

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

June 4, 2019  
8:00 A.M. - 4:07 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  
MELISSA LARKIN SKINNER - CEO, CENTERSTONE OF FLORIDA  
  
SIMONE MARSTILLER - SECRETARY DJJ  
JACOB OLIVIA - 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  
LAUREN BOOK - SENATOR, DISTRICT 32 (ABSENT)  
RYAN PETTY - VICTIM PARENT  
MARSHA POWERS - SCHOOL BOARD MEMBER, MARTIN COUNTY  
KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEF ASSOC  
CHRISTINA LINTON - COMMISSION STAFF, FDLE

1 (Thereupon, the following proceedings were had:)

2 SHERIFF GUALTIERI: All right, good  
3 morning everybody. We'll call the June meeting  
4 of the Marjorie Stoneman Douglas High School  
5 public safety commission to order. We'll do as  
6 we always do and stand in a moment of silence  
7 in recognition of the victims of Stoneman  
8 Douglas, but also this morning, let us  
9 remember, the victims from the recent shooting  
10 last Saturday or last Friday in Virginia Beach.

11 (Thereupon, a moment of silence was had, and the  
12 pledge of allegiance recited.)

13 SHERIFF GUALTIERI: You all received a  
14 copy of the minutes from the April meeting. We  
15 need a motion in a second to approve the  
16 motion.

17 ALL MEMBERS: Motion approved.

18 SHERIFF GUALTIERI: Motion by Commissioner  
19 Nelson. Second by Commissioner Dodd. Do we  
20 have any discussion on the minutes, any  
21 revisions, changes? All in favor, aye.

22 ALL MEMBERS: Aye.

23 SHERIFF GUALTIERI: Opposed, same aye?  
24 Okay. That motion passes. Jason, you want to  
25 just do the brief reminder on the Sunshine law

1 force?

2 MR. JONES: I know it will come as a shock  
3 to everyone, but this meeting is covered by the  
4 Sunshine law which means that you can only have  
5 conversations about things and will be  
6 discussed in front of the commission and the  
7 open portions of the meeting, no side  
8 discussions at lunch or on breaks. And this  
9 meeting, we will be going into closed sessions  
10 so just a reminder that everything that we  
11 discuss in the closed session is confidential  
12 and exempt and must be kept confidential and  
13 exempt. Thank you.

14 SHERIFF GUALTIERI: You want to just, just  
15 briefly, just -- you can just mention it, you  
16 know, we've have several requests about the  
17 closed meeting this afternoon and we've decided  
18 that it really is -- it is going to be limited  
19 to just staff and commission members.

20 MR. JONES: Yes, closed portions of  
21 meetings are only for commission members and  
22 staff of the commission. So any requests that  
23 have been made from outside entities, whether  
24 they are still in law enforcement, have been  
25 denied just because the closed portions of the

1 meeting are only for commission members and  
2 staff. So -- and that just emphasizes the fact  
3 that you need to keep what is heard in the  
4 close portions of the meeting between just  
5 commission members and staff.

6 SHERIFF GUALTIERI: All right. Thank you.  
7 Can you hear me okay?

8 SPEAKER: Yes, a little bit better.

9 SHERIFF GUALTIERI: Okay. All right. So  
10 just some introductory remarks and some  
11 housekeeping. Senator Book is unable to be  
12 with us. She's still traveling and attending  
13 to legislative matters, so her office notified  
14 us that she's unable to be with us today. As  
15 always, we have a full agenda, but before we  
16 get into it, I want to update you on certain  
17 matters and what's occurred over the last  
18 couple months since we have met.

19 As we set up the agenda for this meeting,  
20 you'll see that it does not contain any new  
21 area. Rather the goal here today and tomorrow  
22 is to follow up and hopefully close out some of  
23 the areas that are still pending from previous  
24 meetings. I'd say the most significant pending  
25 issue is the radio communications issue and the

1 911 regional communication system here in  
2 Broward County.

3 As you will see, when we get into it, I  
4 believe that we have the main issues identified  
5 that are impediments to an effective regional  
6 communication system, although unfortunately, I  
7 don't know that we necessarily have the  
8 solutions identified; and I'll explain more  
9 about that as we discussed the topic tomorrow.  
10 As we know, the Florida legislature concluded  
11 its session on May 3rd. There were several  
12 bills that passed related to school safety and  
13 in those bills, they adopted a significant  
14 number of recommendations from this commission  
15 in our January report. And in that regard, I  
16 want to thank Senate President Bill Galbano,  
17 House Speaker Jose Oleva and their education  
18 committee chairs, Senator Matty Diaz and  
19 representative Jennifer Sullivan and  
20 accordingly the staffs of both of those  
21 committees for their hard work, their diligence  
22 and support of this commission and the bills  
23 that passed the Florida the legislature this  
24 year. We're going to provide you with some  
25 details later today on those new laws.

1           As you recall, during the April meeting we  
2           discussed a remaining issue regarding whether  
3           information was a reported to former school  
4           board member Abby Friedman in December of 2016  
5           expressing concerns about Cruz. If you recall,  
6           that claim is made by the mother of a student  
7           who reported information about Cruz to  
8           assistant principal Jeff Morford, and when  
9           Morford failed to act on that information the  
10          mother claims that she contacted Abby Friedman.  
11          You also recall Abby Friedman adamantly denies  
12          that she was contacted by the student's mother  
13          about Cruz. The only thing that was left  
14          investigatively to do was to obtain the  
15          student's mother's cell phone records to  
16          determine whether there was evidence supporting  
17          her claim that she called Friedman because  
18          Friedman adamantly denies it. That subpoena  
19          was issued to the cell phone company. We don't  
20          have the results. Hopefully we will have the  
21          results and will be able to share the results  
22          with you by our August meeting. But I just ask  
23          you to remember, and some of you have inquired  
24          about this over the last few weeks, that even  
25          if those records come in and they show that the

1 mother called Friedman, there's nothing in the  
2 records that is going to tell us what was said  
3 during any claim conversation and that Friedman  
4 adamantly denies ever hearing the name Nikolas  
5 Cruz until date of the shooting.

6 Mr. Schachter, you've raised some  
7 additional questions on the topic that we want  
8 to address. That same student's mother also  
9 claims the she reported concerns. The school  
10 guidance counselor, Veronica Zacardi, after  
11 Morford didn't act on that information.  
12 Zacardi denies that she had a conversation with  
13 the student's mother about Cruz. So while  
14 Friedman denies any conversation at all,  
15 Zacardi acknowledges that she was conversing  
16 with the student's mother, but not about Cruz.  
17 Zacardi told us that the conversations were  
18 about the mother's son in her role as a  
19 guidance counselor and that she produced  
20 records to us and to our investigators about  
21 her conversations with the mother and all those  
22 conversations contained in the records concern  
23 the son's educational path during that period.

24 The records to support Zacardi's statement  
25 of the conversations were about the student and

1       there is nothing other than the mother's claim  
2       to the contrary, so really, where this is at  
3       the end of the day is that it is a proverbial  
4       she said she said as is that regardless of what  
5       those cell phone records show that we get, if  
6       there's phone calls from the mother's cell  
7       phone to Veronica Zacardi, it's a so what.  
8       Zacardi says yeah, we talked, and we talked  
9       numerous times during that period, but it's all  
10      about her son's educational path and in her  
11      role as a guidance counselor. The mother says  
12      no, I told Zacardi about concerns with Cruz.  
13      There is no way to resolve that. So that's  
14      truly an issue that hangs out there that  
15      there's no way to resolve and we will update  
16      you when we get the records from cell phone  
17      company to show whether there was any phone  
18      calls from the mother's phone to Friedman. But  
19      once we do that, I think that issue is put to  
20      rest.

21             The Broward County public schools and  
22      Broward County Sheriff's Office internal  
23      investigations are still underway. I don't  
24      have anything new to report to you on either of  
25      those investigations. The FDLE executive



1 investigation is still ongoing. The statewide  
2 grand jury approved by the Supreme Court, the  
3 request of the petition by Governor DeSantis  
4 will be in panel shortly and I believe that  
5 grand jury will start hearing testimony in the  
6 near future, possibly as early as next month.  
7 Those are all the updates that I have. Does  
8 anybody have any questions on those? Mr.  
9 Schachter, go ahead.

10 MR. SCHACHTER: Thank you. It was  
11 reported in the -- in the media that  
12 psychologist Daniel Moyer or Mauer treated the  
13 murderer before the shooting, do we know if  
14 that is correct?

15 SHERIFF GUALTIERI: I don't know. He, you  
16 know, as you know, he had three passive  
17 treatment, school, community-based and private.  
18 I don't recall ever hearing that name before.  
19 Do you know -- is he -- what was he -- who he's  
20 with?

21 MR. SCHACHTER: I don't know, he --

22 SHERIFF GUALTIERI: We'll look into it.  
23 That's the first I've heard of that name in any  
24 of the records and you know, of course, I don't  
25 want to get any of the topics of the closed

1 session, but as you know, we spent a lot of  
2 time here going through a lot of records and  
3 all the records and the subpoenas we issued. I  
4 don't ever recall hearing that name.

5 MR. SCHACHTER: Okay. Yea, that -- it  
6 threw me for a loop as well so that's what I  
7 want to ask the Chair if we could, you know,  
8 investigate that, that would be great.

9 SHERIFF GUALTIERI: We'll look into it.  
10 Sure.

11 MR. SCHACHTER: Also, it was reported that  
12 an orthopedic clinic treated the murderer for a  
13 broken arm shortly before the shooting and his  
14 cast is visible in one of his cell phone  
15 videos. Do we know what happened there and how  
16 he broke his arm?

17 SHERIFF GUALTIERI: No.

18 MR. SCHACHTER: That's all I have, thank  
19 you.

20 SHERIFF GUALTIERI: All right. Mr. Petty,  
21 I believe you have something you want to raise?

22 COMMISSIONER PETTY: Yes. I've got two  
23 things, but the first is just, Mr. Schachter,  
24 Loreal Hudeff (ph.) who is Broward County  
25 school board member and I hosted a series of

1 targeted violence seminars last week. In those  
2 discussions -- and we brought the US Secret  
3 Service down to participate in those to talk to  
4 the key stakeholders in the county here, so we  
5 had representatives from law enforcement,  
6 education, and other community service members.  
7 During those discussions, a topic was raised  
8 around information sharing and as we know as  
9 commission for proper behavioral threat  
10 assessments to occur, information sharing needs  
11 to be robust and timely.

12 What we heard was a claim from one  
13 stakeholder and all I'll keep them anonymous at  
14 this point, but one stakeholders claimed that  
15 information sharing has actually gotten worse  
16 in Broward County since the tragedy and the  
17 position that the school district has taken is  
18 one of withholding information and requiring,  
19 in particular law enforcement, to go back  
20 through administrative channels to get  
21 information about potential threats that may be  
22 -- may be in our schools. And so I raise that  
23 today or this morning for the awareness of the  
24 commission. I'm -- it's an issue that concerns  
25 me as a member of the Broward community. I was

1 hoping that the work that we had done as  
2 commission would have encouraged the key  
3 stakeholders that are responsible for the  
4 safety of our teachers and our students and  
5 schools would be collaborating and working  
6 towards the goal of information sharing and it  
7 was disturbing to me, Mr. Chair, to hear that  
8 in fact we may we -- may have -- we may be  
9 taking steps backwards in this county.

10 SHERIFF GUALTIERI: So you're going to  
11 hear today, an update from the Broward County  
12 schools on the revisions to their threat  
13 assessment teams or threat assessment process.  
14 I don't want to get too far into that because  
15 we're going to talk about it this afternoon.  
16 We know that they had, based upon the report we  
17 reviewed last month, some extremely serious  
18 deficiencies in that system and we also know it  
19 based upon what didn't happen in September 2016  
20 in the one threat assessment that was done on  
21 Nikolas Cruz. So with all that said, we'll  
22 hear from them on the revisions that they have  
23 implemented in response to that report and to  
24 this commissions report.

25 You will also hear in a little bit about

1 revisions to the threat assessment process that  
2 is in Senate Bill 7030, which is now law, which  
3 will implement, and some additional changes to  
4 that process. One of the things that we  
5 discussed in previous commission meetings and  
6 discussed at length was the problem and  
7 problems with the various privacy laws and  
8 specifically, HIPAA and FERPA. I think we all  
9 came to the conclusion as a body that there is  
10 a lot of misunderstanding, confusion, lack of  
11 knowledge on both of those laws and the both of  
12 those laws and I think we said it on the report  
13 are overuse, over applied and that the  
14 exceptions are not applied enough for complete  
15 full understanding and it really needs to be  
16 extensive training and education and that they  
17 are complicated. Remember FERPA is a  
18 40-year-old law that hasn't been revised in 40  
19 years. HIPAA is also very misunderstood and  
20 over applied.

21 With that said, a couple of additional  
22 thoughts here is that one, is that I've had  
23 this discussion about problems with FERPA in  
24 particular with the General Counsel for the  
25 Department of Education, the Florida Department

1 of Education. They are, as part of some other  
2 ongoing initiatives under the governor's  
3 executive order and things that they are  
4 looking at, doing a very thorough deep dive and  
5 analysis into FERPA and those privacy issues.  
6 And as opposed to being duplicative and having  
7 a redundant path of research and analysis,  
8 they've agreed to share with us the results of  
9 their work and that most likely will be the  
10 October meeting. So I think that that's an  
11 efficient way and effective way without us  
12 redundantly doing what they already have in the  
13 works and I believe -- and I know that they are  
14 using an outside law firm that has expertise in  
15 this area to do this review. I've had a  
16 conference call with them, and I am confident  
17 that they will be able to come in, excuse me  
18 and enlighten us which hopefully will enlighten  
19 others. And ultimately, the goal is, is to  
20 make some recommendations at a federal level  
21 which is where it has to change regarding FERPA  
22 and potentially at state level as a result  
23 that, that one, clarifies and two, does make  
24 some changes that brings that law all up to  
25 current day as opposed to being working with a

1           40-year- old law.

2           So with that said though, is that when --  
3           and I have some knowledge of what happened and  
4           the statements that were made about public  
5           meeting that you all had a week ago. I'll tell  
6           you this, is that again, because there's a  
7           significant amount of confusion and  
8           misunderstanding and that has led, and I know  
9           this has led to confusion and frustration on  
10          the part of the participants on both sides, is  
11          -- and I'll explain it this way, is that on the  
12          threat assessment teams themselves, on the  
13          threat assessment teams themselves, when law  
14          enforcement officer is a participant which they  
15          are required to be by statute, on the threat  
16          assessment team then they are a school official  
17          and they do have access to all of the school  
18          records and that's not a problem in their role  
19          and in their capacity is a member of the threat  
20          assessment team. If they get knowledge, as a  
21          member of the threat assessment team, of some  
22          -- and I'll frame it this way, dangerous,  
23          eminent act that is going to occur that clearly  
24          falls within one of the FERPA exceptions where  
25          they can share it with others, then that's

1       easy. They -- that officer, that deputy, that  
2       law enforcement officers member threat  
3       assessment team can call others within their  
4       agency. They can call their supervisor, can  
5       call their commanders and say look, we have  
6       specific information that this kid is going to  
7       put a bomb in this particular place at this  
8       time so they can act on it, that would be  
9       permissible. But what they can't do is that --  
10      let's say during that process, they get some  
11      information that the child who is the subject  
12      of threat assessment along with some others in  
13      the past was out commitment some auto  
14      burglaries, is that they can't take that  
15      information and then share it with the burglar  
16      detective who works that area about some  
17      burglaries that happened six months ago.

18               So there's a fine line there and law  
19      enforcement officers are wearing two hats. One  
20      is as a school official as a member of the  
21      threat assessment team, the other is a law  
22      enforcement officer as a member of the law  
23      enforcement agency. And I think that line gets  
24      very cloudy and very blurred and people have a  
25      hard time understanding that differentiation



1       between when they can -- when it's FERPA and  
2       when it's not FERPA and if it is FERPA, when  
3       the exceptions apply and when the exceptions  
4       don't apply, and they can apply in certain  
5       circumstances and not in others and if you're  
6       sitting on a threat assessment team, you can't  
7       just take everything and share it with  
8       everybody. You have to apply the exceptions  
9       and then it has to go through that process, and  
10      I think that that's where a lot of this  
11      confusion comes from. And until that's cleared  
12      up, you're going to have people that are  
13      feeling -- and I think the districts, including  
14      the Broward County district, are trying to  
15      grapple with that, they're trying to balance  
16      that, and some aren't doing it very well but  
17      it's because it's complicated. And the sooner  
18      that we can shed light on it and that the  
19      districts can get their people trained on the  
20      application of it consistently because there is  
21      not consistent application of FERPA around  
22      Florida -- just look at the school video issue;  
23      is that some are allowing it, some are not.  
24      Some say it's FERPA, some say they're not.  
25      Some say it's FERPA, but it falls under an

1       exception and there are all these wiggly paths  
2       to get the same place. So it's -- and I think  
3       that's what is causing this, but know that we  
4       do have some things in the works to try and  
5       clear it up, but I don't anticipate that we'll  
6       get information on that until the October  
7       meeting.

8               COMMISSIONER PETTY: So Mr. Chair, thank  
9       you for that explanation. And I think you, you  
10      know, I'll look forward to hearing more in  
11      October. I think your point about  
12      clarification is important because I think we  
13      have superintendents, school boards, General  
14      Counsels, you know, these various districts are  
15      very confused and if they're confused, we have  
16      little hope of training the rest of the staff,  
17      principles, the teachers in the schools and we  
18      have, you know, little hope of a good  
19      implementation or understanding of what threat  
20      assessment should be, how it should work, and  
21      how information sharing should work and under  
22      what conditions it's acceptable. You know I --  
23      and I understand and accept your explanation  
24      around, you know, if a SRO learns of something  
25      else, part of me says, you know, part of me

1 doesn't understand why that would be protected  
2 information if a deputy finds out about --  
3 through that process, finds out about somebody  
4 committing other crimes, why that -- why that's  
5 a protected education record, but that's  
6 probably a conversation for another day.

7 SHERIFF GUALTIERI: Yes. And it goes to  
8 -- maybe that's where the law needs to get  
9 changed, you know. And what you also see, and  
10 I'll leave it here is that with the people that  
11 you just mentioned, lawyers, the  
12 superintendents and others who are decision  
13 makers, is that what often happens, and this is  
14 why it gets shut down, because when you have  
15 this uncertainty, sometimes lack of  
16 information, lack of willingness to understand  
17 and apply the exceptions, is that the easy  
18 thing to do, the easy thing to do is just say  
19 no because then there's no risk, there's no  
20 liability, there is no-- they think that there  
21 is no problem, but there actually are problems  
22 because then people get frustrated on the other  
23 side because things that think should be done  
24 are not being done. And unfortunately, you  
25 know, that's what lawyers do is sometimes they

1 just provide a very conservative approach and  
2 very conservative advice and it's really easy  
3 to just say no because if you say no, there's a  
4 sense it can't go wrong. Well, it can go wrong  
5 because then, information isn't shared that  
6 should be shared and then you end up with a bad  
7 result. So there is definitely a yin and a  
8 yang to this, there's a back and forth with it,  
9 but it needs more work and hopefully will be  
10 able to share some information and hopefully  
11 drive some change in that regard. Mr.  
12 Schachter, go ahead.

13 MR. SCHACHTER: Chair, as per Captain  
14 Michael Riggio of the BSO threat management  
15 unit, Broward Sheriff's office deputies are not  
16 always present during threat assessment  
17 meetings. So my question is -- and I'll bring  
18 this up when we have Dan Gull here, but is  
19 there any penalty for the school district  
20 disobeying that statute?

21 SHERIFF GUALTIERI: So let's be clear with  
22 that is -- is that there's nothing in the  
23 statute or nothing in any policy that requires  
24 that the Broward County Sheriff's office be  
25 present for every threat assessment team that's

1       convene. What's required is that there be a  
2       member of law enforcement and in Broward County  
3       is that on some of those teams, it's a Broward  
4       County Sheriff's office deputy that's an SRO in  
5       that school. It can be a member of the city  
6       Police department that's an SRO in that school  
7       and in some cases it's a member of SIU which is  
8       the sworn arm of the Broward County school  
9       district police department. So sometimes it  
10      isn't a city police officer or a BSO deputy,  
11      it's a member of the school board police  
12      department that is sitting on that threat  
13      assessment team. So that's right, but that's  
14      the way it is everywhere, Mr. Schachter.

15             There -- in it -- especially in counties  
16      like Palm Beach and I know in Pinellas and in  
17      others where the school board has its own  
18      police department, local enforcement Sheriff's  
19      or police departments are not always part of  
20      the threat assessment teams. There's a law  
21      enforcement member, but it isn't necessarily  
22      from a sheriff's office or police department.

23             MR. SCHACHTER: I'd like to verify if  
24      BSO's not there and that there is, in fact, a  
25      law enforcement member, because it's my

1 understanding that, that's not happening. I  
2 would like to, you know, make sure that is.

3 SHERIFF GUALTIERI: You bring it up. I --  
4 you know, I don't have any information to that  
5 effect. I know it's in their policy because  
6 it's in the law. All right. Anybody have  
7 anything else before we get going on the first  
8 topic? All right.

9 So we're going to have further discussion  
10 this morning about SESIR data. If you recall  
11 during the April meeting, we heard about some  
12 very serious deficiencies with SESIR which is a  
13 school environmental safety incident report.  
14 So just to briefly recap a couple of examples.  
15 Remember when we looked at that SESIR data, it  
16 showed one elementary school in Alachua County  
17 with 72 incidents in the physical attack  
18 category, with the entire Miami-Dade school  
19 district reporting zero in the same category,  
20 Pinellas County led the state in reporting  
21 batteries with 410, and Palm Beach County  
22 reported 66 in the same category. Those  
23 examples and the problems are significant and  
24 there's a plethora of them. While we learned  
25 that there is a problem with the data

1 reporting, the main question remained and  
2 remains today as to why. I think the looming  
3 question that's raised time again is whether  
4 the nonreporting and underreporting is  
5 intentional to conceal what is really happening  
6 on school campuses across Florida or whether  
7 there's another reason for the misreporting  
8 such as flaws in the system, including the  
9 reporting requirements and the definitions  
10 themselves and/or a lack of training.

11 So in an effort to figure out the why, we  
12 have asked a panel of school superintendents to  
13 provide you with their perspective on this  
14 issue. After we hear from the superintendents,  
15 we're going to hear from the Department of  
16 Education regarding its plan to address and  
17 remedy the SESIR issues moving forward. As you  
18 hear later this morning as well when we recap  
19 Senate Bill 7030 from the recently concluded  
20 legislative session, that bill also addresses  
21 SESIR and add to the accountability measures as  
22 suggested by this commission's January report.  
23 I'll ask you also to keep in mind that SESIR  
24 reporting problems are a subject that will be  
25 investigated by the statewide grand jury.

1           So we'll go ahead and ask the panel  
2           members from the superintendents association to  
3           come forward. We have with us this morning,  
4           Rick Shirley who is the superintendent in  
5           Sumpter County, and the current president of  
6           the Florida Association of District School  
7           Superintendents. We also have a Dr. Walt  
8           Griffin, who is the superintendent in Seminole  
9           County and Tim Forson, the superintendent in  
10          St. Johns County. We welcome all three of you  
11          this morning, thank you for being here.  
12          Superintendent Shirley, do you want to begin?

13                SUPERINTENDENT SHIRLEY: I'll be glad to.  
14                I'm going to turn it over to Tim in just a  
15                second, but I do want to thank you for the  
16                opportunity to kind of present the perspective  
17                of school superintendents on this and we  
18                certainly realize that there are some  
19                significant issues that we all need to work  
20                together to work through. And so we're going  
21                to kind of divide this up into thirds if that's  
22                okay with the chair and then we'll be glad to  
23                answer questions. Tim, you want to start off.

24                SUPERINTENDENT FORSON: Thank you. I'm  
25                Tim Forson, superintendent St. Johns County



1 schools, and I was going to just started it off  
2 by just sharing -- and we have to kind of look  
3 at our own perspective so St. Johns County had  
4 a SESIR work there, how is it being processed,  
5 what do we feel is the reliability or lack of  
6 reliability of what we are submitting and  
7 putting forward, and so there are couple of  
8 things, just quickly, St. Johns is Northeast  
9 Florida, about 42,000 students, 40 schools,  
10 nine of which are title I schools. In our  
11 county, growth is a major issue we grow by  
12 about a school or school and a half a year and  
13 I mention that because that plays a role in a  
14 number of things that occur within our county  
15 and that is the training perspective. As you  
16 see people move and a lot of mobility within  
17 leadership, within roles within the district  
18 that change over time, and so -- as we go  
19 forward, I want to just first, I know all three  
20 of us just acknowledge that really very  
21 transparent, very open about -- there are  
22 challenges I think that we see or places that  
23 we need to get better, without question, that  
24 we need to get better regarding SESIR  
25 reporting. You know, SESIR reporting certainly

1       has -- has become a higher priority, I would  
2       say in the last 18 months. It's been there for  
3       many, many years, but many times maybe the  
4       feedback wasn't or didn't have a viable use for  
5       a superintendent or a school district because  
6       you may be getting that similar or more  
7       comprehensive feedback in another way.

8               And so typically, SESIR has been something  
9       that has been a process that has been done but  
10      has probably not drawn itself or serviced  
11      itself to the highest level of reporting that  
12      occurs because quite a bit of state reporting  
13      gets done in multitude of ways in each and  
14      every school district. So the first piece is  
15      just looking at when an incident occurs at a  
16      school and thinking about where is the SESIR  
17      reporting in the process of the incident and  
18      where all of this plays out? And so would we  
19      talk about, you know, the first priority, if  
20      I'm a dean or an assistant principal or some  
21      administrator at a school and an incident  
22      occurs, then implementing the -- first of all,  
23      investigating and understanding the incident is  
24      the first priority. Working through and  
25      implementing the appropriate consequences

1 becomes a second priority and then reporting  
2 into that student management system becomes the  
3 backside of it. And so I'm reporting both  
4 incidents that are SESIR and non-SESIR types of  
5 incidences that are going to be put into the  
6 system and then making sure communication is  
7 there for parents, making sure that we're doing  
8 all the pieces that we need to do.

9 So I think one of the one of the pieces  
10 that that we've looked at is, in our own  
11 district as we've had this discussion, if I'm a  
12 dean or I'm in an elementary school and I'm  
13 assistant principal and my job is discipline,  
14 and my job is management of that, it goes  
15 beyond the classroom, then really, the document  
16 that I'm living by is my school districts  
17 student code of conduct. And so I have a  
18 student code of conduct and when something  
19 occurs, I'm applying it to what my code of  
20 conduct is and I just kind of draw out one  
21 inconsistency with that, so in St. Johns, our  
22 student code of conduct goes from a level one  
23 to a level four, level four being the most  
24 serious in our system and that -- when you look  
25 at SESIR you know that it's flipped, it's the

1       opposite so the level one being the most  
2       serious. I think that is fairly consistent  
3       though across the state with student code of  
4       conducts. You have a level one, two, three and  
5       four and usually the highest is the most  
6       consistent -- or is the most serious.

7               What happens I think a lot of times is  
8       there is other reporting that is going on  
9       simultaneously. So I'm reporting incidences  
10      and I'm reporting consequences, if it's  
11      suspensions or if it's a recommendation before  
12      a discipline hearing for placement in an  
13      alternative setting, all of these things are  
14      happening. I might be reporting on -- it might  
15      be a bullying type of incident, so I'm  
16      reporting on Hope scholarship qualifications to  
17      make sure we're doing the pieces there. It  
18      could be zero-tolerance based incidences, so  
19      making sure that all the reporting is  
20      absolutely in place. So in the process of  
21      that, I think some the things that we've seen  
22      in our own -- in St. Johns, in our own  
23      inconsistency is the fact that the person  
24      responsible for the reporting has their highest  
25      priority for that child who is either both the

1 victim of a situation, if there is a victim,  
2 but also the offender, what the offense is.  
3 And so in that school setting, that's what  
4 they're focused on and they are focused on  
5 investigating it, clearly understanding what  
6 that incident was. They are focused on  
7 communication with the adult or the parent or  
8 guardian that is connected to that student in  
9 the system, and then of course, reporting the  
10 specifics of the incident. What category is it  
11 in, if it's non-SESIR, reporting it in that  
12 way, if it is SESIR, then reporting it and  
13 making sure law enforcement communication takes  
14 place and that relationship is close and then  
15 moving forward.

16 For us, in our system and I know in our  
17 other two districts here, is our student  
18 information system kind of defaults. So if an  
19 incident occurs that is a SESIR incident, that  
20 reporter has to go through that process takes  
21 them through the requirements of a SESIR  
22 incident and that is, did you contact law  
23 enforcement, who is the contact of that law  
24 enforcement, what were the notes of the  
25 specifics of the situation. It doesn't mean we

1 get it right every time. We don't. It is a  
2 process that that we need to continue to refine  
3 and get better. I think that is sometimes  
4 where inconsistency can occur, and I would say  
5 just within us. Where does it happen?  
6 Sometimes it's because there are 40 schools,  
7 there are 40 -- there are probably 80 to 100  
8 different people who that ability to do that  
9 and then as even so, there are definitions,  
10 sometimes the interpretation of that will vary  
11 given a circumstance because it's a unique  
12 circumstance that maybe hasn't happened or they  
13 have experienced before.

14 So I think that is part of the challenge  
15 for us. I think one of the other pieces is  
16 training. So we'll hire 200 teachers a year  
17 and 100 plus other personnel of some type and  
18 so as we grow as a system, people move in and  
19 out of roles like a dean or like an assistant  
20 principal, and so the training has to be, for  
21 us, very constant. We have actually had, and  
22 I'm very appreciative they are all safe schools  
23 in the last three years, they have come and  
24 they have trained three times with our deans  
25 and defined what has been, and make sure we

1 understand the definitions, and make sure we  
2 understand the requirements of the SESIR  
3 reporting, but it doesn't eliminate, just being  
4 honest, it doesn't eliminate some of the  
5 inconsistency that can still happen in the  
6 moment of an adult assessing what the behavior  
7 was and categorizing that behavior as one type  
8 or another. I think the reality is our adults,  
9 our leaders, are usually focused on the student  
10 indirects, you know, there -- those student  
11 incidences and how they directly relate to the  
12 school day for school events. I would say here  
13 is the other big gap for us, absolutely a gap.  
14 SESIR is 365 days, 24 hours. So a SESIR  
15 incident can happen on a site at any time and  
16 it can be student or nonstudent and so if an  
17 incident occurs at an event in the evening and  
18 it is not directly connected to that particular  
19 school or that leadership at that school, and  
20 it is -- maybe it's two adults who are in an  
21 altercation, it then becomes critical that on  
22 our part, that we are were closely communicated  
23 with either who the law enforcement agency or  
24 maybe it wasn't even law enforcement maybe it  
25 was another adult, but making sure that we're

1 keeping track of other types of incidences that  
2 may be taking place because SESIR requires that  
3 it is not all student, it is student and  
4 nonstudent types of occurrences. So I just  
5 wanted to just -- that's just painting a  
6 picture and it's not an excuse, it's just the  
7 reality. It is the reality what happens. I  
8 think if you look at St. Johns data on SESIR,  
9 it's pretty reflective. I won't say it's good,  
10 it's not good. I don't want to read the  
11 numbers and say that that's good, but it's  
12 pretty reflective though, I think, of some of  
13 the behaviors that are happening and some of  
14 things are happening in our county in our  
15 schools. So that's just a quick picture and if  
16 I can, I'll either pause or pass to Dr. Griffin  
17 to move forward.

18 SHERIFF GUALTIERI: Thank you, Dr.  
19 Griffin.

20 DR. GRIFFIN: Thank you. Good morning  
21 everybody. First, I want to thank each and  
22 every one of you for your work. You have a  
23 challenging assignment and know from the  
24 superintendent view, it's greatly appreciated  
25 and needed. Today I hope is about moving



1 forward and thus figuring out what is best for  
2 all students, staff, schools, and communities.  
3 I took the opportunity knowing I was going to  
4 be here to sit down with a group of principles  
5 and people who day to day deal with discipline  
6 school issues to get some feedback from them  
7 and I will tell you that I was a principal and  
8 a teacher much longer than the seven years that  
9 I have been superintendent. I have a lot of --  
10 I was a high school principal of a large  
11 school, 3000 students, and a middle school  
12 about 1800 students and our two most at risk  
13 schools in Seminole County, so I had a lot of  
14 opportunity for -- to work with discipline and  
15 SESIR reporting and so on. And I will tell  
16 you, the feedback from the people with boots on  
17 the ground is that they want to do this, and  
18 they do want to do this right. The challenge  
19 is they have a lot of different reporting, a  
20 lot of different mechanisms, and they're  
21 dealing with a lot of different offices to try  
22 to get this right.

23 So I challenged them, I said, what would  
24 be -- you know for a 38,000-foot view, what  
25 would be the best thing to make our schools the

1       safest in terms of what data you needed to come  
2       to those conclusions. So they spoke to me  
3       about, you know, possibly this commission can  
4       help us looking at maybe a student dashboard, a  
5       common -- a common reporting mechanism that  
6       would certainly include SESIR, that is already  
7       there and certainly requires some work on  
8       everybody's part to bring in -- to substantiate  
9       it and unsubstantiated it on bullying  
10      accusations as part of the Hope scholarship  
11      program. Suicide prevention and mental health  
12      documentation, restraint seclusion reporting,  
13      relevant law enforcement reports,  
14      zero-tolerance reporting, may be students who  
15      had to be Baker acted and so on and so on.  
16      They do a lot of reports and they try to get  
17      these right. If our goal is to make our  
18      schools safer and be able to identify students,  
19      we really need to put together everything that  
20      we can.

21             I would add, as the principal did, in  
22      addition to the students who have been Baker  
23      acted, mental health services, we need a common  
24      threat assessment mechanism that is weaved into  
25      this other reporting. We use data for

1 everything in the state of Florida but we're  
2 not using data well and to our advantage to  
3 make our schools safer necessarily and I think  
4 we have an opportunity to do that, the  
5 technology is certainly there. This year, for  
6 example in Seminole County, we had just -- I  
7 think we had 400 threats assessment processes  
8 in place. So it's a lot of work to do all this  
9 and we want to make sure that this information  
10 is housed in a proper place. So from the  
11 principal perspective, the advantage of having  
12 all of this school safety data in one place is  
13 that students are mobile, students move from  
14 school to school, the new principal should be  
15 able to, the day they arrive, access that  
16 information. Students move from county to  
17 county. A new superintendent or a new district  
18 person in charge of discipline and certainly  
19 the new principal should be able to access all  
20 information about a student the minute they  
21 arrive, not five, seven days after they arrive.  
22 And they were crystal clear, don't leave out  
23 private schools, don't leave out homeschool,  
24 these are all students and any student who was  
25 is at risk is a student at risk regardless of

1       where they're being educated and if we have  
2       more information we can make sure we're doing  
3       the things that we need to do, whether it's  
4       mental health screening, maybe it's additional  
5       counseling, may be as immediate law enforcement  
6       intervention, but an opportunity to pull this  
7       data together.

8               So my recommendation, because I can go on  
9       and on is that for 1920, we certainly  
10      fine-tuned the current SESIR process. I will  
11      tell you, I can just talk about Seminole  
12      County, and I'll tell you our SESIR oversight I  
13      have one person who owns SESIR data in Seminole  
14      County. They are accountable to me and my  
15      cabinet. They show us the data on a regular  
16      basis. I look for outliers and sometimes there  
17      is underreporting, sometimes there's  
18      overreporting but that tells me we need more  
19      training and that's when we do some additional  
20      training. So I think the mechanism and we just  
21      need to ramp up the training and work on the  
22      consistencies. I would highly recommend, as we  
23      move to 2021, any changes that you're going to  
24      be recommending for a code of conduct,  
25      understand our code of conduct for 1920 are out

1       there, that are being printed as we speak. We  
2       are ready to roll for 1920, but if you are  
3       considering further changes in addition to  
4       SESIR for 2021, whatever you can do to  
5       integrate as much information as possible to  
6       make this happen. And I this very, very  
7       seriously, and I'll tell you, I feel blessed as  
8       a superintendent, we have an amazing  
9       relationship and have for many years with our  
10      sheriff's department. They oversee our school  
11      safety. They are open, honest, transparent and  
12      they are at the table for every - - every SESIR  
13      discussion, every piece of concern, the data,  
14      mental health reporting, threat assessments,  
15      whatever we need. We have to work together,  
16      and I cannot encourage districts enough take to  
17      build those relationships, force those  
18      relationships because just like having a  
19      dashboard, it would improve student safety  
20      across the district. So thank you for your  
21      time this morning, and I will turn it over to  
22      our Vice President Rick Shirley and I'm sure  
23      you'll have some questions.

24           SUPERINTENDENT SHIRLEY: I also want to  
25      thank you for the opportunity to kind of

1 present what we see at the school level, the  
2 district level. SESIR, we realize more so now  
3 than ever, is a document that probably needs a  
4 little more attention from all of us. I'm  
5 handing out something, in just a second, I'll  
6 go over it to kind of give you a Ground Zero  
7 level view of what happened in the district.  
8 But the SESIR reporting process is one of many  
9 things that people that deal with discipline  
10 complete. Now I'm going to give an example  
11 because I've heard folks say that perhaps the  
12 data is skewed one way or the other and  
13 certainly, I can't speak for any other  
14 districts or any other superintendent and I'  
15 sure that my partners here the table would say  
16 the same thing. But here is just an example of  
17 what happens at a school-based level because  
18 think you need to see this.

19 Now, this is a draft, it gets modified  
20 every year after the legislature meets, but the  
21 top part of this form that you're looking at is  
22 basically filled out by the teacher when they  
23 have a student that they have an issue with.  
24 And then the part below is filled out by the  
25 administrator who actually deals with the

1 discipline. And if you'll notice, there are  
2 some bold black three and four letter initials  
3 by some of those behaviors and those  
4 infractions are automatically entered into the  
5 SESIR report. The people who enter the data  
6 don't have the choice or the option to pick and  
7 choose. If one of -- if it is marked on the  
8 left as that particular behavior, then when the  
9 data entry person enters it, it's going to  
10 automatically populate the SESIR report. So  
11 there's not a way, if it is reported accurately  
12 by the administration, for it to be skewed. It  
13 is automatically populated. And I think it's  
14 important to kind of understand the nuts and  
15 bolts of how it actually works in a school  
16 district because that will help, I think,  
17 answer some of the questions that folks have  
18 had.

19 In our review, in our discussions about  
20 the SESIR report, there are some things that I  
21 think are pretty obvious and our biggest  
22 recommendation today is that we establish a  
23 workgroup, perhaps the office of safe schools,  
24 not just a committee but a workgroup to  
25 actually come up with some, perhaps,

1 operational definitions, some hard and fast  
2 guidelines that we can follow as best we can  
3 knowing that there are 67 districts and 67  
4 different exceptionalities and each district is  
5 unique and has their own set of fish to fry.  
6 And so we know it's going to be complicated.  
7 Anytime you try to homogenize everybody into  
8 one little bottle, it doesn't always work well,  
9 but we also realize there needs to be some  
10 consistency, some consistency in training, some  
11 consistency in reporting and in our internal  
12 review, just as in their internal view, there  
13 are gaps, there are differences. What wasn't  
14 mentioned is usually people that are dealing  
15 with discipline our young administrators  
16 they're going to be future principles. But  
17 they're young. They're new. In fact, if  
18 they're very good, they don't stay there long,  
19 they usually move to another role and so you  
20 have that constant turnover and certainly,  
21 that's not an excuse because there are very  
22 clear definitions as to what should be included  
23 in these reports. I think the other thing that  
24 we need to look at as we -- if we are able to  
25 have a workgroup, is to align the code of



1 student conducts with SESIR as best we can. We  
2 have already done that, that's not unique to  
3 Suffolk County.

4 Many districts have done the same kind of  
5 thing, but I know we can always tighten it up  
6 and make it a little better than it has been in  
7 the past. Every superintendent in the states  
8 is data driven, however, the SESIR data has not  
9 necessarily been the data that has driven our  
10 decision-making. It's a little broad and  
11 nebulous for what we need. For example, in my  
12 district I can have our folks pull reports for  
13 misbehaviors on a particular bus, and I know if  
14 I have an outlier on a particular bus number  
15 that I have a problem either with the driver or  
16 perhaps the particular route and the students  
17 involved in that bus. That's actionable data  
18 for me. I can get that from the SESIR report,  
19 however that doesn't mean that I don't look at  
20 that data and that I act on that date. I do,  
21 it's just a different source that is more  
22 practical for us and I suspect that is the case  
23 with the superintendents as well. This  
24 commission has the opportunity to have great  
25 weight and great influence on the changes in

1        SESIR. My dad always had a saying, he said  
2        measure twice and cut once and you have the  
3        opportunity here to do some great things to  
4        help school districts provide a safer  
5        environment for kids. The SESIR reporting is a  
6        small part of that because our actions with  
7        children, our interactions with students, our  
8        interventions, our behavior modification plans  
9        are what we focus on. We're in the kid  
10       business. That's why we got in this business,  
11       because we want to work kids. However, we also  
12       know that the job is done to the paperwork is  
13       completed and so we're -- we certainly want to  
14       work with you all, with DOE in ensuring that  
15       everything is reported accurately and timely  
16       and that we all have a common understanding of  
17       what needs to be done. We also have to be  
18       careful that we don't end up with what I call  
19       analysis paralysis where you get so much data  
20       that you can't filter through it.

21       And so the other recommendation is to  
22       really look at the, I think it's 21 elements in  
23       SESIR, see if we can't minimize that and focus  
24       on those things that are truly important and I  
25       know there are some federal requirements that I

1       -- it's way beyond my understanding of the  
2       SESIR reporting, but I don't know we have to do  
3       21 separate incidents. Maybe it can be  
4       streamlined and minimize some of the confusion  
5       that seems to take place and many of you have  
6       discussed this before. I know at the last  
7       hearing, I think you get a very thorough review  
8       of the SESIR reporting process. With that said  
9       Mr. Chair, if you have any questions or if any  
10      member of the committee would have a question,  
11      we would be glad to try to help.

12           SHERIFF GUALTIERI: So I know in our  
13      discussions with the three of you leading up to  
14      this, and in front of commission members, they  
15      all had an opportunity -- you asked them to be  
16      familiar with the discussion from the last  
17      meeting. You all watched the discussion last  
18      time so you're familiar with what was said in  
19      that report. You mentioned about training,  
20      familiarity with the standards and the  
21      definitions potentially being a problem. In  
22      some degree, I think Superintendent Forson, you  
23      mentioned some degree of subjectivity in what  
24      the act was and applying SESIR to the act and  
25      that, that can account for some of this

1 variance. But with that said, and I'm just  
2 going to -- it's probably the monkey in the  
3 room if you will, and the big question, it just  
4 got to be asked. Is that, how can an account,  
5 for as an example, and there's a bunch of them,  
6 I just use this one, where you have that  
7 district in Miami-Dade County that had zero  
8 reported physical attacks and one elementary  
9 school in Alachua County was 72 and it just  
10 seems implausible that you can have that kind  
11 of a disparity and attribute it to a  
12 misapplication of the definitions or a  
13 subjective determination as to what behavior  
14 is, so, go ahead.

15 DR. GRIFFIN: I looked at that data for my  
16 - - for my district and we had -- we had  
17 physical attacks, but we had very few compared  
18 to fights and I asked, and they said well, you  
19 only mark one thing on the SESIR report. And  
20 so I can just tell you my situation, usually  
21 when there is a physical attack, it quickly  
22 turned into a fight. And so they marked the  
23 one item instead of the two items. Now, for  
24 that particular county, I can't answer that  
25 question but when you look at some of the data,

1 sometimes it's a matter of making a choice as  
2 to what was marked. And so if a student was  
3 involved in something, was it marked  
4 differently. For example, if it started out as  
5 somebody physically attacked somebody else and  
6 then you had a full-fledged fight out of the  
7 out of that, only one item would be marked and  
8 that's what happened in our district and that  
9 explains the discrepancy that we have, and we  
10 didn't have that many. We're a small district,  
11 we only have about 8,000 kids, but we had 122  
12 fights and 19 physical attacks, so there's a  
13 big discrepancy between the two, but in talking  
14 to the practitioners in the field, that's what  
15 they said -- they said happened. So I can't  
16 answer the question about a particular  
17 district.

18 SHERIFF GUALTIERI: What do you say to the  
19 people, and it's out there for sure, who say  
20 that when you have this, what appears to be  
21 gross nonreporting or gross underreporting,  
22 that there's a culture in the schools and by  
23 the principles and at some levels at least, to  
24 not report because even though you may -- you  
25 just testified that in your case you may be

1       using other sources of information and this  
2       SESIR source of data is not something that it  
3       is a driver for you, you're getting it from  
4       someplace else. But the consumers in the  
5       public, parents, etcetera, anybody that has  
6       access -- or wants access to what goes on in  
7       these campuses, that's what they have access to  
8       and the notion that's out there is, is that  
9       there is a culture and a pressure in some cases  
10      and in some places, to not report or  
11      underreport because if you report what actually  
12      happens, it makes the school look bad and in  
13      some cases, this is intentional conduct. And  
14      you know, I just got to ask the question  
15      because that's what's out there and you're not  
16      only representing your districts but the  
17      association, so you know, we just -- I know  
18      it's a hard question and -- but it's what's out  
19      there and one of the purposes of why we're  
20      having this discussion so I've got to throw it  
21      out there and ask you to just respond to it the  
22      best you can.

23           DR. GRIFFIN: Sir, if I -- first of all, I  
24      can't really comment on other districts, but I  
25      can tell you what I deal with in Seminole

1 County. We have 68,000 students, 8,000  
2 employees, and when I see a school reporting  
3 that is an outlier as an example, the data that  
4 you gave, we go into the school and try to  
5 figure out what is going wrong. I would say  
6 frequently, it's lack of training, lack of  
7 knowledge. In some cases, a principal wanted  
8 his school to look better or worse for whatever  
9 reason, I'll tell you that if the data is -- is  
10 not accurately reported, it's not a good  
11 situation because, from my perspective, we put  
12 our resources where they are needed. If I see  
13 a school is struggling with discipline and what  
14 data am I looking at, SESIR and district  
15 discipline data, I'm going to put more  
16 resources at a school that is having more  
17 discipline issues. I think underreporting for  
18 any of the Seminole County schools would be  
19 dangerous and it's dealt with and we look at  
20 outliers all the time to make sure that we have  
21 accurate reporting because -- and sometimes we  
22 have overreporting. I'll give you an example.

23 SESIR is by incident, okay. So just say  
24 10 kids are involved in a situation, that's one  
25 SESIR incident but 10 discipline referrals.

1 Sometimes we had 10 SESIR referrals for that  
2 one incident. So if we see a real high number  
3 it's - - they just didn't know how to do it and  
4 like Mr. Shirley said, sometimes it's a newer  
5 administrator, somebody is not paying attention  
6 to the data, but from my perspective, if you  
7 have -- the way we look at schools, if there is  
8 a situation with a particular school, or in  
9 this case, a particular district, you go to  
10 district and you figure out what's going on.

11 SHERIFF GUALTIERI: You said you have  
12 accountability measure in your district for  
13 seeing would be variances or anomalies,  
14 correct?

15 DR. GRIFFIN: Absolutely.

16 SHERIFF GUALTIERI: But do you know  
17 whether there are those processes in place and  
18 all the district?

19 DR. GRIFFIN: I do not.

20 SHERIFF GUALTIERI: So right now, and it's  
21 going to change here, and you'll find about  
22 this more in a second, but right now, up to  
23 this point, you all have just submitted your  
24 data DOE and DOE, up to this point, prior to  
25 7030, hasn't provided oversight on SESIR; is



1           that right?

2           DR. GRIFFIN:   They have provided training.  
3           Their website is pretty good, but we have not  
4           -- I have not received feedback on the data  
5           that we have ever reported through survey five.

6           SHERIFF GUALTIERI:   Right.   But there's no  
7           account -- there has been accountability  
8           oversight on their part, up to this point,  
9           correct?

10          DR. GRIFFIN:   To my knowledge.

11          SHERIFF GUALTIERI:   All right.   Commission  
12          members, does anybody have questions?

13          SUPERINTENDENT SHIRLEY:   The other thing  
14          --

15          SHERIFF GUALTIERI:   Superintendent  
16          Shirley.

17          SUPERINTENDENT SHIRLEY:   If you look at  
18          the data on the sheet that I handed out, if  
19          there is an error in reporting, it's going to  
20          be on whoever is probably doing the actual  
21          conduct or actually working the event.   Again,  
22          I can't speak for other districts, but in my  
23          district, we staff schools based on a formula  
24          including administrative staff.   If they under  
25          reported incidents, that actually would be --

1 would hurt them in getting the administrative  
2 support that they would need. Now I don't know  
3 that every district does that. But ours is  
4 purely based on formula. So sometimes I worry  
5 that they overreport so that they will get more  
6 of that administrative help than otherwise they  
7 would get. But again, other districts do it  
8 differently.

9 SHERIFF GUALTIERI: Sheriff Ashley.

10 SHERIFF ASHLEY: Thank you all for being  
11 here today and helping us through this process.  
12 I'm going to ask you an unfair question to  
13 start with is, if you were asked to grade your  
14 school districts safety level, how would you go  
15 about doing that, one being poor and ten being  
16 great, what measurement, what data would you  
17 use to determine level of safety at your  
18 schools? That's the unfair question that we're  
19 all dealing with. Is there one specific set of  
20 measurements you would look at or is there a  
21 multitude of measurements you would look at?  
22 And what is your view on the purpose of SESIR?  
23 Anybody.

24 SUPERINTENDENT SHIRLEY: I'll answer the  
25 first one unless you guys --

1 DR. GRIFFIN: Go ahead.

2 SUPERINTENDENT SHIRLEY: We look at what  
3 we consider best practices and it's a  
4 multifaceted approach, you know, it's not just  
5 having an armed officer on every campus and  
6 trying to have an armed officer at the  
7 after-school events and -- but it's also the  
8 hardening of the campuses and trying to use the  
9 technology that's available, the apps on the  
10 phone where anyone in our district can, who has  
11 a cell phone has what's called the rave app and  
12 I'm not trying to put in a plug for any  
13 particular company, but they push that button  
14 -- every law enforcement officer in our county  
15 gets the notification. So we try to look at  
16 best practices. We have tried to focus - - we  
17 can't do it all, so we've tried to look at our  
18 budget that we had, look at those things that  
19 had the highest impact on student safety and  
20 implement those hardening processes first.

21 We were fortunate in that we were able to  
22 work with our county commission in our  
23 sheriff's office to be able to get an officer  
24 on every campus. We would like to have more,  
25 but the budget doesn't -- doesn't allow for

1       that, but we do have everything covered there.  
2       So from that perspective, when looking at best  
3       practices, looking at what's available out  
4       there but commercially and best practices have  
5       in our safety team, our sheriff's office came  
6       in and did a review of all right campuses,  
7       walked our campuses and said you need a fence  
8       over there, and you need this there and so we  
9       have implemented all of this thing. So it's an  
10      overall general approach and then the second  
11      question, I --

12           SHERIFF ASHLEY: Let me ask --

13           SUPERINTENDENT SHIRLEY: Sure.

14           SHERIFF ASHLEY: -- follow up -- you know,  
15      we all use the term best practices, where do we  
16      get those from and where do we keep them? You  
17      know, where do we go assess this data from to  
18      determine if we're actually accredited  
19      according to best practices. Where is that at?

20           SUPERINTENDENT SHIRLEY: Well, I think  
21      there are some national safety things the  
22      homeland security and other areas have some  
23      documents that are available. We've also had  
24      working groups with our safety officer in the  
25      county who has worked with Damien Kelly on

1 developing some of the processes and priorities  
2 that we have implemented. And then we also  
3 involve our sheriff office early because we  
4 said you guys are the experts when it comes to  
5 one of those, God forbid, acts that occur on a  
6 campus. What do you think you need, what do we  
7 need to implement to be to the sure that we're  
8 ready to go. And so between the homeland  
9 security staff and our safety officer, our  
10 working with Damien Kelly, and working with our  
11 sheriff's office, we think we're in pretty good  
12 shape there.

13 SHERIFF ASHLEY: And I appreciate -- I  
14 guess what I'm trying to get at is, if there is  
15 no standardization, if we're all doing it  
16 according to our own best practices --

17 SUPERINTENDENT SHIRLEY: I don't believe  
18 there is, but I believe there is a work group  
19 that's working on that to have something ready  
20 July 1, if I recall, that is trying to come up  
21 with, I hate to use the word checklist, but I  
22 believe it probably is a checklist of those  
23 best practices. And I believe there is a work  
24 group trying to develop that now, but you will  
25 have to ask Damien Kelly when their turn comes

1 on that.

2 SHERIFF ASHLEY: And the other one, what  
3 was your view of the purpose of SESIR?

4 SUPERINTENDENT FORSON: I think just going  
5 back to what I shared in the beginning, I think  
6 if I'm boots on the ground and I'm the person  
7 dealing with incidences and occurring, I'm  
8 looking at SESIR as a compliance action. I am  
9 completing SESIR to comply with what I'm  
10 expected to do, I'm just being honest, okay.

11 If I'm indeed -- what I'm passionate about is  
12 stopping that behavior and helping that child  
13 and helping those pieces and so that's the  
14 pieces where my heart and my energy is, where I  
15 know my obligation, it just -- be right up  
16 front is when I go through that energy and that  
17 effort that I must also understand that I have  
18 to complete that result and that information  
19 and provide that information. Because -- and I  
20 would --if I -- a lot of times, the person  
21 who's dealing with it day-to-day may be the --  
22 may not ever see the data return -- the data to  
23 change the action or the behavior that is  
24 occurring. I mean, it's -- when you asked the  
25 question, I say it's a very complex -- when you

1 say how do I -- can I go back to the first part  
2 of that a little bit if you don't mind.

3 SHERIFF ASHLEY: Yes, sir.

4 SUPERINTENDENT FORSON: You know, what do  
5 we do, three years ago we removed forward with  
6 a half sales tax and one of the four priorities  
7 was safety, but for us in St. Johns, it was  
8 physical. Just be specific, it was capital.  
9 It was how do we make the plants safer. How do  
10 we improve single point of entry if that's the  
11 priority. All perimeter things you have  
12 discussed and those pieces. So I think that  
13 there are so many arms to that and one  
14 measurement tool is probably not going to be  
15 the answer because the other side of it, I'm in  
16 a principle of the school, it is what is the  
17 culture and environment in my school, of my  
18 teachers and supporting children and helping  
19 them to learn character development, the right  
20 kind of behaviors, all those pieces. And if we  
21 want the long-term improvement, it has to  
22 happen early on, and it has to happen in an  
23 educational environment in that piece.

24 So I think there is an operational  
25 procedural piece that is this is how we're

1       going to do business and that's important  
2       because it's only way we have consistency. But  
3       there's also the student focus piece and that  
4       may be restorative justice, it may be whatever  
5       you want to call that action you do, but it's  
6       the post action you do with kids and it's the  
7       preventative action you do with kids that if I  
8       have -- if I am a principal and I have I dean,  
9       the relationships they have with the students  
10      of that school are far more important and  
11      beneficial than the action when an event  
12      occurs. They're far more impactful. So I  
13      think it's not simple. We, like others, we do  
14      CPTED, you know, during the summers so we're  
15      making sure every site exterior is checked  
16      because it changes where we grow, so we change  
17      every year. Sites change a lot and that  
18      happened. So I don't know that there's a  
19      singular, we, like all of us probably use --  
20      you know, homeland security has provided a lot  
21      of training conferences where we send people to  
22      develop and learn better skills.

23               SHERIFF ASHLEY: And I appreciate that. I  
24      guess the purpose more narrowly focus for us is  
25      a standard compliance and can't have compliance



1 without a consequence, so underreporting or  
2 overreporting or nonreporting a SESIR really  
3 had no consequences, does it?

4 DR. GRIFFIN: I mean, I can say -- I can  
5 tell you at the district level, I would -- the  
6 consequences where we went to school to figure  
7 out what was going on fixed it. From the state  
8 level, Seminole County has ever experienced a  
9 reprimand related to SESIR.

10 SHERIFF ASHLEY: So there was -- so  
11 there's no way to meet compliance if there is  
12 no consequence, would you agree?

13 DR. GRIFFIN: I don't know if they ever  
14 had to deal with the district on lack of  
15 reporting or nonreporting or missing a survey  
16 deadline.

17 SHERIFF ASHLEY: I think one of you said  
18 that you've addressed underreporting before,  
19 what was -- what was the consequence for that?

20 DR. GRIFFIN: I've done it many times and  
21 it usually was somebody incorrectly reporting  
22 when there was a -- and something that took  
23 place that had fit under a few different  
24 definitions. They were going for the lesser  
25 definition and we had - - it was just a matter

1 training. SESIR is supposed to be an objective  
2 data reporting mechanism. I think the biggest  
3 struggle we have with our school safety team  
4 and as superintendent is making the definitions  
5 as objective as possible so people really  
6 understand how to (unintelligible) a report.

7 SHERIFF ASHLEY: And last one, if  
8 compliance and consequences -- I heard one of  
9 you say investigating was priority one, an  
10 incident. Appropriate consequence, priority  
11 two, and reporting, priority three. And I  
12 think this body in our state has to look at  
13 prevention as a priority as well and how do we  
14 keep these things from reoccurring and so I  
15 would ask you to focus on those as well. It  
16 will help this body determine what is the best  
17 prevention priority. Thank you for being here  
18 today.

19 SHERIFF GUALTIERI: Sheriff Ashley, just  
20 for clarification. One, is that up until  
21 Governor DeSantis signed Senate Bill 7030 a  
22 couple of weeks is, is that as it relates to  
23 SESIR, the Department of Education was merely a  
24 data repository. It had no oversight  
25 authority, had no compliance authority, had no

1 review authority, it was merely it received the  
2 information and we've seen a theme with that.  
3 We've seen that with the SESIR reports, we see  
4 that with the FSSAT, we set it with other  
5 things. And as you will hear in a minute, in a  
6 few minutes, when we go through the legislation  
7 and the accountability piece and measures that  
8 you mentioned are now there. They were not  
9 there prior to Senate Bill 7030 passing, which  
10 was a recommendation from this commission that  
11 we're thankful that the legislature listened to  
12 us on because now is that while you have it and  
13 you mentioned in some of your districts, but  
14 it's required by the law that the district  
15 school safety specialist, under the direction  
16 of the superintendent be the point person. So  
17 there's now a choke point in every district  
18 where it is the school safety specialist. It  
19 ultimately is the superintendent's  
20 responsibility and when those reports are now  
21 submitted to the Department of Education, they  
22 do have to be reviewed and if they are not in  
23 compliance, then the commissioner of the  
24 Department of Education can notify the school  
25 board and if there is not compliance, then the

1 school board, upon the notification, withholds  
2 a school superintendent salary.

3 So there are significant sanctions now and  
4 there are accountability measures in 7030. But  
5 this is a theme and we've seen this theme in  
6 the past, whether it's with threat assessments,  
7 whether it's with FSSAT, whether it's SESIR,  
8 and I think Superintendent Forson, you just  
9 mentioned, is that up until recently, up until  
10 this event, a lot of these were just forms that  
11 were filled out, it was kind of a check the box  
12 type thing. Look what we saw with FSSAT and  
13 just straight non-compliance. Remember when we  
14 through all that and how many districts, either  
15 with the district wide report, and remember,  
16 the school specific report out of -- depends  
17 upon the number use, close 4,000 schools in the  
18 state of Florida in 2017, there were only 16  
19 that did school specific reports. Now, they  
20 weren't mandated, so this is a climate that's  
21 been out there, and it is changing, and I think  
22 this commission's work has caused it to change,  
23 and the legislature is causing it to change.  
24 So as you will see when we go through the bill,  
25 it is on an evolution process and there are

1 more -- there's more import being given to it  
2 when in the past in some places, it was merely  
3 -- and we know this with the FSSAT as an  
4 example, it's merely oh, I just got to do a  
5 check the box get it done and it was  
6 meaningless.

7 SPEAKER: Perfunctory.

8 SHERIFF GUALTIERI: Perfunctory, it was  
9 very perfunctory. So next one -- and I'll get  
10 you on the list. The next one is Mr.  
11 Schachter.

12 MR. SCHACHTER: Thank you, superintendents  
13 for presenting today. Let me get my questions.  
14 Okay. First of all, I'd like to make the  
15 commissioners aware in reference to the  
16 Sheriff's comment that the federal government  
17 is currently in the process of developing a  
18 federal school safety clearing house. So hope  
19 -- and that's -- the purpose of that is to make  
20 a repository of national school safety best  
21 practices. So I was just in Washington with  
22 the sheriff about that issue, meeting with the  
23 four agencies that are forming this clearing  
24 house, so I just want to make you aware of  
25 that. More specifically to you to you

1 gentlemen, thank you for being here, I'm so  
2 glad to have your expertise, you know, here  
3 today. You -- let's see here. It was  
4 Superintendent, you mentioned, I think it was,  
5 let's see, it was superintendent Griffin that  
6 mentioned -- no, no, no, actually, it might  
7 have been Shirley, that mentioned that you use  
8 SESIR to make decisions and to -- and where to  
9 apply more funds or resources; is that correct?

10 SUPERINTENDENT SHIRLEY: Not SESIR, a  
11 conduct report.

12 MR. SCHACHTER: Okay.

13 SUPERINTENDENT SHIRLEY: The data from a  
14 conduct report.

15 MR. SCHACHTER: Okay.

16 SUPERINTENDENT SHIRLEY: Our conduct  
17 reports for us are much more user friendly and  
18 give us much more actionable data than what we  
19 get from SESIR.

20 MR. SCHACHTER: Does anybody use --

21 SUPERINTENDENT SHIRLEY: And we actually  
22 staff, again, in part based on the discipline  
23 data that we get.

24 MR. SCHACHTER: Does anybody use SESIR to  
25 apply more funds to a specific school in any

1 way?

2 SUPERINTENDENT SHIRLEY: Not SESIR.

3 MR. SCHACHTER: Not SESIR. Any of the  
4 other superintendents?

5 DR. GRIFFIN: In Seminole County, we take  
6 a look at several factors, SESIR is one of  
7 them.

8 MR. SCHACHTER: Okay.

9 DR. GRIFFIN: And that's really for dean  
10 assignment. We have a point system, so a  
11 school that is a little more at risk appears to  
12 have some more safety issues might receive a  
13 few additional points to help additional staff.

14 MR. SCHACHTER: And what are those points?  
15 What happens then?

16 DR. GRIFFIN: Then the points are given to  
17 a principal for all their noninstructional  
18 staff, so non-teachers, and a school could earn  
19 a few additional points for a variety of  
20 average factors.

21 MR. SCHACHTER: And so they if they have  
22 more SESIR violations, they would get more  
23 staff at their school?

24 DR. GRIFFIN: We would look at SESIR,  
25 school discipline, achievement, several pieces

1 to determine if the school is more at risk than  
2 another, a school that needs some more support,  
3 and a school that that needs more support would  
4 receive some additional points.

5 MR. SCHACHTER: Okay. Are you aware of  
6 any financial incentives for principals to  
7 underreport? Do they get a bonus if their  
8 school has less --

9 DR. GRIFFIN: Absolutely not.

10 MR. SCHACHTER: Any -- no? Would there be  
11 any financial incentives to over report and  
12 report more instances? No?

13 DR. GRIFFIN: Not in Seminole County.

14 SUPERINTENDENT FORSON: Not in St. Johns.

15 SUPERINTENDENT SHIRLEY: Not financial.  
16 Again, if we staff based on a formula, and the  
17 particular behaviors you have based on the  
18 conduct report might generate more  
19 administrative support staff.

20 SUPERINTENDENT FORSON: Can I just address  
21 - - one of the -- I think -- and Superintendent  
22 Shirley has referenced this is, in our  
23 discipline coding in the system, we do the same  
24 thing. We actually look at it monthly among  
25 our leadership team and we're looking at it as



1 consequences, but what happens is those SESIR  
2 incidences are embedded in that. So you don't  
3 pull out SESIR separately. We look at that  
4 because that's all build -- that's the school  
5 and you know where SESIR also can grab outside  
6 of the school, we're talking about resources  
7 and situations that are happening to kids  
8 during the day and that's probably, honestly,  
9 where we put most of the energy or most of the  
10 attention of the evaluation of that data.

11 MR. SCHACHTER: And then my last couple of  
12 questions were pertaining to, let's see here,  
13 Superintendent Griffin talked about the Hope  
14 scholarship and how important combating  
15 bullying is and I agree with you. We have  
16 learned that, that is one of the factors that  
17 these school mass murderers, you know, have a  
18 commonality. We just heard a Secret Service  
19 presentation on that. How important do you  
20 view culture and climate on your campus and  
21 when was the last time you conducted a survey,  
22 and if I could -- yea.

23 DR. GRIFFIN: It's very important.  
24 Actually, I had our attorneys, Surita Beman  
25 (ph.), probably two weeks after the memo came

1 out from DOE related to the Hope scholarships  
2 to where we had to investigate and follow  
3 through on substantiated and unsubstantiated,  
4 do a training with every one of our principles  
5 right away. As a result, we are monitoring  
6 that data very, very closely, making sure that  
7 we continue the training and all the pieces are  
8 taking place related to the requirements for  
9 that. But adding the unsubstantiated piece has  
10 created some additional work for the schools.

11 MR. SCHACHTER: Do you conduct a culture  
12 and climate survey to get an idea of, you know,  
13 how it is on the actual campus?

14 SPEAKER: Not specifically on Hope or just  
15 ongoing. We use something called five  
16 essentials, which is reliant -- very reliable  
17 and valid. It's from the University of  
18 Chicago. I think a few other districts use it  
19 and it measures several things, including  
20 school climate.

21 MR. SCHACHTER: Okay. And then  
22 Superintendent Forson, you mentioned culture  
23 and climate as well and talked about important  
24 it is, do you conduct a culture and climate  
25 survey and how do you prove that? I know you

1 spoke about that.

2 AB C: We do, and of course, and annual  
3 surveys that we do that -- because the culture  
4 climate peace is not just a student piece, it's  
5 an adult piece and community piece as well.  
6 And so those surveys are like your school  
7 improvement type surveys, but they are focused  
8 on, or an element of that is specifically to  
9 the issues of feeling safe, having someone you  
10 can go to. I mean -- if we survey kids, it's  
11 about is their adult in this school that you're  
12 comfortable going to. Do you feel safe each  
13 day when you come to school. So those surveys  
14 are used, and typically, they're fairly  
15 positive. So I think the surveys have a value.  
16 I think the real data probably has a little  
17 greater value of what's, not just what I feel,  
18 but what am I seeing at the school as well.

19 DR. GRIFFIN: I do want to add to that  
20 because in addition to the five essentials  
21 survey which is quantitative data, this year, I  
22 conducted with our captain and one board member  
23 at each session, a student forum at every  
24 single high school to get their feedback. And  
25 I'll tell you, a student voice is really

1 important and from that, we speak about  
2 hardening and softening our campuses because  
3 hands down, every high school, every student  
4 forum, the most important thing that made  
5 students feel safe if they had at least one  
6 person on campus that they trusted, and they  
7 could turn to.

8 MR. SCHACHTER: Thank you very much.

9 SHERIFF GUALTIERI: Commissioner Larkin-  
10 Skinner, did you have a question?

11 COMMISSIONER LARKIN-SKINNER: Dr. Griffin,  
12 you mentioned that, I think it was you, yes,  
13 that the boots on the ground folks wanted a  
14 dashboard, a student dashboard and I was just  
15 wondering if you could say more about that  
16 because my vision of a dashboard is something  
17 that gives you sort of a snapshot. It's  
18 usually aggregated data. But when you put  
19 student in front of it, it makes me think that  
20 what they're really asking for is a place to go  
21 where they can look up a specific student and  
22 have a dashboard specific to that student.

23 DR. GRIFFIN: I think less is more, and I  
24 think they really want the data aggregated  
25 related to school safety that could help them

1 immediately identify a student either on their  
2 campus or a student transferring to their  
3 campus from another public school, private  
4 school, homeschool, who has any factors that  
5 student may need some mental health screening,  
6 some additional counseling, maybe a chat with  
7 law enforcement, but we -- the schools need  
8 these tools for immediate identification and  
9 something that is simple to use at time of  
10 registration. We do a pretty good job  
11 superintendent to superintendent. If we have a  
12 student who we know is involved with law  
13 enforcement talking to each other and so on,  
14 but it absolutely has to be formalized. And  
15 I'll tell all of you sitting here, some of my  
16 biggest concerns are students who come from  
17 schools that are not part of our system,  
18 private school, students coming from  
19 homeschool, we've had issues with students who  
20 came to us when controlled open enrollment when  
21 we had to allow other students in because we  
22 had some capacity.

23 So it has to be as many students, I would  
24 say all students, I know that's not possible,  
25 but as many students as possible that we have

1 an analysis on so that we can take action  
2 immediately.

3 COMMISSIONER LARKIN-SKINNER: Mr. Chair,  
4 is it appropriate if we can ask Dr. Griffin and  
5 his colleagues maybe for an example to provide  
6 to this commission? Because I think that it's  
7 something that would be of value, I think -- if  
8 they think it would be of value, maybe we could  
9 take a look at it and recommended in the  
10 future, but I feel like I need a picture of it  
11 to be able to make a good recommendation.

12 SHERIFF GUALTIERI: Of the dashboard?

13 COMMISSIONER LARKIN-SKINNER: Yeah, yeah.  
14 Of what it would look like, how they would use  
15 it. I imagine if that's their recommendation,  
16 they must have an idea or picture in their  
17 head.

18 SHERIFF GUALTIERI: Well, and I think --  
19 maybe hold that too. You're going to hear in a  
20 few minutes from DOE from Brooks Rumenik is  
21 going to come up and talk about their vision of  
22 the path forward and maybe that'll involve  
23 maybe one of the superintendents mentioned a  
24 collaborative working group in conjunction with  
25 DOE on this issue and topic and that might be

1 something that would be appropriate for that  
2 working group. So hold that and maybe bring it  
3 back for DOE.

4 COMMISSIONER LARKIN-SKINNER: Okay. Thank  
5 you.

6 SHERIFF GUALTIERI: Commissioner Petty,  
7 you're next.

8 COMMISSIONER PETTY: I'm okay.

9 SHERIFF GUALTIERI: Commissioner Carroll.

10 MR. CARROLL: Thanks for being here. Just  
11 a quick question. On the comparative data, I  
12 heard superintendent -- I think it was  
13 Superintendent Griffin talk about that you do  
14 look at when there are variances among schools  
15 with respect to SESIR. Do you look at specific  
16 SESIR data or is that SESIR data that's  
17 integrated school discipline data?

18 DR. GRIFFIN: It is -- on the report that  
19 is given to me at our cabin and the cabin are  
20 my assistance from our school safety director,  
21 is specific SESIR data and we do this with all  
22 reporting mechanisms, but I'm speaking about  
23 SESIR today. And we just take a look at it as  
24 a group to see if there are any outliers,  
25 things we need to know. If we have a new

1 principal at a school, is it seem okay, have  
2 they received the training that they need. But  
3 we look specifically at just about -- not --  
4 just about every report that before we push  
5 that send button to DOE, I know SESIR survey  
6 five, we'll be doing that real soon. We take a  
7 look before I sign off it.

8 MR. CARROLL: Okay. And when you do that,  
9 what triggers the actual deeper dive with  
10 respect to the outliers?

11 DR. GRIFFIN: We look at comparable  
12 schools. So we make a look at, let's just say,  
13 two middle schools, they have a comparative  
14 student population, maybe both schools are 50,  
15 55 percent free and reduced lunch, seem to have  
16 a pretty similar demographic, we do a median  
17 for all the schools and the ones that are  
18 outliers, the ones that are, especially for  
19 SESIR, the ones that appear to have lower  
20 numbers in certain areas, we take a look at and  
21 then we may even look at some of the higher  
22 numbers to figure that out. But it's us just  
23 trying -- trying to get that reporting as  
24 accurate as possible.

25 MR. CARROLL: But those -- I guess I'm



1       just trying to find out if whether when you're  
2       doing this analysis, you definitely will get to  
3       if there's a data reporting issue but is there  
4       case where there's lower numbers because  
5       there's some best practices that exist at that  
6       school that drive that culture?

7           DR. GRIFFIN: Absolutely. And we -- and  
8       we pull those best practices out and we share  
9       them district wide. There's a lot of different  
10      things that take place, I think it goes back to  
11      what we were saying before. We absolutely see  
12      evidence, the stronger the relationships, the  
13      more positive the climate, the better the  
14      student behavior, the better student  
15      attendance, and all those factors. So we learn  
16      from data also.

17          MR. CARROLL: Okay. And when you submit  
18      it, so you hit that submit button, do you ever  
19      get to look at aggregated statewide data and  
20      how you and your county do compared to that  
21      aggregated data?

22          DR. GRIFFIN: I don't know if it's  
23      provided for us, but I have not looked at  
24      comparative state data.

25          MR. CARROLL: Because I think that's what

1 we saw, was we saw aggregated statewide data  
2 and if you look at the aggregated statewide  
3 data, the variance between counties is striking  
4 and so it's clear that -- and I know that it  
5 was a data repository up until this time so no  
6 one from DOE was really looking at it, but I'm  
7 surprised that the school districts themselves,  
8 the best practice purposes for that same reason  
9 that you gave for looking at outliers within  
10 your school district because there are some  
11 significant outliers in that statewide data  
12 reporting and it seems as though nobody has  
13 looked at it at that level. But it's clear  
14 there are different reporting processes from  
15 one school district to the next. Okay.

16 SHERIFF GUALTIERI: All right. We got  
17 just a couple of minutes left in this session.  
18 Commissioner Dodd and then we'll wrap up.

19 COMMISSIONER DODD: Yes, thank you all for  
20 coming today and sharing as superintendents.  
21 And I heard Mr. Shirley talk about if we're  
22 allowed to have workgroup and Mr. Chairman, you  
23 mentioned that, too. So I get what you're  
24 saying is allowed through DOE to be a part of a  
25 workgroup, is that kind of how that comment

1           came out?

2                   SUPERINTENDENT SHIRLEY:   That's how I  
3           envision it.   I think we all need to be sitting  
4           at the table because we have -- sometimes we  
5           have different purposes when we develop a  
6           document or a form or process and so by sitting  
7           all at the table and having a workgroup, we can  
8           get different perspectives on what needs to be  
9           included or not included, and what can be  
10          minimized or perhaps streamlined.

11                  COMMISSIONER DODD:   And that, it would be  
12          a revamp or maybe some change in definitions  
13          and looking at how we could get more  
14          consistency statewide and reporting data, would  
15          that be a major part of that?

16                  SUPERINTENDENT SHIRLEY:   I think it could  
17          be a part of it, but sometimes you have to kind  
18          of being with the end in mind.   You know, what  
19          is it you want to accomplish?   What data do you  
20          need?   Because sometimes we I think we gather  
21          useless trivia and I think what we really need  
22          to focus on is what is really actionable data  
23          that will help us have a safer school  
24          environment and we can use the shotgun approach  
25          and do all this or we can focus and I think we

1       need to focus on that which is most important  
2       and at meets the DOE needs, that meets the  
3       needs of the commission, that meets the needs  
4       of the legislature and certainly meets the  
5       needs of the school.

6               COMMISSIONER DODD:   And -- but that would  
7       help reduce this variance that we have seen in  
8       the aggregate.   I mean that would -- that  
9       workgroup and the fads and your organization  
10      would be a part of helping to better  
11      communicate the data collection process and  
12      making sure that from a professional  
13      standpoint, there's more consistency and  
14      hopefully reduce that variance.

15             SUPERINTENDENT SHIRLEY:   And there as part  
16      of that, may be common training program or  
17      training modules, that kind of thing.

18             COMMISSIONER DODD:   Okay.

19             SHERIFF GUALTIERI:   All right.   Thank you,  
20      Superintendents, we appreciate you being here.  
21      Thank you.   Let me ask, excuse me, on behalf of  
22      DOE Brooks Rumenik is going to come up and --  
23      try it again -- Brooks is going to come up and  
24      explain where DOE sees this going as a result  
25      of 7030 and the path forward.   Good morning.

1 Thank you for being here. I said good morning  
2 thank you for being here.

3 MS. RUMENIK: Good morning. Thank you. I  
4 appreciate the opportunity --

5 SHERIFF GUALTIERI: Her microphone is not  
6 working.

7 MS. RUMENIK: Yes, much better, thank you.  
8 I certainly don't want to be too redundant of  
9 what the superintendents were speaking to, but  
10 it is very comforting to hear, always, from our  
11 superintendents and to hear that we are well in  
12 line with their intentions and the  
13 recommendations that they are putting forth and  
14 we look forward to further working with the  
15 superintendents and others moving forward with  
16 improving SESIR.

17 I would like to start by sharing that we  
18 understand there are definite issues with  
19 SESIR, and we are open to recommendations on  
20 all sides and how we can make it a more  
21 efficient and effective use of data collection.  
22 If you can click to the first slide, that would  
23 be great.

24 So I want to start by sharing some of the  
25 changes that were specific coming out of Senate

1 Bill 7030. Many of these you have heard this  
2 morning, but I would like to touch on these and  
3 as possible, kind of delve a little bit more  
4 deeply into them. SESIR will be included in  
5 the centralized integrated data repository that  
6 is anticipated by August 1st of this year. My  
7 understanding is that, that has already been  
8 worked out and we're already feeding that in  
9 and that has not been problematic. Thank you  
10 very much. Additionally, within 7030, our  
11 office is required to ensure compliance with  
12 the SESIR reporting requirements and we're  
13 finalizing what that's going to look like and  
14 how we can better support school districts in  
15 ensuring that they are reporting accurately and  
16 timely.

17 Third bullet speaks to charter schools and  
18 for the first time, it's been very clearly  
19 spelled out in legislation. The requirement  
20 that charter schools comply with SESIR  
21 reporting, I think this is been an issue ever  
22 the years, some ambiguity as to what charter  
23 schools are required to report and not and I  
24 have already been involved with a number of  
25 opportunities to speak directly to charter

1 school representatives, new charter schools as  
2 well as veteran charter school or charter  
3 school governing boards and liaisons from  
4 school districts that help support the efforts  
5 of the charter schools. This has taken place  
6 in the last month and there are some additional  
7 training opportunities and conversations  
8 forthcoming where I get to reiterate that as  
9 well and it was very nice to have that clearly  
10 laid out in legislation this year so that all  
11 parties are understanding their  
12 responsibilities moving forward.

13 Final bullet on this page is that school  
14 safety specialists are required to review their  
15 district SESIR reporting for compliance.  
16 Previously, there have been representatives  
17 designated by the school superintendents that  
18 are kind of our point of contact, our liaison  
19 with regard to SESIR specifically, but this  
20 adds another layer because of the involvement  
21 of the school safety specialist, and we look  
22 forward to working more closely with regard to  
23 this and helping everyone understand these  
24 requirements.

25 Continuing on, school boards must adopt

1 policies for SESIR reporting. I don't know  
2 that this is all that new, but it does specify  
3 it more clearly now that the legislation has  
4 identified it this past year. And then  
5 finally, superintendents are subject to  
6 penalties for non-compliance with SESIR  
7 reporting requirements, including the holding  
8 at their salary and we heard about that in the  
9 previous session as well. What is not  
10 identified here but it is important to  
11 understand as well from 7030, is that rule  
12 making authority has been provided to the state  
13 Board of Education and the Department of  
14 Education for SESIR reporting and that's the  
15 teeth that we've been lacking some clarity if  
16 you will, some guidance directly to school  
17 districts and what the expectations are and  
18 what should look like. So we are eager to get  
19 rolling, moving forward for communicating that.  
20 And I jumped a little too quickly. I'm a bit  
21 eager to be done, right.

22 So in the meantime, since Senate Bill 30  
23 was relatively recently signed, I think it's  
24 maybe been three weeks at the most, DOE started  
25 moving forward with improving the quality of



1 the state not wanting to wait on the  
2 legislation and so I have a few points that I'd  
3 like to speak to with regard to that as well.  
4 So one of these is the review of existing  
5 reporting requirements and we met just after  
6 the April Marjorie Stoneman Douglas commission  
7 meeting with leadership to discuss what this is  
8 going to look like, what recommendations we  
9 have at that leveled just as a starting point  
10 and we'll continue to be meeting on this topic  
11 moving forward as well. Additionally, more  
12 on-site training is scheduled. We actually  
13 have staff right now out in the field  
14 conducting training as pretty much ramped up  
15 very strongly during the summer months anyway,  
16 and additional trainings throughout the summer  
17 will take place. We're also working to  
18 communicate the availability of training face  
19 to face, online, however is best desired and  
20 will continue to do that at the request of  
21 school districts and at the recommendation for  
22 need from our office as well.

23 There's a SESIR workgroup that will begin  
24 meeting this summer to clarify incident  
25 definitions. It falls straight in line with

1        what our superintendents were requesting and  
2        recommending, and this will be comprised of a  
3        group of district leaders and school-based  
4        leaders as well as folks within the department  
5        for making those recommendations. And  
6        continuing on, outreach to districts on  
7        training options. As often as possible, we  
8        continue to share information on how those that  
9        are responsible for reporting can be trained  
10       up, if you will. The commissioners sent a memo  
11       out on Friday, Commissioner Corcoran, and that  
12       email was not just to superintendents, we were  
13       able to forward that and spread it far and wide  
14       to our SESIR liaisons as well as our school  
15       safety specialist and within that also  
16       providing additional guidance for how we can  
17       better support their needs with regard to SESIR  
18       currently, in its current iteration as well as  
19       what that's going to look like moving forward  
20       and helping folks better report on these  
21       challenging topic areas, if you will.

22        Additionally, proposed changes to SESIR  
23       will be shared with the commission at a future  
24       meeting. Obviously, we welcome the opportunity  
25       to come back and talk to you periodically as to

1 where we stand in this process. And then we  
2 are eager and excited to report that we  
3 understand additional staff have been built  
4 into or allowed for as a result of recent  
5 legislation and that will allow us the  
6 opportunity to provide additional training, to  
7 look better at what compliance will be  
8 comprised of and compliance checks and  
9 monitoring districts and supporting their needs  
10 in that way. So that is my short and to the  
11 point PowerPoint.

12 SHERIFF GUALTIERI: You mentioned up  
13 there, and this is an important problem that  
14 needs to be resolved on the definitions and you  
15 mentioned a work group that is formed and  
16 forming and will work on those definitions.  
17 One of the things I'm not clear on and maybe  
18 you can answer is, I know that the legislature  
19 gave you and the state Board of Education rule  
20 making authority regarding SESIR. But in order  
21 to change those definitions or amend the  
22 definition so they are more closely aligned,  
23 let's say with others and more easily  
24 understood and applied, is that something the  
25 department can do unilaterally, or does that

1 have to go through the rule making process, do  
2 you know?

3 MS. RUMENIK: I think that, that can be  
4 done even without ruling making authority.

5 SHERIFF GUALTIERI: Okay.

6 MS. RUMENIK: But fortunately, with rule  
7 making authority, we can align those efforts  
8 and do it simultaneously.

9 SHERIFF GUALTIERI: Right. But of course,  
10 the rule making process is --

11 MS. RUMENIK: Right.

12 SHERIFF GUALTIERI: It takes time. It's  
13 very, if you will, bureaucratic and there's a  
14 whole process it has to go through where in  
15 order to get this right and fast, and what I  
16 was hoping was that's the answer that you all  
17 can, with this work group, because it's  
18 important that this roll out ASAP and not have  
19 to go through some -- and maybe memorialize it  
20 long term at rule making, but at least  
21 initially be able to make those adjustments.

22 MS. RUMENIK: Well, prior to our being  
23 provided rule making authority, we could change  
24 the definitions --

25 SHERIFF GUALTIERI: Okay.

1 MS. RUMENIK: -- not necessarily at will,  
2 but --

3 SHERIFF GUALTIERI: Right.

4 MS. RUMENIK: -- you know, as needed to  
5 tweak it to better align with what the  
6 legislation looked like. So I don't feel like  
7 we're going to be hindered by that at all.

8 SHERIFF GUALTIERI: All right. Any  
9 commission numbers -- Sheriff Ashley, go ahead.

10 SHERIFF ASHLEY: What -- what do you, your  
11 opinion, expect -- what will the Department of  
12 Education, what feedback, what response will  
13 they give to outlying data that is  
14 significantly different than others? You know,  
15 we're going to a standardized data, we're  
16 trying to get back correct information. So  
17 what will you do when somebody has excessive  
18 thefts or excessive fights or excessive  
19 whatever at their schools? What will the  
20 Department of Education feedback or response be  
21 to that?

22 MS. RUMENIK: We have had a system  
23 established in place for quite some time where  
24 we do kind of a summary overview of what the  
25 data looks like to us and what outliers kind of

1 creep in comparison, perhaps, maybe with maybe  
2 an average number and we've provided that to  
3 districts over the years. Not within the past  
4 year, just because of other conflicting  
5 priorities. Moving forward, you're speaking,  
6 as I understand it, more toward compliance  
7 aspects of it and I can't speak at this time to  
8 the specifics of that, I don't know what that's  
9 going to look like because that's going to take  
10 that work group and a team evaluating what  
11 things we'll be looking at, what we will do  
12 about --

13 SHERIFF ASHLEY: I think the thing that I  
14 heard the most from the three superintendents  
15 that came today was, they got no feedback from  
16 Department of Education on SESIR reporting, in  
17 the past. I'm just wondering if we make all  
18 this and clarify all this and give guidance and  
19 we have consequences, what feedback can they  
20 expect from the Department of Education on  
21 their SESIR reporting?

22 MS. RUMENIK: I'm quite certain we will be  
23 ramping our efforts that we had established  
24 previously. What is helpful, sometimes  
25 painfully so, is the laser light focus on SESIR

1 right now, so everybody is paying better  
2 attention, and I think that gives us all an  
3 opportunity to address that kind of more  
4 clearly. I don't know that I'm able to speak  
5 to the question that you're asking in a way  
6 that you're --

7 SHERIFF ASHLEY: Thank you.

8 SHERIFF GUALTIERI: Mr. Dodd.

9 COMMISSIONER DODD: Has there been any  
10 consideration of requiring like a certification  
11 for the administrators who will be classifying  
12 the incidents to make sure that they've been  
13 trained, to make sure they are aware of the  
14 definitions, aware of the standards?

15 MS. RUMENIK: There is through our online  
16 SESIR training, [www.SESIR.org](http://www.SESIR.org), a process to  
17 which they go through and review potential  
18 SESIR incidents and kind of score themselves.  
19 At the end, there is a certification or a  
20 certificate that gets issued to those that  
21 participate. That's been in place for a number  
22 of years.

23 COMMISSIONER DODD: So the issue with the  
24 training though that we've heard that, you  
25 know, it needs to be better and more training,

1 would that training then that's been in  
2 existence for years, would that be revamped?  
3 Would that be extended? What will happen  
4 there?

5 MS. RUMENIK: I anticipate, most  
6 definitely, all of it being reassessed,  
7 re-evaluated, and then ramped up as needed, for  
8 their purposes, for our purposes. What that's  
9 going to look like, I am not sure. I  
10 anticipate having still the opportunity for  
11 both face to face training and online training  
12 because I think there's a need for both. And  
13 just because you receive face to face training,  
14 doesn't mean you've got it and you can run with  
15 it. You need constant refresher and additional  
16 support and understanding. And one of the  
17 things we do that, I don't know if you would  
18 consider it training or not, but when incidents  
19 occur, sometimes we're perplexed at the state  
20 and the district as to how to code it, you  
21 know, how do we -- is this even a SESIR  
22 incident. You know, if things bubble up and  
23 we're not sure exactly how to do it. So I'm  
24 very appreciative.

25 We have a good number of contacts within



1 the school districts that reach out to us on a  
2 regular basis and ask us those questions. Hey,  
3 I'm working through this, I just want to do a  
4 great job of making sure I'm reporting it right  
5 or I'm, you know, dotting I's and crossing T's.  
6 That level of constant communication and  
7 support between the state and the school  
8 districts, I think, is very valuable and it's a  
9 lesson for us as well because we better  
10 understand what the challenges are faced within  
11 the school districts and individual schools and  
12 how we might be able to better support them. A  
13 lot of times, incidents like that feed into our  
14 online training system and give us an  
15 opportunity to share that out with others.  
16 Hey, this is something that has been  
17 challenging and here's our recommendation for  
18 how to code it or how to report it and just  
19 kind of sharing that information amongst all  
20 the districts.

21 SHERIFF GUALTIERI: Commissioner Petty.

22 COMMISSIONER PETTY: Thank you for the  
23 update today. Has there been any thought to  
24 adding parents to the working groups to get  
25 their perspectives?

1 MS. RUMENIK: I'm very open to any and all  
2 suggestions. I don't know that that one has  
3 come up, but I am -- my first go to aside from  
4 state level leadership and school district  
5 leadership would be parents and students. I  
6 think it's very valuable to have that  
7 perspective when we're moving forward with  
8 anything of this level, so I will certainly  
9 include that in our recommendations. Thank you.

10 SHERIFF GUALTIERI: Secretary Mayhew, go  
11 ahead.

12 SECRETARY MAYHEW: And I apologize if this  
13 has been covered before, but there are so many  
14 parallels between this -- these challenges  
15 around reporting, and definitions, and  
16 training, and the culture of safety with what I  
17 recall over 20 years now for hospitals to  
18 report on medical errors and sentinel event  
19 reporting and this is something where there's  
20 been a great deal of national research and  
21 attention on many of the same issues, a lack of  
22 reporting for fear of punitive consequences.  
23 And so a lot of ground cloud on how to  
24 standardize definitions, the training when you  
25 think about staff turnover in hospitals and

1 health care facilities, many of the same  
2 issues. So to the extent that there is  
3 valuable research on how many of those same  
4 issues, same barriers and challenges have been  
5 addressed both through the institute of  
6 medicine, the agency for health care research  
7 and quality, there may be some shared best  
8 practices that could help inform the work group  
9 and I'm certainly happy to provide any  
10 additional information on that.

11 MS. RUMENIK: I greatly appreciate, you  
12 know, your insight and that recommendation.  
13 It's certainly not one that I would have  
14 immediately jumped to, so thank you.

15 SHERIFF GUALTIERI: All right.  
16 Commissioner Harpring, go ahead.

17 MR. HARPRING: Thank you for being here.  
18 Just a quick question, through the course of  
19 the many months that we've met and even to some  
20 extent this morning, it has been suggested that  
21 many of the districts complete the SESIR date  
22 and submit it because they're required to and  
23 they actually use other internal data that's  
24 gathered on a very decentralized level to  
25 adjust the course and scope of their

1 distribution of resources within their  
2 particular districts. If we didn't gather  
3 SESIR data on a statewide level, if the  
4 districts were required to just report that  
5 locally, what detriment would there be if we  
6 didn't invest the time, the resources, the  
7 personnel, the money into gathering SESIR data  
8 if it's really not used for anything other than  
9 perhaps informative purposes on a broader scale  
10 as opposed to actually actions to make schools  
11 better and safer on the local level?

12 MS. RUMENIK: I feel that that's certainly  
13 something that will be discussed in the work  
14 group, making some determinations of why we are  
15 collecting this and what do we need to collect.  
16 Certainly, at the federal level, there are some  
17 reporting requirements that I don't know that  
18 -- I'm certainly not in a position to be able  
19 to say oh, we can just kind of toss that out  
20 with the, you know, with the baby or what not,  
21 but -- so they're looking at the federal  
22 requirements and specific state level  
23 requirements in our own legislation. Those, I  
24 think, are -- if we streamline everything down  
25 to just looking at those, that's at least

1 simplifying the reporting requirements.  
2 Throwing the whole thing out on its end, I  
3 don't know if that's possible, but that's  
4 certainly a conversation we will be having I --  
5 at least I anticipate, within the work group.  
6 Thank you.

7 SHERIFF GUALTIERI: Okay. Brooks, thanks  
8 for being here, we appreciate and look forward  
9 to working with you in future updates on that  
10 topic. Thank you.

11 MS. RUMENIK: Thank you.

12 SHERIFF GUALTIERI: All right. Why don't  
13 we -- we're a little bit behind, but we'll get  
14 caught up here. I've got 10:20, why don't we  
15 take 15 minutes and we'll start again promptly  
16 at 10:35.

17 (Thereupon, a break was taken, and the proceedings  
18 continued as follows:)

19 SHERIFF GUALTIERI: All right. We'll go  
20 ahead and get started again. We're going to  
21 now, and I'll kind of try and breeze through  
22 this to get us back on schedule here a little  
23 bit. Just going through Senate Bill 7030,  
24 we've organized this by topic and the bill took  
25 effect when Governor DeSantis signed it on May

1 8th. It incorporates a significant amount of  
2 recommendations from our January report, so I  
3 want you all to know what's in 7030 if you're  
4 not familiar with the details of it for a  
5 number of reasons. Not the least of which is  
6 because it has a lot of our recommendations in  
7 it and also is a map as to where things are  
8 going and a number of things that are going to  
9 have to be implemented that we probably just  
10 going to have to let take effect and see the  
11 course that is charted based upon these new  
12 laws and what is being implemented. So I'm  
13 going to kind of breeze through some of it  
14 because it is something you can read on your  
15 own, but I want to make you aware of some of  
16 the highlights of what is in that 54-page bill.

17 As it relates to the guardian program,  
18 there is a lot of discussion about sheriffs  
19 around the state not providing access to the  
20 guardian program, not approving the guardian  
21 program and that was occurring in some counties  
22 and I know we talked about it at the December  
23 meeting and we had recommended a requirement  
24 that if the school board approved the guardian  
25 program, that the sheriff would be compelled to

1 approve it and to implement it. So the  
2 legislature took that, but they modified it a  
3 little bit, but it still gets to the same place  
4 where school boards and charters who want the  
5 guardian program and even if the sheriff in  
6 that particular county is not on board for it  
7 and hasn't implemented it and won't do the  
8 training, that they can still have access to  
9 it. So I think it is a good compromise that  
10 gets everyone to the necessary place. So on  
11 page three of the presentation, it says that  
12 the sheriff, at a minimum, provide access to a  
13 guardian program.

14 On the next page, it talks about how that  
15 is accomplished and that the school board  
16 approves it, the sheriff has to establish it or  
17 -- or contract with another sheriff's office  
18 that has established a guardian program. So  
19 there are some sheriffs still in Florida that  
20 don't want to implement the guardian program  
21 but now is -- when they don't, that the  
22 contract can be with another sheriff's office  
23 to provide the training. It also has a  
24 provision in there about charter schools and  
25 that they may request the sheriff directly

1 establish a guardian program even if the  
2 district is not doing it.

3 On the next page, page five, it again  
4 talks about the denial and contracting with  
5 another sheriff. On page six and we're not  
6 going to get into this other than to mention  
7 where it is, it deletes from Florida law the  
8 prohibition against teachers participating in  
9 the guardian program. And it says that the  
10 sheriff shall certify guardians who meet the  
11 specified training requirements. It also gets  
12 into what is required. And I'm going to just  
13 highlight this here, this really hasn't  
14 changed, but sadly, it's troubling that when  
15 this bill was debated on the floor of the  
16 Florida house and the Florida senate and the  
17 committee meetings when people testified, the  
18 amount of misinformation and misstatements  
19 about what the guardian program is, is not in  
20 the training and there were some people that  
21 either got up there and just didn't tell the  
22 truth and misled or they didn't read this and  
23 understand it. But based on the number of  
24 times they did it, I have great concerns about  
25 what they didn't say and how they misled people



1       that cause concern by others because when they  
2       get up there and say that the entire guardian  
3       program training consists of no more than eight  
4       hours of firearms training, that's just flat  
5       out wrong. It's inaccurate. And done by some  
6       for improper and misleading purposes and it's  
7       just flat out wrong because the amount of  
8       training that is required for somebody to  
9       successfully complete the guardian program is a  
10      total of 144 hours. 132 hours of it involves  
11      firearms and defensive tactics training and  
12      that includes, and this is important, it  
13      includes tactical firearms training and  
14      specific active assailant response firearms  
15      training.

16           The guardians, and they go through that  
17      training, have to fire more rounds than a  
18      police recruit is required to fire in the  
19      police academy, and they are required to  
20      demonstrate proficiency at a higher percentage  
21      than police recruits are required to  
22      demonstrate in the police academy. So when  
23      people say that these people aren't receiving  
24      training, they aren't receiving adequate  
25      training, they're not receiving good training,

1       they are receiving all of that and more than  
2       what police recruits are required to receive  
3       and demonstrate proficiency within the policy  
4       academy. And this isn't one time. This isn't  
5       one and done, this is ongoing. And so if  
6       people want to disagree with it, fine, disagree  
7       with it, but disagree based on fact, don't make  
8       up your own facts and then say you disagree  
9       with it because it's an inadequate program.  
10      It's not.

11             On page nine, it sets up the framework and  
12      says that the sheriff who conducts the training  
13      shall issue the certificate to those guardians  
14      who pass the training to the satisfaction of  
15      the sheriff. So this is an important provision  
16      because we talk about in this how important it  
17      is to front load the process. These guardians  
18      are selected -- what makes the program  
19      successful is just because somebody applies  
20      doesn't mean they're going to be selected for  
21      it. And just because they go through the  
22      background and the screening process, doesn't  
23      mean they're going to make it through. And  
24      even if they do apply and they are selected for  
25      screening and they make it through the

1 screening and are selected for the training put  
2 on by the sheriff, it doesn't ensure they're  
3 going to make it through that training. And so  
4 nobody can be a guardian as it says on page  
5 nine, line 290 of the bill, until the guardian  
6 has passed the training to the satisfaction of  
7 the sheriff. And every sheriff that I know in  
8 the state of Florida that is putting on the  
9 guardian training is holding these people to  
10 rigorous standards and certainly, the  
11 requirements of the law and all of the weapon  
12 retention, shoot don't shoot, precision pistol,  
13 all of the things that are required are being  
14 done and not everybody who begins the training  
15 finishes it. So it's being done in the right  
16 way, again, contrary to what others are saying.

17 Now this is also a new provision and we  
18 supported this because while the sheriff should  
19 be and is the one that's responsible for making  
20 the determination whether the person is  
21 qualified from a skill set and whether they  
22 have satisfactorily completed the training is  
23 that the school superintendent, once the  
24 sheriff certifies the guardian and is satisfied  
25 the guardian meets the criteria and should be

1 certified, then it's up to the superintendent  
2 or the charter school principle to approve the  
3 placement of that guardian at a particular  
4 school. So it's a bifurcation of  
5 responsibility is that they don't get to be a  
6 guardian unless the sheriff approves them, but  
7 once the sheriff approves them, then the  
8 superintendent or the charter principle gets to  
9 decide which school that they are assigned to  
10 and how they participate because they are  
11 employees of the district.

12 Go over to slide 11, line 604 of the bill.  
13 The office of safe schools has to publish an  
14 annual report now regarding a number of safe  
15 school officers statewide and any discipline  
16 rendered against SSOs. So just as a refresher  
17 and remember is we're talking about SSOs, the  
18 safe school officers, is that we're talking  
19 about what were three and now are four  
20 categories. So remember, every school in the  
21 state, every charter, ever elementary, every  
22 middle, every high school, is required to have  
23 at least one safe school officer on campus at  
24 all times while school is in session. To be a  
25 safe school officer, you can be a police

1 officer employed by a city police department.  
2 You can be deputy sheriff employed by a  
3 sheriff's office. You can be a school's police  
4 officer if the school board has its own police  
5 department. That's all been existing, or you  
6 can be a guardian. And as you'll see here in a  
7 second, now the new category is, is that school  
8 districts and charters can contract with  
9 private security companies to provide that good  
10 person with a gun on the campus to be that safe  
11 school officer. So you've got cops, you've got  
12 guardians, and you've got contracted for  
13 private security as long as the private  
14 security personnel meet all the requirements of  
15 a guardian and go through the sheriff's  
16 guardian training to the satisfaction of the  
17 sheriff. So that's been expanding now into  
18 four different categories that can qualify to  
19 be this safe school officer, but that annual  
20 report regarding the number of all safe school  
21 officers and not just guardians. It's the  
22 entire category.

23 Page 12, slide 12, collaboration between  
24 the districts and the charters to access all  
25 school safety officer options. That's why I

1 just talked about in line 957, you can now be a  
2 security guard, but you have to meet all of the  
3 qualifications of the guardian, go through the  
4 sheriff's training. Slide 13, it sets up a  
5 framework where if a school district denies a  
6 charter access to the SSO options, is that --  
7 you will see it later in here and I'll breeze  
8 through it when we get to it, is that if they  
9 deny them access, then the school district may  
10 be required to provide the charter with an SRO.  
11 So that would mean a cop. And if they do that,  
12 because they denied access to all the school  
13 safety officer options and they have to provide  
14 an SRO to that charter school, the charter  
15 school is only responsible for paying the  
16 amount up to its safe school allocation that it  
17 gets.

18 Remember, the safe school allocation and  
19 we'll talk about those dollars here in a  
20 minute, but the safe school allocation goes  
21 down to each district and then when the  
22 district gets its safe school allocation, is it  
23 has to allocate certain dollars out of its  
24 allocation to the charters. So each charter is  
25 getting an amount of safe school money and its

1 viability, its limit on its payment to the  
2 district for that SRO is limited. You can't  
3 exceed the amount that its getting in its  
4 allocation. So if the district doesn't  
5 cooperate, technically, the district can be on  
6 the hook for paying some of that bill for that  
7 SRO if it's not covered by the allocation. So  
8 that's the framework that's set up.

9 Moving into the next topic on slide 14,  
10 which is school hardening. This was mentioned  
11 briefly earlier, so I just refresh everybody on  
12 it if you're not up on it is that Governor  
13 DeSantis, on February 13th, issued an executive  
14 order regarding school safety. A day before  
15 the anniversary of Parkland. And there were a  
16 number of provisions in that executive order  
17 and one was, is the Department of Education is  
18 required to submit a report by July 1st of this  
19 year, July 1, 2019, on school hardening and  
20 physical site security mitigation and that  
21 report has to be submitted by July 1st. I  
22 think you will hear -- you will learn more  
23 later from DEO, they have been working on this  
24 and have a working group that has been put  
25 together, but this now goes hand in hand with

1 the requirements in the law, not just the  
2 executive order but in the law, under 7030 that  
3 DOE has to convene through the Office of Safe  
4 Schools, OSS, a school hardening and harm  
5 mitigation work group to come together and make  
6 recommendations and they have to submit a  
7 report by August 1, 2020. So I think what you  
8 will hear from DOE is that the report that will  
9 be submitted by this July 1st will kind of be a  
10 high-level overview and then this group will do  
11 a deeper dive and submit a more comprehensive  
12 report under the statute by August 1st of 2020.

13 There is a framework about how the process  
14 goes and the report goes to the director of the  
15 Office of Safe Schools, which is Damien Kelly,  
16 a prioritized list, estimated cost, timeframes  
17 for implementations and then the director has  
18 to submit recommendations to the commissioner  
19 and ultimately, the commissioner has to submit  
20 those recommendations to the Governor and to  
21 the legislature. And that's over on slide 17.  
22 By September 1, 2020, the commissioner has to  
23 submit that summary of recommendations. So  
24 there is a whole process over the next year.  
25 It begins with July 1st and that's under the



1 executive order. Then the harm mitigation  
2 group continues to work or expands as DOE makes  
3 that determination and then they have to submit  
4 a report by August and then ultimately the  
5 commissioner to the Governor and to the  
6 legislature by September 1, 2020.

7 Over on slide 18, compliance and  
8 oversight. We've talked about this a little  
9 bit but there's a lot more teeth and as a  
10 commission, we ask for this. We recommended  
11 it. I know I had discussions with Commissioner  
12 Corcoran about it and with the provided  
13 officers in the legislature about it and they  
14 listened. And there is a lot more teeth now  
15 and the law was amended to say that the  
16 Department of Education and the commissioner  
17 shall "oversee compliance" with the Marjorie  
18 Stoneman Douglas High School public safety act.  
19 So all of it was in 7026. They have direct  
20 oversight in -- they can impose or recommend.  
21 So here, the commissioner must facilitate  
22 compliance and the commissioner has the  
23 authority to impose or recommend to the Board  
24 of Education or the legislature enforcement and  
25 sanctioning actions under 1008.32.

1           When you look at that, it has some teeth  
2           to it and probably the biggest set of teeth  
3           that it has is that it would allow the  
4           commissioner to withhold funding from the state  
5           to any district that is not in compliance and  
6           also make them ineligible for grants. So  
7           that's a pretty significant piece of authority  
8           that the commissioner has because it says here  
9           the commissioner can impose or recommend, so  
10          when you look at that is, is that if somebody  
11          is not in compliance and when you get an update  
12          tomorrow morning from Director Kelly, you're  
13          going to see, and sadly, wrongly, today, more  
14          than a year later, there are districts -- and  
15          you got an update last -- in April at the last  
16          meeting, but there's still districts today that  
17          are not in compliance. You still have schools  
18          that don't have safe school officers on the  
19          campus. You still have two districts that  
20          don't have an active shooter response policy.  
21          You have a whole bunch of other non-compliances  
22          still in existence. But now the commissioner  
23          has oversight authority and has compliance  
24          authority which was lacking previously.

25               Slide 19, officer of safe school is

1 required to monitor compliance with the  
2 requirements and non-compliance must be  
3 reported to the commissioner and the state  
4 Board of Education. So it creates a clear  
5 pathway for identifying non-compliance,  
6 identify deficiencies and that it has to be  
7 reported directly to the commissioner and to  
8 the Board of Education and then you go back to  
9 the previous slide is, is that they have  
10 oversight authority and sanction authority now  
11 under the law.

12 You go over to slide 20, segue into the  
13 next topic of the FSSAT. We're going to talk  
14 about that later today in closed session, but  
15 the safe school specialist, so remember, in  
16 each district, you have a safe school  
17 specialist that the superintendent was required  
18 to appoint last year. It oversees school  
19 safety. So the safe school specialist is  
20 required to collaborate and submit the FSSAT by  
21 October 1st of each year. So under the  
22 framework that's set up is, is that the officer  
23 of safe schools has to make the FSSAT available  
24 by May 1st to the districts so they would have  
25 from May 1st, they would open it by May 1st,

1 and right now, it's not open because it's being  
2 revised and you will hear more about that in  
3 closed session as far as the details and you'll  
4 have an opportunity to provide feedback and I  
5 hope you've all had a chance to read that 150  
6 page revised document and give that to DOE this  
7 afternoon in closed session. But once they're  
8 able to get this to the stage where they're  
9 going to send it out to the districts which  
10 should be very soon, the districts this year  
11 will have from the time it set out until  
12 October 1st to submit the FSSAT. This is the  
13 school specific FSSAT. They're still working  
14 on the district wide, but I suggest to you, the  
15 school specific one is exponentially more  
16 important than the district wide one because  
17 the school specific one is where people are  
18 going out, boots on the ground with law  
19 enforcement, with the school staff, with plant  
20 managers, with other public safety personnel  
21 and doing a door by door, place by place,  
22 building by building, fence by fence analysis  
23 and review and inspection of all of those  
24 campuses and that's where we're going to find  
25 where those strengths, those weaknesses and

1       those opportunities for improvement are. So  
2       it's very important that they be able to get  
3       that done and they have until October 1st.

4             The FSSAT on slide 21 is required now. So  
5       - - it was some question about it before, but  
6       there is no question anymore. It's required to  
7       be the physical site security assessment tool  
8       used by each district.

9             Slide 22, we already talked about that.  
10       And the bottom of that though is each district  
11       is required to annually report to DOE by  
12       October 15th, that all public schools in the  
13       district have completed the FSSAT. So that  
14       avoids the issue that we saw way too much of  
15       where the FSSAT just wasn't done and they  
16       weren't doing them, and they just weren't  
17       submitting them. So the whole scheme,  
18       framework, process has really changed  
19       significantly as a result of 7030.

20            Go over into the portion of the bill that  
21       deals with mental health. This is one of the  
22       requirements that has been revised, that was a  
23       recommendation of the commission. The student  
24       records be transferred interschool. So when a  
25       kid transfers school, those records have to be

1 submitted to the new school within three days  
2 and they have to include behavioral incident  
3 reports and psychological reports because what  
4 was happening is these kids were moving around  
5 within schools. There was a huge delay in the  
6 new school getting the records, they knew who  
7 and what they were dealing with. At school  
8 registration, the children now have to disclose  
9 previous referrals to mental health services  
10 and the districts mental health plan that  
11 they're required to submit annually has to  
12 include all district schools and charters  
13 unless the charters decide to submit their own  
14 plan.

15 Go over to slide 25. This is something we  
16 did have some discussion about because of  
17 timeliness of services and the legislature  
18 revised this, that we're -- the districts  
19 policies and contracts with providers for  
20 students who are referred is that they must  
21 receive screening with 15 days. Then as it  
22 goes on, school-based services -- school based  
23 services has to -- have to begin within 15 days  
24 and community-based services within 30 days of  
25 the referral. So it tightens up these

1       timeframes and ensures that screenings are done  
2       in a timely fashion and when services are  
3       referred, that it is done timely.

4             If you go over to slide 27, I'm going to  
5       just breeze through this because we just talked  
6       about it. I think we've covered everything you  
7       need to know, if not, you can go back and read  
8       it on SESIR. So let's skip over to slide 29 on  
9       threat assessments. We've had a lot of  
10      discussion about threat assessments and talked  
11      about it a little bit more this afternoon with  
12      Broward County schools. But one of the  
13      recommendations from this commission was is  
14      there be statewide standardized behavioral  
15      threat assessment instrument and this law now  
16      requires that by August 1st, the Office of Safe  
17      Schools develop that standardized statewide  
18      threat assessment instrument for use in all  
19      charter, elementary, middle, and high schools  
20      and it be the instrument that is used.

21            On slide 30, it tells us about what has to  
22      be in that instrument and once that instrument  
23      is up and running, again, it will be the  
24      instrument that's used. I know that it's  
25      probably a challenge for DOE to come up with

1       that instrument between now and August 1st, but  
2       I know they'll do it, but it isn't the final  
3       stop as that progresses down the road because  
4       by August 1, 2020, they have to evaluate -- the  
5       Office of Safe Schools has to evaluate each  
6       districts and charter schools threat assessment  
7       procedures for compliance.

8               Then importantly, I do think it's  
9       important, on slide 32, is that DOE, through  
10      the Office of Safe Schools, has to establish a  
11      statewide threat assessment database work  
12      group. So the consistent validated threat  
13      assessment instrument is extremely important so  
14      that you have the right assessments being done,  
15      they're being done consistently. We know  
16      they're being done the right way. But one of  
17      the other problems we saw is that there's no  
18      exchange of information. These threat  
19      assessments are being done in a manual file and  
20      the forms are sitting on people's desks and  
21      then there's no ability for schools or  
22      districts to find out what is going with a  
23      child in another place. So we suggested, and  
24      the legislature has now required implementation  
25      of, a statewide database but in order to do



1       that, it forms this database work group. The  
2       work group has to submit a report to Office of  
3       Safe Schools by the end of this year, by  
4       December 31st and some very important  
5       components of that report are the cost of it  
6       and the timeline for implementation. So I  
7       think we look forward to seeing the results of  
8       that work group and how we can get a statewide  
9       database that would allow for this information  
10      sharing and it goes back to those discussions  
11      from previously about breaking down silos and  
12      making sure that information is available  
13      across the board.

14           Slide 33, each district has to have  
15      policies that comply with the statewide  
16      instrument developed by DOE. And again,  
17      they're required to use that.

18           In order to close a gap and make sure that  
19      nothing falls through when a child transfers,  
20      on slide 34, make sure that the responsibility  
21      is established. So when a student transfers  
22      from one school to another, the threat  
23      assessment team at the transferring school is  
24      responsible to make sure that the student  
25      continues to receive any intervention services.

1        So if you had a child that was evaluated by a  
2        behavioral threat assessment team and there  
3        were certain services or certain requirements  
4        or even sanctions that were imposed, especially  
5        as it relates to services the child is required  
6        to have, if in the middle of a services the  
7        child transfers from that school to another  
8        school, the transferring school is required to  
9        make sure that they continue those services  
10       until the team at the reviewing school  
11       independently determines the need for  
12       intervention.

13                There's some modification in here on slide  
14       35. This gets a little confusing, so I tried  
15       to word it so that it is understandable as  
16       possible, but this has to do with  
17       zero-tolerance policies. Is that the statute  
18       up until 7030 said that zero- tolerance  
19       policies may not be, may not be, rigorously  
20       applied to petty acts of misconduct and  
21       misdemeanors including but not limited to minor  
22       fights and disturbances. So what that means,  
23       you know, zero-tolerance policies are just  
24       that, that we will not tolerate X, X, and X.  
25       And this said that those policies cannot be

1 rigorously applies, so you can't have strict  
2 zero-tolerance policies as it relates to petty  
3 acts of misconduct. Can't have zero-tolerance  
4 policies as it relates to misdemeanors, and you  
5 can't have a zero-tolerance policy, which means  
6 there's going to be consequences. We will not  
7 allow any latitude as it related to minor  
8 fights or disturbances. What the legislature  
9 did is it took that out and it says, in essence  
10 now, you can have zero-tolerance policies as it  
11 relates to misdemeanors, minor fights and  
12 disturbances. So it allows for sanctions. It  
13 allows for zero- tolerance policy because the  
14 legislature took that language out regarding  
15 the prohibition. So there's a lot of double  
16 negatives in there, but in essence, it allows  
17 for greater latitude in having zero-tolerance  
18 and greater latitude for sanctions as opposed  
19 to alternatives that would have been prohibited  
20 under strict zero-tolerance policies. Does  
21 that make sense to everybody? Does anybody  
22 have any questions on that? That's -- there's  
23 a lot of double negatives in there and it's  
24 hard to understand. I felt that's probably the  
25 best way I could explain it, was just saying

1       that italicized language came out. Secretary  
2       Marstilller?

3               MS. MARSTILLER: Sheriff, did that  
4       provision also then change the provision in  
5       1006.13 that says zero-tolerance policies do  
6       not require the reporting of petty acts of  
7       misconduct and misdemeanors to a law  
8       enforcement agency, including but not limited  
9       to disorderly conduct, simple assault, blah,  
10      blah, blah. So did that change this also?

11              SHERIFF GUALTIERI: Yes. And I think  
12      we're going to get to that --

13              MS. MARSTILLER: Okay.

14              SHERIFF GUALTIERI: -- as we go through  
15      this, yes.

16              MS. MARSTILLER: All right. Great.  
17      Thanks.

18              SHERIFF GUALTIERI: Yes. Because it had  
19      to mirror, or it didn't make any sense.

20              MS. MARSTILLER: Right.

21              SHERIFF GUALTIERI: Right. So I think  
22      somebody mentioned this earlier on slide 36.  
23      To the extent that there ever was confusion, I  
24      don't think there ever was confusion, it was  
25      interpreted by some as a way to get out of the

1 requirements. So the legislature closed that  
2 arguable gap, probably didn't exist, it was  
3 just done by those who didn't want to comply,  
4 is that all of these requirements, SESIR,  
5 FSSAT, active assailants response plan, mobile  
6 reporting tool, mental health training, having  
7 an SSO, they all unequivocally apply to the  
8 charter schools. Anybody that had any question  
9 in their mind previously or was trying to  
10 wiggle out of it by saying that there was a  
11 question, you can't wiggle out of it anymore  
12 because the legislature closed any arguable gap  
13 in that. Mr. Schachter, go ahead.

14 MR. SCHACHTER: Is there anything -- is  
15 there anything in the statutes or laws that  
16 requires private schools to have any of this --

17 SHERIFF GUALTIERI: No.

18 MR. SCHACHTER: No?

19 SHERIFF GUALTIERI: No.

20 MR. SCHACHTER: I mean, that's a huge gap,  
21 in my opinion, you know.

22 SHERIFF GUALTIERI: Well, it's just not  
23 something the legislature did and I'm sure they  
24 have their reasons for it. So another thing  
25 that it reaffirmed, slide 37, and we'll talk

1 about it, I guess, a little bit later but last  
2 week, Commissioner Corcoran, as a result of the  
3 Governor's executive order, sent out two  
4 correspondence. We provided you with copies of  
5 those correspondence to the superintendents.  
6 And as Commissioner Corcoran rightfully noted  
7 and I agree with him, in his correspondence, I  
8 think he used the word that it's unfathomable  
9 that anybody was interpreting the word assigned  
10 to mean anything other than there had to be  
11 physical presence by a safe school officer at  
12 all times when school was in session. Another  
13 thing that seemed clear, but others were  
14 interpreting it with some degree of flexibility  
15 and they still are today -- and when you see  
16 these numbers that Director Kelly presents  
17 tomorrow morning, it should concern you because  
18 you still got a whole bunch of districts that  
19 aren't doing it. It says here in 7030, the act  
20 of assailant drills must be conducted in  
21 accordance with developmentally appropriate age  
22 appropriate procedures, I think everybody  
23 agrees with that. And it reaffirms at least as  
24 often as other emergency drills and that means  
25 monthly. But you still have districts today

1 across Florida and a whole bunch of them that  
2 are not doing monthly drills. So I hope and  
3 encourage the commissioner to use his oversight  
4 authority and to enforce this requirement that  
5 these drills be done monthly. They are very  
6 important.

7 Slide 38, the school safety specialist can  
8 be a school board employee, or a law  
9 enforcement officer employed by a sheriff's  
10 office. Again, that's what they have in  
11 Seminole County where the school safety  
12 specialist is Captain Frances from the Seminole  
13 County sheriff's office, so that's now  
14 specifically allowed by the statute. Another  
15 thing that we asked for, and the legislature  
16 did, was each school district and charter has  
17 to have an active assailant response plan in  
18 place by October 1st. We still have a couple  
19 of districts in the state that don't have  
20 those, and they have to certify that all  
21 personnel have received annual training on that  
22 response plan.

23 So Secretary Marstiller, slide 39, gets  
24 into the other half of that, that we were  
25 talking about zero-tolerance policies. They

1 shall promote a safe and supporting learning  
2 environment protecting the students and it also  
3 in here too, previously by protecting student  
4 and staff from conduct that poses a serious  
5 threat to school safety. The word serious is  
6 now deleted. So regarding zero-tolerance  
7 policies, it previously says, shall promote a  
8 safe and supporting learning environment by  
9 protecting students and staff from conduct that  
10 poses a serious threat, not it is any threat.  
11 So it doesn't have to be serious. So it's more  
12 encompassing, it's more broadly applied and  
13 again, it is -- I would characterize it as  
14 watering down the prohibition against the zero-  
15 tolerance policies and allowing greater  
16 application of these zero-tolerance policies  
17 because you can now have it as it relates to  
18 threats, not just serious threats. And the  
19 obligation is to keep students and staff safe  
20 from conduct that poses a threat, not a serious  
21 threat, to school safety and previously, it  
22 said serious in there.

23 Each district, on the next slide, shall  
24 adopt a policy, zero-tolerance policy that  
25 defines the criteria for reporting to law



1 enforcement and poses a threat to school  
2 safety. It defines that act and defines petty  
3 acts of misconduct that are not a threat, so  
4 all that has to be in there, and I think this  
5 is the section that goes hand in hand with the  
6 previous section.

7 Another thing that's required on slide 41  
8 is that the districts have to establish written  
9 agreements with law enforcement agencies  
10 establishing when acts that pose a threat --  
11 and this is important, it eliminated serious  
12 threat, so now you have to written agreements  
13 between the district and law enforcement  
14 agencies about when acts post a threat to  
15 school safety -- must be reported and when that  
16 must establish consultation with SROs  
17 concerning appropriate delinquent acts and  
18 crimes. So this is a lot more encompassing,  
19 it's a lot broader. It requires that to be  
20 done on a district by district basis and that  
21 there be a written agreement that lays it out  
22 and again, eliminating serious threat so that  
23 everybody knows one law enforcement is going to  
24 be notified and when consultation is required  
25 about what delinquent acts and crimes. So I

1 think this is a pretty important provision, and  
2 in many respects, is a landscape changer as to  
3 making sure that the information gets to law  
4 enforcement and law enforcement is making  
5 decisions about how to handle it. Mr.  
6 Schachter, go ahead.

7 MR. SCHACHTER: Like I was mentioning  
8 earlier, I left out one key point about the  
9 fact that Broward County schools is not  
10 involving law enforcement. In fact, they are  
11 doing the threat assessments without law  
12 enforcement there and then they're asking law  
13 enforcements to sign off on those threat  
14 assessments as if they were there.

15 SHERIFF GUALTIERI: Okay. So there's  
16 definitely room for improvement in this process  
17 and I think that what we're seeing here with  
18 7030 is tightening it up significantly. And  
19 again, with the amount of now oversight that  
20 DOE has on the process and the changes on the  
21 zero-tolerance policies and the agreements that  
22 are required to be in place that it's moving in  
23 the right direction.

24 MR. SCHACHTER: What can we do, because  
25 law enforcement is not involved in the threat

1       assessment and it stipulates that they have to  
2       be. Is there are any penalties for non-  
3       compliance with the law and the fact that  
4       they're just being brought the threat  
5       assessment afterwards and asked to sign off on  
6       it, that's completely not --

7               SHERIFF GUALTIERI: Yes. So I mean, it  
8       speaks for itself. I mean, you're reading it  
9       and you can set it, what's in there about  
10      compliance. Again, there is room -- and I  
11      think I know what you're talking about, I'm not  
12      sure, but I can tell you, you know, in the  
13      discussion there's an example with Chief  
14      Maglion in Fort Lauderdale. And what's  
15      happening in Fort Lauderdale and I don't know  
16      if this is what you're talking about or not,  
17      but what's happening in Fort Lauderdale, they  
18      have experienced this, is that in the  
19      elementary schools in the city of Fort  
20      Lauderdale, they have guardians, they don't  
21      have law enforcement. So what's happening is  
22      that they're calling a zone officer from patrol  
23      off the street to come in and participate on  
24      the threat assessment team and that's useless.  
25      And then when the zone officer comes in,

1       they're giving him the paperwork and say here  
2       it is, you know, sign it and that isn't  
3       working.

4               So they still have a lot of work to do.  
5       There is -- so they are technically, I guess,  
6       trying to get it so that there is a law  
7       enforcement officer participating but these  
8       zone patrol officers that are just responding  
9       as a call to the school because they need a cop  
10      to sign off on it is not effective, it's not  
11      within the spirit of it. So you know, I've had  
12      the discussion with the district about that and  
13      they know that they got to work through this  
14      and there is issues that need to be resolved.

15             MR. SCHACHTER: I'm saying that they are  
16      purposefully not -- they're purposely excluding  
17      law enforcement on, not the zone officer, even  
18      the SRO on campus and then coming to them  
19      afterwards -- not even involving them and that  
20      can't happen and I'm certainly going to ask --

21             SHERIFF GUALTIERI: Well, you can ask Mr.  
22      Gohl about it when he's here a little later  
23      when we talk about the threat assessment  
24      process this afternoon because that's on the  
25      topic. All right.

1           Slide 42 puts a direct responsibility on  
2 principals to notify school personnel of their  
3 responsibilities about incident reporting. So  
4 we saw this is a problem at Stoneman Douglas  
5 and that they now have to report and that the  
6 disposition of the incident is properly  
7 documented. I mean, we can go on with a whole  
8 bunch of examples, you know, one that just  
9 right off the top of my head comes to mind is  
10 all of the situation with Morford is -- is that  
11 you had those two kids in December of '16 that  
12 go to Morford and they make him aware of  
13 concerns about Cruz. Now after the fact,  
14 Morford says that they didn't, and he doesn't  
15 know anything about it and these kids didn't  
16 bring that information to him. Well now it  
17 says here in the law that the principal shall  
18 notify all personnel of their responsibilities  
19 regarding incident reporting, acts that pose a  
20 threat to school safety are properly reported  
21 to the principal or designee and that the  
22 disposition be documented.

23           Another one was when school went back into  
24 session in August 17th and the teacher saw Cruz  
25 on campus. The teacher goes to Morford.

1 Morford doesn't do anything about it. Now  
2 Morford says the teacher didn't come to him and  
3 deny -- this is requiring documentation of all  
4 of these incidents. So again, this is a  
5 significant shift. It's a game changer and  
6 requires the districts to come up with  
7 protocols, policies if you will, and to tell  
8 all the personnel of their obligations  
9 regarding incident reporting and they have to  
10 document the disposition so if somebody brings  
11 it to the principal of the designee, the have  
12 to document that fact and they have to document  
13 the disposition of it. So if it's not properly  
14 documented, then there could be consequences  
15 and it provides for a better tracking and  
16 accountability regarding these safety incidents  
17 and that staff is unquestionably required to  
18 report. We saw other things through the course  
19 of the investigation where people knew of  
20 things and they just simply didn't report it  
21 either. Now, we identified some were on  
22 campus, some were not, where people had  
23 information about Cruz that they didn't bring  
24 forward. So again, this is a game changer and  
25 a pretty important aspect to the bill.

1           When you get into the safe school  
2       allocations and the dollars, one of the things  
3       that caused a problem for a lot of districts  
4       and Sheriff Ashley, it caused problems for you  
5       in Ocala, was if you remember the original  
6       safe school allocation last year was 64 million  
7       dollars, that could be used for anything. But  
8       the new 98 million is it could only be used for  
9       new SROs and in districts like Ocala where  
10      they had an SRO at every school, that  
11      prohibited the 98 million, that part of the  
12      allocation from being used to pay those SROs  
13      because they weren't new. That has now been  
14      changed and it is retroactive back to July 1,  
15      2018. So now that number -- that money, and  
16      you can deal with your individual districts on  
17      it, but that money now could be used and can be  
18      used to pay for those existing SROs in this  
19      current fiscal year that we're still in until  
20      June 30th. So they eliminated the restriction  
21      and made it retroactive to the beginning of the  
22      fiscal year, July 1, 2018. So that will help  
23      you out, some a lot and others.

24           SHERIFF ASHLEY: We just added new ones in  
25      high school.

1           SHERIFF GUALTIERI: You added a new one?  
2       Yeah. And I already talked about slide 44. It  
3       talks about the limit on what a charter is  
4       required to pay if the district has to assign  
5       an SRO. 45 talks about mental health plans, we  
6       already talked about that. And now, we're just  
7       going to segue into a couple of the additional  
8       bills that did pass. One of them, and we're  
9       not going to get into because we briefed on it  
10      extensively at the April meeting. This bill  
11      passed, House Bill 441, and it has to do with  
12      radio interoperability and 911 call centers.  
13      Remember that it requires each sheriff in every  
14      county to assemble the stakeholders, to develop  
15      the criteria in your county and to submit a  
16      report to FDLE by January 1st. Now that bill  
17      passed the legislature. It hasn't yet been  
18      presented to Governor DeSantis so it's not law.  
19      Assuming the Governor signs it, if he does sign  
20      it, then it becomes the law and that's the  
21      obligation.

22           The same thing with House Bill 487 which  
23      would allow SWAT medics and we saw a lot of the  
24      EMS response hear at Stoneman Douglas was not  
25      the on-duty personnel but it was the SWAT



1       medics responding with the SWAT teams that went  
2       in and they were not armed. Here in Broward  
3       County, you've got a mix, we've heard testimony  
4       about that, is there is no provision in law  
5       today for SWAT medics who are employed by the  
6       fire departments, employed by EMS to be armed.  
7       Nonetheless, here in Broward County, some do  
8       it. They just hold their breath and do it,  
9       some don't do it. But this provides in law  
10      that SWAT medics, when authorized by the police  
11      chief or by the sheriff can now be armed.  
12      Again, that bill has not yet been presented to  
13      the Governor, so it's not law yet.

14             Another thing that we talked about and  
15      recommended was the mandatory disclosure of  
16      clinical information by mental health  
17      providers. So Senate Bill 1418, again, it  
18      hasn't been presented to the Governor yet but  
19      if the Governor signs it, it will mandate the  
20      release. Not just permit it but will mandate  
21      the release of clinical information by a mental  
22      health provider to law enforcement when the  
23      person has communicated a specific threat and  
24      that they have the apparent ability and intent  
25      to imminently or immediately carry out that

1 threat.

2 MR. SCHACHTER: Chair.

3 COMMISSIONER LARKIN-SKINNER: Mister --

4 MR. SCHACHTER: I'm sorry, go ahead.

5 COMMISSIONER LARKIN-SKINNER: So with the  
6 baker act right now that is a word, is the word  
7 serious, I have a feeling problematic because  
8 it's ambiguous. It depends on your perception.  
9 And one of the things we run into with the  
10 baker act, specifically, is if we have a  
11 magistrate who doesn't agree with our idea of  
12 what a serious, it causes a problem and then we  
13 can't keep people hospitalized when we think  
14 they should be. And so the reason I bring that  
15 up is I would recommend that next year, we  
16 perhaps recommend that that word serious be  
17 taken out or clearly defined so there is no  
18 ambiguity.

19 SHERIFF GUALTIERI: And we can certainly  
20 do that. You know, the legislature is on a  
21 quick turn-around. They will be back in  
22 session in January, committee weeks will start  
23 again in September. But one of the things, and  
24 where this is going to be a problem and history  
25 tells us is going to be a problem is going to

1 be with the lawyers again. Because what's  
2 going to happen here is that you're going to  
3 have them wanting to opine and restrict and  
4 provide guidance to you as a mental health  
5 professional. Well, serious only means this  
6 tight area, but one of the things that's  
7 important to remember is go over to slide 48,  
8 is that what the legislature also did here, it  
9 says service providers are immune from criminal  
10 or civil action for releasing any information  
11 under the session. So what I would suggest to  
12 you and anybody listening that's in the  
13 decision making role, is that apply this with  
14 the spirit and the intent which the legislature  
15 had, and that is, if you got information that  
16 somebody is about to do something that could  
17 hurt somebody, give the information to law  
18 enforcement so something can be done about it.

19 Don't over analyze it. Don't over think  
20 it. Don't over apply it. And don't put  
21 yourself in litigation protection mode because  
22 there is no litigation at risk and there is no  
23 personal risk because you're immune from  
24 criminal or civil action. If people apply this  
25 with the spirit and the intent with which it is

1        meant, this shouldn't be a problem. But where  
2        we run into this problem is that because people  
3        want to then have this to -- it's like having  
4        the discussion about assign an SSO, a school  
5        safety officer, assign him to a school. Assign  
6        doesn't mean you have to be there. Assign  
7        means they can be on paper. Come on. So what  
8        does serious mean? So we can get into all the  
9        definitions and we can get into -- but at the  
10       end of the day, is that there is nothing that  
11       is absolutely black and white. There are, you  
12       know, clearly things that are more serious than  
13       others and you're going to have some grey. But  
14       apply it with the spirit or intent is my  
15       suggestion to this and because that there's  
16       immunity from criminal or civil action. Just  
17       do the right thing. But if -- what you come  
18       back and others come back with and feedback,  
19       that they are going through this exercise and  
20       it is a problem, then let's take it back to the  
21       legislature and ask them to tweak is so that  
22       their intent can be carried out because it's  
23       not being easily understood and applied. So --  
24       and I ask for you and for others in that  
25       profession, to give us feedback on that and if

1 we need to go back, we can do that.

2 COMMISSIONER PETTY: I think along the  
3 same lines and we heard this -- this past week  
4 from some other mental health service providers  
5 that were part of that targeted violence  
6 seminar that we hosted. The other word that  
7 they were getting hung up on was imminent.  
8 What does that mean, right? So I think,  
9 Sheriff, to your point, in the spirit of which  
10 the legislature wrote the law, those two words,  
11 let's not try to define them down into  
12 something that prevents us from reporting and  
13 saving lives.

14 SHERIFF GUALTIERI: Yeah. It's just --  
15 it's what people do, but unfortunate -- and  
16 unfortunately, so we'll just have to keep an  
17 eye on it. I mean, it's not hard. What does  
18 serious mean. What does immediate or imminent  
19 mean. It means somebody is probably going to  
20 do something bad to somebody else and hurt  
21 them. That's what it means. Don't over think  
22 it. Don't over analyze it. Now, if they  
23 didn't have the immunity in there, then maybe  
24 they can have more -- but there's a -- you're  
25 immune. Just do the right thing. Mr.

1 Schachter, go ahead.

2 MR. SCHACHTER: So does this resolve the  
3 duty to warn issues that were talking about, in  
4 your view, from a mental health perspective?

5 SHERIFF GUALTIERI: What's that now?

6 MR. SCHACHTER: Does what you're speaking  
7 about resolve the issues that we talked about a  
8 lot concerning the duty to warn, that mental  
9 health professionals did not have a duty to  
10 warn.

11 SHERIFF GUALTIERI: Right. Remember  
12 previously is that -- and we'll finish this up  
13 here is -- is that it was permitted but not  
14 required. So let me finish this and then I  
15 think this will bring full circle. If you go  
16 over to slide 49, is that it amended 490.0147  
17 to require, require, the waiver of the  
18 psychologist patient privilege when there is a  
19 specific threat communicated by the patient and  
20 the psychologist shall disclose the threat to  
21 law enforcement. And psychologists are immune  
22 from all legal liability for releasing that  
23 information and then it went also into the  
24 psychotherapist patient privilege, which is  
25 those other than just psychologist. So across

1 the board, a psychotherapist now is required.  
2 And of course, people can sit here and play  
3 with the language about a specific threat, well  
4 is it specific enough, again, there's immunity  
5 from all liability. If they get specific  
6 information where somebody is going to be  
7 harmed, it isn't just permitted now, it is  
8 required. It's mandated that they communicate  
9 that to law enforcement and of course, there  
10 are provisions in here that put responsibility  
11 on law enforcement and says what law  
12 enforcement has to do when it receives that  
13 information.

14 So I think that what this does is all of  
15 our discussions and our recommendations and  
16 what we were concerned about as a commission  
17 have now been adopted in this bill that I hope  
18 that the Governor will sign.

19 MR. SCHACHTER: Thank you for all your  
20 efforts to get that done. I think that this is  
21 a good bill. I would like to get some feedback  
22 since Henderson behavioral health is the  
23 Broward provider to make sure that, you know,  
24 they are, you know, making all of their  
25 clinicians aware of this. And in your view, if

1 we had had this prior to February 14th, do you  
2 think that that would have made a material  
3 difference from everything that we've studied?

4 SHERIFF GUALTIERI: I don't have a crystal  
5 ball, I can't answer that question. I don't  
6 know. All right. And just to finish this up,  
7 just so you are aware of what the safe school  
8 funding is. The safe school allocation was  
9 increased by the legislature. The total safe  
10 school allocation in the current fiscal year is  
11 162 million dollars. It's been raised to 180  
12 million dollars, an increase of 11 percent.  
13 The mental health allocation increased by 8  
14 percent. It went from 69.2 million to 75  
15 million. The school hardening grants, those  
16 did go down. They were at 99 million and they  
17 were reduced to 50 million. But all of the  
18 other funding that was in the -- or is in the  
19 current year has been extended for the CAT  
20 teams, for the mobile crisis teams and all of  
21 that in recurring dollars is also in the FY20  
22 budget, so just a quick overview on the  
23 dollars.

24 Does anybody have any questions for us?  
25 Anything else you want to talk about on that,



1 if not, we'll move onto the next topic.

2 MR. SCHACHTER: Will the statewide threat  
3 assessment instrument that the state, the DOE  
4 is developing be online?

5 SHERIFF GUALTIERI: You know, I don't  
6 know. You have to ask DOE. My understanding  
7 of that is whether is that it is intended to be  
8 and what that task force is going to asses is a  
9 statewide electronic online database and then  
10 implement what it would look like, the cost,  
11 implementation timeframes and that's what that  
12 work group is required to, but that's the  
13 intent behind it, that it be an automated,  
14 electronic online database that all people with  
15 necessary access would have the ability to  
16 access that. So that again, it eliminates  
17 silos and promote sharing of information.

18 MR. SCHACHTER: And I'm sure we'll talk  
19 about, you know, the fact that Broward County  
20 is developing their own and make sure that it  
21 works together.

22 SHERIFF GUALTIERI: So I know we're  
23 running a little bit -- we're behind schedule  
24 here a little bit, but we're going to continue  
25 on, and we'll probably just run into the lunch

1 hour a little bit and probably just cut lunch a  
2 little bit short so we can get through this.  
3 We're going to talk next about juvenile  
4 diversion programs and PROMISE and we're going  
5 to talk about it because there's still a lot  
6 squirreling around regarding the PROMISE  
7 program and especially regarding its data  
8 reporting to the Department of Juvenile Justice  
9 as a diversion program. Remember that under  
10 the Governor's executive order, the department  
11 has to submit a report on the school juvenile  
12 diversion programs by July 1st. We've already  
13 talked to Secretary Marstiller about that and  
14 asked that the department provide us a report  
15 on that at our August meeting.

16 But specifically as PROMISE data  
17 reporting, let's just keep in mind that, that  
18 data reporting with PROMISE as a diversion  
19 program is not a unique issue to Broward County  
20 or to the Broward County public school. That  
21 this is a statewide issue. It's a statewide  
22 issue that exists in every county and in every  
23 school district. So to try the best we can to  
24 clear this up and to pinpoint the issues, we  
25 have a presentation on how we got to this point

1 and what is necessary to address the issues.  
2 So I'm going to run through this PowerPoint and  
3 then after that, I'm going to turn it over to  
4 Mr. Petty that has some things that he wants to  
5 raise on this issue. And then ask Dan Gohl,  
6 who is the Chief Academic Officer with Broward  
7 County schools to answer any questions or make  
8 any presentation that he would like to make and  
9 then turn it over to Secretary Marstiller on  
10 options and solutions from the department  
11 perspective.

12 So to give you some background on this,  
13 the landscape regarding juvenile pre-arrest  
14 diversion programs changed with Senate Bill  
15 1392 and the 2018 legislative session. And in  
16 the amendments to 985.12, the legislature  
17 encouraged, and this is important, encouraged  
18 counties, cities, and public or private  
19 educational institutions, schools, unless  
20 somebody wants to try and interpret those words  
21 differently but to me, that means schools, but  
22 -- did they participate in a civil citation or  
23 similar pre-arrest diversion program created in  
24 their judicial circuit. We've talked about  
25 this before but it's worth just reiterating

1       that it doesn't matter what you call anyone of  
2       these initiatives. They are pre-arrest  
3       diversion programs, whether you call them civil  
4       citation, whether you call them by any other  
5       name, any other label, it doesn't make a  
6       difference.

7               What it is, is that a kid has committed a  
8       crime. They committed a battery, they  
9       committed a vandalism, they had a baggie of  
10      marijuana, they had a marijuana pipe, they hit  
11      somebody, committed a battery -- whatever it  
12      is, it's a crime. And as opposed to arresting  
13      the kid and giving the kid a criminal arrest  
14      record, you're providing sanctions prior to the  
15      point of arrest so that that record is not  
16      created. That's the context. That's what  
17      we're talking about. And the legislature says  
18      that all of these entities are encouraged to  
19      participate. It says that this type of program  
20      shall be established in each circuit. It  
21      requires, it's not optional, it requires the  
22      state attorney and each of the 20 circuits in  
23      Florida, and again, this is important, in  
24      conjunction with the stakeholders, establish a  
25      juvenile civil citation or similar pre-arrest

1 diversion program. So again, it doesn't matter  
2 what you call it, it's a program that allows  
3 kids who commit crimes to have something done  
4 other than an arrest that results in a criminal  
5 arrest record.

6 There used to be in statute, especially in  
7 the civil citation statute, there used to be  
8 rules about when somebody could participate and  
9 when they couldn't participate and other  
10 parameters that were in the statute. Well, in  
11 1392, in the 2018 session, the legislature did  
12 away with all of that and they said, on slide  
13 3, that the state attorney is to convene all of  
14 the stakeholders and the stakeholders led by  
15 the state attorney are to establish the  
16 criteria for the program in that circuit. So  
17 that means that in your circuit, the  
18 stakeholders led by the state attorney decide  
19 what crimes are eligible for diversion. So in  
20 a circuit, you could have five crimes. In a  
21 circuit, you can have every misdemeanor. You  
22 could have only these 10 crimes, it doesn't  
23 matter. You get to decide on a local basis, in  
24 that circuit with all the stakeholders what the  
25 crimes are that are eligible for the diversion.

1       How many times can a kid participate? You can  
2       have one, you can have two, you can have 10,  
3       whatever is decided upon by that stakeholder  
4       group under that agreement led by the state  
5       attorney.

6               It also allows on a circuit by circuit  
7       basis with the stakeholder to determine what  
8       sanctions will be applied, restitution  
9       requirements, intervention services, everything  
10      to do with the establishment of these  
11      pre-arrest diversion programs is subject to the  
12      state attorney led, stakeholder group, the sets  
13      of parameters in that circuit. And yes, you  
14      could have different requirements, different  
15      parameters, different eligibilities from  
16      circuit to circuit because it allows for local  
17      control. It says that the state attorney shall  
18      operate the pre-arrest diversion program.

19      However, a program that was in existence prior  
20      to October 1, 2018, so that would be the  
21      PROMISE program as an example, or any other  
22      program whether it's school based, community  
23      based, etcetera, that allows kids to have  
24      something done other than arrest when they  
25      commit a crime can continue to operate as long

1 as the state attorney determines that that pre-  
2 existing program is substantially similar to  
3 the pre-arrest program developed in that  
4 circuit.

5 So the first thing that had to happen was  
6 is that the state attorney led, stakeholder  
7 group had to come together and figure out what  
8 the program and the criteria and the parameters  
9 and the eligibility requirements are going to  
10 be in that circuit. Then you could take an  
11 existing program and the state attorney can  
12 measure it against the criteria that was  
13 established, and the state attorney can make a  
14 decision whether that pre-existing program is  
15 substantially similar. If it is, then it can  
16 continue to operate. If not, then it requires  
17 a revision to the program and the operator can  
18 then submit it again to the state attorney who  
19 can conduct an additional review. So all of  
20 these programs that were in existence would  
21 have had to be reviewed by the state attorney  
22 and that determination made and if they weren't  
23 substantially similar, then the program that  
24 would have to be used is the state attorney  
25 led, stakeholder determined program that's

1 established in each circuit.

2 The law went on to say and goes on to say  
3 that each pre-arrest diversion notice that's  
4 issued to a juvenile has to be submitted to the  
5 Department of Juvenile Justice and DJJ shall  
6 enter the information into the prevention web  
7 side of the JJIS, which is the Juvenile Justice  
8 Information System. So -- and Secretary  
9 Marstiller can speak more to this, but you got  
10 the offense portion of JJIS. So a kid gets  
11 arrested and there is a charge of burglary, it  
12 goes into JJIS, that's the offense side of it.  
13 The prevention web side of it is where the  
14 diversion data goes, it is confidential. There  
15 are even portions of prevention web that law  
16 enforcement doesn't have access to because  
17 there's a lot of referral to services and other  
18 tracking mechanisms so it's purely a tracking  
19 of the diversion programs. But it does give  
20 law enforcement access, at least in theory and  
21 we'll talk more about that, so that we can tell  
22 or others who need to know whether a kid has  
23 participated in diversion before or not. So it  
24 is purely a tracking of pre-arrest diversion  
25 with other provider information that the



1 department uses. So it is a non-public facing,  
2 confidential side of JJIS. The law also  
3 requires that the pre-diversion notices be  
4 entered into the prevention web.

5 Go over to the next slide, the law  
6 requires that all information regarding  
7 juveniles charged with a first-time misdemeanor  
8 be entered into prevention web until formal  
9 charges are filed by the state attorney. Now,  
10 house bill 7125 which passed, which has not yet  
11 been signed by the Governor, assuming the  
12 Governor signs it, is going to change this  
13 scheme. The effect will be the same in that  
14 DJJ will now, under 7125, enter into JJIS, not  
15 enter it into prevention web, but if the kid is  
16 then put into diversion, they will take it out  
17 of JJIS and move it back to prevention web.  
18 And this is being done by the department's  
19 request for, really, administrative tracking  
20 and data purposes. So the effectiveness is the  
21 same, it just a kind of a different pathway of  
22 getting there.

23 The bottom of that page, it says that all  
24 pre-arrest diversion programs, all pre-arrest  
25 diversion programs have to submit their data to

1 DJJ, and the department shall publish a semi-  
2 annual data report. We know that there's  
3 required to be a program in every circuit and  
4 that there are pre-arrest diversion programs in  
5 most every Florida county. I believe the last  
6 word we had, there are three counties in  
7 Florida and they're the smaller ones that don't  
8 have programs operating in their counties, but  
9 each circuit is require to have one. We talked  
10 about that the programs vary. Now, how do they  
11 vary and how does the variance of those  
12 programs play into what this issue as far as  
13 data reporting.

14 Under some pre-arrest diversion programs,  
15 and in some counties, when a cop goes to  
16 Walmart and the kid stole something and even if  
17 it's determine it's a first-time offense, is  
18 that they take the kid into custody and all of  
19 the kids are transported to the JAC, to the  
20 juvenile assessment center. That happens in  
21 Miami-Dade County, I believe Sheriff Judd, the  
22 happens in Polk county. It happens in other  
23 counties in Florida, so there's not a  
24 diversion, there's no a pre-arrest diversion,  
25 civil citation or any other decision being made

1 by the cop on the street. Every kid is taken  
2 into custody, they are taken to the JAC center  
3 and that decision is made at the JAC center.  
4 That is not the case in all Florida counties.  
5 In some counties, the decision is being made by  
6 the law enforcement officer on the street, and  
7 in fact, I think that's the case in the  
8 majority of Florida counties. So when the  
9 officer goes to Walmart and the kid is stealing  
10 something, the officer at that point is going  
11 to make a decision about referring the kid to a  
12 pre-arrest diversion program, not what's  
13 happened in Miami-Dade and Polk and others  
14 where they're automatically being taken into  
15 custody and that decision is being made at the  
16 JAC center.

17 So the same is happening in the school  
18 operated diversion programs because they're a  
19 hybrid. This is something that we really got  
20 to pay close attention to because these school  
21 programs like PROMISE are hybrids. They are  
22 programs that provide alternatives to  
23 administrative sanctions, alternatives to in  
24 school suspensions, and alternatives to out of  
25 school suspensions, and alternatives to

1        whatever that kid may have done on campus in  
2        school related to bad behavior, poor behavior;  
3        mouthing off to a teacher, bringing cigarettes  
4        to school, stuff that's not a crime. But they  
5        also are providing alternatives to criminal  
6        conduct and that is a diversion program because  
7        you get a kid that sense is an example, not  
8        sense, but you got a kid that is referred to  
9        and provided consequences in a program like  
10       PROMISE or other - - some other school-based  
11       alternative to an arrest, then that is a  
12       diversion program. And that is a diversion  
13       program, I think, clearly within the meeting of  
14       985.12 and especially as it talks in here about  
15       public or private educational institutions and  
16       go through this entire scheme.

17                So you've got the community-based programs  
18       and it the community-based programs, you've got  
19       some that require the kid be taken to the JAC  
20       center and then the diversion decision is made  
21       at the JAC center. You've got some where the  
22       cops on the street are making the diversion  
23       decision and then you've got some school based  
24       where they got to separate behavioral  
25       misconduct from criminal conduct and the ones

1       that are part of this are the ones that entail,  
2       in the school, crimes and alternatives to  
3       arrest for having committed crimes.

4               So as we go through this, and what's set  
5       forth here in the rest of this PowerPoint, I'm  
6       going to explain it to you this way, is that in  
7       order for the right decision to be made, the  
8       decision maker has to have access to  
9       information. So access to prevention web is  
10      limited to those with JJIS logon, password, and  
11      knowledge about how to access the system. So  
12      in those districts -- I'm sorry, and counties,  
13      like Polk and like Miami-Dade, you get a kid  
14      that gets taken into custody at Walmart for  
15      stealing whatever the kid stole, they are taken  
16      to the JAC center. The staff at the JAC  
17      centers, at the juvenile assessment centers,  
18      they have JJIS and prevention web access. They  
19      can go in and see whether Joey has ever had a  
20      diversion before. Whether Joey was diverted in  
21      Palm Beach county two weeks ago. Whether he  
22      had any other prior conduct that is in  
23      prevention web that resulted in some sort of  
24      alternatives and then consistent with the  
25      criteria established in that circuit, whether

1 he is eligible for another diversion and then  
2 they can use that to make a diversion decision.

3 So if the criteria in that circuit in that  
4 county is kids can participate up to three  
5 times in diversion, then at the JAC center,  
6 they can go in, they can look and see that he  
7 had a diversion in Hillsborough county, he had  
8 a diversion in Volusia county and now he's here  
9 in Broward County. Those others were years  
10 separated and they can decide because the  
11 criteria in Broward County is you can  
12 participate up to three times, then they could  
13 allow it. But if they go in and see that he's  
14 got those other diversions, but the criteria in  
15 Broward County is only one time, then they  
16 wouldn't be eligible to participate in Broward  
17 County. So that's pretty straight forward and  
18 good decisions can be made. Where we get into  
19 the problem is when, in the majority of the  
20 counties is not being done that way. In the  
21 majority of the counties, the diversion  
22 decision is being made on the street.

23 So you get the cop that goes to Walmart,  
24 you got Joey who stole something. The cop has  
25 to make a decision. Do I take him into

1 custody, arrest him and take him to the JAC  
2 center or do I divert him here and release him  
3 to his parents. The cops on the street in  
4 Florida don't have access to JJIS and  
5 prevention web so they have no way of knowing  
6 when they're making that decision. So this is  
7 something we discussed last year. It was  
8 discussed with Secretary Daly and other at DJJ  
9 about how do we go about, and is there a way to  
10 go about and this is what I've asked Secretary  
11 Marstiller to address, where we can get that  
12 information to the decision makers so they can  
13 make good decisions because otherwise, they're  
14 making decisions without any knowledge about  
15 what this kid's history is and prior  
16 diversions. That goes hand in hand with the  
17 schools because at the schools is that the  
18 schools need to know if -- when they are  
19 putting the kid into a in-school diversion  
20 program for a crime, not for misbehavior, but  
21 for a crime, so the kid committed a vandalism  
22 at the school but a week ago, he was in a  
23 diversion program because he stole something at  
24 the mall and two weeks ago, he was in a  
25 diversion program because he had possession of

1 marijuana and a month before that, in a  
2 different county for something else, and unless  
3 they have access to this information, they  
4 can't make good decisions.

5 So the schools need to know what's going  
6 on in the community, but importantly, when that  
7 cop goes to Walmart and that kid stole  
8 something, if that kid has had three diversions  
9 in the Broward County schools but that  
10 information isn't known and that information  
11 isn't accessible, then the kid is getting a  
12 fourth bite at the apple. So the  
13 community-based programs, the school programs,  
14 all of these diversion programs for criminal  
15 activity, all that data needs to go into  
16 prevention web, and it needs to be accessible  
17 by all the decision makers.

18 So if you go to the end of this  
19 presentation which is on slide 14, is that  
20 we're down to two issues that need to be  
21 resolved. How do we include all of the  
22 pre-arrest diversion data in prevention web  
23 from the community programs and from the  
24 schools. And two, how do we ensure that  
25 everybody that's making a decision, whether



1       it's the cop on the street or the decision  
2       maker at the JAC center or the decision maker  
3       in the school, whether it's a cop or whether  
4       it's a school employee, how do they get access  
5       to prevention web to determine prior diversions  
6       so they're making good decision. So that's  
7       where we are and I'm going to turn it over to  
8       Mr. Petty for a second.

9               I think there's been some differing views  
10       within the Broward County schools about whether  
11       the PROMISE program is a diversion program. To  
12       me, there is no question that the PROMISE  
13       program is a diversion program within the  
14       meaning of 985.12 as it relates to criminal  
15       activity. It is not, it is not a diversion  
16       program within the meaning of the statute as it  
17       relates to alternative sanctions for bad  
18       behavior, for mouthing off at a teacher,  
19       etcetera. And so what happened earlier this  
20       year -- what happened earlier this year is the  
21       Broward County school district began entering  
22       all PROMISE program participation into  
23       prevention web. It was overly broad because  
24       not only were they entering in about crimes,  
25       they were entering into prevention web about

1 student misconduct. When that came to light is  
2 when the district put the brakes on it and  
3 stopped and said we're going to stop entering  
4 all of this data and entering this information  
5 because we're entering too much. I think that  
6 what they did was in response to what came out  
7 during this commission and what came out over  
8 the last several months regarding the PROMISE  
9 program. So they started putting all the  
10 information in, but I think it was premature  
11 and I think it was too much and they rightfully  
12 stopped putting it in until this gets sorted  
13 out because what they should be putting in is  
14 the data related to crimes, not the data  
15 relating to behavioral misconduct. Because  
16 what's in there regarding behavioral misconduct  
17 shouldn't be counted against a kid when  
18 somebody pulls it up somewhere else because the  
19 kid mouthed off at a teacher, but it's showing  
20 up like it was a crime and it was a diversion  
21 for a crime. So that's why they stopped, and  
22 Mr. Gohl will speak more to that but this is  
23 what we need to flush out and hopefully, the  
24 department and other stakeholders can come up  
25 with some solutions to this so that we have

1 consistent information going in and it is  
2 consistently available to the decision makers  
3 so that the right decisions could be made  
4 because the diversion programs are important.  
5 They shouldn't be under used and they shouldn't  
6 be over used and kids shouldn't have multiple  
7 bites at the apple because people don't have  
8 access to the information.

9 So that's the situation we are with the  
10 diversion program. I know it's complicated,  
11 but it's all spelled out in the PowerPoint. Go  
12 ahead, Mr. Schachter.

13 MR. SCHACHTER: In reference to your  
14 comments earlier, you made a reference to that  
15 the state attorney's office looks at the  
16 program and, you know, if they approve it, then  
17 the program can continue to operate; am I  
18 understanding that correctly?

19 SHERIFF GUALTIERI: Yes.

20 MR. SCHACHTER: So they -- okay, because  
21 when we met with the state attorney, I got the  
22 impression that irregardless of what they said,  
23 that the school board can do whatever they want  
24 and you're saying that's not true?

25 SHERIFF GUALTIERI: Well, I don't know, I

1 mean, the statute is there, people I guess can  
2 read it and interpret it what they want, you  
3 know, I put it there in front of you and what  
4 it says is that in 985.12 in all of this whole  
5 scheme, they're talking about is they're  
6 encouraging public or private education  
7 institution. So to me, there's no doubt all  
8 that this applies to school-based programs  
9 regarding crimes and it's clear throughout here  
10 that it would only make sense. Why would you  
11 want program with certain criteria operated in  
12 the school district regarding criminal  
13 activity, and a program with different criteria  
14 operating in the community. Why should there  
15 be one criteria in the school but a different  
16 criteria, what happens with the mall? I think  
17 this is what the legislature was getting at and  
18 that's why it said everybody in that circuit  
19 come together, we don't care what your criteria  
20 is, but figure it so it's consistent. And you  
21 know, I don't know, I haven't had any  
22 discussions with the state attorney's office  
23 down here, I would assume that they did this  
24 and that there is some agreement, but I don't  
25 know.

1 MR. SCHACHTER: The state attorney's  
2 office is here and I will talk about, you know  
3 what, they have talked about in public and  
4 their displeasure, but you've got, you know,  
5 the Police Chiefs Association, the sheriff all  
6 coming out saying they do not like aspects of  
7 this -- this pre-arrest diversion program and  
8 the school board is not involving them in any  
9 of the decision- making. They're having  
10 meetings and making decisions and not even  
11 involving law enforcement or the state  
12 attorney's office. So something's not right.  
13 It needs to be fixed.

14 SHERIFF GUALTIERI: Right, that's correct.  
15 But it's also, again, this isn't unique to  
16 Broward County, is that the issue, the  
17 challenge, of consistency of information going  
18 into prevention with and consistency of  
19 accessed information for good decisions is not  
20 just a Broward County issue. There might be  
21 some additional areas of concern in Broward  
22 County, but the bigger issue is more of what  
23 I'm more focused, the Broward County issues are  
24 just going to have to work itself out. But the  
25 bigger issue is consistency with information

1       that is in there, and consistency with access  
2       on a statewide basis. Mr. Petty, go ahead.

3           COMMISSIONER PETTY: Thank you, Mr. Chair.  
4       Commissioners, as a part of our work to improve  
5       the safety and security of our state schools,  
6       in our initial report, we called for revisions  
7       to pre-arrest juvenile diversion programs  
8       operating in our state. In calling for  
9       improvements, one of our recommendations  
10      outlined the need for consistency and alignment  
11      with the state attorney in each district.  
12      We've just discussed this. We recommended all  
13      juvenile pre-arrest diversion programs to  
14      include all school-based diversion programs  
15      that address criminal contact, conduct, must be  
16      part of and operated consistently with the  
17      pre-arrest diversion program criteria  
18      established by the state attorney and other  
19      stakeholders in each judicial circuit. Any  
20      school-based diversion program must be defined  
21      in school policy and approved by the district  
22      school board.

23           Further, we recommended, all pre-arrest  
24      diversion programs be required to report data  
25      to DJJ and prevention web or another common

1 database in an effort to eliminate information  
2 silos. The reasoning behind these  
3 recommendations was to improve methods of  
4 prevention, such as behavioral threat  
5 assessments, which we specifically found to be  
6 one of the most important opportunities to  
7 provide a safer school environment and head off  
8 concerning behavior before it manifests into  
9 actual harm. Our recommendation was not only  
10 based on best practices, it was based on  
11 evidence from successful implementations by the  
12 states and it is aligned with the newly and  
13 enacted Florida state law.

14 Shortly after our last meeting in April,  
15 it came to my attention that at least one  
16 school district in our state was making  
17 attempts to sidestep our recommendations and  
18 circumvent state law by redefining its  
19 previously acknowledged juvenile diversionary  
20 program, you've heard Sheriff Gualtieri discuss  
21 this. On May 18th, the South Florida Sun  
22 Sentinel reported, quote, the Broward school  
23 district has revised its description of the  
24 controversial PROMISE program. Reluctant to  
25 share information, the Broward school district

1       now says PROMISE is not really a diversion  
2       program, it's an alternative to external  
3       suspension program, meaning it doesn't fall  
4       under the new law. The school district's  
5       General Counsel, Barbara Myrick, said in a  
6       March 15th memo to Superintendent Robert Runcie  
7       and Mickey Pope who was the administrator  
8       overseeing the program that a diversion program  
9       has a specific definition under state law.  
10      Myrick wrote, quote, it is clear that the  
11      PROMISE program does not meet the statutory  
12      definition of a diversion program, and  
13      therefore, a student's information/data  
14      regarding participation in the PROMISE program  
15      should not be entered into the Department of  
16      Juvenile Justice information systems database,  
17      end quote. Despite the, in my opinion, faulty  
18      statutory basis cited in Myrick's memo, more  
19      troubling is the culture secrecy that it  
20      engenders and the impediment it embodies to  
21      implementation of effective student discipline  
22      -- discipline necessary for the creation of a  
23      stable learning environment compliance with  
24      state law and the recommendations of this  
25      commission.



1           Broward school -- Broward school officials  
2           insist they share information with law  
3           enforcement, but they also say sharing  
4           information such as noncriminal disciplinary  
5           measures violate student privacy rights.  
6           However, this is a district with a history of  
7           distrust of the juvenile justice system. This  
8           is a district whose General Counsel, one month  
9           prior to the MSD tragedy, quote, conducted a  
10          training for principles in the district  
11          informing them that police are not allowed to  
12          arrest students on school campus for non-school  
13          related offenses and if a student is not being  
14          arrested for a school related offense, it  
15          should not be verified if the student is in  
16          school or not.

17          While each school district interstate has  
18          unique circumstances and challenges, the goal  
19          of creating an environment and culture where  
20          students can effectively learn and be safe,  
21          effective school discipline must be at the  
22          center of the conversation. Alright, I raise  
23          this issue today so that we can -- so that as  
24          we hear from key leaders from Broward County  
25          public schools during this session and future

1 sessions, we recognize that many of the same  
2 leaders and much of the same culture that  
3 failed to recognize and act on the threat to  
4 the students and faculty of Marjory Stoneman  
5 Douglas High School in which, to this day,  
6 fails to acknowledge many of the issues  
7 precipitating the massacre are still in effect  
8 at Broward County public schools. As a  
9 commission, we must determine a path forward  
10 with all stakeholders at the table for the sake  
11 and safety of our students, teachers, and staff  
12 in our schools. A simplification of student  
13 discipline and juvenile diversionary programs  
14 in the state of Florida is desperately needed.  
15 Thank you.

16 SHERIFF GUALTIERI: So before we hear from  
17 Mr. Gohl on this, just a couple things I want  
18 to mention in response to what Commissioner  
19 Petty said, first, is that there is a memo from  
20 the General Counsel of the school district  
21 dated May 13, 2019 offered an opinion that the  
22 PROMISE program is outside of the scope of  
23 these pre-arrest diversion programs. The  
24 statute that's cited in there though is  
25 943.0582, 943 is the Department of Law

1 Enforcement, 943 is not the Department of  
2 Juvenile Justice, 943.0582 has to do with the  
3 expunction of records as a result a of  
4 diversion programs. It doesn't define what  
5 diversion program is for any purpose other than  
6 chapter 943 in the Department of Law  
7 Enforcement. I suggest to you that the  
8 definition of a diversion program and what it  
9 was intended to entail and not is very specific  
10 in 985.12 which I have read, and which is in  
11 that PowerPoint, where the Florida legislature  
12 talked about public and private education  
13 institutions and laid out that entire scheme.

14 It talks about an alternative to its  
15 external suspension. I think what's getting  
16 lost here is the bifurcation between student  
17 misconduct for behavior and alternatives to  
18 suspension, or alternatives to any other school  
19 discipline for behavioral versus alternatives  
20 for crimes. If it's an alternative, if a kid  
21 commits a crime, whatever the crime is, a  
22 battery, a theft, possession of marijuana, a  
23 criminal mischief, whatever it is, if they are  
24 getting something other than an arrest for  
25 committing a criminal act, it's a diversion.

1       You can call it whatever, you can put any label  
2       you want on it, you can call it by any name,  
3       you can spin around nine times, you can pretend  
4       it's not, but it is a diversion, period, end of  
5       story. And if you, in the school, because you  
6       stole something, because you hit somebody,  
7       because you have a baggie of weed and the  
8       school gives you three bites at that, and the  
9       people on the street because it's a weekend and  
10      you're in the mall and you steal something  
11      else, and now you got three bites at it in the  
12      school, and the community based program says  
13      you get two, you shouldn't be getting five  
14      bites at the apple because the systems aren't  
15      coordinating.

16           So to say that it is not a diversion  
17      program, to me, is not right, is not genuine  
18      and it is missing the mark. To say that it is  
19      not a diversion program or one that relates to  
20      mouthing off to the teacher, being late for  
21      school, bringing cigarettes or all those other  
22      behavioral things, yeah, it's not and it  
23      shouldn't be and that should be treated  
24      differently. But to me, that's where the  
25      separation has to be, and this is where the

1       problem is, is that we're not being clear about  
2       it and we're not treating true alternatives to  
3       an arrest, an alternative to criminal charge  
4       appropriately in the schools and this is where  
5       it comes back to the two points. We got to  
6       figure out how to get all the right information  
7       in the right system so that the community-based  
8       systems and the schools are talking and that  
9       everybody in the schools and in the community  
10      has access to all that information so that we  
11      can make a good decision regarding the kid.  
12      We're not doing these kids any favors by having  
13      a kid that gets three bites at the apple in the  
14      school and two bites in the community and they  
15      continue down that path, we have seen this when  
16      they get repeated non-consequences, is that,  
17      that isn't helping anybody, that's hurting the  
18      kid because the kid is going down a path they  
19      shouldn't be going down and somebody needs to  
20      stop it and this is what happens with the  
21      systems are talking.

22               So to say that PROMISE is not a diversion  
23      program, I don't think is correct and it's not  
24      the right thing, and it's not within the spirit  
25      of what we should be doing. So with that, Mr.

1 Gohl, you want to come up and address anything  
2 you want to address in that regard and then  
3 we'll turn it over to Secretary Marshall. How  
4 -- how - - the ultimate goal is how do we get  
5 everybody on the same page and how do we fix  
6 this. You know, personally, the past is the  
7 past. Whatever has happened in the past, well  
8 let's get this thing fixed and that's what we  
9 should be focused on. Mr. Gohl.

10 MR. GOHL: Good morning everyone,  
11 Commission Chair, commission members, thank you  
12 for having me. My name is Dan Gohl, I serve as  
13 a chief Academic Officer for Broward County  
14 public schools. I'd like to begin with some  
15 general overview remarks, then just a couple  
16 remarks about some detailed matters that are  
17 related to our implementation of not only the  
18 statutory language, but the intent that this  
19 commission, our legislature, and our community  
20 as a whole has which the Commission Chair  
21 outlined a few minutes ago. We desire to have  
22 full transparency of the appropriate criminal  
23 nature, whether diverted or not, in the hands  
24 of appropriate people, be they law enforcement  
25 and school officials. There is no question

1       that our school district is engaged in deep  
2       efforts to make sure that we make sure that  
3       expectation is met. How we actively share  
4       information, however, is not a question of  
5       intent. It is a question of systemic  
6       programming both at the behavioral side to make  
7       sure that when misbehavior is identified it is  
8       recorded. When it is recorded, that it is  
9       properly classified, and that the appropriate  
10      jurisdictional agency for matters of  
11      disciplinary, that would be the school  
12      district, for matters of criminality, that is  
13      law enforcement, are informed as soon as  
14      possible and that each of those channels  
15      adjudicate according to its appropriate  
16      institutional framework in order to make a  
17      determination of to what is to happen be it  
18      suspension or expulsion on the school side, be  
19      it criminal charge and prosecution or not on  
20      the law-enforcement side.

21               We have and continue to be engaged in very  
22      intense discussions with the approximately 15  
23      law enforcement agencies in our county. Our  
24      next collaborative meeting with them which will  
25      include not only Broward Sheriff's office, but

1 the police Chiefs Association Broward County is  
2 scheduled for June 17th. We are working  
3 actively to make sure that our data systems  
4 record the correct fields in the correct place  
5 so that it's not only at the Jag or not only in  
6 the principal's office, but it is at any point  
7 where that student comes into interface with  
8 the law enforcement agency and assistant  
9 principal in the hallway or anywhere else in  
10 their life so that people have the right  
11 information to make the holistic choice.

12 In addition to what the sheriff talked  
13 about, I'd like to draw attention to a couple  
14 of other problems. We entered 152 incidents  
15 into the prevention web. We've already talked  
16 about the characterization, some of those is  
17 overly broad, but I'd like to draw attention to  
18 an additional one which is that when we entered  
19 them, we are entering them as PROMISE offenses  
20 and the way in which the data fields for the  
21 prevention web took them, it showed that those  
22 were civil citations. We do not have the  
23 authority to make a determination of civil  
24 citation, but that is how the data system was  
25 recording that data entry. Upon realizing that



1 not only was our data potentially recording  
2 noncriminal activities into a system meant to  
3 provide an overview of criminal conduct within  
4 an individual student's history, but that it  
5 was actually doubly penalizing the student  
6 against what is outside of our jurisdiction  
7 civil citation matters, we suspended it. Our  
8 General Counsel has given an opinion in  
9 addition to the March 13th one, there is a  
10 slightly abbreviated one that was distributed  
11 at the meeting for our collaborative agreement  
12 with our state attorney's office, with our law  
13 enforcement, and we have very strong law  
14 enforcement participation in our collaborative  
15 agreement. If some individual agent of an  
16 agency is not aware that their agency is  
17 participating, I am sorry, we will try to do a  
18 better communication job and work with our  
19 partners to make sure they do the same, but we  
20 have law enforcement participation and there  
21 are frustrations as we seek to improve. But we  
22 need to make sure that our discipline matrix is  
23 properly aligned with the collaborative  
24 agreement to make sure that criminal conduct  
25 only is recorded and recorded in our system in

1       such way that it is immediately available to  
2       law enforcement. We are putting that process  
3       in place. It is a tremendous amount of work  
4       and is going to require data systems  
5       programmings, policy changes on our side,  
6       changes to our disciplinary matrix, all of  
7       which are moving forward and moving into  
8       effect.

9               I know how hard this work is and how  
10       frustrated you as a commission are as you have  
11       been working on this since your beginning, but  
12       we are doing everything we can to collaborate  
13       in the appropriate way. We can argue about  
14       whether a diversion program is with a capital D  
15       or a small D. Capital D being statutory. We  
16       will comply with making sure that our records  
17       are available. Sir, I will take any questions  
18       from your other commissioners.

19              SHERIFF GUALTIERI: You know, just for the  
20       record and if I haven't been clear and I'm  
21       speaking for myself not for the commission as a  
22       whole course is, is that I support the decision  
23       by the Broward County schools to stop entering  
24       that data into prevention web because they were  
25       entering data that was too broad and they were

1 entering data, then it was designated as a  
2 civil citation, so for anybody going into  
3 prevention web and looking at it, when Joey was  
4 mouthing off to the teacher and it was showing  
5 as a civil citation, it wasn't really a civil  
6 citation and it wasn't really a crime. And so  
7 that's why they should've stopped it because it  
8 was as problematic for them to enter that  
9 information as what we are faced with  
10 everywhere else where nothing is being entered.  
11 And in fact, you could argue them putting that  
12 information in there that way and how it was  
13 being categorized and how it was viewed is  
14 actually worse because then when somebody goes  
15 in, they would look at a kid and say well, you  
16 had these civil citations, but they really  
17 weren't civil citations for crimes, they were  
18 for behavioral misconducts. So until this is  
19 sorted out, I think it was the right thing for  
20 the district to do to stop entering it, hit the  
21 pause button and let's get this right. Sheriff  
22 Judd, go ahead.

23 SHERIFF JUDD: Mr. Gohl, we had similar  
24 problem in our jurisdiction we tried to put  
25 diversionary information into the process. We

1 -- one year, they reported how the sheriff's  
2 office made 100 percent arrest on juveniles and  
3 Tallahassee caught on fire about why aren't you  
4 diverting kids. The next year, everyone wanted  
5 to know how we went from 100 percent arrest to  
6 over 80 percent divergence. Well, news flash,  
7 we were diverting them all along. They  
8 couldn't get it right in the diversion software  
9 at DJJ. But when I talked to the secretary,  
10 they tweaked it and the ones that we've been  
11 diverting that was reported as arrest, were now  
12 correct and reported as diversions. So you may  
13 be suffering that same thing, but the DJJ was  
14 more than quick to work with us.

15 I think it's imperative though, if your  
16 lawyers are still sticking with the supposition  
17 that the PROMISE program is not a diversion  
18 program, and at the same time, you're diverting  
19 criminal conduct through the PROMISE program,  
20 go back and tell them to figure out their  
21 opinion correctly because it's not ethical and  
22 it's not accurate.

23 MR. GOHL: So thank you, sir. I know that  
24 our legal department is listening to this  
25 presentation right now. What I'll say is that

1       it also may also require a change on our part  
2       to make sure that the definition of what is  
3       PROMISE eligible is constrained to only those  
4       which are criminal in nature. And we are under  
5       -- we are examining that process now because  
6       PROMISE as a whole refers to a broader category  
7       as part of our --

8               SHERIFF JUDD: And I'm not suggesting for  
9       a second that the PROMISE program can't deal  
10      with misbehavior in school and minor criminal  
11      offenses to be diverted they have to recognize  
12      though, that the minor criminal offenses that  
13      have been dealt with through the PROMISE  
14      program is a diversion program. That has to go  
15      into a prevention web so that we can track that  
16      information. So -- and it's important to  
17      understand that no one is arguing that kids  
18      shouldn't have the opportunities to make minor  
19      mistakes and not end up in the criminal justice  
20      system. I came from the other perspective and  
21      I've lost that. I said enter them all in the  
22      criminal justice system and then unilaterally,  
23      when they turn 18, wipe it out and let them  
24      start a zero, because you see with had already  
25      invested the money in the criminal justice

1 system, we are all involved in it, we're all  
2 plugged into it, we could all see the data.  
3 The Courts could make sure that those who  
4 needed counseling, receive counseling, and the  
5 parents were forced to do it, but we haven't  
6 gone down that path in Florida, so we have to  
7 deal with the cards that we're dealt, and they  
8 set up a separate system.

9 I wanted to use the system we had and then  
10 come backwards and clean it out. But at the  
11 end of the day it's easy for the Broward County  
12 school system to appear publicly as if they are  
13 cooperating, as if they recognize there is a  
14 problem, as if they want to be part of the  
15 solution rather than the problem. But when a  
16 legal staff comes out with an opinion that the  
17 PROMISE program that's dealing with juvenile  
18 offenders, criminal offenders is not a  
19 diversion program that flies in the face of all  
20 common sense. So help us help whoever is  
21 making that decision at Broward County. You  
22 help us. Have the superintendent help us to  
23 stop them from embarrassing themselves.

24 MR. GOHL: Let me speak on behalf of our  
25 Superintendent and General Counsel. I want to

1 be with you, sir, and the commission as a  
2 whole. We have been directed by both of those  
3 parties to continue to seek away to fully  
4 comply not only with the letter but the spirit  
5 of the law. We have to, and this is a massive  
6 data integration problem because of how fields  
7 are between our system, between the court  
8 system, and that's a technical thing and it  
9 doesn't turn immediately because we are trying  
10 to make sure so many hands or touching it  
11 between the DJJ side, between the state law  
12 enforcement side, between the prosecutor side,  
13 the defense side, our collaborative agreement  
14 wants to make sure that it's two things. One,  
15 fully transparent but also automated. There  
16 should not have to be a lot of people  
17 re-entering data into systems and that is  
18 taking more time than we would like. But at no  
19 point has any memo or decision or directive  
20 gone out to do anything to slow us down. In  
21 fact, the pressure continues to build on us to  
22 deliver.

23 SHERIFF JUDD: I understand completely,  
24 and it is refreshing to hear that, but you  
25 embarrass yourself when you say the PROMISE

1 program is not a diversion program and that was  
2 published, and it is a diversion program. So  
3 help the superintendent, stop embarrassing the  
4 school system while you work very diligently to  
5 get this in line and I can tell you, DJJ was  
6 game on and very cooperative when we had a  
7 conflict, when our data wasn't in their system.

8 MR. GOHL: Thank you.

9 SHERIFF GUALTIERI: Secretary Marstiller,  
10 do you want to talk a little bit about a  
11 proposed solution to this?

12 MS. MARSTILLER: Commissioners, thank you  
13 very much. Actually, did I leave that last  
14 slide right there. Hang on, that one. So Mr.  
15 Chairman, I'm going to pick up on the two  
16 questions that you left us with in your  
17 presentation because I think -- I think  
18 probably everyone on the commission would agree  
19 that the PROMISE program, by a large, is a  
20 diversion program. Not only in chapter 985  
21 does the legislature contemplate that schools,  
22 be they public or private, will have these  
23 kinds of programs, but it is also contemplated  
24 in the statute that we were talking about  
25 earlier that has been somewhat revised as



1 zero-tolerance statute that talks about a  
2 threat assessment team may use alternatives to  
3 expulsion or referral to law enforcement  
4 agencies to address disruptive behavior through  
5 restitution civil citation, teen court,  
6 neighborhood restore of justice or similar  
7 programs. Any of those, all of those in my  
8 mind, are diversion programs because to your  
9 point, if they address what otherwise would be  
10 criminal behavior and divert the youth away  
11 from being arrested, then it is indeed a  
12 diversion program.

13 I think that we are recognizing that, and  
14 I'm going to say this and you all will  
15 understand when I say it, we need standards.  
16 I'm a huge fan of standards and minimum  
17 requirements and I think that for schools who  
18 are going to be operating diversion programs, I  
19 think they do need standards, and I think that  
20 the opportunity to create those standards exist  
21 should the schools do with the legislature  
22 intended, which is to go to the state attorney  
23 and say hey, here's our program, this is how we  
24 have been operating here to for, what do we  
25 need to do to bring it in line with the

1 circuits diversion program. I think that would  
2 answer the question. But until the schools do  
3 that, we at the DJJ and statewide, we're not  
4 going to get the information, the data that we  
5 need, to make the kind of decisions that  
6 Sheriff Gualtieri is talking about. Now, we  
7 are working on a, in response to an executive  
8 order that Governor DeSantis put out earlier  
9 this year, we are in the midst of putting  
10 together a report that we worked on with DOE  
11 that really takes a very broad look at school  
12 diversion programs across the state. What are  
13 they? What do they do? Do we even have enough  
14 information to know what we -- what we need to  
15 know about those. Once we compiled that  
16 information, which we're in the process of  
17 doing now, our report is due at the beginning  
18 of July, I think we will be in a much better  
19 position as a commission to understand what the  
20 landscape is on school diversion programs.

21 DJJ has also been directed to make  
22 recommendations for how those diversion  
23 programs should be done and should be operated.  
24 I think once we get all of that in place, then  
25 the school districts are really in a position

1 now to enter the information into prevention  
2 web as need be. We are only as good as the  
3 data that we have. From the DJJ's perspective,  
4 something that we haven't talked about before,  
5 is the whole purpose of the diversion program  
6 in the first place like civil citation is to  
7 divert kids out of the criminal justice system  
8 early on and hopefully keep them from coming  
9 back in. So we do know from the data that we  
10 have on our civil citation programs and other  
11 pre-arrest diversion programs that those  
12 programs are about 96 percent effective. It  
13 would be helpful for us to know whether the  
14 school diversion programs are as effective and  
15 I think from my -- from the DJJ's perspective,  
16 that's one big reason why we need to get the  
17 data from the schools because if their programs  
18 are not doing necessarily what they were  
19 designed to do, DJJ is in a position to help  
20 with best practices and help bring in some  
21 standard so that we are doing -- we make sure  
22 that the school diversion programs are doing  
23 what the civil citation programs also are  
24 doing. But I think -- so at our August  
25 meeting, DJJ will be in a position to present

1       its findings on the report that comes out of  
2       the executive order. At that point I think the  
3       schools will be well placed to start putting  
4       their information into prevention web.

5               One of the things that I did want to say  
6       about prevention web and JJIS in general is  
7       that, that entire database is really you know  
8       designed to be more of a case management system  
9       than anything else. Whether it's the  
10      prevention side or the criminal side because,  
11      of course, we provide services to kids are in  
12      the crim -- in the juvenile justice system be  
13      it prevention or intervention or commitment or  
14      whatever the case may be. So that, to your  
15      point earlier Sheriff, is why the entire  
16      universe is not -- doesn't have access to  
17      prevention web. That said, every law  
18      enforcement officer in Florida can have access  
19      through JJIS to information about civil  
20      citation and diversion programs.

21              So for example Sheriff Gualtieri, if you  
22      went into DJIS right now and you plugged in a  
23      youth's name and you pulled up his or her face  
24      sheet, it would show how many times, or I  
25      should say whether, and if so, how many times

1       that youth has received or been in a civil  
2       citation or pre- arrest diversion program. It  
3       shows up as civil citation on the face sheet,  
4       but if you go into the detail it will tell you  
5       what the program was, and when it happened, and  
6       what the offense was and all of that. So  
7       direct access to prevention web, the  
8       information that law enforcement needs and that  
9       school official needs to make the right  
10      decisions is already available via JJIS.

11           Now what I want to do and make sure that I  
12      do at the DJJ is to make sure that all my law  
13      enforcement agencies know who in your agencies  
14      have access to JJIS and who needs access to  
15      JJIS. I want to do that, and I think we  
16      provided a spreadsheet of everybody who has  
17      access DJJIS right now or every law enforcement  
18      agency, or I should say agent. So I want to  
19      make sure that that happens. The other thing  
20      though that we are looking into to make that  
21      information more quickly accessible is a  
22      suggestion that just frankly just came up this  
23      week, this past week, is to see if we can tie  
24      our JJIS database to FCIC, right. Which would  
25      address the concern of the law enforcement

1 officer at Walmart with the kid who has stolen  
2 an item quickly access the information to see  
3 whether or not this youth has had a civil  
4 citation or other pre-arrest diversion history.  
5 So we're looking into that. We are looking at  
6 -- how that should happen from a technology  
7 perspective whether there are any legal hurdles  
8 to get past, you know whether we need a  
9 specific authority, all of that, but we are  
10 definitely looking at that because I want to be  
11 able to make law enforcements job easier when  
12 it comes to that.

13 As far as school officials, right, needing  
14 to make the kinds of decisions that they need  
15 to make about their diversion programs, my  
16 suggestion is this, of course first of all, we  
17 need to get them entering their information  
18 into prevention web which means that somebody  
19 at the school would have access to prevention  
20 web in order to get that information in there.  
21 If there is a question about how many times has  
22 this youth been diverted whether it's through  
23 the school program or some other program, I  
24 would suggest that the school's SRO, being a  
25 law enforcement officer, already has access to

1       that information and if he or she is there can  
2       plug in and say yep, here we go.

3               So to answer your two questions Sheriff,  
4       the first one, how do we go about including all  
5       pre-arrest diversion program information into  
6       prevention web, I think we need standards, we  
7       need to understand the full universe of our  
8       school diversion programs, what they are doing,  
9       what they are not doing, get our school  
10       districts comfortable with that definition.  
11       Right. Get that information in there and then  
12       from DJJ side, make sure that we are helping  
13       law enforcement to make the right decisions  
14       much more quickly and I think that the FCIC  
15       connection, if that works, would revolutionize  
16       that.

17               SHERIFF GUALTIERI: So your point is, I  
18       think what I'm hearing is, and I agree with  
19       you, is that before you worry about getting  
20       information out, you got to figure out what  
21       you're putting in?

22               MS. MARSTILLER: Exactly.

23               SHERIFF GUALTIERI: And we need to have  
24       standards, which you know I agree with, and is  
25       there a way to get to the standards and maybe,

1       you know, Commissioner Morrow, maybe you can  
2       help us with this, with the board of  
3       association prosecuting attorneys and the  
4       association. I don't know the answer to this.  
5       Are there now agreements and standard  
6       agreements about the criteria in all 20  
7       circuits? I don't know the answer to that.

8               MR. BARTLETT: I don't think so.

9               SHERIFF GUALTIERI: And so if not, then  
10       according to this, there need to be and if  
11       that's the case, and in the circuits that they  
12       have them, have the school districts been  
13       engaged and asked to participate and sign on to  
14       those standards and be a stakeholder and be a  
15       participant. If not, are they willing to do it  
16       and if they aren't willing to do it, then  
17       perhaps this is something we need to go back to  
18       the legislature with in September and while we  
19       had a lot of success in getting the legislature  
20       to adopt our recommendations I think this is  
21       something we should go back to them with  
22       because the people can't voluntarily get there  
23       then in order to create the standards because  
24       you're absolutely right there has to be  
25       standards. And if the standards -- we can't



1       get there -- the easiest way to get there is,  
2       is to have these state attorney led stakeholder  
3       groups that involve the school districts, have  
4       everybody be a signatory to whatever that is  
5       and then the school districts are aligned with  
6       the community-based programs as it relates to  
7       crime criteria.

8               MS. MARSTILLER: Right.

9               SHERIFF GUALTIERI: And then from there,  
10       then all of that information would go in  
11       consistently into prevention web. So we got to  
12       figure that out. The other side of it is on  
13       access, and you're correct in theory that the  
14       cops have access, but the reality is they don't  
15       and they're not going to. I can tell you  
16       because I've see the list that the DJJ provided  
17       about the users, the law enforcement users and  
18       I believe, I might be off by a little bit on  
19       this, but somewhere around across the state of  
20       Florida about 1,500 somewhere in that range  
21       they have access. But I can tell you in  
22       looking at various counties and looking at our  
23       county, is not one of them is a cop on the  
24       street. And in order for the cops on the  
25       street to access prevention web through JJIS,

1       you have to do it through CJ net, and you have  
2       to have a password, you have to have a login.

3             It is just not realistic to get -- these  
4       cops on the street are in information overload,  
5       and they are required to do so much in so many  
6       different databases, and is not feasible to  
7       think that we are going to give every police  
8       officer and deputy sheriff and every patrol  
9       division of every law enforcement agency of the  
10      state of Florida this log on access, teach them  
11      how to use it, when they go to Walmart that  
12      they're going to going the system, they're  
13      going to log on and look and see whether this  
14      kid has had prior diversions, how many and make  
15      a good decision. We've got to come up with  
16      some way of centralizing that query.

17            Now what we talked about and others can  
18      weigh, in I do think it would work in FCIC  
19      where you put in the name and it comes back and  
20      it just gives you that data similar to what it  
21      does with criminal history or other  
22      information, if that could work and there's a  
23      lot of ifs with that. If not, perhaps another  
24      option is, is to allow the law enforcement  
25      officers -- and the schools is the same thing.

1 Now in the schools, it might be a little  
2 different because if everything had to go  
3 through the SRO and having the SROs access JJIS  
4 because a lot of them are probably doing it  
5 anyway, I think it's a little bit different.  
6 But for the cops on the street, either have it  
7 set up where they can call the JAC centers, and  
8 if you are at Walmart and want to know and you  
9 just want to know because they need to know now  
10 about making a good decision, some point within  
11 the department, maybe the JAC centers where  
12 they could call a number and say I'm officer so  
13 and so with X Police Department tell me this  
14 and that they can query for them because the  
15 JAC centers are staffed 24 seven and that would  
16 be an access point.

17 Another possibility, perhaps, is in  
18 communication centers. But as we work through  
19 this and for the chiefs and sheriffs and others  
20 is, is that I don't think it's realistic to say  
21 that we are going to accomplish this by giving  
22 every law enforcement officer log on access and  
23 those passwords have to be changed every 30  
24 days, all of that goes with that and training  
25 them, it's just not -- that isn't going to

1 work. So in theory yes, but in reality, we got  
2 to come up with something else. So it is about  
3 standards for information in and then about  
4 access out. But I think that the discussions  
5 we've had in the last couple weeks are very  
6 productive, fruitful, they're moving in the  
7 right direction, but there is still work to be  
8 done to figure that out.

9 So Mr. Petty, go head.

10 COMMISSIONER PETTY: The systems issue  
11 certainly is a complexity here and I won't  
12 pretend I've never logged into the system, so I  
13 won't pretend -- I've never logged into these  
14 systems, so I won't pretend to understand all  
15 of them. But behind the systems, to your  
16 point, the training that needs to go into this,  
17 let's back up further though, it's the inputs  
18 into the system, and is the stakeholder sitting  
19 at the table and I think before we figure out  
20 and Mr. Gohl, to your point about the systems  
21 you're working through, you know, we have to  
22 fundamentally first understand and determine  
23 what is a diversion program and what isn't and  
24 we have to agree on that definition. My  
25 concern goes to the districts in the state and

1 in particular, Broward County school district,  
2 because this is where I live. The culture has  
3 to change within the school district so that  
4 information sharing becomes part of what you  
5 do, not an afterthought, not something that's  
6 buried in a webpage or a system somewhere but  
7 it has to be part of your belief and your  
8 culture of educating students, right, and  
9 protecting them and keeping them safe and right  
10 now I don't -- I don't think the Broward County  
11 school district recognizes that responsibility,  
12 takes it seriously, is creating a culture where  
13 any of that can happen at this point. So I  
14 appreciate what you've communicated today. I  
15 take you at your word, but I think you're  
16 subject to influences and leadership that just  
17 doesn't see it the same way as you're  
18 presenting it today.

19 The other stakeholders involved in  
20 protecting our schools, keeping our kids safe,  
21 keeping our teachers safe, have to be  
22 recognized by the school district as equal  
23 stakeholders and equal partners in that. I  
24 asked Superintendent Runcie when he testified  
25 last year to stop viewing law enforcement as

1 the enemy, and to my knowledge, that -- nothing  
2 has changed in that regard. So until that  
3 changes, we can talk about systems, we can talk  
4 about data entry, we can talk about, you know,  
5 whatever, none of that is going to matter until  
6 the philosophy and culture in the district  
7 changes. You are not the Vatican. You are a  
8 stakeholder responsible and charged with  
9 educating our children, but your duty is also  
10 to the parents of those kids and to the  
11 families and spouses of the staff within the  
12 school district to keep them safe while they  
13 are at school and have them return home safely.

14 SHERIFF GUALTIERI: Especially for the law  
15 enforcement representatives, Chief Lystad and  
16 everybody, Chief Nelson. I'm interested in  
17 your view because it is important as we go  
18 forward and where we try and drive this. Do  
19 you agree or disagree on whether we need  
20 something other than every cop having access to  
21 JJIS? Does anybody think that that's really a  
22 viable option, Chief, do you have any thoughts  
23 on that?

24 CHIEF: Mr. Chair I would agree the  
25 database isn't -- and asking an officer to do

1       that -- my first choice would be FCIC response  
2       when they run on a subject to come back.  
3       Absent that, I mean, we are fortunate we have a  
4       JAC center that we take him to, so we are able  
5       to avoid that. The next best solution would  
6       be, as you articulated earlier, would be the  
7       communication center with the officer is going  
8       to run the subject, then having access with a  
9       dedicated link or something like that, with  
10      every officer having access to the database, the  
11      number of databases we have whether that,  
12      RDSTF, just is insurmountable.

13           SHERIFF GUALTIERI: Anybody, Sheriff  
14      Ashley, you agree that -- anybody under Sheriff  
15      Harper -- okay -- everybody. I just want to  
16      make sure that there's no -- we are all on the  
17      same page with that because as we work with the  
18      department on it, that we are all in  
19      concurrence, that we got to come up with  
20      something else.

21           SHERIFF ASHLEY: It's a pain in the behind  
22      to use that system anyways. The password issue  
23      is out of the world. You know, agencies have  
24      an access to it with designated people,  
25      certainly it's helpful to have that

1 information, but for everybody, it's -- I don't  
2 think it's feasible. I just, I want to add  
3 this point while I have the microphone; I think  
4 we have to get out of the mentality of somehow  
5 the diversion programs are some way to escape  
6 accountability for kids that commit crimes and  
7 -- we got to start holding our laws, our  
8 courts, our prosecutors, and our law  
9 enforcement, especially our schools got to  
10 start holding our kids accountable for  
11 misbehavior all the way to crimes and stop all  
12 this, you know we are somehow, you know  
13 disproportionate minority contacts all away to  
14 we are harming some kids psyche because we hold  
15 them accountable and that's just my personal  
16 opinion. I wanted to add to this commission's  
17 record.

18 SHERIFF GUALTIERI: And so to leave this,  
19 I'm trying to wrap this up here is perhaps, and  
20 this is a thought, see what you all think and  
21 maybe Commissioner Martler can help with this,  
22 is to see if there -- because again, we have to  
23 have standards, the only way that I can see  
24 that we can implement standards without  
25 legislative action is through the agreements



1       that the stakeholders are required to have in  
2       those state attorney led groups and to perhaps  
3       see if the state attorneys are willing to reach  
4       out to the superintendents and see if we can  
5       get the school districts to be a part of those  
6       stakeholder led groups that are contemplated by  
7       the statute. See if they'll sign on to that  
8       circuit criteria. And if we can get consensus  
9       among 67 counties and 20 circuits and move in  
10      that direction, then that's a pathway. If we  
11      get feedback that, that isn't going to work for  
12      whatever the reason, then I would suggest that  
13      we need to give some serious thought and now  
14      start lining it up for some legislative change.  
15      And then the other side of it is, is continue  
16      to work with the department and work with FDLE  
17      and see if that option for access through FCIC  
18      is viable and if it's not, then figure out what  
19      may be secondary options. So to kind of close  
20      this out, that's the way I would frame the way  
21      we are leaving it unless anybody has any other  
22      thoughts on it.

23           MR. BARTLETT: If I may just make a couple  
24      comments. So 985 kind of compartmentalizes  
25      among the state attorneys throughout the state

1       which is the 20 state attorneys and 20  
2       different circuits and for them to administer,  
3       get with the local stakeholders and administer,  
4       there are no provisions or guidelines for  
5       uniformity among all 20 circuits and I don't  
6       know that we'll ever get there but I think that  
7       there certainly hope that part of the  
8       stakeholder process be able to reach out to the  
9       schools and make them part of --

10           SHERIFF GUALTIERI: That's what I'm  
11       talking about. Right.

12           MR. BARTLETT: -- criteria to be  
13       established. And not, you know, not have a  
14       uniform but just within the circuit.

15           SHERIFF GUALTIERI: I'm talking about,  
16       yeah, uniformity within the circuit so that you  
17       have, like an example in the 6th circuit, we've  
18       got two counties in Pinellas and Pascoe. So  
19       the state attorney would not only be in  
20       communication with the law enforcement agencies  
21       but with the superintendents from Pascoe, the  
22       superintendent from Pinellas and here in  
23       Broward, it would be the state attorney and the  
24       superintendent from Broward along with  
25       everybody else and you would have circuit wide

1 criteria. And that will, I will predict is  
2 that definitely, definitely differ from circuit  
3 to circuit but that's okay. That's what the  
4 legislator entails but what's important is that  
5 within the individual community, so within  
6 Plantation, and Margate, and Coconut Creek and  
7 you don't have differences about how diversion  
8 is being applied there and in those cities you  
9 get one bite of the apple but in the school  
10 board you get three in a different city so that  
11 within the circuit at least you, have  
12 consistency. I think that's the best we could  
13 hope for and that's really what I think the  
14 statute entails. So there would be -- there  
15 could be no effort at statewide, it's just that  
16 the state attorney and the superintendent or  
17 superintendents within that circuit along with  
18 everybody else, have agreed on how the program  
19 is going to operate, the school board agrees to  
20 participate and operate it consistent with that  
21 and then from there, whatever is agreed upon is  
22 what's going into JJIS.

23 MR. BARTLETT: I think we got to where  
24 we're at because there were referrals made  
25 through the school system that law enforcement

1 did not know about and had they known, it  
2 might've changed the course of things to come  
3 but, so the goal is to make it where law  
4 enforcement -- and the statute actually was  
5 worded, if I recall correctly, to say that if  
6 it's a criminal act, that law enforcement  
7 should be involved in the diversion aspect even  
8 though it's coming in through the school.

9 SHERIFF GUALTIERI: Yeah. And you know,  
10 you can go back even further, you have in 1973  
11 Secretary Marstiller pointed out, but you can  
12 ever go back into 7026 and with that did is,  
13 remember that anything more than one  
14 misdemeanor is required to have consultation  
15 with law enforcement. So all this has to be  
16 viewed in total and altogether. It's not  
17 siloed and it shouldn't be, but I think a  
18 starting place is, is to see if we can get to  
19 where we need to be through these circuit  
20 stakeholder agreements and we have to know that  
21 sooner rather than later because if that isn't  
22 a viable path to consistency and standards,  
23 then we're going to have to go to the  
24 legislature and ask them to do something to  
25 create those standard. And it could be as

1 simple as asking them to clearly mandate that  
2 the school districts participate in these state  
3 attorney led or -- we'll have to figure out  
4 what the option is, but the first is, can we do  
5 it -- you know, it's the easy way or the hard  
6 way. To me, the easy way is, is use the  
7 stakeholder state attorney groups, come up with  
8 consistent standards, everybody plays well  
9 together and come up in the spirit of  
10 cooperation and doing the right thing. If  
11 people don't want to do that, then we're going  
12 to have to do it the harder way, which is go  
13 through the legislative process and then we can  
14 figure out the backside, which is access.

15 MS. MARSTILLER: Right. May I suggest  
16 looking at the 4th Circuit the 13th and the  
17 11th, those are circuits in which I am aware  
18 that the state attorneys are operating very  
19 robust civil citation and pre-arrest diversion  
20 programs. It might behoove us to talk to one  
21 or more of those state attorneys to see how  
22 they've developed their programs and who in the  
23 community has signed on to them.

24 SHERIFF GUALTIERI: Chief Lystad, go  
25 ahead.

1 CHIEF LYSTAD: Okay. I just want to  
2 circle back Mr. Chairman. Just to -- for Mr.  
3 Gohl, just to echo Sheriff Judd's comments  
4 about the law and the interpretation of whether  
5 or not the PROMISE program, I don't want to  
6 beat of the PROMISE program any more than we  
7 already have but perception is reality and  
8 sometimes it is reality and sometimes it's  
9 merely a perception and the interpretation of  
10 the PROMISE program is not a diversion program,  
11 I would agree with, hopefully the most says  
12 that's not correct interpretation. The other  
13 thing that I would stress to the administrators  
14 is that until such time as the Broward state  
15 attorney says that the PROMISE program is  
16 substantially similar as is outlined in the  
17 statute, I would consider the PROMISE program  
18 to not be compliant until such time as the  
19 Broward state attorney agrees that it is  
20 substantial compliance in the way it's being  
21 reported.

22 MR. GOHL: They are present with the  
23 meetings we're having, and I look forward to  
24 providing documentation to the commission, to  
25 the chair of their participation and judgment

1 on the question you just raised.

2 SHERIFF GUALTIERI: All right. One more  
3 and then we will try and wrap this up so that  
4 we can go to lunch. Mr. Schachter.

5 MR. SCHACHTER: Mr. Gohl, this commission  
6 has spoken about how the district prioritized  
7 the rights of the murderer over the rights of  
8 every other child in his classes and his -- and  
9 the schools. He was able to accumulate 55  
10 instances of disciplinary behavior. How does  
11 this program make it safer for other kids that  
12 aren't in the program?

13 MR. GOHL: So I want to parse your  
14 combination of data sources there. So you're  
15 on one side you referring to the total number  
16 of discipline --

17 MR. SCHACHTER: Correct, yes.

18 MR. GOHL: -- responses. And on another  
19 side, the number that may be PROMISE eligible  
20 and there's a third category which SESIR  
21 eligible, which this commission talked about  
22 earlier today. We track all of those things.  
23 So the shooter had one PROMISE eligible  
24 incident in his history, right. We have other  
25 students who have had one PROMISE eligible

1 incident. We have extremely low recidivism of  
2 students who participate in PROMISE. Right.  
3 So I welcome the kind of collaborative analysis  
4 that was talked about as, are our programs  
5 effective. We conduct that internally. We've  
6 provided it to the commission last summer based  
7 on the numbers, we can provide an update to the  
8 commission if that's helpful, but it's not just  
9 PROMISE eligible incidents. When you talk  
10 about how is this program helping, we actually  
11 have very strong data which leads us to believe  
12 that PROMISE prevents recidivism. That's the  
13 goal.

14 The other question you're referring, which  
15 is the total number of discipline incidents we  
16 have across someone's entire educational  
17 history, is something we are working with in  
18 terms of providing a report to one of our  
19 school board members whose asked for that, that  
20 is not the kind of longitudinal analysis that  
21 is done as a systemic level. You tend to do  
22 that kind of analysis on a case-by-case basis.  
23 Because of the inquiry we've received, we are  
24 not conducting it for the 220,000 students  
25 which we have records for providing that kind



1 of tools to the students that are in charter  
2 schools. This is a much bigger question. We  
3 do anticipate getting that report to our board  
4 members very soon.

5 MR. SCHACHTER: So, and the reason why I  
6 link those two systems, PROMISE and the DMS,  
7 the disciplinary system, is because with the  
8 institution of this pre-arrest diversionary  
9 system, that created a culture of leniency, in  
10 my view and in a lot of the commissioners and  
11 the public. And that led to the murderer  
12 accumulating all these incidences of  
13 disciplinary action and you doing, in my view,  
14 very, very little to nothing and him never  
15 being arrested. So that's the reason I link  
16 them. I think that they will -- they are --  
17 one is a direct linkage and that created this  
18 culture of not arresting and having very, very  
19 little consequences.

20 So that's the reason I link them but as I  
21 continue and Commissioner Patty talked about  
22 this earlier at our Secret Service presentation  
23 that your office was at, the state -- the  
24 assistant state attorney, Maria Schneider, was  
25 there. She is in charge of juvenile and felony

1 trial divisions of the Broward State Attorney's  
2 office and she said that the district has  
3 decided that they will refer any and all  
4 problems to PROMISE, this is regardless of  
5 whether the behavior amounts to a disciplinary  
6 action or not and whether it's PROMISE eligible  
7 or not. That is very, very disturbing, number  
8 one. Number two, the result is that we get  
9 felony convictions -- felony delinquency cases  
10 filed in court and the youth and the parent  
11 said they shouldn't be in court because they  
12 want to PROMISE. So why is this happening?

13 MR. GOHL: So I'm going to again split  
14 that into two responses, and I will try to be  
15 high- level here. One, we will certainly reach  
16 back out to Ms. Schneider who she herself as  
17 well as representatives in her office  
18 participate in the collaborative agreement  
19 meetings. We come to the terms of what defines  
20 the collaborative agreement and the PROMISE  
21 pieces to it. That kind of critique which was  
22 in a public forum in an informal setting that  
23 may be her sentiment and I look forward to her  
24 expressing it formally because that is not  
25 something that has come across in such an

1 accusatory manner in our collaboration.

2 Secondly, I am not going to try and speak for a  
3 parent who tries to say that they participated  
4 in PROMISE on some incident and that makes him  
5 ineligible for a very serious consequence,  
6 felony or otherwise. If a parent wants to say  
7 well, I've gotten -- I've participated in the  
8 diversion programs or PROMISE before, they may  
9 in a moment of desperation try and do that,  
10 that is not how our school board works. That  
11 is not how our policies work. So that is a  
12 factually inaccurate statement. They are not  
13 made ineligible for legal consequences because  
14 they are currently in or previously been in  
15 PROMISE or any other program.

16 SHERIFF GUALTIERI: We need to wrap it up,  
17 Mr. Schachter.

18 MR. SCHACHTER: Just so you know, the  
19 state attorney is in the audience and if you  
20 would like her to answer any questions she is  
21 here. There are concerns that you mentioned  
22 that there are instances of inappropriately  
23 classifying offenses as less serious than they  
24 are and if not -- and not documenting reporting  
25 delinquency behavior at all. We've also

1 learned that there are cases that there's no  
2 follow through, students do not show up, and  
3 there's nothing done about it.

4 MR. GOHL: Students that don't show up go  
5 in front of a judge.

6 MR. SCHACHTER: Wonderful.

7 MR. GOHL: We have that as a standard  
8 policy.

9 MR. SCHACHTER: It's upsetting to hear  
10 this from the District Attorney's office.  
11 You've talked about your desire to be  
12 transparent. The community would like to know  
13 how many other students are like the murderer  
14 amongst the 270,000 kids. In an effort of  
15 transparency, would you be willing to provide  
16 the commission with a list to tell us is this  
17 kid an outlier or is this systemic, how many  
18 other kids have 10 20, 30, 40, 50 instances in  
19 your disciplinary management system?

20 MR. GOHL: So I will certainly work with  
21 our General Counsel to make sure that what we  
22 release our school board members is made  
23 publicly available. What we don't want to do,  
24 and this is standard data reporting, if certain  
25 numbers are lower than a cohort size, 10 is a

1 federal limit, then typically, you don't report  
2 that, you say just say less than 10. We want  
3 the community to know, but I need to raise a  
4 very difficult point with you, sir, as the  
5 questioner and deepest respects for your  
6 professional successes, your personal loss.  
7 The assertion that because there are a certain  
8 number of incidents in any individual student's  
9 history makes them analogous to the shooter is  
10 a tenuous assertion at best, and I would just  
11 ask that we be extremely careful with what we  
12 do, with how we profile anyone against such  
13 individual.

14 So we will continue to work with you and  
15 the commission as a whole to make sure that we  
16 have a comprehensive understanding of who's in  
17 our schools and what interventions they need  
18 and what we are doing. And even when that  
19 individual was in the schools a regular basis  
20 receiving services, we didn't have PROMISE  
21 eligible, which is what we are talking here  
22 with DJ Webb about. What you raises a much  
23 broader question of providing comprehensive  
24 case management to individuals who are in life  
25 crisis and the school district plays a part in

1       that and we must meet our responsibilities in  
2       that, but we work with other people. After  
3       lunch I know we will be talking about mental  
4       health as well so.

5               SHERIFF GUALTIERI: All right. We're  
6       going to -- one more question from Secretary  
7       Carroll and I just say this before I recognize  
8       him, is if these issues are being raised to the  
9       extent that they are by members as you  
10      characterized, and I wasn't there so I don't  
11      know, by the staff of the state attorney's  
12      office, I highly suggest that they be elevated  
13      to the state attorney and the superintendent  
14      level and that they have discussions about this  
15      between them if these issues are being raised.  
16      We have to be very careful about what we're  
17      saying, what we are repeating and all of the  
18      context in which these things are viewed, and  
19      the statements are made, and we are repeating  
20      things that are repeating from somebody else.  
21      We have to be very careful about that. But if  
22      these are that serious and they are that  
23      information sharing and these frustrations, is  
24      they should be elevated to the top levels. So  
25      -- and I would encourage that if it is to the

1 extent that you say it is. But again, we don't  
2 have time and we're not going to bring up  
3 anybody else from the state attorney office.  
4 We're going to do one more question from  
5 Secretary Carroll, we are an hour behind and  
6 then we are going to break for lunch. Go  
7 ahead.

8 MR. CARROLL: Just a quick comment. In  
9 terms of what we have reviewed are ready from  
10 the school discipline data, Commissioner said  
11 65 disciplinary offenses and then one time they  
12 qualify for PROMISE. Based on what I've seen  
13 on the data, it wouldn't surprise me if a  
14 review those 65 indicated that some of them  
15 were misclassified or under classified. But a  
16 question for you, and I don't think -- I don't  
17 know if I have this right, but does PROMISE  
18 makes both the behavioral type issues with the  
19 criminal type issues? And if it does, I know  
20 that you said you have a 96 percent success  
21 rate, 4 percent recidivism which I think is  
22 very good, but if you're including a lot of low  
23 risk kids in that calculation, some of those  
24 kids wouldn't reoffend even if they were given  
25 no alternative punishment because of the nature

1 of the offense that they were referred to. So  
2 -- and I don't you don't -- you don't have to  
3 respond but I would appreciate if you looked at  
4 it and see if you find --

5 MR. GOHL: I'll be very brief in my  
6 response. What we need to do is make sure we  
7 are benchmarking ourselves against other  
8 diversionary programs and programs that serve  
9 diversionary purposes. Right. I'll accept the  
10 premise that the commissioner raised. In  
11 addition, we do need to classify severe and  
12 less severe responses and what is a recidivism  
13 rate and our analysis contains that kind of  
14 piece. We will update the commission.

15 MR. CARROLL: Thank you.

16 SHERIFF GUALTIERI: But to specifically  
17 answer his question, so we're clear with this,  
18 the PROMISE program does include for  
19 alternatives that kids can participate in the  
20 PROMISE program, for acts that would be  
21 criminal acts and acts that are noncriminal  
22 acts, correct?

23 MR. GOHL: So PROMISE began with just  
24 criminal acts and then connects with our  
25 discipline matrix as well.



1           SHERIFF GUALTIERI: Right. So the answer  
2           -- is the answer yes or no? Is the PROMISE  
3           program -- a kid could be sent to PROMISE and  
4           participate in PROMISE for behaviors that  
5           violate the behavioral discipline matrix or  
6           noncriminal?

7           MR. GOHL: Anything that raises to the  
8           level PROMISE could, in theory be charged, if I  
9           push somebody is that criminal assault or not?  
10          Right. So that's the judgment that goes into  
11          it. Am I treating it as a misbehavior or am I  
12          treating it as a criminal act?

13          SHERIFF GUALTIERI: Right.

14          MR. GOHL: And so first we have to detect  
15          the misbehavior. If there is misbehavior, it  
16          must have consequences, then how is it  
17          classified drives the kinds of consequences  
18          that it gets.

19          SHERIFF GUALTIERI: Okay. All right. So  
20          we're -- thank you, Mr. Gohl, appreciate it.  
21          We are about an hour behind and I hope this  
22          will work for everybody. Will take about half  
23          an hour of lunch as opposed to an hour so we  
24          can try to get back on track here a little bit.  
25          And if you need to, bring lunch back with you,

1 but let's try and start again at 1:35. Let's  
2 say 1:35, we'll start again.

3 (Thereupon, a break was taken, and the proceedings  
4 continued as follows)

5 SHERIFF GUALTIERI: We will go head and  
6 begin with the next presentation and it  
7 concerns mental health, the provision of mental  
8 health services within the schools and  
9 specifically within the Broward County schools  
10 and Dan Gohl and others from the district are  
11 here so I'll turn it over to you and just ask  
12 you to -- as we talk about focus here on what  
13 is going on in the services and how they  
14 coordinate with the community based, especially  
15 community based in the private providers is a  
16 big topic of what we discussed in the past. So  
17 Mr. Gohl, welcome back. Thank you.

18 MR. GOHL: Thank you. Again, my name is  
19 Dan Gohl. I serve as chief academic officer  
20 for Broward County Public schools. Chair,  
21 commission members, thank you for having time  
22 for us to present to you today on the topic of  
23 mental health services. With me today, the  
24 main presenters will actually be Dr. Antoine  
25 Hickman, our executive director of exceptional

1 student learning supports, Dr. Charlene  
2 Mucenic, our SEDNET project coordinator, and  
3 Dr. Laurel Thompson, our director of student  
4 supports department within our student support  
5 initiatives and recovery division.

6 We are here today to both provide you with  
7 detail about how Broward County works but to  
8 give you an example of how county school  
9 districts throughout the state of Florida work  
10 with community providers, state agencies, and  
11 others to provide mental health services. We  
12 are both a provider and referrer for those  
13 services and we work in close collaboration  
14 with a number of public, private, and agencies.  
15 It's important to remember that school  
16 districts were founded with an academic  
17 purpose, to provide instructional opportunities  
18 for students who chose to take advantage of  
19 them. Over time the expectation, and  
20 appropriately so, came that we had an  
21 obligation to ensure that all students of  
22 school age were offered the opportunity and we  
23 limited the opportunity for students to  
24 withdraw themselves. In the 1960s and '70s our  
25 expectation to meet all students expanded

1 significantly and then we needed to provide  
2 additional services, be they physical therapy  
3 services, mental health services, social  
4 services, and others. As we get into the '80s,  
5 '90s and now as we enter what will soon be the  
6 third decade of the 21st century, what our  
7 schools are expected to do is both be a direct  
8 service provider and a key collaborator in the  
9 complete developmental experiences of students  
10 from birth through age 18. Please keep in mind  
11 all that this is an evolving expectation that  
12 are on our schools. We do our best to meet the  
13 needs and expectations with the resources we  
14 have, but it does change over time. We look  
15 forward to your input to make our service  
16 delivery better and for Broward County to work  
17 as an example and hopefully an exemplar of  
18 Broward. Dr. Hickman.

19 DR. HICKMAN: Thank you. As we begin, we  
20 first start with the purpose. Thank you, Mr.  
21 Gohl, for the introduction. We're going to  
22 just provide a brief overview of how we do  
23 serve the population of students district wide  
24 and meet the needs for mental health supports  
25 in Broward. We are going to share how we

1 provided those supports in behavior and  
2 communicated with our partners prior to the  
3 tragedy on February 14, 2018 and then will  
4 share how since February 14th we have provided  
5 those similar services with an expanded plan  
6 and the offerings that we had. We're going to  
7 start with just describing the significance in  
8 mental health resources and supports that are  
9 provided by community partners which is  
10 important to us moving the work forward because  
11 as Mr. Gohl shared our educators are educators  
12 first and have limited training on mental  
13 health, but we do have mental health  
14 professionals in our district that can assist  
15 with that. And then we're going to provide an  
16 overview of how Broward County public schools  
17 suicide prevention, awareness and intervention  
18 initiatives have taken off.

19 I want to read this definition to you, but  
20 we do start with the definition of mental  
21 health and then just share that the importance  
22 of sharing this is to show that mental health  
23 starts with wellness first. We have to focus  
24 on strategies that promote healthy mentally and  
25 mental. Over the course of our lives, we

1 experience mental health problems our thinking  
2 mood and behaviors could be affected. Many  
3 factors contribute to mental health problems  
4 including biological factors such as genes or  
5 brain chemistry, life experiences such as  
6 trauma or abuse, family history of mental  
7 problems, but however given the right supports  
8 in advance we could avoid some of the mental  
9 health problems and by providing those services  
10 in the end we can help students, staff and  
11 people recover.

12 It's important to share with you the  
13 prevalence rates of mental health disorders.  
14 The most common mental health disorders are  
15 ADHD, conduct disorders, anxiety, and  
16 depression in our students. An estimated 70  
17 percent of our children have experienced some  
18 type of physical or emotional trauma.  
19 Approximately 20 percent of these school age  
20 children and youth have a diagnosable mental  
21 health disorder. Ten percent of children and  
22 adolescents have serious emotional disturbance  
23 coupled with severe impairment. But most  
24 mental illnesses emerge in childhood yet less  
25 than half of them receive treatment. Give me

1 one moment. Just showing that there's a  
2 correlation between adverse childhood  
3 experiences -- this direct relationship with  
4 adverse childhood experiences and student  
5 performance, learning, absenteeism, student  
6 engagement and their identification with the  
7 school environment. More than one third of our  
8 students with a mental illness advance to post-  
9 secondary education. Sixty percent or more of  
10 them, of the children involved in the legal  
11 system, have a diagnosable mental illness.

12 I mentioned adverse childhood experiences,  
13 or you may hear the term aces throughout this  
14 conversation. It is -- the substance abuse and  
15 mental health services division defines adverse  
16 childhood experiences are distressful,  
17 traumatic events including abuse and neglect.  
18 They may also include household dysfunction.  
19 Some of the aces include physical abuse, sexual  
20 abuse, emotional abuse, physical neglect,  
21 emotional neglect, intimate partner violence,  
22 witnessing one's mother being treated  
23 violently, substance misuse within the  
24 household, household mental illness, parental  
25 separation or divorce, or even an incarcerated

1 household member. Those things can cause  
2 trauma. The working practical definition of  
3 trauma is explained as a real and/or perceived  
4 event threat or series of events. These  
5 threats which are so emotionally painful that  
6 the individual's ability to cope may be  
7 severely compromised or overwhelmed. So trauma  
8 does cause posttraumatic reactions, but to have  
9 PTSD, you must have been exposed to death,  
10 serious injuries, or sexual violence. These  
11 things can trigger avoidance or stimuli  
12 associated with trauma.

13 Trauma and violence are widespread,  
14 harmful, and costly public health concerns.  
15 Trauma has no boundaries with regards to age,  
16 gender, socio- economic status, race,  
17 ethnicity, or social orientation. Trauma is a  
18 common experience for adults and children in  
19 American communities and is especially common  
20 in the lives of people with mental and  
21 substance abuse disorders. The effects of  
22 these traumatic events place a heavy burden on  
23 individuals, families, and communities, and  
24 although many people who experience traumatic  
25 events will go on with their lives without long



1 lasting negative effects, but there are some  
2 that need more intensive initiatives or  
3 intensive work and then there are few that  
4 definitely need us to work a little bit more  
5 closely with them. You would know in this  
6 discussion so far that we moved away from the  
7 mental health and wellness more towards the  
8 unwell as we are further along in the  
9 conversation.

10 It is important to discuss the rationale  
11 of school based mental health. The rationale  
12 for even having school based mental health is  
13 that we need to clearly understand that most  
14 educators aren't trained in addressing mental  
15 health and isn't part of the curriculum.  
16 However, school based mental health services  
17 that are integral to student success and  
18 learning is essential to creating safe schools  
19 and as necessary to meet the growing unmet  
20 needs of our students and youth and they  
21 require specialized mental health professionals  
22 to provide that. As stated again, most  
23 educators aren't trained but however, the every  
24 student succeeds that requires that we  
25 implement positive behavior supports or other

1 school-wide tiered models to address the social  
2 and emotional behavioral mental, cognitive,  
3 mental health needs of her students. We must  
4 administer universal mental health and  
5 behavioral screening and provide early  
6 intervention to students at risk. We must  
7 increase our access to comprehensive school  
8 mental health and behavioral services and  
9 provide mental health first aid and other  
10 professional development and training for  
11 school staff. As we progress through this  
12 presentation, you will hear more about how  
13 those services are provided and in detail what  
14 they entail.

15 This is one of the most important slides  
16 that will help get the point across. In school  
17 - - when it comes to school based mental health  
18 professionals, there's a continuous school  
19 based mental health services that we are able  
20 to offer. If you look at this tier model,  
21 you'll see that approximately 80 percent are in  
22 the lower tier. That means that all students  
23 will -- have the ability to receive  
24 school-based prevention and universal  
25 precautions. You also see to the left that all

1 school employed mental health professionals can  
2 provide that school-based prevention and  
3 universal interventions. They can also provide  
4 early intervention as well as work with mental  
5 health and behavioral health counselors and  
6 make the connections. All students to have  
7 access to that. As you move more along the  
8 continuum, our students that are at risk they  
9 may need more targeted school interventions  
10 with our community support. Most of our school  
11 based -- our school employee mental health  
12 professionals can also provide that.

13 As we move to more with the students with  
14 severe chronic problems, they need more  
15 intensive school interventions and more  
16 intensive community supports. Some of our  
17 school employees mental health professionals  
18 can assist with that but then comes why it's  
19 more important for us to work along with our  
20 behavior partners with our community resources  
21 and reach out, even bring some of the things  
22 into the school, but also looking at providing  
23 wraparound services so that not only are we  
24 providing the services at school but there is  
25 some home therapy or homework along with the

1 parents and families and community to provide  
2 that intensive service. So that's the role our  
3 school based mental health professionals play  
4 by being the connectors to those resources.

5 In our district, Broward County, our  
6 school based mental health professionals  
7 include our family counselors, our school  
8 counselors, our school based social workers,  
9 our school psychologist, our ESLs counselors  
10 are the exceptional student learning support  
11 counselors, and our employer assistance program  
12 counselors. We will speak more to that in a  
13 moment. But in Broward County, we -- in our  
14 family counseling program, it's the only  
15 program like it in the state of Florida. It  
16 provides individuals and families  
17 psychotherapy. Our partners in the children's  
18 services board make this a reality by matching  
19 funds to provide this service. Our school  
20 counselors provide social emotional learning,  
21 academic college and career planning and  
22 individual group counseling. Our school social  
23 workers focus on just providing outreach and  
24 support to our families to increase attendance  
25 and they collaborate with community to increase

1 providing and bringing those resources to the  
2 school.

3 Our exceptional student learning support  
4 counselors they provide mental health and  
5 suicidal prevention training to staff and  
6 students, but they also provide counseling and  
7 related services in order -- in accordance with  
8 students with disabilities, individual life  
9 education planning. Our school psychologist,  
10 they assess, evaluate, observe, and coordinate  
11 crisis response and threat assessment  
12 trainings. They also provide individual and  
13 small group counseling -- individual and small  
14 group counseling. Now our employer assistance  
15 program, which I mentioned and is important to  
16 know, that they are part of our school based  
17 mental health professionals. Of all the other  
18 groups mentioned, they focus on our children.  
19 Our employer assistance program helps to focus  
20 on our staff. If our staff aren't well, then  
21 they can't work and make well environments for  
22 our students.

23 It was mentioned -- I shared that we were  
24 going to share just some of the things we did  
25 before the tragedy. The slide before you

1 speaks to our mental health plan. Those things  
2 were in place, mental health plan, mental  
3 health portal which everyone can access. The  
4 mental health portal which provides resources  
5 on Baker act, suicide prevention, on crisis  
6 response and a number of other things that are  
7 quite beneficial. Our prevention programs such  
8 as suicide, bullying, and mindfulness  
9 initiative had already been created and had  
10 already been started prior to February 14th.  
11 Our FEL programs, we considered, focused on  
12 reimagining middle grades and our behavior  
13 intervention plans programs had been in place  
14 as well. When it comes to intervention  
15 programs, youth mental health, first aid, and  
16 the multi-tier system support looks at  
17 addressing those needs and advance and how  
18 helping our -- helping provide a understanding  
19 of how to work with one of our vulnerable  
20 populations.

21 Just a few more services on the following  
22 slide that some, for instance, our trauma  
23 focused and cognitive behavior therapy  
24 training, community behavioral health partners,  
25 which we'll go in detail and share who our

1 partners are and how they relate and how often  
2 we meet with them and what some of the supports  
3 they provide for us. Dr. Gresick will share  
4 with you later about our crisis text line and  
5 how our students created a crisis text line to  
6 provide support and some of the data on that.  
7 We have mental health practitioners assigned to  
8 every school and as already discussed, our  
9 employee assistant program. With that said,  
10 Dr. Laura Thompson, director of student  
11 services will just provide an update on the  
12 mental health services that we provide since  
13 the tragedy and the impact of the Marjory  
14 Stoneman Douglas public safety act, Public  
15 School Safety Act, on our efforts.

16 DR. THOMPSON: Thank you. Good afternoon,  
17 everyone. So as we know with the Marjory  
18 Stoneman Douglas Public Safety Act, we had to  
19 make some changes to how we provide services in  
20 Broward County schools. We are very proud in  
21 Broward County for the mental health services  
22 that we have been providing for many years.  
23 Incidentally, a few days before February 14,  
24 2018, we were fortunate and felt very honored  
25 that fads came down to our district and spent a

1 day with us looking at all the mental health  
2 services we had, explaining to them what we  
3 have done so they can take notes and share with  
4 different counties some things, innovative  
5 things, that were happening in Broward County  
6 schools. So we're proud that we have been  
7 looking at mental health services for a long  
8 time, of course now we are looking at it even  
9 more intensely because we want to ensure that  
10 all of our students are getting the needs met  
11 on a mental health basis. In collaboration, I  
12 would like to say that, you know, as we think  
13 of mental illness, when a person think of the  
14 illness and it's individual only, it's illness  
15 but once you do collaboration and you bring  
16 others in with you and we come together, we  
17 move from illness to wellness. And that is our  
18 focus in Broward County, to not be doing this  
19 in silo but to do this with our community  
20 partners so we remove ourselves from focusing  
21 on illness and together, we focus on the  
22 children's mental wellness.

23 So as we move forward, we do know that we  
24 had to -- all the districts of Florida had to  
25 write a mental health plan to share with the



1 state. We in Broward, of course, did so as  
2 well. Our plan is available online and I think  
3 we sent copies of it as well so you could  
4 review that very carefully. We will be happy  
5 to answer any questions about that later. But  
6 as we look at -- we have partnered with many  
7 entities in order to make sure we have adequate  
8 mental health services in Broward County. This  
9 past year, we focus very much in partnering  
10 with our National Center For School Crisis And  
11 Bereavement and they have sent consultants to  
12 us in a regular basis to talk about school  
13 crisis and how we respond and how best to  
14 provide services, looking at best practices.  
15 We also went into collaboration again with the  
16 medical University of South Carolina to train  
17 many of our staff in trauma focused cognitive  
18 behavioral therapy. We want to ensure that our  
19 staff were well trained to provide the very  
20 best service to our students. We also  
21 partnered with the center for Mind, Body, and  
22 Medicine coming into train many of our staff.  
23 Right now or having them come in and in a  
24 couple weeks this summer, to train another big  
25 cohort of our staff. We've used our 211, local

1        211, as our essential operating system for  
2        referral services. We have our behavioral  
3        health partners, 22 partners that we've had  
4        that goes through Dr. Mucenic and has been  
5        vetted so that we can always call on them to  
6        provide additional services as needed for our  
7        families. So we do a lot of referral and  
8        brokering services and use many of our agencies  
9        and consultation to ensure we're doing this  
10       work together.

11                As you know, we have to -- in September of  
12       this year we will have to do a report to the  
13       state on our first year of the mental health  
14       assistance allocation plan. We will make that  
15       available of course to the public. It involves  
16       also ensuring that we have nursing services as  
17       part of mental health. Many times we think of  
18       mental health, we don't think of the physical  
19       health, but we do understand that there is a  
20       very strong correlation between the physical  
21       and mental. So our -- all the services we  
22       provide also include medical services or  
23       through a nursing services with Broward schools  
24       and also with other entities in the community,  
25       Memorial healthcare system and so forth that

1       come alongside of us to make sure we provide  
2       that work.

3               The services after February 14, 2018, so  
4       the ongoing consultation with the National  
5       Center for Schools Crisis and Bereavement, we  
6       also -- very much so expanded our youth mental  
7       health first aid training. That is the  
8       training that Broward County schools has  
9       adopted as a training for all staff to  
10      eventually have. We started it this school  
11      year and I'm happy to report we've done  
12      thousands of training now. Thousands of our  
13      staff have been trained. We are using now a  
14      train to trainer model so that staff are  
15      trained and when they get to a certain level of  
16      proficiency and expertise in the area, they  
17      then become trainers of others and that way we  
18      expand the number of persons that can be  
19      trained in a very short time. And the state  
20      also, as you might have heard, we do have an  
21      online training also that can be done, and our  
22      staff are also utilizing that as a way to get  
23      trained so that they are ready to give services  
24      to our families.

25             We use a prepare model, we talked about

1 before the relationship we have with the center  
2 for mind body medicine, we are expanding that  
3 service and we talked about the service we have  
4 with the medical University of South Carolina,  
5 and this year, just to give you some numbers,  
6 we trained 51 clinicians, 32 brokers and six  
7 senior leaders and that training ended in May.  
8 So when we started out, once the tragedy  
9 happened, we had a few of our staff who were  
10 already trained as trauma focused cognitive  
11 behavior therapist, but with this  
12 collaboration, then we are able to train many  
13 more, 51 clinicians, as I said, 52 brokers and  
14 six senior leaders in the program. So we have  
15 really expanded greatly the number of our staff  
16 who are more training to be able to provide the  
17 cognitive behavioral therapy from a trauma  
18 focused lens for our families. We continue and  
19 we been doing lots of mindfulness training for  
20 staff, so we continued that. We use Internet  
21 Explorer, we have worked with a company Alum  
22 Educational Professionals. We are focusing on  
23 reducing stress for our staff. We know that if  
24 our staff are more healthy, than they are  
25 better able to attend to the needs of our

1 students. So we focus on student wellness, but  
2 we also focus on staff wellness because we know  
3 we need both pieces for that to work well.

4 We also -- I just want to highlight that,  
5 you know, this tragedy happened in the Parkland  
6 area, but we do have to respond to tragedy all  
7 over the county all the time. We are a huge  
8 county, we have many things that are happening  
9 all the time. This past year, we had a service  
10 with GC Scored where we brought in this company  
11 to work in some of our schools on the eastern  
12 part of Broward County to make sure that we are  
13 doing some culturally sensitive responses to  
14 trauma so that we can have more clinicians as  
15 well train to be able to respond to trauma with  
16 really culturally sensitive lens and cultural  
17 humility and doing the work with different  
18 kinds of populations. We've also worked with  
19 Sandy Hook, we are in partnership with them, a  
20 continuing partnership in doing some prevention  
21 work for violence through the curriculum they  
22 make available to us as well.

23 So we have our -- next steps are continued  
24 partnership which are local and national  
25 organizations. We're looking right now to do

1       some big assessment for ongoing focus groups  
2       and surveys so that we can assess what is  
3       needed, where are the gaps in services, and how  
4       then do we provide and fill those gaps for  
5       students and their families. We have developed  
6       and they are in the process of expanding a  
7       three-year strategic plan for recovery. We are  
8       absolutely have paid lots of attention to  
9       ensure and that we incorporate sustainability  
10      in our plan. And so we have looked for various  
11      sources for funding. Funding through the serve  
12      grant, we got \$1 million right away when the  
13      incident happened and then we have now also  
14      rewritten a new grant to serve 2.0, so to  
15      speak, in expanding the services and continuing  
16      what we have done but further expansion of  
17      those services as well.

18             Another thing that we have done that we  
19      think is really very important is that we  
20      expanded, the very last bulletin on that page,  
21      student support-initiated reorganization for  
22      recovery and support. So we hired a chief for  
23      recovery to be able to manage all the pieces  
24      involved in recovery because that's a huge job  
25      for all of Broward. We also developed an

1 office -- a department in that office school  
2 climate and discipline that will, this time,  
3 focus mostly on the discipline of our students  
4 and creating good learning environments and  
5 school climate that is conducive to our  
6 students doing well in school. We also did two  
7 major things where we were -- it was  
8 recommended to us and we fulfilled that we have  
9 now hired a program manager for recovery, and  
10 that person's job is only about recovery.

11 Recovery for Broward County schools focusing on  
12 the Parkland school, MSD and all the schools in  
13 the zone, focusing on recovering those areas in  
14 very specific ways. We also are in the process  
15 right now of hiring a service manager who will  
16 be more for clinician, who will then work  
17 alongside the program manager for recovery.

18 Another thing that we did that has been  
19 very helpful for us, is that we have a  
20 consultant who is a family liaison who works  
21 very intensely with the families who need to  
22 and have agreed to, who lost children or who  
23 had children injured, so that we have one point  
24 of contact. The families asked for that, that  
25 we not have so many clinicians contacting them,

1 but that they have one person to whom they  
2 could go and who could give them information.  
3 So they meet regularly. Last night they had a  
4 very long, very productive meeting and so we  
5 continue to provide those services as well as  
6 move forward.

7 I won't go through this slide because it's  
8 very intense, but it just shows the ratio of  
9 staff in the various categories and then it  
10 shows you what Broward has, what the state has,  
11 what Broward's average is, what is recommended  
12 from the national associations for these  
13 professional groups and then it shows you an  
14 area of need. So if we were really to look at  
15 that very carefully, we would need about 2,500  
16 more clinicians to be able to meet the  
17 recommendation from the national organizations  
18 for each of those professional groups. We had  
19 -- we do have, and have had, and continue to  
20 use, our leadership -- mental health leadership  
21 team with folks from all of these boxes that  
22 you see here. We come to get the monthly to  
23 look at what's happening in our county district  
24 in terms of mental health, look at our gaps in  
25 services, what we need to improve, what we need



1 to add, what we need to delete, and this group  
2 really helps to make sure that we are meeting  
3 the needs and now with the recovery -- the  
4 program manager in the recovery manager, they  
5 would also join this mental health leadership  
6 team. So we have a full coordination as to how  
7 we move forward in providing the services for  
8 students and their families. And now Dr.  
9 Gresick.

10 DR. GRESICK: Thank you, very much. My  
11 name is Dr. Gresick. I am -- my doctorate is  
12 in counseling psychology so though I'm in the  
13 school system, I don't have a doctorate in  
14 education, so I come to this with a unique  
15 perspective. I am the SEDNET coordinator and  
16 so what is SEDNET, I'm sure many of you have  
17 heard about SEDNET. Across the state, there  
18 are projects that are available to every single  
19 district. So SEDNET is the multi-agency  
20 service for students with or at risk of  
21 emotional behavioral disabilities. And what is  
22 the role of SEDNET? SEDNET has been in  
23 existence since the mid-1980s and our role  
24 really is to create a facility to network of  
25 key stakeholders that work together with

1 communities in schools. So I have the  
2 wonderful opportunity to work with community  
3 providers and school providers to help our  
4 students get their needs met both at home,  
5 community settings, and school settings. So  
6 that's kind of what we do and, on this slide,  
7 you can see the more specifics. Broward County  
8 in particular, we have a unique network. We  
9 have stayed true to the grant and have allowed  
10 ourselves to create those networks since the  
11 mid-1980s and I've been the SEDNET project  
12 coordinator for 11 and a half years. It's been  
13 an amazing journey in Broward. When I talk to  
14 other SEDNET projects, they are not able to do  
15 what we do in Broward, which is communicate  
16 with those providers, bring them in when we  
17 have a tragedy, ask them for help and supports  
18 because we do me the monthly, weekly, sometimes  
19 daily, and we see each other in those settings.

20 So what the SEDNET do and how do we  
21 connect our community? So we have something  
22 called family safety planning teams which is a  
23 weekly meeting that happens that looks at  
24 unique needs of students throughout the county  
25 that's brought together by many members of our

1 community that are talking about unique needs  
2 of students. We also have something called  
3 local review teams which meet monthly and they  
4 talk about children that are escalating up to  
5 the top, we don't know what to do, there are  
6 some unique concerns about them and entities  
7 across the county meet, including our  
8 Department of Children and Families, Department  
9 of Juvenile Justice. Depending on what the  
10 unique needs of the child are, all those  
11 entities come together to talk about how can we  
12 help this child. We are involved in case  
13 management, so assisting families in those  
14 connections, our behavioral health partnership,  
15 which I'm going to talk more about, and trauma  
16 trainings, we have been doing trauma trainings  
17 since I came into the district and a half years  
18 ago and we've been doing those even before that  
19 time.

20 The other thing that SEDNET is unique to  
21 doing in Broward County is suicide prevention  
22 trainings to educate students. And you're  
23 probably wondering why I would talk about  
24 suicide? Because we know that suicide is  
25 something that uniquely impacts our students

1 and when that impacts our students, if they can  
2 get their needs met, we know from research that  
3 a young person or an individual might take out  
4 things on themselves first before they take out  
5 things on others. So if we can address their  
6 mental health issues first, we may save lives,  
7 not only theirs, but other students. So  
8 suicide prevention awareness is extremely  
9 important. We collaborate across their school  
10 districts with our community parents and  
11 behavioral health providers. I trained parent  
12 groups, behavioral health groups, community  
13 groups, anywhere they want that we can come out  
14 to educate them about mental health and  
15 awareness so they can get those supports before  
16 they get to that next step where things are in  
17 a tragedy state, so that's not what we want to  
18 be.

19 As Dr. Hickman talked about before gets to  
20 trauma, we want to do prevention and so getting  
21 them those unique services or supports prior to  
22 is a part of what SEDNET does. And we work  
23 with our schools, we link our community to the  
24 schools and our schools to the community. So  
25 that's kind of an important part of us. Also,

1 because of the new legislation, Broward County  
2 received a CAT team, a community action team.  
3 We did not have one before and so with that  
4 community action team we are able to more  
5 intensely wrap around families that come to the  
6 unique understanding that might come through on  
7 family safety planning team or through local  
8 review team.

9 So on the next slide you see our  
10 behavioral health partnership. That  
11 partnership started in the late -- mid-1980s  
12 and you see that unique logo that was developed  
13 by our partners and we've been using that logo  
14 now for 11 years. And it is creating a  
15 partnership that's caring for our children's  
16 behavioral health and we are making Broward  
17 stronger, and weaving doing that for quite some  
18 time. And those partners that you will see on  
19 the next page, there are 22 of them currently,  
20 but it grows, right, so it ebbs and flows. So  
21 some come in, some come out, but those partners  
22 come to monthly meetings, they work together,  
23 many of those partners came to the assistance  
24 of Broward County public schools when the  
25 tragedy occurred. Many of those partners still

1       today will come and participate, will sit at  
2       resource fair meetings, will do whatever we are  
3       asking them to do and it is because of this  
4       relationship that has existed since the mid-  
5       1980s. Right.

6               So as you see I'm not going into detail on  
7       each of them, but they all have unique services  
8       and supports that they do mostly in home but  
9       can come on campus and provide their services  
10      if that's something that is needed. They have  
11      psychiatric services psychotropic services,  
12      teletherapy, tele-psychiatry, all those things  
13      that you can think that would address the  
14      unique needs.

15             On the next slide, it talks about some of  
16      those things that we are doing, monthly  
17      collaboration between those partners and  
18      working together, resource fairs that occur  
19      every two years where had our resource fair  
20      last year, we had well over 800 people attend.  
21      They come together. They provide resources and  
22      then we provide those resources to our  
23      families. So the idea is that the more we  
24      connect and collaborate, the more that that  
25      information gets to families that might be

1 struggling or they don't know what to do with  
2 that child that maybe has crossed over various  
3 systems and hasn't been identified. If we  
4 identify them now, we get them those supports  
5 now and stop things that might happen in the  
6 future.

7 So district wide, our suicide prevention  
8 which I happen to be over, is that each school  
9 has what's called a suicide prevention designee  
10 and as Dr. Thompson talked about, youth mental  
11 health first aid training, which I'm going to  
12 go into in a minute. Family night, family  
13 connections. We pushed out the Listen movie  
14 through our district which talked about just  
15 being able to listen, pay attention. The Race  
16 to Nowhere moving, if you haven't seen that,  
17 that's about a child who has died by suicide  
18 with the intense pressures and things that have  
19 come forth. The Jason Foundation trainings,  
20 which we did. Hard to say, but we actually  
21 received our final notice of approval of that  
22 grant and money on February 14th, so we weren't  
23 able to roll those dollars out as quickly as we  
24 would like to, but we did do a large number of  
25 trainings and it's a two-hour training on

1 suicide prevention awareness. And then we base  
2 everything on our youth suicide prevention  
3 state guide.

4 So you probably heard a lot about youth  
5 mental health first aid, right? How many --  
6 right -- heard about youth mental health first  
7 aid. It has a suicide prevention component. I  
8 was the first person trained in Broward County  
9 back in 2014 as a youth mental health first aid  
10 instructor. We now have over 50 instructors as  
11 Dr. Thompson talked about on the train the  
12 trainer module. We've trained over 2,000 staff  
13 but that's not enough. Right. So the state  
14 was very good. The Department of Education put  
15 forth this cognito model which allows us to  
16 blend learning while they're waiting to take  
17 that youth mental health first aid training.  
18 It is not to supplement the youth mental health  
19 first aid, but an opportunity for them to  
20 become aware first, know what they can do and  
21 then after they've taken youth mental health  
22 first aid, they can take the cognito model,  
23 which is a two-hour blended mode. Some online,  
24 some face to face that allows them then to put  
25 into practice the information that they're



1 learning.

2 As Dr. Hickman said, educators are not  
3 mental health practitioners. So things that  
4 might show up in the classroom, they will not  
5 be -- may not be able to identify, but those  
6 these trainings assist them in doing that. And  
7 again, like I said, early identification allows  
8 them to maybe identify a child who is  
9 struggling that might be thinking about going  
10 home and doing something or bringing something  
11 back to school. But if we identify them now,  
12 we bring them to that safer place and  
13 ultimately, bringing everyone to a safer place.  
14 The trainings have occurred every weekend in  
15 several locations and you can see all of that  
16 information.

17 There's the specific information on the  
18 Jason Foundation, that blended training that we  
19 did between 3-8-2018 and 7-24 and I know that  
20 seems like a long period of time, or for me, it  
21 felt like a short period of time, but we did  
22 train over 1,000 staff and had 123 training  
23 sessions. So to do that in a short period of  
24 time, well, there was a lot going on. I think  
25 it's pretty phenomenal to be able to focus on

1 suicide prevention. And then we drill down to  
2 the students.

3 So what are the students getting? So we  
4 are using a promise and best practice for  
5 elementary school called riding the waves. Not  
6 in every elementary school, but some, and it's  
7 a 12-session module that allows students to  
8 identify ways to cope, to deal with stress, to  
9 ask for help and then the middle school models  
10 which are look, listen, link and helping every  
11 living person. And again, out of Washington  
12 State's crisis clinic and it is four sessions  
13 or three sessions for the 90-minute classes  
14 that allows students to figure out how to ask  
15 for help, where to go for help, early identify  
16 what to do if a peer is looking distressed or  
17 in need of help. So that moves us to our peer  
18 counseling classes, which is where those  
19 modules are implemented and the number of  
20 students that have participated in Broward  
21 County.

22 And then finally, looking at our  
23 additional suicide prevention efforts, we have  
24 our peer groups, our HOPE clubs, helping  
25 overcome problems effectively. Again, that's

1 brought forth by students and came about after  
2 a student died by suicide and the students put  
3 that together now is being assisted and  
4 supported through other community agencies.  
5 The Listen movie, as I mentioned earlier. And  
6 then the last one, which I really want to just  
7 give a shout out to our students at JP  
8 Taravella High School. They found this crisis  
9 text line which is free. They rolled it out.  
10 They pushed it out. They had students put it  
11 on their phones during a meeting in the  
12 auditorium so they offered awards to students  
13 to see how many people would follow them on  
14 Twitter. I don't have many followers, I don't  
15 know about you guys, but -- and so when they  
16 did that, more students had that on their  
17 phones. And then when the tragedy happened, we  
18 walked around asking students to put the crisis  
19 text line on their social media to use for  
20 help. And I want to report today, today I  
21 received an email of data of the numbers of  
22 students in Broward County who have used the  
23 crisis text line just this year, and that data  
24 looks something like this, over 3,000  
25 conversations have happened. Over 1,800

1 students have used it. And then the final  
2 piece of data that I think is amazing is that  
3 eight rescues occurred, eight Broward student  
4 rescues occurred because of the crisis text  
5 line. What that means is that a suicide was in  
6 progress. They used the crisis text line and  
7 those student's lives were saved. To me,  
8 that's an applaud to our students sharing, to  
9 other sharing, and that we work together to  
10 save the lives of all of our children.

11 I'm going to turn it over now, I guess, to  
12 Mr. Gohl.

13 MR. GOHL: Thank you, colleagues.  
14 Commission, we know that mental health is best  
15 developed, maintained, and intervened when we  
16 know our students. It's the relationships with  
17 students that matter. It's important to  
18 remember that elementary teachers often have  
19 about 20 students a day for four hours or so  
20 when they've got their specials and  
21 alternatives. That changes in our secondary  
22 school when teachers have well over 100  
23 students, that they're seen on average maybe 50  
24 minutes a day. We need to layer multiple  
25 relationships to make sure that our net of

1 connection allows us to know our students to  
2 intervene. The other closing remark I'll say,  
3 and I am hoping that this commission will  
4 continue its advocacy to remove the stigma that  
5 permeates so many of our communities about  
6 seeking mental health assistance and  
7 maintaining mental health as a form of natural  
8 hygiene.

9 We can only offer services and when people  
10 get into crisis, we can force services until  
11 such a point as the courts or others return the  
12 right to refuse services to individuals and  
13 families. This issue of how we maintain  
14 relationships and respect individual agency is  
15 a cultural issue. So I'll turn it over to you,  
16 sir, and allow the commission to ask any  
17 questions you have.

18 SHERIFF GUALTIERI: All right.  
19 Commissioner Larkin-Skinner, go ahead.

20 COMMISSIONER LARKIN-SKINNER: I have a  
21 couple of questions, actually, four questions.  
22 One is outcomes. So we heard a lot about what  
23 you used to do, what you're now doing, what do  
24 you have in place to measure the effectiveness  
25 of all of these things?

1 DR. HICKMAN: Well, one, with the most  
2 recent -- the data that Charlene just shared  
3 with SEDNET, with the suicide prevention, we do  
4 have opportunity to share the data that we  
5 collect on how much training we provide, who we  
6 provide those trainings to. We can look at the  
7 impact on absenteeism or student attendance,  
8 use the data as a reflection of the discipline,  
9 decreases or increases to that, when in terms  
10 of mental health, who is receiving that mental  
11 health service. And it's more individualized  
12 when you come to looking at how our students  
13 are progressing. It's like if you're looking  
14 for a large database on how that impact that's  
15 taking care -- that's kind of difficult. But I  
16 would say that, as you know, quantitative data  
17 is always easy, easier, because you can count  
18 numbers, but I think what we will be doing and  
19 will do at the end of the year because today is  
20 the last day for students. We -- the students  
21 will be done in school. We will then be  
22 looking at the data retroactively for this  
23 school year in its entirety, to look at the  
24 number of students served for mental health  
25 reasons. We will compare that with our

1 services that we provided longitudinally say  
2 for the past two years to see what those  
3 numbers look like at this time. Do we -- are  
4 we seeing that we have more students accessing  
5 mental health services and using mental health  
6 services.

7 We'll also look at the outcomes because as  
8 we provide services, we also log outcomes for  
9 the students that are seen. So that will be  
10 data that we'll have available in the next few  
11 months as we analyze what we've done.

12 DR. MUCENIC: As far as suicide prevention  
13 data or SEDNET data, so for suicide prevention,  
14 we received that grant on February 14th, we had  
15 the previous school year, 11 students die by  
16 suicide. And then the next school year, we had  
17 two. So when we look at death by suicide, and  
18 we look at data, I can't tell you how many  
19 lives we've saved by the work that we've done,  
20 but I can tell you how many children who  
21 haven't died, right. So as far as SEDNET, we  
22 track the number of referrals that we get from  
23 the hospitals and the communication and  
24 collaboration that we work with our providers.  
25 The providers have an increased number of

1        referrals that they have received from us.  
2        It's quantity versus quality and which one do  
3        you really measure. I think the quality of the  
4        work is there because we're not seeing our  
5        children dying by suicide, but we're also  
6        seeing our children asking for help. And so  
7        when they ask for help, I think that they're  
8        telling us that they need that help and that  
9        the help that they're getting is working.

10        SHERIFF GUALTIERI: Commissioner Petty.

11        COMMISSIONER PETTY: Thank you all for  
12        your testimony today. Just a couple of  
13        questions, I think. So Sandy Hook Promise, how  
14        many events have been carried, in the district,  
15        how many schools has this been rolled out it?

16        DR. THOMPSON: Several. Many school,  
17        actually. I don't have that number with me,  
18        but I can tell you that recently, we got a  
19        grant, when I say we, in the student support  
20        initiatives division, we got a grant for  
21        \$500,000 from DOJ. And so we have used Sandy  
22        Hook Promise, two of their curriculum to focus  
23        on some particular school based on the data  
24        that we reviewed. And that was only a subset  
25        of what we did. But the Sandy Hook Promise



1 curriculum, we were with Sandy Hook since a  
2 school year ago, we've been in many schools and  
3 I'll be more than happy to make that data  
4 available, but there are several -- I would  
5 like to say several hundred schools that have  
6 had the program. Actually, we have the number  
7 of events that we've done in several schools  
8 and the number of students that were trained  
9 per school, I just don't have that with me.

10 COMMISSIONER PETTY: Okay.

11 DR. THOMPSON: But I want to understand  
12 that there two pieces --

13 MR. GOHL: We'll get you to follow up.  
14 Excuse me. I know that we've provided to the  
15 school board when we brought forward the new  
16 contract with them so that information is  
17 available.

18 COMMISSIONER PETTY: That would be great.  
19 I have -- interesting. I know the -- Nicole  
20 Hawkley very well and it's a great program and  
21 it goes to your point about culture, right, in  
22 school. So on the slide we didn't go through  
23 but the ratio of clinicians for mental health  
24 services, there's a need presented here.  
25 There's a state average, a Broward average,

1 recommended average, and a need. What is the  
2 district doing to close the gap?

3 MR. GOHL: So -- slide 22, thank you. All  
4 right. There we go. I believe this is the  
5 slide you're referring to, just so the audience  
6 can follow.

7 COMMISSIONER PETTY: That's the correct  
8 slide, yes.

9 MR. GOHL: Several things. One is that  
10 last August, the school board did go out for a  
11 millage referendum that will provide several --  
12 it's a half mill on the tax rate, it will  
13 provide for some supplemental pay for teachers,  
14 it also provides some safety and security  
15 dollars in addition and it's about eight  
16 percent, I forget the exact percentage, of that  
17 money that will be directly targeting mental  
18 health and counseling services for students.  
19 That money will become available on July 1st.  
20 We'll be moving forward with that deployment.  
21 It is mostly for direct service providers. We  
22 are trying to eliminate any administrative  
23 overhead being billed to that and shifting any  
24 costs. Obviously, when you bring more  
25 clinicians in, you do need coordinators to

1       oversee them, you need secretarial assistance,  
2       but we're trying to make the millage dollars be  
3       as directed as much as possible straight to  
4       service providers.

5               We -- what we have is a cascading of  
6       services directly to Marjorie Stoneman Douglas  
7       High School. Its feeder patterned and then the  
8       county as a whole. The millage referendum is  
9       county wide. Our board has been careful to  
10      make sure that one, we are targeting our most  
11      intense needs as well as our persistent needs  
12      across the county. So that, we can certainly  
13      provide it up to the district. Once we get the  
14      final dollar values, we'll see what's in and  
15      what's out, those tax forms will come in, in  
16      July.

17             COMMISSIONER PETTY: My guess though is  
18      that won't entirely close the gap.

19             MR. GOHL: Certainly not. The total  
20      funding for schools in Florida is a fixed  
21      finite amount. We are trying to do as much as  
22      possible. You can see, we are doing within the  
23      ballpark of the state average, in some cases a  
24      little better but we are nowhere near what the  
25      advocacy groups, the professional associations

1 say we need to get to. 2,500 people, that's a  
2 lot of money.

3 DR. MUCENIC: If I might also add, Mr.  
4 Gohl, is that our collaboration with our  
5 community providers and our partners so our  
6 managing entity, PBHC, children services  
7 counsel and children services board, they work  
8 very closely with us so when we are needing  
9 those extra supports for those students, we  
10 work with them, they help find or fund or put  
11 out RFAs, RPFs to help support the students  
12 that maybe we wouldn't be able to do without  
13 their support and collaboration.

14 COMMISSIONER PETTY: And I know CSC very  
15 well and I would encourage you to continue that  
16 as aggressively as you can. It goes to case  
17 management then. So one of the challenges we  
18 saw in the case of shooter at Marjorie Stoneman  
19 Douglas was, and this went to the mental health  
20 issue specifically, but an ill -- this idea of  
21 case management was pretty ill defined. What  
22 was the goal of the treatment? What were the  
23 outcomes? How do you measure success? I'm  
24 looking for a definition --

25 SPEAKER: So case management is very --

1 COMMISSIONER PETTY: -- perhaps --

2 SPEAKER: -- very unique kind of thing  
3 when you think about what case management is.  
4 So for SEDNET, case management is a child who  
5 is at risk or has already been identified with  
6 an eligibility under ESC specifically, EVD.  
7 And so they would be helping support that  
8 student through family services, home services,  
9 school services and walking through that. As  
10 far as case management as it would be defined  
11 in the community as they come from the  
12 community would be more wrap around services,  
13 maybe getting him to community action team and  
14 supporting all of those things. That's not we  
15 were meaning by case management under SEDNET  
16 and I'm not sure that case management exists in  
17 that capacity within the school district.

18 COMMISSIONER PETTY: I think it's still --  
19 sounds like it's still a gap. So it's -- I  
20 mean if we're just walking the family around  
21 and making them aware of different services,  
22 that's falling short of where it needs to be,  
23 or at least engage -- maybe we're engaging  
24 services also, but my view of it is, it needs  
25 to -- there need to be some definitive goals

1 and objectives for the treatment for this --  
2 for this child.

3 DR. MUCENIC: So in Broward, there's --

4 COMMISSIONER PETTY: So that they're  
5 improving over time, right?

6 DR. MUCENIC: Right. So there's something  
7 in Broward and has moved across the state with  
8 high fidelity, it's high fidelity wrap around.  
9 And so with high fidelity wrap around, that is  
10 the upper level of case management. So when  
11 you think about case management as defined by  
12 the Medicaid manual and such, it's pretty much  
13 what you just first described. It's pretty  
14 much get them to an appointment, they got it,  
15 check, check, check and done. With high  
16 fidelity wrap around, which is the Vanderberg  
17 model, it's more what you're talking about,  
18 it's ensuring, it's individualized, they're  
19 following, they're working with, they're making  
20 sure those things are happening. And that is  
21 funded and supported through Broward County CS  
22 -- Broward County children services board funds  
23 high fidelity wrap around as many of the  
24 providers listed here also do high fidelity  
25 wrap arounds. We do work with them when that

1 type of service is needed, but indeed, you are  
2 right, it is a gap and has been that way for  
3 years.

4 COMMISSIONER PETTY: And what percentage  
5 of the cases are high fidelity wrap around at  
6 this point?

7 DR. MUCENIC: You would want to go to the  
8 community providers or bring some of the county  
9 folk up that may know some of that.

10 DR. THOMPSON: I would just like to say  
11 that if you're talking about case management as  
12 it exists in the school itself, you might want  
13 to consider that the school social worker is a  
14 case manager because the service they do is  
15 managing many things for a particular child.  
16 So a child is referred to the social worker,  
17 the school social worker, and they will be  
18 managing probably child's attendance, probably  
19 some interaction with families about some  
20 things that probably not going well. So that  
21 person could be that centralized case manager  
22 even though we're not called case managers, but  
23 the function would be like a case management  
24 function. I think perhaps that's what you  
25 might be referring to; am I correct, sir?

1           COMMISSIONER PETTY: Well, what I'm  
2           referring to is, nobody was in charge of making  
3           sure the shooter was receiving the services  
4           that he was eligible for and making sure he was  
5           making progress as those services were  
6           rendered. And so what I'm concerned about are  
7           silos where the school districts case manager  
8           is worried about the school district piece and  
9           all these agent -- nobody is in charge, right.  
10          Nobody is actually looking holistically. So  
11          wrap high fidelity sounds great to me, but I  
12          don't know if we're doing that. I don't know  
13          what percentage of cases were doing that.

14          MR. GOHL: So Commissioner Petty raised a  
15          very important social policy issue. At what  
16          point does a case become so concerning from any  
17          one institutional player that there needs to be  
18          an umbrella oversight of full on case  
19          management of every organization that, that  
20          family is touching. Both the community  
21          provider, a school district provider, law  
22          enforcement inclusion, right. When somebody  
23          gets into the law enforcement piece, that  
24          becomes a funnel through which all services are  
25          provided, but the case management there is



1 about managing the criminality and the  
2 consequences of it.

3 COMMISSIONER PETTY: Yes.

4 MR. GOHL: That's different than what  
5 you're raising, which is somebody who is deeply  
6 challenged, whether it's a family situation or  
7 a genetic source to it, at what point does  
8 someone cross a particular institution to where  
9 they now need to be on, and no such  
10 organization exists until somebody violates a  
11 social norm that results in either baker acting  
12 or law enforcement involvement.

13 COMMISSIONER PETTY: Yes, it seems like  
14 that nobody has the ball until somebody  
15 presents an imminent threat and then all of a  
16 sudden, we all look to law enforcement and say  
17 solve this. Right. So I -- you know, again,  
18 maybe it's a policy thing. I've only got a  
19 couple more questions. So I was encouraged to  
20 hear about the rescues, so that was -- that was  
21 great to hear. And Commissioner Larkin-Skinner  
22 asked this, I -- you know, my question is  
23 really -- it looks like we've -- the end of the  
24 year data, 2,500 students participated, there  
25 are 270,000 students in Broward County school

1 district. We've only -- we've only gotten to  
2 2,500 in some form or fashion on counseling.  
3 How do we measure success? How -- what are the  
4 goals? Are you trying to get to 5,000 this  
5 year or 50,000 or -- when are we going to get  
6 to all of them.

7 DR. HICKMAN: Well, as you mentioned, 27  
8 -- I mean 2,500 of them have been trained.  
9 These students were trained as peer counselors.  
10 We didn't want every student to be trained as a  
11 peer counselor, but they have been given the  
12 task, been provided with the training to be  
13 able to see something, say something, if they  
14 are able to move our mindfulness and our talk  
15 initiative around or above so that other  
16 students can communicate, that's really what we  
17 want to do. To train all of them to be peer  
18 counselors is not the goal, but to have these  
19 students to be the conduits to getting the  
20 information. Many times, as an adult, we think  
21 that children are listening to us, but in fact,  
22 that's not the case. The children will listen  
23 to their peers before they listen to us --

24 COMMISSIONER PETTY: Now as a father of  
25 four children, I can attest to that.

1 DR. HICKMAN: And so -- so that's almost  
2 10 percent of the population of students that  
3 is out there providing that peer counseling.

4 COMMISSIONER PETTY: And this crisis text  
5 line seemed to be a bit viral, if I use --  
6 that's my term, is that fair to say? That it  
7 sort of went viral with the kids?

8 DR. MUCENIC: Yes, it did.

9 COMMISSIONER PETTY: Okay.

10 DR. MUCENIC: And they found it to be  
11 effective.

12 COMMISSIONER PETTY: Do we understand --  
13 do we understand why, or do you understand why,  
14 and do you think you could replicate that type  
15 of success with other programs?

16 DR. MUCENIC: Yes, I think the first why  
17 was it was found by students and it was found  
18 by the JP Taravella group. So students found  
19 it and found it to be something that they knew  
20 other students would use. So I think that  
21 student driven, student led, student understood  
22 is why it went viral. And we pay attention to  
23 what the students know and do so when we find  
24 something that students find effective, that's  
25 what we have to replicate, right, and that's

1 exactly why it did what it did and it's  
2 continuing to go viral. Also, giving kudos to  
3 Foxmar Photography who put it back on the  
4 student IDs as well, so giving students that  
5 information hands on in front of them was also  
6 critical.

7 COMMISSIONER PETTY: My guess is those  
8 tend to be cost effective also.

9 DR. MUCENIC: Correct. Prevention,  
10 prevention, prevention.

11 COMMISSIONER PETTY: Thank you.

12 SHERIFF GUALTIERI: Sheriff Judd, go  
13 ahead.

14 SHERIFF JUDD: Mr. Gohl, one thing when we  
15 hear about involving law enforcement,  
16 traditionally, people think law enforcement  
17 means people need to, are about the --  
18 investigated and or arrested. The reality we  
19 find our self deeply involved in social issues  
20 every day in the community. So when you talk  
21 about law enforcement involved, that doesn't  
22 necessarily mean we have a legal and actionable  
23 process for criminal prosecution, but sometimes  
24 law enforcement needs to be involved because we  
25 watch this person in the community, and if we

1 know that this person already has issues or is  
2 suffering from issues or there's a pathway,  
3 then we may connect with him at 2:00 in the  
4 morning when everybody else is at home -- is  
5 home, in bed asleep. So I think we need not to  
6 look at us as the call to people if and when  
7 this person creates a threat or a fear of a  
8 threat that somebody can be significantly  
9 injured, but that we be looked at as another  
10 piece of this 24 hour clock so somebody's there  
11 to watch him and we have the opportunity to  
12 check a system, check a process, find out  
13 you're supposed to be under care and if you're  
14 at crisis, do we just baker act you and that if  
15 we baker act you, can tell the baker act people  
16 by the way this person who has developed a  
17 crisis at three in the morning is due at eight  
18 or 8:30 in the morning for a counseling  
19 session. So, somehow, we've got to relax the  
20 fear that we only come in and swoop down and  
21 arrest people. When the vast majority of our  
22 workday is to provide social services, not to  
23 arrest people.

24 MR. GOHL: I could not agree more, and I  
25 apologize if in any way I reduce the role of

1       yourself and your officers throughout the  
2       state. I know from watching the hugs kids give  
3       their SROs and their guardians in the day, the  
4       fact that they show up in the yearbook  
5       pictures, that they are part of the community.  
6       They are so much a part of the community that  
7       they are entrusted with responsibilities that  
8       others are not, and you raised arrest and baker  
9       act capabilities as it. They are the ones  
10      trusted with the judgment to do that, but that  
11      is not the only -- that is the rare role that  
12      they plan our social communities. We've got  
13      the role of the educator, the role of the law  
14      enforcement, the role of the nurse, that there  
15      are these people that are out there every day  
16      making sure that we have the best climate and  
17      environment for learning to occur. So thank you  
18      for bringing that point up.

19           SHERIFF GUALTIERI: Sheriff Ashley.

20           SHERIFF ASHLEY: Thank you. This is one  
21      of those subjects that I'm not sure there's any  
22      experts in when it comes to mental health and  
23      mine is more directed -- question is more  
24      directed towards behavior and is the behavior  
25      expectation of students with a mental health

1 disorder the same as those that have no  
2 disorder?

3 MR. GOHL: So that would depend on whether  
4 or not the student has a pre-existing diagnosed  
5 mental health condition. If so, and they have  
6 an exceptional student education plan, as we  
7 call it here in Florida, then the ESE  
8 regulations, which I know this commission has  
9 reviewed in its work last year, would going to  
10 affect and Dr. Hickman can provide details  
11 about the new rules and manifestation  
12 determination hearing may need to be put in  
13 place. It does not, in any way, excuse or  
14 provide exoneration in a prima facie way for  
15 behavioral misbehavior. I apologize for  
16 expressing that poorly.

17 SHERIFF ASHLEY: So the consequences would  
18 be the same?

19 MR. GOHL: The consequences may be the  
20 same. It depends whether or not the  
21 misbehavior is directly associated with the  
22 misbehavior. Consequences will still occur,  
23 but Dr. Hickman, do you want to provide some  
24 detail about how it intersects, discipline  
25 wise, with ESE status particularly around

1           mental health.

2           DR. HICKMAN: You did a great job of  
3           explaining but the part that's missing is their  
4           direct relationship to the students disability.

5           MR. GOHL: I'm sorry I can't --

6           DR. HICKMAN: Is their direct relationship  
7           between the behavior and the student's  
8           disability. Specifically, if a child is  
9           identified with a behavioral or emotional  
10          disturbance, then it would be identified in  
11          their evaluation as part of their IEP, and then  
12          if there is a behavioral infraction that  
13          occurs, then there's some considerations that  
14          must be given if the child has a behavioral  
15          intervention plan. If the student -- the  
16          regulations require that or allow for a student  
17          to be disciplined the same as any other child  
18          of the 10 days. That means there may be --  
19          their placement may be changed after that but  
20          there's some details and some specifics for  
21          students with disabilities.

22          SHERIFF ASHLEY: Is this federal  
23          regulation or state regulations?

24          DR. HICKMAN: Yes. This is based on IDA,  
25          the individuals with disabilities education



1 act.

2 MR. GOHL: But I want to get to your  
3 underlined question. At no point does a mental  
4 health or an emotional condition provide an  
5 excuse and an exoneration for misbehavior? It  
6 changes what the form of consequence is.

7 SHERIFF ASHLEY: That's what I'm trying to  
8 get. Is the consequence the same and you're  
9 telling me is not.

10 MR. GOHL: If a student is up for  
11 expulsion and their manifestation of a  
12 misbehavior is a direct result of whatever  
13 disability they've been diagnosed as having,  
14 that student may end up going to an alternative  
15 center as opposed to external expulsion. We  
16 can change placements, but we have to have a  
17 meeting in order to do it. It adds extra steps  
18 to how we process it.

19 SHERIFF ASHLEY: So let me add one more  
20 variable to that, the victims' rights in this.  
21 So you have the student who has misbehaved or  
22 had some issue or some disturbance and during  
23 that disturbance, whether it was as a result or  
24 related to their mental health disorder, now  
25 there's an additional victim involved, what are

1       their rights? Do -- so the consequences would  
2       change if there was a victim?

3               MR. GOHL: The victim -- of a battery of  
4       theft or --

5               DR. HICKMAN: When you say the rights of  
6       the victim, the victim still has their rights,  
7       we aren't taken away that --

8               SHERIFF ASHLEY: So the consequences would  
9       change if there were a victim versus if there  
10      were not?

11              MR. GOHL: And just let me say, our  
12      remarks thus far, have been strictly within the  
13      administrative disciplinary response system.

14              SHERIFF ASHLEY: Right.

15              MR. GOHL: If there is a criminal act  
16      associated with it, that is separate.

17              SHERIFF ASHLEY: Okay. So there -- we are  
18      making progress and so the behavior, whether  
19      it's criminal or administrative behavior that's  
20      against policy versus against the law, the  
21      consequences, regardless of whether you have a  
22      mental health disorder or not, are the same.  
23      True or false?

24              MR. GOHL: The initial consequence  
25      recommendation is based strictly on the

1 behavior. If there is a diagnosed disability,  
2 then a hearing needs to be held to examine the  
3 relationship of the diagnosed disability to the  
4 event.

5 DR. HICKMAN: What's making it so  
6 difficult to explain is, we are talking about  
7 -- we may be talking about under IDA, there's  
8 14 different categories that qualify for a  
9 child to be eligible for special education, but  
10 one we are talking about mental health or  
11 mental illness, they may not -- they may have a  
12 disability that's not under IDA, they may have  
13 -- I can think of one right now because --

14 DR. MUCENIC: Bipolar disorder.

15 DR. HICKMAN: Bipolar disorder that may  
16 not require them to have IDP, therefore those  
17 students with -- they're going to have the same  
18 consequences. We are talking specifically when  
19 I went to a student with -- a student with  
20 special needs who has an individualized  
21 education plan, who's been found eligible under  
22 the state and under IDA, then that is  
23 different, and they do have an explained  
24 administrative disciplinary procedure that we  
25 must follow.

1           SHERIFF ASHLEY: And my last question, I'm  
2 taking up too much time. The whole underlining  
3 thing, or at least from my perspective is, the  
4 least restrictive environment clause and our  
5 constitutional right to a free and public  
6 education. In your professional opinion, is  
7 mainstreaming students with mental health  
8 disorders the -- in our public schools, is that  
9 the proper way or is that the most effective  
10 environment to treat and help those students?

11           MR. GOHL: So I'll say is this, it is  
12 important that we evaluate each case  
13 individually. The expectation that each  
14 individual case be examined by a multi-tier  
15 layer of professionals, educators, mental  
16 health professionals to make a determination  
17 must occur. I am not going to give a patent  
18 answer that full inclusion must occur no matter  
19 what the conditions are, that would be  
20 inappropriate. Nor do I want us to be an  
21 environment where any condition precludes one  
22 from being included in a regular ed classroom.

23           SHERIFF ASHLEY: The last point I would  
24 make to that is according to your ratio of  
25 clinicians for mental health services you are

1 so far understaffed there is no way that you  
2 can provide the services that you say, or at  
3 least on a racial basis, is necessary. So I  
4 mean, how many more social services, mental  
5 health services would you need in our schools  
6 to meet just the ratios you've laid out in  
7 slide number 22?

8 MR. GOHL: So, the ratios you're looking  
9 at on slide 22 is for the district as a whole,  
10 not our ESE diagnosed population. We have a  
11 statutory requirement to provide the services  
12 of the services that are in an individualized  
13 education plan and federal and state funding  
14 does follow the diagnosis to support, I'm not  
15 going to say cover, but support the delivery of  
16 those services. So there's no student who has  
17 an IEP requiring therapeutic services who is  
18 going unmet. The limitation that we have from  
19 our general funding is to meet the needs of all  
20 students, including those who have no  
21 diagnosis. Thank you.

22 SHERIFF GUALTIERI: So before I move on to  
23 the other commissioners, I just want follow-up  
24 in that for a second. So, I hear your answers  
25 and I accept your answers from an academic

1 response, but I want to know from my reality  
2 responds and here's a reality response I want  
3 to probe you a little bit. Is that -- and you  
4 see that there is -- the conduct itself, the  
5 initial conduct itself that is being that with,  
6 there is no different as far as consequences  
7 concerned, but, okay, if there is indication  
8 that it might be driven based on the  
9 disability, then that would be considered --  
10 that could be a hearing held etcetera to make  
11 that type of determination.

12 MR. GOHL: If there is a disability and  
13 the consequence is more than 10 days --

14 SHERIFF GUALTIERI: And there's a nexus to  
15 it.

16 MR. GOHL: Right.

17 DR. HICKMAN: Let me just say that there  
18 is only 13 percent of the student populations  
19 in Broward County that are eligible for a IEP  
20 that fall under special ed that would be  
21 protected.

22 SHERIFF GUALTIERI: I get it. Right.

23 DR. HICKMAN: That 13 percent --

24 SHERIFF GUALTIERI: I get that.

25 DR. HICKMAN: -- would be different.

1           SHERIFF GUALTIERI: But here is the crux  
2 of the question is, is that the staff and the  
3 teachers and those who interact with those 13  
4 percent who know that that student is an ESE  
5 student with an IEP, do they tend, because of  
6 that status, to be more hands-off and to shy  
7 away and to be more concerned about taking  
8 action where it doesn't even get your processes  
9 or systems and is there, not just in Broward  
10 County, but is there a culture if you will, in  
11 education generally, to be more hands-off with  
12 those students because their concern of  
13 consequences of dealing with in ESE student?

14           MR. GOHL: There is no doubt that a  
15 whenever you've got a special designation for a  
16 student be it RLL, RTI, response intervention  
17 for behavioral academics right, ESE, that once  
18 you've got a label associated with the kid, it  
19 puts people -- I'm not an expert in that, I  
20 don't know how to do with it.

21           SHERIFF GUALTIERI: Right.

22           MR. GOHL: Right. And that -- we've got  
23 more than 80 percent of our general ed teachers  
24 have one or more ESE students. So we've got to  
25 create a climate where people know who their

1 ESE students are and how to respond when  
2 something goes on. So one of the things we've  
3 done just a school year is in our rostering, in  
4 our learning management system, every teacher  
5 can see every program that any kid on their  
6 role is in. This is a nationally trendsetting  
7 piece because we believe in powering teachers  
8 will do it. The next step is to make sure that  
9 nobody hesitates to respond because of  
10 programmatic participation. If you're an  
11 assistant principal and you have misbehavior,  
12 you need to respond to that right away. If the  
13 recommendation is more than 10 days, then you  
14 have to hold a manifestation hearing, but you  
15 do not delay. You don't say because this kid  
16 is ESE, he's not mine, every kid.

17 SHERIFF GUALTIERI: I think that's a  
18 challenge you all have, and I think we saw that  
19 with Cruz, we've seen it with others and  
20 talking to other educators in other districts.  
21 I think the reality of it is, and you can --  
22 you're giving the right answer as far as the,  
23 you know, but the reality is, is that you do  
24 have staff throughout the districts and  
25 probably not just limited to Florida, but every



1 place, that deals with these -- and it is a  
2 challenge that you all have to make sure that  
3 people have the right information, they have  
4 the right knowledge and they're not afraid just  
5 because a child has a label to take action  
6 against that child and let it falls where it  
7 falls which I think, it's to what Sheriff  
8 Ashley was asking about, are these kids treated  
9 differently, are they given a pass, if you  
10 will, and I think it's, from we seen, is it  
11 tends to be more informal because they will  
12 just write it off as opposed to take an action  
13 and so they do get treated -- de facto, they do  
14 get treated differently, at least to some  
15 degree.

16 MR. GOHL: We're doing everything we can  
17 to let people know that misbehavior must be  
18 dealt with some form of consequence right away.  
19 The labels coming down the road, not on the  
20 initial response.

21 SHERIFF GUALTIERI: I appreciate it. I  
22 just want to put that out there because I  
23 think, you know, and I don't hear you disagree  
24 with that --

25 MR. GOHL: No, I don't.

1           SHERIFF GUALTIERI:  -- with that premise.

2           You know, and unfortunately, the more  
3           information people have, the more knowledge  
4           they have, and the more that the district and  
5           the districts set the expectations of the staff  
6           is, is that follow the law, follow the right  
7           parameters, don't treat them differently, don't  
8           give them a pass just because, because we need  
9           to deal with this behavior and the conduct and  
10          then we're all better off the more people to  
11          get the message.  Mr. Schachter, go ahead.

12          MR. SCHACHTER:  Okay.  I have a couple  
13          questions.  Thank you, gentlemen, for being  
14          here and ladies.  I'd like to talk for a couple  
15          minutes about the collaborative educational  
16          network of Tallahassee, the one the producer  
17          report on the murder.  Number one, at Cross  
18          Creek, there were -- no more than 10 kids in a  
19          class and only about 140 students in total.  
20          The school had a psychiatrist on staff as well  
21          as therapist, counselors, security, and a nurse  
22          who ensured that the students were taking the  
23          medications.  My first question is, why did you  
24          send the murder to Marjory Stoneman Douglas  
25          when you knew that every time he had been

1 mainstreamed, he was a disciplinary nightmare?  
2 Why was he sent there without a behavior  
3 intervention plan, plans that ensure that  
4 everyone dealing with the student knew what set  
5 them off and how to reinforce better behavior?

6 MR. GOHL: So Mr. Schachter, this team  
7 that is sitting to my right, is not prepared to  
8 respond to the details of the particular case  
9 which you are referring to that has caused this  
10 commission to be convened. What I will say is  
11 that we have provided to the commission and all  
12 other law enforcement agencies have asked for  
13 it, the complete accounting of records that  
14 have gone on and will continue to work with law  
15 enforcement, other authorized investigative  
16 agencies, to answer the very question you got.  
17 As you are aware, there is substantial  
18 litigation on this question that is calling  
19 into question each and every decision that  
20 touched that individual across his educational  
21 progression. This is not the forum for us to  
22 respond to the question, in my opinion.

23 MR. SCHACHTER: We've been investigating  
24 this tragedy for over 12 months now, almost a  
25 year and a half, you've come -- Broward County

1 schools has come before this commission many,  
2 many times and has answered our question, why  
3 are you refusing to answer this question now?  
4 You've answered our questions every other time.

5 MR. GOHL: We have heard the question, I  
6 will work with the commission chair as well as  
7 our general counsel to provide a response to  
8 the commission members as much as possible that  
9 may or may not be able to be shared with the  
10 community as a whole because of the litigation  
11 that is ongoing on multiple fronts.

12 MR. SCHACHTER: Okay. There's been  
13 litigation since day one. My next question is,  
14 two months after he was kicked out of Marjory  
15 Stoneman Douglas, his mother called in to say  
16 that he had changed his mind and wanted to  
17 return to Cross Creek. The district had 15  
18 years of paperwork on the murderer but  
19 determined that they would have to reevaluate  
20 him in order to find a manageable for an IEP  
21 services, the process that Douglas attempting,  
22 said they would -- it would take six week for  
23 this to happen. The report that you  
24 commissioned, it said the district did not  
25 follow through. School officials also

1 misstated the murderers options when he was  
2 faced with being removed from Marjory Stoneman  
3 Douglas. In part, because of the errors the  
4 murderer had no school counseling or other  
5 special education services in the 14 months  
6 leading up to the murderer murdering my little  
7 boy. Three days after he was forced by the  
8 district to withdraw from Marjory Stoneman  
9 Douglas, he went and purchased a gun that  
10 killed 17 people. Though the district knew  
11 that he needed services and had put in writing  
12 just two weeks prior that he quote/unquote  
13 requires access to therapeutic support as  
14 needed throughout the school day, at the time,  
15 the options that offer the murderer were  
16 incorrect. So my question is, you've done --  
17 you've investigated or started an investigation  
18 on the four assistant principals and the  
19 principal, who has been held accountable for  
20 these errors after your -- you hired that  
21 company to produce this report, who has been  
22 held responsible and what disciplinary actions  
23 have been taken?

24 MR. GOHL: So through the work of the  
25 collaborative education network as well as the

1 work of this commission, the Broward league of  
2 cities and other investigative bodies, we have  
3 received a number of reports, including the one  
4 you just referenced, that the mother called  
5 after withdrawal from Marjory Stoneman Douglas  
6 and enrollment in adult education program.  
7 That report of a phone call being made and her  
8 being deferred from being able to re-enroll --  
9 no, excuse me, have him reevaluated for ESE  
10 services, we are aware of and is part of our  
11 comprehensive ongoing investigation. What I  
12 will also say that is slightly different than  
13 what you said is that he was not forced out of  
14 the school. We recommended a return to  
15 placement at Cross Creek. The family executed  
16 their legal option to withdraw from the ESE  
17 services against the guidance that the school  
18 district had provided. Subsequently, he  
19 withdrew from his neighborhood high school and  
20 went to an adult ed program where he remained  
21 in adult education until that horrible day  
22 where you lost your son and other families lost  
23 their loved ones.

24 SHERIFF GUALTIERI: So just to be clear  
25 with this, and we can cut through some of the

1 but, because it is important, so we attempted  
2 through the investigation to identify those  
3 people who were present on November 3, 2016 at  
4 that interim IEP meeting with Cruz and his  
5 mother where Cruz acted out and where he was  
6 told, and this is what the collaborative  
7 education report network says and this is what  
8 we been able to determine is, is that, that  
9 meeting was held on November 3rd. We don't  
10 know, until this day, we have not been able to  
11 determine, even using and exercising  
12 significant diligence to find that out, exactly  
13 who was present in that meeting because it is  
14 not well documented. There were people there  
15 and that Cruz was provided -- he had just  
16 turned 18, he turned 18 in September of '16  
17 which changed the dynamic because, at that  
18 point, you all were recommending that he go to  
19 Cross Creek. And while you are recommending  
20 that, if he didn't want to go, my understanding  
21 is, that it would've been incumbent upon the  
22 district then to have the hearing with an  
23 administrative law judge and force him to go  
24 over to Cross Creek. But he was misinformed by  
25 the district and the personnel, and I see the

1 district, it's these unknown people who were  
2 there in that meeting, that he had two choices  
3 one, is that he can withdraw from all services  
4 and stay at Stoneman Douglas which was wrong,  
5 or he can go to Cross Creek. And when forced  
6 with that option which was wrong, is that he  
7 withdrew and after that meeting is when he no  
8 longer got ESE services at Stoneman Douglas.

9 He stayed at Stoneman Douglas until  
10 February 2017 when you're correct, because it  
11 is not accurate to say he was booted out  
12 because he wasn't booted out, is that he went  
13 to the adult learning centers. I believe he  
14 went to three and he bounced around in the  
15 adult learning centers up until the time of  
16 February 2018. There was a point where he did  
17 ask to go back and through him or his mother,  
18 because he didn't like the adult learning  
19 center, and it was stated that he would have to  
20 be reevaluated despite the fact he'd been an  
21 ESE student since age three and we have been  
22 unable to determine, although there's some  
23 indicators as to whom might have dropped that  
24 ball, but we haven't been able to determine who  
25 dropped that ball, but it does appear it was



1       somebody at Stoneman Douglas High School that  
2       didn't reinitiate the process and that's where  
3       he just foundered throughout the adult learning  
4       centers and nothing was done to reevaluate,  
5       retest and bring him to ESE. That's what our  
6       investigations, so we're all clear, that's what  
7       our investigation has revealed. And so is  
8       there anything different in that, that you  
9       know?

10       MR. GOHL: No sir.

11       MR. SCHACHTER: Why wasn't he given a  
12       behavioral intervention -- is that standard  
13       operating procedure that when you mainstream a  
14       child you, you know, attach behavioral --

15       SHERIFF GUALTIERI: I think that's goes  
16       back to the question he said he wasn't going to  
17       answer. But that is --

18       MR. SCHACHTER: He can't even answer that  
19       question?

20       SHERIFF GUALTIERI: He had already come --  
21       at that point -- at this point, he was already  
22       back -- he wasn't at Cross Creek, he was at  
23       Stoneman Douglas on November 3rd when they had  
24       that interim IEP.

25       MR. SCHACHTER: I'm just asking, is it

1 standard operating procedure that when you  
2 mainstream a child, you make sure that there is  
3 a behavior intervention plan at the new school  
4 that the child going to?

5 MR. GOHL: So I want to remove the  
6 incident, in particular, the shooter's case  
7 here. Dr. Hickman, would you please talk  
8 about withdrawal of services and what our  
9 standard operating procedure is for them?

10 DR. HICKMAN: So to answer your question,  
11 it would be no, it's not a standard operating  
12 procedure for a child or a student when they're  
13 transferred to have a behavioral intervention  
14 plan unless there was -- unless it was deemed  
15 necessary, unless there has been an infraction  
16 that shows that this child does need a behavior  
17 intervention plan, that's number one. Number  
18 two, when it came to the revocation -- when it  
19 comes to revocation of consent for ESE  
20 services, it is a parent's right or an adult  
21 student's right to revoke consent for services.  
22 We can't file due process, we can't make them  
23 take -- we can't -- we don't have any recourse  
24 other than continuing to educate them on the  
25 need for the service, but there is no action

1       that we can take, and that's in accordance  
2       with, not our policy, but that is our  
3       regulations.

4               MR. SCHACHTER: Even if a child has an  
5       IEP, the district has no --

6               DR. HICKMAN: If a child has an IEP, an  
7       adult -- the parents or an adult student with  
8       an IEP can say I no longer want services, I'm  
9       revoking consent for services.

10              SHERIFF GUALTIERI: And that's what Cruz  
11       did on November 3rd at that meeting, but it was  
12       under the -- and you don't need to comment on  
13       this, but that's -- our investigation has  
14       revealed, it was done and he'd made that  
15       decision and he did it himself because he was  
16       18, but because he was provided with false  
17       information and really given the ultimatum,  
18       because you have two choices, you go to Cross  
19       Creek or you withdraw those are your choices,  
20       when that really wasn't his choice because he  
21       could have stayed there and they could've gone  
22       through -- should've gone through the due  
23       process hearing, but that didn't happen. So he  
24       didn't have to withdraw from services on  
25       November 3rd, he should have been able to stay

1       there and still receive services until the  
2       issue is resolved and that's not what happened.

3               MR. SCHACHTER: Right. And so that --  
4       that's what the report said, that the district  
5       -- that was one of the errors that the district  
6       made.

7               SHERIFF GUALTIERI: Correct. So all we're  
8       doing right now is just rehashing what the  
9       collaborative education network report is.  
10      Sheriff Judd, go ahead, you had something on  
11      this.

12              SHERIFF JUDD: That's my exact comment.  
13      Had he been introduced to the criminal justice  
14      system with some of his criminal acts, he  
15      didn't have to be locked up in a program, but  
16      there could've been sanctions by the courts  
17      mandating that he got that help so he could  
18      have not unilaterally withdrawn. It could have  
19      been a condition of his probation. But because  
20      he was protected and hidden from the criminal  
21      justice system because they didn't want to  
22      criminalize him, there was nothing that they  
23      could do because of exactly what the doctor  
24      just said. He could refuse. But if he had  
25      been introduced to the criminal justice system,

1 he'd been on probation, and part of his  
2 probation says you will attend, you will go and  
3 he refused, then they could've taken further  
4 actions and that's the standard I've been at  
5 the entire time. They hid him and hid him and  
6 hid him from the system through other programs  
7 on many, many, many different occasions. When  
8 had they introduce into the criminal justice  
9 system? That was the only system that could  
10 have forced him to get help against his  
11 personal desire.

12 MR. SCHACHTER: We've spent a tremendous  
13 amount of time going over this whole incident  
14 but this -- this -- this whole interaction and  
15 the mistakes that were revealed, we haven't had  
16 any public hearings at all and this, I think,  
17 had a big impact on him murdering 17 people.  
18 You might disagree, but it certainly upsetting  
19 that this has gotten no attention from our  
20 commission.

21 SHERIFF GUALTIERI: We covered this quite  
22 extensively in the --

23 MR. SCHACHTER: Not publicly.

24 SHERIFF GUALTIERI: No, because we  
25 couldn't remember. We got into this in the

1 confidential sessions, we went through all this  
2 and you can't get through it in the public  
3 session because it's mental health records,  
4 it's student records, it's all those things.  
5 We went through this and they are -- it's  
6 extensively laid out in the PowerPoint  
7 presentations that Detective Lyons did and that  
8 others did. We have plowed this path and it's  
9 in the confidential sessions. You are right,  
10 it hasn't been public, but it can be.

11 MR. SCHACHTER: It's all -- It's all  
12 public right here. It's all in the report.

13 SHERIFF GUALTIERI: And Mr. Schachter,  
14 just because -- and when the Judge's order  
15 regarding the disclosure of the report said  
16 that it should be released in redacted fashion.  
17 There was an error made and it was released,  
18 and the Sun Sentinel was able to un-redact it  
19 and they made a decision based upon First  
20 Amendment and other considerations, to publish  
21 it anyway. Just because they have published it  
22 doesn't mean that we don't still have an  
23 obligation to follow the law and to consider  
24 those matters in a confidential session.  
25 You're right, it's out there, it speaks for

1       itself, that's because the media decided they  
2       could figure out a way to un-redact that report  
3       and it has published that full report. That  
4       doesn't change the fact of what we can do in a  
5       public session. It doesn't change that.

6               MR. SCHACHTER: And the district has held  
7       nobody accountable for these mistakes that were  
8       identified here, correct?

9               SHERIFF GUALTIERI: All right. Just --  
10      just hang on for one second. So what -- we're  
11      going to just stop for a second on this. Okay.  
12      And we are going to digress here for a minute  
13      because there's been -- and Commissioner  
14      Swearing, do you want to handle this? Do you  
15      want to make an announcement on this? And  
16      there is a media alert that just went out, an  
17      immediate release I think it's obviously very  
18      relevant and something everybody wants to know  
19      about, so I'll let Commissioner Swearing make  
20      that announcement.

21              COMMISSIONER SWEARING: Thank you Mr.  
22      Chair. So you guys are aware that FDLE was  
23      asked to investigate the law enforcement  
24      response after Marjory Stoneman Douglas. We  
25      have just arrested Deputy Scott Peterson, seven

1 felony counts, four misdemeanor counts and one  
2 count of perjury.

3 SHERIFF GUALTIERI: All right. So he's  
4 been arrested and immediately booked in the  
5 Broward County jail, I assume?

6 COMMISSIONER SWEARING: Right.

7 SHERIFF GUALTIERI: Okay. All right. So  
8 the media alert just went out on that just  
9 everybody knows. Now we can get back to the --  
10 get back to --

11 MR. GOHL: So, I will not be talking about  
12 any disciplinary actions at this time, in this  
13 forum as to Mr. Schachter's question.

14 MR. SCHACHTER: Are you at least  
15 investigating these issues?

16 MR. GOHL: Absolutely.

17 SHERIFF GUALTIERI: So, just in order,  
18 Secretary Poppell, you're next, you had a  
19 question, and then Commissioner Carroll.

20 SECRETARY POPPELL: I was curious. We  
21 talk a little bit about Senate Bill 7030 this  
22 morning and the requirement being mental health  
23 services must begin within 15 days after  
24 identification and assessment. And if there is  
25 a referral outside of the school to the



1 community-based network, it must be initiated  
2 within 30 days and I was curious based on the  
3 ratios and other things that you guys have  
4 spoken about, A, can you hit those targets?  
5 And B, how that referral process is working  
6 today with your ME and community partners?

7 DR. MUCENIC: So our community partners,  
8 like I said, we are 22 strong more are coming  
9 and our children's services council and the  
10 County, they pick up those referrals  
11 expeditiously. We have an electronic referral  
12 system that they could utilize should it be  
13 utilized and there's been a process in place  
14 before February 14th that they would pick up  
15 those referrals within two days and respond,  
16 whether or not they can have access to the  
17 family, if the family is not responding, and  
18 again within six days, and then and the  
19 referral's returned back in 10 days if they  
20 weren't able to access the family. So that is  
21 sent electronically. So with those 22  
22 agencies, several of them have between 100 to  
23 1,000 clinicians that are able to provide those  
24 services on-site and the homes. So as far as  
25 referrals out, yes, and should it be deemed

1       that we need more of those agencies, they are  
2       constantly coming forward. We meet monthly and  
3       any agency that meets the criteria can become a  
4       part of the behavior health partnership. And  
5       we also utilize other agencies when the family  
6       wants to refer out to them as well. That's  
7       part one.

8               SECRETARY POPPELL: Curious, are you  
9       actually tracking when the services are  
10      initiated?

11             DR. MUCENIC: Initiated. So if they do --  
12      if the school social workers, school  
13      psychologist or school counselors  
14      electronically make those referrals to the  
15      providers, yes, we can track that information.  
16      But if they don't make it electronically, I'm  
17      not sure that there -- I know that there's a  
18      way that they track it in terms as to when they  
19      made the referral. As to whether or not it's  
20      been picked up, as to whether or not the family  
21      actually wants the service, again, we can refer  
22      all we want, to get consent all we want, but if  
23      the family does not want the service, we can't  
24      mandate that they take the service.

25             SHERIFF GUALTIERI: Commissioner Carroll,

1 go head.

2 MR. CARROLL: I have a couple of questions  
3 on that shot. The school counselors, guidance  
4 counselors, are those folks that are focused on  
5 academic progress?

6 MR. GOHL: Yes, sir.

7 MR. CARROLL: So that's academic -- the  
8 rest are what I would call mental health. I  
9 assumed that those numbers, the one to 1970 and  
10 the one to 1630 that's based on overall school  
11 population, right?

12 MR. GOHL: Dr. Hickman, you want to speak  
13 to --

14 DR. THOMPSON: I didn't hear the last  
15 part. Excuse me.

16 MR. GOHL: The school populations to staff  
17 count.

18 DR. THOMPSON: Yes, yes.

19 MR. CARROLL: Okay. And then the  
20 practitioner recommended average, where did  
21 that come from and what is it based on?

22 DR. THOMPSON: Those are from the national  
23 organizations for each of these professional  
24 groups. For example, for the social workers,  
25 it's the School Social Worker Association of

1 America and the National Association of Social  
2 Workers. They develop those criteria. The  
3 same thing for the school psychologist, the  
4 national organization say what would be typical  
5 that they would recommend as a group that, that  
6 ration would be.

7 MR. CARROLL: Based on school population?

8 DR. THOMPSON: Based on the schools, yes.

9 MR. CARROLL: Okay. Is there any state  
10 that's even close to meeting that?

11 DR. THOMPSON: I think I want to say --  
12 no, I don't -- I'm not sure. I've heard some  
13 things, but I have not verified it, so no.

14 MR. CARROLL: Because I -- and I no doubt  
15 we have a need because I'd be the first to  
16 advocate that you have a need, but that  
17 somewhat alarming when you put those numbers in  
18 because I'd be willing to bet that most if not  
19 all states don't even come close to that. And  
20 even if I -- if I do some quick math and you're  
21 at 2,400, you're one of 67 counties and you're  
22 doing better than the statewide average, that  
23 would mean the state would have to hire tens of  
24 thousands of people at a cost of hundreds with  
25 an S, millions of dollars.

1           MR. GOHL: Between 25 and 30,000 is our  
2 estimate. We are about 10 percent of the state  
3 so.

4           MR. CARROLL: Okay. Yes, so if you did  
5 the math and average about 50,000 which might  
6 be low when factor in benefits and stuff, it's  
7 literally hundreds of millions of dollars. So  
8 there is a need. It would be nice to get a  
9 better benchmark so that we understood what  
10 that need was and how you could prioritize  
11 closing it because that benchmark is not  
12 useful. The other chart I was interested in  
13 was on your -- it's on page 5, it's that  
14 pyramid that you gave. And I was interested on  
15 the pyramid because you talked about early  
16 onset because on the page before, you talked  
17 about the majority of kids exhibit -- I can't  
18 read it on slide 10, the pyramid. And if you  
19 look at the -- early identification, right. So  
20 students are exhibiting some type of mental  
21 health or some type of concerning behavioral  
22 issues and on the previous page it said 50  
23 percent of those go untreated or undiagnosed,  
24 do you have -- I saw the labels you had, social  
25 workers, psychologists, and therapists. Do you

1 have any type of intervention around using  
2 behavioral analyst, for instance, upstage early  
3 on with these folks?

4 DR. THOMPSON: We do. Actually, we do.  
5 And in our mental health plan, we have those  
6 called out as ones we are hiring right now to  
7 start having those in schools and much more  
8 robust numbers than we presently do.

9 DR. MUCENIC: Also, if you think of youth  
10 mental health first aid and cognito training,  
11 even though they're not trained as mental  
12 health clinicians, it's early identification.  
13 So you don't necessarily have to have a  
14 Master's degree in a mental health related  
15 field so a behavior individual could early  
16 identify and get them connected when needed.

17 MR. CARROLL: And I was aware of the  
18 identification piece, I'm more concerned about  
19 the treatment piece because typically, early  
20 on, it's showing as behavioral issues and so if  
21 you are plugged into it earlier on, there's a  
22 better chance of long-term success. And I just  
23 wanted to know, since this occurred, has there  
24 been any changes to the way you approach this  
25 upstream and have you done it differently, have

1           you put more resources toward it?

2           DR. THOMPSON: Yes. So I will say that in  
3           our system we have what's called a behavioral  
4           intervention committee where if a student is  
5           behaving outside of the norm, normative  
6           behavior for that school setting, that child  
7           then after some assessments have been done in  
8           the school, there's a referral process and that  
9           case gets referred to us and then we meet as a  
10          big collaborative interdepartmental group to  
11          look at the child to see what is happening with  
12          this particular child. Because we understand,  
13          many of the people at the table are mental  
14          health professionals, who understand that  
15          sometimes a behavior is a manifestation of  
16          something else going on with the child. So we  
17          look at a child and then if we think the  
18          behavior, the school has done what they should  
19          and the behavior has not changed, we will then  
20          make an assignment to one of our behavioral  
21          intervention centers and there, the child gets  
22          a more intensive work over a 90 day period or  
23          could be 180 days and then they do a transition  
24          and the child can go back to regular school one  
25          they have met the threshold for the benchmark

1       that they set in those centers for them. And I  
2       will say that, you know, since the tragedy we  
3       have been seeing many more of those kids and we  
4       are look at them very, very closely and we do  
5       that almost every week to make sure where this  
6       is one of our early intervention strategies  
7       that we've really amped up to make sure we're  
8       looking at the children earlier.

9               MR. CARROLL: The next two grades on that  
10       pyramid, it talks about targeted school  
11       interventions and then the intensive school  
12       interventions with community supports. Tell me  
13       a little bit about the community supports  
14       because in this case, and I'll bet many cases  
15       that you deal with, we had a private  
16       psychiatrist -- private practice psychiatrist,  
17       we had community based mental health services  
18       and then we had school based mental health  
19       services. And if you look at the totality of  
20       the record, I don't really know what was going  
21       on with the private practice person because we  
22       didn't see a whole lot and there didn't seem to  
23       be a whole lot communication directly from that  
24       person to the school or even to the community  
25       mental health under the medication issues.



1 With respect to the other two parties though,  
2 community mental health and the school, there  
3 was intermittent communication, I will give you  
4 that and that's a plus, but neither party had  
5 all the information and there wasn't -- the  
6 information sharing was, I would say, pretty  
7 inadequate to get to the bottom of it. So when  
8 you say community supports what does that mean  
9 and mentioned partnerships, how do you really  
10 manage that when you have a kid who is being  
11 treated in the school, treated in the  
12 community, and has a private practice  
13 psychiatrist?

14 DR. MUCENIC: So idealistically, the idea  
15 is that there's a consent for information  
16 sharing and that information sharing occurs  
17 across both entities. But unfortunately, when  
18 you talk mental health, the family has to sign  
19 this consents and allow for the communication  
20 to occur and to be honest, many families don't  
21 trust sharing that information with a school  
22 setting. So some of that information is not  
23 shared. There's a lot of fears that work with  
24 families is related to school based mental  
25 health, which were trying to change that the

1 atmosphere, that environment, so part of it is  
2 changing that they can understand that  
3 communication will provide supports at school  
4 and not be damaging to them at school, so that  
5 would increase the communication. And you're  
6 right, there is a lapse between those two, but  
7 I can tell you with a partnerships, as long as  
8 they have that consent, they do communicate,  
9 they come on campus, they do observations and  
10 classrooms with the students, they communicate  
11 with the teachers, they attend IEP meetings,  
12 they attend collaborative problem- solving team  
13 meetings upon invite by the family. So it's a  
14 matter of individualized as to whether or not  
15 the family wants that information shared, and  
16 if they sign those consents, then that  
17 information sharing can happen but with mental  
18 health, if they don't sign it, then the  
19 providers are limited, they cannot share that  
20 information with the school and vice versa. So  
21 we do have a partnership that continues to  
22 encourage that to get that information sharing  
23 to happen, but that definitely is a field  
24 that's been a challenge for many, many years in  
25 mental health.

1 MR. CARROLL: With the change in statute  
2 particularly around some of the kids who would  
3 be subject to the threat assessment process,  
4 then it wouldn't be a question of the parents  
5 releasing that information, correct?

6 DR. THOMPSON: That's the next session.

7 DR. MUCENIC: So I would leave that to our  
8 colleagues coming up next.

9 MR. GOHL: What I will say is this, we  
10 begin to have an improvement in information  
11 sharing by having a statutory requirement that  
12 parents acknowledge or disclose that their  
13 child has mental health services. That does  
14 not, however, extend to us having access to  
15 those records, right. It does not compel the  
16 family to sign a information sharing agreement,  
17 but we are -- is now aware so that we can then  
18 begin to connect and put those processes in  
19 place to have coordinate services. There is no  
20 one at any point in the developmental growth of  
21 a child outside of the parents who currently  
22 has access to all services that the student is  
23 receiving.

24 MR. CARROLL: And that's true even with  
25 the changes that were put into statute around

1 the threat assessment process.

2 MR. GOHL: So -- and we will get into  
3 threat assessment, that's our next presentation  
4 and we can certainly fold some of that in. But  
5 even there, that is a single incident event.  
6 What we are talking about here is the golden  
7 case management ideal where anyone private,  
8 public, or private or public who is providing  
9 services to a family is able to share  
10 information in order to make sure that there is  
11 coordinated service delivery. That case  
12 management role right now is the parent.

13 MR. CARROLL: Well, I can tell you the  
14 flaw in the service delivery in this case was  
15 that folks didn't have all the information.  
16 Mom, in some cases controlled the flow of that  
17 information, and it left folks at risk and I  
18 think contributed to a tragedy and I had hoped  
19 that the statute change around the threat  
20 assessment was going to force that issue around  
21 information sharing. I'm kind of disturbed to  
22 hear that that's not the case because I think  
23 when a kid is in a public school and they are  
24 deemed to be such a risk that it has become at  
25 the level where the school has to invoke a

1 threat assessment, I believe that that  
2 information should -- should be shared by all  
3 the parties that are serving that kid. I think  
4 that should absolutely happen.

5 SHERIFF GUALTIERI: That is being looked  
6 at in the integrated data repository and it is  
7 a significant challenge. It's 7026, as you  
8 recall, required that the state and various  
9 components establish integrative data  
10 repository by December 1st of last year. That  
11 was an impossible task, they didn't need it. I  
12 don't think that deadline could have been met.  
13 Now they are tasked with standing it up by, I  
14 believe it's August 1st under the Governor's  
15 executive order. That's what they're working  
16 on, that's what I was referred to earlier where  
17 the legal challenges, and the technology  
18 challenges, and trying to bring this together  
19 so -- and it also now, 7030, incorporates SESIR  
20 data into that. But what that doesn't  
21 incorporate and what they're not going to be  
22 able to come up with by the summer is to  
23 incorporate the tremendous amount of data and  
24 databases at a local level and so some of all  
25 of this and including in that, not only do you

1 have law enforcement and public safety, but you  
2 got the myriad of mental and behavioral health  
3 providers. So with the idea being that there  
4 should be this integrated centralized data  
5 repository and everything in the world flows  
6 into one system, and with a unified query, you  
7 put a name in, and you get it all back, may not  
8 be totally attainable for a whole host of  
9 reasons. But the first step is to do what  
10 they're doing now and to at least take those  
11 databases at a state level and integrate them  
12 with some type of a unified query. So that's  
13 the effort, but I think that's the direction  
14 and what's needed.

15 I just want to follow-up on something real  
16 quickly and we'll move onto the next topic  
17 which is threat assessments and we will move  
18 away from this. But when we talk about case  
19 management, as Commissioner Petty mentioned,  
20 and care coordination, and there are some  
21 synergies there and sometimes -- and it's  
22 synonymous in the concept but, do you have,  
23 today, and let me make sure -- is that you have  
24 community-based providers, Henderson behavioral  
25 health, a community based state funded --

1 state-funded community based provider, you've  
2 got school providers, and you've got private  
3 providers. So -- but today, you have kids that  
4 have multiple and uncoordinated treatment  
5 plans, true?

6 MR. GOHL: There are some, yes.

7 SHERIFF GUALTIERI: Right. And so -- and  
8 you said that you do have some community-based  
9 providers that come into the school and  
10 participate and they are part of the treatment  
11 plans. How often does that happen in the  
12 Broward County schools? Because I don't -- if  
13 it's happening here, it's not -- I know it's  
14 not happening elsewhere but --

15 DR. MUCENIC: We are kind of unique in  
16 that. I think it's because SEDNET has brought  
17 that entity here. So since the mid-80s,  
18 partners have been coming on campus with  
19 collaboration with consent providing services  
20 on campus, communicating with the school  
21 counselors, the school social workers. It's  
22 unique to each individual child. The child  
23 does not have to be under ESE, it can be any  
24 child that was receiving services.

25 SHERIFF GUALTIERI: Are they coordinating

1 treatment plans through that process?

2 DR. THOMPSON: I just want to input that  
3 we started having the partners several years  
4 ago and it started because we had students in  
5 our schools who need services and the families  
6 that have access, mostly our lower income  
7 families, didn't have access to get the  
8 students to the providers in the community and  
9 then we -- so we started the behavioral health  
10 partnership and then we merged and morphed into  
11 being the SEDNET piece of it. So talk about  
12 that, please.

13 DR. MUCENIC: So your question was, do  
14 they coordinate under case management and  
15 coordinate plans. I would say the majority of  
16 them do, but again, some of them will say yes,  
17 you can come on campus, but I don't want you  
18 telling them what we're talking about, but I  
19 can tell you it's all in the relationship. So  
20 these relationships haven't built for years and  
21 years and so the more the relationship exist.  
22 the more collaboration coordination happens.

23 SHERIFF GUALTIERI: All right. We'll  
24 address this more as we move forward, but I can  
25 tell you that that's not what we saw here and



1        what happened in this case because you had Cruz  
2        been treated by the school, you had him being  
3        treated by private providers, you had him  
4        treated by community based provider, Henderson,  
5        and there was no coordinated treatment plan and  
6        he was being treated in silos, and that is  
7        commonplace. And one of the reasons -- and I  
8        had a meeting last week with all the CEOs of  
9        the managing entities and we had this  
10       discussion about the lack of case management,  
11       the lack of care coordination, and one of the  
12       issues, and it is an issue is, is that for the  
13       community based providers, there's no pay point  
14       for them to be able to come into the schools  
15       and be able to participate in the threat  
16       assessment process on the threat assessment  
17       teams, in-care coordination and that's just a  
18       fact of what it comes down to and that's a  
19       problem in and of itself because it is a  
20       barrier to effective case management care  
21       coordination and getting back to the issue of  
22       master case management.

23                Somebody needs to own the problem and own  
24       these people. If they can fix the problem  
25       themselves, they would, they can't and people

1 dabble and you talked about it, about the  
2 varying definitions of case management. The  
3 true definition of master case management is  
4 you have somebody, somebody, some entity, and  
5 somebody that's responsible for that individual  
6 and for navigating them into the myriad of  
7 services and getting them to the best possible  
8 place and that is a huge, huge void across the  
9 entire mental behavioral health system in the  
10 state of Florida and I don't see any difference  
11 in that model here in Broward County. If you  
12 do, please enlighten me because I don't see it.

13 MR. GOHL: No, sir. We do not have the  
14 ability to compel an external agency to share  
15 information with us. It's not only a lack of  
16 coordination, it's sometimes, all too often,  
17 complete lack of awareness. We cannot even  
18 begin coordination when we are unaware that  
19 someone is receiving services somewhere else.

20 SHERIFF GUALTIERI: All right. So let's  
21 move on to the -- I think we've discussed that  
22 and a lot and so let's move onto the next topic  
23 so we can move through this with threat  
24 assessment. So we will get through this threat  
25 assessment topic, then we'll take a break.

1 We'll get into reunification and then finish  
2 with the FSSAT. So we need to move into the  
3 threat assessment topic.

4 As you all know is, is that we identified  
5 a significant deficiency through our work with  
6 the Broward County Public Schools behavioral  
7 threat assessment process. You all are  
8 familiar with what happened in September of  
9 2016 regarding Cruz and what Morford did and  
10 didn't do and that entire flawed threat  
11 assessment process. That resulted in the  
12 district retaining a consultant that did an  
13 analysis because the question that wound was  
14 whether that was a problem that was unique to  
15 Stoneman Douglas or whether it was a district  
16 wide problem. We shared with you -- we shared  
17 with you at the last meeting the results of the  
18 consultant's report that had a lot of troubling  
19 information in it about the past behavioral  
20 threat assessment process. So we gave you the  
21 report, you've had a chance to review it.  
22 We've asked Mr. Gohl not to present on the  
23 changes that the Broward County school district  
24 has made in the threat assessment process, its  
25 updated policies and procedures. So Mr. Gohl,

1 if you would, ask you to respond that report  
2 but most importantly, is that what are you  
3 doing differently now moving forward that's  
4 going to change the process.

5 MR. GOHL: So thank you, again, my name is  
6 Dan Gohl. I serve as Chief Academic Officer  
7 for Broward County Public schools. Thank you,  
8 Commission Chair, and commission members, for  
9 allowing me to present this afternoon. I am  
10 here to present a threat assessment updates  
11 that Broward County Public Schools has  
12 undertaken during the 2018, '19 school year,  
13 but in order to do that, I need to begin by  
14 acknowledging what the Chair just summarized,  
15 provide a little bit more context as to what  
16 went into our decision to undertake three  
17 significant changes that will be the  
18 concentration of my remarks this afternoon.

19 So since 2018, we undertook very deep  
20 detailed, systemic, broad overview of our  
21 threat assessment implementation. We had  
22 presented to this commission back in July and  
23 as you saw then, we have had a robust threat  
24 assessment process and procedure in place since  
25 2002, that is a right intentions. Our work

1 over the last year has focused on  
2 implementation improvement. So in the school  
3 year we have undertaken some additional threat  
4 assessment training for every administrator in  
5 the school district. We have a new threat  
6 assessment oversight procedure where the  
7 principal supervisors, what we call cadre  
8 directors, are provided with the threat  
9 assessment, and need to sign off on their  
10 awareness and concurrence with the decision  
11 that has been made. We have the adoption of a  
12 new school board policy, 2130, I'll get into  
13 that a little. We are in the process of  
14 implementing a digital centralized threat  
15 assessment system and we will again be  
16 retraining all administrators and then all  
17 threat assessment teams throughout the county  
18 for the 2019-20 school year with additional  
19 monitoring and accountability mechanisms which  
20 are building on what we put in place this year  
21 but are much more extensive.

22 So why? Our current procedures are based  
23 on the FBI implementations. We know what we  
24 should do, and threat assessment procedures  
25 have been in place, we've had to revise them

1           periodically most recently was 7026 and now at  
2           7030 coming into place, we did provide you an  
3           update. We did behavioral reviews as a result  
4           of the horrific tragedy of February 14, 2018.  
5           In addition to what this commission has  
6           undertaken as its own investigative authority,  
7           we do have the already referenced report by the  
8           collaborative education network, and what the  
9           Commission Chair referenced is that we  
10          contracted for a third-party review of our  
11          threat assessment record documentation because  
12          we were deeply concerned about whether or not  
13          what we had seen in the incident that had  
14          occurred here was a rare occurrence or not  
15          because it was going to drive our decisions  
16          about moving forward. And then what that  
17          process meant in this documentation review,  
18          which is undertaken, under contract with RSM  
19          International, we contracted with them in June  
20          2018, that's actually prior to a presentation  
21          to the commission in July on threat  
22          assessments. In July and August we agreed on a  
23          methodology development to do a sample-based  
24          methodology to pull threat assessment records  
25          for the last three years that -- from

1 elementary, middle, and high schools that were  
2 representative of the broad characterizations  
3 of schools. Some in title I schools, non-title  
4 I schools, in affluent areas, non-affluent  
5 areas, with different demographic niches.  
6 August and September was our documentation  
7 gathering, October and November was the  
8 analysis of documentation and then in January  
9 2019, we formally accepted the report dated I  
10 believe it was December 7, 2018 from RSM.

11 What I will say will not surprise you who  
12 have gone through it is that we were deeply  
13 disappointed with the degree of documentation  
14 retention and availability that the paper-based  
15 system that our schools were relying on had.  
16 Some schools had filed the threat assessments  
17 with paperwork that made it to the next  
18 schools, some had retained it. Some were  
19 unable to identify. In no case did we uncover  
20 a situation where the failure to produce a  
21 threat assessment that we were auditing had  
22 resulted in a threat to student safety at a  
23 school, but we were still completely  
24 dissatisfied with the degree by which our  
25 implementation procedures allowed us to

1 undertake an audit. Therefore, we have  
2 instituted a number of accountability and  
3 operational changes that take into account with  
4 this commission has said, the collaborative  
5 education network has said, what RSM has said,  
6 and what our own ongoing evaluation has said.  
7 I will not move into what those changes are.

8 We now have a legislative mandate to  
9 develop a policy, and I think you are all well  
10 aware of that. So undertaking that in 2018, we  
11 began by updating our procedures knowing that  
12 we still needed a year of operating a  
13 paper-based system while we were undertaking at  
14 that time, the audit, while we anticipated  
15 needing to move to a digital system, we had not  
16 yet made that decision. So all school  
17 administrators are retrained under 7026 in  
18 August and we've put into place the monitoring  
19 and accountability system of the cadre  
20 directors needed to sign off on it. We also  
21 went into the rulemaking procedures that is a  
22 multistep process this commission reviewed, the  
23 fact that the policy was just going into place  
24 in February 2019. It formally was adopted as  
25 policy 2130, parenthetical threat assessments



1 on March 5, 2019, you have been provided with a  
2 copy of that policy.

3 We have offered 22 threat assessment  
4 trainings offered district wide. Many of these  
5 threat assessment trainings, while people were  
6 placed at teams of five to eight a table,  
7 involve training anywhere from 50 to 100 people  
8 at a time so there was core presenters with  
9 staff going around being able to each one.

10 They are half-day trainings, people work  
11 through threat assessment, they were forced to  
12 make judgment calls that they would have to  
13 make in real world situation about labeling, is  
14 this the threat, if it is a threat, what do  
15 they then have to do. This was targeted at our  
16 -- this was presented to our administrative  
17 staff, but I do want to let the Commission know  
18 that we did include mental health professionals  
19 as well as law enforcement and we did conduct  
20 several training specific for law enforcement  
21 to let them know what our staff had been  
22 trained in law enforcement participated, not  
23 able to report that every law enforcement  
24 jurisdiction did participate, but what I can  
25 say is that they were all invited and BSO, in

1 particular, was regularly present. I do want  
2 to thank Sheriff Tony for that. We have now --  
3 at this point, we have now retrained all the  
4 school psychologist as well.

5 So on February 20, 2019, our school board  
6 approved and at the conclusion of this deck and  
7 you have been made aware there are links to the  
8 procurement mechanisms, we have entered into a  
9 contract with public consulting group. They  
10 are the publisher of a software package called  
11 Ed Plan as a module of Ed Plan's threat  
12 assessments are now going to be treated very  
13 similarly to the formal documentation process  
14 that IEPs have. This system is already in a  
15 sandbox development. We have school-based  
16 personnel, including principals going in and  
17 entering threat assessment documentation. We  
18 are getting feedback from them in order to  
19 prove the usability, but this system will be  
20 live, all school administrators will be trained  
21 on it beginning at the end of July and that  
22 means all school administrators including their  
23 supervisors.

24 Per our new school board policy, our chief  
25 auditor will now be conducting annual audits in

1 compliance with the policy based on what we  
2 have seen from RSM and other feedback. Those  
3 findings will be formally reported to the audit  
4 committee and the school board. The threat  
5 assessment, and again, we talked about this a  
6 little previously, but it does include not only  
7 the oversight of the schools which is our  
8 office of school performance and  
9 accountability, the loss of academics, the  
10 students supporting issues department, our  
11 office of General Counsel, our special  
12 investigative unit, our Chief of Staff, we now  
13 can add that we have added a office of school  
14 safety and emergency preparedness and chief  
15 Brian Katz is in place. The new threat  
16 assessment policy does require his involvement  
17 in oversight of third assessment procedures.  
18 It was adopted on March 5th and you can find it  
19 under the policies. We've identified a threat,  
20 I did this mostly not for the commission  
21 members so much as we've talked about it quite  
22 extensively, but for the public.

23 So our key components of our policy are  
24 that we define it, we have a purpose for why we  
25 have the policy which is that each school's

1 principal and school-based threat assessment  
2 teams not only must be present and include law  
3 enforcement, which is explicitly in the policy  
4 in addition to a procedural manuals, but that  
5 they must be involved from the very beginning.  
6 I do anticipate and discussion of that with the  
7 commission members. And then the rules and  
8 responsibilities are laid out. Mandatory  
9 members of the threat assessment teams include  
10 the administration, the school health  
11 practitioner, familiarity with the student  
12 preferably a teacher, may be an academic  
13 counselor, a school resource officer, and or  
14 Broward schools police investigator. Now  
15 remember that our school resource officers are  
16 coming from multiple jurisdictions and for  
17 schools where we only have a guardian, this  
18 does require that we either bring in SIU  
19 investigator or call to use Commission Chair's  
20 words, a beat cop to come in be part of it. We  
21 need to commence the threat assessments as soon  
22 as possible.

23 A decision must be made if there is going  
24 to be an extensive delay between commencement  
25 of the threat assessment and the availability

1 of a law enforcement official as to whether to  
2 begin it. But I want to be clear with the  
3 Commission, a decision about whether or not a  
4 threat exist and if one exists what level,  
5 cannot be concluded until law enforcement  
6 consultation has occurred. Our policy requires  
7 law enforcement to be there from the very  
8 beginning. The real practicality and  
9 exceptions where there is not an SRO on campus  
10 is that can occasionally prove difficult. I  
11 have had two brought to my attention from the  
12 Broward Sheriff's office this year. One turned  
13 out to be a false report where the SRO who was  
14 normally at the campus was being replaced by a  
15 temporary and the other one is where the school  
16 did commence the investigation prior to law  
17 enforcements presence, but it was now closed  
18 out until after they had been consulted. We do  
19 have additional team members as well, ESE  
20 specialists, behavioral specialist, and others.  
21 Extensive documentation is required.

22 I would like to conclude with our digital  
23 system. We had to get away from paper. It was  
24 absolutely impossible for us to track down a  
25 threat assessment in a timely fashion and a

1 paper-based system when you may be asking for a  
2 document that is not in the current year. If  
3 students have changed schools, that may be have  
4 been placed either in the student's permanent  
5 file, in which case it is at the current school  
6 not the occurring school, or may have been  
7 placed in a folder for other special mental  
8 health services. We want a system which allows  
9 for instant access at any time for not only  
10 auditing purposes, but for full availability,  
11 not just at the school but a central office or  
12 another service provider. Fidelity,  
13 transparency, and best practice has required we  
14 move from a decentralized paper system to a  
15 centralized digital system.

16 I've already touched on that Ed Plan and  
17 the behavioral assessment -- behavioral threat  
18 assessment that should be B-T-A not B-A-T, I  
19 apologize for the error. We have a system that  
20 will produce training and monitoring through  
21 the school year. We are aware that there is  
22 statutory requirements for the DOE to set up  
23 their own digital system. We made the decision  
24 that we would put a system in place prior to  
25 the DOE establishing theirs. The DOE, as well

1 as this commission, has our commitment to  
2 ensure that our system will provide any and all  
3 information to the DOE that they require for  
4 their role of purposes. But we were not going  
5 to have the 2019-20 school year open without us  
6 having a digital centralized system. And these  
7 are the resources that I have referenced. The  
8 presentation previously given to the  
9 commission, our procurement document as well as  
10 our board policy. So thank you, sir.

11 SHERIFF GUALTIERI: Okay. Before we take  
12 any questions on that, I just want to, so you  
13 all know, in addition to the announcement that  
14 Commissioner Swearinger made with the arrest of  
15 former Deputy Peterson a few mins ago, the  
16 Broward County Sheriff's office and Sheriff  
17 Tony announced a short time ago the termination  
18 of Sergeant Brian Miller. Remember, he is the  
19 one that was up on Holmberg Road, first  
20 supervisor on the scene, sat there for 10  
21 minutes did nothing and after an hour then went  
22 down to the command post. So they announced  
23 his termination this afternoon, so I believe  
24 the media alert was just put on that as well,  
25 so just for your own information.

1 I know Sheriff Ashley has a question but  
2 before he does that, would you just address  
3 because I might've missed it as you went  
4 through this and one of the significant voids  
5 that we saw in the prior process with the lack  
6 of accountability and the lack of district  
7 oversight. So in the new policy, when a threat  
8 assessment is commenced and the threat  
9 assessment team is called together, what's  
10 changed regarding not only the principal but at  
11 a district level ensuring that there is a  
12 review as to the decision making.

13 MR. GOHL: So, first of all, by having  
14 full access, we are aware. So as soon as,  
15 again, I have got to distinguish between the  
16 18/19 school year where it still a paper-based  
17 system so a principal needs to begin it, he  
18 then has to transmit that, either by fax or  
19 typically now PDF, to their supervisor, that  
20 supervisor has to sign off on it, that  
21 supervisor's supervisor is now --

22 SHERIFF GUALTIERI: Who's the supervisor  
23 -- I'm sorry Mr. Gohl, would be it like an area  
24 superintendent?

25 MR. GOHL: Yes, exactly.



1           SHERIFF GUALTIERI:   Okay.

2           MR. GOHL:   So they oversee 15 to 20  
3 schools.   We have 15 --

4           SHERIFF GUALTIERI:   So there is district  
5 oversight.

6           MR. GOHL:   Absolutely.

7           SHERIFF GUALTIERI:   So in this process  
8 now, it is going up a chain and so --

9           MR. GOHL:   Every threat assessment needs  
10 to be reported up, yes.

11          SHERIFF GUALTIERI:   Okay.

12          MR. GOHL:   What we have right now is  
13 documentation transmission instead of the  
14 ability to pull up what are the open cases,  
15 what are the closed cases.

16          SHERIFF GUALTIERI:   So it's no longer the  
17 -- what we saw in the problem with Cruz was  
18 that -- it was done, and it sat on one  
19 assistant principal's desk never went anywhere  
20 and sat there for two months before it was even  
21 closed out.   And the principal, Thompson, when  
22 he's asked about it, said he knew nothing about  
23 it and those things weren't brought to him.   So  
24 under the new process that you have in place is  
25 that, that can happen anymore.

1 MR. GOHL: We have remedied that.

2 SHERIFF GUALTIERI: Okay, that's my  
3 question. All right. Sheriff Ashley, go  
4 ahead.

5 SHERIFF ASHLEY: Thank you again for  
6 presentation. The threats that Cruz made  
7 against school, the staff, even himself in  
8 suicide, under the new law 7026 that requires  
9 that psychologist, counselors and like have a  
10 duty to warn, not a free from liability, but a  
11 duty to warn do you feel like school-based  
12 psychologist and counselors that received these  
13 threats and especially through threat  
14 assessments discover these threats have a duty  
15 to warn that would be targets of those threats?

16 MR. GOHL: They do, and we have certainly  
17 seen a significant increase in the number of  
18 threat assessments that have been done. To  
19 Commissioner Petty's comments earlier, the  
20 culture has changed. What people perceive of  
21 as potentially threatening, that then gets  
22 reported for the action of a formal threat  
23 assessment to be undertaken has changed. And  
24 the threshold of well, this is a -- somebody  
25 just mouthing off versus a potential threat is

1 very different.

2 SHERIFF ASHLEY: Thank you. We're good.

3 SHERIFF GUALTIERI: Anybody else? Mr.  
4 Schachter, go ahead.

5 MR. SCHACHTER: Thank you, Mr. Gohl. I've  
6 been in consultation with Michael Riggio of the  
7 threat assessment team and it was very  
8 concerning that they're saying that these  
9 threat assessments are being done, I know you  
10 mentioned two, but they're saying a lot of them  
11 are being done not law enforcement and then  
12 your -- the assistant principals and whoever  
13 coming up to them afterwards and say just sign  
14 this.

15 MR. GOHL: So what I will say is that in  
16 preparation for this meeting several weeks ago,  
17 Officer DiMarco from BSO --

18 MR. SCHACHTER: Both of them, I spoke to.

19 MR. GOHL: I understand, but when I spoke  
20 with Mr. DiMarco or Officer DiMarco several  
21 weeks ago, he referred to two concerning items.  
22 We absolutely want them to tell us anytime they  
23 feel that they have not been brought in at the  
24 beginning. Right. So we have actually  
25 instituted an additional tracking form for this

1 year which we are calling a triage form.  
2 Remember, a threat assessment can only be  
3 commenced once somebody has made a decision  
4 that a threat is -- has been made. We actually  
5 are trying to get the precursor of that, which  
6 is getting a potential threat reported to you.  
7 So we are now documenting, through the triage  
8 form, that somebody has referred something to  
9 you that you need to make a judgment call on.  
10 So we are trying to get as small a grain size  
11 as possible to track down anytime something  
12 that is of concern whether it rises to the  
13 level of a threat assessment needing to be  
14 commenced or not.

15 MR. SCHACHTER: BSO is also saying that  
16 when a threat assessment is done, it's  
17 classified either as low, medium, or high, and  
18 all medium and high threat assessments are sent  
19 to the school board's SIU and that they are  
20 refusing to provide BSO, more specifically the  
21 threat management unit, with copies of these  
22 assessments; how do you respond to that?

23 MR. GOHL: SROs and or law enforcement  
24 personnel who come in during the time of a  
25 threat assessment conduction have full

1 unimpeded access to that threat assessment.  
2 When law enforcement comes weeks, months, or  
3 years later to ask for a copy of a threat  
4 assessment, it is no longer an active safety  
5 question but now part of the educational  
6 record. What they have to do is make a request  
7 and document the reason for that request. So I  
8 want to distinguish law enforcement, at the  
9 time of threat assessment being conducted, has  
10 full unimpeded access to any and all  
11 information that's part of that.

12 MR. SCHACHTER: Are they given copies of  
13 the threat assessment?

14 MR. GOHL: They can certainly choose and  
15 ask to make a copy of it because it is a public  
16 safety question. When they come weeks, months  
17 later to say I just want to see the detail of  
18 it, they need to provide a documentation as  
19 that is now part of an educational record.

20 MR. SCHACHTER: And the reason they're  
21 saying that is so they can follow up with these  
22 medium and high-level threats and -- but your  
23 refusal and denial of --

24 MR. GOHL: It is not patent refusal. I  
25 will not have that general representation. Our

1 meeting on June 17th, which I referenced during  
2 our previous conversation, my dream, my  
3 ambition, what we are working towards is to  
4 provide a full -- nobody has to ask, right,  
5 it's -- our digital system is available to them  
6 when we can trace why and when they are asking  
7 for it.

8 SHERIFF GUALTIERI: Mr. Schachter, this  
9 goes back to what I described earlier this  
10 morning. This goes back to the issue about the  
11 application of FERPA and application of the  
12 exceptions and when that cop is participating  
13 on that threat assessment team, then that cop  
14 on that the assessment team, correct, is a  
15 member of the school staff, is a school  
16 official within that meeting and has access to  
17 it and they always have access to it as a  
18 school official, correct?

19 MR. GOHL: Yes, correct.

20 SHERIFF GUALTIERI: But if they are coming  
21 back later on and let's say is at the Broward  
22 County Sheriff's office threat assessment unit  
23 has information about a threat assessment that  
24 was done at a school in Pembroke Pines three  
25 weeks ago that was closed out, done, over with,

1 but now they've got some more information about  
2 that kid and they want -- the information was  
3 done three weeks ago and that's closed out,  
4 let's say, with no indicators in the one three  
5 weeks ago, then the question becomes as to  
6 whether or not the FERPA exceptions are  
7 applicable and they, according to what you're  
8 saying, may not be applicable because that  
9 public safety threat, that imminent public  
10 safety threat exception may not apply and this  
11 is -- this is --

12 MR. GOHL: They need to document the  
13 meeting of the threshold of public safety.

14 SHERIFF GUALTIERI: Right, and this is  
15 where the pushback is coming on that.

16 MR. SCHACHTER: And I wish that, you know,  
17 next time if we do this, we have BSO next to  
18 talk about the threat assessments because what  
19 they are telling me is that you will not give  
20 them copies after the meetings, after the  
21 threat assessment, so they are not able to  
22 follow up with these individuals and you know,  
23 I think that that's a doubt.

24 SHERIFF GUALTIERI: What they need to do  
25 -- what they need to do is, BSO and I'll talk

1 to the undersheriff who is here about it, with  
2 Sheriff Tony about it. They need to sit down  
3 with Superintendent Runcie and again, this is  
4 another thing --

5 MR. SCHACHTER: They have.

6 SHERIFF GUALTIERI: -- where the top  
7 administrators need to sit down and work this  
8 out.

9 MR. SCHACHTER: Another question I had is,  
10 are the teachers involved in the third  
11 assessments?

12 MR. GOHL: So on each threat assessment  
13 team someone who knows the student should be  
14 involved. That is typically a teacher. Not  
15 every teacher is involved, but the threat  
16 assessment process does have forms in it to  
17 gather information from all teachers. So they  
18 may not sit on the team itself.

19 MR. SCHACHTER: So what I am hearing from  
20 on the ground level is that you've got an ESE  
21 coordinator that might be on the team, but she  
22 is in all these IEP meetings. She doesn't know  
23 -- she's not the actual teacher of the student  
24 and you are not involving the teachers in this  
25 process. You're not even showing them the



1 threat assessment afterwards to make sure it's  
2 accurate. I would implore you to consult with  
3 the teachers, involve the more they are first  
4 line, they have more interactions with the  
5 students than anyone else.

6 MR. GOHL: I absolutely concur that  
7 teacher involvement who knows a student best is  
8 critical to making the best determination.

9 MR. SCHACHTER: And how can we help these  
10 kids if they don't know -- if they don't know  
11 what's happening and so on so forth. So the  
12 other question I have, and this is another  
13 issue that Marie Schneider battle for the state  
14 attorney's office, is that when a child is  
15 arrested or involved in the juvenile justice  
16 system, that information goes to the  
17 superintendent and then the superintendent, and  
18 she showed me a statue, is supposed to then  
19 provide that information to the principal and  
20 then it's supposed to flow down to the teacher.  
21 So that the teacher has information about what  
22 is happening in a child's life and will be able  
23 to help them because absent of having this kind  
24 of information, you know, I don't think it's  
25 productive, could you comment on that?

1           MR. GOHL: Certainly. So what we have is  
2           a system that Ms. Schneider describe to you  
3           that I'll just extend a little bit further.  
4           What the teachers are provided with is whatever  
5           the intervention plan is based on the charge.  
6           Right. So different charges, could be a felony  
7           drug possession versus an assault, depending --  
8           that may change a student's placement. So they  
9           may stay at the school where they're at or they  
10          may be referred to an alternative school. The  
11          teachers are provided with what is the  
12          monitoring plan and the intervention plan for  
13          the student, that is not simply just saying  
14          this kids been charged with this crime. It's  
15          what are we going to do while this student is  
16          involved in the law enforcement process prior  
17          to adjudication.

18          MR. SCHACHTER: What happens if it happens  
19          outside of the school environment and he is  
20          arrested outside the school, does the teacher  
21          still find out about those kind of things?

22          MR. GOHL: They should be -- our policy,  
23          our procedures are to provide the teachers with  
24          the intervention plan whether the law  
25          enforcement involvement occurred within or

1 without the school.

2 MR. SCHACHTER: What I'm hearing is that's  
3 not happening, and I would recommend that it  
4 does, because --

5 MR. GOHL: So -- I -- again, I just want  
6 to highlight this. One of the things we're  
7 trying to do is push information to the point  
8 of student-teacher interaction. So now, and  
9 I'll just for our audience here in Broward, in  
10 CANVAS, which is our learning management  
11 system, on the school roster of the kid in your  
12 class, on the far right-hand side there are  
13 columns that show what programs this kid is in,  
14 504, ESE, ELL, response to intervention  
15 academic, behavior, so behavior is where  
16 something that is rooted in law enforcement  
17 would show up. If there is an intervention  
18 plan for that kid, the teachers in one place  
19 can look at all your kids and look at all the  
20 programs that they are in. We want exactly  
21 what it is you're advocating for, teachers to  
22 be aware.

23 MR. SCHACHTER: Thank you.

24 SHERIFF GUALTIERI: Mr. Gohl, and Mr.  
25 Schachter, you are hearing a lot of things and

1 I don't know whether they are anecdotal,  
2 whether they're systemic or not, but in order  
3 for them to be addressed, are you open, if Mr.  
4 Schachter provides you with names, dates,  
5 times, places, and specifics --

6 MR. GOHL: Absolutely.

7 SHERIFF GUALTIERI: Will you look into  
8 those things if he provides you with those  
9 specifics? So when you get these things, as  
10 opposed to saving them from here and I heard  
11 this and I heard that, will you immediately  
12 contact Mr. Gohl and let him look into this?

13 MR. SCHACHTER: Mr. Gohl was aware that  
14 the state attorney's office had these concerns  
15 --

16 SHERIFF GUALTIERI: Will you do that?  
17 Will you do that?

18 MR. SCHACHTER: Of course. I'd like to  
19 actually take it a step further and facilitate  
20 these meetings to have all these stakeholders  
21 in the room as opposed -- you know, to fix  
22 these issues because we all want to --

23 SHERIFF GUALTIERI: Why don't you start  
24 with when you get the information so that they  
25 can be acted on timely? When you get a name

1 and a date and a place, is immediately give it  
2 to Mr. Gohl so that he can look into and  
3 address it at the time. It's much more  
4 effective to address these issues when you have  
5 specific information, including names and  
6 people that can be inquired of so they can be  
7 flushed out, so it can be determined. Because  
8 sometimes, the things you might be hearing,  
9 there might be another side of the coin; maybe  
10 there's not, but there might be another side of  
11 the coin and it might be anecdotal and there is  
12 no perfect and you're going to have mistakes  
13 that are made. And if you have one mistake or  
14 one error, or you got one mess up with one  
15 threat assessment team, that's a far cry from a  
16 significant systemic problem. So let's try  
17 that and if you would, get with him when you  
18 get this information and let's see if that is  
19 effective in dealing with some of these issues.

20 Next up is Commissioner Larkin-Skinner,  
21 you had questions.

22 COMMISSIONER LARKIN-SKINNER: Mr. Gohl, I  
23 was just wondering, the mandatory members, this  
24 slide that mentions that, I can't see, I think  
25 it's slide 13, it says mental health

1 practitioner, but all the ones that are listed  
2 after that are school based that are employed  
3 by the school district. How do you, or do you  
4 integrate the mental health providers that are  
5 from the community because these folks may not  
6 even know the child that they're attending the  
7 threat assessment team meeting for. But there  
8 may be providers in the community that are  
9 providing services and know the student and can  
10 provide more pertinent information regarding  
11 the level of threat. How do you integrate  
12 them, or do you integrate them, because it  
13 appears that they are not integrated in that  
14 process.

15 MR. GOHL: So typically, we have the  
16 ability to get these resolved in a more  
17 expeditious manner by drawing on school  
18 district personnel who can be immediately  
19 deployed. Right. The school makes a phone  
20 call, if they do not have a school psychologist  
21 on staff, one is deployed to them for an  
22 immediate threat assessment consultation. That  
23 mental health role may not be informed by  
24 knowledge of the student, but rather the  
25 characteristics of whether or not these

1 behaviors are threatening to a community.  
2 We're trying to triangulate perspectives here.  
3 We have a law enforcement perspective, we have  
4 a school operations perspective, we have a  
5 mental health provider's perspective and then  
6 we have knowledge of the student and those four  
7 need to come together to make a determination.  
8 Some behaviors are threatening regardless of the  
9 reason of what that student's history is, and  
10 they need to be done. Other times, a  
11 particular incident says well, this is a low or  
12 a high-level threat. They have to sit down and  
13 look at the unique circumstance of each case in  
14 order to make that clinical judgment and  
15 associated with this maybe another decision,  
16 such as baker act, such as discipline, such as  
17 criminality and potential law enforcement  
18 referral. That is separate from the  
19 determination of a threat assessment. Does the  
20 threat exist, yes or no. Well first, actually,  
21 is a threat to self or other because threat to  
22 self goes one route, threat to other then  
23 proceeds of is it a low, medium, or high.

24 COMMISSIONER LARKIN-SKINNER: So I get  
25 that and there is value in that, but I think

1       there's missed opportunity in not including a  
2       mental health practitioner who knows the  
3       history, who knows the behaviors that the  
4       school may not be aware of because we already  
5       talked about the fact that we have these silos  
6       and when we know they're out there and we don't  
7       include them in anyway and it could be by video  
8       or phone, they don't have to be there  
9       physically, but we know they're out there and  
10      we don't include them, that is -- that is a  
11      major omission in my point of view. And what I  
12      recall from this particular case that we're all  
13      gathered here for, is then the threat  
14      assessment results in information were not  
15      communicated to the provider and as a matter of  
16      fact, in the allocation plan, FERPA is  
17      referenced as preventing communication, just  
18      like HIPAA is referenced on the mental health  
19      side and I think -- I think it's unfortunate.

20           I think when we have the opportunity, we  
21      certainly should avail ourselves of having  
22      those providers involved and making sure that  
23      they have the information that the school has  
24      as well as law enforcement. And if we can't,  
25      we need to figure out then what do we need to



1 advocate for; and I'm not naive to the fact  
2 that it takes a while to change laws. But I am  
3 interested in advocating at the federal level  
4 for a change in HIPAA and FERPA so that we  
5 don't get to the point where the only time we  
6 can ever share information is during an  
7 emergency because the whole point is to prevent  
8 the emergency. So I would like to hear from  
9 you and your colleagues, perhaps, just -- and  
10 it doesn't have to be today, but in the future,  
11 what are your recommendations regarding changes  
12 so that we can, in fact, have these  
13 communications that makes us all better at what  
14 we do so that our kids can be successful?

15 MR. GOHL: We will certainly take your  
16 suggestion of how to make sure that we're  
17 involving the community-based providers in the  
18 threat assessment process and examine that. We  
19 will have to look into consent about whether or  
20 not we've gotten it from the family. We'll  
21 have to look at the questions of what are the  
22 exceptionalities for the emergency status of a  
23 threat assessment. Law enforcement -- I mean,  
24 there's layers here, but I hear your advocacy.  
25 I concur that we need to get in front of the

1 potential for threats and not just focus on the  
2 reactive nature of a threat assessment itself.  
3 Thank you.

4 SHERIFF GUALTIERI: One more question,  
5 Commissioner Harpring, and then we're going to  
6 take a break and come back and get into  
7 reunification. So go ahead.

8 MR. HARPRING: Very briefly, in my  
9 opinion, the threat assessment process is not  
10 sacrosanct. In other words, the information  
11 that's going to come out of a threat assessment  
12 could result in a criminal investigation and  
13 analogous to the difference between a incident  
14 report at a law enforcement officer does  
15 subsequent to a baker act is public record, the  
16 clinical record of that baker act may not be a  
17 public record, it may not be released. If  
18 there is something that occurs during that  
19 threat assessment meeting, the law enforcement  
20 officer is responsible for what they know.  
21 They're going to act upon it, there's going to  
22 be criminal investigative documentation  
23 associated with that and that documentation is  
24 going to exist.

25 I think it's important to remember that

1 because while the law enforcement may  
2 technically be a subject to FERPA during the  
3 course of a threat assessment, they then do an  
4 incident report or provide information along,  
5 then that information, in my opinion and I'm  
6 happy to defend it both as law enforcement  
7 officer and as an attorney, that's not held --  
8 that's not held in a vacuum somewhere as if it  
9 is sacred. It's going to be released and it's  
10 going to follow along and it's going to be  
11 subject to our collective knowledge. And as  
12 we've all said before, I think there is, you  
13 know, there is too much concern, especially in  
14 this area about the, you know, the release of  
15 quote/unquote educational records. These are  
16 public safety issues and I'm happy to defend  
17 that all day for anyone in our agency that acts  
18 as a result of that. I understand your  
19 position, but you know, from our perspective,  
20 we're there for, you know, welfare and safety  
21 and as I said, if there's an issue, we'll deal  
22 with it later on, but I think it's important to  
23 act at the time that we can and if there's  
24 follow up and we need to get that information,  
25 you know, I think we're going to get it, at

1 least in my area.

2 SHERIFF GUALTIERI: All right. Mr. Gohl,  
3 thank you for being here, appreciate it.

4 MR. GOHL: Thank you all.

5 SHERIFF GUALTIERI: So I got about, it's  
6 about five after four. We probably got about  
7 two more hours of -- we got two presentations  
8 left. So let's just take a quick 10-minute  
9 break, quick 10 minutes. We're going to come  
10 back, hear from BSO on reunification and then  
11 after that, then we need to go into closed  
12 session to finish the day out on the FSSATs.  
13 So 10 minutes, we'll start again and begin with  
14 reunification.

15 (Thereupon, a break was taken, and the proceedings  
16 continued as follows:)

17 SHERIFF GUALTIERI: At the last commission  
18 meeting, you heard from victim's families  
19 regarding the reunification and death  
20 notification process from February 14th. We're  
21 going to hear today from the Broward County  
22 Sheriff's Office. We have with us Detective  
23 Zack Scott, who is the case agent with Broward  
24 Sherriff's office homicide unit for this  
25 investigation, and he is very familiar with

1        what was done and not done and he's going to  
2        give you his perspective on reunification and  
3        death notification. Also is Captain Scott  
4        Champagne, who was a lieutenant in homicide at  
5        the time but is here today on behalf of the  
6        Broward Sheriff's office command staff to give  
7        his perspective on where the Sheriff's office  
8        is today and where it's going in this area of  
9        reunification and death notification in these  
10       mass casualty events.

11                Before we do that, I'm going to ask ASAC,  
12        Annie White from FDLE to come up and I know it  
13        will be very brief, is to give you the results  
14        of a survey that we did. We did a survey of 50  
15        law enforcement agencies, sheriff's offices and  
16        police departments because we wanted to see  
17        what agencies had regarding death notification  
18        and reunification protocols in these mass  
19        casualty events. And -- because what you're  
20        going to hear from Broward Sheriff's Office is,  
21        is they didn't have any type of a policy but as  
22        ASAC White is going to tell you, is that the  
23        absolute majority and most other agencies don't  
24        either. So Broward Sheriff's Office is no  
25        different than, really, most of the rest of us,

1 if not all in some cases in some of these  
2 areas. So we wanted to get that sample in and  
3 what it showed is that really, nobody does so I  
4 think that's an area that's ripe for  
5 recommendations and that could come out of this  
6 commission as the agencies have these. So,  
7 Annie, if you would share with us how the  
8 survey was done and what the results were.

9 MS. WHITE: Yes, sir. You have a survey  
10 there in your book and just in preservation of  
11 time, I'm not going to go through every slide,  
12 but basically, we had the questions that are  
13 there in your book. We asked the agencies if  
14 they had a death notification policy and a  
15 reunification policy and I think Sheriff Judd,  
16 you were the one that kind of brought this to  
17 our attention that most agencies do not have  
18 these. Basically in summary, the survey  
19 determined that most of the agencies,  
20 regardless of the agency size, did not have  
21 policies dealing with death notifications,  
22 family reunification during a mass casualty  
23 event.

24 The policies we receive primarily dealt  
25 with identification of a deceased persons

1 evidence collection and seeing security. Most  
2 did not contain details for handling next of  
3 kin notification. A very small portion  
4 required clergy -- department chaplains, I'm  
5 sorry, to be present during next of kin  
6 notification. One agency policy required  
7 establishing separate victim and family  
8 reunification centers but gave no detail as to  
9 how this would be conducted or by whom. Only  
10 one of the agencies that we surveyed, we had 25  
11 from both police and sheriff's departments and  
12 you see the results of what we received back.  
13 We actually only received five total policies  
14 back in these topics.

15 One agency survey did have a very  
16 comprehensive plan addressing family  
17 reunification and including topics -- included  
18 topics of opening a family assistance center,  
19 incorporating Department of Health for mental  
20 health assistant, incorporating victim  
21 advocates, counseling for survivors, actually  
22 using a reunification database and automated  
23 tool, patient tracking, and transportation from  
24 hospitals. But the death notification  
25 procedures were vague and basically said we're

1 going to coordinate with the medical examiner's  
2 office and that's what we kind of saw across  
3 the board, is people said we're going to  
4 coordinate with the ME and get the deceased and  
5 collect evidence.

6 One agency had a plan that was exercised  
7 and found to be quickly exhausted with 100  
8 participants. We know from this terrible  
9 tragedy that we had well over 100 people  
10 involved, whether you know, the thousands of  
11 students that were there, that were trying to  
12 find their families or actual family members of  
13 those that were injured or killed. So the  
14 plans we saw, even ones that were very  
15 comprehensive and were exercised were  
16 insufficient.

17 SHERIFF GUALTIERI: Yes, so as it said,  
18 you know, Broward Sheriff's Office didn't have  
19 anything, but neither does anybody else and  
20 that's what we found. So the only one we did  
21 find that had anything that was -- it's really  
22 a model, and kudos to them, and that is the  
23 Seminole County Sherriff's Office. They are  
24 probably about the only one in the state, you  
25 have a copy of -- we provided it to you what



1       they provided us. So -- and I know that based  
2       on the survey and based on the inquiries, there  
3       is a lot of agencies now that have started  
4       drafting policies and beginning that process as  
5       we made the inquiry. So some of it, we weren't  
6       getting answers back, it was a oops and you  
7       know, and so I think we're on a -- in a  
8       situation where we try to develop that.

9               So I wanted to provide that for just  
10       background and context as we move into hearing  
11       from the Broward Sheriff's Office because  
12       before we go down the path of, you know, why  
13       didn't have, what didn't you have, they're no  
14       different than anybody else. So as it relates  
15       to what happened that day, and what didn't  
16       happen and to give us some insight, ask  
17       Detective Scott to begin and then Captain  
18       Champagne to talk about the -- what Broward  
19       Sheriff's Office is currently doing from a  
20       policy standpoint. So welcome back.

21              DETECTIVE SCOTT: Thank you, Sheriff. I  
22       would first like to thank the commissioner for  
23       having me back again. This is going to be a  
24       little different for me because all the other  
25       times I've stood at this podium, it's been

1 about reviewing evidence, other people  
2 statements and kind of giving you the  
3 investigative findings. What's different about  
4 today is because I will be telling you about  
5 what I experienced that day as one of many  
6 homicide investigators who responded to the  
7 school.

8 In April, I attended the commission  
9 meeting and listened as the victim's families  
10 shared their experiences from the reunification  
11 and notification process. Like many of you, I  
12 was heartbroken to hear some of the challenges  
13 that they faced and that they faced them on  
14 what was easily their worse day. As someone  
15 who was there and was unfortunately part of  
16 that day, I apologize for what has happened to  
17 you. I mean that in the larger sense but also  
18 for the additional pain inflicted by the  
19 process itself. It pains me to think that at  
20 any time, you were ever treated like you  
21 weren't a priority during the initial  
22 investigation. I can tell you personally, from  
23 my heart, you were. You have always been the  
24 priority.

25 So I'm here today to discuss some of the

1 questions raised about how this process was  
2 carried out and hopefully provide some insight  
3 moving forward to those who were developing new  
4 policies to address this issue. I have no  
5 excuses to offer you when it comes to how this  
6 process was conducted and where it failed. It  
7 is my hope that the information I provide you  
8 with today can give you an idea of why some  
9 things happened and why some things have to  
10 happen in a certain way. I will freely admit  
11 that there were some mistakes made and that in  
12 hindsight, some things should have been done  
13 differently, but as you have just heard, there  
14 aren't a lot of policies out there to work  
15 from.

16 Unfortunately, law enforcement is having  
17 to make the same adjustments as the rest of the  
18 world when it comes to tragedies like this. As  
19 I'm sure the commissioners here have realized,  
20 we have all had to change our vocabulary from  
21 talking about if one of these mass killings  
22 occurs again to when the next one will happen.  
23 Police work, unfortunately, is no different and  
24 we are all learning very painful lessons as we  
25 go. Now it has been mentioned several times

1       that the active shooter incident that occurred  
2       at Fort Lauderdale International Airport should  
3       have provided a template on how reunification  
4       and notification was conducted. Set aside the  
5       facts that this characteristics of the attack  
6       were completely different, I just want to  
7       remind the commission, we were not the lead  
8       investigative agency in that incident, nor did  
9       we conduct the reunification and notification  
10      process. So unfortunately, going into February  
11      14th, we were learning.

12             My goal today is try to address the issues  
13      most often raised by the families during the  
14      last meeting and the challenge that was faced  
15      most often that night seemed to center around  
16      the lack of shared information and the amount  
17      of time that it took to identify victims and to  
18      then notify those families. I personally  
19      believe several of the other issues that were  
20      mentioned were symptomatic of that primary  
21      issue. So I'm going to go through the  
22      identification process that night, some of the  
23      obstacles that we faced in the hopes that it  
24      will shed some light on why things may have  
25      taken as long as they did.

1           The only thing more important for us than  
2           identifying the victims and notifying the  
3           families is building the strongest criminal  
4           case possible against the suspect responsible  
5           for the victims deaths. As horrific as the  
6           events of Stoneman Douglas were, the  
7           investigation of the victim's deaths is still a  
8           homicide investigation. The strength of any  
9           homicide investigation is the integrity of the  
10          evidence and how it is collected.

11         Unfortunately, this is a very time intensive  
12         process and the larger the crime scene and the  
13         more victims that you have, it multiplies the  
14         time required to collect evidence. The  
15         greatest disservice we can do to everyone  
16         involved is to rush that collection of evidence  
17         and risk affecting the criminal prosecution by  
18         cutting corners in the interest of time. I can  
19         tell you from personal experience as someone  
20         who has sat outside many crime scenes chomping  
21         at the bit and wanting nothing more than to  
22         start figuring out what we have, that this  
23         process can be frustrating beyond belief and  
24         this was never as true as it was that day, into  
25         the night, standing outside the 1200 building

1 and wanting nothing more than to get inside and  
2 figure out some of the answers to the millions  
3 of questions we and the rest of the community  
4 had. But you have to wait. You have to be  
5 patient. You have to collect those minute  
6 pieces of evidence under strict protocol, so we  
7 never face the terrifying concept of someone  
8 getting away with murder.

9 The deputies and officers clearing the  
10 1200 building evacuated the last civilian from  
11 the building at approximately 3:21 p.m.  
12 However, there were still several rooms that  
13 still had to be breached and searched to ensure  
14 that there were no other victims or even  
15 possible suspects. Once that process was  
16 completed, it is a common practice to double  
17 and then triple check those areas that have  
18 been cleared for the exact same reasons.  
19 Again, you have to take into consideration the  
20 size of the 1200 building. It is three  
21 stories, 12 rooms per floor, plus closets,  
22 bathrooms, and stairwells. Again, for the sake  
23 of officer safety, it is not a process that we  
24 can do in a rushed fashion.

25 Once the 1200 building was deemed clear,

1 it was only the first of many buildings on the  
2 campus that were cleared. Other teams were  
3 simultaneously searching the rest of the  
4 buildings on campus, but without the benefits  
5 of hindsight that we have now. At the time, we  
6 did not know that there was only one suspect  
7 involved. We had to proceed with the  
8 possibility that he did not act alone and that  
9 other parts of the campus were possible  
10 additional crime scenes.

11 At approximately 5:10 p.m., enough of the  
12 campus had been cleared and we were able to  
13 make entry into the 1200 building. Fighting  
14 against every instinct that we had to want to  
15 begin the processing of the scene immediately,  
16 safety always has to be the top priority as we  
17 have unfortunately seen in other mass killing  
18 incidents like Columbine or even much later in  
19 Aurora, attackers will not hesitate to deploy  
20 improvised explosive devices at the scenes of  
21 their attacks or at their homes. This tactic  
22 of placing a secondary explosive is designed to  
23 have an initial attack that draws first  
24 responders to a scene, at which point a second  
25 device would be detonated creating further

1 casualties. Keeping this possibility in mind,  
2 many of the students and staff and understand  
3 that there 743 students on the rosters for  
4 being in that building at that time. They're  
5 all evacuating from the building, many left  
6 their bags and other personal effects behind.  
7 Between all three floors, there were literally  
8 hundreds of bags. Our bomb squad unit had to  
9 examine each of them as well as the rest of the  
10 building. Needless to say, this is not a  
11 process that you can rush.

12 Once each floor had been cleared of  
13 possible explosive devices, the scene itself  
14 must be documented as a whole. What this means  
15 in English is that the scene, every single inch  
16 of it, is photographed. This preserves the  
17 location of all evidence in the location it is  
18 originally found or items that at the time we  
19 may not even realize are evidence, but where  
20 its location could be pertinent to the  
21 investigation. In addition to photography, the  
22 entire scene is laser scanned, which allows  
23 investigators to create a 3-dimensional model  
24 of the scene, which again gives investigators  
25 the exact location of evidence and victims



1 before they are disturbed. Each of these scans  
2 record about 20 to 25 feet of the area and  
3 takes several minutes to complete. With a  
4 scene as large as the 1200 building, this is an  
5 extremely time consuming process, but again, if  
6 we were to try and rush or streamline this  
7 process, we run the risk of damaging the  
8 integrity of the investigation and the  
9 following prosecution. Homicide trial evidence  
10 is one of the most challenged items by the  
11 defense, we must follow the same meticulous  
12 protocols on every scene as much as it goes  
13 against the overwhelming emotions felt. I can  
14 say we all wanted to move in. We all wanted to  
15 do something, but we do not have the luxury, as  
16 investigators, of looking at the scene as short  
17 term. We have to always keep the trial in  
18 mind.

19 Following the documentation of the scene  
20 and because we felt that identification of the  
21 victims was a priority, we attempted to  
22 expedite the process by entering the scene with  
23 a minimal number of investigators and the chief  
24 medical examiner all wearing protective gear to  
25 prevent evidence contamination in an attempt to

1 determine if any of the victims had  
2 identification on their person. The victims  
3 themselves must be processed for evidence, and  
4 normally, this would be done prior to any  
5 identification process. Because of the  
6 circumstances, we had hopes that adding this  
7 additional step would assist us in being able  
8 to identify the victims quicker and notify the  
9 families of whether or not their loved ones  
10 were victims inside the building.

11 Unfortunately, this proved to help very  
12 little. Most students of the victims' ages do  
13 not have identification, or they don't carry it  
14 on their person. There was no lanyard system  
15 in place at Stoneman Douglas. Only two victims  
16 had identification on their person and that  
17 does include the adult victims. So  
18 unfortunately, even by trying to do something  
19 to accelerate the identification process  
20 without compromising the evidence, we still had  
21 15 victims inside and around the 1200 building  
22 that did not have identification. This was an  
23 obstacle also faced when it came to the injured  
24 victims, the ones who were unable to  
25 communicate who they were, were also -- also

1 did not carry identification. Two victims who  
2 passed away did so at the hospital and lines of  
3 communication from the hospital back to the  
4 command post and the reunification center were  
5 anything but clear. So as parents came to the  
6 reunification center to look for their  
7 children, they would provide us with names,  
8 ages and descriptions that unfortunately would  
9 match several of the victims, both deceased and  
10 injured.

11 I think that one of the risks that the  
12 commission runs when examining these issues is  
13 that most of them are viewed with the benefit  
14 of hindsight. When you're looking at the  
15 reunification center and who responded there,  
16 understand that all parents who had not been  
17 able to make contact with their children came  
18 to that conference center. There were 841  
19 people who signed in. Understand that there  
20 were many students who ran from the campus and  
21 just kept going, understandably. Unfortunately  
22 for parents, unless you heard from your child  
23 through an already over loaded cell phone  
24 network, you had no way of knowing if your  
25 child was one of the ones who ran off campus or

1 was one of the victims inside the building.  
2 Even more troubling is that there was no way  
3 for us to know either, initially. So while it  
4 was understandably frustrating for the families  
5 to not have any updated information provided,  
6 the reality was, there was not a lot of  
7 information we could provide, at least not the  
8 information that they obviously wanted.

9 Well into the evening, the school  
10 administration was able to provide us with  
11 class rosters for each classroom in the 1200  
12 building during that period. This at least  
13 gave us a list of names, but not pictures, of  
14 who the students were. Compound this with the  
15 fact that several of the victims were not in  
16 their classroom when they were killed and some  
17 victims in the building had entered from other  
18 buildings to use the restrooms. The school  
19 also provided us with something called a school  
20 safety identity dictionary which was basically  
21 a collection of school portraits with names and  
22 grades. Unfortunately, this book did not  
23 contain photos of seniors and contrary to what  
24 has been reported, although the 1200 building  
25 is often referred to as the freshman building,

1 all grades utilized this building. Anyone who  
2 had missed picture day was also not in those  
3 photos and the photos themselves were  
4 approximately one and a half by one and a half  
5 inch in a single school portrait photo. Now,  
6 that is better than nothing, but it's not the  
7 most accurate representation of a person.

8 By cross referencing the rosters with the  
9 guide, we were able to come up with some  
10 possible identifications for some of the  
11 victims, but it was not conclusive, and many  
12 were still not identified. Now first the  
13 photographs were requested from family members  
14 at the reunification center. Again, the  
15 families at the center were not just the  
16 families of the victims that we know today, so  
17 all parents who had not been able to locate  
18 their child sent photos in. The sheer volume  
19 of photos coming from outside sources caused  
20 the command center internet firewall to shut  
21 down and reject the incoming emails. We would  
22 recommend to anyone putting together their  
23 policies for reunification that you take the  
24 time to consult with your IT department to see  
25 what the limitations and restrictions may be

1       for your ability to receive this amount of  
2       information. We feel this was definitely an  
3       oversight, it just wasn't considered ahead of  
4       time, but I also believe it's a common one  
5       that's not considered. This may also explain  
6       why families were requested to send photos  
7       repeatedly because none of them were coming in.  
8       This technical issue was resolved, but again,  
9       it was at the expense of more time.

10           Once we were able to access the personal  
11       photos provided by the families, the process of  
12       identification moved along a lot faster. In  
13       some cases, the nature of the injuries did make  
14       it difficult to make a positive identification.  
15       Many were made circumstantially based on names  
16       written on school papers or personal items  
17       found in backpacks in the areas of the victim.  
18       I will tell you, as the person who stood over  
19       these victims and tried to figure out who they  
20       were, that I made positive identifications that  
21       I would probably not be comfortable making on  
22       another homicide case. I did this because I  
23       knew what those families were going through and  
24       I wanted to do something, anything, to help  
25       them. The fact is, my helping would only be

1       able to give them pain, but I can tell you, as  
2       a father of two high school students myself,  
3       that I saw my children in the faces of every  
4       victim I tried to identify. And there are  
5       still times today that when I look at my kids,  
6       I see those victims. I wish I could tell you  
7       that I was the consummate professional who left  
8       there unaffected and that this was something  
9       that you get used to in my line of work or  
10      constant exposure, but this is not, and it  
11      should not be anything that one gets used to.  
12      I am affected. We all are affected.

13           As the victims were identified, their  
14      names were forwarded to the reunification  
15      center. The decision was made to attempt to  
16      make the notifications to the families as  
17      simultaneous as possible. With the benefit of  
18      hindsight, we don't believe this was an  
19      attainable goal, nor do we see any benefit in  
20      it because unfortunately, the higher the number  
21      of victims, the more difficult this becomes to  
22      accomplish. I will tell you the time between  
23      individual identifications of the victims, the  
24      majority of the victims was not significant but  
25      with 17 victims, the possibility of having 17

1 teams available to perform the notification and  
2 having private or at least semi-private areas  
3 to do so, is just not within the resources that  
4 we had available. Families were notified  
5 individually as quickly as we could at one with  
6 the space and staff available.

7 Once those notifications were made, it's  
8 not like our investigators would abruptly end  
9 the conversation and go on to the next one,  
10 they're going to stay. They're going to answer  
11 what questions they could and they're going to  
12 try to help. This, unfortunately, will create  
13 more delays. I eventually the MSD campus and  
14 responded to the reunification center in order  
15 to assist in making those notifications. Now,  
16 in reference to the reunification center, the  
17 location provided by the Marriott Sawgrass was  
18 selected due to the fact that it was located in  
19 a more central location for the majority of the  
20 families whose children attended MSD. The  
21 selection was made in a very short period of  
22 time and I cannot thank the management of the  
23 property enough for giving us access under such  
24 short notice. While there were some critiques  
25 of the location as a central spot that families



1 under stress would not have to drive across the  
2 county to get to, it was the right choice.  
3 Understand that all witnesses were also  
4 transported here and wherever the children and  
5 teachers go, their families will follow.

6 Another factor that had to be taken into  
7 account is being able to control access to the  
8 center. Unfortunately, as was made evident  
9 that night, was both the 1200 building and the  
10 reunification center, there will be people  
11 acting as media, legitimate or not, who  
12 attempted to gain entry to both of these areas.  
13 The Marriott conference center was conducive as  
14 it could be, but the reality is that finding a  
15 facility with soundproof rooms to perform  
16 notifications is juts not realistic. I, for  
17 one, will not dictate to a family how they  
18 should respond to getting news like what we  
19 were providing. If they want to scream, they  
20 should, and they did. If they want to curse  
21 us, they should, and they did. If they want to  
22 hit us, they should, and they did. If they  
23 just want to break down and cry, they should,  
24 and they certainly did. To the families to had  
25 to hear these reactions before being able to

1 receive the news themselves, I am truly sorry.  
2 I wish we had more options as far the location,  
3 but we did not.

4 At the completion, all families were  
5 notified within 12 hours of the shooting.  
6 While this may sounds like an eternity, I will  
7 tell you that this process and the time it  
8 takes is consistent in similar incidents. For  
9 example, in the case of Pulse nightclub, as you  
10 heard at the last meeting, it took 20 hours  
11 before the identification process even began.  
12 While there may be some things that can be  
13 improved upon at future events as long as there  
14 will be investigations into homicides, they  
15 will need to take time.

16 There were some other complications that  
17 occur during the process worth mentioning.  
18 While attempting to identify one of the last  
19 victims inside the 1200 building, we discovered  
20 a purse lying next to her that contained a  
21 Florida Driver's license with a person similar  
22 in appearance to that victim. However, we were  
23 also working on a second student in the same  
24 class whose family had not been able to locate  
25 her. She also bore a strong resemblance to the

1 victim. We sent units the address listed on  
2 the driver's license, but no one answered the  
3 door. We called the emergency phone number  
4 provided to the school and again, got no  
5 answer. There were no family members at the  
6 reunification center looking for the student on  
7 the driver's license, but please understand,  
8 not all families went to the Marriott. Some,  
9 as you have heard, went to the hospitals  
10 thinking that they may find their family member  
11 there. But in that moment, we were not able to  
12 rule out either possible identity. I attempted  
13 to reach the unification center to have them  
14 ask for a clothing description, but this was as  
15 the notifications began and I couldn't get  
16 through. I went to the reunification center,  
17 made contact with the family that was there  
18 myself to get that clothing description and  
19 unfortunately in that moment, I knew it was  
20 their child, so I had to notify them then. And  
21 while the delay that it took was unbearable,  
22 there were sometimes circumstances beyond our  
23 control that made it unavoidable.

24 At the end of the night, which at this  
25 point was early morning, there was still one

1 family who had not been able to find their  
2 child. At that point, we had no other victims  
3 in the 1200 building, no other victims in the  
4 hospitals. This prompted us to return to MSD  
5 campus to conduct an inch by inch search of the  
6 campus and surrounding areas, the vehicles, the  
7 woods, for the possibility that another injured  
8 victim may have fled the campus and not been  
9 located. Now fortunately in both of these  
10 situations, the students were eventually  
11 located uninjured. As we talked about before,  
12 some groups fled the campus and kept on going.  
13 Many left their phones and belonging behind.  
14 So when they got a place where they could  
15 borrow a phone and make a call, they were faced  
16 with using a device that did not have their  
17 contact in it. Many students become reliant on  
18 the fact that they can just touch the screen  
19 where it says Mom or Dad and the phone will  
20 ring. Actually knowing the phone number is not  
21 as common as you would hope. I will admit that  
22 I did conduct this experiment in my own house,  
23 and I was not excited about the results. Any  
24 of you have children with cell phones, you may  
25 want to go over this.

1           A common challenge that the families spoke  
2           about was a lack of command at the  
3           reunification center. We believe this is the  
4           result of several factors and most homicide  
5           investigations, the notification process is  
6           handled by the homicide investigators. On the  
7           night of February 14th, all of our homicide  
8           investigators were actively working different  
9           aspects of a rapidly evolving investigation,  
10          whether it was the interviewing of the suspect,  
11          writing and executing search warrants,  
12          interviewing witnesses, or examining the crime  
13          scene. This left a very limited number of  
14          investigators available for the reunification  
15          center. Approaching this as a homicide  
16          investigation, we wanted our investigators to  
17          be the ones doing the notifications.  
18          Maintaining, or in this case, more accurately,  
19          trying to maintain investigative control of all  
20          aspects is an attempt to keeping that integrity  
21          of the investigation intact.

22          Simultaneously, every department and  
23          community resource was also sending personnel  
24          to the reunification center to help. This  
25          included many victim advocates from all local

1 departments, also from the state attorney  
2 general's office, and even the FBI. While this  
3 was well intentioned, the presence of this many  
4 different entities can create duplications of  
5 efforts. Families were asked to provide the  
6 same information over and over again and I  
7 personally believe that this was partially due  
8 to a lack of communication between agencies all  
9 trying to help.

10 Another consideration to keep in mind is  
11 that while you may have one reunification  
12 center, each hospital where the injured were  
13 taken will become its own center and the same  
14 resources need to be in place there as well.  
15 But the fact remains that while we try to treat  
16 this like any other homicide investigation, we  
17 did not have the staffing to do so. The few  
18 investigators on scene were stretched thin and  
19 other personnel assigned to assist were just  
20 not experienced in doing notification or  
21 running a reunification center. We don't mean  
22 this as an excuse, just a possible explanation  
23 of what was experienced as we all have to learn  
24 about this new normal, the practice of trying  
25 to investigate a mass killing as any other

1 homicide needs to change.

2 One of the other topics brought up at the  
3 last meeting was the option of notifying  
4 families prior to making a positive  
5 identification. Several of the families  
6 expressed that this was an option that they  
7 might have preferred because of the large  
8 amount of families looking for their children  
9 and loved ones when we reached the point where  
10 we could say maybe, the time saved would be  
11 minimal. And while I agree that the families  
12 are truly the subject matter experts of this  
13 experience, as Sheriff Judd point out, I do not  
14 believe that this is a practice that needs to  
15 be put in place for several reasons. But I  
16 will also say that I believe that any  
17 alternative method would probably feel like a  
18 better approach than what the families went  
19 through.

20 There are several risks to this type of  
21 maybe identification, and again, from a  
22 homicide investigative perspective, it's not  
23 something that we do normally. Going back to  
24 having the integrity of the investigation being  
25 the priority, any unconfirmed identification

1       that could possibly come back as being  
2       incorrect does cast a certain light on  
3       thoroughness of the investigation. If  
4       investigators aren't sure of who the victim  
5       was, how can they be sure about anything in the  
6       investigation. Something else to consider is  
7       that if we go to one family and tell them that  
8       we think one of the victims is their child or  
9       loved one and it turns out we are mistaken, and  
10      another family has possibly not been told  
11      anything up to that point. Well we certainly  
12      would be able to provide relief to one family,  
13      we've completely defeated the purpose for  
14      another.

15             For detectives in my homicide unit, we  
16      will perform approximately 95 death  
17      notifications in a single year. In my six  
18      years, that comes to approximately 570 times  
19      I've had to tell a family that their loved one  
20      is passed. I can tell you that with all that  
21      repetition and experience in our unit, no one  
22      has found a way to do it where it doesn't hurt.  
23      No one has cracked the code and come up with a  
24      way to tell people that news without crushing  
25      them. But what I can tell you from a more



1 selfish standpoint is that if I have to ruin  
2 your world like that, I want to be sure. I  
3 want to be sure that I absolutely have to.  
4 With that being said, investigating these  
5 incidents with the same approach as any other  
6 homicide has created challenges and it needs  
7 change. No two incidents are the same and  
8 while the tragic nature is consistent, the  
9 circumstances of each even will have to dictate  
10 the investigation.

11 Following the notifications, myself and  
12 another homicide detective made contact with  
13 each of the families to provide ourselves as a  
14 liaison for them during the investigation which  
15 continues today. I've had the honor of  
16 spending time with several of these families.  
17 They have welcomed me into their homes, and I  
18 have been given the privilege of getting to  
19 know about their loved ones. I have tried to  
20 make myself available to them at all times and  
21 I can only hope that I have been able to be of  
22 assistance to you in some way. I will say that  
23 in the course of doing this, I believe I have  
24 learned the root of what may be responsible for  
25 the other concerns raised about the

1 reunification and notification process. I  
2 believe that it is the plain fact that all  
3 members of law enforcement, regardless of  
4 department, are human. We are parents, we are  
5 siblings, we are someone's children, and with  
6 that, comes the pitfalls that any of us face  
7 when faced with a traumatic event like what  
8 happened at Stoneman Douglas. As much as I  
9 would love to tell you that all the training  
10 and experience of the world as made us  
11 unaffected by what happened that day, I cannot.  
12 I was there. I saw how it affected people and  
13 I believe that unfortunately, some of that at  
14 the reunification center when people wanted so  
15 bad to be able to do something, but it was too  
16 late.

17 At the last meeting, Tom Hoyer stated  
18 perfectly, I could tell the people were trying  
19 to help us, but they were struggling. It  
20 seemed like they were trying to step into a  
21 void. They were struggling. Many still are.  
22 I offer my apologies to all the families for  
23 any pain they endured that night during that  
24 struggle. I can promise you, the families were  
25 always a priority to us, and they remain so

1           today.

2           In preparing for today's presentation, I  
3           did see that there is some time on the  
4           Commission's agenda to discuss future meeting  
5           topics. I would humbly ask the Commission to  
6           consider in its future discussions how first  
7           responders are debriefed after an incident like  
8           this, not from a factual or investigative  
9           standpoint, but from a mental health  
10          perspective. If one of this Commission's goals  
11          is to create best practices and policies for  
12          various agencies, I implore you to do more in  
13          this regard. The Commission has numerous  
14          agency head whose personnel will be called upon  
15          to handle one of these mass killing events in  
16          the future. Please take care of your people.  
17          Like many things this Commission has reviewed,  
18          doing the bare minimum is no longer enough.

19          We've all seen the effects that this  
20          tragedy has had on the community, please  
21          remember that these first responders are part  
22          of your community. And when the tragedy is  
23          over, they have to go on to the next one.  
24          Unfortunately, most people seem to believe we  
25          are immune from what we saw that day and I can

1 tell you, we are anything but. Thank you again  
2 for letting me speak today and I will be glad  
3 to answer any questions.

4 SHERIFF GUALTIERI: All right. Thank you,  
5 Detective Scott. Why don't we hear from  
6 Captain Champagne and then we'll take any  
7 questions that commission members have.

8 CAPTAIN CHAMPAGNE: Good afternoon. My  
9 name is Scott Champagne, I'm a Captain with the  
10 Broward Sheriff's Office currently serving as  
11 the director of internal affairs and public  
12 corruption. Prior to my current command, I was  
13 the homicide lieutenant on that day, and I was  
14 tasked with the oversight of the criminal  
15 investigation as well as the management of the  
16 crime scene working hand in hand with  
17 detectives like Zack Scott. I might be able to  
18 offer all of you a different perspective from a  
19 criminal investigations command perspective and  
20 be able to expand upon what Detective Scott  
21 discussed today.

22 I'm specifically here today to address  
23 what the agency is doing, moving forward, in  
24 developing a comprehensive reunification policy  
25 and process that includes mass casualty events,

1 not only with schools but we need to include  
2 any other potential mass casualty event. As  
3 everyone in this room is aware and Zack has  
4 talked about, it's not a matter of if, it's a  
5 matter of when that we're going to deal with  
6 this again.

7 I had a prepared script and I'm going to  
8 have those talking points, but listening to  
9 Zack speak about some of the experiences that  
10 we had to deal with that particular night, to  
11 all of the families that were affected by this,  
12 I assure you that we had our best intentions at  
13 hand on that night in trying to get you the  
14 answers you needed. As it relates to the  
15 unification process that day, we as an agency  
16 recognized there was issues and areas of  
17 concern that we need to address. We listened  
18 intently to April's hearing and the families  
19 that testified before this commission as to  
20 what their concerns and issues were with that  
21 process. I say this to all the families that  
22 were affected that day, your voices have been  
23 heard and we will move forward with getting and  
24 applying the best possible practice in place  
25 for reunification so that others may not have

1 to experience what you did that night.

2 When I was asked by Sheriff Tony and  
3 Coronel Zakowski to assist and provide feedback  
4 to the policy development unit of the Sheriff's  
5 office, I found that it was important to  
6 consider several areas. One being, you know,  
7 what the best practice is in existing policies  
8 are out there with regards to reunification as  
9 you heard Sheriff Gualtieri talk about there's  
10 very limited issues -- very limited policies in  
11 place with regards to reunification and I'll  
12 talk about that shortly. Two, what problems  
13 did we encounter, the guys on the ground, the  
14 investigators that were there dealing with  
15 everything as it was occurring, what issues we  
16 had, apply those to those best practices.  
17 Three, how do we translate the problems we had  
18 and apply them, like I said, into best practice  
19 and policy development. And then four were  
20 recommendations and what recommendations can I  
21 offer to our agency with the policy development  
22 unit so that they can put forward the best  
23 possible policy for reunification.

24 As Sheriff Gualtieri stated, we found that  
25 the comprehensive reunification policies are

1 very limited at the local and state level,  
2 they're non-existent, quite honestly. To  
3 answer a question I know that's probably going  
4 to be asked and it was already indicated, the  
5 Sheriff's office, the Broward Sheriff's office  
6 at the time did not have anything specific to  
7 reunification. We've spoken to several  
8 agencies and reviewed their existing policies,  
9 most at the federal level, to include the Red  
10 Cross, the NTSB, FEMA, the western regional  
11 Homeland Security Counsel, and we've also heard  
12 testimony regarding the Seminole County  
13 Sheriff's Office. We have reviewed that policy  
14 extensively and I have to tell you, it's an  
15 absolute model and kudos to them for putting  
16 forth that and being, you know, forward  
17 thinkers prior to having to deal with this  
18 experience. We've had discussions with the  
19 Broward Health System and they actually have a  
20 fairly extensive and comprehensive  
21 reunification policy in place. One of the  
22 biggest emphasis that they put in discussing --  
23 in talking to them about reunification was that  
24 it's very important for every police, fire and  
25 hospital agency or organization, they all need

1 to be on the same page. It needs to be  
2 consistent across the board, not just relating  
3 to BSO jurisdictions, it needs to be all  
4 municipalities. That was the common theme  
5 coming out of Broward Health. I have  
6 personally spoken to Brian Katz, the Broward  
7 school safety security emergency preparedness  
8 element, we both agree that there needs to be a  
9 collaborative effort with Broward schools and  
10 other agencies within the county, and again,  
11 that same theme was discussed, there needs to  
12 be a unified reunification policy in place  
13 county wide.

14 We also kind of -- we wanted to look into,  
15 you know, what experts out there were saying  
16 with regards to reunification. The National  
17 Association of School Psychologist actually  
18 offers guidelines for administrators in crisis  
19 response and reunification, so that's something  
20 we're actually researching and kind of getting  
21 a gauge for what best practice is from their  
22 perspective when we apply and develop our  
23 policies. And we continue to review all of  
24 these materials that I mentioned, moving  
25 forward, and making our recommendations.



1           As far as the problems that we  
2           experienced, as I stated earlier, we did not  
3           have an existing reunification policy. We had  
4           an existing policy that was very narrow in  
5           scope and it related specifically to a lack of  
6           a better terms, traditional homicide and death  
7           investigations. That policy is simplified in  
8           that it specifically states a homicide  
9           investigator will in fact make that  
10          notification upon confirmation of identity  
11          which goes to what Zack was talking about when  
12          we were dealing with trying to actually confirm  
13          these identities before we step forward to make  
14          those notifications. There was an absolute  
15          lack of reunification command structure and  
16          role definition and I personally witnessed that  
17          myself. As Detective Scott stated, we were --  
18          we remained on that scene for an extensive  
19          period of time and it wasn't until later on  
20          that evening, he and I went over to the  
21          Marriott. And when I got there, I was taken  
22          aback by the chaos and there was clearly a lack  
23          of structure in terms of how we were handling  
24          that process. But again, I will remind  
25          everyone, we were doing the best we could with

1        what we had at the time, our resources were  
2        stretched entirely thin given the magnitude of  
3        the situation and I'm not making excuses.

4            There was a lack of control facility  
5        access and access documentation that Detective  
6        Scott also discussed, that was clearly a  
7        problem and that's something that needs to be  
8        addressed. There were multiple agencies  
9        present, all well intended with every intention  
10       of helping out, whether it be the FBI, whether  
11       it be the state attorney general's office,  
12       victim's advocates from all other agencies that  
13       were in the county as well as other  
14       investigators from municipalities and I believe  
15       in the previous commission, there was an issue  
16       brought up or a question raised as to who was  
17       actually in charge that day and I will be able  
18       to address that. There was a lack of an agency  
19       representative assigned to each individual  
20       family that could serve as a conduit of  
21       information and provide anything that victim's  
22       families needed at the time, that was lacking.

23            One of the other issues that we had to  
24        deal with was the erroneous release of  
25        information by those that were on scene and

1 command positions that didn't have working  
2 knowledge of homicide investigations and how  
3 they're conducted. They were not ill intended,  
4 but they may have expressed frustrations about  
5 the length of time that things were taking to  
6 get our job done. As Detective Scott stated,  
7 we were dealing with several forces and several  
8 things going on at once, trying to get that  
9 accomplished. This is something that I'm not  
10 sure that any of us could control and I'm not  
11 sure anyone in this room can control, there was  
12 an absolute inability to control social media  
13 and erroneous posts on social media that was  
14 providing a lot of misinformation to those  
15 affected by this tragedy. Some of which were  
16 getting, you know, noticed on social media of  
17 the potential death of a loved one.

18 There was a lack of unity with Broward  
19 County schools, in terms of information  
20 requests. And you heard Detective Scott  
21 discuss us getting class rosters. The  
22 bureaucracy that we had to deal with that day  
23 to get those rosters was incredible. It was to  
24 the point to where we had to call in  
25 professional favors to get some of that sooner

1       than later because we were having such a hard  
2       time getting our hands on stuff like that. And  
3       as Detective Scott stated, the majority of  
4       these students were not in possession of IDs,  
5       so it made it extremely difficult for us to  
6       accomplish this.

7               There was a lack of coordination and  
8       preparation with Broward's trauma hospitals and  
9       as Detective Scott testified and said today, a  
10      lot of families self-dispatched to hospitals.  
11      We did have command presence at those  
12      hospitals, but again, the line of communication  
13      between the command staff present at those  
14      hospitals and the homicide unit was limited  
15      because we were overtaxed and we were working  
16      diligently on the criminal investigation aspect  
17      of it. Taking into account all these areas  
18      that we've noted and the deficiencies we've  
19      noted, the review of information regarding  
20      unification and current best practices  
21      historically, we have made the following  
22      recommendations to our policy development and  
23      to the Sheriff's command.

24              The reunification policy must be clear and  
25      concise, allowing for complete understanding of

1 expectations and outcomes. That is absolute.  
2 It has to happen. There needs to be no doubt  
3 in anyone's mind what my role is. It must be  
4 broad in scope to address not only mass  
5 casualty events at schools but any other mass  
6 casualty event we may have to deal with. We  
7 need to identify a single reunification  
8 commander, outline a clear chain of command,  
9 and development of reunification teams in  
10 advance to allow clarity and response to these  
11 events. Again, it comes down to role  
12 definition and role clarity. Everyone needs to  
13 know what their role is going into one of these  
14 events. We have a hurricane tomorrow, I know  
15 what my emergency operation assignment is right  
16 now. I know what's expected of me on that day,  
17 so that needs to be clear.

18 It's my recommendation that we mandate  
19 that all BSO districts assist the Office of  
20 Emergency Management and I'll discuss that in a  
21 minute, and identifying at least two to three  
22 facilities within their jurisdiction that  
23 conducive to facilitating a reunification  
24 process and develop MOU agreements with those  
25 facilities, so again, there's no question at

1 the time of an event, we're not scrambling  
2 trying to determine where are we going to  
3 conduct this process. There needs to be a  
4 joint, you know, a procedure in place with  
5 county government transportation, specifically  
6 the school board and county mass transit  
7 systems to facilitate transporting those to the  
8 reunification center. That was another  
9 challenge that we had to deal with that day and  
10 as Detective Scott stated, we were dealing with  
11 several hundred, if not thousands of students,  
12 some of which self-evacuated and as you've  
13 heard, there was 841 that checked in that day  
14 into the hotel.

15 When developing the actual reunification  
16 procedure, there needs to be things that  
17 outline and Seminole does a very good job at  
18 this, the facility itself needs to be sectioned  
19 off and clearly marked to facilitate that  
20 process so there is no confusion for anyone  
21 that's stepping into that building. Entry  
22 control points need to be established, they  
23 need to be clearly marked. Security protocols  
24 need to be put in place to ensure that we're  
25 not dealing with things that, you know, people

1       such as those, you know, media, for example,  
2       trying to get into that facility in the  
3       interest of conducting their business. Intake  
4       protocols need to be established to discern  
5       identity and involvement of those entering into  
6       the facility and that falls into the  
7       identification system. As you saw with the  
8       Seminole County model, they're using color  
9       coded arm bands to discern someone who maybe  
10      what we classify as a tier one witness, versus  
11      a tier two witness, versus a victim, versus a  
12      family member, that would have been, you know,  
13      instrumental in assisting us in facilitating  
14      what we needed to do that night.

15             We need to establish protocols that allow  
16      for interagency representation at the facility,  
17      this includes the hospitals, the medical  
18      examiner, other department heads, victim  
19      services. That wasn't done that night, but  
20      that's something we need to put in place. We  
21      need to identify and assign, as I talked about  
22      earlier with the reunification teams, agency  
23      representatives and it would be my  
24      recommendation that they're CIT qualified, that  
25      would be assigned specific to each family to be

1       able to provide information as they're -- as  
2       we're receiving it and to, you know, provide  
3       anything that's needed by those families to  
4       make it a little bit easier for them. Again,  
5       that was lacking that night.

6               It's also a recommendation that we develop  
7       informational pamphlets, excuse me, that  
8       outline what comes next, so to speak. I  
9       believe someone testified in April that there  
10      was an issue, yes, I was told something but the  
11      following day, I had -- we're just so  
12      overwhelmed with grief, I didn't remember A, I  
13      didn't remember B. We believe that by giving  
14      something to someone that's tangible in paper  
15      will at least assist in recalling -- you know,  
16      allowing that recollection to occur in terms of  
17      what the process is, what needs to occur next.  
18      The other thing was information dissemination  
19      and we talked about that, it's our  
20      recommendation that we utilize Everbridge or  
21      the Safer Watch program that everyone is  
22      familiar with. Geofence the affected area that  
23      allows for a mass notification of the  
24      reunification site location, to provide up to  
25      date information. We didn't have that, that



1 night and that's something that needs to be put  
2 in place as part of the policy.

3 It's also the recommendation that we  
4 mandate reunification team training via  
5 tabletop and practical exercises as well as  
6 classroom training, and when feasible,  
7 utilizing the reunification sites that have  
8 already been predetermined. So when we're  
9 walking into that site, it's not being walked  
10 into for the first time upon the occurrence of  
11 an actual event, that's critical. We need to  
12 involve municipal agencies not in BOS  
13 jurisdictions in effort to develop county wide  
14 mandates as it relates to reunification.  
15 That's been recommended by Broward Health.  
16 That needs to occur. It needs to be a county  
17 wide effort with -- including municipalities.  
18 We can't have one municipality doing something  
19 completely different from another municipality.  
20 The expectation needs to be the same in  
21 standard. It's also the recommendation that we  
22 incorporate the Office of Emergency Management  
23 within the agency and that has been developed  
24 and I'll talk about that in a minute.

25 The next question is, what has the agency

1       done thus far. We've hired an emergency  
2       management director and his name is Director  
3       Jonathan Yebneb (ph.) and forgive me if butcher  
4       his last name. This is going to assist and  
5       provide clear direction as it relates to the  
6       reunification process. The Office of Emergency  
7       Management will, in fact, compile all of the  
8       data that we've discussed, and we're continuing  
9       to pull and determine the best course of action  
10      moving forward as it relates to developing this  
11      policy. We've spoken to several other agencies  
12      regarding their best practices and what they  
13      have in place or what they don't have in place.  
14      We're bouncing ideas off each other. We're  
15      feeding off each other to come up with the best  
16      possible scenario for this policy. We've -- as  
17      discussed, we've begun to coordinate with our  
18      county partners in the form of Broward schools  
19      and Broward health.

20           The policy development unit has already  
21      started the initial framework of our policy as  
22      it relates to reunification and that's -- it's  
23      a fluid process, it's going to continue as we  
24      get more information and we make decisions as  
25      to how we're going to proceed. So we're headed

1 in the right direction. Please keep in mind  
2 that you know, on February 14th, the Broward  
3 Sheriff's Office criminal investigation  
4 division did the best we could with the  
5 resources we had that day. As Detective Scott  
6 stated, there isn't any one of us that was  
7 there that day serving in the homicide capacity  
8 that doesn't feel for each and every one of you  
9 that was affected that day.

10 As I stated earlier, your voices have been  
11 heard and we will work diligently to make  
12 improvements to the reunification process and  
13 it's at this time, I'm ready to answer any  
14 questions you may have from a criminal  
15 investigation command perspective and what we  
16 dealt with that night.

17 SHERIFF GUALTIERI: Okay. Any questions  
18 for Captain Champagne or Detective Scott? Mr.  
19 Schachter, go ahead.

20 MR. SCHACHTER: Captain and Detective,  
21 Detective, I want to thank you for always  
22 coming to my house and always taking my call  
23 even in, you know, the late, late hours of the  
24 night. So thank you for your professionalism  
25 and your kindness through this horrible

1 process. I know this is -- was difficult for  
2 both of you so thank you for doing this. I  
3 just have a question, you take -- you said you  
4 take picture and do lasers before you identify,  
5 is there ever a consideration to do the  
6 identification first or you'd mess things up  
7 and that would be bad?

8 DETECTIVE SCOTT: Because we can't always  
9 determine the position of the victims, how we  
10 would --

11 MR. SCHACHTER: You have to do it first.

12 DETECTIVE SCOTT: -- have to do  
13 identification would involve moving them, so  
14 yes, we would do all that before, just again,  
15 for the investigation.

16 MR. SCHACHTER: Okay. Yes. Okay. You  
17 know, we had the Pulse nightclub shooting in  
18 June of 2016 and then the airport shooting in  
19 January of 2017, obviously, I wish the Sheriff  
20 would have thought about this before, you know,  
21 Marjorie Stoneman Douglas. You mentioned that  
22 you knew about two of the victims, you know,  
23 and during Pulse, when we heard the Pulse  
24 testimony, I thought I remember them telling us  
25 that as they knew the victims, they went and

1 told the families. So I was just curious, when  
2 you knew about the two victims in the hospital,  
3 why didn't you tell those families at the time?

4 CAPTAIN CHAMPAGNE: I can address that  
5 because that was a decision, I was part of that  
6 decision making process. Our thought process  
7 at that point was, is we recognize that we were  
8 stretched thin and we were concerned about  
9 doing it one by one. We wanted to do it all  
10 inclusive to avoid some of what you experienced  
11 that night in hearing the cries and hearing the  
12 screams and the pain that was going on. We --  
13 in a perfect world, what we wanted to do was  
14 once we had all of that, was have 17 different  
15 notifications occur at one time; unfortunately,  
16 that didn't happen.

17 MR. SCHACHTER: So in best practices, do  
18 you think that you should, you know, do it the  
19 same way where you wait to tell everybody, or  
20 do you think it's better to notify as you know?

21 CAPTAIN CHAMPAGNE: In hindsight, and  
22 looking back in retrospect and moving forward,  
23 I would suggest at this point that we do it as  
24 we're getting it.

25 MR. SCHACHTER: And I would recommend that

1 as well and I think that's the testimony that  
2 you heard here. As far as there not being any  
3 coordination with the hospital, it was so  
4 upsetting for me when I got there and you know,  
5 they put us in a room with the FBI and I asked  
6 her questions, you know, I said we went to all  
7 these hospitals and I couldn't find Alex, why  
8 is there just no information, it was just so  
9 upsetting. She was, obviously, it's nothing  
10 against -- she didn't have the information, but  
11 why is there no information from the hospitals  
12 going to law enforcement about who they had,  
13 who they didn't have.

14 CAPTAIN CHAMPAGNE: And I can address that  
15 as well and it goes to, you know, who was in  
16 charge. One of the conversations that took  
17 place at the onset of this and upon my arrival  
18 with the criminal investigations command, we  
19 had all agency heads, division heads present to  
20 include the FBI, the ATF, some other  
21 municipalities to include Coral Springs and  
22 City of Sunrise and so on and we had a meeting  
23 with those heads and we made it clear right off  
24 the bat, that we wanted to make sure that we  
25 were the gate keepers of the information so

1       that everything would be centralized coming to  
2       us. Speaking from past experience in dealing  
3       with, not a mass casualty event, but dealing  
4       with several officer involved shootings and  
5       murders of officers, you kind of have that same  
6       effect to where everyone converges on that site  
7       and wants to assist, but then you find out that  
8       you could start having individual off shoots  
9       conducting their own thing, doing their own  
10      stuff and there's no centralized control, if  
11      you will. So we made it very clear that day  
12      that, that's what we wanted so when someone is  
13      actually approached at the hospital or whether  
14      it be at the Marriott and it was a member of  
15      the bureau, they may not have been privy to  
16      that information at that point.

17           DETECTIVE SCOTT: And another factor just  
18      to touch on that is that, as I mentioned  
19      before, many of the victims that went to the  
20      hospital, they didn't know who the victims  
21      were. It goes back to the problem of they  
22      didn't have identification. If they were  
23      unresponsive or unable to communicate, they  
24      just didn't know. They could give you a guess  
25      on the age, a gender, and that was about all

1       they had so unfortunately, in the interest of  
2       wanting to be sure, I did not send anybody on  
3       any type of wild goose chase in that type of  
4       moment, they just opted not to say anything  
5       until we knew.

6               MR. SCHACHTER:   You know, as you're  
7       developing the best practices, I would  
8       recommend you reach out to the National Police  
9       Foundation.   They have done after action  
10      reports for Pulse, San Burnadino, Las Vegas,  
11      they could be a wealth of information for you.  
12      Frank Straub and Ben was down here.   The  
13      Broward County, you know, contracted with them  
14      to do an after action here as well and so they  
15      have a lot of information --

16             CAPTAIN CHAMPAGNE:   And I failed to  
17      mention that, but I actually have in my  
18      possession all of those after-action reports  
19      from several of them over the last few years  
20      and we're kind of -- we're slowly starting to  
21      scrutinize those and draw from those as well.

22             MR. SCHACHTER:   And let's see here.   You  
23      mentioned that you had call in professional  
24      favors to get the pictures from Broward County  
25      schools, can -- who was resisting giving you



1 the pictures and why, and then --

2 CAPTAIN CHAMPAGNE: It's not that it was  
3 any one individual, it's just a bureaucracy as  
4 we've -- as you've heard previously, there's a  
5 lot of red tape sometimes in getting certain  
6 records and so on. And it was certainly  
7 frustrating to us that night because, you know,  
8 it was one of those things we needed sooner  
9 than later and when I refer to professional  
10 favors, he and I have both been in this  
11 business a long time and we know a lot of  
12 people and it was more of, hey, I need to get  
13 this sooner than later in lieu of any formal  
14 request, we need that now. And that's kind of  
15 what took place that day, but the reality is,  
16 it shouldn't.

17 MR. SCHACHTER: Thank you for coming here  
18 today.

19 SHERIFF GUALTIERI: Commissioner Petty.

20 COMMISSIONER PETTY: Thank you, Mr. Chair.  
21 Detective Scott, on behalf of my family, and  
22 again, not to contradict in any way the  
23 concerns that were expressed at the last  
24 commission meeting, I do want to thank you for  
25 putting a human touch on all of this. As hard

1 as it's been for my family to go through this,  
2 I know it's been a challenge for you too and I  
3 appreciate the way you've approached my family  
4 and the way you've dealt with it, so thank you.

5 Captain Champagne, when can we expect a  
6 policy from BSO regarding reunification?

7 CAPTAIN CHAMPAGNE: Right now, the  
8 timeline in the next 30 days is to have the  
9 majority of the framework put together and  
10 we'll start validating that information. So I  
11 would -- I would offer this today, that within  
12 the next 30 days, you will see something that's  
13 going to be finalized.

14 COMMISSIONER PETTY: And then I would  
15 imagine roles and responsibilities have to be  
16 defined and training has to be created?

17 CAPTAIN CHAMPAGNE: Yes.

18 COMMISSIONER PETTY: When do you expect  
19 that?

20 CAPTAIN CHAMPAGNE: That would have to be  
21 a discussion we'd have to have with training.  
22 Our biggest obstacle right now is developing it  
23 and getting it in place and then start to  
24 implement that step.

25 COMMISSIONER PETTY: Knowing that you had

1 to call in professional favors, etcetera,  
2 etcetera, and there was a lot of confusion,  
3 once you've created your policy for BSO, how do  
4 you anticipate getting the cooperation of --  
5 how many jurisdictions do we have?

6 CAPTAIN CHAMPAGNE: Well, we have 17  
7 districts, ourselves and then the airport and  
8 the port, but you know, there are several other  
9 cities. That's going to be a challenge, and  
10 expectedly, I mean, you have all seen that and  
11 trying to get everyone on the same page, even  
12 in talking about communication, it's not easy.  
13 But I think that the writing is on the wall for  
14 some of these people and that they need to  
15 realize it's time to step up because it's  
16 incumbent upon all of us in this room to get  
17 this right moving forward. And so to answer  
18 your question, I'm not sure what the answer is.  
19 I'm not sure how each municipality is going to  
20 respond but everyone needs to put their own  
21 thought process aside and recognize that this  
22 is not an isolated issue, this is a community  
23 problem within Broward and it's something that  
24 needs to be addressed, and so that's what we're  
25 trying to do now.

1           And I was, you know, cautiously optimistic  
2           at my conversation the other day in talking to  
3           Brian Katz because he does feel that we're on  
4           the same page with that. Again, we're just  
5           lower on the totem pole there, but I think if  
6           we recognize it, it's incumbent upon us to move  
7           forward and do what we need to do to get this  
8           done.

9           DETECTIVE SCOTT: I will say  
10          optimistically as well, we have had a couple of  
11          municipalities approach us about sitting down  
12          and talking about lessons learned and what we  
13          would want to impart on them when this comes to  
14          their city. That's a good sign. If everybody  
15          is willing to come to the table, that's half  
16          the battle.

17          COMMISSIONER PETTY: Yes, I guess I would  
18          encourage you to -- as you get that policy  
19          defined, to begin sharing it --

20          CAPTAIN CHAMPAGNE: Absolutely.

21          COMMISSIONER PETTY: -- with the community  
22          and with these other agencies. I was thinking  
23          there's police, fire, EMS, school district, I  
24          can't even -- I mean, I don't even know how  
25          many entities there are that you need to share

1       it with, but I would encourage you to open it  
2       up and seek feedback and collaboration with  
3       some of these other partners as early in the  
4       process as possible so that it doesn't feel  
5       like it's being imposed on them and perhaps  
6       that might make it a little bit easier to get  
7       cooperation.

8               CAPTAIN CHAMPAGNE:   Agreed.

9               COMMISSIONER PETTY:   Thank you.

10              CAPTAIN CHAMPAGNE:   Thank you, sir.

11              SHERIFF GUALTIERI:   Okay.   Anybody else.

12       All right.   Thank you both for being here, we  
13       appreciate it and appreciate your work.   Before  
14       we go into the closed session, briefly just to  
15       address this issue because it's not something  
16       we can do in the closed session, Sylvia Ifft  
17       from DOE, would you come up?   So Sylvia is  
18       going to present in the FSSAT in the closed  
19       session, but I just asked her to explain what  
20       the department is going to do as it relates to  
21       those two dates with the -- harm mitigation  
22       working group that has to be put together  
23       because you have to submit a harm mitigation  
24       analysis by July 1st and then by August 1,  
25       2020, the harm mitigation group has to submit a

1 report. So I talked to you about this and I  
2 just asked you if you would explain to the  
3 commission what the department's plan is in  
4 that regard.

5 MS. IFFT: Okay, yes. Thank you. So as  
6 you well know, executive order 1945 has  
7 directed the department to create a best  
8 practices document as you said, by July 1st of  
9 this year. So what we've done is we've  
10 identified a number of state, local, federal,  
11 practitioners, partners, subject matter experts  
12 in physical security and harm mitigation. I've  
13 had several discussions, we've had a couple of  
14 planning calls with these members and we are  
15 continuously adding more membership to this  
16 group as we identify different areas that need  
17 to be addressed. And so right now, we have  
18 representation from Homeland Security, TSA, DOE  
19 transportation, some -- a lot of school safety  
20 specialists have volunteered for different  
21 areas and different aspects. There is some  
22 folks from risk management, DOE facilities, law  
23 enforcement, we have some charter school  
24 representation that's interested in  
25 participating. And as of this week, we have

1 representation from this commission, Mr.  
2 Schachter has agreed to participate as well, so  
3 we're very happy to have you, Mr. Schachter, to  
4 participate and provide your experience and the  
5 information that you have discovered in going  
6 about the country.

7 So our plan right now is, we have an  
8 outline put together. We have specific areas  
9 identified so we'll put that backbone document  
10 together. It will be available by July 1st.  
11 And the work group that is directed under 7030  
12 will take up that document and really pick it  
13 apart, scrutinize it, add to it and the develop  
14 it into a true best practices document. There  
15 are a number of best practices documents out  
16 there, I'll talk a little bit about it in  
17 closed session. When you go through the  
18 documentation that you were provided for the  
19 school assessment, we identified, many, many  
20 resources both statutory resources, federal  
21 guidance and so all of this is going to be a  
22 part of the resources that we use to build this  
23 best practices document. So right now, that's  
24 the plan. We will have that July 1 version out  
25 and the work group will pick up from there and

1 develop it further.

2 SHERIFF GUALTIERI: Okay. All right. It  
3 makes sense. Anybody have any questions for  
4 Sylvia on that? Okay. All right. So what  
5 we're going to do now is, for the last item  
6 that we have to cover today is the closed  
7 session with the FSSAT, and as we move into  
8 closed session, under Florida law, I'm required  
9 to read the following. This meeting requires  
10 us to hear or discuss active criminal  
11 investigative information, active criminal  
12 intelligence information and or other  
13 information that is confidential and exempt  
14 under Florida law. Because of this under the  
15 authority of Florida statute 943.687(8), the  
16 meeting is closed to the public and is exempt  
17 from Florida's Sunshine law found in Florida  
18 statute 286.011 and section 24b, article 1 of  
19 the state constitution.

20 The required written declaration of the  
21 commission chair will be entered into the  
22 commission minutes. Only authorized commission  
23 members, commission support staff and persons  
24 otherwise specifically authorized by the Chair  
25 may attend this meeting. We will not reconvene



1           today in a public meeting, we will take a break  
2           and begin the closed portion of the meeting at  
3           approximately 5:40 p.m. and thank you for your  
4           consideration. So we'll just ask anybody that  
5           isn't authorized to remain, please leave and we  
6           will then begin in closed session. We just ask  
7           all the commission members, if you want to  
8           stand and just kind of take a quick break in  
9           place, but please be ready to go so as soon as  
10          we have the right people in the room, we can  
11          begin immediately. Thank you.

12         (Thereupon, the proceedings were concluded)

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C E R T I F I C A T E

(STATE OF FLORIDA)

(COUNTY OF MIAMI-DADE)

I, NATHANIEL TORO, Reporter, certify that I was  
authorized to and did report the foregoing  
proceedings and that the transcript is a true and  
correct transcription of my notes of the  
proceedings.

*Nathaniel Toro*

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NATHANIEL TORO, Reporter

Commission: GG 111434

Expires: 06/04/2021

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