and
12 those are not recorded, and then some came in
13 on admin lines as well.

14 MR. SCHACHTER: It should have gone to the
15 other PSAP, which might have been better --

16 SHERIFF GUALTIERI: I don't know. How far
17 do you all want to get into this? You're
18 really, really, really down into the weeds of
19 this.

20 Anytime you have an incident like this I
21 don't know of any 911 communication centers's
22 capabilities that are not going to be exceeded
23 if they are the center of this.

24 MR. SCHACHTER: And that's fine. But if
25 they're exceeded, it's supposed to roll into

1 the other PSAP, and it did not occur in this
2 instance. If the other calls would have gone
3 to the other PSAP, maybe other officers would
4 have been dispatched, maybe other information
5 would have gotten to the right place. This was
6 a mistake that they didn't know was going to
7 happen.

8 SHERIFF GUALTIERI: You're talking about
9 Coral Springs?

10 MR. SCHACHTER: Correct.

11 SHERIFF GUALTIERI: Right. I'm not sure
12 exactly where to put that, Mr. Schachter. We
13 can look at it I guess. We've got so much
14 here. We had to pick and choose what we're
15 putting in here. I think we're getting a
16 little bit below the water line on that.

17 MR. SCHACHTER: Okay.

18 SHERIFF GUALTIERI: Because we've got to
19 get through this.

20 Are we finished with 3 and 4 on page 99?

21 Now we're on 8.4 in the radio systems.
22 One we get through this, we'll break for lunch.
23 But we've got to get through this chapter.

24 No. 1 is, Due to the independent
25 communication systems of BSO and Coral Springs

1 the agencies don't share a radio channel.

2 On February 14th neither agency's patrol
3 units had each other's radio channels in their
4 portables. BSO dispatch did not have the Coral
5 Springs radio channel in its dispatch console.
6 Coral Springs recently authorized BSO to
7 install the radio channel, and BSO Parkland
8 deputies now have Coral Springs radio channels
9 in their portable radios.

10 Any concerns or additions, changes to No.
11 1 on slide 100?

12 No. 2, The lack of radio interoperability
13 and the BSO throttling issue hampered the
14 response and caused officer safety issues. The
15 BSO system currently in use can only accept
16 about 250 inbound requests per minute whereas
17 the new system that will be implemented at the
18 end of 2019 will have a higher capacity of
19 about 750 per minute.

20 COMMISSIONER SWEARINGEN: Sheriff.

21 SHERIFF GUALTIERI: Yes.

22 COMMISSIONER SWEARINGEN: Is that correct?
23 Didn't they testify that it had now been pushed
24 back even further? I thought there was
25 something about now they were looking at 2021

1 or something to that effect.

2 SHERIFF GUALTIERI: I'll look into it. I
3 will make sure that's correct.

4 SHERIFF JUDD: Why don't we just take the
5 year out?

6 SHERIFF GUALTIERI: We can do that.

7 The new system that will be implemented,
8 and take out "at the end of 2019." We can do
9 that. We'll just take it out. Will have a
10 much higher capacity. Okay. We'll do that.

11 Let's go over to page 51, slide 101.

12 BSO and Coral Springs not being able to
13 communicate on the same channel or through
14 patched channels affected the law enforcement
15 response and caused information voids and
16 silos. The patch was attempted and it failed
17 because BSO didn't have Coral Springs' channel,
18 and BSO could not patch what it did not have.

19 MR. SCHACHTER: Sheriff, this might not be
20 in this exact section. But I think it's
21 important to point out that due to the
22 throttling that and also the inoperability that
23 SWAT had to use hand signals, I think that that
24 visualization is an important one to --

25 SHERIFF GUALTIERI: No. 6. It's already

1 there.

2 MR. SCHACHTER: Is that in there? I'd
3 like to say hand signals --

4 SHERIFF GUALTIERI: Yes, when we get
5 there. Let's do it when we get there.

6 MR. SCHACHTER: Okay.

7 SHERIFF GUALTIERI: So we're back on No.
8 3. Anything else on No. 3?

9 No. 4, While there existed common mutual
10 aid channels that they could have used, there
11 was inadequate there common knowledge that
12 those channels existed and the personnel
13 weren't trained on how to access them.

14 It would have been cumbersome and tactical
15 issues and tactically unsound to go through the
16 process of switching to mutual aid channels.

17 Anything with that one?

18 No. 5, slide 102, the lack of capacity
19 caused radio throttling during BSO's response
20 and resulted in deputies and command staff not
21 being able to transmit on their radios. That
22 throttling also hampered effective command and
23 control.

24 This is all together in No. 6.

25 SWAT could not effectively communicate via

1 radio and had to use cell phones, runners and
2 hand signals to communicate in-person due to
3 the radio failures.

4 We'll add that there, Mr. Schachter.

5 MR. SCHACHTER: Thank you.

6 SHERIFF ASHLEY: Sheriff.

7 SHERIFF GUALTIERI: Yes.

8 SHERIFF ASHLEY: The throttling, have we
9 defined what that is somewhere in here?

10 SHERIFF GUALTIERI: It's in the report.
11 It's in there. We talk about it.

12 SHERIFF ASHLEY: Well, we know what it is.
13 I'm just not sure the reader does.

14 SHERIFF GUALTIERI: Yes. And I'll make
15 sure. It's all running together now, but I'm
16 sure we did. The short version is it's what's
17 caused by exceeding radio capacity. But I'm
18 sure it's in there.

19 SHERIFF ASHLEY: 213.

20 SHERIFF GUALTIERI: Okay.

21 MR. SCHACHTER: Sheriff Ashley's point is
22 well-taken that I think it's important that we
23 should put a definition of that in the findings
24 so that if people do not read the report at
25 least they'll understand what we're talking

1 about.

2 SHERIFF GUALTIERI: Sometimes people just
3 got to do what -- you know, they got to take
4 some responsibility and figure it out. We
5 can't spoon-feed everything to everybody all
6 the time. You're going to make this thing huge
7 if we keep doing that.

8 MR. SCHACHTER: Just a couple sentences on
9 what throttling is.

10 SHERIFF GUALTIERI: The same radio
11 problems that happened during BSO's response to
12 the Fort Lauderdale Airport shooting in 2017.

13 Over on 8, Coral Springs has expressed
14 concern over the County's radio replacement
15 plan and has no plans to join the regional
16 communications system even when the new radio
17 system is in place.

18 Anything on that?

19 And this gets to their point of their
20 radios were equipped with GPS so that Coral
21 Springs knows where their officers are
22 precisely. And BSO does not have that
23 technology and their ability to know the
24 precise locations of the deputies is limited.

25 Anything on that one?

1 MR. SCHACHTER: I'm just trying to -- you
2 know, we heard testimony that the Coral Springs
3 radio is much better than the County's radio
4 system. That's one reason why they don't want
5 to change over now. But you're talking about
6 even when the new regional communication system
7 is in place, so...

8 SHERIFF GUALTIERI: That's what they're
9 saying; they're not switching.

10 SHERIFF JUDD: I think in the
11 recommendations is where you say once the
12 County has a system that's as good as Coral
13 Springs rather. Because the finding's
14 accurate.

15 SHERIFF GUALTIERI: Well, the county
16 system in that respect, and that's why I put
17 No. 9 in there, because the county system is
18 not going to do what the Coral Springs system
19 does as far as radio equipped GPS where they
20 can pinpoint on GPS, as you're well aware
21 Sheriff Judd, where their officers are. The
22 new county system is not going to have that
23 capability, and that's one of the biggest
24 reasons as I understand it that Coral Springs
25 says they're not going to switch because there

1 are no plans for the county system to have that
2 capability.

3 SHERIFF JUDD: Well, then that needs to be
4 one of our recommendations that they do.

5 SHERIFF GUALTIERI: Well, we can put it in
6 there. It's already baked. They already said
7 they're not doing it and they've already begun
8 implementation. Let's talk about
9 recommendations. You want to put it in there,
10 we can put it in there.

11 SHERIFF JUDD: I think we ought to put it
12 in there. I've got all my car's GPS'd. I want
13 to know where they are. And it's just --

14 SHERIFF ASHLEY: It's cheap, too.

15 MR. SCHACHTER: It's not the cars.

16 SHERIFF GUALTIERI: Be clear. They're
17 talking about the mobiles. They're talking
18 about the portables. So that way they can
19 actually pinpoint where the deputies are in
20 their portables. And the new county system is
21 not going to do that. BSO has GPS now on the
22 vehicles. What Coral Springs has is on the
23 portables, and that's what they are talking
24 about. The new county system will not have it
25 on the portables.

1 SHERIFF JUDD: Okay. I think we need to
2 make sure we understand it's mobile and not
3 vehicles.

4 MR. SCHACHTER: Do the other sheriffs on
5 the Commission have that capability?

6 SHERIFF JUDD: Ours is on the mobiles.

7 SHERIFF ASHLEY: Ours is on the vehicles.

8 SHERIFF JUDD: I mean on the vehicles.
9 I'm sorry.

10 SHERIFF GUALTIERI: So we do on the
11 portables on these for all of our canine
12 deputies, but not for everybody else.

13 So I'm going to add that, Sheriff Judd.
14 That's a good point for clarification.

15 CSPD portable radios are equipped with
16 GPS, so that Coral Springs knows the precise
17 location of every officer.

18 That's why it says officer, not car there.
19 So I'll add that and make sure that's clear
20 there on 103.

21 All right. Let's go over to
22 recommendations, slide 105.

23 Law enforcement agencies should be
24 required to have communications
25 interoperability with all other law enforcement

1 agencies in their county. The methodology for
2 accomplishing this is immaterial, but the
3 interoperability is essential.

4 So again we're saying you should have it.
5 There is all kinds of ways to do it. We're not
6 telling them how to do it, but that should be
7 done. That's the recommendation.

8 Anybody have anything on that one?

9 If an agency asks another for access to
10 their radio channels, it should be mandated
11 that the agency honor the request.

12 Anybody have anything on that one?

13 MS. LARKIN-SKINNER: I have a question
14 about that one. Is that intended to be like a
15 blanket request for all times or is that
16 intended to be for specific events or time
17 frames.

18 SHERIFF GUALTIERI: Well, my intention
19 there that it's a blanket request. You have
20 situations now where -- and it's different from
21 county to county. But you have some situations
22 now each agency, if you will, owns their own
23 channels. And there are some that don't want
24 others having their channels for some reason.
25 And the people who operate the systems will not

1 install one agency's radios in another agencies
2 radios without the agency that owns it
3 authorizing it. And some just don't authorize
4 it. And so the suggestion there is is that if
5 people want to be that type of an
6 obstructionist to effective interoperability,
7 is that it should be mandated that if one
8 police agency or law enforcement agency asks
9 that the other should be required to allow them
10 access to it because, frankly, in my view
11 that's nothing other than -- they should be
12 required to do it because there is no good
13 reason for not giving it.

14 MS. LARKIN-SKINNER: So it's a blanket for
15 all time going forward from that moment?

16 SHERIFF GUALTIERI: Yes, that's my
17 suggestion.

18 MS. LARKIN-SKINNER: Okay.

19 MR. SCHACHTER: Was this put in there
20 because one of these agencies rejected this?

21 SHERIFF GUALTIERI: Yes, I mean, you had
22 -- and that's one of the problems, yes, is that
23 that was the problem. It probably goes back,
24 and I don't know how far, but it certainly
25 predated Chief Perry because BSO did not have

1 the Coral Springs channel.

2 MR. SCHACHTER: 8 Alpha?

3 SHERIFF GUALTIERI: Correct. No. BSO did
4 not have the Coral Springs channel in its
5 dispatch console. You had in on that day is is
6 that you had -- now, think about this. You had
7 Parkland deputies in Parkland, they did not
8 have the Coral Springs radio channel. But you
9 had Coconut Creek officers that had the Coral
10 Springs channel. And it goes back to a lot of
11 it is territorialism, infighting nonsense and
12 no good sound operational reason. It goes back
13 to all the nonsense reasons.

14 SHERIFF ASHLEY: Some of the reasonings
15 that I've heard, and not that they're good
16 reasons, but the crowding of an exclusive
17 service. You know, we all share service. The
18 exclusive service of a lot of municipal radios,
19 they don't want their channels to be crowded
20 with additional personnel, which is certainly a
21 case in throttling the more people that get on
22 that. So that's the reasoning. Albeit it's
23 not a good reason. That is some of the reason.

24 SHERIFF GUALTIERI: And nobody should be
25 just hopping up on somebody else's channel.

1 But when you have an event like this and a
2 situation like this, of course, I think we'd
3 all agree that interoperability is paramount
4 and they should have the capability of doing
5 it.

6 CHIEF LYSTAD: And I understand the
7 concept. I'm a little concerned over just the
8 breathe of it. So just for example for those
9 of us in law enforcement, if I ask for your
10 SWAT channel, I really have no need to have
11 that information. And so from a regional -- I
12 don't know how we narrow that down. If you're
13 a connected agency or in the same region or
14 whatever. But the way that's written right
15 now, if I'm in Leon county --

16 SHERIFF GUALTIERI: Point well-taken.
17 What about if we say if an agency asks another
18 agency for access to their primary dispatch
19 channels.

20 CHIEF LYSTAD: Primary dispatch or a
21 reasonably requested channel. Something like
22 that. I'm not going to give you CID channels.
23 We know that in law enforcement, but the
24 legislative group's not going to necessarily
25 know that.

1 SHERIFF GUALTIERI: Well, I'm okay with
2 saying primary dispatch. That certainly
3 accomplishes what we're looking for. Are you
4 guys good with that?

5 CHIEF LYSTAD: I'm okay with that.

6 SHERIFF GUALTIERI: You guys good with
7 that, primary dispatch?

8 So if another agency asks for access to
9 their primary dispatch radio channels.

10 Law enforcement agencies are encouraged to
11 tactically train their personnel so they're
12 familiar with all radio functionality. That's
13 pretty straightforward.

14 Florida law should require that all
15 primary 911 call centers have the ability to
16 directly communicate via radio with the first
17 responder units for which they are receiving
18 911 calls.

19 So that means that you can't have a
20 situation you have today, that if somebody
21 calls the Coral Springs communication center
22 from a cell phone in Parkland that there is not
23 a radio channel that Coral Springs can come up
24 on to communicate with the Parkland deputies.
25 Is that if you're a 911 center and you're

1 taking calls is that from that communication
2 center you must be able to communicate via
3 radio with fire, EMS, police they cover the
4 service area that you're taking calls from.

5 SHERIFF ASHLEY: I just would say without
6 transfer. In the previous line, too, we use
7 the word encourage and I would say should
8 tactically train their personnel.

9 MR. HARPRING: Question on that, Sheriff.
10 Is the implication, is the logical result or
11 implication of that the elimination of
12 individual municipal PSAPs the way that we're
13 talking?

14 SHERIFF GUALTIERI: It doesn't have to.
15 Again, there's all kinds of different ways to
16 do that. You don't have to. There's a number
17 of ways to do this. No, it does not mean, and
18 I'm not encouraging that. So the answer is no,
19 it's doesn't eliminate 911 PSAPs.

20 You could have a situation where if that
21 PSAP now doesn't have -- is taking 911 calls,
22 they would have to transfer it over to the
23 other agency. If they're taking a 911 call and
24 somebody says there is a shooting at Stoneman
25 Douglas, that you got the radio channel for

1 that primary responding agency that you can get
2 right up on that channel now and say, Parkland
3 units, there's an active shooting at Stoneman
4 Douglas, start heading there. And then then
5 transfer it over. But you have the ability to
6 come up on the radio channel to get them going
7 at that minute. That would take care of that
8 without eliminating the municipal PSAP.

9 MR. HARPRING: And I'm for unified
10 regardless. I mean, I'm for unified centers.
11 I just want to make our intent is clear so it's
12 not read differently in other venues.

13 SHERIFF GUALTIERI: No. It could. And
14 consolidation's a good thing. Because I'm with
15 you on that, get as many people under one roof.
16 And I think there's a lot of good solid
17 operational reasons for that. But realizing
18 that that's not going to happen is there is
19 other ways to accomplish this which eliminates
20 this void and the problem that we faced here.

21 Go ahead.

22 MR. SCHACHTER: Sheriff, this point is
23 back to the throttling. But one thing that I
24 don't think we mentioned was the fact that
25 Broward County schools has used to take the

1 nonessential personnel off of the radio
2 channels -- I'm talking about all the school
3 buses -- and this contributed to the
4 throttling. At the same time all the school
5 buses are operating and that's keying up the
6 system. That contributed to the throttling.
7 Do you want to mention that?

8 SHERIFF GUALTIERI: That's already in the
9 works, and they're in the process of moving
10 them off that. You know that.

11 MR. SCHACHTER: I know, but that's a
12 finding.

13 SHERIFF GUALTIERI: What's that going to
14 do? What's that change? The system's
15 overloaded. That's a given. Everybody knew
16 that.

17 MR. SCHACHTER: I agree. But you want to
18 put that as a recommendation that --

19 SHERIFF GUALTIERI: They're already in the
20 process of doing that.

21 MR. SCHACHTER: But I'm talking about the
22 entire state and acknowledging that fact that
23 those should be separated like they have in
24 Miami to give guidance, so this doesn't happen.

25 SHERIFF GUALTIERI: I don't know that it's

1 happening anywhere else. You know of any other
2 place where they've got, you know, buses that
3 are overloading systems? I don't know of any
4 other place; do you?

5 MR. SCHACHTER: I'm just saying Miami has
6 then on separate systems, and that might be a
7 recommendation moving forward.

8 SHERIFF GUALTIERI: Let's just try and get
9 through this for now.

10 All public safety agencies should work
11 toward consolidation of 911 call centers and
12 eliminate the call transfer process.

13 Anything with that one?

14 The City of Parkland should require that
15 the Broward County Regional Communications
16 receive all cellular and landline 911 calls
17 originating in the City of Parkland.

18 What do you all have on that one?

19 MR. PETTY: I have a question on this one.
20 The flow for law enforcement here I think would
21 work, but this would change the way Parkland
22 residents access fire services, right?

23 SHERIFF GUALTIERI: Yes, you're correct,
24 Mr. Petty. You're correct on that. Because
25 then you would have -- you're correct.

1 MR. SCHACHTER: Would this just reverse
2 the problem?

3 SHERIFF GUALTIERI: Yes.

4 MR. SCHACHTER: And with 80 to 90 percent
5 of the calls emanating from Parkland being
6 medical response calls that might not be a good
7 thing.

8 SHERIFF GUALTIERI: Right. It's an issue.
9 Under the current system either way it's going
10 to be a problem.

11 We can take it out.

12 MR. SCHACHTER: In my conversation with
13 the Chief of the Fire Department he told me
14 last night that if Coral Springs gets their own
15 CAD and they're on the system, that will
16 eliminate the problem. I understand you're
17 saying that's not true, but --

18 MR. PETTY: The CADs are one issue, but
19 having the caller talk to the dispatcher
20 directly is the other issue. I don't know that
21 the Chief is contemplating that in his merging
22 of the CAD systems, Mr. Schachter. That's the
23 issue.

24 This recommendation though concerns me
25 because we're trading law enforcement response

1 and fire response here and that's what I'm
2 concerned about. I don't know which one's --

3 SHERIFF GUALTIERI: We can take it out if
4 you want. Again, whatever the group decision
5 is.

6 MR. PETTY: It goes without stating I
7 guess. It's suboptimal, the way it's been put
8 forward in Parkland. And we're either trading
9 fire or -- we've got to get this solved as a
10 city. We need the City of Parkland to get
11 together with the County and Coral Springs and
12 figure this out. We shouldn't be trading 911
13 law enforcement response for fire and medical.
14 We shouldn't have to make that trade off. And
15 I don't know that the citizens of Parkland
16 understood that they were -- that we are in
17 that situation. And I don't think we should be
18 in that situation and we need to fix it.

19 MR. SCHACHTER: I know that Commissioner
20 Michael Udine and all of the city and county
21 officials are working extremely hard to fix
22 this as we speak. I would recommend we strike
23 this from our recommendations and let the
24 parties and the stakeholders involved fix this.
25 I think they're going to and I know they

1 understand the urgency.

2 MS. LARKIN-SKINNER: I have a concern that
3 as a Commission we have identified this as a
4 specific issue that contributed to a delayed
5 response. And it seems to me that we would be
6 derelict if we don't address it in some way
7 with some recommendation because it is a
8 finding. I mean, we even put the context in
9 about how long it all took because it's set up
10 the way it is. So I believe we have to address
11 it with a recommendation, some sort of
12 recommendation.

13 MR. HARPRING: I think in light of bullet
14 point 4 on slide 105 I think that does resolve
15 the issue and address the concern. But I agree
16 with Commissioner Schachter, Commissioner Petty
17 regarding the language of that and just simply
18 allowing the municipalities -- I do think that
19 we do address that directly with that last
20 bullet point on slide 105.

21 MR. SCHACHTER: And I would recommend
22 just, as we're doing with the Superintendent
23 and the Sheriff, we bring these individuals
24 back to make sure and put pressure on them that
25 they do fix it.

1 COMMISSIONER SWEARINGEN: Can our
2 recommendation simply be what's already being
3 done? We just simply recommend that the
4 parties all get together and resolve this.

5 SHERIFF GUALTIERI: So what do you want to
6 say, the Cities of Parkland and Coral Springs
7 -- the City of Parkland should continue working
8 to resolve the issue, or something to that
9 effect.

10 MR. HARPRING: I recommend that we strike
11 that bullet point and move on.

12 SHERIFF GUALTIERI: Is everybody okay?
13 We'll just strike that one.

14 So the one that says the City of Parkland
15 should require that BSO receive -- we'll strike
16 that.

17 Is anybody not in agreement?

18 The next one, School districts and law
19 enforcement agencies should strive for radio
20 interoperability. All law enforcement agencies
21 in Broward County and every county in Florida
22 should operate a single computer-aided dispatch
23 system.

24 What about that one?

25 Go ahead.

1 CHIEF LYSTAD: Mr. Chair, I would object
2 to that mostly because there are a lot of
3 disparaged systems and particularly in
4 Miami-Dade County. Just the City of Miami
5 alone their police department is 1,100
6 officers, which eclipses many sheriff's
7 offices' and they're on a separate CAD system,
8 an enterally separate functionality.

9 SHERIFF GUALTIERI: So City of Miami is
10 different?

11 CHIEF LYSTAD: City of Miami. As long as
12 you have radio interoperability, which we all
13 know in law enforcement is the most important
14 thing.

15 SHERIFF GUALTIERI: Yes.

16 CHIEF LYSTAD: As I'm responding to a mass
17 casualty, I'm not looking at the CAD. I'm
18 listening to the radio.

19 SHERIFF GUALTIERI: I don't disagree.
20 That's probably a reach. So unless anybody's
21 got any issue, we can take that out.

22 All right. So before we move into Chapter
23 9, I think we break for lunch. I would suggest
24 unless it's a problem that we only take
25 30 minutes for lunch and we come back. So I've

1 got almost 12:40, so we'll start at 1:10 and
2 begin with Chapter 9.

3 (Luncheon recess was taken from 12:40 p.m.
4 to 1:10 p.m.)

5 (Whereupon, proceedings continued in
6 Volume V.)

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1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA)

4 COUNTY OF LEON)

5
6 I, Doreen Mannino, Court Reporter, do hereby
7 certify that I was authorized to and did report in
8 stenotypy and electronically the foregoing proceedings,
9 and that the foregoing pages constitute a true and
10 correct transcription of my recording thereof.11 IN WITNESS WHEREOF, I have hereunto affixed my
12 hand the 4th day February of September 2019 at
13 Tallahassee, Leon County, Florida.14
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17 _____
18 Doreen M. Mannino
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