MARJORY STONEMAN DOUGLAS HIGH SCHOOL PUBLIC SAFETY COMMISSION MEETING BB&T CENTER CHAIRMAN'S CLUB PANTHER PARKWAY SUNRISE, FLORIDA 33323

> August 14, 2019 8:36 a.m. - 6:07 p.m.

COMMISSION MEMBERS/ATTENDEES:

SHERIFF BOB GUALTIERI - CHAIR JASON JONES, PSC GENERAL COUNSEL CHRIS NELSON - CHIEF OF POLICE, CITY OF AUBURNDALE BRUCE BARTLETT - CHIEF ASSISTANT STATE ATTORNEY SIXTH JUDICIAL CIRCUIT RICHARD SWEARINGEN - COMMISSIONER FLORIDA DEPARTMENT OF LAW ENFORCEMENT MAX SCHACHTER - VICTIM PARENT LARRY ASHLEY - SHERIFF, OKALOOSA COUNTY (Telephonic) MELISSA LARKIN SKINNER - CEO, CENTERSTONE OF FLORIDA SIMONE MARSTILLER - SECRETARY DJJ JACOB OVIVIA - EVC OF K-12 PUBLIC SCHOOLS MIKE CARROLL - FORMER SECRETARY DCF JAMES HARPRING - UNDERSHERIFF/GC, INDIAN RIVER COUNTY PAM STEWART - COMMISSIONER OF EDUCATION GRADY JUDD - SHERIFF POLK COUNTY DOUGLAS DODD - SCHOOL BOARD MEMBER, CITRUS COUNTY AUREN BOOK - SENATOR, DISTRICT 32 RYAN PETTY - SCHOOL BOARD MEMBER, MARTIN COUNTY KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEF ASSOCIATION CHRISTINE LINTON - COMMISSION STAFF, FDLE

Page 2 (Proceedings commenced at 8:36 a.m.) 1 2 CHAIRMAN GUALTIERI: All right. I think we are all set. We will call the meeting to order. 3 4 Good morning everybody. 5 As we do, we will stand for a moment of silence in recognition of the victims, and then join 6 7 with me the pledge. The chair has received a copy of the 8 9 minutes from the last meeting. I hope you have had 10 a chance to review those. 11 Do we have a motion to approve those 12 minutes? 13 CHRIS NELSON: So moved. 14 CHAIRMAN GUALTIERI: Motion by 15 Commissioner Nelson. 16 Second? 17 VICE-CHAIR LYSTAD: Second. 18 CHAIRMAN GUALTIERI: Second by Chief 19 Lystad. Any discussion or corrections on the 20 21 All in favor, signify by saying aye. minutes? 22 (All respond with aye) 23 CHAIRMAN GUALTIERI: Any opposed say nay. 24 (All respond with aye) 25 CHAIRMAN GUALTIERI: So that motion

Page 3 carries, and the minutes from the June meeting are 1 2 approved. Just briefly as we do, we will let our 3 4 general counsel, Jason Jones, make the Sunshine Law 5 reminder, and we will get started. GENERAL COUNSEL JONES: Good morning 6 7 everyone. These meetings are covered by the Sunshine 8 9 Law as everyone knows. Tomorrow we will go into a 10 closed session, so just a reminder anything we discuss in the closed session needs to be held 11 12 confidential and exempt. Please no side conversations during breaks or at lunch or after 13 14 hours, and have a good morning. 15 Thank you. 16 CHAIRMAN GUALTIERI: Thank you. 17 Just for a housekeeping, we are going to 18 begin this morning with a first agenda item, but we he have a hard stop at 10:00. That is the normal 19 time we have on there for the break, but it is a 20 21 hard stop at 10:00. 22 Congressman Deutsch is going to be here. 23 He is doing a press conference here this morning 24 with some family members and other elected officials 25 about the Eagles Act, which is the act that is

pending in congress about threat assessment and threat assessment centers and the support of the secret service, so I told him we will break at 10:00 for that. It will only take about 15 minutes or so. It will coincide with our break. But just know that we do have a hard stop at 10:00 for that.

Sheriff Ashley couldn't be here with us 7 for this meeting in person, but he is joining us and 8 9 he is behind the phone here on my right. So Sheriff 10 Ashley is participating but he is participating by He couldn't make it down here. 11 So thank phone. 12 you, Sheriff, for being here on the phone with us 13 this morning.

There is really nothing new as far as new topics or new material that is contained in the agenda for this meeting. We're trying to really bring some things in for a landing and to close out some pending issues.

19Of course, we are going to hear from20Superintendent Runcie, from Sheriff Tony, from the21county administrators and others to get updates on a22lot of what we talked about last time.

I would say the most significant pending issue is still the issue regarding communications here in Broward County, the OrCAT 911 issue and the

Page 5 1 radio tower issue which is the most significant 2 Hopefully we will get some positive pending issue. information about where they are with that today. 3 I know we talked about it several times as far as 4 5 the subpoena we have outstanding to Team Mobile. Т know, Mr. Schachter, you have asked about that many 6 times regarding the subpoena, the cellphone records. 7 8 Those records hopefully were sent out by Team Mobile 9 yesterday. They are supposed to be received by FDLE 10 in Tallahassee hopefully tomorrow morning, and we will get someone to guickly analyze them, and 11 12 hopefully we will have somebody to quickly analyze 13 them and we will have some results before we adjourn 14 tomorrow on those records.

15 That subpoena has been pending now for several months with Team Mobile. It is not unusual. 16 17 These cellphone companies take a while. But 18 hopefully we will have an answer to that question 19 about that call from -- If you remember, what we are talking about is whether that mother contacted the 20 21 school board chair about the point that was supposed 22 to have been made to Morford. So that is the 23 incident we are talking about and whether there was 24 an actual phonecall, and we will hopefully know by 25 tomorrow whether those records contain that call.

Page 6

As far as the Broward Sheriff's Office 1 internal investigation, you'll hear about that from 2 3 Sheriff Tony. As we know, that has been completed. Several deputies have been terminated and others 4 5 disciplined. The internal investigation by the Broward 6 County public schools as it relates to Morford, 7 Thompson, and others is still pending, and I'm sure 8 9 that Superintendent Runcie will update us on the 10 status of that. I don't have any more information for you other than they hired an outside law firm 11 12 and it is still an ongoing investigation. 13 So before we begin here with the first 14 session this morning, does anybody have anything? I'm ready to jump right in to the first agenda item. 15 16 Unless anybody has anything -- Harold, I don't know where you are. Can you put the first 17 18 presentation up for the PowerPoint? 19 Any commissioners have anything they want to bring forward before we get started? 20 All right. 21

22 So the first thing we have on the agenda 23 this morning is our discussion about it says future 24 meetings and contents of the next report. We framed 25 this a little bit differently, and say it is kind of

Page 7
where we have been, where we are, where we are going
with the discussion.

We have been together now for 16 months. I would say this commission, along with others including the previous and current governor, the legislature, the Department of Education, and a whole bunch of people work hard to drive and affect change in a better and more safe environment in Florida schools.

10 I think we have actually accomplished 11 that. But even though we have accomplished some, 12 there is still much to be done, and that needle 13 still needs to be moved farther than where it is.

14 As you are going to hear today as we get 15 into this, we made improvements, and I will say 16 significant improvements just in the last two months 17 from where we were at the last meeting when we 18 talked about the unacceptable number of schools and 19 districts that were noncompliant with the law in a variety of areas including the one that was most 20 21 concerning I think to all of us, and that was there 22 was not a safety school officer at every campus. 23 But as we sit here today, and as you will 24 hear throughout the day, still here in Broward 25 County as of this morning is that we have a big

Page 8 question mark and uncertainty moving forward whether 1 there is a sustained safe school officer present on 2 29 school campuses in Broward County, and some of 3 4 those we only have a commitment for a couple days. School starts today in Broward County. 5 We only have a commitment from Sheriff Tony, because 6 7 these charters are not acting, that he is only going to cover them until Friday, and if they don't act by 8 9 Friday and sign a contract with him that he is 10 pulling out, so that will leave those schools So even though there is a lot of work 11 uncovered. 12 that has been done and a lot of progress made -- And 13 I'll explain more about this later, about the 14 situations in Miami-Dade, here in Broward, and Palm 15 Beach County -- those are the three counties we have 16 had the most concerns about and the most challenges 17 with regarding compliance with the safe school 18 officer requirement.

As Director Kelly will get into later this afternoon, we do have the results of the survey back and, again, we made progress, but there are still some holes and room to comply fully with the law and do it better. But as we talk about where we are and where we have been and where we are going is that we have accomplished a lot.

Page 9 1 I'm going to run through for you right now 2 a summary of all the statutory school safety 3 requirements that have been enacted since February 4 14, 2018, the deadlines that have been imposed 5 either by statute or by executive order, the status of this commission's recommendations from our 6 interim report that we submitted in January of this 7 8 year, and some thoughts about what should be 9 contained and what we should put into the next 10 report and then where we go. 11 As you consider this and as we go through 12 this presentation -- And you have a copy of it in 13 your books -- I ask you to start thinking about what 14 you want to do, where do we want to go, and what is 15 left to be done that we can realistically, one we need to do or should do in the short term, if 16 17 anything, and are we at a juncture here now where 18 our focus after this meeting today and tomorrow should be is to let all of this take effect. 19 There is so much that is pending as you'll 20 And we submit a report. The legislature 21 see. begins interim committee weeks in September. 22 It is a quick turnaround, this legislative session. 23 Thev 24 come back in January because of the election year 25 next year, so it is a 60-day session that begins in

1 January.

2 I think there are some things, and I know 3 there are some things that we need to go back to the 4 legislature with that they should act on. Some of 5 them are fixes, some holes that need to be closed. So I think it is imperative that we, as quickly as 6 possible, develop the next report and get it 7 8 submitted as soon as possible so the legislature has 9 this commission's recommendations because we know 10 they listen to us.

Senate Bill 7030, not totally, but it was 11 12 largely driven by this commission's recommendations. 13 Our thanks to the senate present and to the speaker 14 and to all the members of the legislature for 15 listening to us because they got it right with what 16 they did in 7030, and I think it is important we 17 weigh in before the next session begins to try to 18 get some of these additional items before them.

19 Then from there -- I'm putting the cart 20 before the horse -- but I want you to think about 21 this as you look at this presentation. My thought 22 is -- I'm one vote on this and it's the commission 23 as a whole decision -- but my thought is after this 24 meeting that we prepare the report, we meet one more 25 time to go through the report, have discussions about the report, approve the report similar to what we did with the December meeting, and then we just let things sit and we come back together sometime next year after all of this has had the opportunity to take effect, because I don't see anything more that needs to be done that we can do realistically or should be doing in the immediate future.

8 I think we have done so much as you will 9 see here, but that we wait until after the 10 legislative session before we meet again, after we have the next meeting -- It can be just a one-day 11 12 meeting just on the report -- and then we pick a 13 time after the next legislative session to come back 14 together, and that gives all of us an opportunity to 15 see where it is because there is so much that needs 16 to be done.

17 Let me leave it there for now. Let me go 18 through this and see what you all think, and we will 19 have a discussion.

The first thing is, just running through this kind of quickly, these are all the statutory enactments since February 14. This is a combination of Senate Bills 7026 and 7030.

24 We know we now have in Florida an office 25 within the Department of Education that is dedicated

Page 12 1 to school safety and responsible about for 2 compliance and oversight of all school safety and 3 security matters throughout the state. I know with funding that has been made available by the 4 5 legislature that office is expanding, and I believe they are in the process of hiring about ten people, 6 and it is going to be very, very important for 7 sustained and enhanced school safety that that 8 9 office be staffed and funded so they can provide the 10 oversight necessary to ensure this is done. This cannot be a one and done. We see that too much. 11 12 In this area of school safety, 13 unfortunately we see that where we see temporary 14 compliance and then they think somebody goes away 15 and they just go back to their old ways of doing 16 At least as far as I'm concerned, as long things. 17 as I have anything to say about it and have a voice 18 in it, it ain't going to happen. We are going to 19 keep on it because we have come too far to let it 20 regress. Every school district -- And this is a 21 22 very good thing -- is required to have a school 23 safety specialist, and that is a dedicated person in 24 that district that acts as the liaison with the 25 district, between the district and the office of

Page 13 safe schools, and that has been a very affective enactment, and every district is in compliance with that.

As we know, we created the Guardian 4 5 There has to be an armed person on every program. school campus, and we are well aware of that. 6 And 7 the only thing that was very effective was authorizing law enforcement officers to seize 8 9 firearms at the time it takes to take somebody into 10 custody under the Baker Act when there is a threat of harm towards somebody else. 11

12 For decades, decades, law enforcement in 13 Florida had no authority to do that, and this makes 14 a real difference, a substantive difference because 15 there is nothing more frustrating than taking somebody into custody under the Baker Act because 16 17 they threatened harm to themselves or someone else 18 with a firearm that didn't rise to the level of a 19 crime, and you take that person into a receiving facility where they're going to get out in about 20 21 four hours, but you have to leave the gun that was 2.2 the basis for the Baker Act and the basis for the 23 threat. You actually have to leave the gun there at 24 the house, and then they get out of receiving 25 facility and go right back to the house where the

Page 14 1 gun is because we had no authority to take it. Just because somebody is Baker Acted as we 2 now know -- And I hope everybody is becoming clear 3 4 on this in the public because they haven't been and 5 there is still misinformation about it -- but a Baker Act does not disgualify someone from 6 7 purchasing a gun. I can Baker Act somebody five times in the 8

9 last 30 days and they can go out tomorrow and go to
10 a local gun store and buy a gun. There is nothing
11 in the Baker Act, and as a result of being Baker
12 Acted that prohibits somebody from purchasing a gun.

13 But what does now in Florida give us the 14 opportunity to prevent that person who has been 15 Baker Acted or has significance mental health or behavioral issues not necessarily mental health, is 16 17 what we call risk protection orders or some people 18 call them red flag orders, and that enactment has been extremely successful, and I know it made a 19 difference in this state in preventing harm and 20 21 preventing tragedy, allowing law enforcement to 22 seize firearms, seize the ammunition, and importantly prevent them from going out to the local 23 24 qun store and being able to buy a qun. 25 This process has worked very well, and I

page 15 believe the numbers show that the number one county in the state for these risk protection orders is Polk County followed right behind by Pinellas County. Broward has done a number of them, and that has been a very, very significant enactment as a result of Senate Bill 7026.

The Community Action teams -- And we will 7 8 hear more from DCF during this meeting as an update and focus on mental health. Community Action 9 10 teams are effective. This was expanded within the law. 11 The multi-agency network of mental health 12 services in K through 12 schools was also expanded. 13 The mobile response teams focusing on people up to 14 aqe 25. We talked a lot about case management and 15 the lack of case management.

What these mobile response teams are doing -- And we will hear more from DCF about it during this meeting -- but what they are doing is they have to respond when they are called within an hour.

When they go out, the whole idea is to Baker Act diversion and have somebody intensively case managing these people who are in crisis up to age 25. It is intensive supervision for seven days and a warm handoff into services. So the mobile response teams are not, at least in my view, at least in our county, are not fully developed and not exactly where they need to be, but they are substantially on the route to being there, and we are much better than where we were before.

7 I think it is these mobile response teams
8 and all of the emphasis on mental health and the CAP
9 teams with the mobile response teams has been very
10 effective.

11 Registration, now every student is 12 required to disclose a prior mental health referral 13 to the schools, and the courts are required to 14 report to the school superintendent any child that 15 is in court that the court has referred to mental 16 health services.

We are trying to break down the information silos so the left hand does know what the right hand is doing so nobody is sitting there uninformed in trying to identify those that need help to avert a crisis situation.

We know there is a required annual physical site security assessment, the FSSAT which we talked about, and we will hear more about it today on a district=wide FSSAT and the school

Page 17 1 specific one that is required to be done every year. 2 Establish the school hardening and harm mitigation work group comprised of subject matter 3 4 experts, and there is a report as you see more about 5 this due to DOE by August 1, 2020. The development of an integrated data 6 repository and social media monitoring tool. 7 We will talk more about that. 8 9 Monthly active assailant drills are 10 required. There is, of course, some noncompliance There still is noncompliance with it. 11 with this. 12 Some people claim it was ambiguous in the statute. 13 It is not ambiquous. It is very clear. It is 14 ambiguous if you want it to be ambiguous. It is 15 ambiguous if you want to try and read something into 16 But it is very clear that in Florida today that it. 17 every charter school, elementary, middle and high 18 school in the state of Florida is required that there be an active assailant drill conducted by law 19 20 enforcement every month on every campus. 21 There is room for discussion about that. 22 We are going to have some discussion about it today. We were asked by some of the school safety 23 24 specialists to have that discussion and bring it 25 before you about the monthly requirement and whether

Page 18 1 it should be a monthly requirement and do we want to 2 make a recommendation to the legislature on a 3 modification of that. So we will have that 4 discussion later today.

5 Every school is required to have 6 behavioral threat assessment teams, and they are 7 required to have a law enforcement officer on every 8 campus.

9 The other thing on the guns, prohibited 10 purchases by people under 21, three-day waiting 11 period for all, closes the gap on this written 12 threat.

13 If I walk up to somebody and I say I'm 14 going to shoot up the school and I don't do anything else, it is not a crime. Used to be if you walked 15 into the bathroom at the school and you wrote on the 16 17 mirror I'm going to shoot up the school, that wasn't 18 a crime in Florida because under the statute it required a transmission of the threat, and what the 19 law did in 7026 is it removed the transmission 20 21 requirement so now all written threats are illegal 22 and are felonies, so that was a good revision. 23 Of course, as we know about the Fortify 24 Florida Act, the schools are now required to promote 25 the act.

Page 19 1 So let me get back to where I was, and I 2 apologize for that. By August 1st of this year DOE 3 was required to provide districts with a validated behavioral threat assessment instrument. They did 4 5 that. We will talk more about it. Assemble a statewide working group to make 6 recommendations regarding the online statewide 7 8 threat assessment database. That report is due by 9 December 31 of 2019. Charters and district schools have to 10 11 adopt a active shooter response plan, and all 12 personnel must be trained. As you'll see, there was 13 compliance with that. 14 Zero tolerance policies, the law now There has to be consultation with 15 addresses that. 16 law enforcement, and you can have a zero tolerance 17 policy as it relates to harm towards somebody else. 18 Previously you couldn't have a zero tolerance policy as it related to what they called 19 petty acts, but now you can have a zero tolerance 20 21 policy as it relates to harm or threat of harm. So 2.2 schools now can have zero tolerance policies in that 23 regard. 24 Importantly, and we stress this, this is a 25 result of 7030, is it gave teeth to all these laws

Page 20 1 that wasn't there before. As we talked about many 2 times, DOE was merely a repository and had little to 3 no oversight authority. 4 Now the commissioner has some oversight

5 authority, in some areas more than others, but the 6 commissioner does have authority to sanction 7 districts that are not in compliance.

8 So that's a summary of 7026 and 30. The 9 big picture, of course, there is a lot more details, 10 but I think you can see a lot has been done and a 11 lot has been enacted in the laws of the state to 12 make the schools safer.

13 In those laws and in the governor's 14 executive order that he entered on February 13 of 15 this year it required certain things. Some of those things are completed and some are still pending. 16 17 One was that the Department of Education and the 18 Department of Juvenile Justice do an analysis of the 19 school-based juvenile pre-arrest diversion programs in the state, and that was completed by July 1, and 20 21 Secretary Marstiller is going to talk to us this 22 morning about the results of that.

July 1st, the DOE had to submit an initial school hardening report. That has been completed. August 1st, the integrated data repository, that has

Page 21 1 been completed. The social media monitoring tool, 2 that's completed, at least in their initial phases, and we will talk more about that. 3 4 The statewide threat assessment, the DOE 5 completed that on schedule, by August 1st. The FSSATs, we know we have had problems with 6 submissions of those in the past. 7 The school has 8 asked and we concurred and the legislature changed 9 the reporting deadline to October 1st. So now all 10 the FSSATs, the district-wide and school specific ones, are due on October 1st of this year. 11 That is 12 in the pending category because they have until 13 October 1st to submit them this year. And, of 14 course, that is the annual reporting. After they are submitted, each district is 15 16 required to certify the DOE they have complied, and that has to be done by October 15. I have already 17 18 mentioned, and I put this in the pending category, 19 DOE is required to assemble the threat assessment 20 work group, and that threat assessment work group is to make recommendations on a statewide online threat 21 22 assessment database for the purposes of managing the 23 threat assessment teams and managing the information 24 and, importantly, sharing the information. That 25 report also has to make a recommendation on a system

1 and assess costs.

2 So hopefully -- I know we will hear from 3 Director Kelly later today exactly where they are in 4 assembling that group because December 31st is right 5 around the corner.

6 That initial, initial hardening and harm 7 mitigation report that DOE was required to submit by 8 July 1st of this year, they did, but there is a 9 greater report with subject matter experts and a 10 statewide task force, and that hardening work group 11 report is not due until August 1st of 2020.

After that group work comes together with subject matter experts and does it more in-depth, then by September 1st of 2020 the commissioner of education is required to submit a report based on that to the governor and to the legislature.

17 So those are the things that have been 18 completed with specific deadlines that are in the 19 statute or by executive order and the items that are 20 still pending.

As you can see with the items pending, everything is on track, and that is one of the reasons for my remark a few minutes ago that are pending and on track are important things, and I think we just need to let them take their course and Page 23 take effect and then see what this outcome is of some of those as it will help us as we move forward. But we need to let them do their work and let those things take hold.

5 I'm not going to run through all of these because you all are very aware of these, but I 6 7 wanted to point out in summary fashion that this commission has heard testimony from well over 60 8 9 witnesses, and we heard a number of topics. I am 10 going to buzz through these. I'm not going to read You lived them. You know what we heard. 11 them.

12 When you look at it, the number of topics 13 we heard is a minimum. There is more. I tried to 14 summarize some of these, but 44 different topics 15 over the last year now that we have heard the testimony about from, again, well over 60 witnesses. 16 17 Commission investigators interviewed well over --18 And I say well over 300 witnesses, and literally tens of thousands of pages of documents and other 19 It has been a very thorough and very 20 evidence. 21 comprehensive investigation.

So turning now to what the status is of our recommendations from the initial report we submitted in January, beginning with Chapter 3, and Chapter 3 includes Level 1 of Appendix B which is on

Page 24 1 physical site security and school hardening, the 2 first thing that we recommended in the January report is that office of safe schools conduct a 3 4 review of target hardening and best practices. 5 Again, that initial report is done, it was completed, it was completed on time, and it was 6 under the governor's executive order, and DOE 7 8 completed that. 9 As I said before, the task force report is 10 pending, and that isn't due until August 1st of 11 2020. 12 The next thing that we recommended was a 13 permanent body to oversee site security. I put that 14 in the pending category. It was not addressed by the legislature, but the statewide task force's 15 report with subject matter experts is not due until 16 17 August of next year. That is one of those that is 18 really pending but it is not that it hasn't been done. I think it is something that has to be 19 addressed and whether that is warranted by the 20 21 statewide work group that will submit its report by 22 August of 2020. A requirement that all gates to the school 23 24 campuses are closed and locked, and they are 25 importantly staffed when they are open, I put that

Page 25 1 in the pending category. And as you'll hear from 2 Director Kelly this afternoon, out of the 67 3 districts, all but eight show they have a 4 requirement that when there are open gates that they 5 be staffed. We have substantial compliance, and some 6 of those may be answered not in a positive because 7 of certain nuances with those campuses. I'll let 8

9 Director Kelly explain more about that this 10 afternoon.

11 The next thing we recommended in our 12 report was that the districts have a written active 13 assailant response policy. Remember, as of a few 14 months ago there were districts in Florida that still had never had and did not have -- which is 15 16 unfathomable and it took them more than a year but 17 we are there -- that they did not have a written 18 active assailant response policy, and that was one of the things we had discussion with the legislature 19 about this year. Because there was noncompliance 20 21 the legislature put it in 7030. We now can show we 22 have full compliance with this.

When I say the DOE review is pending is because all of those policies have to be submitted to the office of safe schools for review.

Page 26 1 That is now, and you will see in the survey today 2 that Director Kelly goes through we do have 3 compliance with that. 4 Effective communication systems so that 5 all personnel can transmit and receive threats. Again, the survey shows there is some compliance, 6 but I would say wholistically and comprehensively 7 that is still pending in many schools. 8 9 A designated safe area or hard corner, the 10 survey shows thankfully and finally that across Florida in all 67 districts there is a policy that 11 12 requires safe areas and hard corners in every 13 That took awhile, but we are there. classroom. 14 All campuses, single eqress and ingress 15 points, of course, that is pending. That is a biq 16 ticket item to have single ingress and egress just 17 because of the construction and design of schools 18 and campuses. 19 An immediately available opaque covering to block the line of sight from the outside. 20 There 21 is not full compliance with that. 22 All school active assailant policies make 23 it clear that the staff are empowered to initiate an 24 active shooter response so we don't end up with the 25 complete debacle we ended with at Stillman Douglas,

Page 27 and the survey shows we do have complete compliance 1 2 with that in these policies that have been enacted by the districts across the state. 3 4 A requirement requiring that doors be 5 locked when occupied to classrooms, the survey shows compliance. 6 And the 11th recommendation the commission 7 8 had was the system to ensure compliance with 9 mandated school safety requirements. 10 As I said a couple minutes ago, Senate Bill 7030 gave the commissioner of education 11 12 compliance authority and sanction authority, so that 13 is completed. 14 If you go to Chapter 4 of the report, we 15 recommended the legislature expand the guardian 16 program to include all school personnel, and they 17 did that in Senate Bill 7030, so that is completed. 18 Another recommendation we had in that 19 chapter which is not there and probably won't be is that there should be sufficient staffing on each 20 21 school campus to provide immediate backup and 22 appropriate and timely response to an active assailant. 23 24 What this means simply is two is better 25 than one, three is better than two, and four is

Page 28 1 better than three. Having one safe school officer, whether it is a police officer, deputy sheriff, or a 2 3 quardian on every campus, having one is insufficient. We all know that. But there is no 4 5 willingness on the part of the school districts to authorize school personnel to be that force 6 7 multiplier, to be that two versus one, three versus 8 two, and four versus three. And unless or until the 9 school districts are willing to accept that one is insufficient, this is where we are and it is going 10 11 to stay there.

12 Again, law enforcement knows, and those of 13 you in law enforcement know, and law enforcement 14 agency administrators here know the number one topic being discussed today, I don't care where the 15 meeting is, I don't care whether it is in California 16 17 or New York or Florida or Oregon, the number one topic being discussed by law enforcement 18 administrators today is what is really becoming a 19 crisis in law enforcement recruiting and retention, 20 21 and that there are huge, huge gaps in being able to 22 recruit and retain personnel. We don't have enough 23 personnel to fill the spots we had. 24 Anybody that is thinking that 25 recommendation two, that that gap could be filled by

Page 29 1 hiring more cops is just wrong because they don't 2 We still have at least a couple thousand exist. openings for police officers in the state of Florida 3 today. We can't fill the positions we need. 4 То 5 think that filling these positions with a law enforcement office is a viable option, it's not. 6 7 The only way we are going to have that force multiplier and this recommendation will take 8 9 hold is that somebody other than cops -- And this is 10 where is the quardian program comes in, this is where the school boards come in, because it can't 11 12 happen unless they you rise it, become that force 13 multiplier. 14 So that is in the pending category, but

14 so that is in the pending category, but 15 most likely it is going to stay there because there 16 is still opposition to doing that.

17 Then the remainder of the recommendations 18 in Chapter 4 are law enforcement operational matters such as the structure of SRO units, and those are 19 under the control of the 400 agencies, the 400 20 police chiefs and/or sheriffs in the state of 21 22 Florida, and there is really no way to know how many 23 of those recommendations have been implemented. 24 If you go on to Chapter 5 in our 25 recommendations, the Broward Sheriff's office

Page 30 conducted an internal investigation regarding the 1 inaction of deputies who responded to the shooting 2 As I said, that's completed and several 3 at MSD. 4 deputies were terminated and others were 5 disciplined. In Broward County, all law enforcement 6 agencies have realtime access to cameras in the 7 8 schools. I'm sure one of you will or I will ask 9 Superintendent Runcie about this because my understanding is this is not complete. 10 Personally I don't think there is a reason 11 12 for it not to be complete, but the Broward County 13 Sheriff's Office has access to the cameras but the 14 police departments do not. That agreement or those 15 agreements are still pending. They haven't been 16 able to bring that across the finish line, but that 17 was one of our recommendations. In fact, that is 18 something that should be done in all 67 districts, in all 67 counties, and law enforcement should have 19 live realtime access. 20 21 We know the results of law enforcement not

having live realtime access at MSD, and that was the mess of the 20-minute delay before anybody realized that Cruz was no longer on the campus; and it also was the cause of the approximately one hour -- Think

Page 31 about that -- approximately one-hour delay in any 1 2 EMS personnel getting to the third floor of Building 3 12 to treat those students who were shot who were 4 not dead. The EMS response was about an hour 5 because of the erroneous belief based upon erroneous information that Cruz was still in the building 6 So if it had live realtime access they 7 shooting. would have known. Law enforcement would have known 8 9 that Cruz was gone and they could have cleared that 10 building much faster.

11 It is imperative, and there is no reason 12 why it can't happen. The only reason is people hear 13 about FERPA during this meeting is that people are 14 using FERPA and erroneously applying it or not 15 applying it to the proper exceptions to be able to cause this to happen. If there is a will there is a 16 17 way and this can be done. This is not an obstacle. 18 We have had it in Pinellas County in our 19 communication center for years and we have today access to every single camera and every school in 20 the entire district. Others have it around Florida, 21 and other places the school district won't authorize 22 23 it. That needs to happen. There is no reason why 24 this is not happening in all 67 counties. 25 Our recommendation was that BSO changes

Page 32 1 the active assailant policy from may to shall. That 2 was done, so that is completed. Increase the 3 frequency and quality of its activity assailant response training in the Broward County Sheriff's 4 5 Office. That is completed. Sheriff Tony will be here today to 6 testify, and I'm sure he will speak to that, and if 7 8 not, to get the details of it, I'm sure one of you 9 will ask him about it. We recommended the Florida Criminal 10 Justice and Standard's Training Commission require 11 12 single officer response training. CJSTC is not 13 active or required. However, FDLE has developed the 14 training and it is going to be available. 15 Commissioner Swarengen is going to talk about that, or I think actually Director Register is going to 16 17 talk about that here at this meeting. So that is 18 pending. I put it in pending because we recommended That hasn't been done, but the 19 it be required. training has been developed and it is being 20 21 implemented, so it is more than just pending. 22 Chapter 6, Fire and EMS recommendations, again, all of those are under the control of each fire or EMS 23 24 agency head. 25 Chapter 7, law enforcement agencies should

Page 33 1 be required to have radio interoperability in each 2 county with surrounding jurisdictions. I have that completed. House Bill 441 passed this year. 3 We 4 were able to bridge the gap or close the gap. Т 5 wouldn't say close it totally because unless there is complete consolidation of radio systems and 6 public safety answering points or 911 centers across 7 Florida, we will never totally solve this problem. 8 9 Even trying to get House Bill 441 passed, I ran into 10 a lot of opposition because people didn't even want to do this, but we have got it to the best possible 11 12 place.

13 There is a requirement that agencies share 14 primary patrol radio channels now so we don't run 15 into that situation like we did here where the Coral 16 Springs police officers and the Broward County 17 Sheriff's Office deputies, in their mobile radios 18 and their portable radios, don't have each others 19 channels.

There is a requirement in House Bill 441 that if an agency asks another agency for their primary patrol channels they must give it to them so that we avoid and eliminate these turf battles and this I'm not giving you my stuff mentality that no longer exists, so that can no longer happen 1 because Florida law has required it.

2 911 centers are required to have direct 3 radio communication with all first responder 4 agencies again completed by House Bill 441, and 5 every sheriff in all 67 counties is required to assemble the stakeholders in their counties to have 6 7 discussion about this and come up with a plan to put 8 together a interlocal agreement, the ILA, and those 9 interlocal agreements must be filed by the sheriff 10 with the Florida Department of Law Enforcement by January 1st of 2020. So I would hope in all 67 11 12 counties the sheriffs are in the process.

13 I can tell you we have our meeting August 14 20th in Pinellas with all the police chiefs and stakeholders to develop our interlocal agreement, 15 and we will get that filed with FDLE, and that will 16 17 make a big difference because what that is going to 18 ensure if it is done properly is that when we have a call that goes into a 911 center like the call from 19 Stillman Douglas on the first floor when that girl 20 21 called and said the building is being shot up and 22 you can hear the gunshots is that the Coral Springs 23 911 center wasn't able to get on the Broward 24 Sheriff's Office channel and dispatch Broward 25 Sheriff's Office deputies.

Page 35 What this does is eliminate that because 1 every single 911 center that takes calls has to have 2 3 the capability of communicating with those first 4 responder units they are taking calls for. 5 Hopefully in these life-threatening situations that avoids that call transfer process 6 because it won't be hold on, let me transfer you, 7 tell your story again, and somebody else dispatches. 8 9 Based on this, if these interlocal agreements are 10 put together properly, is that when that call comes into the 911 center and it is a life-threatening 11 12 emergency that that 911 center, even if they're not 13 the primary dispatch entity for that specific police 14 department, will be able to immediately get up on 15 the radio and tell us cops to start getting there 16 because there is a problem and you need to go help 17 those people. I think we are making good progress 18 on that.

19 Chapter 8, the school districts should 20 conduct an internal investigation into the actions 21 of Morford, Thompson and others that is pending. I 22 told you about that.

Also our recommendation in the interim report, schools are required to promote Fortify Florida, and we know on the surface it appears, but

Page 36 1 this is very difficult to fully assess, that there 2 has been an underutilization of the Fortify Florida Act since it was put online last October, and at the 3 4 end of the school year there are only about a 5 thousand statewide. But the reason it is so difficult to assess is because so many districts 6 have their own reporting platforms. So not every 7 district is using only Fortify Florida. 8 They're 9 using others, and they are getting a lot of reports 10 through those others acts.

11 Nonetheless, we suggested and the 12 legislature require that districts promote Fortify 13 Florida, so in every district they are required to 14 promote it, so we have that in the completed column 15 because we asked the legislature to require that 16 promotion and they are doing so.

17 All school personnel -- And this is a 18 problem. Remember we ran into this several times or the results of this we found several times that 19 20 information was reported. So as an example, he goes 21 to Mr. Schachter, the point of those two boys who 22 reported that information in December of 2016 to 23 Morford. Those two boys report the information about Cruz to Morford. Morford's claim is those 24 25 boys didn't report that information.
Page 37 1 And I can tell at least I do believe they 2 did report that information, and I don't think 3 Morford is being candid about that for a whole bunch But what we ask and the legislature has 4 of reasons. 5 now required is that all school personnel, all school personnel that receive any complaints of this 6 nature about suspicious incidents, that they have to 7 report that to a school administrator and there has 8 9 to be documentation of the disposition of it.

10 This is to ensure that accountability, and 11 whenever that information is reported that it be 12 documented and the disposition of it so we don't run 13 into that situation where, one, people are reporting 14 things and nothing is acted on, and if things are 15 reported we end up with this deniability because 16 there has to be a documentation, a record made of 17 it, and how that matter was disposed of. So we 18 asked the legislature to do that and the legislature did that in Senate Bill 7030. 19

The other thing we asked for was a mandate -- And, Senator Book, I know you were instrumental in getting this across the finish line and sponsoring the legislation on it -- is the mandate that mental health professionals report and warn others of impending threats. Remember before Page 38 1 it was voluntary. It was permissive. They could 2 warn, but now they have to, and they have to notify 3 law enforcement. That is completed in Senate Bill 4 1418.

5 School districts coordinate mental health The coordination of mental health services. 6 services, making sure we don't have multiple 7 8 treatment plans and that there is care coordination 9 is an ongoing challenge and has been. I still have that pending column because there is still a lot of 10 work that needs to be done on that, but I'll suggest 11 12 to you there will always be work that needs to be 13 done on that.

14 Another recommendation in Chapter 9 was a 15 concern about threat assessment team records, mental 16 health records when kids change schools, and we 17 recommended that the threat assessment team records 18 and other mental health records be part of the The legislature listened to us on 19 student record. that, and in 7030 the law now is when a child 20 transfers from one school to another or from one 21 22 district to another, so intradistrict or 23 interdistrict, that the records have to be 24 transferred within three days to the new school, and 25 then importantly is that if a child is under the

1 care of a threat assessment team or has a behavioral 2 intervention plan, etcetera, it is designating the 3 responsibility to ensure continuity of services is 4 with the transferring team until the transferee, the 5 school receiving the child, is able to assess the 6 child and assume responsibility.

This eliminates gaps and potential gaps, 7 so this is a great thing because it ensures the 8 9 timely transfer of records and it designates 10 responsibility so we don't have a kid transferring between schools or districts and they fall into some 11 12 sort of a gap. So the transferring school is 13 responsible for the continuity of care until it is 14 picked up by the transferee school.

15 Also in Chapter 9, we talked about the 16 timeliness, and I think Commissioner Carroll and I 17 think Larkin-Skinner, you all were talking about 18 this and the timeliness here. I think we talked 19 about this quite a bit.

I think the recommendation was services must commence within 45 days. 7030 now requires the recommendation that school based treatment begin within 15 days and community treatment within 30 days. That was a good recommendation that the legislature listened to. They also considered part

Page 40 1 of the mental health case management for people in 2 the 13 to 25 age range. Again, we talked about this 7030 expanded funding for the 3 a few minutes ago. 4 response teams, and I have that in the completed 5 column because that is what the response teams do is they have to respond within an hour, and it is 6 7 intensive case management up to seven days and then a warm handoff to a service provider. 8 So it 9 addresses those concerns with the kids in that 13 to 10 25 age range.

11 Chapter 10, the school diversion programs, 12 Secretary Marstiller is going to talk about that 13 this morning, that they be under the same auspices 14 as the community juvenile diversion programs. Ι 15 have that as not completed, but the DJJ report was just issued, and hopefully we will hear about the 16 17 recommendations, and hopefully this commission will 18 concur with the DJJ's recommendations when we get 19 the legislature, as part of our recommendations this 20 year, to make that happen.

21 Chapter 11, again, the threat assessment 22 investigation on Morford and Thompson, that is 23 pending. Again, in Chapter 11 we suggested that the 24 Broward County Public School should evaluate the 25 threat assessment process. That was completed. You Page 41 1 all received a copy of the report that was received 2 in December of 2019.

Remember, we had a question about whether 3 4 the threat assessment process and all the 5 problems -- And there were significant problems with it -- was limited to Stillman Douglas or whether it 6 was a systemic problem across the district. 7 It was 8 very clear that it was a systemic problem across the 9 district and the district did not have a 10 well-implemented behavioral threat assessment They had a policy. It just wasn't well 11 policy. 12 implemented and people weren't trained on it, and 13 there were all kinds of issues and problems, and 14 you'll remember there were all those gaps in it. 15 But that report was issued in February, and the district has since revised its process and invested 16 17 in software to manage the threat assessment process, and we heard a report on that, so that is in the 18 19 completed column.

20 DOE established the behavioral threat 21 assessment instrument statewide. They did that, and 22 we talked about it so, that is completed. Then the 23 work of the statewide work group is pending because 24 that isn't due until -- I put the wrong date on 25 there. It says August 1st. It is December 21st of Page 42 2019, so I do have the right date on there. So the threat assessment instrument was completed on August 1st, and the statewide work report is due December 31st to make recommendations on the statewide database.

Chapter 12, we recommended a work group on 6 That is in the pending column. 7 FERPA changes. We 8 are going to have a presentation at this meeting on 9 FERPA, the DOE analysis, and Matt Mier is the 10 general counsel for the Department of Education and the outside counsel they've retained. 11 They've been 12 great to work with over the last couple months. 13 They have done a lot of work on this, and I think we 14 will have an enlightening presentation on this, a better understanding of what it is, what the 15 16 exceptions are, and potentially where the 17 opportunities are to convey the accurate information 18 about it and maybe recommend some changes. But, 19 again, they have to be done through congress at the federal level. 20

21 Chapter 13, require mandatory use of the 22 FSSAT by all districts and schools. Again, that 23 wasn't being done and we saw a lot of gaps. But now 24 7030 requires it so that is completed.

25 The Department of Education should provide

Page 43 compliance authority to ensure the FSSAT is 1 2 completed and submitted. Again, 7030 requires it and gives the commissioner compliance authority. 3 4 So those are all the chapters in our 5 report and the status of all of the recommendations that we made. I think you can see there that 6 legislatively a lot has been done. 7 Through 8 executive order with reports a lot has been done. А 9 lot is completed. There are some things that are 10 pending. You can see with all the chapters in our 11 12 interim report and all our recommendations the 13 majority of this is already done and has already 14 been completed, and the things that are pending are 15 not pending and are not incomplete because they've 16 It is because they are in progress and people sat. 17 are working on them. 18 This last thing and then I will open it up 19 for discussion, your thoughts and comments and where These are the things I think are 20 you want to go. 21 still in that work in progress category. 22 Ensuring there is a sustained -- And that 23 is the key word here is a sustained -- safe school 24 officer on every campus. 25 I'm still concerned that in some of these

Page 44 places, because of where we are today and the last 1 2 minute to get a safe school officer on these 3 campuses before school starts that something is 4 going to dissipate I guess, that they are doing it 5 to check the box and it is not going to be sustained, and we need to make sure it is sustained. 6 The example was here in Broward -- And 7 I'll talk about this more later -- but to check the 8 9 box today for Broward, Sheriff Tony has agreed in 10 all of these charters, and we had have 29, that we just don't know. They have not made arrangements 11 12 themselves. So Sheriff Tony's agreed for today when 13 school starts and for tomorrow to put a deputy 14 sheriff at each of those schools in Broward County 15 for today and tomorrow. But if they don't do something on their own and they don't sign an 16 17 agreement with him and he doesn't have a contract 18 with him by Friday he is pulling them out. That is This is what I'm talking about. 19 not sustained. 20 We have so many issues going on in Palm 21 Beach County we need to let play out. Miami-Dade is 22 working on theirs. I think they have a good plan in We need to make sure that is 23 place in Miami-Dade.

24 sustained. We also need to make sure we talked 25 about it extensively. I know DOE is working on it. Page 45
We have the panel of superintendents. But there is
accurate and timely submitted CESIR data. It is an
understatement to say that that was inaccurate information
that has been reported. So this is something we
still need to look at.

6 We don't know and won't be able to really 7 assess this fully until the next reports are made. 8 Remember, they are only reporting CESIR data three 9 times a year, so we won't be able to know and go 10 back and look at the progress that has been made 11 until the next cycle when we analyze the data, and 12 that will be a little while.

13 Again, accurate and timely submitted 14 FSSATs. They are not due until October 1st. 15 Consistent implementation and use of the new 16 behavioral threat assessment that just came out on 17 August 1st, not even two weeks ago. So that is a 18 work in progress. The results of the threat 19 assessment progress is not due until August of 2020 20 for the harm mitigation. 21 For the behavioral threat assessment, that 22 report is not due until December. Further 23 development of threat assessment teams including

24 data repository and social media monitoring, that is 25 a work in progress. Physical site security, again,

Page 46 1 August of 2020. Consistent access to the school 2 camera systems I quess is a work in progress. 3 Resolution of the Broward County 911 and OrCAT 4 issues, we will hear from the county administrator 5 and Chief Rosa today to see where they are on that. Resolution of the radio system replacement issue, I 6 know the county administrator is going to tell us 7 8 where they are in that process today. 9 All districts require that open gates be 10 staffed. Opaque coverage for classroom doors. Enhancement of communication systems. 11 Integrating 12 the juvenile diversion programs. Those are things 13 that I think need to be watched and monitored that 14 were in the works. As we look at the next report, address 15 topics that we have considered since the interim 16 17 report, this will be just a general outline perhaps 18 of what the next report will look like, a review and status recommendations which we just did. 19 A review of 7030 and other requirements 20 21 which we just did. Status of the governor's 2.2 executive order which is in this PowerPoint. Status 23 of statewide compliance with school safety 24 requirements, and Director Kelly is going to give us 25 survey results today. Some specific topics we would

Page 47
want to include, I think we heard for the first time
a couple months ago about reunification, mass
casualty notification. We need to include in there
I believe our findings and recommendations regarding
CESIR.

6 Findings and recommendations regarding law 7 enforcement radio system, regional 911 and OrCAT, we 8 are going to hear this morning but we have to 9 address it, we should address it, whichever way we 10 go because there is a lot of discussion about there 11 about these monthly drills, and there are divergent 12 views.

I do suggest this commission should take some action on it and either support the status quo of the monthly drills or that there is room to modify that. I think people are looking to us for a recommendation and we would be remiss if we didn't address that issue.

We will hear from the school safety
specialist this morning and have that discussion,
but I think that needs to be in the report one way
or another, FERPA.

This next one, I'll explain why this is in here later. I'll clarify that the sheriffs do the guardian training. I'm not going to get into that

Page 48 I'll explain that later, and the rest of the 1 now. 2 findings in the DJJ report about school juvenile 3 diversion programs governed by the law and 4 regulating community based programs. Perhaps 5 recommend 100 percent sustained compliance with all the provisions and by a date certain or there be 6 7 sanctions imposed for noncompliance, and that all entities continue to work toward better information 8 9 sharing and data integration.

10 So that's an overview of what I see as far 11 as where we have been, where we are. And, again, my 12 thought on where we go is there is so much that has 13 been done, so much that is in progress, that we 14 focus on a report and then we pick a time, perhaps 15 in March or so, after the legislative session, and 16 then we meet again.

17 I don't see a lot to do more than just 18 monitor it at this point after today's meeting and 19 this report.

20 I'll open it up to Sheriff Judd.

21 SHERIFF JUDD: Thank you, Chairman22 Gualtieri.

First I want to commend -CHAIRMAN GUALTIERI: For the court
reporter, what I'm going to do is -- He is having a

Page 49 1 hard time knowing who is speaking. What I'm going 2 to do is as I recognize the speakers, I will call 3 them by name and recognize them for you. Sheriff Judd is recognized. 4 SHERIFF JUDD: I want to commend you and 5 certainly the commission because, as you can see, 6 7 there has been a great amount of work done, and also as well as the legislature. 8 9 What I would like to see before our next 10 report, and certainly when you consider 7026 was 11 passed a year ago, there has been ample time for 12 compliance with the law, and 7030 passed, and there 13 has been more time to comply with the law. 14 I would like to see an audit team put 15 together, and before we meet again I would like an 16 audit team to be on the ground at the schools 17 checking the box. The guardian is here. I've 18 looked at a sample of the appropriate reports. Ι 19 have seen the policy. I have seen the distribution I have seen the training of the 20 of the policy. I have seen the schedule and the Safe 21 teachers. 22 School training the children have had, and I would 23 like to have this audit team be able to compile a 24 report so we can say District 1 is game on. 25 District 2 is game on. District 3 is all window

They check the boxes. 1 dressing. They are not 2 training the teachers. There is a policy that has 3 not been distributed. They are not doing the safe schools. 4 5 And, by the way, we drove up to school number X and number three, and there are no locked 6 7 We watched the school change. We walked qates. through the corridors during classes and classroom 8 9 doors are open. 10 I truly think this needs to be a surprise 11 inspection, and it needs to cover every district in 12 the state of Florida to ensure that what the 13 legislature and what this commission thinks is 14 occurring is really occurring, and we can give you a list of what we want to do. 15 16 The other thing I'm concerned with is that 17 we, as the commission, have called folks before us, 18 and we have seen some remarkable work in some 19 districts. We should recognize them publically, the ones that have done remarkable work. 20 The ones that 21 haven't need to be called out publically so that the taxpayers, the voters, the parents of the children 22 can see which school districts do not care for the 23

Page 50

safety and security of their children. That needs 25 And certainly I don't want to wait until to happen.

24

Page 51 spring to do that, but if it is necessary through that report to say, hey, here are the ones who are working, here are the ones that aren't, that is obviously a commission decision.

5 I think we should use our request of this 6 grand jury, the statewide grand jury, that they 7 start bringing people in before the grand jury, 8 putting them under oath, and holding people 9 accountable in the various districts that are not 10 compliant.

I think that grand jury, from an interim 11 12 report I read, is very serious. I have dealt with 13 grand juries my entire career. I have never seen a 14 grand jury give an interim report after one week of 15 testimony. It tells me they are serious, they are very serious, and people don't want to be on the bad 16 side of the grand jury for failure to act and comply 17 18 with the law.

I think we should as a commission request the grand jury to bring the noncompliant people before it and hold them accountable to the fullest extent of the law, whether that be a presentment and/or a true bill for a violation of the law. CHAIRMAN GUALTIERI: So under the first item you raise on this is that I 100 percent -- I page 52
can't state it strongly enough -- concur that based
upon the history and what we have seen, it has to be
verified. There has to be compliance and oversight.
We have seen such noncompliance unless they are
forced to do it.

I believe -- And you can ask Director 6 Kelly about it when he testifies about it this 7 My understanding is that is going to be 8 afternoon. 9 the role, at least some people in these ten positions that the office of safe schools are in the 10 process of hiring, and they are coming up with a 11 12 plan to divide the state into regions, and people 13 will be in the field doing that type of work. 14 I would encourage you to flesh that out with him this afternoon. I think that is where the 15 responsibility lies. I think that is the entity by 16 17 statue that is charged with doing this, and this is the best place to do that is this objective, and it 18 has sanction authority. 19

20 What I would look to do if we all concur, 21 that we let this sit, and then whenever the date is 22 we decide when to come back, if it is in March, is 23 that after we do the report come back in March, and 24 we would expect a report from them on the results of 25 those assessments and where they are across the

Page 53 I think that is the type of thing we have in 1 state. I think the wheels are moving in that 2 mind. 3 direction. That's what I want. 4 SHERIFF JUDD: T want 5 someone on the ground looking. I don't want them filling out a form and saying we're doing it. 6 7 I want to go and observe the evidence. It is 8 basically policy, training, and practice. 9 CHAIRMAN GUALTIERI: I agree with you. 10 I can't really get into anything as far as the grand jury is concerned other than to say they are 11 12 meeting, they have met, I know they're meeting next week, and I know the statewide prosecutor who is the 13 14 legal advisor to the grand jury is taking this 15 extremely seriously as he should, and they are, and that will take its course. 16 17 Of course, everything under statute is 18 confidential regarding the grand jury, but we know 19 they are actively working and diligently working, and it is a robust process. That's about all I can 20 21 say on that. 22 I understand completely. SHERIFF JUDD: 23 I think as maybe this conversation is better had I would love for 24 maybe at the end of the two days. 25 the grand jury to hear from the commission or

Page 54 receive a letter from the commission about how 1 serious we are in providing and supporting them and 2 our request to them saying look, we can only get so 3 far. 4 But where that compliance stops we ask you, 5 the grand jury, to go further. CHAIRMAN GUALTIERI: That's probably about 6 7 as far as I can take it because, again, this is very serious, the confidentiality with the grand jury. 8 I 9 can tell you I have testified before the grand jury 10 pretty extensively, so they are hearing from this That is as much as I can say on it. 11 commission. 12 Undersheriff Harpring, go ahead. 13 UNDERSHERIFF HARPRING: I would like to 14 voice my concurrence, but also recall that the commission exercised a substantial amount of 15 restraint at the last meeting when I know Sheriff 16 17 Judd was on point, and I agreed with him 100 percent 18 about the disclosure of the districts and the 19 schools that were not in compliance at that time. We gave I think a great amount of restraint relative 20 to wanting to name those, and I myself did as well, 21 22 but understood we agreed we were going to wait to 23 specifically identify those particular districts and 24 those particular schools. 25 I know we will hear from Director Kelly in

Page 55 1 that regard today. That being said, I think moving 2 forward relative to the report, I certainly would not be adverse and would support the inclusion of 3 the identification of those schools at this time 4 5 given that there has been plenty of time and this commission has been clear on the statutory 6 7 requirements.

Additionally, I think the -- I agree with 8 9 the timing. I know the committee meetings are going 10 to be coming up very shortly. Our report should include some defined recommendations moving forward. 11 12 In terms of timing, I also concur aside from meeting to finalize that next report that probably the best 13 14 timeframe for meeting is after the legislative session has concluded so we can evaluate what 15 16 additional laws were passed.

17 I do want to reiterate again my strong 18 belief that subject to hearing from Mr. Kelly this afternoon that we make it very clear that we are 19 going to identify those districts and those schools, 20 their shortcomings, and they will be named for 21 whatever it is worth for perpetuity in our report. 22 23 CHAIRMAN GUALTIERI: I think he is 24 prepared to have that discussion this afternoon. 25 Senator Book.

Page 56 SENATOR BOOK: Thank you for all your hard work, Chair, for the tireless, tireless work that has been done.

Just for our part of it, we really look forward to the conversation about the monthly drills, the developmentally appropriate nature of those drills, and when we got children with exceptionalities in classrooms that we address those because we don't know that those are really being addressed from a policy perspective.

It hink if we look back when we had Judge Leifman come and talk, I think we were a little light in our first set of recommendations on the mental health components in the Baker act that we could look at or make a suggestion.

But I also think that we have gotten a lot of calls into our senate office about childcare facilities that are licensed through the department of children and families who cannot have a guardian at their school.

I know there is a lack of law enforcement for schools, but they want to go out and have folks there to protect those kids and they cannot do that under the current --

25 CHAIRMAN GUALTIERI: They can't do what?

Page 57 1 SHERIFF JUDD: Cannot have someone armed 2 at their facility because it is a childcare 3 facility. Apparently under some of the statutes and 4 licensing it is not permitted, so I want to look at 5 that. CHAIRMAN GUALTIERI: So they can't have it 6 because it is a childcare facility? Are we talking 7 about charters? 8 9 SHERIFF JUDD: VPKs. 10 CHAIRMAN GUALTIERI: Talking about --11 SHERIFF JUDD: Two years old, three year olds. 12 13 CHAIRMAN GUALTIERI: They want somebody 14 there --15 SHERIFF JUDD: But they cannot. CHAIRMAN GUALTIERI: So it will be an 16 17 expansion of guardian program? 18 I don't want to say an SHERIFF JUDD: 19 expansion of the guardian program, but I think to look at the licensing. 20 21 CHAIRMAN GUALTIERI: There may be a way we 22 can get into this, but an expansion of the safe 23 school officer requirement which is not 24 necessarily --25 Sheriff, you are so PC. SENATOR BOOK:

1 Yes.

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T	res.
2	CHAIRMAN GUALTIERI: Okay. Got you.
3	SENATOR BOOK: Thank you.
4	CHAIRMAN GUALTIERI: Commissioner
5	Larkin-Skinner.
6	CHAIRMAN LARKIN-SKINNER: It's Melissa
7	Larkin-Skinner.
8	One of the things I have been thinking a
9	lot about, we put a lot into this, prevention as
10	well as a response when something occurs. One area
11	I would like to pay attention to is prevention as
12	far as preventing people from becoming shooters.
13	While I don't know is if there is anything
14	out there developed specifically for that, what I do
15	know is that focusing on prevention, and in this
16	case I mean something like social or emotional
17	learning, teaching kids how to have empathy for
18	others or to have empathy for others, teaching them
19	conflict resolution, teaching them problem solving,
20	decisionmaking, those skills are essential to being
21	a good resident, a good neighbor, a good parent, a
22	good brother and sister, and I believe if we focus
23	more on that and if we have a policy in this state
24	to have those types of skills taught to kids every
25	single year, every grade, every school which we do

not have right now, that will go a long way from
preventing these things from happening in the
future, and not just violence but suicide and
addiction as well. I think the State of Florida
needs to invest in that type of thing.

Right now it is like everything else, 6 every school district and every school gets to 7 8 decide whether those skills are taught or not, in 9 which classrooms, so on and so forth. Some allow 10 it. Some don't. I think it should be a requirement 11 along with all of the instructional requirements 12 that we have.

13 This is my soap box. Teaching a child how 14 to take a test is not going to make them a 15 successful adult. Teaching them the knowledge they 16 need, sure. But teaching them how to be a 17 successful person is going to go a long way to 18 improving basically the things that are happening in 19 our society.

20 CHAIRMAN GUALTIERI: So one of the things 21 we talked about -- And forgive me -- I believe you 22 were here for the last couple meetings. I know, 23 Senator Book, you had other business and you weren't 24 here. One of the things we didn't talk about is the 25 amount of work that is being done by others in the 1 area of mental health.

I know the governor is very aware and the first lady is leading some groups and working with groups on mental health issues.

5 I think we had some discussion about this, about this commission, and it all is intertwined and 6 to some degree seamless. But since work is being 7 done in the area of state government that we weren't 8 9 going to deep dive too much into that so we are not 10 being redundant with some of those working groups, task forces the first lady is leading and others, 11 12 doesn't mean we are done with it.

13 Again, it is one of those things that we 14 can certainly make recommendations, and I would 15 support that, but let the other groups do what they are continuing to do and give it a few months and 16 17 come back and see what has been done and where there 18 is room for us to have synergies with them, but that we don't go down this deep dive path into it since 19 others seem to already be doing that. 20

21 COMMISSIONER LARKIN-SKINNER: I think that 22 is a good idea. I don't think we all need to be 23 doing the same stuff. However, I will say this. 24 I don't think the social learning and prevention 25 aspect necessarily falls under mental health. Right now a lot of mental health providers do those type
of programs and services at schools, but it can
become something that is just part of the
instruction provided in schools so it would fall
under education versus mental health.

My concern about the focus on mental 6 7 health is that not enough is preventative and it is 8 focused a lot on response, crisis response, response 9 once there has been a problem identified. Target 10 and case management, you don't get them unless there is already a problem, so I am talking more about 11 12 preventing our kids from even getting to that point 13 ultimately which is a much obviously longer term 14 plan than most of what we have been recommending. 15 Chancellor Olivia. CHAIRMAN GUALTIERI: CHANCELLOR OLIVIA: If I could add to 16 17 Ms. Skinner's comments, we talked a lot on the 18 commission about mental health services, and she is speaking about specifically mental health education, 19 and there are instructional requirements --20 21 CHAIRMAN GUALTIERI: Can you talk into the 22 microphone? We are having a hard time hearing you.

23 CHANCELLOR OLIVIA: There are 24 instructional requirements around health education 25 which includes mental health, and we are very Page 62 1 fortunate that Commissioner Corcoran and First Lady 2 DeSantis has taken on this issue.

In our last state board meeting, the state 3 4 board of education just passed a board rule that 5 requires a minimum of five hours of instruction around mental health in grades 6 through 12 which 6 7 includes the components of awareness of the signs 8 and symptoms, processes for getting or seeking help 9 from others, awareness of resources which includes Fortify Florida, and the national suicide prevention 10 hotlines, and what to do is stated here with mental 11 12 health disorders. They are required to annually 13 submit a report on how they are meeting fidelity 14 that require instructions. That is something new that the state board has taken on. And then later 15 this month we are actually taking to the state board 16 17 a role around minimum expectations and substance 18 abuse education as well.

19 CHAIRMAN GUALTIERI: It sounds like there 20 is a lot in the works, and I know we are going to 21 hear from DCF, and Secretary Poppel from your staff 22 is going to be here with the CAT teams and mobile 23 response teams and others, that some of these things 24 are in their infancy and they're just getting going. 25 So, again, these are things I think would be great

Page 63 1 to let take its course and then next year come back 2 and tell us where you are, what successes, if there are gaps, and where this commission can be helpful, 3 4 if anywhere, in trying to drive it or help fill some 5 of those gaps. But there is so much in the process out there, like you said, some of this the state 6 7 board of education has just recently moved forward. We need to let it take hold. 8 That's what 9 I say. 10 Mr. Schachter, go ahead. 11 SECRETARY SCHACHTER: First of all, I 12 concur with Sheriff Judd. I think it is critical that we develop a school safety rating system in the 13 14 state of Florida. I hope that Director Kelly will 15 talk about those 29 Broward County schools that will not have a school safety officer after Friday. 16 Т 17 hope the media talks about that. The parents of 18 each one of those children going to those schools need to know that those schools are not going to be 19 protected, and if a murderer walks on campus after 20 21 Friday they need to demand, demand that is fixed. 22 Something else. I think as far as Fortify 23 Florida, I think our recommendation to publicize 24 that is a little too vaque. I know in other states 25 there is a mandate that each district train each

Page 64 student in Fortify Florida or in their anonymous reporting app. It is left up to the district with too much discretion, and I'm afraid based on the numbers of only having a thousand reports of the entire state is just really, really bad, and we can do much better to prevent these attacks.

7 The other major gap I see are these 8 private schools. Private schools should be required 9 to have the same protection that public schools have 10 as well. We want to make sure all private school 11 students are safe.

12 Lastly, I want to thank you. This presentation was great, and it really shows all the 13 14 tremendous work that we have done. But it does not 15 go without saying that the majority of this work is because of your efforts and your travel and you 16 17 taking this on as a personal mission and as an 18 affront to prevent this from ever happening again, 19 and everybody should thank you for doing this, not only for protecting all Florida students, but your 20 work and our work with this commission and our great 21 governor is having ripple effects through the whole 22 23 country.

24 So thank you for all of that.

25 CHAIRMAN GUALTIERI: You are welcome, and

1 thank you.

2 We got about ten minutes before we have a 3 hard break because of the press conference. 4 Anybody else? 5 Commissioner Carroll. SHERIFF ASHLEY: Mr. Chair --6 7 CHAIRMAN GUALTIERI: Hang on, Sheriff Ashley. 8 You will be next. Commissioner Carroll, 9 and then Sheriff Ashley on the phone. 10 COMMISSIONER CARROLL: I do appreciate the presentation this morning as well because when you 11 12 look at all the steps we are taking collectively, if 13 there is adherence to it, I think those actions 14 collectively make our schools measurably safer. 15 In terms of the mental health issue, I 16 also agree with you, but this is probably not the 17 forum to get that done. I know the governor and the 18 first lady have made that a priority. I know Secretary Poppel has been working pretty closely. 19 Ι just hope they continue to look at the coordination 20 21 issue and the prevention issue that was brought up, 22 coordination particularly. 23 I did a lot of work along with my staff 24 trying to find nationally where the model would be. 25 There really isn't one in terms of that strong

Page 66 1 communication and collaboration between the schools 2 because everybody grapples with the same issue. In those places where it works it is 3 4 really contingent on an agreement between the parent 5 and the school systems to openly share that information, and where that agreement doesn't exist 6 and that information doesn't flow voluntarily you 7 8 have gaps between the community providers and the 9 school providers. I hope that is an issue we 10 continue to look at. My biggest fear in all of this is we make 11 12 schools a less attractive target. I just don't know 13 how much we solved the issue. The tragedies over 14 the last couple weeks in terms of the mass shootings in other states kind of brought that home to me. 15 Т 16 was watching a thing last night on the timeline they 17 did on the mass shooting in Ohio. 18 What I was actually shocked at, from the 19 minute that person started shooting, law enforcement 20 was on the scene and responded within 20 seconds, 21 engaged him after 26 seconds, brought him down and 2.2 ended it within 30 seconds. 23 I don't think you can have a better 24 response than that, 30 seconds, 9 dead, 17 wounded. 25 If he had made his way into the bar, that death toll

1 would have been a lot greater.

I think we have lots and lots of work left to do around mental health issues, community mental health issues.

I also think -- And I know this is not the 5 purview of this committee -- but to me, I sat all 6 weekend thinking about this. If you can't improve 7 on the response time, then we got to find ways for 8 9 folks not to kill people as quickly as that, and to 10 me it was the weapon of choice that's still out I leave that for someone else to solve. 11 I'm there. 12 worried as we make schools safer that targets like 13 malls, sporting events, youth sporting events become 14 more and more targets.

15 Sheriff, if you don't have the resources 16 to put a school resource officer at every school, 17 imagine when the threats start to move to other 18 places where people gather and it becomes a lot more 19 difficult. We have to do a lot more work on 20 prevention.

CHAIRMAN GUALTIERI: Sheriff Ashley on thephone.

23 SHERIFF ASHLEY: Chairman, thank you so
24 much, one, for your work or the commission's work.
25 I just have two points. One is I think

this commission needs to make some sort of statement in no uncertain terms to those school districts, the school boards and the superintendents that are still not in compliance that, God forbid, something happens at one of those schools that they will be held criminally and civilly liable for their lack of following the state law.

Secondly, I would like to see this 8 9 commission go a little further in some independent review of civil citation, promise programs, and 10 11 other diversionary programs to see if they are 12 actually meeting the intent of those programs; and 13 two, are they actually decreasing the behavior, or 14 what are they actually doing? What are we accomplishing with those diversionary programs? 15

I believe there is a number of dangerous 16 17 juveniles who continue to attend our schools that 18 are without any oversight. They never make it into the criminal justice system because of these 19 20 advocacy groups that try to prevent that from I would like to see an 21 actually occurring. 2.2 additional view of that from this commission. 23 But I want to echo what everybody else 24 said. This commission has done a lot of work and 25 your leadership certainly helped us to do that.

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1 CHAIRMAN GUALTIERI: Okay. Thanks. 2 So we only got a couple minutes and we are 3 going to break here. We can, if anybody has not had 4 a chance to weigh in who wants to, you can come back 5 after the break. If there are not any additional comments, I just need to know what are your thoughts 6 and do you concur with the path forward being that 7 we will have our meeting, of course, today and 8 9 tomorrow with all the material we are going to 10 cover. 11 At the end of the day tomorrow I would 12 like to come back to the back side of this 13 PowerPoint with recommendations and look at what we 14 have in that PowerPoint on those pages as far as 15 recommendations for the next report, get your 16 feedback on additional recommendations, and ask you 17 to think about it between now and the end of the day 18 tomorrow.

19 Then we will work with FDLE staff to craft 20 that next report with a goal. I can't tell you 21 definitively because it is a lot of work to put it 22 together. It won't be as much work as the first 23 report with the goal being we get a report drafted 24 and get something out to you, and use probably just 25 one of the days that we have designated for the

Page 70 1 October meeting, just one of those days. I think we 2 can do it in one day. And it doesn't necessarily 3 have to be done down here. Maybe we can do it 4 someplace else in the state more central and meet 5 for one day like we did in Tallahassee for the interim report, to go through it and seek 6 everybody's input on all the components on that 7 8 report, and then get something to the legislature 9 shortly thereafter.

10 Once that report is submitted, then we 11 would just not have another meeting until probably 12 sometime after the legislative session perhaps in March or April of next year unless something happens 13 14 of something changes or there is a reason. We can 15 always call a meeting and we can always convene. But the plan would be to get the report in, let 16 17 things sit, and meet again sometime March/April of 18 next year.

19Does that plan work for everybody? Does20it not? Does anybody have any thoughts or comments?21Anybody want to weigh in on that?22That is the proposal.23Sheriff Judd, go ahead.

SHERIFF JUDD: If we have recommendations,we would like to see the legislature add or subtract

Page 71 1 to the legislation, I feel that would be appropriate 2 for us to have that discussion. CHAIRMAN GUALTIERI: What I would suggest 3 is I'll bring up -- We will pull it up on the screen 4 5 tomorrow afternoon. I believe we will have time. We will bring up those recommendations I just used 6 7 as a starting place. We will go through those and 8 I'll just ask you all to take notes, your thoughts 9 here today and tomorrow, and then we will go around, 10 and whatever you all want added to what is already 11 up there, either to those categories or new 12 categories, we can do that depending on time. 13 In addition, we can say -- We will break 14 on Thursday -- is may be by the middle of next week 15 sometime, like we did last time, give everybody a week to submit so you have time to think about it, 16 17 submit written suggestions to FDLE staff, and we 18 will take everybody's thoughts and start working on 19 the report and give you some time. That will give you some thoughts to able to add to it, Sheriff. 20 21 All the commissioners, anything you want 22 in there, we will take those thoughts and recommendations and craft it. We will get a draft 23 24 out to you. We will give you time to have feedback 25 on it, and then we will meet and go through it like

Page 72 1 we did, and that will result in a final product. Does that work? Everybody in agreement? 2 3 Anybody not in agreement with that course of action? Everybody okay with that? 4 5 That's fine. Okay. So I think we are right on time. We are going to break here for 6 7 probably about 20 minutes or so, as soon as we 8 finish with the press conference, and then we will 9 reconvene. 10 When we come back we are going to hear from Secretary Marstiller on DJJ's report on 11 juvenile diversion, civil citations in the schools. 12 13 So we will be in recess for about 20 minutes. 14 (Recess from 10:00 a.m. to 11:07 a.m.) 15 All right. CHAIRMAN GUALTIERI: 16 Obviously that took longer than 20 minutes. 17 I apologize for that, but there was a lot of 18 important discussion about school safety and about 19 the Eagles Act. We are going to go ahead and begin the next 20 21 presentation, and that is the statewide audit of 22 school-based diversion programs. Secretary Marstiller and DJJ. What we're going to do is 23 24 continue on with the schedule. And I know from the 25 past you all are okay with this. We will take a
Page 73 shortened lunch and finish out the morning schedule 1 2 with what is on the agenda, and we will take somewhere like a 30-, 40-minute lunch and try to get 3 back on track. But we will continue on with the 4 5 agenda this morning. Go ahead. 6 I would like to 7 SECRETARY MARSTILLER: introduce to the commission Dr. Sherry Jackson. 8 Ι 9 have asked her to do the presentation largely 10 because she was involved in working with DOE to put together the survey instrument. She was directly 11 12 involved in gathering the responses to the survey. 13 She and I worked together to write the report and to 14 get the recommendations done; and, secondarily, she is the new Mark Greenwalld for DJJ. 15 16 I want to make sure everybody on the 17 commission gets to know and recognize Dr. Jackson as 18 our new director of data and research. 19 So, Dr. Jackson. 20 Dr. Jackson, welcome, and thank you for 21 being here. 2.2 DR. JACKSON: Thank you. 23 CHAIRMAN GUALTIERI: I know the department 24 has been very rich in data with Mark Greenwalld 25 leaving. He did a fantastic job. We certainly

Page 74 welcome the opportunity to continue working with you 1 2 because you all have done fantastic work in the area 3 of research and being data intensive. So we look 4 forward to working with you on that. 5 DR. JACKSON: Thank you very much. And good morning everybody. I would like 6 to start with just a little bit of background. 7 Some of you are going to be familiar with some of the 8 9 background I'm giving, but I just want to use it to lay the foundation for our audit findings and our 10 11 recommendations. 12 So, as you know, the governor signed the 13 executive order in February, and it had several 14 elements. But among those elements were that the Department of Education would work with us to 15 16 conduct a statewide audit to essentially look for 17 programs that were operating in a manner similar to 18 the Broward Promise Program, and it actually named 19 that program in the executive order. The DJJ, again working with DOE, would put 20 21 together a report outlining the findings of the 22 audit as well as recommendations, so that is what 23 I'm here to present on today. 24 I certainly appreciate the collaboration 25 with DOE. I think the two agencies have a very

Page 75 1 productive relationship working together on this, 2 and we look forward to working with them in the future on followup work related to this report. 3 First of all, for background, Section 4 5 1006.13 Florida Statutes, provides authority but not a specific mandate for schools to implement 6 7 diversion programs conduct that rises to the level of criminal activity. 8 9 I do want to make clear at the beginning of this presentation that we are only talking about 10 activity that rises to the level of criminal 11 12 activity. 13 When we conducted our audit, we were not 14 interested in somebody's skirts being too short or cheating off somebody's test. So when I talk about 15 the survey, we were only talking about something 16 17 that could potentially be charged as a misdemeanor 18 or even a felony. 19 There is no specific statutory guidelines 20 provided for these programs. The recent legislative 21 changes, as you know, appears to require 2.2 consultation with school resource officers about 23 crimes. 24 Most of you are probably familiar with 25 the CESIR reporting system. It is important to

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Page 76 1 understand CESIR when we talk about school diversion or potential school diversion. It requires 2 reporting to the CESIR system of any school-related 3 law violations and serious breaches of conduct as 4 5 well as actions taken as a result. CESIR quidelines specify which incident 6 types require consultation with law enforcement, but 7 8 they do not address -- CESIR does not in any way, 9 shape, or form address school-based diversion for 10 any kind of law violation. The rest is reporting and consulting with law enforcement. 11 12 Now, switching over to step 2, 985.12 13 Florida Statutes, for non-school-based civil 14 citation and pre-arrest diversion programs, we have very clear statutory guidelines for that. 15 They have evolved over the years since 2011, but they are very 16 17 clear. The statute includes guidelines for the 18 program's creation, structure, implementation, and 19 critically, critically in an ancillary statute it addresses reporting. I'm going to come back to that 20 21 theme of reporting several times in this 22 presentation. Under 985.12, Florida Statutes, schools 23 24 are encouraged but not mandated to participate in 25 programs operated by the state attorneys in their

1 judicial circuits.

2 Some of the elements of civil citation. 3 First of all, I want to say that Florida has really been a national leader in this model, and we are 4 5 very, very proud of it, and we feel it has been embraced by a lot of jurisdictions. We have seen 6 that in terms of the increase in utilization. 7 Some of the elements of civil citation are 8 9 systematic statewide documentation of offense 10 information and program participation in not only the juvenile justice information system but the 11 12 prevention section of the juvenile justice 13 information system, and that is a really critical 14 distinction. We have our delinguency system and we 15 have our prevention system, and we have very 16 different commissions for our prevention system, and 17 that information is far more confidential. That is 18 the same system that if a child voluntarily attends 19 an afterschool program such as Big Brothers, Big Sisters, or something of that effect, some kind of 20 21 prevention program that is voluntary, that is the 22 system they go into. They have no delinguency 23 record if they're in the prevention system. 24 So the civil citation is documented in the 25 prevention system. A military recruiter calls us

Page 78 and says have you ever heard of this kid. If they 1 2 are only in the prevention system the answer is no. It protects their future. If that is the only 3 4 system they are ever in, it protects their future 5 from the stigma that comes from being in the delinguency system. That is important in talking 6 about school diversion because it is the beginning 7 8 point for school diversion potentially.

9 So these youth are assessed. They 10 complete community service or restitution. Every program is a little bit different, but these are the 11 12 common elements. They all have some sort of assessment that has been approved by the department. 13 14 They have community service, restitution, and 15 critically they are referred to services or provided services to address their assessed needs. 16

17 An ideal civil citation program is not a 18 cookie cutter program. If the child's main problem is substance abuse they will be referred to 19 substance abuse. Of course, they may have screening 20 21 for substance abuse during the program 22 participation. If their problem is anger 23 management, that will be addressed through referrals 24 or direct provision of services for anger 25 management.

Page 79 The statute encourages counties and 1 municipalities and public and private educational 2 3 institutions to participate in the civil citation or 4 similar programs by other state attorneys. 5 Outcomes from the program are actually I'm providing information for our 6 quite good. '16/'17 completions because that is the most recent 7 information we have on recidivism because we track 8 9 it for a year. We will soon have our '17/'18 10 numbers available but we don't have it yet. We have an 82-percent completion rate. 11 12 Those are kids that completed all program 13 requirements and were released as successful 14 completions. So 97 percent of kids who were 15 released from this program did not commit any new 16 offenses while they were participating in the program which typically has a three- to six-month 17 18 length of stay depending on the program and the 19 youth's progress. Critically, a year after completion, 95 20 21 percent of those case kids have not recidivated. 22 Utilization has increased steadily since fiscal year 23 2011/'12. Statutorily, the civil citation program 24 was moved from the delinquency system over to the 25 prevention system. We always had programs we called

Page 80 Some of the law enforcement may 1 civil citation. 2 But those kids did go through the remember that. 3 formal referral or arrest process, so they did have 4 that arrest experience and arrest on their records. 5 Youth that go through civil citation since fiscal year 2011/'12 when that law was changed are 6 7 not in the delinquency system if they never come back if that is all they ever do. They are in the 8 9 prevention section of JJS. 10 We started with very low participation. The report actually has a chart showing the level of 11 12 participation in the first year. But I can tell you 13 by '17/'18 we were at over 60 percent utilization 14 for kids who were eligible. By eligible I mean 15 first time misdemeanor. Until very recently it was only first time misdemeanors that were eligible. 16 We have had increasingly good participation 17 18 around the state as more and more jurisdictions have embraced the model, and we have jurisdictions -- We 19 are standing in one right now -- where the 20 utilization rate is 80 or 90 percent or better. 21 22 I don't think I have a slide on this, but 23 I can tell you for schools the participation rate is 24 There is even a higher utilization even higher. 25 rate for school-based offenses.

Page 81 1 Moving from talking about civil citation, I want to give a little bit more background about 2 3 the fundamentals of evidence-based responses to 4 delinguency. 5 The framework that has been overwhelmingly validated by the research literature is what we like 6 to call the risk/need responsivity framework. 7 That is a handy way to remember the three critical 8 9 elements. Let me follow the slides. 10 You need to use first a valid assessment 11 12 protocol. There are a number of valid assessment 13 protocols out there. There is probably none we can 14 point to and say this absolutely the best. The one that DJJ offers, the prevention assessment tool is 15 based on one of the more the state-of-the-art risk 16 17 assessment instruments in the country. 18 What these assessments are designed to 19 identify are the dynamic changeable what we call criminogenic risks. You can't change the fact that 20 21 the youth is a boy or that the youth started 22 offending early. That is set in stone and those are 23 risk factors. What you can change are those dynamic 24 criminogenic risk factors, and you probably know 25 what they are already. Antisocial peers, antisocial

Page 82 attitudes, poor use of leisure time, school 1 2 failures, family problems, gang involvement. Those 3 are things that can be addressed through effective 4 programming. So we are really looking into it says 5 valid risk assessments to identify those factors. Responsivity needs are needs that may not 6 7 directly drive offending, but they are needs that need to be addressed if you are going to provide an 8 9 evidence-based intervention to help with the criminogenic needs. 10 For instance, if the child is failing in 11

12 school and the child has antisocial peers, you can 13 address that with effective programming, but it could be the trauma is what is driving that. 14 Or it could be family problems are driving that. 15 Those things may not be directly causing the offending, 16 but they are also going to stop the youth from 17 18 responding to the evidence-based interventions that you provide. 19

We talk about this in terms of responsivity addressing those needs. Those may not be causing the crime, but you are not going to fix the crime if you don't also work on those things. Learning styles and learning disabilities are often responsivity needs as are mental health and 1 behavioral problems.

2 In terms of services, it is self-evident you have to have access to a wide range of services. 3 4 Again, these kids are coming into the system -- not 5 the system, but they are coming to our attention with such a broad range of issues. For many it is 6 For many it is substance abuse that may be 7 trauma. 8 related to prior trauma. It could be family 9 problems. It could be the neighborhood they are 10 living in and the peers they are associating with.

There are different evidence-based approaches 11 12 to address all of those issues, but you need to have access to a range of those services. 13 No single 14 civil citation program or diversion program is going 15 to be able to provide all of those. They may only provide a couple services, but they need to have the 16 17 resources in the community to make sure those kids 18 have access to those services.

19 Responsivity needs are typically addressed 20 through cognitive behavioral approaches. We know 21 general cognitive behavioral approaches are the gold 22 standard, and most of our criminogenic interventions 23 as well as responsivity interventions are cognitive 24 behavioral based.

25

The third critical element of this risk

Page 84 1 responsivity, risk/needs responsivity model is 2 graduated sanctions. What we mean by that is for 3 low-risk youth, you begin with minimally intrusive 4 interventions, and there are many, many reasons why. 5 We could speculate why that is the case, but if you throw a kid into a program or some kind of day 6 program, etcetera, with kids who are much more 7 delinguent than that kid, that kid is not going to 8 make the other kids better. It works the other way 9 10 around.

11 What you really want to do is meet that 12 kid where they are in terms their risk. Now, that 13 is not to say if the kid first comes to your 14 attention because they tried to kill somebody that 15 we should give them the lightest touch possible. 16 There is obviously within this framework a lot of 17 room for discretion and adult judgment. But, in 18 general, when you are dealing with a low-risk youth, especially a first time offender -- and, again, we 19 are mostly talking about misdemeanants here -- you 20 begin with minimally intrusive sanctions or you are 21 22 going to potentially do more harm than good, and the 23 research is very clear on that. 24 A graduated sanctions approach requires a

25 range of available sanctions and the ability to

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Page 85 1 increase levels of intensity and restrictiveness. 2 Civil citation is obviously within the juvenile justice continuum is the very least, the 3 least of your intervention aside from a voluntary 4 5 prevention program. It's the least intrusive. If a youth fails over and over in the less 6 intrusive, less restrictive levels, then it is 7 obviously time to increase the sanction level, to 8 9 increase the intensity of services because you are 10 not getting through to them. Their needs may be greater than what were originally recognized, so you 11 12 have to use ideally graduated sanctions increasing 13 in intensity if the youth is not responding. 14 By responding I mean they fail in the diversion program, the civil citation program, or 15 16 they complete it and then they go on to offend again 17 and maybe offend again. Then it's definitely time -- the literature is clear -- to increase those 18 sanctions. 19 20 Now, again, if you don't track, if you don't know about those offenses and whether the kid 21 22 succeeded in the program, there is no way you can 23 implement graduated sanctions. Of course, lots of

24 families move around. You may have a kid who

25 potentially might have an offense that's not

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Page 86 1 reported in a school. That kid may be in a 2 different school district the next year, they might 3 be in a different school district the next year, or 4 even just in a different school.

The advantage of the civil citation 5 program and the database that we use, the prevention 6 7 database, is that if a kid commits an offense and gets a civil citation in Pensacola and the next year 8 9 they are down in Key West and they commit an 10 offense, it takes two seconds for the officer, ideally two seconds for the officer that confronts 11 12 that youth to determine whether or not that kid had 13 a civil citation before. If they had a civil 14 citation and they failed, it is probably not time That information has to for another civil citation. 15 16 be tracked if you are going to implement graduated 17 sanctions properly.

18 Moving on to our audit, survey, however you want to phrase it, again, we focused on 19 identification of programs serving youth with 20 offenses that could actually be criminal 21 2.2 infractions, criminal offenses. We weren't worried 23 about sassing a teacher or the skirt is too short or 24 We work with DOE very closely, and we whatever. 25 stayed in close touch with them throughout the

Page 87 process, and they helped us identify the folks we 1 were going to interview in each school district, and 2 we used an interview schedule that was slightly 3 4 modified from the original pilot survey that we did. 5 With the pilot survey, we realized that we really need to talk to these professionals because 6 when we just sent them an online survey there might 7 have been some lack of clarification of terms. 8 So 9 it was really helpful for us to actually talk to 10 them on the phone, and it gave us the ability to probe just a little bit and clarify their questions. 11 12 We conducted those interviews during May and June of 13 2019.

14 The findings, so 58 of the 67 school 15 districts reported to us they do not operate any 16 sort of school-based diversion program for 17 potentially delinquent offenses.

18 What these districts told us is universally they follow CESIR. 19 If there is a criminal offense, they report it to their school 20 resource officer, law enforcement, and that officer 21 22 has the discretion if they want to warn, give a 23 civil citation, or arrest the youth. Based on the 24 responses that we received, the schools were not 25 inserting themselves into that process.

Page 88 1 Six districts described programs that I 2 think we could best describe as overlay programs, and they reported that just like the other 58, they 3 4 reported they always notified law enforcement if 5 something could rise to the level of a criminal offense, but then they offer some sort of program, 6 and I don't want to call it diversion, but an 7 overlay program where they did have elements of 8 9 evidence-based practice. Most of them use some kind 10 of assessment protocol and offered an array of 11 services.

Again, based on the reports we got from these schools, this is above and beyond simply referring to law enforcement. They told us in most cases that some kids who went through their program were arrested and some were not. Some may have just been warned. Some may have gotten a civil citation, but these were additional services.

19 Observations. We did have three school 20 districts that gave us -- According to their report, 21 they have programs that have some elements of truly 22 being a school-based diversion program, and you can 23 read about that in the report. One was Franklin 24 which is a very small Panhandle county, very small 25 population. One, at least based on our survey

Page 89 results at this time, was Broward. And Sarasota has 1 2 a program that is mostly an overlay program but may have a few elements or areas where a kid might 3 4 escape having law enforcement notified and/or being 5 placed into any kind of formal tracking system. So our observations, CESIR reporting. 6 CESIR is kind of interesting because -- I understand 7 that at a prior meeting of this commission it was 8 9 noted that CESIR reporting seems to have a lot of 10 variation around the state, and in some cases smaller school districts are reporting more 11 12 incidents than larger school districts. 13 It is clear from reading the CESIR 14 quidelines that school administration does have some 15 ability, some discretion to determine whether a kid needs to be referred to law enforcement. 16 That is 17 one observation. If a youth is not actually being reported to law enforcement, then there is not a 18 19 potential for them to end up in either the 20 delinquency or the prevention web system so we can keep track of those offenses if truly those are 21 2.2 offenses. 23 CHAIRMAN GUALTIERI: Because you raise this, just because an offense occurs -- And let's 24 25 use what you're talking about -- I think one of the

Page 90 1 things you talked about in that meeting was one 2 elementary school in Alachua County in the category of harm toward others which under CESIR definitions 3 4 is a battery, misdemeanor battery -- one elementary 5 school reports 67 on that campus. The entire Miami-Dade school district reported zero. 6 That is That is a problem because there is no way 7 not that. in the entire Miami-Dade school district in the 8 9 entire year there was zero.

10 Taking that a step further is -- The way I understand it -- And if you understand it 11 12 differently correct me -- under CESIR reporting, if 13 an incident happens, and let's say it is a harm 14 toward others and it meets that definition, and they 15 were to handle it in some other way, it still requires it to be reported. It doesn't obviate or 16 17 eliminate the requirement it be reported under 18 CESIR.

19 So as an example, if one kid strikes 20 another kid, it is a harm toward others, and it is 21 handled through diversion. That still has to be 22 reported under CESIR as an incident. Just because 23 it does not result in a police action doesn't 24 eliminate the requirement that the incident be 25 reported.

Page 91 1 Is that the way you understand it? 2 That is the way I understand DR. JACKSON: 3 it. 4 I guess the concern we are getting at is 5 it may be reported to the police. But if it truly arises to the level of a misdemeanor or worse and it 6 7 is reported but it is not reported in any kind of systematic statewide database, then we lose the 8 9 ability to track that individual that may be 10 offending. I think we are on the same page. 11 12 CHAIRMAN GUALTIERI: I'm with you on that. 13 That's where we are going. 14 As you point out, the example you gave 15 about if something happens in Key West versus another part of the state that people don't know, 16 17 that is a challenge, and we are going to have that 18 discussion all the way to the end with some proposed solutions to that whether it is school-based or not. 19 20 That is the challenge today. 21 I just want to make sure because you 22 raised that. I want to make sure we are on the same 23 page. 24 DR. JACKSON: I think so. 25 Moving into our recommendations, one is

Page 92 1 that we recommend that school districts that operate 2 or would like to operate school-based diversion programs should operate those programs and follow 3 the model laid out in 985.12, Florida Statutes. 4 Another is that the legislature, we are 5 respectfully recommending that the legislature 6 should provide data to the school district on how to 7 8 implement diversion programs within the zero 9 tolerance framework prescribed by Section 1006.13, and at a minimum school districts developing their 10 own diversion program should incorporate 11 12 evidence-based assessment protocols and access to an 13 array of services. If they can't themselves offer 14 that array, have good connections within their 15 community. 16 I talked to some counties that had 17 extensive networks with their human services and 18 even some dedicated funding from their local human 19 services funders to help kids going through these 20 overlay programs. 21 CHAIRMAN GUALTIERI: Is it your 2.2 recommendation, as we know now and the current 23 framework is that each state attorney in the 20 24 circuits, they are supposed to convene the 25 stakeholders and set the criteria for the diversion

1 program in even circuit.

9

It used to be, as you mentioned, someone could participate in a pre-arrest diversion program like civil citation or a similar program only one time and then it was up to three and it varied in the statute.

7 Those thresholds have been eliminated from 8 the statute?

DR. JACKSON: Correct.

10 CHAIRMAN GUALTIERI: And they do be set in 11 that state attorney led circuit based stakeholder 12 group, so you could have in one circuit they could participate one time and another circuit where they 13 14 could participate five times and have certain 15 temporal distances between the events or whatever they decide on that individual because they have 16 17 local control; right? 18 DR. JACKSON: Correct.

19 CHAIRMAN GUALTIERI: So is it the 20 department's recommendation there that whatever it 21 is in that circuit, that the program, if there is a 22 school-based program, that it should be run 23 consistent with the community-based program and the 24 thresholds and tolerances set in that circuit? 25 Is that the recommendation?

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Page 94 SECRETARY MARSTILLER: Let me jump in, Sheriff.

Essentially yes, because the civil citation statute already recommends -- right -- that, public and private schools participate in the existing programs that are run by the state attorney in that circuit.

So the clearer and easiest recommendation 8 9 is that if a school district is not going to run its 10 own diversion program, which apparently most of the them, based on the information we received, are not, 11 12 then the easiest, cleanest thing to do would be to participate in one that already exists that, to your 13 14 point, the community stakeholders have already 15 gotten together and determined what the criteria are 16 for participating in. But we also are recommending 17 if the school district wants to run its own 18 diversion program, there are standards that exist in 985.12 that can and should be followed. 19

20 CHAIRMAN GUALTIERI: I'm trying to figure 21 this out. I want to make sure for Heather's 22 purposes and the report and what this commission's 23 recommendation would be, hopefully we can be as 24 aligned with the report, and I think all of you have 25 seen the actual report from DJJ itself is in your

Page 95 1 book and it is behind the PowerPoint presentation. 2 Personally I think the schools should be required to follow the parameters and the thresholds 3 4 in the community-based program established by the 5 state attorney led group so you have consistency. My concern is if we don't require that you 6 are going to have disparity and unequal justice. 7 You could have a kid going to the mall and steal 8 9 three times in a community that the community-based 10 program allows them to participate three times but the school comes up with, oh, no, you can 11 12 participate five times. That is not fair. I think 13 there should be a requirement. 14 My suggestion would be that our 15 recommendation for the legislature for this upcoming 16 session that the school-based program are required, 17 not that they have the option of running their own, 18 but that they are required to participate in the 19 community-based state attorney led into that framework. 20 21 I don't know what anybody else thinks, but 22 consistency is important. 23 SECRETARY MARSTILLER: Yes. 24 And I think as we talked about it at the 25 last meeting, standards; right? Standards are key.

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1 CHAIRMAN GUALTIERI: Why reinvent the 2 wheel, especially if in the majority of counties 3 they are directly or defacto referring to the 4 community program anyway because the SROs are 5 handling it.

6 If the SROs are handling it but they are 7 using the established community guidelines but for 8 those counties that have their own which are a few, 9 and we are not only dealing with what is happening 10 now but what might happen in the future. We just 11 eliminate this disparity or potential for disparity 12 and we just get a consistent program.

13 Like you said and Dr. Jackson has pointed 14 out, in 985 they didn't just close the circle. They 15 encouraged the school-based program, so I think they 16 envisioned it, and we should just ask them to close 17 the circle and make all pre-arrest diversion 18 programs fall under the rubric of one circuit-wide established criteria, and then we would have 19 consistency and the problem is solved in the future. 20 21 SECRETARY MARSTILLER: And I think that is 22 in keeping in what we found which is the school 23 districts, if they are going to do this, need 24 quidance and standards, and the standards currently 25 And for our purposes as well. exist. It is the

Page 97 reporting of the information, the participation and 1 2 the completion in the prevention web. That is the other key. 3 4 CHAIRMAN GUALTIERI: Sheriff Ashley, go 5 ahead. SHERIFF ASHLEY: Along the same lines, I 6 just wonder if the secretary, do you see or believe 7 that school discretion in determining whether an 8 9 offense is reportable via the CESIR guideline leaves 10 the subjectivity gap ripe for inconsistency in that 11 reporting as well? SECRETARY MARSTILLER: 12 Well, when we were putting the report together, I looked at myself the 13 14 CESIR guidelines that are on DOE's website, and the 15 guidance to schools says -- I'm not quoting but I'm paraphrasing -- that in determining that in some 16 17 instances, depending on the facts and circumstances 18 of the incident, that there is room for school administrators to determine that incident doesn't 19 rise to the level of being reportable. 20 That is 21 where that discretion piece we were talking about 2.2 comes in. 23 From my perspective -- And this is just 24 From my perspective, if there is that me. 25 discretion, you still have an incident and you still

Page 98 might have behavior that while it rises to a 1 2 criminal offense it is not going reported under CESIR as an incident, it is going to be handled some 3 kind of way by the school which is technically 4 5 diversion, but we don't know about it. That, to me, is a critical concern. 6 7 SHERIFF ASHLEY: Can I follow up with that, Chair? 8 9 CHAIRMAN GUALTIERI: Go ahead. 10 SHERIFF ASHLEY: Can you give us any examples of juveniles that were issued civil 11 12 citations or a diversionary program who failed to complete the requirements for that program and were 13 14 subsequently charged and sentenced for their 15 original crimes? Do you have any example where that 16 ever occurred? DR. JACKSON: 17 The youth that do not 18 complete the civil citation, if the reason they 19 don't complete it is because they failed to comply with the program, typically what happens is the 20 21 original offense is brought back up and the youth does go through the standard process for the 22 23 delinquent offense as if he or she had been 24 arrested. 25 So they are referred CHAIRMAN GUALTIERI:

Page 99 to the state attorney's office and processed? 1 2 DR. JACKSON: Yes. SHERIFF ASHLEY: I just wondered if that 3 4 ever occurred. 5 DR. JACKSON: Absolutely. Our completion rate is 82 percent. 6 I can't 7 tell you the exact number of the non-completions 8 that go to the state attorneys, but I believe it is 9 the vast majority. 10 CHAIRMAN GUALTIERI: Commissioner Bartlett, 11 I don't want to put you on the spot, but can you 12 speak to that? In our circuit I believe that 13 There are certain cases where maybe happens. 14 because of the timeframe, but it is happening and 15 the state attorneys are prosecuting some of these I 16 believe. 17 COMMISSIONER BARTLETT: My understanding is 18 they are. 19 CHAIRMAN GUALTIERI: It think they are. 20 That's mine, too, Sheriff Ashley. I think in our county and our circuit I know because we have like a 21 94 percent participation rate in the civil citation 22 23 pre-arrest diversion, and I know we are referring 24 kids to the state attorney's office and they're 25 picking up those cases. Most frequently is when

Page 100 they don't initially report. That cop comes in 1 2 contact with the kid, the kid is referred to the pre-arrest diversion civil citation, the parents are 3 supposed to get in with the kid for the interview 4 5 and they don't show, or maybe they show and don't take the first step. We refer them to the state 6 attorney's office, and the state attorneys are 7 handling those as criminal prosecutions the way I 8 9 understand it.

10 COMMISSIONER BARTLETT: Some of them are 11 still subject to diversion.

12 SHERIFF ASHLEY: I appreciate that, sir. I 13 appreciate that. I was curious how that operates 14 across the state. The percentage of kids that don't 15 meet the requirements of the diversion program, how 16 many of them are actually prosecuted? What 17 percentage?

And I know you say you have 82 percent that complete it and the rest that don't. What happens to the rest that don't? I'm just curious what percentage of that aren't actually being prosecuted or nothing.

23 DR. JACKSON: We haven't looked at that 24 data specifically. But except for maybe the minor 25 exception of a youth that moved out of state with

Page 101 their parents it should be all of them because that 1 2 is the process. I agree it should be all 3 SHERIFF ASHLEY: 4 of them. I'm just not sure that it is. I can't 5 speak to that. SECRETARY MARSTILLER: Sheriff, I think to 6 7 get to the specific answer to your question, I think 8 that would require to your earlier comment perhaps a 9 dive into -- We would have to reach out to the state 10 attorney's office is my quess to really get that I don't know. 11 information. 12 The exercise of prosecutorial discretion is not a datapoint that DJJ has. I think that is 13 14 where the challenge would lie. CHAIRMAN GUALTIERI: Commissioner Carroll 15 16 has a question. 17 Go ahead. 18 SHERIFF ASHLEY: I agree. I'm just 19 curious to see if it is an effective program if they 20 don't meet the requirement and there is no sanction. 21 CHAIRMAN GUALTIERI: Mr. Carroll, go ahead. 22 COMMISSIONER CARROLL: I just want to 23 clarify because the data associated with these 24 programs sort of surprise me a little. 25 Of the 76 counties, including this 58,

don't have any diversion program. So if they have
conduct that they consider to be criminal in nature
and referral is made to law enforcement, we still
have the issue that CESIR I would say creates
definitional issues.

The reason I say that is when you look at 6 7 the data, clearly folks are not reporting it the same way so it is a definitional issue, and the 8 9 discretional issue is probably bigger than what we 10 think. But they don't have a diversion program. And it looks like the nine who do, six of them run 11 12 it as a supplemental program where they make the referral anyway, but then they also have some type 13 14 of diversion program that runs the same track as 15 that. To me that is not as big an issue because they are still being referred over. 16

17 We have three standalone counties I guess 18 that have their own. I assume that Broward is one 19 of those.

20 DR. JACKSON: Based on the survey responses 21 at the time, it appears that way.

22 COMMISSIONER CARROLL: Do you know who the 23 other two are?

24DR. JACKSON: It is mentioned in the25report, but I'll say it is Franklin which is a very

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Page 103 small county as you know. Then there is an element 1 2 of a program in Sarasota that potentially could leave room for youth to not end up being tracked. 3 4 They enter into behavioral contracts and they can 5 voluntarily attend teen court as part of the behavioral contracts which means they are not going 6 to the civil side prevention web database. 7 If I can clarify one thing and make sure I 8 9 was clear when I explained it? 10 For those counties that don't have any school-based diversion, those counties have many, 11 12 many, many youths in those schools receiving 13 citations for school-based offenses, so in some 14 cases 80 or 90 percent of eligible cases. 15 CHAIRMAN GUALTIERI: Because it is being 16 done by the SROs. 17 As an example, you have Pinellas listed as a county that does not have its diversion program. 18 How it works is in high school, the kid commits a 19 crime, steals something. 20 21 In Broward County, petit theft, they would 22 put the kid into the Promise Program through their school-based program. There is not necessarily a 23 24 consult with law enforcement. There is not 25 necessarily law enforcement making a decision about

Page 104 1 whether to arrest or issue a civil citation or 2 pre-arrest diversion. Because it's the first time, 3 they would go into the Promise Program and go under 4 the auspices of the school-based program. 5 In Pinellas there would be a consult with law enforcement, it would be referred to law 6 enforcement, and the law enforcement officer would 7 do the same thing but it would be based on the 8 9 community-based diversion problem. That kid would go into prevention web. The kid would be under the 10 auspices of the community-based program with 11 12 everything Dr. Jackson is talking about as far as 13 sanctions and services, etcetera. 14 All of those districts that don't have a 15 school base, they all have a community base. COMMISSIONER CARROLL: And I understood 16 17 that. 18 When we were having this discussion, guite 19 frankly, in previous meetings, I was under the assumption that what was happening in Broward with 20 21 their Promise Program was more widespread, but it 22 doesn't appear that is the case at all. So the data 23 leads you down a different road which, guite 24 frankly, brings you back to CESIR and whether the 25 definitional issues there in terms of whether it is

Page 105 getting reported to law enforcement effectively or 1 2 not really becomes the key. I do have a second question on your data. 3 4 Even with the civil citations, 82 percent complete, 5 18 percent don't. I would hope 100 percent of them are referred to the state attorney. But I agree 6 7 whether they are not all prosecuted or not, not all 8 crime is prosecuted. 9 So I would venture that not all the cases 10 that are referred are prosecuted, but that's not up 11 to the school system. The school system should be 12 referring 100 percent of those that don't complete, or the community diversion program should be 13 14 reporting 100 percent. On the second piece though, the 95 percent 15 that stay crime free within a year -- and I think 93 16 17 percent stay crime free during services -- and then 18 it is 93 year out; right? 19 DR. JACKSON: Right. When I was looking 20 COMMISSIONER CARROLL: 21 at the data to this pre-meeting that the sheriff sent out, it was limited to Broward County, and it 22 23 was all this repeat stuff. It struck me that -- And 24 it tracks kids through the course of their career in 25 school, so it is cumulative.

Page 106 1 When I looked at it and I started adding up these percentages -- This is off the top of my 2 3 head, so don't quote me on the percentages -- but a 4 very large percentage of those kids have ten or less 5 over the course of their lifetime. There was 1 or 2 percent that had very high numbers, and usually 6 7 those kids had like a hundred. So when I'm looking at the data on the 8 9 civil citations, what I don't see is if you get 10 three whacks at this apple and you have a 95 percent no more activity within a year, do we actually know 11 12 how many of those kids went through that civil

13 citation process? If you looked at that more 14 long-term, how many of them actually reached that

15 three strike level? Do we know that?

16 CHAIRMAN GUALTIERI: Are you talking about 17 kids in that report?

18 COMMISSIONER CARROLL: Yes.

19 CHAIRMAN GUALTIERI: Dr. Jackson isn't 20 privy to that, so I don't think she knows what you 21 are talking about.

The Broward County School District did an analysis, and based upon one of the school board member's recommendation, I sent this document out to all the commission members.

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1 There are 75 kids currently in the Broward 2 County school system that have 100 or more incidents 3 similar to Cruz. You say 125. There are 75 kids in 4 the Broward County school system that have 100 or 5 more documented incidences in the Broward County 6 school system.

7 If I correctly understand your question --8 I don't think they had that to work with -- how many 9 of those kids in that group of 75 that have 100 or 10 more incidents were in the diversion programs and 11 did they get multiple bites? Is that your question? 12 COMMISSIONER CARROLL: No.

I already think we have an issue with the diversion program and their lack of tracking the effectiveness of that, so I understand that needs to be improved.

What I'm trying to get at is the civil citation program, clearly the data indicates it is successful short-term. What I would like to know is how it performs in the longer term.

21 One of the things is that the data they 22 sent to the Broward County schools, that was 23 cumulative over the years, so when you got to the 24 high school level they had more incidents. 25 Well, they have been in school longer, so

Page 108 1 the number of those incidences go up over time. Т 2 would be interested to know, even in the community 3 diversion programs, what percentage of kids actually 4 reaches that level where you say they have three 5 bites at the apple? How many of them reach that level where they are at the third bite and they 6 7 don't get another bite? Is it similar? 8 DR. JACKSON: The law has changed 9 relatively recently to permit the larger numbers of civil citations so we don't have any kind of 10 definitive data on that. 11 12 We do have some preliminary data that 13 indicates that second civil citations do not have 14 quite the level of successful outcome that the first 15 civil citation does. But that is all very, very, very consistent with the criminology literature that 16 17 says if you fail at a lower level -- And I'm not 18 here to say you should only give five or you should That is very situational. 19 only give three. But if they're not responding to lower level interventions 20 21 you need those graduated sanctions that eventually 22 will land a kid in the delinquency side of DJJ in 23 more restrictive intensive programs that we offer. COMMISSIONER CARROLL: I quess that is what 24 25 I was getting to.
Page 109 1 I'm guessing that is a smaller percentage 2 of kids with a greater need in terms of service and 3 intervention, some of it not willingly at some 4 point. The parallel I make in that school data, the 5 kids who had 100, clearly they are not receiving effective interventions because it keeps occurring. 6 So it would be nice to see some work done 7 8 with that population because with the majority of 9 the population it looks like early intervention 10 works. I'm more interested in on that smaller 11 12 percentage of cases where it doesn't work, clearly 13 we are not intervening within the school system in 14 an effective way. I just wanted to know how the 15 community handles it versus these standalone school 16 systems because that piece I think absolutely needs 17 to be considered. 18 Superintendent Runcie CHAIRMAN GUALTIERI: 19 will be here tomorrow morning. I would encourage you to ask him now that that's been identified what 20 is the district doing with those 75 kids. 21 22 Again, what do they have, 230,000 kids in 23 the Broward County schools. So you are talking 24 about 75, but all it takes is one. 25 Mr. Schachter, go ahead, and then

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1 Commissioner Petty.

2 SECRETARY SCHACHTER: In Broward County, once a civil citation is issued, BSO has completely 3 4 no knowledge of what happens with that juvenile, so 5 that is very, very concerning. How do you know if that juvenile is 6 7 completing that program? You are saying you would be able to track all of that information? 8 9 DR. JACKSON: We definitely track that 10 information. Actually I would encourage them to get 11 in touch with me because we can provide that 12 information. 13 Let's bring this into CHAIRMAN GUALTIERI: 14 the conversation right now and get to Mr. Petty 15 because we do have to wrap this up at some point and get into the next session here. But this is an 16 17 important part. 18 When you say that, I assume -- Correct me 19 if I'm wrong -- you are getting that from 20 information you are receiving from people at BSO? 21 This is the SECRETARY SCHACHTER: No. state attorney's office. 22 23 CHAIRMAN GUALTIERI: Here is the problem. 24 The information about whether kids 25 participate across Florida in civil citation or

pre-arrest diversion programs is housed on the prevention website of JJIS. As Dr. Jackson explained, we have the delinquency side and you have the prevention side.

5 The juvenile justice information system, the prevention website is where if anybody wants to 6 find out if a kid has had a touch with pre-arrest 7 diversion or civil citation, we have to query that. 8 9 And I'm telling you with all certainty that the 10 absolute majority, and probably only an absolute 11 few, if any, cops on the street in the state of 12 Florida have access to the prevention website, and 13 even a few others within agencies, and it's only a 14 handful of people who know how to access that.

15 When you talk about graduated sanctions 16 and you are talking about making a good decision 17 based on knowledge, there is a knowledge void, 18 information void, and that is true. It is true. Ιt is not that the information isn't there and it 19 doesn't exist. Either they don't have authorization 20 21 to access it because they don't have a log-on and 22 password, they don't know how to access it, or a 23 combination thereof.

It is virtually impossible because of information overload and a bunch of other reasons to Page 112
expect that a cop on the street that comes in
contact with a kid in Walmart who is trying to make
a decision whether to issue a civil citation or
pre-arrest diversion is going to go to their cruiser
and sit there and be able to log on to the
prevention web and navigate all this and try to
figure it out.

8 What we have been working with the 9 department on, working with FDLE on was seeing if we 10 can come up with a way that would allow the cops and 11 others, analysts and everybody else, to be able to 12 have access to that information.

13 Unfortunately is that one of the things 14 that was being considered is whether there could be 15 a query through the FCIC, or the Florida Crime 16 Information Center, that would generate that 17 information back, and it looks like that is a very 18 costly option.

19 I think I'll leave it there and let 20 Secretary Marstiller fill us in because part of this 21 discussion is are there other ways of doing this 22 through the jack centers or through a way we could 23 make a phonecall and make this available and known 24 to everybody, because I'm telling you the majority 25 of the cops out there don't know how to get the

Page 113 1 information much less where it is or how to access 2 That is a challenge. But it is a system it. problem and it is across the state. 3 4 SECRETARY MARSTILLER: So two or three 5 things on that. One is based on this report is that while we do have great reporting and the prevention 6 web from our law enforcement partners, I think we 7 can all agree that there are diversion actions going 8 9 on and diversion programs being conducted that we 10 don't know about and so we can't track them because that information is not coming into prevention web. 11 12 That is number one, being able to collect the data. 13 Secondly, yes, we are working with FDLE on a solution to make it much easier and faster for the 14 law enforcement officer on the street to know 15 16 whether a youth he or she apprehends has been 17 through a diversion program before. 18 I'm not the biggest technology whiz in the world, but I was the state CIO for about a year, and 19 what I'm hearing is even though there might be some 20 21 technology issues to making the two systems talk 22 together, what I'm hearing is there may be an easier 23 way to get that done. 24 I don't know specifically what that is, 25 but it may just be a matter of our transferring the

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Page 114 1 data to FCIC on a daily basis. 2 CHAIRMAN GUALTIERI: It's all a work in 3 progress? 4 SECRETARY MARSTILLER: It's a work in 5 progress. In the meantime, what I would like to do 6 is get to more solid information on that so I could 7 contribute that information to my law enforcement 8 9 partners. But in the meantime, as the fix, which is 10 not the ideal fix and I know that, I'm clarifying and making sure I have all the right phone numbers 11 12 for the JACKS around the state to circulate to the 13 law enforcement agencies, here is the name of the 14 person that called, that person knows he or she is 15 on call 24 hours a day to take your officer's call, call the number, that person has access to the 16 information the law enforcement officer is going to 17 18 need on whether or not this youth has been through a 19 civil citation program before or whatever the case 20 may be. 21 The bottom line is every law enforcement 22 officer in the state of Florida and the state 23 attorneys who are also members of law enforcement, 24 even though this information is in the prevention 25 web, they do have it and can get it and have access

Page 115 The key is making it easy for them, and that 1 to it. 2 is what I'm going to do. 3 CHAIRMAN GUALTIERI: You got to have a 4 log-on password? 5 SECRETARY MARSTILLER: You do. CHAIRMAN GUALTIERI: And you have to go 6 7 through CG net and all of that stuff. 8 SECRETARY MARSTILLER: I completely 9 understand from the last time your colleague, 10 Sheriff Ashley, made it painfully clear that it is difficult and cumbersome and I understand that. 11 So 12 I'm hoping the FCIC works and works quickly. 13 CHAIRMAN GUALTIERI: So qo ahead, 14 Mr. Schachter, and then we will go to Commissioner 15 Petty. 16 SECRETARY SCHACHTER: The last time we 17 talked about the fact that the Broward County School 18 Board did not want to share information on 19 prevention web on their diversionary program. 20 Has anything changed from that? Do you 21 know? 22 CHAIRMAN GUALTIERI: Not that I know of. 23 SECRETARY MARSTILLER: Not to my knowledge 24 either. 25 Wasn't there an update on that?

And I'm just going to put it out there. And I'm just going to put it out there. That update indicated that the school district is working with DJJ on a system. That is news to me. They still have access to prevention web to input the information they have.

CHAIRMAN GUALTIERI: This is where we need 6 7 a legislative fix. We just need to get this 8 clarified. I think and I hope this is going to be 9 something well received by the legislature, and as 10 we sit here next year at this time this will be solved and just make these school-based diversion 11 12 programs part of the community base and require that 13 all diversion programs report to prevention web and 14 that solves the problem.

15 The issue is that lawyers for the school 16 board analyzing the statutes, they find some 17 ambiguity, they find some confusion, and they have 18 deemed the school-based program not a 985 diversion 19 program, therefore, not subject to the reporting provisions or requirements. They are deeming the 20 21 school program outside of it, so that is why they 22 are not doing it.

I think we just pause and we fix it and take the ambiguity out, and if all goes well a year from now it will be resolved.

Page 117 1 SECRETARY MARSTILLER: Great. 2 My last question is from your research, 3 does the current Promise Program follow the common 4 evidence-based graduation sanctions model? 5 DR. JACKSON: To the extent it is not being systematically tracked, no. When I hear of kids 6 having -- I hope I'm not overstepping here. 7 But when I hear about kids having 100 incidents and it 8 9 not coming to the attention of law enforcement 10 formally, I would say no. 11 CHAIRMAN GUALTIERI: Mr. Petty. 12 SECRETARY SCHACHTER: Thank you. 13 CHAIRMAN GUALTIERI: Commissioner Petty. 14 COMMISSIONER PETTY: I'm going down the 15 path you are going, so I was trying to build a 16 hierarchy in my mind after reading the report. It would seem to me that we have 17 18 school-based discipline. We have got diversionary 19 programs which in the community are the civil 20 citation programs, so make sure I understand that, and those seem to work well, at least what I read in 21 the report, the evidence here you are showing they 22 23 seem to work well. Then we got what I guess I would 24 call pre-diversion diversion operating in our 25 schools.

Page 118 1 Is it fair to call that pre-diversion 2 diversion? DR. JACKSON: Are you referring to what I 3 4 call the overlay programs or to the programs like 5 potentially Broward --COMMISSIONER PETTY: I think you made the 6 7 distinction about the overlay program providing additional services in addition to civil citations. 8 9 DR. JACKSON: Yes. 10 COMMISSIONER PETTY: I quess I'm referring to the school-based diversion programs. 11 12 DR. JACKSON: Yes. That is kind of the point we were making. If it is not being 13 14 systematically tracked and if it truly is a criminal offense, then, yes, I guess you could call it 15 16 pre pre-arrest. 17 COMMISSIONER PETTY: I quess I'm with 18 Sheriff Gualtieri. I'm not sure why we need a 19 pre-diversion diversion program. DR. JACKSON: I think our recommendations 20 21 are we really shouldn't have that. Ideally, any 2.2 criminal offense would go into a systematic 23 statewide tracking system which we already operate. 24 COMMISSIONER PETTY: The reason I bring 25 this back -- Again, complexity with looking up

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Page 119 things in cruisers and DJJ, I understand that, 1 2 but I'll come back to the point of threat assessment. And also in the pre-read material we 3 had a letter from Sheriff Tony where the behavioral 4 5 threat assessment, law enforcement is still not being consulted here in Broward County, and I 6 imagine that could be the case in other counties. 7 8 When we have diversion programs which I 9 think we all agree are good as long as they are 10 evidence-based and do the things you recommended, we are all for that. 11 12 We have pre-diversion diversion programs. 13 There is an opportunity for these warning signs to 14 be missed, not communicated to law enforcement, not 15 to be put on some prevention web as an example where 16 we can track this and understand the efficacy of the 17 program or the outcome I guess of that division. 18 I'm concerned about that. 19 CHAIRMAN GUALTIERI: I don't know that you have any formal pre-diversion diversion programs, 20 21 but I know what you do have. They are always going 22 to have it and should have it. You are going to have discretion. 23 24 I think along the lines of Secretary 25 Marstiller, I think she referred to this when she

Page 120 talked about the CESIR guidelines and talked about 1 some things where there is a discretion in 2 reporting. You could and you are going to have a 3 4 situation where, let's say, you have a kid in school 5 and the kid steals something from another kid. Is that teacher who sees that and knows 6 about it at that point, depending on the 7 8 circumstances, that teacher may just say, look, I'm 9 going to have a hard talk with you, don't do that 10 again, we are going to leave it at this. The teacher could say I'm going to refer 11 12 you to the school diversion program we have if the school has one and it becomes more formal. 13 The 14 teacher could say, I'm going to refer you to law 15 enforcement. Law enforcement could then put the kid into a formal diversion program where it goes into 16 prevention web. Or law enforcement could decide to 17 18 But it all begins back here with charge the person. the initial discretion that a teacher has or a cop 19 20 has or anybody has. If I'm hearing you, I think that's what 21 22 you are talking about and some level of concern 23 about too much of that back here. 24 COMMISSIONER PETTY: There is always going 25 to be discretion. I agree. I don't want to remove

Page 121 1 that I think particularly from the teacher who may 2 have witnessed it or may have been involved. My concern is at the district level 3 4 where we put in place an apparatus that is 5 pre-diverting -- I don't know any other way to say it -- it's pre-diversion of a diversion, and it 6 7 doesn't make any sense to me. I think we ought to exercise some 8 9 discretion, but these things need to be reported. 10 They need to go into an diversion program that we can track, and it is evidence-based, and we know how 11 12 it works, and we can track it across school 13 districts and across the years the student is 14 involved, and we can see the warning signs, and the 15 warning signs can be part of a threat assessment. CHAIRMAN GUALTIERI: 16 This is the way we 17 want this report and this recommendation to be. Ι 18 would think to scrap any unique school-based 19 diversion programs. They can participate in the community-based program which means it goes to law 20 21 enforcement, it goes to the entity running it, it 22 goes into JJIS, and in the state of Florida for 23 schools, for the community, it doesn't matter. We 24 have one pre-arrest diversion program, period, and 25 that takes care of the problem.

Page 122 1 COMMISSIONER PETTY: That would be my 2 recommendation. 3 CHAIRMAN GUALTIERI: Does everybody agree 4 with that for the report? 5 What Heather is going to do is make that as a recommendation, and it requires adjustment to 6 1006 and 985, and we make it clear and ask the 7 legislature to make clear that whatever and wherever 8 9 there is any pre-arrest diversion program, either 10 civil citation or a similar program, that it be run under the framework of the state attorney led 11 12 thresholds and framework established in each 13 circuit, and that nobody operate their own program 14 outside of that, and that everything, doesn't matter whether it is in school or outside of school, 15 everything that is part of that program gets 16 17 reported into JJIS, and we will work on everybody 18 having access to that so you got good information and people can access that good information and make 19 good decisions. 20 21 That is a simple framework. 22 COMMISSIONER PETTY: I think that is 23 essentially it, Chair. 24 CHAIRMAN GUALTIERI: Commissioner Dodd, go 25 ahead.

Page 123 1 COMMISSIONER DODD: We are not going to 2 restrict the school from having a diversionary 3 It is just going to be that they are going program. 4 to follow the framework and the guidelines we set. 5 CHAIRMAN GUALTIERI: Exactly. COMMISSIONER DODD: I think that is a 6 7 great option, great decision. 8 CHAIRMAN GUALTIERI: Great consistency. 9 That's all. 10 Sheriff Judd. 11 SHERIFF JUDD: I just want to highlight, 12 we don't want to take the discretion away from the 13 teacher. We don't want every kind of event where 14 the teacher says I got this, this is under control, 15 because it is evident in Broward County with the ones that had 100 or more, or 50 or more, or 75 or 16 17 more, the problem children that need our attention 18 will bubble to the surface. We will know those 19 because it will get past the teacher's ability to deal with it. That is when it needs to go to 20 That is when it needs to come to our 21 prevention. attention so there is some intense therapy before it 2.2 23 gets to be a criminal justice event. 24 CHAIRMAN GUALTIERI: Just like we don't 25 want to take away a teacher's discretion, we don't

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Page 124 want to take away cop's discretion. Cops do it 1 2 every day, come in contact every day with a kid that's got a joint. Just because the kid's got a 3 4 joint doesn't mean they are referring them. 5 Sometimes they just deal with it. Everybody needs to retain their discretion. 6 7 I think we are all in agreement with that. Mr. Schachter, qo CHAIRMAN GUALTIERI: 8 9 ahead. 10 SECRETARY SCHACHTER: I want to make sure 11 in Broward County's case they say, oh, we are not 12 running a pre-arrest diversionary program. 13 CHAIRMAN GUALTIERI: This is why it 14 requires a legislative fix on this, so it is all 15 cleaned up. But this is what it is going to require to gain consistency statewide. 16 I think if everybody is all right with it, 17 unless anybody has any questions for Dr. Jackson, I 18 think we have consensus for the recommendation. 19 Senator Book, go ahead. 20 21 SENATOR BOOK: Thank you, Mr. Chairman. 22 I agree with you. I just want to make sure 23 while we are still in this universe we address the 24 CESIR data, how I think it needs to be a systematic 25 way of doing things, that we kind of if it's

Page 125 happening over here it happens over here and it is reported this way, and maybe we look at how often that is reported.

4 CHAIRMAN GUALTIERI: I know because of 5 other commitments you weren't able to be here last 6 time, but we got into CESIR extensively.

7 So CESIR, as you know, is reported three 8 times a year right now. Should it be reported more 9 often, more frequently? That is something that can 10 be done either by statute or it can be done by the Department of Education. And Chancellor Olivia, on 11 behalf of the commission, committed to work with the 12 13 districts fixing the problem and working 14 collaboratively. We had three superintendents here 15 last time to work collaboratively. This is one of 16 the areas the legislature gave the commissioner 17 very, very direct responsibility and authority over. 18 And as it relates to the CESIR data is 19 that under 7030 it puts the responsibility in the

19 that under 7030 it puts the responsibility in the 20 statute for timely and accurate reporting on the 21 principals and the superintendent, but initially on 22 the principals of each school and on the 23 superintendent. And if there is not timely and 24 accurate reporting, then the commissioner has the 25 authority to direct the school board in each of the 67 districts to withhold the superintendent's
 salary.

This is one of those things that I think we let it take effect, but should there be more frequent reporting to CESIR, I think -- And, Chancellor, I believe you can speak to that -- that is one of the things being talked about and being considered and it is on the table but no decision had been made.

10 CHANCELLOR OLIVIA: Currently our survey 11 window is closed, and there is a chance for people 12 to clean up their data, and that is going to be done 13 by perhaps the end of next month. So there is some 14 technical assistance going out.

When we start getting hopefully better quality and new and improved data we will get a snapshot on some recommendations and next steps. That has been a high priority for us throughout the summer, and working with districts to ensure we are getting accurate, timely, quality data.

21 CHAIRMAN GUALTIERI: I think this is 22 absolutely one of those things when we come back in 23 March we would actually ask because there will be 24 additional reporting periods.

25 We will do that analysis ourselves as we

Page 127 1 did before and get it back to Sheriff Judd. As 2 Sheriff Judd reported earlier, verification, and 3 bring it before the commission and see what 4 improvements have been made based upon everything we 5 talked about up to this point. Does anybody have anything else on this? 6 I think we have the direction from the 7 8 commission. We got the report. 9 Dr. Jackson, thank you for being here. We 10 appreciate it. Thank you very much. 11 The next on the agenda is from DCF, 12 updates on mental health programs, and we have 13 Deputy Secretary Patricia Babcock. 14 Go ahead. 15 DEPUTY SECRETARY BABCOCK: First let me say 16 thank you very much, Sheriff, for allowing us to 17 come and present. My understanding is there was a presentation in June of 2018. So my plan today for 18 the 30 minutes is to kind of go over three things 19 high level so if there are questions at the end I 20 21 can answer those questions. 22 The first is the legislation I think will 23 align with 7026 and some of the other legislative 24 pieces you discussed this afternoon that we can 25 build on and/or look at how we can use your

Page 128 legislation and our legislation to improve and/or 1 2 expand the behavioral health services in Florida. The second is I would like to talk in a 3 little more detail on some of the specialty 4 5 We talked this morning about the mobile programs. response teams and the CAP teams, and I'm going to 6 add one more, the FIT team is in there. 7 But our findings are to date who we are serving and how we 8 9 are serving them. Lastly, I would like to go over 10 the initiatives we currently have underway. Right now, very quickly, very high, very, 11 12 very high level, there is four statutes that kind of 13 drive what we do, 394, 397, 916 and 420. 14 As you look at the 394 legislation, I 15 think what will be of specific importance to you is parts 1 through 3, parts 1 through 3, the Baker Act 16 17 case where we are able to -- This gives us the 18 authorization on the mental health side to provide emergency services and notice it says temporary 19 detention for evaluation in that continuity of care 20 21 and coordination of care. 22 Second is the interstate compact mental 23 health. That means you do not have to be a resident of Florida to receive services under DCF's 24 25 eligibility criteria.

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1 Third is the Comprehensive Child and 2 Adolescent Mental Health Services Act which 3 authorizes us to implement a publically funded child 4 and adolescent mental health treatment and support 5 system.

6 And the fourth is the Community Substance 7 Abuse and Mental Health Services Act which 8 authorizes to us implement a recovery and resiliency 9 based support and services system throughout 10 Florida.

Number four is primarily with our
substance abuse folks. We also do the involuntary
commitment of the sexually violent predators.

14 397, that is our Marchman Act. Those are 15 the folks with the alcohol and other drug issues. 16 This is much like the Baker Act. This gives us the 17 authority to temporarily detain them and treat them 18 and provide them the clinical treatment they need 19 while they are in our services.

916 is the Forensic Client Services Act.
This is the act for those defendants who are found
incompetent who have been charged with a felony and
found incompetent to proceed or acquitted by reason
of insanity. So we have facilities and programs
specifically for those clients.

Lastly we also have the Affordable Housing
 Planning and Community Assistant Act which helps
 with the coordination of the services for our
 homeless folks. This includes our homeless children
 as well.

This is very touchy.

6

7 Very quickly, I just wanted to put the
8 organizational structure slide up here and talk very
9 briefly about how we are organized as you think
10 about pushing out some of the agendas that are
11 specified in your legislation.

We are headquartered up in Tallahassee. Our Office of Substance Abuse and Mental Health is up in Tallahassee. Probably of specific interest to this group is our director of community substance abuse and mental health and our quality office, our quality assurance office.

We have just within the last couple months established a unified quality office which will be looking at the quality assurance across all three of our programs as well as the data and performance and the training aspects of what we do.

23 We also have housed at the headquarters 24 office in Tallahassee the assistant secretary for 25 operations. Some of you may or may not know at DCF

Page 131 1 we do not provide services. We contract out these 2 services across six regions, and within each region 3 there is a director of substance abuse and mental 4 health. They are there specifically to ensure the 5 communities are getting what they need that are specific or unique to those communities. So we have 6 this array of services that have directors on the 7 8 regional level to make sure everybody gets what they 9 need from that point of view.

10 So just to look at some of the data, you can see we had 316,000 on the community mental side 11 of the house, children, adolescents and adults 12 13 This is a total of 322,000 across all of treated. 14 our programs. This is '17/'18 data. We are waiting to finish up our '18/'19 data, but we think we will 15 be right around 330,000 individuals this year. 16

17 I really want to spend the rest of the 18 presentation -- That was just to give you the context of where I'm coming from, talking about the 19 community substance abuse and mental health program, 20 21 the CSAM program. The key functions, we are the 22 mental health, substance abuse, and Methadone 23 authority. That is where we write all the rules and 24 and policies for the state. We license all the 25 substance abuse providers in the state. We

Page 132 1 administer the federal and block grants, the federal 2 and discretionary grants. We designate the addiction facilities as well as the CSUs. 3 This middle board is most important. 4 We 5 allocate the state and federal funds and contracts through our seven managing entities who subsequently 6 7 provide contracted work through their entities 8 themselves, and they run the full gamut from 9 prevention, intervention, treatment, and recovery as well. 10 So what are the key initiatives we have 11 12 right now in the CSAM office? One is the mobile 13 response and the school partnership. This is the 14 result of the tragic shooting right here at 15 Parkland. So right now we have everybody up and 16 We started in October of '18, and in May running. 17 of '19 we got the last one up and running, and I'll have some statistics here in a few minutes. 18 As the sheriff said, this is 24/7, 365 days 19 a year we are available. We have a one-hour time 20 21 limit to reach out to you and get you the services 22 that you need. 23 The second initiative we have is the 24 family intensive treatment team or the FIT Team. 25 This is a family focused, very comprehensive

1 services team in our child welfare system with the 2 focus on the parents who have substance issues with 3 the whole idea if we can increase the parental 4 capacity to protect their kids and keep their kids 5 safe, the long-term goal is it will have better 6 outcomes within the community, the school system, 7 and wellbeing as well.

8 Lastly we have the community action 9 treatment teams. These also are family focused 10 integrated into the communities. These are supports for our young folks, our youths in the mid 20s, up 11 12 to our mid 20s, and this is hopefully to allow kids to stay in their home and stay in their communities 13 14 rather than be in a residential type facility.

15 Next we have the opoid response. We have right now the opioid response dollars that are due 16 17 to expire next year, so we are thinking hard about 18 how to keep our programming in that service array where it needs to be. The goal of these dollars is 19 to reduce the opioid deaths and decrease the 20 prescription overdoses, especially amongst our young 21 22 people, and to make sure we have access to our MAP 23 services.

24One of the really big key initiatives we25have is integrating substance abuse mental health

Page 134 with child welfare. 1 This was started before I came 2 six months ago, but this is a very big push right now, looking at the substance abuse and mental 3 health and domestic violence and trauma in that 4 5 category as well that underlie the reason that children are allowed treatment. The whole goal of 6 that is to improve child welfare related outcomes 7 8 which subsequently carry over into all the other 9 outcomes that you all have been talking about, the 10 school and community based outcomes, as well as 11 physical health outcomes.

12 Lastly, we are just beginning a stronger 13 focus on pregnant and parenting women through 14 offering them residential treatment while they are 15 pregnant and treatment services while they're 16 pregnant. We are really looking at that perinatal 17 period right up to one year with a hope of expanding 18 to a three-year mark as well. This is support services for both the mother and the child. 19 Our priorities of effort, we really want 20

21 this access to recovery oriented systems of care or 22 ROSC. Our goal is to shift away from this acute 23 model of care and focus more on a community 24 integration and increase retention and care. 25 As you may or may not know, the average

Page 135 number of times someone will voluntarily go to 1 2 receive mental health services is three, and 3 involuntary, unless there is very, very heavy court supervision on it, it can be one. 4 5 We got to figure out a way to engage folks in services and keep them in services, especially 6 7 those folks that are using our Baker Act and Marchman Act facilities. 8 9 Lastly, our last big priority effort is 10 enhancing our vendor management practices, special through our seven MEs. We are really determined to 11 12 break down the administrative burden they are 13 currently experiencing so they are able to free up some of their time and dollars for services, and at 14 15 the same time we are building some metrics now with 16 the help of some consultants. We brought in some 17 consultants who are with SAMHSA to help us build out 18 the metrics we need to utilize to make sure we are 19 giving guality care to the folks we serve. This is a key point I hope has been 20 21 discussed in the past. Who are the people we can 22 serve. The people we can serve are the indigent, 23 the uninsured, and the underinsured. Our level of 24 scope of practice is actually pretty narrow. Within 25 those three groups, we can serve children who either

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Page 136 have a serious emotional disturbance or are at risk 1 2 of one, as well as the adults with serious mental Anybody with a behavior health crisis we 3 illness. 4 can serve. Anybody with a current mental illness or 5 substance disorder or persons at risk of developing those disorders with the caveat that they fall into 6 7 that uninsured, underinsured, or indigent care 8 population.

9 Our priority populations as I just said 10 are pregnant women, our IV users, and those high utilizers of acute care. Those are the folks going 11 in and out of the Baker Act facilities or the 12 13 Marchman Act or having to use the ER as their 14 primary form of getting into residential facilities. 15 Our service array, as you can see, these 16 are the horizontal services array. This is 17 typically in the field how we look at services 18 array, and it's from prevention, early intervention to intervention. 19

I'm committed to thinking about what are we doing on the vertical axis. I think a lot of times in behavioral health we talk about prevention, early intervention, and intervention, but we don't give a lot of thought to the different types of interventions that fall into each one of these categories and building out to a vertical
 perspective.

What do we have to offer the different 3 4 types of clients and different types of populations 5 that we serve. This is one of the initiatives I'm personally looking at because of some of the 6 legislation that has passed on the child welfare 7 side as well as the possibility of some of our opoid 8 9 dollars going away, building out evidence-based 10 practices in each one of these areas on the service 11 array.

12 A little more about the managing entities 13 just so you'll have an understanding of what they 14 can and can't do. So the managing entities, they are there to plan, coordinate, and contract for the 15 16 delivery of the community mental health and 17 substance abuse services. They also are tasked with 18 improving that access to care from and promote service continuity. 19

20 Purchase services. Most of the managing 21 entities contract out for the services, and they 22 make sure there is an effective and efficient 23 delivery of services. This ties back to our new QA 24 program where we will be looking at that 25 effectiveness and efficiency of services.

Page 138 1 As you can see, our managing entities are dispersed across the state by geographic location. 2 3 I'm getting ready to go through the different 4 specialty programs just to show you that we have 5 coverage across the state in one of these programs. However, they look a little different as I go 6 7 through the math. Every managing entity does not 8 contract with every specialty program, but your area 9 will have every specialty program.

10 When we look at the community substance 11 mental health funding for the year, right around 12 \$727 million are spent on direct services. Our 13 overhead for operational costs is right around 6 14 percent, and we have them in two categories, that, I 15 may have a slide for that in a minute.

16 Distribution, as you can see, the 17 distribution of funding ranges from about \$60 18 million to \$202 million. Please recognize this is 19 only DCF funds. If you are in a community that 20 might have a children services council or other 21 access to other funds, this does not incorporate 22 that.

Here is the breakdown I was showing you. You can see on the operational cost its about percent, and the operational contract oversight is

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Page 139 1 We spent a full 97 percent on about 3 percent. 2 services, and you can see what percent of the budget 3 they get. We also receive a pretty significant amount of federal funds, \$234 million in '17/'18. 4 5 When you bring in federal funds, they are designated for specific reasons. The good news is 6 7 we brought \$240 million in federal funds. The potential bad news is that \$240 million may not be 8 9 there in a couple years. We have to think very 10 strategically about now we are standing up programs, how we are going to sustain those programs and/or 11 12 whatever funding is out there available. 13 You can see from a school age population 14 each one of these we could use for the school age 15 children. 16 The actual individuals served. When you 17 look at these numbers, the unduplicated count, there 18 are children and adults who cross over into both substance abuse and mental health. 19 The unduplicated count for '17/'18 is 316,000. Like I said earlier, 20 21 we expect it to be right around 330. 22 On the specialty teams, right now we are serving about 7,000 folks on just the specialty 23 24 That does not include the pregnant and teams. 25 parenting moms. I put this slide in because it is

of particular interest to me, and we will be
 watching to see the changes.

These are the top five admission referral 3 As you can see, schools did not even make 4 sources. 5 the list. So we typically get them from an individual, then law enforcement, the hospitals, the 6 mental health provider, and then the court order. 7 8 So it will be very interesting to see as we roll out 9 the mobile response teams and this commission gets 10 to work out there in the communities that we see an increase of referrals from the school system. 11

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12 Let's talk about the mobile response team. 13 We were appropriated \$18,300,000 under SB 726. We 14 are available in every community. We aren't housed 15 in every community but we are available in every The way the language reads is we have 16 community. 17 one hour to respond. We are 40 teams statewide and 18 serve individuals under the age of 25.

Between October 18 and July 19 we served 6984, and we had 7652 calls received. We are in the process of drilling down that data, and we are expecting some more data drilling it down to a county level so we can look at the counties who are the highest utilizers, the lowest utilizers, are we just as effective in our rural communities as we are 1 in our more urban communities.

The way our MRTs are set up, you can see there is 29 set up, and some of the contracted providers by the ME may have more than one MRT they are responsible for. But at this moment we do have every MRT team situated within one hour from every community.

8 Our CAT teams, community action teams, 9 this is an integrated service delivery approach. 10 Team model, we have really good success with this. We treat ages 11 to 21. These are for children, 11 12 adolescents, young adults who have a history of a 13 mental health diagnosis and complex needs that they 14 have been hospitalized or they have school or 15 community problems.

16 Our budget, a little over \$30 million. We 17 have 41 CAT teams right now. I would like to have 18 more and/or figure out a way to use this model in a 19 different way.

We have pretty good outcomes. We have served 3,081 thus far. Each provider on average has about 75 folks on their caseload. When you look at their performance it is an interesting model here. You look at the the school attendance, just an overall improvement in functioning, functioning and

Page 142 1 living in a community setting as well as family 2 functioning. But what is interesting about this 3 model is we also do the same metrics on the 4 provider. We are not only saying, okay, child, you 5 are going to school X amount of days a month. We are looking at the provider to see what are they 6 7 doing in terms of their coursework to encourage that school attendance. 8

9 You can see the scores are actually very 10 high. From a demographic standpoint, the average 11 age of the female is 13 and the male is 12. It is 12 pretty evenly split females to males. We are still 13 waiting on the numbers from last year so obviously 14 this will go up.

Once again, those 41 CAT teams are 15 16 distributed around the state. The CAT teams do not 17 have the same requirement to be there in one hour. 18 So those areas we don't have CAT teams specifically 19 housed in that county, it may take a longer amount of time to get there. I would personally like to 20 21 see a CAT team in every single county. That means we have adults, if I did my math right, about 17. 22 23 Our FIT teams, these are our child welfare 24 system teams, family intensive therapy. We did not 25 start out this way. We knew we were going to look

1 at the families with the substance abuse disorders, 2 and what we found are the majority of those families 3 are families with opiate disorders that are coming 4 in.

5 Our budget for this is \$12.9 million. We have 23 FIT teams statewide. To date we have served 6 1,471 families. Unfortunately the data right now is 7 not as good as we would like it, and we are looking 8 9 at what to do with these teams specifically in terms 10 of programming. Our completion rate is only about 11 57 percent. Our improvement in parenting function is only 69 percent. 12 I point that out to you to say we are working very hard to figure out why that is 13 14 so low because of the implications on children in 15 the home, their behavior response to parents using are the same in the community and the school. 16

17 The average age of parents we are working 18 with on the mom's side is 30 and the father's side These families typically have two children 19 is 35. with an average age of four years old, so we're 20 21 talking about very young children we would like to get in and intervene with, that prevention piece, so 22 23 we can make some real changes, once again, just to 24 give you the map of how it looks.

25 The last thing I wanted to talk about are

Page 144 the initiatives we have going on. 1 The initiatives I 2 just talked to you about are the initiatives that were going on prior to myself and the secretary 3 4 arriving. So we just next week will launch the four 5 disciplines of execution, cubbies, kind of the organizational management, if you will, model 6 The secretary has come up with three 7 approach. areas or battle wigs as it is called in the model. 8 9 The battle wig is to reduce the families in crisis 10 by 25 percent by the year 2021. Each program in the department has designated their definition of 11 12 crisis. And within that war wig, there is two 13 battle wigs. One is to increase the number of 14 crisis pretouches, which I call prevention, so we are setting metrics on what is that difference going 15 16 to look like.

17 So how do we get these families before 18 they come into the system, and once they are already 19 in the system the battle wig is how do we reduce 20 reentry. That means we got to really think 21 strategically about the programs we put in place and, you know, standing up here in front of you and 22 23 listening to some of the recommendations, I think 24 this is a great opportunity for us to take 25 recommendations that you all have and see how they
Page 145 align with some of the initiatives we have in place 1 and if there are any changes that we can make. 2 The second initiative we have going on --3 and I'm the champion for this -- this is the 4 5 integration case, integration across programs. I'm assuming you are aware the department 6 7 has three specific programs. We have the substance 8 abuse mental health program, the child welfare 9 program, and the economic self-sufficiency program. 10 That is your Medicaid. We just moved homelessness 11 over under that program. 12 I would like to integrate all three of 13 those programs. I think we have a great opportunity 14 to identify early on folks who have potential 15 behavioral health issues based upon their current 16 life situation, so I'm looking very hard. 17 I know we are talking a lot here about 18 threat assessments. I'm looking very hard at what 19 is a cross program assessment that we could use to help identify some of those high risk folks, so that 20 21 is something in the making right now. 22 This is that no round door policy at the 23 department. You can come in any door, and we are 24 going to talk to you about the other two programs 25 and we are going to gather information about the

other two programs. Also integration across
 agencies.

Obviously the governor has mandated that 3 4 you all do that, you agency heads do that, but I'm 5 appreciative of it. We see a lot of the same kids and families, and the more information we can gather 6 on that, the more we know, the better our services 7 could be, the better our service coordination and 8 9 collaboration could be, and that leads me down to 10 the system of care piece.

11 A lot of folks here in this room, long 12 before they have seen us, they have seen a 13 pediatrician, they have seen an OB, they have been 14 to a before-K, a pre-K, they have been out in the 15 community. There are touch points out there I think we can build off of and get to know the folks in our 16 17 communities and what the issues are long before they 18 come to the attention of the commission.

19 So to that end, I started working with some 20 of the different agencies on how do we network and 21 service map, what is available across the state and 22 across agencies. Where do we duplicate services, 23 funding. How do we expand capacity which means we 24 really got to think about as we are all writing 25 policy, where are the policy duplications and where

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Page 147 1 are the fundings mechanisms we might be able to raid 2 to fund those policies.

The next one, the coordination of care, our MEs just received I believe \$3.2 million for coordination of care. There is all kinds of research to support that good care coordination has much better outcomes than those services that do not have good care coordination.

9 The secretary has also charged us with 10 looking at our current structure in terms of 11 personnel, including personnel in place as well as 12 vacancies to see how we might be able to realign and 13 bring on some care coordination positions within the 14 department that we will work with in each program.

15 Next is the database, and obviously the governor's executive order said we need to think 16 17 about how we are integrating our data. We have just 18 as of yesterday signed a data sharing agreement with 19 AHCA. We signed an agreement with DOE. But this has been something for me just makes good common 20 21 sense, that we all are seeing the same people, we 22 should be looking at the same data so we can make 23 some data driven decisionmaking about their care, 24 about our policies and our programming.

The next one is pretty exciting. I'm sure

25

Page 148 all of you have heard the first lady's initiative on 1 2 We are looking at the value of mental health. 3 telehealth. We just last month launched in six 4 counties in the Panhandle just hit by Hurricane 5 Michael, there are six counties and I believe 63 schools. We have put in telehealth kiosks that will 6 be up and running -- yesterday was their first day 7 8 of school -- up and running yesterday -- and we are 9 looking at the possibility of expanding that at 10 least starting with the rural areas. What this will do initially is give the 11 12 children in the schools access to clinical 13 behavioral health folks who are licensed to get the 14 services they need right at school. We are hoping 15 to expand it so parents can also use it as well, 16 that they can call into the portal and have their 17 services there as well. 18 And my third expansion would be for 19 faculty and staff, too. The way telehealth is set up, you do not have to be a DCF provider. If you 20 21 are a provider under even Blue Cross/Blue Shield, Medicaid, you can see those folks as well. 22 It is not funded or directed specifically for those folks 23 24 on Medicaid.

25

Next I have the accurate assessment and

Page 149 services linkage. I think this is right in line 1 2 with what you all have been talking about which 3 would be the threat assessment. I'm looking forward 4 to looking at the threat assessment to see if we can 5 align some of the items on your threat assessment with the assessments we use within the department so 6 we can make sure we link those folks with the right 7 services, and I wrote the right services, the right 8 9 time, and the right dose, and that is that access 10 and quality piece.

11 Next I have recruitment of engagement, 12 retention of patients, clients, and providers. We qot to figure out a way -- Remember earlier I said 13 14 they only come for three sessions on average. We 15 have to figure out a way through engagement, number one, to identify those folks. Two, to engage them 16 17 and keep them in services until they have completed 18 a case plan.

I heard Sheriff Gualtieri this morning 19 talking about saying we need more officers is not 20 We are in the same boat on the 21 the answer. provider's side. We don't know that they are out 22 23 there, so how do we think about the services we can 24 Is there a way to bring in some provide. 25 para-professionals through navigators, care support, page 150 just looking at that piece. But we have the same recruitment, engagement, and retention issue with both patients and clients and the providers themselves.

Then, lastly, I think we really, as a 5 state, have to give on the behavioral health side 6 7 some serious thought to what are we doing when children and adolescents are transitioning into 8 9 adulthood from a behavioral health side. That 10 service array, that access to services, especially those kids that fall under Medicaid when they are no 11 12 longer in a family or if they lose their parents' 13 insurance, thinking through what are we doing to 14 ensure there is a safety net for those high-risk, high-utilizer kids, and that we have a service plan 15 in place or community support in place that are 16 17 there to support them and help them with their 18 trajectory forward.

19That is my nutshell. I tried to do it20quick.

21 CHAIRMAN GUALTIERI: You did a great job, 22 and thank you for that. It was very comprehensive 23 and the information we needed to see what is in 24 place and the status as to where it is.

25 Any commissioners have any questions for

Page 151 1 Secretary Babcock? 2 Sheriff Judd, go ahead. SHERIFF ASHLEY: Mr. Chairman --3 4 CHAIRMAN GUALTIERI: Hang on a second, 5 Sheriff Ashley. Sheriff Judd, go ahead. 6 SHERIFF JUDD: On the ground, we continue 7 to see Baker Act after Baker Act after Baker Act of 8 9 the same individuals. 10 Is there any data that tells us not 11 necessarily by name but by percentage of how many 12 repetitive Backer Acts there are over a period of 13 time? Because the classic statement from my 14 deputies is what is next, because they are not 15 getting better, they are not getting any better, they are not getting better, and I could tell you 16 17 all kinds of horror stories up to and including a 18 very young man who we Baker Acted. 19 At our agency we have an automatic 30-day 20 checkup, so if a deputy Baker Acts someone today, 30 21 days later he or she has to go back to the house, are you on your medications, are you getting 22 23 appointments, what is happening. 24 I can show you a young man we had eight 25 interactions with, and on the ninth one we went to

Page 152 1 the house on his mother's call and he stepped out and pointed a rifle at us and, of course, he is not 2 around to help anymore. 3 4 My point is what happened the eight other 5 times, and why isn't there an early warning system there that, hey, somehow this is not working, and we 6 7 got to advance that? That seems to be a void that we deal with 8 9 at whatever level form the school system on through the 10 adults. DEPUTY SECRETARY BABCOCK: 11 I don't have the actual data here and I don't know. But I agree 12 13 with you it's high. It's high, those high utilizer 14 frequent flyer folks. 15 I can tell you I think a large part of the 16 issue is once I am released from a Baker Act. 17 facility I have to have timely access to services, 18 but there is nothing that says I have to go. 19 I think if we are really thinking globally what do we do here, and especially with children --20 21 I'm going to go ahead and say it, Mr. Secretary --I'm going to make the recommendation that there is 22 23 something put into law that says if a child is Baker 24 Acted they must comply with the recommendation, the 25 discharging recommendations that you have to go to

Page 153 1 followup. And I don't know how we do that, but 2 right now there is nothing that makes me or anybody 3 else from a legal standpoint qo to any followup And we know, and that is the recovery 4 services. 5 oriented system of care, we know if we can get people into a system of care ongoing, their outcomes 6 are much better. And we also know you said the 7 medication, the medication compliance as well. 8 9 DEPUTY SECRETARY BABCOCK: The whole system 10 is heartbreaking for us. I also have people 11 carrying around baggage for the rest of their life 12 because the system didn't work on the front end or 13 didn't have a chance to work on the front end. 14 But I would like to see the data of how 15 many you see once, twice, how many you see 25 times, and the scale so that we can approach the 16 17 legislature with such a request. And my agency goes 18 above and beyond. 19 Most law enforcement agencies, once they Baker Act them they are finished with them until 20 21 they Baker Act them again. We go back during an

intermission to try to then re-encourage them to go get services if they have fallen off the radar, but it seems like there is no place for us to send them or take them to at that point in time.

Page 154 1 I'm interested in what we can do with 2 It is not true prevention, but it is that. 3 definitely early intervention. I think we need to 4 look -- And when I say we, it's the department -- I 5 think we need to look hard at what are we doing on the single or first episode. That is the prevention 6 7 piece, so what are the wraparound services or the 8 services put around that person the first time when 9 they're Baker Acted so perhaps we can cut off the 10 second, third, fourth, or fifth case. 11 CHAIRMAN GUALTIERI: Sheriff Judd, if you 12 contact Dr. Annette Cristy at the University of 13 South Florida at the state's Baker Act reporting 14 center, she will give you the statistical 15 information for your county. 16 I can tell you I have seen her reports. 17 Off the top of my head, there were 205,000 Baker 18 Acts in the state of Florida last year, and it is 19 not 205,000 different people but it is 205,000 Baker 20 Acts. 21 What the data shows surprisingly when I 22 last looked at it is that the majority of them are 23 one-and-dones. The majority are not repeats, but 24 there is a whole bunch. It is very similar to the 25 data in the school district report we were talking

Page 155 about earlier where you have 230,000 kids in the 1 2 Broward County school system and you have these 75 3 that have 100 or more incidents. 4 The 205,000, a whole bunch are one-times, 5 but you have a whole bunch that are multiple 6 repeats. If you talk to Dr. Cristy over there, she 7 runs the state Baker Act reporting center and she 8 9 can give you that data. 10 DEPUTY SECRETARY BABCOCK: One of the issues with that data -- if I could, that data is 11 12 great data. That data is the initiation data. 13 What we can't figure out how to get is the 14 actual admission data because after you are admitted, that is when it is the Blue Cross/Blue 15 16 Shield, Tricare, the Medicaid, the funding streams, 17 and so we know how many people have shown up. We 18 don't know how many got admitted. 19 CHAIRMAN GUALTIERI: Commissioner Petty, did you have something? 20 21 I just wanted to COMMISSIONER PETTY: 22 emphasize the transition from child to adult 23 services, I know that was certainly an issue here 24 with the shooter refusing services once he became 25 18.

Page 156 1 I don't have an answer for this. T was 2 hoping maybe you had a recommendation. But this is 3 a challenging problem I understand when somebody 4 becomes an adult with the ability to refuse 5 services. But somehow we are seeing a lot of these assailants that were troubled youth become old 6 7 enough to purchase a firearm and go out and commit these heinous acts. 8

9 Somehow we got to come up with a plan to 10 figure out how to better, at a minimum, track them 11 as they go from being juveniles to adults, but 12 hopefully provide some services or compel services, 13 I guess in some cases, to try to prevention these 14 tragedies.

I would love for the commission to make some kind of recommendation. I don't know what that would be. I know this is not an easy issue for you to tackle, but I would love to see us do something here.

CHAIRMAN GUALTIERI: Sheriff Ashley next.
 SHERIFF ASHLEY: Thank you, Doctor, for
 that presentation.

I'm a layman. I'm not in your profession.
But I'm just using layman's terms to describe I
think we are overdependent a lot of times on mental

Page 157 1 health professionals to fix people that can't be 2 fixed.

What other than counseling, medication, monitoring, incarceration, what services can you provide to a mental illness patient?

COMMISSIONER LARKIN-SKINNER: I think --6 And I don't mean to make this so simple or so 7 ridiculous -- but a lot of these issues that we see 8 9 that are in conjunction with some of these more significantly mentally ill folks kind of makes the 10 hierarchy of needs. It is the housing. 11 It's the 12 poverty. It is the social supports. So we don't --13 We are silent. We don't work together to make sure 14 we have a full package of what that person needs. 15 All of that to say exactly what he was saying. 16 When you get the right support in place,

17 the right medication, the right balance of therapy, 18 you have good outcomes, but you will always have 19 people who come off their meds who are not 20 compliant.

The best thing we can do is think about that service array. What is the service array for somebody who has a significant history, and what is it we can get to them?

SHERIFF ASHLEY: Certainly I understand

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Page 158 1 that aspect of it. How do you measure success? Т don't know of any of your programs in mental. 2 I'm not talking about a behavior health crisis where you 3 take them out of crisis. That is pretty common. 4 5 I'm talking about actual mental illness, whether there is a cure or is it just treatment. How do you 6 7 measure success when you are dealing with a patient like that? 8

9 COMMISSIONER LARKIN-SKINNER: The measures 10 we use with the persistently mentally ill is the 11 number of days they can remain in the community. 12 The longer they are in the community, we want to see 13 that number stretch out, the stable housing, staying 14 out of jail. They're just not good metrics. But we 15 can't come up with good metrics that can be used universally for these persistently mentally ill. 16

We are looking right now at what is calledhedis measures.

19Are there some other measures we can use20that can really help guide us?

I heard you say earlier Judge Leitman came in. He had some pretty progressive programs down in Miami specifically with the homeless and the mentally ill folks, so looking at different program models that are out there.

Page 159 CHAIRMAN GUALTIERI: Last question, Senator 1 2 Book, and then we can break. 3 SHERIFF ASHLEY: Mr. Chairman, can I ask 4 one last question? 5 CHAIRMAN GUALTIERI: Go ahead. SHERIFF ASHLEY: Is there any data that can 6 tell us or tells your profession how much of it is 7 8 caused by a chemical imbalance? 9 CHAIRMAN GUALTIERI: Did you hear the 10 question? COMMISSIONER LARKIN-SKINNER: 11 Mental 12 illness by a chemical imbalance? Is that what he 13 asked? 14 SHERIFF ASHLEY: Is there any data that 15 says what percentage of that mental health illness 16 population is as a result of a chemical 17 imbalance? 18 CHAIRMAN GUALTIERI: So what percentage of 19 that mental health illness population is a result of a chemical imbalance? 20 21 DEPUTY SECRETARY BABCOCK: I don't know if we are using the word chemical imbalance the same 22 23 way. 24 There is research now because of MRI and 25 CAT scans we know the changes in the brain

Page 160 1 chemistry, there are changes on the mental health 2 and the substance abuse side. Does the chemistry change as well and just 3 4 the way the brain is actually looking? If we could 5 ever change -- Talk about changing the stigma and really moving to a medical -- You know, that this is 6 a brain disease, this is a brain disease, substance 7 abuse, mental health is brain disease versus a 8 9 personal disease. 10 So there is research out there to support some 11 diagnoses. It is not -- We can hear both sides, but 12 we do know from MRIs or CAT scans we can see the brains are lit up different and it does change that 13 14 actual structure of the brain. 15 CHAIRMAN GUALTIERI: Last question. 16 Senator Book. 17 SHERIFF JUDD: Thank you so much, 18 Mr. Chairman. It's two parts. To dovetail off some of 19 the things Commissioner Petty was talking about and 20 we talked about this back when we were doing the 21 initial report, and that is looking at this 22 23 shooter's mother, and when and how does an inability 24 for a parent to engage, to receive services become a 25 neglect issue or something that there is an

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Page 161 actionable piece. I think that's something we could 1 2 possibly look at. I think the other part of this is the 3 Baker Act hasn't been looked at or rewritten since 4 5 1971. It is a revolving door as Commissioner Judd talked about, and I think it is something that 6 really is a recommendation when this body at least 7 directs our legislature to look at. 8 We don't have to have all the answers here 9 10 and now, but I think we certainly know this is a system that needs to be addressed and fixed. 11 12 CHAIRMAN GUALTIERI: I know I can tell you 13 I was in with Commissioner Larkin-Skinner and Judge 14 Leitman and others in Orlando Monday, and there is a 15 group Judge Leitman is putting together now as we speak that is looking into a rewrite of the Baker 16 17 Act, so that is activity in progress. 18 I know the group is receptive to Because of other commitments I was 19 recommendations. only there for part of the meeting. But I think you 20 21 can expect there will be some recommendations coming 2.2 forward for the next session. 23 He is doing it the right way because he is 24 assembling a group of stakeholders, of course, to 25 get the buy-in, get consensus. There are some

Page 162 things that came out of that meeting, there is not a 1 2 consensus for, that are going to be abandoned. So it is better to do it now in that process. 3 There is 4 some work afoot to try and make some -- Certainly to 5 review and make recommendations about modifications to the Baker Act. 6 7 Secretary Babcock, thank you for being 8 here. We appreciate it. 9 So we are behind for the press conference 10 this morning. For Chief Newman and for Captain 11 Francis, we will get to you this afternoon, but we 12 are going to have to skip over you. 13 We need to get to the county 14 administrator. I saw her walk in. I'm qoing to apologize. I told her I would get to her on time 15 but obviously we are behind. I don't think her 16 17 presentation is going to take that long this 18 afternoon from what I understand. So let's do 30 minutes for lunch and start 19 20 again promptly at 1:30. It is 1:00. If you need to bring lunch back in with you, please feel free to do 21 22 We will start again promptly 1:30 with Bertha that. 23 Henry, the Broward County administrator. I think we 24 can make up some time this afternoon, so we will 25 start again at 1:30.

Page 163 (Recess from 1:00 p.m. to 1:43 p.m.) 1 2 THE COURT: Next up is Mr. Tony Rosa from 3 the Sunrise Police Department representing the Broward County Police Chiefs Association. 4 5 Chief, thank you for being here. We appreciate it. 6 7 Thank you, Sheriff. CHIEF ROSA: 8 I appreciate the opportunity to be here 9 again. I would like to update the commission 10 regarding the state of the regional communications 11 12 in Broward County, relationships between all of our 13 affected parties that we discussed last time, and 14 really what has occurred since I was here and 15 presented at the last meeting from the perspective of the Broward County Chiefs of Police Association. 16 17 I first want to thank the commission for 18 the work you are doing because I see progress and movement in several areas within Broward County 19 communications that really needed attention, and I 20 21 attribute the progress to the work the commission's 22 doing. I wanted to recognize that and start my presentation by mentioning that I think it is 23 24 important to note that a lot of this progress did 25 happen after the commission meeting.

Page 164 1 In the days following the last commission meeting, the Broward County Chiefs of Police really 2 3 began to engage county leadership in an effort both to solidify which we knowledge is our role as 4 5 primary decisionmakers for operational issues within the county communications system, and really 6 also to explain what our vision was for the future 7 8 of the system, and that includes our previous 9 recommendation that the entity system should be led 10 by one entity, and in this case we recommend that the system be moved to the Broward Sheriff's Office. 11 We had numerous discussions after the 12 13 meeting with all affected parties, and that included 14 elected officials, city managers, the Broward sheriff and his staff, county administrator and her 15 staff, city managers, OrCAT, and then our own 16 operational personnel. Really some of these 17 discussions kind of culminated into the chiefs being 18 invited to a meeting of the Broward County city 19 manager's association, and they were able to hear 20 21 from us as an organization. They were able to hear 22 from us the details of our plans and reasons why we 23 had identified a need for change in that area. 24 So after that meeting -- I'm not sure if 25 it happened after or before -- but the city managers

1 also formed a subcommittee related to What that did, I think it brought 2 communications. the leadership of all the municipalities, Broward 3 4 County government, the police and fire chiefs within 5 Broward County, and the sheriff all in same room really to start discussing some of the issues that 6 both I presented on at the last meeting and things 7 we have discussed. 8

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9 Really as a result of some of those 10 discussions and others that occurred, the chief's association recognized that the county administrator 11 12 is not going to willingly relinquish control of the 13 consolidated system to the sheriff without having 14 received certain assurances, and I want go into that 15 because she presented on that at the last meeting, 16 and the message was consistent afterwards.

17 So the consensus amongst the Police Chiefs 18 Association, it remains the best practice is to have 19 one entity running the system, but with the cooperation of the county administration we can be 20 effective working within the existing framework to 21 22 improve both the services to the residents and how 23 we are interacting with each other really. 24 There is one particular meeting I thought 25 was important to elaborate on that I thought was

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very productive and positive, and that was one that
the chief's association had with the county
administrator herself. It was a very small meeting.
It was myself, the president of the association, the
county administrator and some others.

6 During this meeting we did receive several 7 commitments from the county administrator that 8 addressed a lot of our concerns and some of the 9 things I presented on. Since that meeting I can 10 confirm the county has moved in the direction of 11 fulfilling some of those commitments made at that 12 meeting.

13 A couple of those things were mentioned 14 today already so I'll just touch on them. But it 15 was the creation of radio governance board similar to what currently exists in Broward County related 16 17 to records management and computer aided dispatch 18 for both law and fire disciplines, and some of the 19 other things we feel necessary were things that the commitments were made, modifications to kind of the 20 21 rules of engagement for the communications 22 operational review team that includes recognition, 23 that the members of these governance boards are 24 really the subject matter experts and have the 25 ability to make a lot of the decisions for a lot of

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Page 167 And if there is a dispute which was 1 things. mentioned already by the county administrator which 2 rarely happens, but when there is ORT will step in 3 4 and resolve it. That way there is nothing ever left hanging in the balance. 5 There was also a commitment to refocus the 6 7 director of regional emergency services and communications within Broward County to be more 8 9 engaged with the operational review team and more 10 engaged with any operational issues for both law and fire within the communication system. 11 12 CHAIRMAN GUALTIERI: Specifically that is 13 Tracey Jackson you are referring to; correct? 14 CAPTAIN FRANCIS: Yes. 15 CHAIRMAN GUALTIERI: The problem she had 16 and the criticism before is he didn't show up at 17 meetings and he wasn't engaged? 18 CHIEF ROSA: Yes, sir. 19 CHAIRMAN GUALTIERI: That is who you were referring to. And there has been a commitment that 20 21 he would personally participate in ORT? 2.2 CHIEF ROSA: Yes. And really as a result 23 of that commitment he has been participating and it 24 has been effective. His input is valuable and it has been effective. 25

Page 168 1 CHAIRMAN GUALTIERI: For those of you who 2 didn't put it together, Tracy Jackson was the 3 gentleman sitting here with the county administrator earlier today if anybody was not aware. 4 5 CHIEF ROSA: Yes, sir. I'm also aware of discussions, and I think 6 Sheriff Tony did touch on them, and some of the 7 members of the commission asked some of the 8 9 municipalities outside the scope of the Chiefs 10 Association, at least my view of that, talking to at 11 least one of their city managers, those discussions 12 were productive. I can't speak for the other 13 municipalities, but at least what I see as a 14 positive and what the association sees as a positive 15 is those discussions were happening whereas before they were not. I think communication on that issue 16 17 as it relates to some interpersonal relationship 18 sometimes has been effective in moving the system forward. 19 Some of the other things I think were 20 21 important to mention in no particular order or no 22 particular order of importance is the operational It's had significantly heavy 23 review team.

24 attendance traditionally, but since the last meeting

25 all municipalities are participating in the

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Page 169 1 operational review team now. The sheriff constantly 2 has participation there and the county is 3 participating now.

The Chiefs Association, we became directly 4 5 involved with the Hollywood radio tower issue to include we kind of got last minute notification 6 during one of the last meetings where they had an 7 8 agenda item and we sent a representative who spoke 9 on behalf of the association, and I thought that was 10 important to mention because we really do believe we 11 should be doing everything we can to improve 12 communications, and that was one aspect of it that 13 prior to that meeting we had not been fully engaged. 14 From an association's standpoint, we believe we 15 really assisted with some of the progress being made 16 there.

17 Then the operational review team, we met 18 in a smaller group, so the board of the operational 19 review team, Tracy Jackson and his assistant Rick had a meeting with just us and no audience. 20 Very frank discussion, very good discussion, and we 21 22 agreed we were going to have more of those meetings, 23 and that is continuing. It is important to also 24 mention that because sometimes in front of the audience you are not getting your full message 25

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across when you can have a totally frank and
 somewhat semi-private discussions to be honest with
 each other.

I already said it, but I believe 4 5 all of these things are positive for regional communications in Broward County. We are not quite 6 7 there yet, I don't think, but we are definitely trending in that direction now. The chiefs, we 8 9 remain committed to doing anything we need to do, 10 continuously engaging and evaluating what is happening with the system, and we are committed to 11 12 taking a leadership role whenever we think something 13 needs to be changed for the improvement or 14 betterment of public safety within Broward County. 15 I didn't prepare a long presentation because I think some of it was already talked about 16 17 and I wanted you to hear it from our perspective. 18 With that, I can entertain any questions. CHAIRMAN GUALTIERI: It sounds like since 19 our last meeting you all have come together and made 20 21 significant progress. The way it went the last time was that the system was broken -- that was the 22 23 consensus across the board -- and it wasn't fixable 24 as it was, and nobody was talking. It sounds like 25 everybody is now talking and moving in a positive

Page 171 1 direction. And, of course, that is what we want to 2 hear. We thank everybody for their efforts. 3 Ι 4 thank you for your efforts, the police chiefs and 5 all the other stakeholders just to make the system better from a public safety and officer safety 6 standpoint and get you all what you need and get 7 everybody working in the same direction. 8 So we 9 appreciate the effort. That is what we hoped we 10 would hear. It's a good thing. 11 Any commissioners have any questions for the chief? 12 13 Commissioner Nelson. 14 COMMISSIONER NELSON: Thank you, Chief, 15 for coming today. Just a quick question. 16 On school security cameras, does your agency have access to them to view them live? 17 18 CHIEF ROSA: We do. It is based on 19 circumstance right now. We have not entered into a formal agreement with the school board on this yet 20 although we are in the final stages of that 21 22 agreement. 23 The Sunrise Police Department operates 24 within eleven schools within our jurisdiction, and 25 we have relationships with the principals of each of

Page 172 1 those schools where we know we will have access if 2 we need it even outside of that agreement. COMMISSIONER NELSON: 3 Do you have to 4 specifically ask for access to the cameras, or do 5 you have them all the time? CHIEF ROSA: Right now we have to ask for 6 7 them. My understanding is in a emergency situation 8 we will have access once this agreement is resolved. 9 But I do want to mention one of the things with the sheriff's realtime crime center is that is 10 an easy thing that we are integrating with them 11 with. 12 13 From a perspective of the school resource 14 officer in the school needing access, once the 15 agreement is signed I think we are going to have 16 instant access when we need it. But even right now 17 they can walk into that room and say, hey, we need 18 it, and there have been no questions asked, or at 19 least our processes we talked through with the 20 schools there should not be a problem. 21 COMMISSIONER NELSON: So you feel after 22 this agreement is signed you'll have instant access 23 in an emergency situation or any time you'll need 24 it? Inside the school. 25 CHIEF ROSA:

Page 173 We are not going to have the capability of doing it 1 2 from the police department or similar to what the 3 sheriff is doing. But, yes, I do. 4 COMMISSIONER NELSON: Have you asked for 5 that access and been denied, or do you just not --CHIEF ROSA: No. No. I have not directly 6 7 asked for it right now because I know it is coming, and what we have right now is I mentioned the 8 9 relationships with the principals. 10 I don't want to talk them into a position But I'm confident if we need it we will 11 either. 12 have it or will get it. 13 CHAIRMAN GUALTIERI: You said you'll have 14 it inside the schools. But from regional communications, the central regional communications 15 is at your police department; is that right? 16 17 CHIEF ROSA: Yes. The central regional site is the Sunrise Police Department. 18 19 CHAIRMAN GUALTIERI: From there, as an 20 example, you won't have live realtime access to the 21 school cameras? You would actually have to actually 22 qo the school to get it? Is that the way I 23 understand it? 24 CHIEF ROSA: Yes. 25 The Sunrise Police Department would not

Page 174 Actually I can't tell you if it 1 have access. 2 That is a sheriff run center. exists. CHAIRMAN GUALTIERI: 3 They do. CHIEF ROSA: I don't know if it exists in 4 5 that center or somewhere else. CHAIRMAN GUALTIERI: Somewhere else, but it 6 exists here someplace. Again, that's what the 7 sheriff has. 8 9 Do you want that so that let's say you 10 have an active shooter situation at one of the schools in Sunrise, that somebody within your agency 11 12 can pull it up live realtime as the units are responding to direct them, or is that not how you 13 14 want it? 15 CHIEF ROSA: If I could get everything I wanted as it relates to this, I would have instant 16 17 access on need and to be able to pull it up, any officer, any on-scene commander to pull it up as he 18 needs it. 19 CHAIRMAN GUALTIERI: What is the barrier or 20 impediment to that? 21 22 CHIEF ROSA: I don't know. I think it is 23 some technology and some still working through 24 agreements. 25 I guess we can ask the CHAIRMAN GUALTIERI:

Page 175 1 superintendent about that tomorrow some more. The 2 technology is one thing. If it is a technology 3 issue, that is a different issue than if there is a will to provide it. 4 5 CHIEF ROSA: As it was explained to me --I think it is better that the superintendent does 6 7 It was explained to me not all schools address it. are at the same level, that the technology that is 8 9 in them relate to their systems. But I think that 10 needs to be asked tomorrow. 11 CHAIRMAN GUALTIERI: Anybody else have any 12 questions for the chief? 13 SECRETARY SCHACHTER: Chief, I just wanted 14 to say thank you for all your efforts to work with everybody and take a leadership role in this. 15 I was at the ORT meeting and I was impressed with the 16 17 cooperation. But, again, it all goes back to you 18 shining the spotlight on this. You did a great job. We obviously see the fruits of our pressure. 19 But I want everyone to understand in an active shooter 20 21 situation we are certainly hoping that the SRO is 22 there pursuing the assailant, not in this camera 23 So that is not sufficient to just having them room. 24 have access in the school because if they're injured 25 or something like that they are not going to be in

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So I agree with the sheriff. You need to have access at every police department. And I don't We will ask the superintendent. understand. But if you signed the MOU with BSO, why aren't you having duplicate MOUs signed with every law enforcement It just doesn't make any sense to me. agency? And we know that because there was no live realtime access. Law enforcement waited almost an hour to get up to the third floor to administer medical attention to the ten kids that were shot, and six passed away. It is inexcusable, and I'll certainly

13 ask him tomorrow.

14 CHIEF ROSA: If I can address that, I want 15 you to know one of the things with at least the 16 Sunrise Police Department and our SROs, I had a 17 meeting with every one of them. I looked them in 18 the eye, and I had to be comfortable, and I had to 19 know they were going to take appropriate action if 20 the situation presents itself.

I didn't mean to suggest we are going to go running to the camera room because that is not going to happen.

24 SECRETARY SCHACHTER: I know you don't.
25 CHIEF ROSA: But as it relates to realtime

Page 177 1 video today, if something happens today, the sheriff's office can communicate that to us as long 2 3 as the radios work. 4 SECRETARY SCHACHTER: I want duplicate 5 efforts and backup efforts because we know what Murphy's law happens, and we know all the 6 happens. 7 bad things can happen and go wrong. 8 CHAIRMAN GUALTIERI: Okay. Thanks, Chief. 9 We appreciate you being here. Thanks very much. So back to the section we weren't able to 10 get through this morning. First is John Newly from 11 12 Hillsboro County, Captain Rick Francis from Seminole 13 They want to talk to us about the active County. 14 sealant drills, the frequency of the drills, and I 15 think make some proposals, recommendations, and ask us to determine if we want to make any 16 17 recommendations on changes to the law. 18 So begin with Captain Francis. Welcome back. 19 20 CAPTAIN FRANCIS: Thank you very much. 21 Thank you for your time. I appreciate you affording 22 us this opportunity. 23 I would first like to acknowledge the 24 importance of emergency drills and the commission's 25 effort on this matter. Our intentions here today is

Page 178 not to provide argument to eliminate or minimize the 1 2 importance of emergency drills, but to make you aware of some of the concerns we have in Seminole 3 4 County. 5 We have been doing lockdowns. We have been doing lockdown drills since the 2013 to 2014 6 7 school year. 8 I just want to point out the numbers as 9 the law currently states. Ten fire drills. Ten 10 emergency lockdown drills. If we add a weather, a natural disaster, and a reunification, a child 11 12 starts the first grade in our public schools and 13 transitions through their senior year, we are 14 looking at 276 drills that they will be accustomed 15 to. 16 As you are aware, the lockdown drills are tied to fire drills with the language as much as 17 18 other drills. I do want to thank you for getting the language added to Senate Bill 7030 regarding age 19 and developmental appropriate drills. 20 21 Our concerns are twofold. First, fire 22 drills and some procedures are outdated. Fire codes 23 that mandated fire drills be conducted each month at 24 our schools were enacted in 1997. The last time we 25 lost a child in a school fire was 1958. Our schools

today simply do not burn. We have advanced fire
suppression, excellent fire prevention efforts, mass
communication, highly trained fire professionals,
and building structure codes that minimize large
scale school fires.

Also, fire codes have not evolved to 6 active threats of terrorism and active threats. 7 There is a likelihood that bad people will plan 8 9 future school massacres with the use of current fire 10 response procedures to gain access to those most vulnerable. For example, a maliciously pulled fire 11 12 pull station. The way we have regimented mass 13 evacuations at the same location in open fields in 14 our schools. Current prior codes do not take into account student levels, for example, primary and 15 16 secondary, and the inherent maturity level of those. 17 Secondly, my fear is with the current 18 mandates is drill fatigue. More emphasis should be placed on quality versus quantity with drills being 19 scenario based and age appropriate developmentally. 20 21 Districts simply going through the 22 motions, with a certain number of emergency drills, 23 it leaves schools with the profound challenge of how 24 do we prepare the young for the worst without 25 provoking anxiety or fear.

Page 180 In Seminole County, the superintendent and 1 2 I regularly meet with our secondary students. 3 Without exception, we ask them about emergency 4 drills. They respond we do so many the students and 5 teachers stopped taking them seriously. Being a prior tactical operator, I fully 6 7 understand the muscle memory argument and can 8 appreciate the current accountability climate. 9 However, for some, this call to order for school 10 safety will fade as time progresses. I'm going to share a couple comments on 11 12 our PowerPoint presentation, but I also want to make 13 this recommendation. We started working on this 14 about a year ago. This is in collaboration with all of our school safety specialists, our fire marshal 15 association chiefs, and our fire chief and fire 16 17 marshals, and we believe we can get support from 18 our school board members, our superintendent association, the Florida Sheriff's Association, and 19 the Florida Police Chief's Association. 20 21 So we have recommended or we can recommend 22 or we are recommending that drills be broken down by 23 secondary levels and primary levels for more 24 development. You can see the slide I believe in 25 your packet as well. We are recommending the
Page 181 primary levels we do six fire drills and six 1 2 emergency drills, and at the secondary level as 3 students mature and go through our system we drop that down to four fire, four emergency. 4 5 Secondly, those drills, obviously we want those drills to be physical drills. When it comes 6 to primary fire, we want the one done within the 7 first 30 days, which currently happens. We also 8 9 want the emergency drills to mimic that same 10 process. 11 CHAIRMAN GUALTIERI: So we are on the same 12 page, define for us what you are referring to as 13 primary and secondary. 14 CAPTAIN FRANCIS: The primaries are K through 5, and our secondaries are middle school and 15 16 high school levels. 17 So on the primary elementary, when it 18 comes to fire, two drills can be done after we do our initials, two physical drills. They can switch 19 to a formal prevention program that is approved 20 21 through the state. 22 Again, we are asking one of those physical drills be done within the first few days of school, 23 24 the first ten days. We obviously want all school 25 faculty involved. If the school has a real world

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event, for example, where they are actually having a
fire response, that would obviously count for a
drill.
CHAIRMAN GUALTIERI: Going through this, to

5 make sure we are on the same page, this is going to 6 be an ask on your part or a recommendation?

7 You are talking about six fires and six 8 emergency. When you are the talking about six fire 9 and six emergency, when we are talking about 10 emergency, are those all six active assailant, or 11 are they a combination of other --

12 CAPTAIN FRANCIS: I'll explain that. The 13 next slide will explain that.

I just mentioned fire when it comes to the primary level. The elementary level, we are recommending six, four being a physical evacuation, and two can be prevention which they did do well.

18 When it comes to the primary level, when 19 our emergency drill is lockdown, code reds, whatever 20 you want to call them, we are recommending six. Four of those drills are active threat drills where 21 they are actually addressing the active threat, 22 hostage, bomb, etcetera. Two of those drills can 23 24 include other emergencies we may face, for example, 25 natural disaster or weather.

Page 183 1 Again, which is new language, we have suggested the initial lockdown drill be done within 2 3 the first ten days of school, all school personnel involved with that, and we are looking for that 4 5 movement required where they are actually physically moved into a safer spot or hard corner, whatever the 6 7 case they be. 8 Again, the same as all the other 9 requirements, if they have a real-world event, they 10 can count it as a lockdown drill. Any questions on the primary level? 11 So six fire, six lockdown. 12 13 Yes, ma'am. 14 COMMISSIONER STEWART: What about early 15 childhood centers? 16 CAPTAIN FRANCIS: We are going to address 17 that. The chief will address that specifically. Ι 18 appreciate the question. 19 So as we move into the secondary, our 20 thought process is they are older, more mature, they 21 have been through our systems, so we bring that down 22 to four, both fire and lockdown. Kind of the same 23 principle. Three of those must be a physical drill 24 where they are actually moving or exercising. One 25 of these drills obviously can be fire, can be a

Page 184 prevention or education piece or video or whatever 1 2 the case may be. Again, we are looking for it to be done in 3 the first ten days. All students and faculty 4 5 involved, and a real world situation can count for a drill. I think by practice people are doing that 6 throughout the state as it is already. 7 Moving into the lockdown, the secondary 8 9 level, again, the number is four for secondary, three of those drills addressing an active 10 assailant, hostage, bomb, etcetera. One of those 11 12 could include weather or any other related incident, 13 again done within the first ten days, all schools 14 faculty involved with movement required. And, again, a real-world could suffice. 15 16 We are recommending there is a 17 standardization when it comes to school training 18 that covers all the preparation, the hard corners, the safe spots, what that looks like, lights, 19 covering the windows, stuff like that. 20 21 We use a very robust drill management 22 system, and we also request that they provide an 23 after-action report following the drill that is 24 captured in that drill management system as the best 25 practice.

I m going to turn it over to the chief who
will talk about the youngsters and everything like
that.

CHIEF NEWLY: Thanks, Captain.

4

To your question, most of my K through 5 2nd, even the 3rd grade parents and teachers and 6 7 counselors, really want some sort of option, really do discern between the educational process of 8 9 learning how to do a drill and the hard skill of actually executing that drill, whether that is a 10 presentation that teaches them what they are 11 12 supposed to do without going through the fluid or 13 dynamic process of a physical drill.

Some of us have a presentation that we are going to use next year for our K, 1, and 2. What they want to avoid is an arbitrary number of drills just because fires we did every month, that we are going to do active shooter or lockdown or an all threats approach once a month as well.

They were really concerned we teach our youngsters how to follow simple rules they are already doing, listening to the teacher, so when it came time to deliver what we want them to deliver in a drill they deliver with the sense of knowing why. Secondly, walk through the campus and find Page 186 1 out if they are in another place like in the media 2 center or the cafeteria, what would that look like 3 to dispel some of that anxiety.

If I'm in the restroom or somewhere else, we don't want you to come back to our classroom, yet the drills we are providing right now, the lockdown drills are really more about the execution of the drill.

9 So our position when we first started 10 meeting with the other specialists was to get away from an arbitrary number of drills just to say we 11 12 did them and have a quality-based drill curriculum 13 that we provide our K, 1, and 2. We test those 14 skills by actually going through it and by doing the educational learning of why we are doing it. 15 16 Actually doing a hard skill and executing a drill 17 would have a different number than once a month. Ιt 18 might be every other month we are going to do a hard drill. 19

We came up when talking to the other specialists with six would be a number, but that also would include a shelter in place. It could include -- We just had a tornado in Hillsborough County back in November. A couple of our schools were directly impacted. That is a horrible event

Page 187 1 for a 1st grader no doubt about it. They want to 2 have that kind of option instead of just saying we 3 are going to do a lockdown drill or a code red. So then we discuss the numbers. 4 5 CHAIRMAN GUALTIERI: Senator Book. SENATOR BOOK: Whenever I think about this 6 stuff I think about when we used to be in classrooms 7 and you were doing a drill, you knew where you were, 8 9 so you did what you had to do and you did it because 10 you did it. 11 What if you are on the playground? What 12 if you are in the lunchroom? What if you are 13 walking from classroom to classroom and we don't 14 really teach in those situations, where to go, what 15 to do. So I really appreciate the thoughtfulness behind that because it will be very different if you 16 17 are on the playground what that looks like. It will 18 be very different if you are in kindergarten 19 setting, a 1st grade setting, a 2nd grade or 3rd 20 grade. 21 Also, when you talk about the why for the 22 drills, what does that look like? Because as kids 23 went back to school today, I know a young little 24 girl who is going to kindergarten for the first 25 time, and she said to me this weekend when we were

Page 188 1 getting ready putting her backpack together, I don't 2 want to get shot going to school.

I looked at this little five-year-old girl and thought myself, oh, my God, what does the why look like, and how do we shift it? What does that look like?

7 Our district, along with a CHIEF NEWLY: couple other districts, got together and created a 8 9 presentation. I will be more than happy to share There was a lot of districts. I know Pinellas 10 it. did the same thing. They came out with some media 11 12 so they understood what the drills were. Ours were 13 really geared toward K, 1, and 2.

I know in Rick's district they use mascots 14 15 to explain what you are supposed to do in a drill. It really has a very good approach. I could spend a 16 lot of time telling you what it looks like. 17 It is 18 very age appropriate. It doesn't have anything that looks like an active shooter, but it talks about 19 listening to your teacher. It talks about the soft 20 21 skillsets those kids need to possess before you can 22 expect them to get down and hide behind a safe 23 corner.

24 It is going to work for our district. We 25 ran it through our PTSA. Obviously our counselors

Page 189 1 vetted it out. It took about three or four months 2 with a lot of folks that had different tweaks they wanted to make sure we're addressing with the 3 4 presentation, but it does tell them there is danger 5 out there and you need to be careful and you should listen to your teacher, and it is all about 6 7 following directions.

Does it also contemplate --8 SENATOR BOOK: 9 I mean I think that predominantly when you become a 10 parent you think you have all of these answers and you really don't, and I don't I think any one of us 11 12 could explain the terror we see going on around us. We want to be able to explain this to our kids. 13 But 14 are there parent components to that? So if there is a drill coming up or that has happened that day that 15 16 a parent newsletter goes home so you can continue a 17 conversation? Is that something you contemplated? 18 In our district, whenever CHIEF NEWLY: 19 we do a drill we send out a parent link immediately

20 before. We don't give the parents that much of a 21 heads-up because, quite honestly, we had some 22 parents that didn't have their kids go to school if 23 they knew there was going to be a drill. We sent 24 out a parent link in two different languages what 25 happened today to encourage them to talk about it.

Page 190 1 In the K, 1, and 2 level, we are asking 2 the teachers to debrief the students, ask them what 3 they thought, have a conversation about it even if it is a matter of rewarding them for doing a good 4 job in the drill. So, yes, we cover it on the other 5 end and tell the parents that we are going to do the 6 7 drill. 8 SENATOR BOOK: How are the drills 9 differentiated? I know I would like your opinion on 10 some of the fire drills. 11 I kind of got the sense that fire drills, 12 are they still necessary? Is that a recommendation 13 that you are asking us? Also, if there is an active assailant drill in a school, is it the same in 14 Pinellas, Broward, Miami? And what does that look 15 16 like? Is that an alarm? What does that look like? 17 CHIEF NEWLY: I can only speak for 18 Hillsborough County. 19 Right now we have the age appropriate and developmental option available for this year. 20 It will be a little challenging. You have K, 1, and 2 21 22 sitting on the same campus as 3, 4, and 5. 23 When we do a lockdown drill they announce 24 lockdown. They don't announce active shooter or do 25 any simulation of gunfire. Our principals will

appoint administrators to walk the hallways to make sure the doors are locked, looking to see if there is any line of sight issues, is there an opaque cover, have you gotten behind the hard corner.

5 Most of the high schools, I can see that going on on CCTV in my office. Then when they are 6 7 done, the principal has the option, because we have some that say it is a conditioned behavior, but they 8 9 are doing a drill, if they want to do a fire drill 10 immediately after or in conjunction with, they are actually doing two drills on one day and the kids 11 12 are out of the classrooms one less day doing the 13 drills instead of doing two drills on two days. 14 Some of our principals do that. They will go right into a fire drill. The kids will line up and leave. 15 If they don't go into a fire drill, we will say the 16 17 drill is over, announce it on the PA system, and 18 they go back to a normal educational posture. But 19 the K, 1, and 2, we are asking them to debrief the 20 kids and have a conversation about what happened. 21 CAPTAIN FRANCIS: If I may add, we in

22 Seminole, all the state safety specialists talk 23 about best practice. What we are seeing now is a 24 lot of us are having open conversations about what 25 everybody is doing and what makes sense. A lot of 1 our stuff looks a lot like that.

2 Using that drill management system, we are able to dictate what that school is doing as far as 3 4 what we are asking them to do as part of the drill 5 schedule, how often, and just like the chief is doing in his we kind of split the elementary level 6 into K through 2, or we are doing more soft talk and 7 8 we actually script out how that looks, that 9 conversation.

In the secondary we are giving them scenarios and asking them to initiate scenarios like, for example, if the threat is in building one, and move on, and then we expect building one to handle the threat one way, but building ten a little bit further away from the threat may handle it differently.

17 We are scripting some of that out giving 18 them a little bit of room to develop the drill as well. 19 But we are giving them this month you are doing this, this is what the scenario is. And for the K 20 21 though 12 we are almost splitting the school where K 22 through 2 plus 3 and 5 are doing different drills. 23 COMMISSIONER STEWART: I know I brought up 24 this setting in particular, the Ann Storck Center. 25 For you guys that aren't necessarily local, it is an

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Page 193 educational center where you have some children with extreme exceptionalities, wheelchair bound, some with trach tubes.

What does a drill look like as a best 4 5 practice for a setting like that? How do you address those, or what is the best practice? 6 7 CHIEF NEWLY: At Hillsborough we have 8 several exceptional centers. My sister was an 9 exceptional educator for four years and just 10 retired, so I have been dealing with exceptional centers a long time, and we have self-enclosed 11 12 classrooms.

13 I met with about 1100 ESE students in the last 14 two weeks, and the conversation was very similar to 15 what we're having right now about the younger kids. But we are going to provide them go bags. 16 Some of 17 them know if it's in the center, obviously everybody 18 knows what kind of kids you are dealing with because 19 everyone has the same classroom. If it is a self-enclosed classroom for inclusion, the principal 20 21 knows what classroom, where you are going to have 22 kids that are wheelchairbound.

What they asked us to do is we need to observe our students during a drill to see how they are going to react. In our go bags we have things

Page 194 1 that will keep them busy, take their attention and 2 deal with some of the sensory issues they are 3 dealing with. They won't know that until they go 4 through the drill. And, honestly, sometimes they 5 have different students in the class, so they know what kind of limitations an exceptional student is 6 7 going to bring.

8 Some of the self-enclosed classrooms, they 9 are objecting a little bit to the drills for the 10 first 20 days because they want to have an opportunity to triage the type of people they have 11 12 in front of them and how will they react so they can provide almost a customized response for that single 13 14 student. That is the most conversation I have had with anyone because if you look, there is not much 15 16 out there about what we are providing exceptional 17 students and ESE students.

18 When you watch the videos of what happened 19 at Marjory Stoneman Douglas, we always tell them be quiet, turn your cellphone off. It is very dynamic. 20 21 They want an opportunity to extend the 20 days. I'm 22 not sure how that looks. They want to have the 23 They want to see how the students will drill go on. 24 react so they will have some response to that. 25 But to hedge those responses, they are

Page 195 notifying their principal who they have, what kind 1 2 of limitation they are having with that student, whether it's wheelchairbound or apparatus bound, 3 4 chances are they are not going to leave their 5 classroom. In that case, what does it look like for us to make sure we can't get into that classroom 6 before a bad actor. 7

Those are the things we are looking at 8 9 now, we will still be in compliance with the drills. 10 But I'm more concerned with our self-enclosed classrooms and our inclusion programs where you have 11 12 a bunch of kids doing what they are supposed to be 13 doing and we have two or three classrooms we have 14 some challenges that no one knows about and we are asking those teachers I want to know what your best 15 It was a very good meeting, but we 16 practice is. 17 started from scratch about eight days ago.

18 CAPTAIN FRANCIS: We have added on all our 19 siteplans so when first responders outside the school are coming they know where those rooms are. 20 We have identified them so the first responders that 21 go into that school have a good idea that Room 123 22 23 building one meets this criteria so that room may be 24 treated more like the Alamo. We realize we have to 25 get additional resources there.

Page 196 1 COMMISSIONER STEWART: I think one of the 2 things, too, drills tend to become a little bit 3 We know we go, we line up, we do this or do rote. that. 4 5 One of the things that I think back on is the video, when we were watching, the fire alarm 6 7 goes off, then the one hand of the teacher goes up because she hears on the radio code red and 8 9 everybody is running back to the buildings, or in a 10 building as you just described where there are multiple buildings why if there is a fire in 11 12 building ten why would building four evacuate. 13 I know law enforcement being there when 14 that drill is occurring helps some of those things. But I want to make sure those are the best 15 practices. And thank you for all the dialogue and 16 17 thought you put into this because I know it comes 18 from such a wonderful place. And the go bags are 19 awesome. I think it is really important, so I want 20 21 to thank you for all your dedicated time and effort 22 into this and what you are doing. So thank you. 23 CHAIRMAN GUALTIERI: Commissioner Dodd. 24 COMMISSIONER DODD: I do want to thank you 25 all for bringing this discussion and looking at the

1 matter with the drills.

2 I think after the tragedy at Marjory Stoneman Douglas High School the legislature moved 3 4 quickly to put in place a process for drilling, and 5 that was a good thing. I think we are not guite conditioned. Our students are not guite conditioned 6 In some ways I'm a little torn if the timing 7 vet. is right to move to a smaller number of drills, but 8 9 I do believe the fire drills we do are to excess, so I do agree with that component. 10

11 I have a real problem with making it six 12 for elementary and making it four for secondary. 13 The reason why is if we are going to do a drill in 14 this first ten days, the second drill may not be That could be almost four moments until December. 15 away were the school to decide to do that. Also you 16 17 have students that come to school that may not get 18 there the first week or two of school. A new 19 student, they may not get the first drill in the first ten days if the administrators does it the 20 21 first week. 22 I would rather us be consistent. T would

rather look at six drills for fire and six drills for active assailant. Let's be consistent across the board. I'm not convinced that six is the right

Page 198 I do appreciate the work that has gone into 1 number. 2 this, but I'm not sure how we, as a commission -- I would even be willing to go guarterly with the fire 3 4 drills, once a quarter, which would be four at the 5 secondary level, and maybe the primary level, too. I would rather us be consistent across the 6 The active assailant drills are still very 7 board. 8 important as we condition our students to respond. 9 CHAIRMAN GUALTIERI: Let's make sure we 10 have clarity with this. 11 Are the recommendations you have here the 12 consensus of the school safety specialist as a 13 whole? 14 CAPTAIN FRANCIS: Yes, sir. 15 CHAIRMAN GUALTIERI: So across the board we can say that -- I don't want to hear somebody come 16 17 to us later on and say this was Rick and John's view 18 but not the view of the rest. 19 But you represent as a school safety 20 specialist as a whole this is the recommendation? 21 CAPTAIN FRANCIS: Yes. 22 One year ago we started a little task 23 force together. We brought in the fire marshals, the Fire Chiefs Association, and we get them 24 25 involved in part of it because we wanted this to be

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Page 199 a collaboration, and they realized on their own that 1 2 those fire codes likely needed change as well. CHAIRMAN GUALTIERI: Do you have any idea 3 what the fire chief's tolerances are on this? 4 Τn 5 other words, you got it here. Is this the lowest they are willing to go? 6 CAPTAIN FRANCIS: 7 No. I think these numbers are we wanted to 8 9 give you a starting point. We want to have a 10 discussion that right now these drills are tied From the comment you made, if we left the 11 together. 12 lockdowns the way they are and adjusted the fire 13 drills, that is a win. The problem is we haven't 14 reduced a single academic requirement with this stuff and I think we need to look at that. 15 I have had 16 CHAIRMAN GUALTIERI: 17 discussions with both of you on this. You know I'm 18 mixed on it. I'm like Commission Dodd. I think 19 there is room, especially as it relates to the elementary schools and certainly as far as the 20 exceptional schools, when we don't have the full 21 compliance now, I'm concerned about some of the 22 23 places, and Director Kelly will come up and do his 24 presentation, we still have some schools in Florida 25 that are, quote, drilling but nobody moves during

Page 200 1 the drill. That is not a drill. He will explain 2 that in his presentation during the survey results. So have we done enough even to set a 3 baseline? 4 5 One of the things you have in here -- and I know Chief Newly and I had this discussion but I'm 6 7 not there on it. One of the things in the recommendation is that all faculty, students, 8 9 instructional staff, law enforcement, or first 10 responder designee be involved. 11 Right now I think the law has it right. 12 It requires these drills be conducted by law 13 enforcement, and I don't know what the rest of you 14 are doing, but we require all officers and deputies 15 that are working in the area. So there is zone patrol officers and deputies that are working in the 16 area of the schools, that they go to the schools 17 18 while the drills are happening so they can see what is happening and what is going on because they are 19 the ones that are going to respond and deal with 20 21 this. 22 I understand Hillsborough is different 23 because of the way things are set up. I know what 24 you are trying to do. If we were to water this down 25 and make a recommendation and the legislature

Page 201 accepted it, they could be conducted by law 1 2 enforcement or first responder designees. That is going to give people the help, and they're not going 3 4 to have a situation where the cops responding to 5 these incidents become less or even become disengaged. So I can tell you I'm not there with 6 7 that. As far as the number is concerned, there 8 9 is no magic. I want to ask you this as a followup 10 question and we will go to Sheriff Judd. I'm assuming no organization, nobody out 11 12 there has come up with some national standard on 13 this; correct? 14 CAPTAIN FRANCIS: Not at all. 15 CHAIRMAN GUALTIERI: Have you all looked as any other states like Colorado which is a leader in 16 17 this? What are others doing? Do you have any idea? 18 It goes from 4 to 10, 12. CAPTAIN FRANCIS: 19 It's all over the place. A lot of people are not tying it to other emergency drills like we are. 20 21 There is a separation which is probably the best 22 practice for us to look at. 23 However, we were trying to make a 24 distinction between a primary and secondary level 25 and then maybe break the ties and take a good look

Page 202 1 at fire codes and is ten really necessary. 2 CHAIRMAN GUALTIERI: Fire drills, like you said, nobody has been killed in a fire. Fire drills 3 4 are important. I'm not detracting from the need to 5 do fire drills. Just because somebody hasn't been killed 6 since 1958 doesn't mean they won't be killed 7 8 tomorrow. We have to be very cognizant of that. 9 Perhaps there is some room to reduce the 10 number of fire drills as maybe a compromise as opposed to right now these drills are required to be 11 12 done every month. Maybe every other month is a 13 compromise. We have to come to some decision on 14 this. 15 Is our recommendation to maintain the 16 status quo? 17 If our recommendation is not to maintain the status quo, what is our recommendation going to 18 19 be? It doesn't have to be today, but it has to be soon because if we are going to get this report done 20 21 in October we got to do something with it. 2.2 Sheriff. 23 SHERIFF JUDD: If I was a firefighter, I 24 would argue obviously our drills and systems are 25 working.

Page 203 1 I asked my director of safe schools, Major Stewart, to weigh in, and he thinks what you are 2 3 recommending is appropriate. He thinks maybe the 4 weather drills, maybe a couple of them a year, one a 5 semester or something. He said I like the terminology drill fatigue. So maybe we go from 6 7 drill awareness to drill fatigue. CHAIRMAN GUALTIERI: Go ahead, Sheriff 8 9 Ashley. 10 SHERIFF ASHLEY: I certainly appreciate 11 it. 12 Again, I like this plan and these 13 recommendations. I do have someone concern, and I'm 14 not sure it has been discussed or has not been discussed. My call has been coming in and out. 15 16 But the designated meeting location being 17 predetermined, I'm wondering if that can be 18 determined during the drill so we don't pile 19 everybody up at the same place at the same time for every drill. And I don't know if there are any 20 21 current requirements or if we made any 2.2 recommendations on mass notification systems at 23 schools or whether speakers, phones, computers, 24 lights, or things that direct students during these 25 drills God forbid if they are in an actual event.

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1 CAPTAIN FRANCIS: When it comes to reunification locations, if I can answer the 2 3 sheriff, we put our crisis management plan to be set 4 on our worksheet. Our principals have to designate 5 a primary, secondary, and third reunification site. When we drill, we ask them to use the 6 various sites they should go to. If there is a fire 7 in that building where that basketball court or that 8 9 area is not available to you what would be the next 10 So when they do their CMPs every year which by one. statute they have to do, we ask them to pick three 11 12 locations for reunification, and that is what they use when they drill. Everything else comes as what 13 14 kind of features you have available to you. Do you 15 have lights, do you have signage that tell folks 16 where to go. We have some of that at some of our 17 schools, but in terms of the locations where we go 18 to for a drill, that is how we address it. 19 CAPTAIN FRANCIS: Sheriff, if I may, what we have done differently is we alter those 20 21 locations. 22 I think he is referring to during a normal fire drill, kids going out to their designated 23 24 locations inside a playground or whatever the case 25 may be. We are altering those. And we have asked

Page 205 also that either announced or unannounced situations 1 2 that the patrol units will actually respond and get a marked presence in that area so at least somebody 3 4 sees we are conducting a fire drill, but we also 5 have not only the SRE or SRO on campus, but we do have patrol with a marked vehicle sitting outside in 6 that field or whatever the case may be. 7 8 SHERIFF ASHLEY: Did I hear that correctly? 9 You are altering that designated location or evacuation location? 10 CAPTAIN FRANCIS: I didn't hear his 11 12 question. Sorry. 13 SECRETARY SCHACHTER: He asked if you are 14 altering the location. 15 CAPTAIN FRANCIS: Yes, I am. 16 CHAIRMAN GUALTIERI: Mr. Schachter, go 17 ahead. And then Commissioner Carroll. 18 SECRETARY SCHACHTER: We are most likely 19 unfortunately training our next school shooter. So how do you train to make sure that you are not 20 21 teaching the kids just to go to the safer corner 22 every time? 23 CAPTAIN FRANCIS: Unfortunately, since this 24 incident, school safety, and rightfully so, has been 25 on the front page everywhere. I don't know if I

Page 206 have the right answer other than it is an extra 1 2 motivation for me to make sure my officer deputy in 3 that school is highly trained and understands their role. 4 5 There are certain things that even our local press aren't aware of that we are doing. 6 Ι 7 don't know if that is the answer. But I do know 8 that I cringe when we first start talking hopefully 9 about safe spots or hard corners because we have 10 been doing it for years but we just didn't talk about it. 11 12 We are educating our next potential young active killer unfortunately. But the response to 13 14 that is a highly-trained in my situation safety 15 officer or deputy. 16 SECRETARY SCHACHTER: What I meant is how 17 are we teaching the teachers and the kids to respond 18 from different threats coming from different areas 19 and giving them the ability to do different things based on different scenarios? 20 21 CAPTAIN FRANCIS: I'm sorry. Ι 22 misunderstood your question. 23 CHIEF NEWLY: I had this conversation with the sheriff a few weeks ago on option based 24 25 training. Last year we would get them used to

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Page 207 appreciating getting to the hard corners, locking the doors, opaque covering, doing what they are supposed to be doing.

4 Next is option based training, you know, 5 If so, what does that look like and can you run. where can you evacuate to in a moment. Our plan 6 this year is to do that with our faculty first 7 8 because faculty have to totally accept and endorse 9 and know what they are doing before they can teach 10 their charges or at least show their charges where 11 they need to go.

12 Option based training when we talk to the 13 other safe school specialists is something a lot of 14 folks have begun to move to or they already have or We will be doing option based 15 they are about to. training before the Christmas break this year in our 16 17 county because you have to get them to critically 18 think in a situation where they would probably freeze and some of us in this room would probably 19 freeze, but we want them to think there are other 20 21 options besides just hiding. You might be able to 22 run or you might be able to do something different. 23 CAPTAIN FRANCIS: That gets back to my 24 previous conversation about adults making adult 25 If you are in building one and the decisions.

Page 208 threat is in building one, your options are a little 1 But if you are in building ten you 2 more limited. 3 have a lot more options. If evade is the option, 4 again, age appropriate. 5 We never had a discussion in our K through 2 level about self-evacuating or anything like that 6 7 and rightly so. However, at the high school, that 8 is a completely good option. Your teacher is your 9 friend in most situations. Our initial response is lockdown, but after that, and that is how we train, 10 to make adult decisions. 11 12 CHAIRMAN GUALTIERI: You have some though 13 that are around, including here in Broward as of 14 last February -- I think they have changed that 15 now -- that the only thing they were doing, and they were only drilling lockdown, so there is no decision 16 17 based drill, there is no option based drill, and 18 there is no drilling of movement. So as we know, 19 the option, their phrase is run, hide, fight. Forget about the fight. But if all you train is to 20 21 lock down when it happens, that's all you are going 22 to do. 23 My concern -- Maybe it is far-fetched --24 if you are drilling, it is only verbal and you are 25 not moving, when the real thing happens they are

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Page 209 going to freeze and not do anything because that is 1 how the drill has been conducted. So when you have 2 non-movement drills, because we know it is all 3 4 muscle memory -- Anybody who has trained knows 5 that -- and you are going to do and react the way you train, and if you don't train you are not going 6 7 to react. They absolutely -- And if we are going to 8 9 open this up, maybe that is something we should 10 consider as well in our recommendations is we are

11 talking about the number of drills that have to be 12 option based drills, decision based drills, make it 13 clear that people have to move.

Again, should we really have to do this? I guess we could have that discussion but it's useless. I think the answer is we do have to do that because it is not being done and they have to be.

19 The way it should work in the beginning of 20 the year, you introduce the concepts. Maybe the 21 first drill is a run drill and maybe the second 22 drill is a lockdown drill. Every drill after that 23 is decision based introducing concepts, but if you 24 do the same thing every time you are going to get 25 the same result every time. 1 If we are going to open this up, then we 2 should address that, and maybe that is what we 3 consider the legislature put it in there and spell 4 it out more.

5 SECRETARY SCHACHTER: We are going to have the superintendent here tomorrow, and I'm afraid we 6 are going to hear they go to that safe corner every 7 8 time that is around drywall, so I'm very nervous 9 about that. So I'm very nervous about that. Ι 10 definitely think that needs to be spelled out. Some states mandate training from the state level, and I 11 12 think that is important.

13 The other thing we know from Marjory 14 Stoneman Douglas is communicating the threat. How 15 are the teachers going to be able to communicate the 16 threat if someone with an AR-15 walks onto the 17 campus to the rest of the campus, number one, and to 18 law enforcement?

I'm afraid many school districts have to look up a seven digit phone number, dial that phone number that calls the office, and then the office sends the assistant principal to go check it out, and if he verifies it is a code then they call 911, and by then you got a lot of dead kids.
I certainly recommend making that

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Page 211 recommendation to the legislature, that it needs to be much more streamlined. You cannot have all these steps in-between you calling law enforcement because we know if that does not a happen in a matter of seconds you are going to have a lot of dead people. You want to make any comment on that, or do you have a recommendation?

Speaking about Seminole 8 CAPTAIN FRANCIS: 9 County, I know the 13 or 14 other districts follow 10 suit with Seminole County. We have added a soft That was my day-one job three and a 11 panic button. 12 half years ago. The very first day I wanted to put 13 that ability at the touch of the finger of all 8,000 14 of our employees at our school district. They 15 simply open it up, push a button, hold it down for 1.5 seconds, and it immediately goes to 911 and 16 17 several others including everybody on campus. That 18 also ties in with the schools video system and 19 starts this process.

When the 911 receiver and everybody else is getting an SMS and an E-mail saying that Rick Francis has declared an active threat, here is my location, date and time stamps it, initiate your active threat response.

25 It's Geofence, and there is a lot of other

Page 212 safety features built into the apps to make sure we 1 2 don't have any accidental dials or any of those 3 things, but it is at their fingertips, and that is how we handle it. 4 My office is getting the notification to 5 the superintendent's executive group, sheriff's 6 7 office executive group, emergency management, fire 8 chiefs, etcetera, that patrol person driving down 9 the road. On average, our calls for service for 10 emergency calls or urgent calls is 45 seconds 11 national average to dispatch. I get it done in 1.5 12 seconds. 13 SECRETARY SCHACHTER: Why is it 1.5 14 seconds? 15 CAPTAIN FRANCIS: Because you have to hold 16 the button down for 1.5 seconds so you don't get a 17 false alarm. 18 SECRETARY SCHACHTER: That saves lives. 19 CAPTAIN FRANCIS: Yes, sir. 20 SECRETARY SCHACHTER: Absolutely. 21 CAPTAIN FRANCIS: In my opinion. 22 SECRETARY SCHACHTER: If we are going to 23 make a difference and mitigate the number of 24 casualties, that has to be a priority of 25 communicating the threat to the campus and law

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1 enforcement.

2 I think we should make that a recommendation to the legislature. 3 CHAIRMAN GUALTIERI: Mr. Carroll. 4 COMMISSIOENR CARROLL: I just wanted to 5 echo what many have already said. I do like the 6 reduction in drills because I think we overdrill, 7 but I do appreciate Commissioner Dodd's comment. 8 Ι 9 think we should be doing drills once a month so in a ten-month school year it will be five and five. 10 But what I appreciated most what you said when you first 11 12 came up is it's is quality over quantity, and to get to quality I'm always impressed when you quys 13 14 present because of the information you have and the 15 detail to which you go to. But that is not consistent across every school district. 16 17 I do think we need to be more proscriptive 18 on how these drills are run, and if that means we 19 prescribe you got to do a drill once a month, you

20 have to alternate so we end up with five and five,
21 but I also think we need to be as proscriptive as
22 Sheriff Gaultieri said in terms of laying out for
23 people what that means.

I like the idea of classroom training, I like the idea of decisionmaking, and I need folks to

Page 214 actually execute it. I think over time, after 1 2 several iterations, school years of this, when kids understand not only what they are supposed to do but 3 4 why they are supposed to do it, then it doesn't 5 matter where they are caught. It doesn't matter if they are in a hallway or in a bathroom or out on the 6 7 playground because at some time or another they have 8 gone through the why and they at least have an idea 9 on what their response should be. I think that is a 10 much more thoughtful and thorough approach to this, but I think the only way it works is to emphasize 11 12 the quality, and that means we have to become more 13 proscriptive on what we lay out for schools in terms 14 of what those drills can be. It can't be just doing lockdown drills 15 16 where people sit in a classroom, turn off the 17 lights, and wait until someone tells them the drill 18 is over because that is not doing anything. 19 CHAIRMAN GUALTIERI: Sheriff Harpring, go ahead. 20 21 SHERIFF HARPRING: We have seen on a couple

of noted occasions and many others the issues that occur when there is any variance, anything in the statute open to interpretation, and we know that.
The attorneys on the commission know that. And the Page 215
two pointed issues were, number one, trying to
convince the nonbelievers they were supposed do
active shooter drills every month when that was the
clear interpretation.

5 Secondarily, like you, Sheriff, I read the 6 statute regarding the training, and while it is 7 possible to make an argument that the sheriff is not 8 supposed to do the training for the guardians, I 9 think that is completely counterintuitive to the 10 entirety of 7026 and 7030.

11 That being said, I use that as an example 12 of the reason why I believe we should move forward 13 with some level of specificity as to the frequency 14 of the drills, the type of drills, the progressive nature of the drills, from educational to action 15 type drills to decision based drills, and if we 16 17 don't lay out those recommendations for the 18 legislature specifically, then I think we are going 19 to potentially, at another meeting in the future, be talking about how people have tried to interpret the 20 21 statutes in a way that is beneficial to them. 22 My recommendation would be whether it is 23 today or tomorrow to try to resolve those things for

24 our next report.

25

CHAIRMAN GUALTIERI: We got to move on.

Page 216 1 What I'm hearing, so maybe we can at least settle on this, there seems to be consensus that 2 3 this commission is willing to recommend a departure 4 from the status quo, a departure from what it 5 currently is, that there be a drill every month. If I'm not correct in that, somebody tell me. 6 Is there anybody that wants to dig in and 7 so no, we are going to keep it the way it is and 8 9 still require a drill every month? 10 COMMISSIONER STEWART: I want to make sure 11 I understand what we are suggesting here. That we 12 are going to change the drill every single month --13 CHAIRMAN GUALTIERI: Right. To something. 14 COMMISSIONER STEWART: To something? 15 CHAIRMAN GUALTIERI: To something, right. 16 That is why I'm asking is there anybody that doesn't 17 agree with changing from the status quo? 18 So everybody agrees. 19 CAPTAIN FRANCIS: Change it to be more proscriptive --20 21 CHAIRMAN GUALTIERI: Before we go down that path, I want to know is the consensus to change it, 22 23 because there is no sense in having that discussion 24 if the consensus is just to maintain the status quo 25 and we are moving on to the next thing and thanks,
Page 217 guys but, sorry, you are not going to get your way. 1 2 If we are not there, then they are going to get their ask. We are going to consider their 3 4 ask and we are going to do something. The question 5 is what is the next question. I want to make sure. It sounds like that is the juncture we are at, that 6 we are willing to make a recommendation to the 7 8 legislature that it be changed. Now the next 9 question is to what. 10 What we are hearing, and I think it is consistent from what we all know from independent 11 12 research, etcetera, is that there is no standard that anybody has per research or empirical data, 13 14 etcetera, that said, okay, this is the right number 15 and it is across the board throughout the country. 16 So what it comes down to is they made a recommendation. You have that framed out in front 17 Some have expressed perhaps they just don't 18 of you. have this comfort level. 19 Commissioner Dodd, you have expressed you 20 don't have a comfort level with the difference 21 22 between the four and six and you think they should 23 all be six. 24 What do you all think about that?

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CAPTAIN FRANCIS: We have no problem with

25

Page 218 1 that all. 2 If I can? 3 CHAIRMAN GUALTIERI: No problem with the six? 4 5 CAPTAIN FRANCIS: If I can make one 6 comment? 7 Although there is no national standard, I 8 think you guys are setting the national standard in 9 Florida and perhaps the nation on a lot of different 10 issues. 11 CHAIRMAN GUALTIERI: Do you have any 12 concern about leaving what I suggested is the status quo, that they be conducted by law enforcement? 13 Do 14 you have any concern about that? 15 CAPTAIN FRANCIS: One of the only caveats 16 to adding that, we anticipated that we would reduce 17 the number of fire drills, law enforcement, or fire 18 departments may want to be, one, hey, we want to see 19 what they are doing if we are reducing the number of drills, we want to see firsthand, that we should be 20 21 part of that, not that they will. We were trying to 22 anticipate that. 23 CHAIRMAN GUALTIERI: Law enforcement is 24 not required to be part of the fire drills now? 25 CAPTAIN FRANCIS: No. No. But if we make

Page 219 it a composite number, we are going to reduce it, we 1 2 are recommending a reduction in the number of fire 3 drills, then they are going to say we want to make 4 sure we are part of that response. 5 CHAIRMAN GUALTIERI: That they are part of the fire drills as well? 6 7 CAPTAIN FRANCIS: Or they can be part of 8 that response where they have to be onsite for those 9 to be conducted. We are trying to anticipate they 10 might have a reaction. 11 CHAIRMAN GUALTIERI: Are you saying they 12 would want that requirement or they may want it? 13 CAPTAIN FRANCIS: They may want it. 14 CHAIRMAN GUALTIERI: So that is something 15 they can weigh in on. 16 We can try to draft something and include 17 into the draft report that we are going to send out 18 to everybody. But I think for Heather's purposes 19 taking notes on this is that we need to provide I think today if we can some guidance on this because 20 21 we don't have a lot of time left. We have tomorrow, but we need to work on the report. We are going to 22 23 have another meeting. 24 What we really need to settle if we are 25 going to make this recommendation is what number of

Page 220 1 drills do we want to settle on. As far as fire drills are concerned, you 2 are recommending on fire drills for primary, for 3 elementary school, six fire drills? 4 5 CAPTAIN FRANCIS: Yes, sir. CHAIRMAN GUALTIERI: And the number of fire 6 7 drills for secondary, you are recommending four the 8 way you have them laid out here? 9 CAPTAIN FRANCIS: Yes, sir. 10 CHAIRMAN GUALTIERI: As it relates to fire drills, fire drills, not the other emergency drills 11 but the fire drills, do we want to adopt their 12 recommendation as to fire drills and the difference 13 14 at six and four, or do we want to do something else 15 on that? 16 Commissioner Stewart. 17 COMMISSIONER STEWART: I don't disagree 18 that fire drills are important. I think they are important. But I think the reason we haven't had 19 loss of life through fires has more to do with the 20 fact that our building materials are better now and 21 we are not having fires, not so much that kids know 22 23 what to do. 24 COMMISSIONER STEWART: I also believe that 25 if a child knows what to do through the other

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1	Page 221 drills, it is easy to transition to what to do when
2	there is a fire drill or a fire. So I would be
3	inclined to reduce the number of fire drills, and
4	even at the elementary level having those at four.
5	I am very mindful of what Commissioner
6	Dodd has said, but I think there could be something
7	written in there so that you can't stretch it from
8	the first ten days until all the way into the second
9	semester until there is another one.
10	CHAIRMAN GUALTIERI: Of course, we will
11	have to run this by the Fire Chiefs Association.
12	Do you have any idea what their tolerances
13	are?
14	CAPTAIN FRANCIS: They have been involved
15	since a year ago we started on this. In fact, I was
16	on an E-mail with the chief responsible for the fire
17	marshals and I asked him for an update and stuff
18	like that. Obviously we addressed other issues like
19	barricades and door locks and stuff like that, but
20	today's purpose was just drills so that's why we
21	kept it just to drills.
22	I think all of them recognize they have to
23	change a little bit to help us out, and those
24	numbers are not written in stone.
25	CHAIRMAN GUALTIERI: You think they would

Page 222 go accept four of each, primary and secondary? 1 I know what they are 2 COMMISSIONER DODD: looking for. When we gave them the initial number, 3 4 I didn't get a lot of pushback. 5 SHERIFF JUDD: My only concern, I'm absolutely convinced we need to provide 6 recommendations on the active shooter drills. 7 The 8 question I would have fundamentally, number one here 9 on this day at this time, are the fire drills 10 outside of our purview, our charge. Secondly, 11 regarding some recommendations unilaterally reduce 12 those, that may or may not have to do with in some 13 counties the buildings may not be as new as in other counties or other locations. 14 As to the fire side, I would be more 15 16 comfortable either saying something a little more 17 general and deferring to the fire --18 Remember, these are CHAIRMAN GUALTIERI: 19 just recommendations. When the legislature looks at this, somebody is going to draft a bill and people 20 21 are going to get an opportunity to weigh in on this 22 process. 23 We need to get something done to start the 24 ball rolling. Of course, we are not a 25 decisionmaking body, so we can make a

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1 recommendation.

But I agree with what you said, Captain. The fire chiefs, when you ran this by them, they are okay with the six and the four?

5 COMMISSIONER DODD: Yes. Actually they6 helped us draft these numbers.

Commissioner Stewart, 7 CHAIRMAN GUALTIERI: 8 I heard you on that. But since they already signed 9 off on this we can bring it to them and say do you 10 guys have willingness to bring it down. But for our recommendation, since it is consistent, and we want 11 12 to be respectful of the fire chiefs and their view 13 on this, they are the SMEs in that area, and that 14 should be seriously considered and they should be 15 heard on it perhaps just for these purposes just to 16 get the recommendation rolling with the idea we can 17 visit that with them.

18 If they have already signed off on this 19 regarding the fire drills, perhaps our 20 recommendation should just mirror with what the fire 21 chiefs already agreed to without trying to tweak 22 that.

23 COMMISSIONER DODD: To his point, there 24 are some exceptions. For example, when we do fire 25 suppression and stuff like that, if they don't have

Page 224 1 fire suppression or portables or something like 2 that, it would not apply to them and they would be on take a different drill schedule. 3 4 CHAIRMAN GUALTIERI: To get it going, do we 5 have any consensus as far as the recommendations since they have been signed off on by the fire chief 6 7 as it relates to the fire drills that we will just draft this? 8 9 Again, this will be subject to discussion 10 later. I want to get something so we can get the ball rolling, get a draft report out that will have 11 12 this in it, and after you see it we can have further 13 discussion, and then when we meet again before the 14 reports are approved, when we get a draft we will 15 get it to you, get it to the fire chiefs and get 16 their input. 17 But just to get the ball rolling, our 18 initial draft will contain these recommendations on pages 2 and 3 of the PowerPoint presentation for 19 emergency drills under primary and secondary for 20 21 fire. We will just include those in our first draft 22 of this. 23 Is everybody okay with that? Everybody 24 good with that? 25 Commissioner Dodd. Okay.

Page 225 1 COMMISSIONER DODD: You are saying six 2 fire drills for elementary schools and four --CHAIRMAN GUALTIERI: Correct. That is what 3 4 the fire chiefs have signed off on and that is 5 their -- Again, just to get it going. Then once we get this into a full recommendation format and draft 6 report we will get with Chief Newly and Captain 7 8 Francis and ask them to run it by the fire chiefs, 9 and perhaps when we meet in October even we may ask 10 them to come in and let them talk to us about it and get their input on it. But this will be just to get 11 12 the first draft rolling. 13 Sheriff, you okay? 14 CAPTAIN FRANCIS: I'm good. I think we 15 need to take the back door approach. We need to say 16 it needs to change, they have done the work, and 17 then we can work the details out later. 18 CHAIRMAN GUALTIERI: Tweak it just to get 19 it going. Then as far as the emergency drills which 20 21 are outside the fire drills, the emergency drills 22 are our wheelhouse on this. 23 Really from what I'm hearing here, it 24 would be either to take the recommendation as they 25 have it here, get it started, leave it where it is,

Page 226 or take Commissioner Dodd's recommendation and put 1 2 them both at six and then have perhaps some tweak in here we can work through that the first one has to 3 4 happen within ten days, but let's say the second one 5 has to happen within -- Or put it this way. Perhaps we can do it another way. The first drill has to 6 7 happen within the first ten days of school, but each 8 drill has to occur no later than 45-day intervals or 9 something like that to make sure they don't do one 10 in the first ten days and just park it all towards 11 the end of the year or something like that. 12 That is your point? 13 COMMISSIONER DODD: Yes. 14 CHAIRMAN GUALTIERI: It's a valid point. 15 COMMISSIONER DODD: When I think of the semester, that would be three in a semester with one 16 17 being in the first ten days which could be in the 18 first two or three days. 19 To me that sounds logical to make sure I know in my mind my son who is a freshman in high 20 21 school is going to get it early on and he is going 22 to have two more that semester. Then it will be the 23 same --24 CHAIRMAN GUALTIERI: For right now, to get 25 it going, can everybody live with this as the first

Page 227 1 draft? Instead of doing four and six, here we will 2 do six and six, and then we will come up with some 3 language -- And, Heather, we will work on it for the first draft -- that takes into consideration that 4 5 the first one needs to be done but they need to be done at intervals no less than -- And we will come 6 7 up with a number to get it out. We will leave the 8 requirement they be done by law enforcement the 9 same, and pretty much adopt the rest of the 10 recommendations in here. That will go out as the first draft you have. Then we get your input and 11 have some discussion about it and meet for the 12 13 report. 14 Senator Book, go ahead. 15 SENATOR BOOK: Yes. 16 I'm good with all those things. I iust 17 want to clarify because I'm not sure I fully 18 understood the question, and I looked over here at my fellow commissioner. 19 The VPK centers do not have to do active 20 21 assailant drills or they do? They do or they do 22 not? I don't believe they 23 CHAIRMAN GUALTIERI: 24 There is no requirement because the VPK do, no. 25 centers are not public schools. They are not

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1	Page 228 schools. They are not public schools. They are not
2	charters, elementary. So the VPK centers I don't
3	believe are covered by this at all.
4	COMMISSIONER DODD: The ones on our public
5	school we do. We also will carry those fire drills
б	and emergency drills into summer school as well.
7	These schools having those, we will roll those into
8	that period as well.
9	CAPTAIN FRANCIS: If it is a standalone
10	VPK, no. If it is a VPK housed on our campus, yes.
11	CHAIRMAN GUALTIERI: Sure. Sure.
12	COMMISSIONER POWERS: I want to make sure
13	we are doing something that's standardized that if
14	some child is at some place that everybody
15	understands, that just because somebody is at a
16	center that is separate and apart doesn't mean they
17	shouldn't maybe have some form of situational
18	awareness. I just want to bring it to the table to
19	have the conversation. Whether we want to change it
20	or not, I want to make sure it is part of the
21	dialogue.
22	SHERIFF JUDD: Early childhood centers that are
23	licensed by DCF, zero to five, if they have VPK they
24	are required to do a fire drill every month, but
25	there is nothing that says active assailant.

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Page 229 COMMISSIONER POWERS: 1 Shouldn't those 2 personnel be trained? 3 CHAIRMAN GUALTIERI: She is suggesting --Excuse my ignorance on it. But the VPK centers that 4 5 are not part of the schools, some of these are private; correct? 6 As you know, the legislature is probably 7 8 hard pressed to impose some of these requirements on 9 some of these private entities. I'm not sure. 10 Let's get this framed out and take a look at it, and then certainly we will come up with 11 12 whatever our recommendations are. Given your position, you can introduce that as part of any 13 14 legislation going forward and address it, and 15 perhaps get some input from the VPK centers themselves. 16 17 So we will go ahead and draft this as it 18 is here with the fire drill recommendations. We 19 will do six and six on the emergency drills, tweak it slightly consistent with the discussion. 20 We will 21 get it out to everybody. We will engage the fire 22 chiefs and we will consider this as part of the 23 report and make a recommendation. Mr. Schachter, go ahead. 24 25 SECRETARY SCHACHTER: Are we also going to

Page 230 include that we are going to be descriptive that 1 2 there needs to be option based training? CHAIRMAN GUALTIERI: 3 Yes. 4 Heather, make a note on that, too, and we 5 will talk about everything has been captured here, progressive option based, decision based. 6 7 I think that is something we should 8 include. I agree. As Commissioner Carroll said, it 9 needs to be more proscriptive just because of what 10 we are seeing. And we will bring Director Kelly up here in a minute and you will see the result of the 11 12 survey that shows where some of them are doing them 13 are not moving at all. 14 SECRETARY SCHACHTER: I want to ask the 15 experts right here. You know in Broward County they use codes. And I know I talked about this last year 16 17 that most of the country has recognized best 18 practices are shying away from codes and using plain 19 English. Can you elaborate on what the best 20 21 practices are? 22 CAPTAIN FRANCIS: There has been a lot of 23 research when it comes to that. In our world, codes 24 kill. 25 In any type of situation, the best

Page 231 practice is use plain talk. We have a lockdown, 1 2 lockdown, lockdown, we have active threat, white male, whatever. 3 If you look at our first school shooting 4 5 at 1764, there have been some great lessons heard from every one of those moving up to Santa Fe, and 6 7 that is what our job is, to make sure we learn from 8 those and apply those. That was one of the biggest 9 things. There are still districts unfortunately now 10 that have eight or ten codes. It is confusing. Sheriff, I would make 11 SECRETARY SCHACHTER: 12 a motion, even if you don't need to make a motion, 13 that we change it and we use plain English. It is 14 confusing, the codes. 15 CHAIRMAN GUALTIERI: I don't know. 16 Everybody feels differently about that. I don't 17 know that there is consensus. 18 They cannot use the term code red? Is 19 that what you are saying? 20 SECRETARY SCHACHTER: Let's ask the 21 captain. 22 CAPTAIN FRANCIS: It has to be very 23 limited. That is what my response is. Plain talk. 24 Plain talk. 25 We in Seminole County use code red. We

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don't have any code purple, pink, all that other
stuff. It's just a simple code red. Every
communication after that initial conversation is all
plain talk.

5 CHAIRMAN GUALTIERI: Think about how this is going to look in legislation. When this gets 6 into a bill and you are having it debated in 7 8 committee and you go before the legislature and it 9 is on the floor, what are we going to say? Are we 10 going to say okay, you cannot use any terminology. 11 You can use code red but you can't use anything 12 else?

13 I heard your point. I don't disagree with 14 your point. But when you are talking about 67 districts and you are talking about 4,000 schools 15 and you are talking about how do you legislate this. 16 17 Look at the problems we are having now with the 18 statutes that have been enacted and the 19 interpretations and the ambiguity and the following and all the manipulation that goes on. 20 21 I would assume that you wouldn't like the 22 legislature to come down and say, okay, Seminole 23 County, you cannot ever use the term code red. What

24 are you going to use? We are going to use lockdown.
25 Then somebody else is going to say, I don't like the

1 term lockdown.

2 How do you do this and legislate something 3 because that is what we are getting at. We are 4 going to make recommendations to the legislature. 5 How do you do that effectively? I hear you, but how do you do that effectively? 6 7 I hear you, but how do you do that practically and 8 effectively? 9 I don't think you do. SECRETARY SCHACHTER: All I know is what 10 Captain Francis just said, codes kill. 11 12 CHAIRMAN GUALTIERI: What do you want it 13 to be? Tell me. What is the recommendation? Τf 14 that is the case, we should allow no unique 15 vernacular. What does the bill look like? What does 16 17 the legislature say that people can or cannot put 18 into their policies, their training, and how they How do you tell them? Do you say go do it. 19 drill? SHERIFF JUDD: I recommend we eat this 20 21 elephant one bite at a time. 22 COMMISSIONER LARKIN-SKINNER: I just have a question for clarification. 23 24 The six drills we are recommending, the 25 six emergency drills, the six emergency drills, is

Page 234 there specific number of active assailant drills in 1 2 Are they all that? that? CAPTAIN FRANCIS: I think you have to give 3 a little latitude to the schools for that. 4 T think 5 that is how we script it out. For us right now, that is the intention. But we cannot get away from 6 understanding you need a reunification drill. 7 We need to do a natural disaster drill. 8 9 For us, if that model was in Seminole 10 County and I was looking to do six, four would be active threat, or five depending on the climate. 11 12 One would have to be something else because statistically the other stuff is what they are going 13 14 to see more often than not. However, we have to 15 plan for that worst-case scenario. 16 COMMISSIONER LARKIN-SKINNER: So leaving 17 that ambiguity makes me nervous because what we will 18 end up with is districts that will only do one of the six. 19 20 CHAIRMAN GUALTIERI: I think it says in 21 here now -- The way you had it was we will come up 2.2 with the numbers and work through it and come back 23 to this. You had four. A certain number had to be 24 active assailant. I think it was four. Three of 25 them had to be active assailant. One of them could

Page 235 1 be a national disaster drill. We come up with six. 2 Let's say we will make it where five have to be active assailant and one could be the natural 3 4 disaster and we will do it that way just to get it 5 out there. But you are right. It has to be set forth. We will set it consistent with -- We will 6 7 just adjust the numbers up one. Commissioner Dodd, and then we will move 8 9 on here. Another question on 10 COMMISSIONER DODD: 11 your consideration, the next to last slide on the 12 drill reporting and after-action reports. 13 One of the things in my district I have 14 asked, put a description of what the drill was because every one of our drills is a different 15 scenario, yet it seems like there is a little 16 17 hesitancy to want to put down certain information. 18 Can you expand on that? 19 CAPTAIN FRANCIS: Yes, sir. Coming back from military terminology and 20 21 military practice, we script out every one of them, what the scenario is, and then we are looking for 22 23 improvements, best practices, and lessons learned, 24 and give them an area to write. 25 We can't fix it if we don't know what is

Page 236 1 So we dictate for them -- And we review it. broken. 2 You expect what you expect. When those drills are 3 loaded and those after-action reports, we are looking at those and a lot of times I'll see school 4 5 X had two unlocked doors in this drill and the next month they had three unlocked doors. 6 7 Are we rectifying those or is this repeat 8 offender? Those are things we are looking at. 9 COMMISSIONER DODD: Right. That is from 10 your district. I'm saying from the state level could we expand that reporting process? 11 That is 12 what you are saying here, isn't it? 13 CAPTAIN FRANCIS: When you are looking at 14 right now all calls of a reported drill, that could 15 be the tally sheet and that doesn't give you anything but a raw number. We are looking for what 16 17 was your feedback, what worked, what didn't work, 18 what would be better. So I think there needs to be some sort of 19 addition that not only did the drill have meaning 20 21 but you found out what went right and what went wrong and that has to be explained in a small 22 23 after-action so you are just not dealing with a 24 tally. 25 When we look at what terms are currently

Page 237 out there, it just says you will report the drill 1 2 and it doesn't define what exactly entails the word 3 report. COMMISSIONER DODD: So I would like to see 4 5 even if it's a one-page report or something with some description, I think that is important that we 6 7 have that, that the schools would have the those 8 drills they completed during that year so they can 9 go back and look at it and say this is exactly what we did. 10 11 CHAIRMAN GUALTIERI: Heather, will you just 12 make a note of that and include it in there? 13 All right. Chief, Captain, thank you for 14 being here. 15 Next up and the last of the day is Director 16 Damian Kelly from the Office of Safe Schools on the 17 results of the survey. 18 DIRECTOR KELLY: Good afternoon, 19 Mr. Chairman, commission members. I appreciate the opportunity to be back here today in Sunrise to give 20 21 you the latest update on the survey questions. 22 Before I get started I would just like to 23 start up by saying I would like to thank you, 24 Mr. Chairman, and all of the commissioners on this 25 commission for all of your time and your efforts

Page 238
over the last year-and-a-half that you have
sacrificed your time, your time away from your
regular jobs, your families, and you have been down
here.

5 Captain Francis just put it in some great 6 words. You are in a position right now where you 7 are shaping school safety for schools across this 8 country. My opinion is I think is you are shaping 9 school safety for schools around the world, so I 10 want to thank you for everything you have done.

We wouldn't be here where we are today in Florida without the guidance and the input that we have received at DOE and across our school districts on matters relating to school security.

15 I would like to thank all of our school 16 superintendents for the efforts they put in to keep 17 students safer across the school district. I would 18 like to thank all our school safety specialists. Without them we wouldn't be near to the point where 19 we are today. I would like to thank all of our law 20 21 enforcement partners. I'm sure you have heard 22 throughout the day today and it is very evident that 23 without our law enforcement partners school safety 24 would be impossible. I also like to thank all of 25 the staff across our schools for everything they do

1 every day.

2 Sheriff Gaultieri, to you specifically I 3 want to say thank you for taking my calls nighttime, weekends, and also to Max Schachter as well for all 4 5 the time you take taking my calls. I appreciate it. So I would like to get into the survey. 6 So 7 these are the latest numbers from the most recent survey. You can see the number of schools reported 8 9 to us from across the school districts, 3,717 10 schools. Assigned to those schools currently we have 3,156 law enforcement officers. 11 The total 12 guardians to date working in our schools, 1,026. 13 CHAIRMAN GUALTIERI: Damian, I'm just going 14 to add one thing to this. You all need to know 15 this. 16 As much as Damian has thanked everybody 17 for what they have done, Damian deserves a lot of 18 credit for this because -- You need to know this --19 doing this work and to get the result of the survey was not without a lot of pain. 20 This was not a situation where it was sent out and meeting 21 22 deadlines and the Department of Education got 23 It didn't work that way. responses. 24 Again, they sent out the requests and they 25 didn't get responses. They got half responses, they

Page 240 got inadequate responses, and Damian did a lot of 1 2 chasing down and making phonecalls. This data is 3 current, changed as of two days ago because he was 4 continuously trying to get it so we had accurate 5 information. So while it presents easily, seamlessly, etcetera, I can't stress to you enough 6 in the last couple weeks how many times we talked. 7 8 I can't tell you the number of phonecalls he has 9 made. And I'll say it again. It shouldn't be that It is ridiculous, the amount of painstaking 10 way. work and teeth pulling that had to be done by 11 12 Director Kelly and his staff to get this information 13 It's not right. So just know that is the for vou. 14 backdrop against which you see this information is picking up the phone, calling, asking, begging, give 15 us the information. 16

17 I probably would have just let it sit the 18 way it was, report it to you and let them answer on 19 the backside. But he wanted to, and I do concur with him, be able to report accurate information and 20 21 being able to get the information. There would be a 22 lot more zeroes up here of noncompliance if he had 23 not pulled teeth to get this information. 24 DIRECTOR KELLY: As you see on the first

25 slide, the question was: Is there a safe school

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Page 241 1 officer present at all times school is in session at every school in the district? 2 When we asked these questions in June, ten 3 school districts answered answer no. When we asked 4 this question for this survey, zero school districts 5 answered no. 6 I'm going to go through a little bit of 7 the situation here in Broward County because you 8 9 heard from Sheriff Tony this didn't get resolved 10 until this past Friday night. If you look at the slide, on August 9 the 11 12 Broward County public schools notified Sheriff 13 Gregory Tony that 19 charter schools remained 14 noncompliant. The Broward Sheriff's Office reached out 15 16 to the police departments with noncompliant charter 17 schools in their jurisdiction. Sheriff Gregory Tony 18 contacted the police chiefs at the following 19 agencies: Coral Springs Police Department, Davie 20 Police Department, Fort Lauderdale Police 21 Department, Hallandale Police Department, Hollywood 22 Police Department, Plantation Police Department, and 23 Pembroke Pines Police Department. 24 The results of these phonecalls dropped 25 the number of noncompliant schools to 13 charter

1 schools.

2

3

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5

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7 when school opened using a combination of police 8 from the aforementioned police departments and 9 deputies from the Broward Sheriff's Office.

10 This morning you heard information on 29 Those numbers came from the school 11 schools. 12 district, and those 29 schools they reported, they 13 didn't have documentation that they have a plan for 14 sustained coverage moving forward. They knew the 15 schools had coverage for the school opening today 16 and at least through Friday.

Today DOE reached out to all 29 of those schools, and we are receiving information from them regarding what their plans are, and we will provide that information. When we have the full amount, we will provide it to the chairman and he can share that to you. So that work is ongoing.

The next question was: Has your school district authorized the guardian program? As you can see back in the June survey there were 38 that had, and for this survey we added six.

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2 What I want to say while we are on this 3 slide, sometimes these questions about the guardian 4 can get confusing, whether it is the sheriff 5 authorizing the school board.

1

From where we are in our office, what we 6 7 go by are the number of grant applications we received from sheriff offices, and currently we have 8 9 36 active grants for sheriff offices that are 10 training quardians, and we had conversations with three more Miami-Dade, Orange, and Palm Beach who 11 12 are about to send their grant application in to us. 13 This question, we had no change from the 14 last one: Does your district authorize school 15 employees to perform quardian duties in addition to 16 their regular duties? It was still just 21 that had 17 that option.

18 Has the sheriff in your county authorized 19 the quardian program? You'll see it has gone up by And, again, these questions do create 20 six. 21 confusion because the district has reported to us 2.2 from the sheriff's office and the sheriff may report 23 something completely different. Keep in mind to 24 simplify everything I would like to state is there 25 are 36 active and 3 that are pending sending their

1 applications in.

Has guardian training taken place in your district? Back in June it was 28, and here in August it is 36.

5 For schools that are only served by a 6 guardian, no law enforcement assigned, does at least 7 one guardian on every campus have a law enforcement 8 radio? I think this was confusing back in June.

9 What we did, we just listed the school 10 districts that have law enforcement radios. What I 11 want to do is see that this grows as the guardian 12 program grows. We had ten back in June. We have 25 13 in August. You can see it has increased 14 significantly.

Some of the reasons why you wouldn't get a answer to this, a lot of school districts that have SROs, Dade County for example, Hendry County, and also have guardians, they would answer no to this because there is an SRO on the campus so that creates confusion.

One of the things with this, we had a situation recently where Pascoe County trained guardians that will be actually working at schools here in Broward County. I spoke with the undersheriff earlier today and told him they can go ahead and amend their guardian application to us to
 get radios for those guardians here in Broward
 County even though the training took place in Pascoe
 County.
 Does your district have a written active

6 assailant response policy or procedure? Back in 7 June we had two districts that still did not have 8 their response policy. As you can see, in August 9 all districts have a written active assailant 10 response policy and procedure.

If so, has that policy and procedure been distributed to all district employees. Back in June there were eight that reported no. Here in August all 67 are reporting they are active assailant response policy and it has been distributed to all district employees.

17 If so, does the policy and procedure 18 clearly state any and all school employees are 19 authorized to initiate an active shooter response? 20 Back in June we still had six districts that 21 responded no. In August, all districts responded 22 yes.

Does your district have a policy or procedure requiring that all classroom doors be locked when occupied by students? Back in June we

1	Page 246 had seven that did not have that as a policy or
2	procedure. As you can see now, all the district
3	reports they have a policy in place.
4	Does each classroom door with a window
5	have a teacher accessible opaque covering that could
6	be quickly applied in response to an active
7	assailant? Back in June there were 27 that still
8	did not have this in place. That number as dropped
9	to eight.
10	When I drilled down into the responses
11	from the eight, it seems to be kind of the same
12	across the board. They are in the process of
13	working with vendors to get a uniform window
14	covering from our office.
15	What we have suggested is in the meantime
16	they come up with a measure to cover those windows
17	using something else until they can get whatever
18	vendor is going to apply to them. I would hope in
19	the future we would have a zero in this column.
20	Does your district have a policy and
21	procedure requiring the establishment and
22	identification of a hard corner or other safest area
23	in each classroom? As you can see, that has also
24	dropped down to zero. All districts are reporting
25	they do train on this.

Page 247 When I traveled the state, this is one of 1 the biggest areas I spent time on. I think there 2 3 was confusion last time because some schools don't 4 use the phrase hard corner, and I explained to them 5 what we are looking for is are you moving the students to the safest place in that room to get 6 them out of the line of sight of an active shooter. 7 8 Does every school in your district conduct 9 an active assailant drill at least one time per Back in June we had 21 that were still 10 month? 11 reporting no. Here in August we are reporting one 12 district. The explanation that came from that 13 district was they do a thorough active assailant 14 drill once every nine weeks bringing in extra law 15 enforcement and first responders. Now it is something they will look at moving forward. 16 But 17 they said they would be blatantly honest about what 18 their policy is, and this is what they reported back 19 to us.

Are there schools in your district that conduct active assailant drills where the students do not physically move or react during the drill? Back in June we had 12 reporting they did. That number has dropped down to six.

25

When I drilled down into the individual

Page 248 answers, they're mainly dealing with ESE students 1 2 that they have special circumstances where they 3 don't move or react, that they just basically do a lockdown. 4 CHAIRMAN GUALTIERI: Are there any 5 This is important. 6 mainstream? Is there anyone in non-ESE, non-students with special needs that as a 7 8 matter of course are doing the monthly drill in a 9 regular elementary middle high school that they're 10 talking to the kids, staying static and not moving? DIRECTOR KELLY: Yes. 11 12 Some report they do a progression at the younger age, that the first drill, what they 13 14 consider a drill is a tabletop exercise. 15 CHAIRMAN GUALTIERI: Do they ever have the 16 kids move? 17 DIRECTOR KELLY: In the first one they 18 don't. What about the second? 19 CHAIRMAN GUALTIERI: 20 DIRECTOR KELLY: Then it progresses. 21 CHAIRMAN GUALTIERI: Is there anybody just not having the kids move at all during any of the 22 23 drills? 24 CAPTAIN FRANCIS: No, there is not. 25 All right. CHAIRMAN GUALTIERI:

1	Page 249 DIRECTOR KELLY: Do you conduct active
2	shooter drills that require the students to evade
3	in addition to locking down?
4	You can see back in June we had 20 that
5	said they didn't. Now we are down to two. One
6	of the two, in the notes they wrote it is
7	something they are working on for the 2019/2020
8	school years, and the second district didn't give
9	any response in the notes.
10	CHAIRMAN GUALTIERI: That was one of the
11	two that don't have the kids do anything other than
12	lock down.
13	Was one of those Broward?
14	DIRECTOR KELLY: Not.
15	Does each school employee have a
16	communication device on their person and/or a device
17	that is immediately accessible at all times where he
18	or she may immediately communicate and observe the
19	threat and activate an active assailant response?
20	Back in the June survey, the number that did not
21	have this in place was 23. For the August survey it
22	has dropped down to 11. Drilling down into the
23	responses given by individual districts we had
24	responses like currently we are in the process of
25	implementing this. Teachers had classroom or

Page 250 personal phones, classroom intercoms, and may have a 1 2 school issued radio. One district said they applied for the cops grant to purchase a device or system. 3 4 One said pending implementation. One said they have 5 no district issued devices but they can use personal cell or PA system. One district reported had 6 submitted an RFP for a standardized alert system and 7 8 visitor management to provide a device to each 9 employee for this purpose. They wanted it in place 10 for the 2019/'20 school year but it is not yet in 11 place so they responded no to this. Another one 12 said all classrooms have phones, and phones are 13 being budgeted to procure a system that will be able 14 to immediately communicate a threat or active 15 assailant. The last one said the majority have 16 district applied radios, two-way PA devices, and 17 personal cellphones.

18 I think the 11 that are here are basically 19 saying they don't have a specific -- what Captain Francis talked about -- a push button soft panic 20 21 button currently in place. Then the followup 22 question to that was basically about receiving 23 communications. Back in June, 22 said they couldn't 24 and now that has dropped down to nine. Basically 25 the responses were pretty much the same. They are

Page 251 1 in the process of it, trying to get grants to cover 2 This is something I would like to see drop to it. zero on both of these slides as we move forward. 3 4 Does every school in your district have a 5 requirement that gates to fences surrounding the school be closed and locked when not being used for 6 7 active ingress and egress? This was probably the toughest one to get a final count on because there 8 9 was a lot of confusion regarding the main entrance 10 to all of our schools. Some schools were counting the main entrance as being open at all times and 11 12 they felt like they couldn't answer this question 13 the way we wanted them to. But I explained to them 14 that all of our schools have a public entrance. 15 When I visit a school, I pull up in the 16 visitor parking lot and follow the signs that tell 17 me to go check in at the front office. So my 18 question to them was if I chose to not follow those 19 instructions can I just walk onto your campus. And they said no, obviously you can't walk on the 20 21 Eventually we got this down to zero. campus. 22 CHAIRMAN GUALTIERI: Mr. Dodd, go ahead. 23 COMMISSIONER DODD: I know we had that 24 Several schools had that issue conversation, too. 25 with the fencing. But basically that interior fence

Page 252 that would prevent someone from getting on the 1 campus is separate from an outer fence that may have 2 a parking lot they can come in and out of that gate 3 4 and that parking lot they can come in and out of, so 5 that gate and that parking lot, if it's open, there is no issue with that; correct? 6 7 DIRECTOR KELLY: No. sir. And Sheriff Gaultieri, he and I both 8 9 visited the school within a week of each other where 10 the sheriff did a presentation, but I was in Martin 11 I came there I quess yesterday. It's all a County. 12 blur now but it was yesterday. 13 We went there, and the school, South Fork, 14 I wish all of our schools were like it because when 15 you arrive at South Fork you arrive to almost like a gated community. There is a quard shack and they 16 17 have several staff that work there. You provide 18 them your ID and they run you through their system 19 right there. You tell them what you are there for and they send you where you need to go. 20 We don't 21 have a lot of schools like that. That is why this 22 question, when the schools are considering how to 23 answer it, they were trying to answer it as honestly 24 has they could. 25 I explained to them the school you have in
your district is also unique because of where the cafeteria is placed, and I know they have come up with a solution for now, and moving forward I know this is something you wanted to address with the rest of the board. So I appreciate you working on it.

7 This was the followup to that. The three 8 schools on this, the school districts that answered 9 the way they answered, the reason they answered, 10 they kind of bounced it off me how they should 11 respond to this.

12 These are districts that have schools that 13 do not have fences at all. I'm not saying all of 14 their schools don't have fences, but they do have 15 some schools that are completely open campus. This is something in the future they would like to see if 16 17 they can get funding for. My advice to them was if 18 that is something you wanted to improve on, go ahead 19 and answer it the way you answered it. That is why it jumped up to those three schools in our district. 20 21 CHAIRMAN GUALTIERI: We made great progress 22 in the last couple months. 23 DIRECTOR KELLY: Yes, sir. 24 I just had some notes I wanted to follow You heard earlier about the sheriff's 25 up with.

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Page 254 offices coming together to basically help school 1 2 districts become compliant. I would like to say thank you to the 3 sheriffs involved in that, Sheriff Gaultieri, 4 5 Sheriff Judd, Sheriff Wayne Ivy, and Sheriff Chris Nocco initially agreed to train guardians for other 6 school districts. 7 The first group ended up being sent to 8 9 Sheriff Nocco who ended up training guardians for Miami-Dade, Hernando, Broward, and his initial 10 11 class. 12 I also want to say thank you for Sheriff 13 Tommy Ford of Bay County who trained the first group 14 of guardians for Jackson County. And I would like to thank Sheriff A.J. Smith from Franklin County for 15 training the guardians that were needed in Gulf 16 County. Sheriff Ford, I don't know if I mentioned, 17

Also a quick update on the funding the sheriff mentioned earlier. We have received requests for \$15.7 million from guardian funds, and to date we have paid out \$5.7 million based on the invoices.

is the Bay County Sheriff.

18

24These projections end on September 13. As25soon as this ends, then a new guardian application

1 process will be opened up.

2 CHAIRMAN GUALTIERI: The short version, again, there is \$52 million in unencumbered guardian 3 4 money sitting there? 5 COMMISSIONER DODD: At our last meeting, I was obviously concerned that some of school 6 districts and schools still didn't have a full-time 7 quardian school resource officer assigned all day 8 9 long, and I was ready to call them out. There was 10 an agreement we would wait. And certainly Commissioner Corcoran said if you are not in 11 12 compliance by August 1st, I will be glad to stand up 13 to do a press conference with you, Sheriff 14 Gaultieri, the commission, whoever. 15 It was my understanding August 1st you 16 were in the process of doing this audit and survey 17 and that you would present the findings to us. 18 During that period of time I started getting inquiries between that statement and August 1st 19 about other counties interested in guardians and how 20 21 we would help. Obviously I didn't push the matter

Now it is August 14, and we are told it is 19, it is down to 13, and there are 29 schools that don't have sustained coverage. So I want to ask the

2.2

on August 1st.

Page 256 1 commission to ask you for the names. I want to know 2 the names of the schools and the districts that have not complied keeping in mind this law passed on 3 March 9, 2018. We are 18 months later. All year 4 5 long last year they put their children at risk by not having well-trained armed security guardians or 6 law enforcement officers on the campus. 7 8 So today is the day. We need the names. 9 CHAIRMAN GUALTIERI: Do you have those? Does the Broward school district have those? 10 What is on the table are the 29 that don't 11 12 have the sustained coverage we can see beyond 13 whatever time Sheriff Tony is going to give them, 14 and he didn't commit to a specific time. He said previously Friday, but now he said he is not going 15 to pull them on Friday, but he will pull them at 16 17 some point. So the question is which are the 29 that 18 Is that the 19 don't have sustained coverage? question? 20 21 COMMISSIONER DODD: Yes, sir. 22 I think what I'm asking for is all 29 23 schools that don't have sustained coverage absent a 24 police chief or sheriff stepping up saying since you 25 haven't complied with the law in 18 months I'm

Page 257 1 giving you somebody. But even if they have a law 2 enforcement officer on their campus today because of the sheriff or chief putting someone there because 3 4 they failed to act over the last 18 months, for 5 those 29 schools, wherever they are, whatever districts, I would like the names of all 29 schools. 6 7 We can say they failed to act so the sheriff or chief did and that leaves us with this 8 9 number by this name, but we have been more than 10 patient. We waited 18 months. I asked in June and we agreed we would wait until August 1st. 11 Then the 12 survey was happening and some districts were moving 13 on it. 14 CHAIRMAN GUALTIERI: Will you get that 15 list? If you don't have it with you, can you get 16 that list tonight and provide it to Sheriff Dodd? DIRECTOR KELLY: Here is what throws a 17 18 wrinkle into this. The list of 29 was given to me last night by Brian Katz who is the school safety 19 20 specialist in Broward County. What he was reporting 21 to me was that currently they don't have 22 documentation in writing from these 29 charter 23 schools, so from the school district's point of view 24 they were noncompliant. 25 I spoke with Sheriff Gaultieri about it

Page 258 1 first thing this morning and spoke with Sheriff Tony 2 to see if I could figure out if this information was 3 accurate.

At the same time back in Tallahassee we 4 5 had our charter, our school choice division and our safe schools division, and several other divisions 6 reach out to those schools. What we're hearing is 7 8 completely contrary to the list we were given. Ι 9 was actually approached on one of the breaks by a 10 gentlemen representing six schools on that list who had a folder with him saying we have contracts with 11 law enforcement at all six of our schools, and the 12 contracts were not only for last year but they were 13 14 all forwarded to this year, but for whatever reason the school district doesn't seem to have that 15 information. 16

But according to what we figured out today, we have not received all of the documentation for them. We have requested it. But if we take them all at their word, all 29 do say they do have coverage in place. So it is now a matter of figuring out why the district is not aware these schools say they have contracts.

What they are either saying is, Sheriff,we have a temporary measure in place while the

1	Page 259 guardian is being trained, or we have a contract
2	with a municipality or BSO, or we have a contract
3	signed with a municipality or BSO. But I have no
4	problem supplying the list.
5	CHAIRMAN GUALTIERI: You got Sheriff Tony
6	who just said earlier he has got deputies covering
7	these schools he does not have signed contracts for.
8	That is contrary to what they are telling you.
9	COMMISSIONER DODD: Correct.
10	CHAIRMAN GUALTIERI: Unless somebody has
11	documentation This is about the 50th time I have
12	said this today. This is a year-and-a-half later.
13	Why are we're having this discussion on August 14 of
14	2019? This is why this is messed up the way it is.
15	We don't have certainty. But if you don't
16	have documentation and 100 percent assurances that
17	it is covered and it is covered sustained, then it
18	doesn't exist, and they shouldn't be waiting until
19	this last minute.
20	The man, the sheriff, stood up there a
21	little while ago and said his deputies are covering
22	schools that they don't have a safe school officer,
23	he is providing an officer as a stopgap until they
24	put somebody in place.
25	That is not compliance. Those are the

1 ones for sure that Sheriff Judd is interested in
2 knowing about. To the extent there was anything
3 that had not been provided to the district, go back
4 to why not.

Again, we are talking about the first day of school today. This should have been real easy. You stand up there and say you have 100 percent compliance throughout this state of Florida. That is what we all wanted. Why wait until the last minute.

11 I'm not asking you to answer that 12 question. That is a rhetorical question, of course. 13 SHERIFF JUDD: What I recommend is that 14 10:00 in the morning, 11:00 in the morning, that gives us time to call the 29 schools and say show up 15 here and be ready to defend yourself, show us the 16 17 contract, and show us the picture with your school 18 resource officer, your school resource deputy or 19 quardian standing on the campus and be ready. You have had 18 months, all of last year, you didn't 20 21 do what you were supposed to do, and we will give 22 the caveat on the public record you say you do, the 23 sheriff says you don't, but we need those. That is 24 the 29.

The 19 down from 13, is that included in

25

Page 261 1 this 29? 2 DIRECTOR KELLY: Yes, sir. 3 SHERIFF JUDD: Are all the people not 4 compliant in Broward County? 5 DIRECTOR KELLY: Yes, sir. SHERIFF JUDD: Everybody is in the state 6 is compliant statewide? 7 8 DIRECTOR KELLY: Yes. 9 SHERIFF JUDD: And think is where it 10 happened. This is where the massacre happened, and 11 these schools are the ones that are the very last, 12 and some haven't complied. 13 Do you find that absolutely just the most 14 ridiculous thing you have ever heard in your entire life? 15 τdo. 16 Let's put on the record exactly what we 17 know and invite them; they can line up here and 18 tomorrow afternoon at the conclusion of our 19 schedule. We will let them walk up here to this microphone and defend either the school board 20 21 messing up the data or them having data they didn't 22 provide to the school board, or them having data they didn't provide to DOE or any combination of 23 24 This is absolutely unbelievable. this. 25 DIRECTOR KELLY: Sheriff, none of them

Page 262 would report directly to us. Everything that comes 1 2 in goes in through the school safety specialist in 3 Broward. What I want to be certain is that one 4 5 gentleman that came up to me and basically had his contracts in a folder willing to show them to me 6 7 makes me question whether are there others out 8 I would like to be 100 percent certain. there. 9 I will provide the names to Sheriff 10 Gaultieri when they got it down to ten schools what they were saying and then the 29. 11 12 CHAIRMAN GUALTIERI: You said he has 13 contracts. 14 He says he has contracts there. 15 Does he have a body there functioning as 16 safety school officer? 17 DIRECTOR KELLY: He said they have people 18 on the campus. 19 CHAIRMAN GUALTIERI: I want to see a photograph of him. You just don't know anymore. 20 It 21 is ridiculous. 22 Tell them you have from COMMISSIONER DODD: now to 10:00 or 11:00 or 12:00 or 1:00 tomorrow, it 23 24 is 29 phonecalls, and tell them bring us a 25 photograph of your permanent contract and your

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Page 263 school resource officer or guardian standing on your 1 2 school campus during school hours, and be prepared to defend that this superintendent of Broward County 3 said these folks that aren't here are not 4 5 contracted. CHAIRMAN GUALTIERI: Commissioner Petty, go 6 ahead. 7 8 COMMISSIONER PETTY: I quess I'm not 9 surprised that the nexus of confusion is the Broward 10 County school district. But I say shine the light. I appreciate what Sheriff Judd said about 10:00, but 11 12 we are going to have the superintendent here at 13 These are public schools. He controls the 8:30. 14 charters for these schools. 15 If they can't produce a contract or evidence, a selfie, something with the safe school 16 17 office at those charter schools, then he ought to, as the leader of the district, revoke their charters 18 19 immediately. COMMISSIONER DODD: Or he should resign. 20 21 CHAIRMAN GUALTIERI: Ms. Larkin-Skinner. 22 COMMISSIONER LARKIN-SKINNER: I'm trying to 23 understand the process. We have \$52 million at the 24 state level. 25 Is it specifically for the guardian

Page 264 1 program? 2 CHAIRMAN GUALTIERI: Absolutely. COMMISSIONER LARKIN-SKINNER: 3 By the way, 4 thank you, as always, for your work. 5 Do you know how a charter school specifically accessed those dollars? Do they access 6 7 them directly, or do they have to go through the district? 8 9 DIRECTOR KELLY: The guardian school funds 10 are only payable to a sheriff's office. 11 CHAIRMAN GUALTIERI: She is asking, the 12 guardian money is only payable to the sheriff. That 13 is what she's asking. 14 COMMISSIONER LARKIN-SKINNER: But to have a quardian on campus, how does that translate into I 15 16 have a guardian on my campus at my charter school? 17 CHAIRMAN GUALTIERI: They are supposed to 18 say I have complied. I got my options. Option one, deputy or police officer. Option two, quardian. 19 Ιf I want a guardian, I will say I have hired this 20 21 person who is an employee of the charter as a 22 quardian plus put him through the training, apply to 23 DOE, fund the gun, the uniform, and if they are 24 uniformed, have all the training, all the equipment, 25 everything that goes with it, the sheriff trains

Page 265 1 him, turns him back over to the charter school, all 2 the costs are 100 percent covered by the DOE, and the payment is made to the sheriff. 3 4 Of course, that third option would be the 5 security quard, but that is the third option. To directly answer your question, that is 6 how it works. To be under the statute they have to 7 be an employee of the school district or of the 8 9 charter. 10 COMMISSIONER LARKIN-SKINNER: The district is not involved in that transaction? The money goes 11 12 directly to the sheriff. 13 CHAIRMAN GUALTIERI: No. They can't. Τt 14 says there the districts are supposed to coordinate with the charters, so there is language in there for 15 about coordination. It does get a little bit murky, 16 17 and it does talk about how the coordination between 18 the charters and the district. If the district -- And that is not the 19 case here in Broward. But the district has not 20 21 authorized the guardian program in that district, 22 then the charter can go around the district and go direct to the sheriff. 23 If that sheriff has not authorized the 24 25 guardian program and won't do the training, then

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Page 266 after going to that sheriff then they can go to 1 another sheriff. So there is a whole step process 2 3 all laid out in the statute. COMMISSIONER LARKIN-SKINNER: 4 But in 5 Broward, both the district and the sheriff have authorized the program? 6 7 CHAIRMAN GUALTIERI: Right. And you go 8 back to what Sheriff Tony said. He has been putting 9 on guardian training. The last class he authorized 10 it up to 40, and they only had eight show up. 11 What is he supposed to do? So there have 12 been more than ample opportunity to with state 13 funded resources to fund and to train and to put a 14 quardian on every charter campus so we wouldn't have 15 this problem if they got off their tail ends and did it as opposed to waiting to now an emergent 16 situation. That's where we are. There is no excuse 17 18 for it. 19 I can tell you the Broward Sheriff's 20 Office is extremely frustrated putting in the time, effort, and resource to all of the those deputies 21 22 and putting on a guardian class for eight people. 23 COMMISSIONER LARKIN-SKINNER: I've heard 24 from my travels across the state some of the charter 25 schools complaining they don't have enough money to

Page 267 1 do this. I'm saying that so we address it. 2 Otherwise, that is what we are going to hear when 3 they come here.

4 CHAIRMAN GUALTIERI: It's is a false 5 narrative. They are being disingenuous, and they are spinning it because there is no unfunded mandate 6 from the Florida legislature on this issue. 7 They 8 can comply, but they don't like their option of 9 compliance, so because they don't like their options 10 of compliance they say, well, these other options are going to cost me money, I don't want to do these 11 12 options. The option that isn't going to cost me money that is fully funded I don't like so, 13 14 therefore, I'm going to throw out the unfunded 15 mandate.

16 It is wrong. It is false. It is spinning 17 it because they can use existing personnel they're 18 already paying that doesn't cost them one penny. 19 The state is going to give a \$500 stipend and cover 20 all the training costs so it costs them zero.

If they don't like that option, they can go out and hire a dedicated guardian at some very reduced rate or lesser rate than a cop or even a security guard. If they don't want to spend that, the other option is a cop which is going to cost

Page 268 1 them a lot of money or a security guard. 2 They can do this, absolutely do it 100 percent funded by the state of Florida by using the 3 4 quardian program and existing personnel to do it. 5 They don't like that option, so this is where they spin it. 6 7 COMMISSIONER LARKIN-SKINNER: Got it. I think that is important to get that out 8 9 to the public. 10 So my question then tomorrow for 11 Superintendent Runcie, we need to understand how in 12 Broward what role he played because of him calling 13 the sheriff last week. 14 I don't know. Were they not tracking what 15 the chapters schools have been doing the last 16 vear-and-a-half? 17 CHAIRMAN GUALTIERI: I think in some 18 districts -- And I don't know if Director Kelly 19 wants to speak to this or not, and he may not want to but I will say this. 20 21 My sense is that some of the districts up 22 until very recently have taken the position they are 23 not responsible for the charters. We have had to 24 make it clear to them they do have a responsibility 25 for the charters. They are public schools. They

1 control the charters.

In the statute it talks about cooperation 2 between the charters and the districts to implement 3 4 this, and they are not going to be able to say not 5 me, not me, and ignore this issue. I think in many districts that was being 6 7 done and we had to change that culture if you will, and this is what we are seeing. 8 9 One of the ways we have been able to, at 10 least in other places where we had problems, is to 11 get compliance because the districts have gotten the 12 message and they have stepped up. 13 COMMISSIONER LARKIN-SKINNER: I appreciate 14 the clarification, and I just want to stay I feel 15 bad for the people who live and pay taxes in Broward 16 County because just our experience here, I have no 17 idea who to believe anyone about anything. 18 Thank you, Director SECRETARY SCHACHTER: 19 Kelly. How many schools are conducting option 20 21 based training? Do we have a number on that by 2.2 chance? 23 DIRECTOR KELLY: That wasn't a specific 24 But I would like to follow up on question on there. 25 what you heard from the captain and the chief

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When I travel around to schools, one of the discussions I have with everybody regarding school drills are do you vary the drills. It is one of the first things Commissioner Stewart ever said to me when I started to travel the state, and that was every time she saw me she would say are you

8 making sure they are varying the drills because you
9 can't drill the same way all the time.

10 One of the areas I concentrate on when I'm at a school is the cafeteria because I consider that 11 12 a extremely vulnerable point, and that is something 13 I am extremely concerned about. I ask every school district that I visit to make sure they add a 14 15 cafeteria drill at some stage as they drill because luckily most of them do think ahead, and they 16 17 realize there is a large concentration there, and 18 they move their SROs and guardians to that area during the peak lunch times. 19

20 But, yes, there is something as we develop 21 other best practices just on drills it is something 22 we will research and see what is being done across 23 the nation, and I would recommend it to all our 24 districts that they switch drills around constantly. 25 SECRETARY SCHACHTER: Do you know what

Page 271 1 Broward County does? 2 DIRECTOR KELLY: That wasn't a question I 3 asked. SECRETARY SCHACHTER: We will ask the 4 5 superintendent. One of your questions was about covering 6 7 the window where Alex was murdered, just eight schools still do not have a window covering when you 8 9 he can take a piece of construction paper. It is 10 unbelievable to me so much time has gone by. 11 Is Broward County still one of those schools? 12 13 DIRECTOR KELLY: I don't have the specific 14 breakdown here. I can look it up on the master 15 list. 16 SECRETARY SCHACHTER: I'm just curious. 17 DIRECTOR KELLY: Mr. Schachter, on that, that is 18 something that Chancellor Olivia and I were 19 discussing last night. He was a school principal 20 and a school superintendent who knows the ins and outs of schools. He commented that would be a 21 simple and temporary solution moving forward for 22 23 those remaining eight. 24 I'm sure the ones watching here today, as 25 soon as we are done with today and tomorrow, we

Page 272 always send a link to the meeting to all school 1 2 safety specialists, and we recommend if you have not 3 seen it be sure to tune in. 4 I'm sure when they see this today that 5 eight will drop down to zero pretty quickly. SECRETARY SCHACHTER: When you are talking 6 about tier 1 no cost low cost, that should be at the 7 8 top of the list. 9 Does every school in your district conduct active assailant drills once a month? 10 We talked about that one school district that just decided to 11 12 disregard the law and do it every nine weeks did you 13 say? 14 DIRECTOR KELLY: Yes, sir. 15 SECRETARY SCHACHTER: I just don't 16 understand. 17 DIRECTOR KELLY: And we did a followup call with the school safety specialist on it. 18 CHAIRMAN GUALTIERI: Which district is 19 20 that? 21 DIRECTOR KELLY: Dade County. 22 SECRETARY SCHACHTER: Do we have an idea of 23 how many schools practice run, hide, fight for Alice? 24 25 DIRECTOR KELLY: There are quite a few

Page 273 1 that do Alice. But, again, it wasn't a question 2 here.

Moving forward, if you want a breakdown across the 67 districts, we will be happy to get it for you.

6 SECRETARY SCHACHTER: When you approach, 7 you have the fences, you have the visitor area, so 8 when you drive up to the visitor area do you have 9 any idea how many schools you can walk right into or 10 that have a buzzer with a camera so the fact an 11 assailant approached the school he wouldn't just be 12 able to walk right in?

13 DIRECTOR KELLY: This week I visited 14 schools in Glades County on Monday. Then on Tuesday 15 with Chancellor Olivia and with our deputy director, Brooks Romanic, we visited schools in Martin County. 16 17 Every single one of those schools had buzz-in system, and they had a system where you hand them 18 19 your driver's licence, they vet you to make sure you don't have anything that would prevent you from 20 21 coming on campus. They print out an adhesive label with your picture on it, and then, based on what you 22 23 are there for they escort you to where you need to 24 be on campus.

25

The majority of our schools are getting

Page 274 1 We are not there for all of them. Like I there. 2 say, there are three school districts reporting issues with fences. One is a school district in the 3 Panhandle that I visited again with Chancellor 4 5 Olivia where the majority of the fencing was destroyed, and they have the funding in place to 6 replace them. 7 The issue now is getting vendors to come in and do 8 9 the work. So it is an extra challenge for them they 10 didn't have before. The other two school districts just have a 11 12 couple schools that are completely opened and 13 they're trying to figure out what they can do 14 fencing-wise to shut them off. But the rest of our schools, like I said, 15 16 when I arrived at the schools, I park in the visitor 17 parking lot and follow the signs to the front office 18 which are clearly marked, and I haven't been to one vet where I can just go wherever I wanted to on 19 20 campus. 21 Something you mentioned earlier. We are 22 going to bring on ten compliance personnel. We 23 already advertised the positions, and there is quite 24 a lot of interest in the positions. 25 What the sheriff described earlier, he was

Page 275 looking for are exactly what those positions are 1 2 They will show up unannounced. qoing to be. Thev will observe schools. They will see how you get 3 4 into the school, what measures are in place, and 5 then when they will go through the checklist, which we don't have put together yet. 6 As soon as we are in Tallahassee longer 7 than a couple days we are going to sit down and get 8 9 that ironed out and get those people trained and out 10 in the field. 11 SECRETARY SCHACHTER: Thank you for 12 bringing that up. I think that is a great idea. 13 Is there any plan to publicize this audit list? 14 I think unfortunately schools should not 15 make you do all this work. You should not have to 16 17 do everything you are doing. 18 Thank you. 19 We certainly wouldn't be at this place if 20 it wasn't for you as far as compliance goes. 21 What are your thoughts on that, calling 22 these schools out? 23 DIRECTOR KELLY: I think it should be 24 another part of measurement for these schools, and 25 going forward that is something we can definitely

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1	Page 276 address. I want to also mention because sometimes I
2	may use a word or some of you have used the word,
3	you refer to me. I have a team. There are six of
4	us. They all do a great job. And I wouldn't hear
5	the compliments I tend to hear here if I did not
6	have those five people behind me. So I want to make
7	sure they know how important they are to me.
8	CHAIRMAN GUALTIERI: Thank you, Director
9	Kelly. Thank you for being here.
10	Unless anybody has anything, we will see
11	you at 8:30 in the morning, so we will be adjourned.
12	(Proceedings adjourned at 6:07 p.m.)
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Page 277 1 CERTIFICATE OF REPORTER 2 3 4 STATE OF FLORIDA 5 COUNTY OF BROWARD 6 7 I, MATTHEW P. SPOUTZ, Court Reporter and Notary Public, certify that I was authorized to and did 8 9 stenographically report the proceedings IN RE: THE MARJORY STONEMAN DOUGLAS HIGH SCHOOL PUBLIC SAFETY 10 COMMISSION MEETING, pages 2 through and including 11 12 275; and that the transcript is a true record of my 13 stenographic notes. 14 I further certify that I am not a relative, 15 employee, attorney, or counsel of any of the 16 parties, nor am I a relative or employee of any of 17 the parties' attorneys or counsel connected with the 18 action, nor am I financially interested in the 19 action. 20 Dated this 28th day of August, 2019. Racchial P. Spaul 21 2.2 MATTHEW P. SPOUTZ, Shorthand Reporter 23 24 25

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