

Second Report Draft Findings and Recommendations



Sheriff Bob Gualtieri, Pinellas County Sheriff's Office

October 2019

1

Chapter 3 Reunification and Mass Casualty Death Notification Policies and Procedures



Draft Findings and Recommendations

2

Chapter 3 Findings

Reunification/Death Notifications

Section 1 – Finding 1: There was ineffective communication between law enforcement officials and MSDHS victims' families during the death notification process. Law enforcement officials provided some victims' families confusing and wrong information.



Chapter 3 Findings

Reunification/Death Notifications

Section 1 – Finding 2: The MSDHS family-student reunification process was ineffective because neither the school district nor law enforcement had plans or policies in place to effect an orderly reunification.



Chapter 3 Findings

Reunification/Death Notifications

Section 1 – Finding 3: The Marriott Hotel was eventually identified as the reunification and gathering point for victims' families; however, there was no clear line of authority at the hotel and victims were confused as to who was in command and making decisions.



Chapter 3 Findings

Reunification/Death Notifications

Section 1 – Finding 4: Families were separated from their personal support groups, not provided a single point of contact and many were not aware of any victim advocates or available assistance in the days after the shooting.



Chapter 3 Findings

Reunification/Death Notifications

Section 1 – Finding 5: The scene at the Marriott hotel was not controlled and that resulted in inappropriate media access to victims' families.

Section 1 – Finding 6: Grieving families were not provided private areas at the hotel in which to grieve and they could hear each other crying and screaming.



Chapter 3 Findings

Reunification/Death Notifications

Section 2 – Finding 1: The BSO-established reunification center at the Marriott hotel lacked effective command and control.

Section 2 – Finding 2: BSO's lack of an effective mass casualty reunification and death notification policy resulted in an ineffective process. However, BSO's lack of a policy was consistent with most Florida agencies.



Chapter 3 Findings

Reunification/Death Notifications

Section 2 – Finding 3: Line-level BSO personnel were well-intended and acted in good faith during their reunification and death notification efforts.

Section 2 – Finding 4: Broward County Public Schools was not adequately prepared to assist the Broward County Sheriff's Office with student identification by providing student rosters and photographs.



Chapter 3 Findings

Reunification/Death Notifications

Section 3 – Finding 1: Schools need written reunification plans for various emergency situations that could impact students while school is in session.

Section 3 – Finding 2: Technology is available to facilitate and automate the process but schools should also continue to use written emergency procedure checklists.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 1: Every law enforcement agency should have a mass casualty death notification and reunification policy.

Recommendation 2: Every policy must have an effective command and control structure that identifies an incident commander and reporting structure.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 3: Agencies should consider the parents' recommendation that families be provided with tentative identifications to provide more timely notifications. There are differing views on this recommendation, and the decision must be made on an individual agency basis.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 4: Periodic updates should be provided to the families at the reunification center, even if the update is that there is no additional information.

Recommendation 5: Victim advocates should be identified and assigned to work with individual families and to guide them through the difficult process in the days following the incident.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 6: School districts and law enforcement agencies, especially Broward County Schools and Broward County law enforcement agencies, should collaborate and develop coordinated joint practices for effective death notification and family unification.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 7: There are multiple trained professionals with a variety of available resources, such as the Florida Attorney General's office, that should be included in every reunification and family notification plan.

Recommendation 8: Law enforcement and other agencies should coordinate with local hospitals to facilitate necessary victim notifications and family reunification.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 9: Critical Incident Stress Debriefing should be mandatory for not only officers, but for all personnel who respond to the event and who participate in the reunification efforts.

Recommendation 10: Every district should have a school district reunification plan in the event of an emergency. Included within that plan should be the capability to effectively communicate with parents.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 11: Every district plan should identify potential reunification sites, training for employees, equipment, signage, student and parent information to facilitate the process.

Recommendation 12: Unified Command Structure should be incorporated in the plan, particularly in a mass casualty incident, where multiple agencies are involved.



Chapter 3 Recommendations

Reunification/Death Notifications

Recommendation 13: Training and Exercise is a huge component of an effective plan and should include conducting after action reports and where appropriate, updating protocols. Plans should include and be exercised with partner agencies, such as police, fire, emergency management, victim advocates, mental health counselors and other team members who would be included in the response.



Chapter 4

911, Radio, and Computer-Aided Dispatch (CAD) Systems



Draft Findings and Recommendations

19

Chapter 4 Findings

911, Radio and Computer-Aided Dispatch (CAD)

Finding 1: The shootings at the Ft. Lauderdale Airport and Marjory Stoneman Douglas High School epitomized the problems within the regional communications system—dysfunction, distrust, inefficiency, poor interpersonal relationships, poor policies, inadequate training, antiquated radio technology and equipment and ineffective leadership.

Draft Findings and Recommendations

20



Chapter 4 Findings

911, Radio and Computer-Aided Dispatch (CAD)

Finding 2: The Broward County law enforcement radio system remains a threat to public and officer safety due to it being outdated and unable meet user capacity needs during instances of mass law enforcement response. The system's delayed replacement is due to the stakeholders' inability to agree on the placement of the last radio tower necessary to complete the buildout of the new system.



Chapter 4 Findings

911, Radio and Computer-Aided Dispatch (CAD)

Finding 3: Communications among regional communications stakeholders has been poor and ineffective. The system has the potential to be effective, but leadership has been lacking to bridge the gaps, effect the necessary changes, resolve differences and optimize the system. The responsibility rests with all parties, and no one person is responsible for all of the issues.



Chapter 4 Findings

911, Radio and Computer-Aided Dispatch (CAD)

Finding 4: Stakeholders distrust each other and disagreements have become personal. Despite some very recent and short-term improvements, these poor relationships have been and remain, without sustained change, a barrier to resolving operational differences and system success.



Chapter 4 Findings

911, Radio and Computer-Aided Dispatch (CAD)

Finding 5: The Broward County Sheriff's Office provides day-to-day management of the Regional Communications centers. Recently conducted employee surveys reveal that training and operational readiness issues remain and the current issues are similar to the concerns first identified in the 2016 Fitch report.



Chapter 4 Findings

911, Radio and Computer-Aided Dispatch (CAD)

Finding 6: Broward County's Office of Regional Communications and Technology (ORCAT) provides equipment and information services in the Regional Communications Centers. Recently conducted employee surveys reveal overwhelmingly that staff do not view the equipment as reliable or responses to equipment issues as effective.



Chapter 4 Findings

911, Radio and Computer-Aided Dispatch (CAD)

Finding 7: The cities of Margate and Coconut Creek have stated that they will be withdrawing from the Regional Communications system due to the system not meeting their operational needs. Both cities will be spending millions of dollars in city taxpayer revenue to effect this withdrawal.



Chapter 4 Recommendations

911, Radio and Computer-Aided Dispatch (CAD)

Recommendation 1: All regional communications stakeholders have a vested interest in the system's success, and they must put aside their personal animosity and fulfill their obligations to the citizens of Broward County to provide effective, efficient and safe radio and 911 communications.



Chapter 4 Recommendations

911, Radio and Computer-Aided Dispatch (CAD)

Recommendation 2: All those in public safety leadership positions must convey to their subordinates an expectation that the system will succeed and that everyone will put aside their differences and work collaboratively to achieve that result.



Chapter 4 Recommendations

911, Radio and Computer-Aided Dispatch (CAD)

Recommendation 3: The City of Hollywood and Broward County must immediately reconcile their differences and agree on a tower site on the east side of Hollywood so that the County can complete the installation of its law enforcement radio system.



Chapter 4 Recommendations

911, Radio and Computer-Aided Dispatch (CAD)

Recommendation 4: Sheriff Tony should address the operational concerns raised by his Regional Communications center employees and ensure that the Broward County 911 centers under his operational command are fully prepared, equipped and able to handle all emergency situations, including mass casualty events.



Chapter 4 Recommendations

911, Radio and Computer-Aided Dispatch (CAD)

Recommendation 5: County Administrator Bertha Henry and ORCAT Director Tracy Jackson should address the concerns raised by the Regional Communications Center employees about poor technology and response to problems with the technology. They must ensure that the employees of the Regional Communications Centers are provided with capable, reliable and efficient technology and that any problems with the technology are resolved promptly.



Chapter 4 Recommendations

911, Radio and Computer-Aided Dispatch (CAD)

Recommendation 6: The cities of Margate and Coconut Creek should abate their withdrawal from regional communications and work with Sheriff Tony as the new Broward County Sheriff and County Administrator Henry to meet their operational needs and expectations to avoid regressing back to a bifurcated emergency communications system, and spending millions of dollars in taxpayer money to join another system. If the problems are not resolved in a reasonable amount of time, the cities can always resurrect their withdrawal plans, but they should make another effort at success before doing so.



Chapter 5

Active Assailant Policies and Procedures



Draft Findings and Recommendations

33

Chapter 5 Findings

Active Assailant Policies and Procedures

Finding 1: There is no national standard or best practice for the frequency with which active shooter drills should take place.

Finding 2: Schools and districts which conduct “drills” which do not require students and staff to move in response to a simulated threat or which perform the same drill every time are not effectively preparing the students and staff for a response to an active shooter. Such practices make the drills a rote task which will lead to drill fatigue and complacency.

Draft Findings and Recommendations

34



Chapter 5 Findings

Active Assailant Policies and Procedures

Finding 3: The current requirement for monthly active shooter drills for all K-12 students is excessive and potentially traumatizing, especially for K-5 students.



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 1: The legislature should mandate that all schools include decision-based/option-based drills in their training. In order to minimize complacency and drill fatigue the law should require that every drill in any given school year be comprised of a unique set of circumstances that requires faculty and students to consider the response to that specific threat.



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 2: The legislature should mandate the specific minimum number of emergency and fire drills that take place during every school year at every elementary, middle, high and charter school. All students, faculty, Guardians, SROs and SSOs, and volunteers must participate in the drills. Real-world events qualify as a drill for purposes of meeting the appropriate number of drills. For purposes of this recommendation, emergency drills are defined as the response to active threats/assailants, hostage incident, bomb threats, severe weather, reunification drills, high-risk police activity in close proximity to schools, etc. (Continued...)



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 2: (...continued) Law enforcement officers must be physically present on campus and directly involved in the execution of all emergency drills. All emergency drills shall require movement and exercise all necessary aspects of the drill and emergency operations plan, including panic buttons, simulated communications with first responders, notification to parents of the drill, student/faculty movement, turning lights off, covering windows, etc. Elementary schools are to conduct six fire drills and six emergency drills every school year. (Continued...)



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 2: (...continued) Middle and high schools are to conduct four fire drills and six emergency drills every school year. On every campus, the first fire and emergency drills (these are to be separate drills) shall take place within the first ten days of school. The remaining fire and emergency drills shall take place no later than every 45 days that school is in session. (End)



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 3: With regard to elementary schools, the legislature should mandate that four of the six fire drills involve evacuating the building to the designated meeting location outside of the building. These meeting locations should vary to minimize drill fatigue and the creation of unnecessary exposure to active threats/assailants. Two of the six fire drills can be fire prevention training with content designed by the SFMO/DOE, but only after a minimum of two physical drills has occurred. (Continued...)



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 3: (Continued...) Of the six emergency drills, four of the drills must address active threats (active assailant, hostage, bomb threat, etc.). Two drills must address events such as severe weather, natural disasters, reunification, etc. Special consideration must be given so that all drills for elementary-age students are developmentally appropriate. The Commission recommends that the emergency drills differ in presentation and practice for kindergarten through second grade and third grade through fifth grade; however they must occur concurrently. (End)



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 4: With regard to middle and high schools, the legislature should mandate that three of the four fire drills involve evacuating the building to the designated meeting location outside of the building. These meeting locations should vary to minimize drill fatigue and the creation of unnecessary exposure to active assailants. One of the drills can be fire prevention training with content designed by the SFMO/DOE, but only after a minimum of two physical drills has occurred. Of the six emergency drills, four of the drills address active threats (active assailant, hostage, bomb threat, etc.). Two drills must address events such as severe weather, natural disasters, reunification, etc.



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 5: The legislature should mandate that ESE students and exceptional student centers be afforded some leeway in these requirements but that the district offices maintain strict oversight of these accommodations to ensure faculty is doing all that it reasonably can to ensure the safety of these students by meeting the requirements placed on all other schools/faculty. All self-enclosed ESE classes and ESE/Exceptional Centers need to observe their student's response to auditory and visual drill protocols to accurately assess what challenges they would have during an active assailant incident.



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 6: The legislature should mandate that each school completes an after-action report subsequent to every fire and emergency drill on campus. This report should document successes of the drill and identify any problems or obstacles so the issues may be addressed and resolved in a timely manner. Those after-action reports shall be forwarded to the district office for review.



Chapter 5 Recommendations

Active Assailant Policies and Procedures

Recommendation 7: A best practice is for law enforcement officers assigned to patrol operations become familiar with the schools in their assigned area. This includes familiarity with the fire and emergency drills on those campuses. The law enforcement officers should respond to the schools during fire and emergency drills in order to provide security for the students and staff and to gain familiarity in preparation for an actual emergency.



Chapter 6

Safe School Officers and the Guardian Program



Chapter 6 Findings

Safe School Officers and the Guardian Program

Finding 1: Florida law has required since March 2018 that there be at least one SSO on every K-12 public school campus. Some Florida schools have not complied with this requirement.

Finding 2: The Palm Beach County School District improperly contracted with Invictus to provide guardian training. That training must be conducted by a sheriff and not a private company.



Chapter 6 Findings

Safe School Officers and the Guardian Program

Finding 3: Invictus did not comply with Florida law when it provided guardian training because it did not use qualified personnel as trainers and it passed students using lower and improper standards than the law requires, among other statutory violations.

Finding 4: There is a different standard for who may complete the required psychological evaluations of law enforcement officer applicants as opposed to guardian applicants. The standard for those who may assess guardians is unnecessarily more restrictive than those may assess law enforcement officer applicants.



Chapter 6 Recommendations

Safe School Officers and the Guardian Program

Recommendation 1: The legislature should amend the statute to make it unequivocally clear that only Florida sheriffs may conduct the guardian training required for anyone to fulfill the SSO requirement. The training may be conducted by the sheriff of the county where the school is located or by the sheriff of another county, but all training must be completed by a sheriff.



Chapter 6 Recommendations

Safe School Officers and the Guardian Program

Recommendation 2: The legislature should amend the law to make it clear that all guardian training be conducted by “active” CJSTC instructors. The current law only requires that someone be a CJSTC instructor (Line 259 of SB7030), and this amendment will eliminate any ambiguity that the instructor must hold an active (current) instructional certification.

Recommendation 3: The legislature should amend the guardian training requirements and require that a portion of the firearms training include night and low-light shooting conditions.



Chapter 6 Recommendations

Safe School Officers and the Guardian Program

Recommendation 4: The legislature should amend the statute to state that all guardians and school security guards may undergo the same psychological evaluation currently required by law for school resource officers and school safety officers (law enforcement officers) in the state of Florida, and that such evaluations be conducted by licensed professionals.



Chapter 6 Recommendations

Safe School Officers and the Guardian Program

Recommendation 5: Current Florida law requires that psychological evaluations of guardians be conducted “FDLE-designated” professionals. FDLE does not and has never designated anyone to perform these evaluations, and this requirement should be removed from the statute.



Chapter 6 Recommendations

Safe School Officers and the Guardian Program

Recommendation 6: SROs (city police officers or deputy sheriffs) are required under current law to attend Crisis Intervention Team (CIT) training. School safety officers (law enforcement officers employed by a school board police department) are not currently required to attend CIT, and the legislature should amend the law to require that school safety officers receive CIT training.



Chapter 7

School Hardening and the Florida Safe Schools Assessment Tool



Chapter 7 Findings

School Hardening and the FSSAT

Finding 1: Florida schools have underutilized the FSSAT as the statewide physical site security assessment instrument despite the FSSAT having been mandated and funded by the legislature since 2014.

Finding 2: Some school districts failed to file their FSSATs with DOE as required by law.

Finding 3: The revised FSSTA is superior to the old tool and will lead to better assessments of physical site security on Florida's K-12 school campuses.

Draft Findings and Recommendations

55



Chapter 7 Recommendations

School Hardening and the FSSAT

Recommendation 1: It is imperative that all Florida schools assess their physical site security at least annually and use the FSSAT to develop a remedial plan that addresses deficiencies and improves school hardening.

Recommendation 2: All schools and school districts must comply with the law and submit all school-specific and districtwide FSSATs in a timely manner.

Draft Findings and Recommendations

56



Chapter 8

Behavioral Threat Assessments



Draft Findings and Recommendations

57

Chapter 8 Findings

Behavioral Threat Assessments

Finding 1: The Broward County Public Schools had systemic failure with its behavioral threat assessment process. The failure was due, at least in part, to ineffective implementation of its threat assessment policy, a lack of training, inexperience by school personnel, a lack of accountability at the District level and a failure of school administration to emphasize the importance of the threat assessment teams.

Draft Findings and Recommendations

58



Chapter 8 Findings

Behavioral Threat Assessments

Finding 2: The June 2019 BCPS revised threat assessment policy provides the necessary remedial measures to implement an effective threat assessment process in the BCPS, including oversight and accountability at the District level.



Chapter 8 Findings

Behavioral Threat Assessments

Finding 3: Using patrol-assigned law enforcement officers to respond to a call for service at a school that asks them to serve on a school's behavioral threat assessment team is improper and inconsistent with the requirement that law enforcement meaningfully participates on each school's threat assessment team. (This issue has been or is the process of being remediated in Broward County.)



Chapter 8 Findings

Behavioral Threat Assessments

Finding 4: Asking a law enforcement officer to ratify a threat assessment after the fact is improper and inconsistent with the requirements of Florida law. (This issue has been or is the process of being remediated in Broward County.)

Finding 5: The statewide behavioral threat assessment instrument implemented by DOE on August 1, 2019, is an effective tool to evaluate concerning behavior and the Commission supports the use of this instrument by all 67 Florida school districts and charter schools.

Draft Findings and Recommendations

61



Chapter 8 Findings

Behavioral Threat Assessments

Finding 6: The FSSP was required by law and the responsible state agencies used their best efforts and fulfilled their obligations. However, the “richest” and most beneficial data to the threat assessment process is housed in the myriad of local law enforcement, school and mental health provider databases across Florida. It is not possible to include these various databases within the FSSP. The FSSP has limited value and should not be the sole source of school data used in a threat assessment. Chapters 9 and 10 review the SESIR and Integrated Data System in detail.

Draft Findings and Recommendations

62



Chapter 8 Recommendations

Behavioral Threat Assessments

Recommendation 1: Law enforcement agencies and school districts must work collaboratively to implement effective, meaningful and timely threat assessment processes using properly trained personnel. Only threat assessment-trained officers or deputies should participate on a threat assessment team, and patrol officers or deputies should never be dispatched to a school as a “call for service” to participate on a threat assessment team.



Chapter 8 Recommendations

Behavioral Threat Assessments

Recommendation 2: School behavioral threat assessment teams should have permanent members, including mental health practitioners, to ensure consistency in the process. Community-based mental health providers should also participate on threat assessment teams when they have unique knowledge of the person who is the subject of the assessment.



Chapter 8 Recommendations

Behavioral Threat Assessments

Recommendation 3: In order to ensure that all statutorily required threat assessment team members meaningfully participate in the threat assessment process from beginning to end, and that nobody “signs off” on a threat assessment after the fact, the legislature should amend Florida Statute 1006.07(7)(a) to state that all statutorily required members of the threat assessment team must be involved in the threat assessment process from start to finish.



Chapter 8 Recommendations

Behavioral Threat Assessments

Recommendation 4: Because it is impossible to include the information-rich local databases in the FSSP, it is imperative that local threat assessment teams establish processes to ensure that all relevant information is obtained so that information important to the threat assessment team’s decision-making process is not omitted. Law enforcement agencies should consider committing a dedicated analyst familiar with data gathering to conduct the research necessary for an effective threat assessment process.



Chapter 8 Recommendations

Behavioral Threat Assessments

Recommendation 5: The legislature should amend Florida law to include as a criminal offense any spoken word threat to conduct a mass shooting, etc.



Chapter 9

School Environmental Safety Incident Reporting (SESIR)



Chapter 9 Findings

SESIR

Finding 1: There has been under-reporting, non-reporting and over-reporting of SESIR incidents by school districts across Florida.

Finding 2: The misreporting is the product of definitional ambiguity, misinterpretation of and confusion over the reporting guidelines, inadequately trained personnel tasked with compiling SESIR data and a lack of accountability in the reporting process.



Chapter 9 Recommendations

SESIR

Recommendation 1: SESIR guidelines should be changed to eliminate confusion over what incidents require “consultation with law enforcement” versus incidents that are required to be “reported to” law enforcement. Any required action should be tracked and reported so that compliance can be measured. If there is required “consultation” with law enforcement then that should be documented and reported. If an incident is required to be “reported” to law enforcement, then whether an official report was generated by the officer should be documented. Officer discretion is important, so this is not a recommendation to mandate that officers take action, only that if they are required to be told under SESIR that the result be reported.



Chapter 9 Recommendations

SESIR

Recommendation 2: To ensure proper reporting, SESIR guidelines should require the gathering and reporting of law enforcement data including the date, time of law enforcement notification and name of the law enforcement officer who was notified. If a case/report/incident number is generated, that should be included in the data gathered through SESIR reporting.



Chapter 9 Recommendations

SESIR

Recommendation 3: The two groups of SESIR data which “are expected to include consultation with law enforcement” (21) and those which “may not need to include consultation with law enforcement” (5) require clearer direction to school faculty. The category that includes the 21 more severe incidents should direct that staff “will notify law enforcement” and that the less severe incidents “may not need to include notification to law enforcement.”



Chapter 9 Recommendations

SESIR

Recommendation 4: As currently defined within SESIR, acts of violence against another could be classified as either a battery, physical attack or fighting. These categories should be consolidated to two categories which closely mirror the criminal definitions of battery and aggravated battery. Both of these categories should fall under the category that mandates staff to notify law enforcement.



Chapter 10

Integrated Data Systems and Social Media Monitoring



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 1: The creation of a true centralized integrated data repository requires that legal authority and the technological capability exists to combine a plethora of data sources and put them in one place and such authority and resources do not exist.



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 2: The Florida School Safety Portal is not a centralized integrated data repository that allows for a unified query capable of searching all relevant data (named data sets as well as data that is within each of the 67 counties various data systems) in one place. This is impossible given the legal and technical limitations that exist.



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 3: SESIR, FortifyFL and social media data can be queried by all members of the threat assessment team, as they are all granted system privileges as “school officials.”

Section 1 - Finding 4: Other than the FortifyFL and social media data in the Portal, members of the threat assessment teams will only have access to data from systems that they already have access to as education, law enforcement or mental health professionals.



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 5: The Social Media Monitoring tool is not monitored live or in real time and has limitations in what it can capture and monitor.

Section 1 - Finding 6: Email notifications are only available to agencies using the tool who have worked with the vendor to configure their email addresses.

Section 1 - Finding 7: The social media monitoring tool does not include all social media sites; however, new sites can be added.



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 8: Social media searches within the Portal do not allow you to query a student's username, which is rarely known, only the student's true name.

Section 1 - Finding 9: School districts are required to work with the vendor to input school-specific terminology (such as abbreviated names and slang) to optimize the social media searches. The school name is the only default keyword that is used for threat detection.



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 10: The social media monitoring tool will detect threats made inside the geo-fence, but threats must include the school-specific keywords to be detected outside of the geo-fence.

Section 1 - Finding 11: The location and identity (username) of the individual making the threat is not recorded unless the threat is made inside the school's geo-fence



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 12: Statewide FortifyFL data can be queried via the Portal but the percentage of people using this tool versus the school population is still low. Since the August 15, 2019, meeting there has been an uptick in use of the tool based on the requirements in SB 7030 to put FortifyFL on school-issued devices and school websites.



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 13: SESIR data is part of the system, but is only updated three times a year and the Commission has previously established that it has significant data quality issues.

Section 1 - Finding 14: Some mental health data is available through the Portal, but is only accessible by mental health professionals. The Portal adds nothing new to anyone's ability to obtain information.



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 1 - Finding 15: Law enforcement data, while accessible on CJNET, is not accessible within the Portal, due to legal constraints. Other than the Statewide Data Sharing System (LInX) and the Florida Crime Information Center (FCIC), there is no integration of law enforcement data.

Section 1 – Finding 16: There are three pillars of behavioral threat assessment management: identify, assess, and manage. Collecting and analyzing information to conduct a threat assessment is important; however, the challenge will continue to be managing the threat.

Draft Findings and Recommendations

83



Chapter 10 Findings

Integrated Data Systems and Social Media Monitoring

Section 2 – Finding 1: To ensure that all available data is collected for a threat assessment, agencies should develop a checklist of systems to search and designate the appropriate personnel who are trained and have knowledge of those systems.

Section 2 – Finding 2: The average officer on the street and the average school resource officer do not have the knowledge, the ability, time or access to do this type of analytical work.

Draft Findings and Recommendations

84



Chapter 10 Recommendations

Integrated Data Systems and Social Media Monitoring

Recommendation 1: To manage expectations and eliminate false expectations, threat assessment teams need to be educated to understand the limitations of the Portal and its capabilities.

Recommendation 2: Agencies should consider a dedicated research component that supports the threat assessment teams to ensure comprehensive data is acquired and available to the team.



Chapter 10 Recommendations

Integrated Data Systems and Social Media Monitoring

Recommendation 3: The social media monitoring tool should be renamed to reflect that it is not actively monitoring social media.

Recommendation 4: The social media search should allow the Portal user to run keyword and username searches of the data.



Chapter 10 Recommendations

Integrated Data Systems and Social Media Monitoring

Recommendation 5: School districts should provide student social media user nicknames and other relevant information to enhance the social media tool.

Recommendation 6: SESIR data quality and frequency needs to be improved if it is to be of value to Portal users.



Chapter 10 Recommendations

Integrated Data Systems and Social Media Monitoring

Recommendation 7: Preparing for a threat assessment meeting should be a ground up process where agencies first collect the information they have locally accessible and then use the portal and other existing mechanisms to augment with whatever else may be available.



Chapter 10 Recommendations

Integrated Data Systems and Social Media Monitoring

Recommendation 8: Threat assessment team members should each have a well-developed list of sources of information and data from their discipline that should be reviewed and prepared for the threat assessment meeting. An example is the Pinellas County pilot, where such a list was created to ensure that all databases are checked and no relevant information overlooked during the assessment.



Chapter 10 Recommendations

Integrated Data Systems and Social Media Monitoring

Recommendation 9: It is highly recommended that, before additional money is spent to consolidate data, time should be spent to evaluate how the process is working with the data currently available to the teams and the systems that have been put in place.

Recommendation 10: Further research is required to determine the best way to manage students who have been identified as threats. This includes what resources will be needed to manage them and how this management will be transferred when the student ages out of the school system.



Chapter 11

Juvenile Diversion Programs



Draft Findings and Recommendations

91

Chapter 11 Findings

Juvenile Diversion

Finding 1: The BCPS is a civil citation or prearrest diversion program subject to the requirements of F.S. 985.12.

Finding 2: BCPS is not entering criminal prearrest diversion data in DJJ's Prevention Web as it should.

Draft Findings and Recommendations

92



Chapter 11 Findings

Juvenile Diversion

Finding 3: Entering prearrest diversion data in Prevention Web, and all diversion decision-makers having access to that data is paramount to effective diversion decision-making.

Finding 4: The Commission concurs with DJJ's findings in its July 1, 2019, report.



Chapter 11 Recommendations

Juvenile Diversion

Recommendation 1: The Commission supports DJJ's recommendations as set forth in its July 1, 2019, report. A summary of the four key recommendations included in the DJJ report were:

- i. Systematic tracking of student participation in any type of diversion program, making that information available to law enforcement statewide.
- ii. Amending sections 1006.13 and 985.126, Florida Statutes, to provide a definition specifically for school-based diversion programs and expressly include such programs among those for which data must be entered into the Juvenile Justice Information System Prevention Web.



Chapter 11 Recommendations

Juvenile Diversion

(DJJ recommendation summaries continued)

- iii. Using the model for civil citation and similar prearrest diversion programs in section 985.12, Florida Statutes, for all school-based programs.

- iv. Including in section 1006.13, Florida Statutes, guidelines for implementing school-based diversion programs.



Chapter 11 Recommendations

Juvenile Diversion

Recommendation 2: DJJ should continue its efforts to provide easy and direct access to Prevention Web for all law enforcement officers and the legislature should support DJJ in its effort with necessary funding.



Chapter 12

Mental Health



Draft Findings and Recommendations

97

Chapter 12 Findings

Mental Health

Section 1 – Finding 1: Florida’s mental health system is not adequately funded.

Section 1 – Finding 2: Florida’s mental health system, specifically the Baker Act System, needs better discharge planning, master case management, and care coordination.

Section 1 – Finding 3: There is no system for tracking or flagging high recidivist Baker Acts, such as the 14-year-old from Pinellas County who has been Baker Acted 35 times.

Draft Findings and Recommendations

98



Chapter 12 Findings

Mental Health

Section 1 – Finding 4: The Managing Entity system needs to increase provider accountability to ensure outcome driven results and require holistic responsibility for system recidivists.

Section 1 – Finding 5: Schools are limited in the type and quantity of mental health services they can provide, and their role is limited to helping the student thrive in the academic environment.



Chapter 12 Findings

Mental Health

Section 1 – Finding 6: SB7026 required that each Florida school district prepare and submit a mental health assistance allocation plan. The plan must focus on delivering evidence-based mental health care treatment with a checklist of provisions.

Section 1 – Finding 7: While BCPS and other school districts provide mental health, there continues to be a gap in ensuring that these services meet demand and need.



Chapter 12 Findings

Mental Health

Section 2 – Finding 1: A gap exists in providing a safety net for high-risk children transitioning into adulthood from child services.



Chapter 12 Recommendations

Mental Health

Recommendation 1: The legislature should consider additional mental health funding and require that entities receiving State funding report data-driven and outcome-based performance metrics establishing effective use of the State money.

Recommendation 2: Entities receiving State funding should be authorized and required to participate in care coordination with other public and private providers, especially school-based providers.



Chapter 12 Recommendations

Mental Health

Recommendation 3: The Managing Entities should establish and require the implementation of master case management systems in all seven regions.

Recommendation 4: The Baker Act providers need a system to identify and alert a responsible entity of those individuals who are repeatedly Baker Acted and the responsibility entity must develop a course of action to address why the person is repeatedly Baker Acted.



Chapter 12 Recommendations

Mental Health

Recommendation 5: There should be established programs to close the gap when high-risk children transition into adulthood as it relates to services.

Recommendation 6: There should be a greater focus on Prevention, also known as Character Development or Social-Emotional Learning, to every child in Florida schools. It is important we help youth develop empathy for others, learn how to make decisions, problem solve, resolve conflict, advocate for themselves in an appropriate way, develop self-esteem, and identify and handle their emotions. It should start with Pre-K and continue through 12th grade.



Chapter 13

FERPA



Draft Findings and Recommendations

105

Chapter 13 Findings

FERPA

Finding 1: FERPA and other privacy laws are important to ensure the protection of individual privacy interests. However, these laws, including FERPA, are often misunderstood, over applied and their exceptions under used.

Finding 2: When FERPA and other privacy laws are misapplied and/or their exceptions under applied, it adversely affects school safety.

Draft Findings and Recommendations

106



Chapter 13 Findings

FERPA

Finding 3: Comprehensive training of school district legal advisors and staff is necessary to ensure that FERPA and other privacy laws are clearly understood and applied equally across Florida.



Chapter 13 Findings

FERPA

Finding 4: Some law enforcement officers and agencies misunderstand FERPA and its exceptions and erroneously believe that they are entitled to receive without restriction otherwise FERPA protected information. Disclosure of FERPA protected information under applicable exceptions requires a case-by-case analysis and determination and private information cannot be wholesale released to law enforcement. Like school personnel, law enforcement needs training to better understand the applicable laws and exceptions.



Chapter 13 Findings

FERPA

Finding 5: The first determination is whether FERPA applies—whether information held by an educational institution is an “educational record” within FERPA’s definitions. If it is, then it requires a determination whether the educational record fits within one of FERPA’s exceptions allowing disclosure.

Finding 6: Some school districts improperly cite FERPA to deny law enforcement agencies live, real-time access to school security video that is essential to effectively responding to an on-campus active assailant or other emergency situation.



Chapter 13 Findings

FERPA

Finding 7: SROs are “school officials” under FERPA and as such are entitled to access student records as part of their duties in that capacity.

Finding 8: SROs may not disclose FERPA protected information to other officers unless the health and safety or another applicable FERPA exception applies.



Chapter 13 Recommendations

FERPA

Recommendation 1: DOE should prepare and present FERPA and other privacy law training to all school district and law enforcement legal advisors.



Chapter 13 Recommendations

FERPA

Recommendation 2: The Legislature should require that Florida Safe School funding to be tied to the lawful real time access to school security video by law enforcement agencies and the proper sharing of videos and photos by school districts with law enforcement. In order for a district to receive Safe School Funds the district must:

- Have agreements that enable the law enforcement agencies that serve and respond to incidents on the campus with access to school video feeds, if the law enforcement agency has the desire technological capacity to receive the video feed.
- Require their legal advisor and principals attend FERPA training workshops developed by the DOE.



Second Report Draft Findings and Recommendations



Sheriff Bob Gualtieri, Pinellas County Sheriff's Office

October 2019

113