

MARJORY STONEMAN DOUGLAS HIGH SCHOOL  
PUBLIC SAFETY COMMISSION MEETING  
OMNI ORLANDO RESORT AT CHAMPIONSGATE  
1500 MASTERS BOULEVARD  
CHAMPIONSGATE, FLORIDA 33896  
OCTOBER 15, 2019

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COMMISSION MEMBERS/ATTENDEES:

SHERIFF BOB GUALTIERI - CHAIR, SHERIFF, PINELLAS  
COUNTY

JASON JONES - PSC GENERAL COUNSEL

CHRIS NELSON - CHIEF OF POLICE, CITY OF AUBURNDALE

CHIEF ASSISTANT 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

CHANCELLOR JACOB OLIVA - EXECUTIVE VICE CHANCELLOR  
OF K-12 PUBLIC SCHOOLS

SECRETARY MARSTILLER - SECRETARY, FLORIDA  
DEPARTMENT OF JUVENILE JUSTICE

BARBARA BABCOCK - DEPUTY SECRETARY FLORIDA  
DEPARTMENT OF CHILDREN & FAMILIES

MIKE CARROLL - LUTHERAN SERVICES OF FLORIDA, FORMER  
SECRETARY OF FLORIDA DEPARTMENT OF CHILDREN &  
FAMILIES

JAMES HARPRING - UNDERSHERIFF/GC, INDIAN RIVER  
COUNTY

PAM STEWART - COMMISSIONER OF EDUCATION

GRADY JUDD - SHERIFF, POLK COUNTY

DOUGLAS DODD - SCHOOL BOARD MEMBER, CITRUS COUNTY

RYAN PETTY - VICTIM PARENT

KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEFS  
ASSOCIATION

CHRISTINA LINTON - COMMISSION STAFF, FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT

JOHN SUESS, SERGEANT, PINELLAS COUNTY SHERIFF'S  
OFFICE

MAJOR CREWS, BAKER COUNTY SHERIFF'S OFFICE

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1           Thereupon, the following proceedings were  
2    had:

3           CHAIRPERSON GUALTIERI: Welcome to the  
4    October 2019 Marjory Stoneman Douglas public  
5    safety commission meeting here in Orlando.  
6    We're going to go ahead and begin a little bit  
7    differently this morning. Normally, we begin  
8    these meetings with a moment of silence and  
9    recognition of the victims. Well, we have a  
10   tribute video that we prepared to play instead  
11   of doing a moment of silence, and then we'll do  
12   the pledge.

13          So, Harold, if you would go ahead and play  
14   the video.

15          (Played video.)

16          COMMISSIONER SCHACHTER: From all the --  
17   from all the 17 families, thank you. That was  
18   beautiful.

19          CHAIRPERSON GUALTIERI: You're welcome.  
20   That's a video that I use as we do the Parkland  
21   presentation around the state, around the  
22   country. It's a video that was developed a  
23   while ago that we use at the close of every  
24   presentation, and sometimes people ask, you  
25   know, why the effort among all of us, this

1 commission, and everyone, and I just simply  
2 answer that question by pointing to that. And  
3 it's for them. It's for the families. And to  
4 do everything in our power and possible to  
5 ensure that nobody ever goes through what those  
6 people went through, or what these families are  
7 going through and will go through for the rest  
8 of their lives. And so that's how I end every  
9 single one of these presentations, and I  
10 thought it would be appropriate today to begin  
11 this meeting with that tribute.

12 So why don't, also, as we always do, begin  
13 with the pledge. If you'd rise and join me  
14 with the pledge.

15 (Pledge of allegiance.)

16 CHAIRPERSON GUALTIERI: And if any of you  
17 if you'd like a copy of that, just let me know  
18 and we can get you a copy of it. That's  
19 something we're glad to share if you want a  
20 copy of it. We need to have a motion for the  
21 minutes from the last meeting.

22 SHERIFF ASHLEY: (Inaudible.)

23 CHAIRPERSON GUALTIERI: Sheriff Ashley.

24 COMMISSIONER NELSON: Second.

25 CHAIRPERSON GUALTIERI: Commissioner

1 Nelson, second.

2 Any discussion?

3 (No response.)

4 CHAIRPERSON GUALTIERI: All in favor, aye?

5 (Group said "aye.")

6 CHAIRPERSON GUALTIERI: Any opposed?

7 (No response.)

8 CHAIRPERSON GUALTIERI: So that motion  
9 passes.

10 Mr. Jones, you want to just briefly remind  
11 everybody of the Sunshine Law obligations.

12 GENERAL COUNSEL JONES: Good morning,  
13 everyone. As always, these meetings are  
14 governed by the Law in Sunshine, which means  
15 there'll be no conversations about things that  
16 we're going to be talking about or voting  
17 unless they are done on the record. As you may  
18 see this morning, we do not have a court  
19 reporter. So just please be mindful of that.  
20 When you are going to speak, make sure that  
21 your microphone is working. We are recording  
22 this session so that it can be transcribed  
23 later, but if you notice that your microphone  
24 is not working, please just wait and kind of  
25 wave at Herald so he can turn your microphone

1 on.

2 And thank you.

3 CHAIRPERSON GUALTIERI: All right. Thank  
4 you. So Senator Book and Commissioner Powers  
5 are unable to be with us today. As we know,  
6 the legislature is in session. So Senator  
7 Book's in Tallahassee. Commissioner Powers has  
8 a school board meeting, and I'm sure will join  
9 us tomorrow.

10 Before we get started with the work at  
11 hand here, which is the report itself, I want  
12 to update you on several issues that are  
13 outstanding. So as we bring some of these to a  
14 culmination, all of you are aware of the claim  
15 by the mother of a student at Stoneman Douglas  
16 that in or about December of 2016 she conveyed  
17 in separate telephone conversations to former  
18 Broward County School Board member Abby  
19 Freedman and to Counselor Veronica Ziccardi.  
20 Veronica Ziccardi is a counselor at Stoneman  
21 Douglas High School. Information that Cruz was  
22 a threat to school safety and the mother claims  
23 that they failed to act on that information  
24 when she imparted it to them. So we've been  
25 conducting a follow-up investigation into that

1 claim, and the results are set forth at length  
2 on Pages five through nine of the draft report  
3 that you have. So Pages five through nine  
4 really set that out. The written summary  
5 speaks for itself, and you've had the report to  
6 read.

7 So I'm not going to repeat what is in that  
8 report, which is the summary of the overall  
9 investigation into that which began last year,  
10 but really came to a culmination here just in  
11 the last few weeks. But I will say that there  
12 is no evidence to support the mother's claim  
13 that either former school board member Abby  
14 Freedman or Veronica Ziccardi received  
15 information about Cruz which they failed to act  
16 on.

17 In fact, the recent analysis of the  
18 mother's cellular telephone records established  
19 that the mother spoke with Abby Freedman in  
20 late March of 2017, which is after Cruz left  
21 Stoneman Douglas in early February of 2017.  
22 And the calls occurred between the mother and  
23 Freedman around the time the mother was talking  
24 with Freedman over her dissatisfaction about  
25 how Veronica Ziccardi was handling issues with

1 her own son.

2 In a recent interview, I say recent,  
3 within the last couple of weeks, the mother  
4 equivocated when pressed and stated that she is  
5 now not even sure that she mentioned Cruz to  
6 former school board member Abby Freedman.

7 As of the claim regarding Ziccardi, the  
8 mother's claim that she spoke with Ziccardi  
9 about Cruz in December of 2016 is not supported  
10 by the telephone toll records obtained from her  
11 cellular phone carrier. There were phone  
12 calls, but they were at a time when the mother  
13 was communicating with security about her own  
14 son and his school issues. The timing of the  
15 phone calls along with the Ziccardi's notes cut  
16 towards Ziccardi's recollection that the only  
17 contact she had with the mother was about her  
18 son and not about Nikolas Cruz.

19 We have absolutely flushed this issue out  
20 as much as it ever can be. The facts are laid  
21 out in the report. The mother's claims cannot  
22 be established, and there is at least some  
23 evidence that cuts against the accuracy of her  
24 claims as to Freedman and Ziccardi.

25 So unless anybody's got anything else on



1       that, I think we have successfully flushed that  
2       issue out.

3               Mr. Schachter, go ahead.

4               COMMISSIONER SCHACHTER: Veronica Ziccardi  
5       was a guidance counselor there. Who was the  
6       murderer's guidance counselor? Did -- was  
7       there only one assigned to him?

8               CHAIRPERSON GUALTIERI: I don't know. I  
9       don't know the answer to that.

10              COMMISSIONER SCHACHTER: Whether multiple?  
11      Because Ziccardi, to my recollection, was the  
12      guidance counselor for anybody with any kind of  
13      mental issues, mental health issues. So, you  
14      know, I'm curious about that.

15              Number two, the interactions between the  
16      mother and Ziccardi were numerous as evidenced  
17      by the cell phone records. She called Ziccardi  
18      had many, many meetings with her about her son  
19      because her son felt unsafe. So it's all going  
20      back to that, and she spoke to Abby Freedman on  
21      March 30th and then the 31st she pulled her kid  
22      out of Marjory Stoneman Douglas. So that is  
23      consistent with the mother's testimony, and she  
24      is saying that after the conversation with Abby  
25      Freedman, Abby recommended her to pull her kid

1 out of the school if she felt unsafe. And  
2 that's --

3 CHAIRPERSON GUALTIERI: And I'm telling  
4 you that what the mother is saying now is that  
5 she may have made a general -- remember, Cruz  
6 leaves early February 2017. So at the time of  
7 this phone call it's almost two months. Cruz  
8 is long gone from Stoneman Douglas. And what  
9 the mother says now is that she might have  
10 mentioned some general concerns about safety at  
11 Stoneman Douglas, but she's equivocating and no  
12 longer maintaining that she mentioned Nikolas  
13 Cruz's name, or any other person in particular,  
14 or, specifically, in more of a general passing  
15 type statement. So I'm confident that this has  
16 been very thoroughly investigated, very, very  
17 thoroughly flushed out. I'm confident that  
18 there is no evidence of any lack of action, or  
19 inappropriate action on the part that could be  
20 substantiated, and I don't think it calls into  
21 question whether there was any at all as it  
22 relates to Abby Freedman or to Veronica  
23 Ziccardi.

24 COMMISSIONER SCHACHTER: You know, the  
25 question goes back to this mother was extremely

1       upset that -- this child is the one that went  
2       and told Morford that -- that the murderer was  
3       going to shoot up the school, and then Morford  
4       did nothing. She went and -- in the draft she  
5       went -- because Morford rebuffed the kids and  
6       didn't do anything, she went and followed up,  
7       and she went to speak to apparently Morford as  
8       well who he denies nothing was done. And she  
9       was concerned at how these meetings with  
10      Ziccardi, because the kid was extremely worried  
11      about his safety. He was -- felt unsafe.

12             So all these interactions, and then, you  
13      know, Ziccardi's records do not show that --  
14      that he ever spoke about the murderer. It  
15      seems hard to believe that. And then she  
16      speaks to Abby Freedman on the 30th, and then  
17      boom, the next day she pulls her kid out of  
18      school. Now, I understand that the murderer  
19      was gone a month or two before that, but maybe  
20      the kid didn't know that. The kid might have  
21      been in and out of school. The murderer was in  
22      and out of school, and it is -- if the kid was  
23      worried that the murderer was going to come  
24      back and shoot up the school, that's exactly  
25      what happened.

1           CHAIRPERSON GUALTIERI: So two very  
2 different, distinct issues. We had findings in  
3 our initial report, and nothing has changed  
4 that I'm aware of that, those two boys did a  
5 very hard thing in December 2016 when they  
6 brought their concerns to Morford. There is  
7 nothing but strong evidence that Morford  
8 dropped the ball. Morford acted  
9 inappropriately and didn't do what he should  
10 have done with that information. That's  
11 totally separate from this claim that the  
12 mother has had concerning Abby Freedman and  
13 Veronica Ziccardi. So you've got to separate  
14 those. The mother claims that she went to the  
15 school after her son and the other boy were  
16 rebuffed, and there's confusion on the mother's  
17 part as to who she talked to. She uses the  
18 name Thompson, but we know from the  
19 investigation she didn't talk to Ty Thompson,  
20 she talked Morford and he rebuffed her as well.  
21 So two very different issues, but as far as  
22 this issue that has been persistent about  
23 whether former school board member Abby  
24 Freedman and/or MSD guidance counselor Veronica  
25 Ziccardi received information that they didn't

1 act on and it was actionable information,  
2 there's simply no evidence to support.

3 COMMISSIONER SCHACHTER: I understand  
4 that, but I want to point out that this mother  
5 and her son did everything they could. They  
6 went to the nth degree to try to point out that  
7 the murderer was going to be the next school  
8 shooter, and Marjory Stoneman Douglas  
9 administration did nothing. On multiple  
10 occasions they brought it to their attention  
11 and nobody could have tried to do more. And  
12 there's nobody that feels worse about this that  
13 they tried, they said something, they saw  
14 something, they did something and nothing was  
15 done then these two -- then the mother and her  
16 son. So I don't want this commission to do  
17 anything to minimize that.

18 CHAIRPERSON GUALTIERI: No, I don't think  
19 we are. That's absolutely what happened and  
20 Morford dropped the ball and should have acted  
21 on it when those boys did what we ask everybody  
22 to do; and that is to see something, say  
23 something, bring it forward so that it is  
24 actionable. And they do the absolute right  
25 thing and a very hard thing for young boys to

1 do. But it was ball dropped and mishandled at  
2 the school level by Morford. And, again, it's  
3 on the heels of what happened with the  
4 behavioral threat assessment and the  
5 culmination of that November 4th, the erroneous  
6 information provided to Cruz on November 3rd  
7 when he withdrew from ESE and he was lingering  
8 at that time at Stoneman Douglas, and he was  
9 digressing and that led to him leaving and  
10 going to the adult learning center early  
11 February. So I think we're all on the same  
12 page with that, and unless there's something  
13 else, we can move on.

14 COMMISSIONER SCHACHTER: You know -- you  
15 know, I just want the commission to understand  
16 that after trying everything and getting no  
17 help from the school she thought -- she saw the  
18 only alternative she had was to remove her son  
19 at out of school because the school wasn't  
20 going to do anything. But, you know, since  
21 we're talking about Morford, do we have any  
22 idea, or are you going to get into that later?

23 CHAIRPERSON GUALTIERI: That's where I'm  
24 going next.

25 COMMISSIONER SCHACHTER: Okay. Thank you.

1           CHAIRPERSON GUALTIERI: So let's talk  
2 about the -- update you all As far as the  
3 administrative investigations being conducted  
4 by the Broward County Public Schools. Their  
5 investigation of Kelvin Greenleaf, who is a  
6 school security specialist at Stoneman Douglas  
7 and supervised the monitors, that matter was  
8 submitted to the district's Professional  
9 Standards Committee, and that Professional  
10 Standards Committee concluded and I quote, "No  
11 just cause" of misconduct. We're waiting for a  
12 response from the district to receive a copy of  
13 the summary and the investigative  
14 determination. I hope that we'll have that to  
15 give to you today. I've Been in contact with  
16 the district ongoing, as recently as a little  
17 while ago this morning.

18           So the investigation into Greenleaf is  
19 concluded, and we will hopefully have for you  
20 today the written document that lays out the  
21 facts of their investigation and the  
22 justification and the reason why they found  
23 that he had not violated any policy.

24           The investigation as to Assistant  
25 Principal Jeff Morford, Assistant Principal

1 Denise Reed, Assistant Principal Winfred Porter  
2 and Principal Ty Thompson, all of those remain  
3 open.

4 As to Porter and Reed, the investigative  
5 phase is complete and the matter will go before  
6 the Professional Standards Committee as to  
7 Porter tomorrow and as to Reed in about two  
8 weeks. And then once the Professional  
9 Standards Committee makes its determination,  
10 then we'll know what that finding is and  
11 hopefully, again, we'll have available to us a  
12 summary report that lays out the facts of the  
13 investigation and support in there for whatever  
14 the Professional Standards Committee decision  
15 was. So we should know shortly as far as  
16 they're concerned.

17 As far as Morford's concerned, the  
18 investigative phase is still ongoing, but as  
19 you know, Morford resigned from the Broward  
20 County Public Schools in September. The  
21 district, nonetheless, is going to continue  
22 with its investigation, and it will not go to  
23 the Professional Standards Committee because  
24 he's no longer an employee. But we should, I  
25 hope, and we will press for it because it's in



1 everybody's interest, I think the district  
2 absolutely needs to be forthcoming and  
3 transparent about this, is that we should  
4 receive the same summary document as it relates  
5 to their investigation regarding Morford. So  
6 hopefully when that's concluded in a timely  
7 fashion we will receive that summary document.

8 The investigation into Thompson is still  
9 ongoing. The best information that I have is  
10 they hope to conclude the investigation  
11 regarding Thompson by around Thanksgiving. So  
12 it will still have to go through the district  
13 process. These investigations are taking a  
14 long time to bring to a culmination point, and  
15 it's in part because of the school board's  
16 disciplinary process, which is largely driven  
17 by a union contract by a collective bargaining  
18 agreement. And this process allows that before  
19 reports can be made public, that the subject of  
20 the investigation is provided a period of time  
21 to review the findings with their lawyer with  
22 the option to request extensions of the review  
23 period, and, of course, the request of  
24 disciplinary hearing.

25 So it's a very elongated process, and that

1 is one of the reasons why it's taking so long,  
2 and I can tell you, just from our communication  
3 with the investigator that they retained, is  
4 that there's a lot of information here. We  
5 know that and it's voluminous. So it is taking  
6 a long time, but that's the status of all of  
7 these.

8 I can tell you that it does appear from  
9 our discussions with the investigator that she  
10 is being thorough and is using the appropriate  
11 level of diligence and is trying to make sure  
12 that no stone's unturned and she is flushing  
13 everything out. So as soon as we have copies  
14 of hopefully the Greenleaf summary today and  
15 the other summaries moving forward they will  
16 make them available to you.

17 Go ahead.

18 COMMISSIONER SCHACHTER: I had a question  
19 on the draft pertaining to this, pertaining to  
20 Morford. You know, in our draft it says that  
21 Morford was not present at the meeting, at the  
22 threat assessment meeting. How is that -- how  
23 is that possible? He was responsible for the  
24 threat assessment. Did he sign the threat  
25 assessment?

1           CHAIRPERSON GUALTIERI: Are you talking  
2 about in the initial report. Or are you  
3 talking about -- what are you talking about?

4           COMMISSIONER SCHACHTER: Well, I'm talking  
5 about on Page 12 of the draft it talks about  
6 how Morford was not present at this meeting.

7           CHAIRPERSON GUALTIERI: Which meeting?

8           COMMISSIONER SCHACHTER: The one in the  
9 interview -- I think it was the threat  
10 assessment on September 28th.

11          CHAIRPERSON GUALTIERI: Yeah, and  
12 there's -- and so you got a lot of things that  
13 are happening in that period, and there are few  
14 documents, if any, that reflect who was present  
15 and what meetings that were occurring during  
16 that period. And individual's recollections  
17 are not clear, and we've been unable to  
18 establish exactly who was at what meetings.  
19 And several of the meetings would include the  
20 behavioral threat assessment that was done on  
21 September 28th. The next meeting that's in  
22 there is on November 3rd, Interim IEP meeting  
23 where Cruz withdrew from ESE erroneously  
24 because he provided bad information. The next  
25 thing that happened was the next day, November

1 4th, and that's when Morford closed out the  
2 Phase 2 behavioral threat assessment, had Cruz  
3 sign it, and the best we can tell that's just  
4 Cruz and Morford one on one.

5 But, remember, is that Morford has refused  
6 to provide any information about any of these  
7 meetings and claims amnesia, he doesn't  
8 remember anything; which, serious questions as  
9 to the veracity of that. So we can't ask  
10 Morford about it and others because there  
11 wasn't good documentation of who was present.

12 I can't tell you for sure who was at that  
13 really terrible meeting on November 3rd when  
14 Cruz was provided the bad information and  
15 decided to withdraw from ESE as opposed to  
16 going to Cross Creek at the ESE center because  
17 he didn't want to go. Is that -- we don't have  
18 definitively who was present at that meeting.  
19 So there's -- Morford was clueless as to the  
20 threat assessment process. Denise Reed kind of  
21 took it over for him on the 28th, and who was  
22 present in some of those meetings we can't -- I  
23 can't tell you for sure.

24 COMMISSIONER SCHACHTER: It's just not --  
25 it's just unbelievable that, you know, all --

1 we found all these faults and Morford not  
2 taking these threats seriously, not taking the  
3 threat assessments seriously, being responsible  
4 for doing it and having no idea -- filling it  
5 out incorrectly and completely botching it, and  
6 then he can get the report from the school  
7 district and then just resign and receive no  
8 punishment at all, and just deny everything.  
9 It's just extremely upsetting. The last  
10 question I had was, it says on page 12 that  
11 there was no Baker Act. They did not --

12 CHAIRPERSON GUALTIERI: Okay. We're not  
13 in the report yet. So why don't you hold all  
14 that until we get to that section --

15 COMMISSIONER SCHACHTER: Oh, okay.

16 CHAIRPERSON GUALTIERI: -- of the report.  
17 Okay?

18 So the next thing I want to update you all  
19 on is the status of the Safe School officers on  
20 the campuses in Broward County. The best I can  
21 tell you is that the information I have from  
22 the Broward County Public schools is that all  
23 of the charters in Broward County, including  
24 the 29 that had issues during our last meeting,  
25 are currently in compliance with the

1 requirement that there be an armed Safe School  
2 officer on every campus every day. Broward  
3 County Public Schools is now overseen charter  
4 school compliance by requiring documentation  
5 from the charters, spot checking the schools by  
6 the District's Office of Charter Schools, and  
7 performing compliance visits by the District's  
8 Office of the Chief Auditor.

9 According to the school district, there  
10 were only two schools left after the last  
11 meeting in the subsequent days that raised any  
12 concern. One is Renaissance Charter of  
13 Plantation, and that's only because it had a  
14 temporary arrangement with a private security  
15 company, and its long-term plan was dependent  
16 on a newly hired guardian passing the academy.  
17 According to the Broward Sheriff's Office, the  
18 school recently hired a guardian who had been  
19 employed by the school district and they are  
20 now in compliance.

21 The other school that the district  
22 continues to monitor is New Life Charter in  
23 Fort Lauderdale, because its permanent plan is  
24 to use off-duty law enforcement officers and  
25 police officers from the Fort Lauderdale Police

1 Department under a weekly invoice system, and  
2 there is no contract in place. Now, this is  
3 the type of arrangement that can work. Okay?  
4 But it's susceptible to noncompliance because  
5 of the nature of the week-to-week arrangement.

6 This is the same arrangement that the Ben  
7 Gamla Charter School had where the officer  
8 failed to show and the district ended up  
9 revoking the school's charter because it had no  
10 Safe School officer on campus, because under  
11 that off-duty employment arrangement, the  
12 officer just didn't show up.

13 So, apparently, though, New Life Charter  
14 enrolled a guardian in the September 2019, just  
15 last month, BSO Guardian Academy, but he  
16 withdrew and BSO just now received an  
17 application from this school for a guardian for  
18 its next upcoming academy.

19 So it does seem that things have changed  
20 since our last meeting in Broward County with  
21 the discussion with the charters about  
22 compliance. But, remember, it only took 18  
23 months, but they do seem to be there now and it  
24 looks like everything's on the right course as  
25 far as having Safe School officer compliance in

1 Broward County. But be clear, the delayed  
2 compliance is not because of a lack of  
3 available guardian training.

4 This is a false narrative I guess that's  
5 out there is, is that part of the reason why  
6 the charters and other schools have not been in  
7 compliance is because there was a lack -- or  
8 unavailability locally of guardian training.  
9 That's not true. It is simply not true. The  
10 Broward County Sheriff has conducted eight  
11 guardian academies with a capacity of 320  
12 people, and the schools have only enrolled 141.  
13 So there are plenty of guardian academies in  
14 Broward County and there's plenty of space in  
15 these academies.

16 The Broward County Sheriff's Office has  
17 completed eight guardian academies since the  
18 summer of 2018. If you recall, Sheriff Tony  
19 testified at the last commission meeting that  
20 he can accommodate up to 40 guardian students  
21 per class. Since June of 2019, Broward County  
22 Sheriff's Office conducted three guardian  
23 academies. The first one with a capacity of 40  
24 had 10 students enrolled. The second had nine  
25 students enrolled. The one that began in



1 September and ended on October 4th had 29. I  
2 suggest to you that's because of our last  
3 commission meeting when we said enough of this,  
4 and so they did get some enrolled, but there's  
5 still capacity in that class.

6 So overall, there's been 141 students  
7 enrolled in these Broward Sheriff's Office  
8 guardian academies with 101 graduating.  
9 Twenty-nine percent is the average  
10 non-completion rate, and some of the guardians  
11 were enrolled from the Broward County Public  
12 Schools and some from the charters. And  
13 there's no difference in the failure rate  
14 between those students from Broward County  
15 Public Schools and the charter school guardian  
16 candidates.

17 So I think that issue is put to rest. It  
18 seems like that there is compliance. Although,  
19 we need to -- and the school district will make  
20 sure that it continues on its path.

21 Anybody have anything on that? Any  
22 questions?

23 (No audible response.)

24 CHAIRPERSON GUALTIERI: Okay. So as to  
25 Palm Beach County, I spoke with Sheriff

1 Bradshaw and he completed the guardian training  
2 for the people who had previously received that  
3 improper inadequate training by Invictus and  
4 his first guardian academy graduated 27  
5 students. Those guardians have transitioned  
6 into the charter schools in Palm Beach County  
7 and replaced the deputies that were in those  
8 schools. Sheriff Bradshaw has recently started  
9 a second guardian academy. He has 30 students  
10 who are enrolled, and when they graduate, they  
11 will replace the deputies at the additional  
12 charter schools.

13 As far as the 911 and radio tower issues  
14 are concerned, there's still a dispute over the  
15 Hollywood Tower. However, the Broward County  
16 Board of County Commissioners voted to proceed  
17 with implementing the replacement radio system  
18 without the East Hollywood tower. So the  
19 project is moving forward with 15 towers  
20 instead of 16.

21 I had a discussion with county  
22 administrator Bertha Henry about this. There  
23 is, of course, disagreement about the effect  
24 that this plan will have on south county radio  
25 communications. The county claims that

1 agencies that would have benefited from the  
2 16th tower will remain status quo. So by  
3 moving ahead with a replacement system of 15  
4 versus 16, nobody's going to be in any worse  
5 situation than they are today. They just won't  
6 be in a better place, or they might, for some,  
7 be in a slightly better place, they just won't  
8 be where everybody else will be when the system  
9 is up and running.

10 Hollywood, though, the City of Hollywood  
11 and the Hollywood Police Department will remain  
12 on the legacy system until the East Hollywood  
13 tower issue is resolved. And as I set out to  
14 in the intervening period between our meetings,  
15 it's complicated. There's a lot going back and  
16 forth, including the issue where the Broward  
17 County Commission apparently can't own  
18 Parkland. That is for anything other than the  
19 recreational purposes and they're trying to  
20 sell the park to the City of Tamarac and  
21 there's a land swap deal, and it's all  
22 convoluted. And Tamarac has, I guess,  
23 temporarily postpone a decision about whether  
24 they're gonna buy the park. And the whole  
25 thing is just a very convoluted mess down

1           there.

2           So with the plan to move forward, though,  
3           according to the county, with the plan to move  
4           forward with replacing the system with the 15  
5           towers, is, as they say, that they hope that  
6           they can have it up and running sometime in  
7           early 2020. So they're moving forward with it.  
8           So that's where it is, and somehow, at some  
9           point and sometime, that 16th tower on the east  
10          side of Hollywood in Southeast Broward County  
11          will get resolved, and when it does, then the  
12          City of Hollywood and those other South Broward  
13          entities that would rely on that tower will be  
14          able to move forward. So that's where the  
15          tower issue is.

16          Mr. Schachter, go ahead.

17          COMMISSIONER SCHACHTER: Have we spoken to  
18          Hollywood to find out what their plans are?

19          CHAIRPERSON GUALTIERI: I've not talked to  
20          anybody from Hollywood. I've received written  
21          communications from them, and I know what I  
22          know based on those written communications from  
23          Hollywood. So I've not talked to the city  
24          manager, though. I had enough to convey this  
25          to you, and I think I have a clear picture as

1 to where it is. They disagree as to the  
2 effect.

3 COMMISSIONER SCHACHTER: I was just  
4 curious what the plan is moving forward, you  
5 know.

6 CHAIRPERSON GUALTIERI: Well, as far as  
7 resolving the issues concerned?

8 COMMISSIONER SCHACHTER: In regards to  
9 Hollywood, what's Hollywood's plan? Are they  
10 just -- are they going to build? Are they  
11 going to go with West Lake? And they going to  
12 go with the Circ.

13 CHAIRPERSON GUALTIERI: Well, that's  
14 still, you know, all very much up in the air.  
15 Is that, of course, Hollywood's position is  
16 that West Lake Park is not an appropriate site,  
17 that Circ is the appropriate site. They still  
18 don't want it in West Lake Park, and you still  
19 have a citizens group out there that's retained  
20 a lawyer. So even if the county and the city  
21 agree and it ends up going to West Lake Park,  
22 as it appeared after the last meeting that's  
23 where it was going until this whole issue came  
24 up where the county can't own the property in  
25 this land swap deal, is is that the citizens

1 group may well file suit and intervene in this  
2 and try and stop it anyway. So there's a lot  
3 of different hands in that situation.

4 COMMISSIONER SCHACHTER: They hired a  
5 third party to do a third assessment.

6 CHAIRPERSON GUALTIERI: Right.

7 COMMISSIONER SCHACHTER: That third  
8 assessment said that West Lake was the best  
9 place.

10 CHAIRPERSON GUALTIERI: Correct.

11 COMMISSIONER SCHACHTER: I was just, you  
12 know, curious.

13 CHAIRPERSON GUALTIERI: Yep. Nothing's  
14 changed from that --

15 COMMISSIONER SCHACHTER: Yeah.

16 CHAIRPERSON GUALTIERI: -- that's what the  
17 third consultant recommended. So ...

18 As of the issue with regional  
19 communications, I've talked with Chief Tony  
20 Rosa from the Sunrise Police Department who is  
21 the -- or captain, ORT representative and he  
22 said that things are moving in the right  
23 direction. Tracy Jackson continues to attend  
24 meetings, the dialogue is open, and from the  
25 police chief's view, things are much better

1       today than they were before and continue to  
2       move in a positive direction. And I talked to,  
3       again, county administrator to Bertha Henry and  
4       she shares the same view. So it seems like the  
5       ORCAT 911 (phonetic) issues are working our way  
6       to resolution of the problems, but the most  
7       encouraging outcome is, is that everybody's at  
8       the table are talking, and that they're  
9       engaging and that Mr. Jackson's attending the  
10      meetings, and that the both sides are  
11      optimistic about being able to resolve the  
12      differences and get this to where needs to be.  
13      So that's a good sign.

14           To follow up from Sheriff Tony's testimony  
15      at our last meeting on the Broward County  
16      Sheriff's Office threat assessment process and  
17      its Real Time Crime Center, I had an  
18      opportunity to tour the Broward Sheriff's  
19      Office Real Time Crime Center, received a  
20      briefing on this operation by BSO staff. The  
21      Broward Sheriff's Office has made tremendous  
22      progress in recent months on building out and  
23      staffing its Real Time Crime Center and its  
24      Threat Management Division.

25           As we know, there are three components to

1       addressing threats: threat identification,  
2       threat analysis and threat management. Most  
3       agencies are doing a decent job of the first  
4       two, but there is much room for improvement as  
5       to threat management. The Broward County  
6       Sheriff's Office has taken a leadership role  
7       that was lacking in Broward County and has  
8       dedicated six detectives to a threat management  
9       team. They are proactively, as opposed to  
10      purely reactively, managing individuals who  
11      pose a threat in Broward County, not only in  
12      the schools but across the county. One key and  
13      vital improvement is that the Real Time Crime  
14      Center has live real time access to every  
15      camera in every public school in Broward  
16      County, and from the Real Time Crime Center  
17      deputies have direct radio communications with  
18      officers and deputies in the schools throughout  
19      Broward County.

20             If this had been the case on February 14th  
21      at Stoneman Douglas, there would not have been  
22      the inordinate delay in knowing that Cruz had  
23      been gone from the school for over 20 minutes  
24      before law enforcement realized he was gone,  
25      and there would not have been a one-hour delay



1 in medical attention reaching the third floor  
2 victims. In sum, the Broward County Sheriff's  
3 Office Real Time Crime Center and the  
4 management division is still a work in  
5 progress, but they've made tremendous  
6 improvements in recent months, and Sheriff Tony  
7 has a concrete plan for moving that forward.  
8 So really significant changes and improvement  
9 in threat management just over the last few  
10 months within BSO and as they move to stand up  
11 that Real Time Crime Center.

12 On that, anybody have any questions on  
13 that?

14 SHERIFF ASHLEY: Sheriff, if I could just  
15 go back to the previous. Did we ever  
16 determine, or has the state, or the school  
17 district determine who's responsible for paying  
18 charter school expense SSO and guardians.

19 CHAIRPERSON GUALTIERI: So who's  
20 responsible for paying the cost of the  
21 school --

22 SHERIFF ASHLEY: It's a shared expense  
23 elsewhere.

24 CHAIRPERSON GUALTIERI: Well, right. So  
25 the responsibility is the charters, but the

1       charters receive a portion of the district's  
2       Safe School allocation. So the dollars --  
3       there's a Safe School allocation that goes from  
4       the state to the districts. The districts then  
5       parse out a portion of that to the charters.  
6       The charters can use that Safe School  
7       allocation money for safe school initiatives  
8       including that of funding the charters.

9               Now, in some districts, though -- like  
10      Palm Beach is an example of that and Miami Dade  
11      is another example of that, not because it's  
12      required but because they decided if a school  
13      district is providing funding for the Safe  
14      School officers, whether it's a security guard  
15      or whether it is a guardian in those charters.  
16      So in some districts the school district is  
17      providing supplemental funding that would be  
18      above and beyond the Safe School allocation and  
19      some they're providing the Safe School  
20      allocation and it's up to the charter to pay  
21      for the cost of SSO compliance whether it be a  
22      police officer, a deputy a collateral duty  
23      guardian, a dedicated guardian, or a security  
24      guard guardian. Those are the five options.

25             SHERIFF ASHLEY: So other than the Safe

1 School funding provided by the legislature --  
2 by the state, there's nothing really that  
3 mandates how that funding is shared or that  
4 cost is shared?

5 CHAIRPERSON GUALTIERI: No.

6 Unless there's anybody else that wants to  
7 add anything? Mr. Oliva, you want to add? I  
8 think that's the state of it. So ...

9 CHANCELLOR OLIVA: That's correct.

10 CHAIRPERSON GUALTIERI: Okay. All right.  
11 So the focus here again will be primarily on  
12 finalizing our next report, but before we get  
13 into that, I do want to make some comments and  
14 play a video, and we have some testimony from  
15 Major Crews from the Baker County sheriff's  
16 Office on a recent incident that occurred up  
17 there. We know that we made significant  
18 progress in improving school safety during the  
19 20 months since the MSD shooting, and if there  
20 is any question about that, just think back to  
21 the last meeting and from that PowerPoint  
22 presentation where we summarized all the  
23 changes that have occurred and updated their  
24 status, and a lot of them are complete and a  
25 lot are in progress or near completion.

1           Some of these changes, as we know, they've  
2           been hard. Some of the process has been  
3           painful, but we have persevered and the kids of  
4           Florida are in a safer place today than they  
5           were in February of 2018. These changes are  
6           hard for a number of reasons, not the least of  
7           which is, is that there has to be permanent and  
8           sustained change. This is not - I stress that,  
9           this is not a one and done, and then we go back  
10          to the way it was. That means there has to be a  
11          change in the culture, and when we started out  
12          meeting a lot of resistance, the culture is  
13          changing and continues to evolve.

14          I think those who resisted the change have  
15          finally realized that we are not going away and  
16          that we are going to continue this effort, but  
17          with all of that said, there's still much work  
18          to be done and many improvements to be made.  
19          And don't forget, it was only 60 days ago that  
20          school started in Florida and some schools were  
21          still not compliant with laws enacted 18 months  
22          ago, and we had to literally raise cane to gain  
23          compliance. The reason for noncompliance is  
24          either defiance, apathy or both, and neither is  
25          acceptable. A couple of recent incidents

1 exemplify the progress we have made and at the  
2 same time the work that has yet to be done.

3 The first incident occurred in Volusia  
4 County about a week ago where a person was able  
5 to access a campus despite being seen by school  
6 personnel and enter a classroom. And I'll let  
7 the news report of that incident speak for  
8 itself.

9 Harold, if you would go ahead and play  
10 that.

11 (Video played.)

12 JOURNALIST: To use that according to law  
13 enforcement or even pull it out, but they along  
14 with the school district officials say it was a  
15 clear lapse in security."

16 SHERIFF CHITWOOD: He could have had a  
17 gun, he could have had a grenade. He could  
18 have had anything.

19 JOURNALIST: Even Sheriff Mike Chitwood  
20 said he was shocked at the security breach.  
21 Fifty-one-year-old Derek Marlowe walked into  
22 school Friday morning, got into a classroom in  
23 session, sat at an empty desk.

24 SHERIFF CHITWOOD: After all that we've  
25 gone through, all the training, the guardians,

1 technology, it just goes to show you it's only  
2 as good as the people we put in place to follow  
3 our procedures.

4 JOURNALIST: According to the report, the  
5 suspect rode his bike onto campus through the  
6 bus and faculty entrance, proceeded past a  
7 campus adviser who saw him and called another  
8 adviser about it on his cell phone, but never  
9 notified school staff via school radio of the  
10 suspicious person, and never notified anyone of  
11 a code red incident.

12 UNIDENTIFIED SPEAKER: We had a  
13 disoriented person come onto our campus who had  
14 no business at the school.

15 JOURNALIST: The school did call Creek  
16 families with this recorded message home and in  
17 a statement the school district wrote in part  
18 "Security protocols were not followed. Among  
19 them, locked classrooms." According to the  
20 report, "After a student used the bathroom, the  
21 door to the classroom was left open."

22 PRINCIPAL SPARGER: Nobody feels good  
23 about it.

24 JOURNALIST: We spoke briefly with Spruce  
25 Creek High Principal Dr. Todd Sparger about the

1 breach. He couldn't explain why the on campus  
2 school resource deputy was not immediately  
3 notified. But Sheriff Chitwood says all  
4 involved have to take responsibility.

5 SHERIFF CHITWOOD: What can we do better,  
6 and then we're going to implore the school  
7 board that they need to do better."

8 JOURNALIST: And we'll be hearing about  
9 that tomorrow. We had been asking the  
10 district, school district superintendent to  
11 speak with us. He's agreed to sit down with us  
12 tomorrow. We've also asked for surveillance  
13 video of the breach on campus. We'll see if  
14 that's released as well. Again, a lot of  
15 concern about the fact that someone got on  
16 campus who had no business being there.  
17 Fortunately, nothing untoward happened  
18 involving the young people.

19 We're live in Port Orange Volusia. Claire  
20 Metz, WESH 2 News.

21 (End of video.)

22 CHAIRPERSON GUALTIERI: So, again, just  
23 shows that we've made progress, but still work  
24 to be done. The next incident that I hear  
25 about recently occurred in Baker County. I've

1 had several discussions with the Baker County  
2 School Superintendent, Dr. Sherrie Raulerson  
3 about this incident. Baker County has been one  
4 of the districts that has stepped up and  
5 stepped up early on, and really made  
6 significant improvements quickly, but this  
7 recent situation shows that even when the  
8 school district gets it right, there are other  
9 stakeholders at play in this process.

10 Dr. Raulerson originally asked to present  
11 herself here this morning to the commission on  
12 this matter, but because of some internal,  
13 legal concerns she's asked Major Randy Crews  
14 from the Baker County Sheriff's Office to speak  
15 about this matter, and I'll ask Major Crews to  
16 come up now and present to you all on this.

17 We're going to pass out to the commission  
18 members, Major Crews has a handout here for  
19 you. This handout though is confidential. It  
20 has confidential material in it that is not yet  
21 out in the public in a public record concerning  
22 the writings of the student, and they are  
23 towards the back of this handout. So he'll  
24 speak to this, but my understanding is, is that  
25 they will probably release some of this



1 information in the near future, but until it's  
2 released, it is not a public record so they're  
3 asking that you all keep this confidential and  
4 that it not be released beyond the commission  
5 members.

6 Major Crews, thanks for being here.

7 MAJOR CREWS: Thank you, Sheriff.

8 First thing I'd like to say is I  
9 appreciate you all allowing us to come in and  
10 present this specific case because it's  
11 important, not just for Baker County, but  
12 ramifications that may become throughout the  
13 state. I'd like to say I'm glad to be here on  
14 behalf of Sheriff Scotty Rhoden and  
15 Superintendent Raulerson.

16 As the sheriff mentioned, early on, as  
17 soon as the incident in Parkland occurred the  
18 Sheriff and Miss Raulerson were immediately  
19 joined at the hip to start taking action up in  
20 Baker County to make sure that we could do  
21 better ourselves as far as it relates to  
22 protecting our kids.

23 A little bit about Baker County for those  
24 of you who don't know where we're located,  
25 we're up on the north end. We border Georgia.

1 We're about 25 minutes west of Jacksonville.  
2 We have a population of about 28,000. We're a  
3 small district, a small county, small rural  
4 area. Have six schools, one high school, one  
5 middle school, one intermediate school, two  
6 elementary schools, a pre-K and a kindergarten  
7 center, and a population of 12,000 students  
8 just there about. The -- I'd also like to take  
9 just a second to thank you for the work you've  
10 done. It's made a difference and we appreciate  
11 it, and -- and some of those recommendations  
12 we've implemented ourselves.

13 Real briefly, I want to talk about a  
14 positive and how this -- what we've done,  
15 because when prior to the incident in Parkland,  
16 we had two resource officers in our district;  
17 one at the high school, one at the middle  
18 school. That's it. Okay? That was where we  
19 were at at that time, and I can honestly stand  
20 up here and say that not from the work that  
21 you've done and the things you've done, things  
22 may have not have changed and gotten better.  
23 But from that, we immediately, prior to the law  
24 being passed this year, Ms. Sherrie Raulerson  
25 immediately agreed that we were going to extend

1 the school resource officers to all schools  
2 prior to any action taken by the legislature.  
3 And we immediately went into training all of  
4 our law enforcement officers, the school staff  
5 with Options based training. We implemented to  
6 see something, say something and hammered that  
7 to our staff and to students. We set up two  
8 hotlines. You got the Fortify Florida hotline.  
9 We set up a tip line that is monitored locally  
10 24 hours a day, seven days a week by our  
11 dispatch center, our sheriff's office dispatch  
12 center. So that gets local and its quick, and  
13 and I get notified immediately for any call  
14 that comes in to that.

15 We've completed active shooter drills at  
16 every single school. We also involved all of  
17 our county first responders and the local  
18 hospital in those drills. So it wasn't just  
19 the sheriff's office doing separate drills, the  
20 school doing separate drills, EMS doing  
21 separate drills. We all came together and and  
22 done them as a group at every single school.  
23 Some of the things that's done, we went to  
24 single points of entry added cameras, panic  
25 buttons, alert apps for school staff. And we

1 did all of that within the first year. All of  
2 that within the first year.

3 Our county commission also stepped up and  
4 ponied up about \$250,000 to assist in the  
5 startup for that. And we appreciated that as  
6 well. This year we extended our security to  
7 guardians, and we now have guardians in the  
8 school and we're gonna do a second class on  
9 that. So those are the positive things that  
10 we've done moving forward, and we've taken the  
11 things that this commission has done and  
12 recommended very seriously.

13 What I want to bring to your attention  
14 today is an incident that happened recently and  
15 I'll kind of -- you have a copy of the report.  
16 You also have a copy of the manifesto/plans for  
17 a school shooting incident, but I'm going to  
18 highlight the whole process moving through the  
19 court system.

20 A 15-year-old student showed another  
21 student the contents of his composition  
22 notebook. That student informed the teacher of  
23 its contents and said he was concerned. The  
24 teacher went to the student and retrieved the  
25 notebook and reviewed its contents, and noticed

1       that the book contained written plans and ideas  
2       for perpetrating a mass school shooting. So  
3       what I'm going to do here to get some of those  
4       on the record, you've got the whole document,  
5       but I want to highlight just a few of those and  
6       point them out. So I'm just going to read some  
7       of those from -- this is a six-page document.  
8       And I'm just going to read some of the notes  
9       that this student placed for his plans.

10               "Either take it on a regular important day  
11       or take it on a day where fundamentally  
12       everyone is at one location or spot."

13               CHAIRPERSON GUALTIERI: I'm just going to  
14       interrupt you for a second.

15               For those who don't have it and see it, I  
16       think it's important just for context, is the  
17       top of this document is what is labeled as Plan  
18       Number One School Shooting Plan for Baker  
19       County High School, correct? That's how it's  
20       labeled?

21               MAJOR CREWS: Yes, sir.

22               CHAIRPERSON GUALTIERI: So the things  
23       you're reading from now are what he has written  
24       in his composition notebook as to how he's  
25       going to effect his plan for his school

1 shooting at Baker County High School; is that  
2 right?

3 MAJOR CREWS: Yes, sir.

4 CHAIRPERSON GUALTIERI: Okay. All right.  
5 Yes, sir. Go ahead.

6 MAJOR CREWS: Yeah, and it's noted Plan  
7 One at the top, yes.

8 "Kill the first responders first, i.e.,  
9 officers, gatekeepers or the principals. Have  
10 to kill the staff after the first responders.  
11 Need to lock down most of the escapes or have  
12 people to ambush the exits. Need a school map."

13 And the second page is a continuation of  
14 Plan 1, and then he's got off to the side  
15 location/day. Down there he's -- it's like  
16 he's talking to himself as if he's in thought  
17 which was interesting to me because he's  
18 thinking to himself "Where the question mark,  
19 where the question mark. Somewhere that I have  
20 the most of the students."

21 Plan Number 2, he's got off to the side  
22 "A.k.a. ridiculous plan." I'll read one off of  
23 that where he says, "We can assassinate  
24 important people not at the school. You  
25 somehow kill them outside of the school so

1       they'll probably not have any reinforcements."

2               Page 3 is Plan 1 Essentials, and I'll read  
3       about 3 or 4 of those. "Four-man group at  
4       least, the more the better. The men in the  
5       group has to be 100 percent down that they  
6       might die that day. Any type of hesitation,  
7       you don't take them in. Handguns, or knives or  
8       smart firearms is noted that's the type of  
9       weapons you'd like to use. Need someone to get  
10      said handguns or kill an officer at the school  
11      with the knife. The intake is" -- now in  
12      parentheses he says, "still not enough."

13              Down at the bottom of that page he has  
14      "Kill in order." In order of how he wants to  
15      to kill individuals. The camera guy, staff or  
16      officer, gate personnel, kill students."

17              And then I'll switch over to the next to  
18      the last page of that. He's got My Plan.  
19      "A.k.a. suicide route, risky route, most bodies  
20      route."

21              Actual Plan Number One, and I'll just read  
22      two from there. "When lunch comes around, if  
23      the lunch ladies are dead, then we need to get  
24      as much people in the area, then we shoot."

25      Down from that he's got "Most likely there will

1 be chaos. You will kill as much as you can  
2 before the other students or teachers notice."

3 And in the last page I'll just read a  
4 couple off of it. "Slow and risky route" he's  
5 got. Again, he's got Plan Number 1 at the top.  
6 "Kill the officers and get the gatekeeper.  
7 Then you go in one by one. The best route from  
8 the police department is nine minutes away. We  
9 have at least nine minutes to do this if police  
10 are called."

11 And that's important as it relates to the  
12 fact that he researched the time it would take  
13 for him law enforcement to get from this  
14 sheriff's office to the school. So those are  
15 some of the -- just some of the high points  
16 that I wanted to point out to you related to  
17 what's in his notes. After these notes were  
18 discovered, of course our detectives went and  
19 initiated an investigation. And I want to  
20 cover some of the things in the interview that  
21 this juvenile stated.

22 First he admitted to the writings. He  
23 also began these writings the previous school  
24 year. So not this school year, the previous  
25 school year, and has continued to add to those,



1 to this document throughout time. His last  
2 entry was the day of his arrest. The last  
3 entry to his plan was the day of his arrest.

4 CHAIRPERSON GUALTIERI: Which was when,  
5 Major? When was he arrested?

6 MAJOR CREWS: The day -- September the  
7 9th.

8 CHAIRPERSON GUALTIERI: Okay.

9 MAJOR CREWS: He states he has a dark  
10 sense of humor. States this is not the worst  
11 thing someone could do. When asked for an  
12 example, he stated it was better than shooting  
13 up an orphanage. He exhibited bizarre behavior  
14 during his interview, talking to himself,  
15 disguising his voice as if he was his mother.  
16 Detectives learned other students had seen the  
17 book, and based on -- and this is not provable,  
18 this is maybe something that we're thinking  
19 because of the time frame, getting to that  
20 point where bringing other people in. Maybe he  
21 was trying to gauge interest through other  
22 individuals to see if they would be interested  
23 in joining his plan. Because you see he gets  
24 to weave (phonetic) in trying to get people  
25 involved with them. We got to it early so we

1 don't know if that was -- where that was  
2 actually going. That's a possibility in what  
3 we're looking at. He was arrested during the  
4 booking process. Made some statements which  
5 required him to be Baker Acted and then after  
6 several days he was transferred to DJJ,  
7 Department of Juvenile Justice.

8 So the case on October 10th, last week,  
9 goes to trial. It's a bench trial. It's not a  
10 jury trial. So the judge is preceding over the  
11 whole case. The defense early, prior to  
12 starting Asked that the judge dismissed the  
13 case based on the law being unconstitutional.  
14 The judge made statements to the fact that a  
15 prosecutor -- that the prosecutor could not  
16 prove that the document was transmitted.

17 Okay? The document was -- so what I do,  
18 is if you look at the last page, I think some  
19 of you have already flipped through it. The  
20 law was actually in there. You can kind of see  
21 it for yourself, and I think this is one of the  
22 things that you folks worked on as that law to  
23 say does it have to be transmitted, and it does  
24 say, "Make. Make the document, post the  
25 document or transmit the document." It doesn't

1 say "and." That's the law we charged on, and  
2 everyone of us believe we made the right charge  
3 and we've done what we were supposed to do.

4 Prior to the first witness being called,  
5 the judge had made a statement to the  
6 prosecutor that they didn't feel like that they  
7 had made their case, and that a witness hadn't  
8 been called to the stand at this point. The  
9 judge was provided law, and there was  
10 conflict -- conversation between the state and  
11 the judge as it related to the interpretation  
12 of the law to indicate that the law did not  
13 require it be transmitted, just the fact of  
14 making it was against the law. But I also  
15 would point you to the fact that we would not  
16 have gotten it if it wasn't transmitted.  
17 Right? If they hadn't showed it to the other  
18 student, we would not know about it. So  
19 there's -- there is -- to me, I think  
20 transmission was proved as well. Right?

21 So the judge was also provided with some  
22 case law. The judge had then stated to the  
23 prosecution that you couldn't prove that these  
24 individuals in here, principals, there are two  
25 individuals that are named. I won't name them

1 here, but there are two individuals that were  
2 name, but then most people are named by school  
3 resource officer, principal, assistant  
4 principal, gatekeeper. So you know who those  
5 folks are. Right?

6 So she would not allow their testimony to  
7 say that that once they become aware that they  
8 were listed or pointed out in a threat, that  
9 they would feel threatened. The defense  
10 objected to having them testify to that and she  
11 agreed. The prosecutor did make a move to ask  
12 for proper rules to get the people to get on  
13 the stand, the witnesses, and get that  
14 information in as part of court record, which  
15 that did happen. And they all did get up and  
16 testify that they did feel threatened about  
17 what was in the document.

18 Prosecution pled with the judge about the  
19 case law, about the case, about the  
20 interpretation of the law. And quite frankly,  
21 the judge just disagreed and dismissed the  
22 case. So this is a point where everything was  
23 done the way it should have been done from the  
24 start. A kid saw something and said something.  
25 Took it to the teacher, pointed it out. They

1 called law enforcement, got the school resource  
2 officer involved. We investigated it. Got a  
3 recorded interview, an admission, arrested. It  
4 goes to the court process. And I think we all  
5 have been let down by what happened last week  
6 in court.

7 So my thing today in what we want to do in  
8 talking to the sheriff is what we need is,  
9 there's got to be a law that has to be  
10 clarified, and I'm not the lawyer here. It was  
11 clear to me. It was clear to the prosecutor  
12 who prosecuted it. But I want to make you  
13 aware of this situation, and as we move  
14 forward, you're probably going to hear more  
15 about this, but this will affect what happens  
16 down the road if other judges make these  
17 rulings, then we've kind of taken a bunch of  
18 steps backwards instead of moving forward.

19 And I'll take any questions if anybody --

20 CHAIRPERSON GUALTIERI: So he's out on the  
21 street today? He's in the community in Baker  
22 County?

23 MAJOR CREWS: Sir?

24 CHAIRPERSON GUALTIERI: This kid's on the  
25 street in Baker County? He's in the

1 community --

2 MAJOR CREWS: Yes, sir, he's out.

3 CHAIRPERSON GUALTIERI: He's out and  
4 about?

5 MAJOR CREWS: Yes, sir. There were no  
6 other charges. This was it.

7 UNIDENTIFIED SPEAKER: Was he suspended?

8 MAJOR CREWS: Sir?

9 UNIDENTIFIED SPEAKER: From school? Is he  
10 back to school?

11 MAJOR CREWS: No, sir. Not at this point.  
12 The school is going through the disciplinary  
13 process, and so we'll have to see how that  
14 transpires over the next couple of weeks.

15 CHAIRPERSON GUALTIERI: Mr. Schachter, go  
16 good.

17 COMMISSIONER SCHACHTER: Can you tell me  
18 how did he react to this verdict and how did  
19 his family react?

20 MAJOR CREWS: I wasn't in the courtroom.  
21 So I can't really speak to their actions. I do  
22 know from some of the feedback I've gotten from  
23 my officers and from the superintendent of  
24 schools that there were -- there were portions  
25 and times during the playing of the interview

1       that there was laughter from the family as to  
2       his reaction and some of the bizarre behavior.  
3       So that could only tell me about how they may  
4       have reacted after that.

5               COMMISSIONER SCHACHTER:   So he's laughing,  
6       his family's laughing, not taking it seriously.  
7       What about access to weapons?

8               MAJOR CREWS:   There was a weapon in the  
9       house, but it was locked up and he did not have  
10      access.   Okay?   And the people who do have  
11      access are legal folks who could possess a  
12      firearm.   But I will say since you bring that  
13      up, that was one of the other things that was  
14      asked is about the access to that weapon, and  
15      he had tried to gain and request access to that  
16      weapon, but they did deny him access to the  
17      weapon.

18              CHAIRPERSON GUALTIERI:   Anybody else have  
19      any questions for Major Crews?

20              SHERIFF ASHLEY:   Just to make a point,  
21      Sheriff.   That this happens pretty regularly  
22      across the state of Florida.   We make these  
23      charges.   We've had -- in little Okaloosa  
24      County we've had multiple kids taken out of  
25      school with guns, and they're back in school

1 the next week. And it's just -- it's  
2 disheartening. It's discouraging that our  
3 judicial system won't hold these juveniles  
4 accountable. And I've spoken to our local  
5 legislative delegation and asked them when they  
6 go to Tallahassee, you know, we've swung this  
7 pendulum way too far the other way where we  
8 don't hold juveniles accountable anymore. They  
9 can be arrested for felony month after month  
10 after month, and we put them right back in the  
11 same environment where they had no  
12 accountability. And whether that's absent  
13 parents, or guardians or absent any  
14 constructive oversight, we put them right back  
15 in the same environment because, just to be  
16 frank, conservatives think it's too expensive  
17 to incarcerate juveniles, and our liberal  
18 friends think it's discriminatory to  
19 incarcerate juveniles. We've got to start  
20 holding these juveniles accountable, and that's  
21 what I hope this commission will see from the  
22 multitude, and we can have staff look at the  
23 multitude of cases where juveniles are arrested  
24 in school for felonies and not held accountable  
25 to any degree.



1           CHAIRPERSON GUALTIERI: But when you look  
2           at his writings, and they're plain, they speak  
3           for themselves, they're extremely -- I can't  
4           stress that enough -- troubling, very  
5           deliberative, very specific. It's labeled a  
6           plan to shoot up a school; Shooting Plan for  
7           Baker County High School. There's pages and  
8           pages of very specific information. When they  
9           came to me with it, they came to me with the  
10          question, does the statute need to be changed.  
11          I don't see anything in the statute that needs  
12          to be changed. The statute is clear. It says,  
13          and I'm paraphrasing, from 836.10, "Any person  
14          who writes, or composes" -- so writes or  
15          composes -- "and, also, sends or procures the  
16          sending of any letter, inscribed communication,  
17          electronic communication," clearly what this  
18          is, and then it goes on, "or any person who  
19          makes," well that's a making," posts or  
20          transmits a threat," clearly a threat, "in a  
21          writing" it's clearly a writing, "including an  
22          electronic record to conduct a mass shooting"  
23          well, all you've got to do is look at the label  
24          of the document itself, "mass shooting or an  
25          act of terrorism in any manner that would allow

1 another person to view the threat, commits a  
2 felony in the second degree."

3 Well, not only did he do all that and do  
4 it in a manner to allow somebody else to view  
5 it, he showed it to another student. So, you  
6 know, as far as this commission being able to  
7 or appropriately recommending anything to the  
8 legislature as far as the statutory change, I  
9 don't see that it requires any statutory  
10 change. It seems to me that it's very clear on  
11 the surface that the elements of the statute  
12 were met. So this seems to be just a situation  
13 that occurred in one place in one decision by  
14 one court. So I don't know that there's  
15 anything for us to do. That -- I can't suggest  
16 to you that we should make any recommendations.

17 Unless anybody has a different view of  
18 that, I think it's unfortunate and extremely  
19 troubling. And I think we just hope that with  
20 this kid being out on the street that he  
21 doesn't effect this plan.

22 And how old is he about? Fifteen,  
23 sixteen?

24 MAJOR CREWS: He's fifteen.

25 CHAIRPERSON GUALTIERI: Fifteen? Yeah.

1 All right. Anybody else?

2 Yeah, chief Lystad.

3 VICE-CHAIRMAN LYSTAD: Thank you, Mr.  
4 Chair.

5 Major, the state attorney, appealing it to  
6 the District Court of Appeals?

7 MAJOR CREWS: That was what I was going to  
8 say. I wanted to make sure I covered that  
9 before I left here, but the Sheriff, Sheriff  
10 Rhoden, and Superintendent Raulerson have been  
11 in contact with State Attorney Bill Cervone.  
12 We're out of the 8th Circuit, which is the  
13 Gainesville area, and he is weighing his  
14 options and looking at it. It was a not guilty  
15 verdict. So the question of double jeopardy  
16 applying is something they have to look at.  
17 Not optimistic, but, you know, basically  
18 looking at all of our options. That's what the  
19 state attorney's doing, and we appreciate him  
20 doing that. I mean, he agrees with every one of  
21 us that has looked at the law. Excuse me, and  
22 read the law. I agree, it's very, very clear.  
23 All right? I mean, I don't -- I don't  
24 understand how we got to where we are, but this  
25 is something that everybody should be aware of

1       because if it starts to happen in more than one  
2       place where the law is not being applied  
3       properly, then we're going to have a broader  
4       problem.

5               CHAIRPERSON GUALTIERI:   Mr. Petty.

6               COMMISSIONER PETTY:   Two questions or two  
7       thoughts.   I mean, I think as I read through  
8       the report and listened to your testimony, I  
9       think certainly any reasonable person would  
10      find that there was a potential threat and a  
11      violation of the law here.   Unfortunately, ita  
12      appears this judge falls outside that scope of  
13      reasonableness.   I hope he or she can live with  
14      themselves if in the unfortunate event of a  
15      tragedy, hopefully they can live with their  
16      decision.   I will say I agree with the chair. I  
17      don't know that there's anything to do here. I  
18      think a reasonable person would look at this  
19      and find a violation of the law.   It's beyond  
20      me how you could come to any other conclusion.

21              As for the -- as for the youth, reading  
22      through the report there's clearly some signs  
23      of mental illness here.   Is there anything  
24      being done?   Any services being provided?  
25      Anything that you're doing either as a county,

1 or a school district, or whatever entity? Is  
2 somebody looking at this young man and trying  
3 to get him some help?

4 MAJOR CREWS: Well, I think under the  
5 circumstances now is it's going to have to be  
6 voluntary. We did take action and do the Baker  
7 Act. I think there was some extensive review  
8 related to that, but I don't know what the  
9 follow up's going to be on that, and I don't  
10 know how it's going to be mandatory or  
11 something that's made by either us, or the  
12 district, or even for that matter followed up  
13 on or made sure it's getting done. But I agree  
14 with you.

15 CHAIRPERSON GUALTIERI: And you'll see  
16 when we get to Chapter 12, either later today  
17 or tomorrow on mental health, there won't be.

18 COMMISSIONER PETTY: I guess if there was  
19 any -- if there's anyone that still doubts  
20 whether or not the guardian program was a good  
21 idea and that last line of defense, I think  
22 here's your -- here's your case.

23 CHAIRPERSON GUALTIERI: Let's say, I want  
24 to throw this out here now, I'm going want to  
25 tell you about a situation you mentioned

1       briefly in your report, and then I'm going to  
2       talk a lot more about it when We get to Chapter  
3       12. And the reason why I say that is, is that  
4       there was a kid, 14 years old, in Pinellas  
5       County that we uncovered just in the last  
6       couple of weeks as a result of a pile it on  
7       behavioral threat assessments. This  
8       14-year-old, now hear me on this, 14 years old,  
9       is that -- excuse me. 14 years old, and he has  
10      been Baker Acted 35 times. The system's  
11      broken. The mental health system does not work,  
12      and it's not an anomaly. So to think that with  
13      a kid like this, that the mental health system  
14      we have in Florida today and the Baker Act  
15      system in particular is going to do anything  
16      effective with this, it's not.

17               UNIDENTIFIED SPEAKER: That's right.

18               Anybody? Commissioner Larkin-Skinner, go  
19      ahead.

20               COMMISSIONER LARKIN-SKINNER: I was just  
21      wondering if you were able to get a risk  
22      protection order for this kid.

23               MAJOR CREWS: A risk protection order. I  
24      don't know that it was a case where we needed  
25      to do a risk protection order this time,

1 because there was no way that -- he didn't have  
2 access to firearms.

3 COMMISSIONER LARKIN-SKINNER: For now.

4 MAJOR CREWS: Yeah.

5 COMMISSIONER LARKIN-SKINNER: Yeah. Okay.  
6 I just read an article recently actually when  
7 Sheriff Judd was here about the number of risk  
8 protection orders being filed for minors, and  
9 there's an assumption that I think because they  
10 can't buy them because of the laws in the state  
11 of Florida now until they're 21, that they  
12 won't get their hands on them somehow. I  
13 don't -- I don't even have an answer for this  
14 Now, I'm just babbling, but I thought I would  
15 ask to -- because one of my questions would be  
16 are we having any issues getting risk  
17 protection orders similar to this law obviously  
18 not being interpreted correctly?

19 MAJOR CREWS: The only thing I would point  
20 out is that that would go before the same  
21 judge.

22 CHAIRPERSON GUALTIERI: Mr. Schachter, go  
23 ahead. (Inaudible).

24 COMMISSIONER SCHACHTER: Is there any way  
25 that the commission can send a letter? You

1 know, I feel we need to send a message to the  
2 judiciary that, You know, this is unacceptable.  
3 You know, this school district did everything  
4 they were supposed to prevent the next  
5 Parkland, and this judge is working against  
6 them.

7 CHAIRPERSON GUALTIERI: You know, I think  
8 that's really appropriately handled by the  
9 state attorney, and, you know, the oversight of  
10 trial court is by the appellate courts. If,  
11 you know, there's a basis for the appeal, that  
12 should really be handled by the state attorney  
13 in my view. I don't think -- you know, the  
14 judge had a reason for making her decision, and  
15 it is what it is, but it's really something  
16 that should be handled by the appellate --

17 COMMISSIONER SCHACHTER: I mean can't -- I  
18 would make a motion -- I make a motion to --  
19 that the commission should write a letter  
20 emphasizing the importance that if you've got  
21 all this evidence that releasing this person  
22 into society, knowing how violent, knowing how  
23 they want to kill all these people, and it's  
24 irresponsible putting the community at risk.

25 CHAIRPERSON GUALTIERI: Commissioner



1 Bartlett, go ahead.

2 CHIEF ASSISTANT BARTLETT: In this  
3 situation you can't try to influence a judge to  
4 make sure they have a finding of guilt in this  
5 type of case. Clearly, the judge for whatever  
6 reason interpreted the law differently. I'm  
7 not sure how or why that was done that way, but  
8 that was the judge's ruling. So for us to  
9 intervene and chastise a judge for his or her  
10 conduct, I don't think is an appropriate  
11 function of this commission. However, I do  
12 suggest that the residents of Baker County on  
13 the next election cycle may want to find a more  
14 competent judge in interpreting the law, and  
15 perhaps replace this particular person who made  
16 this decision. But that's up to the community.  
17 But I'm not quite sure, based on the law, how  
18 she arrived at the decision she did, but she  
19 did and she's the judge. So I don't think we  
20 should go intervening by writing letters. I  
21 just don't think it's appropriate.

22 CHAIRPERSON GUALTIERI: Sheriff Ashley, go  
23 ahead and then Commissioner Carroll.

24 SHERIFF ASHLEY: Where -- did the court  
25 review the mental health status of this

1 juvenile to make any recommendations on  
2 treatment, or counseling, or order anything of  
3 that nature?

4 MAJOR CREWS: Not to my knowledge.

5 CHAIRPERSON GUALTIERI: Commissioner  
6 Carroll, go ahead.

7 COMMISSIONER CARROLL: A question and then  
8 a comment on this second degree felony, what  
9 penalty would this kid be facing?

10 CHAIRPERSON GUALTIERI: Well, technically  
11 a second-degree felony is 15 years, but, I  
12 mean, with a juvenile and -- it is a secondary  
13 felony. The statutory maximum is 15 years.

14 COMMISSIONER CARROLL: And the school  
15 system still has a right based on the evidence  
16 in here I would think to expel this kid,  
17 correct? If I was Baker County schools, why  
18 would I ever take this kid back?

19 UNIDENTIFIED SPEAKER: Right.

20 MAJOR CREWS: All I can say on that is --  
21 because I can't comment for what the school is  
22 going to do. I do know they're coming for that  
23 disciplinary hearing in a couple of weeks, and  
24 I think that is what their target is, is to try  
25 to get that done. But we'll have finality on

1       that within the next couple of weeks as to how  
2       that's going to turn out. But I think that  
3       that's going to be the ask.

4               COMMISSIONER CARROLL: And then a comment  
5       in reference to what Sheriff Gualtieri said and  
6       also what Sheriff Judd said -- not Sheriff  
7       Judd, I'm sorry. With regard to holding folks  
8       accountable on Baker Acts, I think we've --  
9       particularly with juveniles, and I think it was  
10      done with all of the best intent because we  
11      wanted to decriminalize mental health issues,  
12      we've crossed a line. And in some cases where  
13      you see much reduced arrests in schools, you  
14      see a much elevated level of Baker Acts in  
15      schools. And so we're simply holding kids less  
16      and less accountable, dealing with them through  
17      a civil voluntary process that's not engaging  
18      families and kids in that process with any  
19      teeth. And so -- and so I would submit to you  
20      it's not working. We have kids in multiple  
21      systems, whether it's school systems, child  
22      welfare system or others, that are held -- that  
23      are not held accountable, and because of that  
24      you see them cycling through Baker Act after  
25      Baker Act, which is a tremendous waste of

1 resources. And in the end there's no  
2 accountability. So that has to be looked at.  
3 We've got to find a better balance to holding  
4 the line and not criminalizing mental health  
5 behavior, but also holding our young folks  
6 accountable for some level of behavior.

7 CHAIRPERSON GUALTIERI: Let's have a --  
8 and we'll have more of a robust discussion  
9 about that when we get to Chapter 12 I think.  
10 And you're right, and there's been a big push  
11 to recognize behaviors as being mental health  
12 related or other causes. And we know arrests  
13 are down, but when arrests are down and the  
14 other consequences are up, but they're really  
15 not consequences, and all they are is squeezing  
16 the balloon and a revolving door to no place,  
17 then we're actually doing worse than we were  
18 before. You know, given the appearance that,  
19 oh, my God, things are great because our  
20 arrests are down, when actually, they're worst  
21 when you have kids that are Baker Acted 35  
22 times and arrested 14 times, and nobody owns  
23 it. So we'll get into that here when we get  
24 into Chapter 12, but I think you're spot on  
25 with what you're saying.

1 Anybody else have anything for Major  
2 Crews?

3 Yeah, Commissioner Dodd.

4 COMMISSIONER DODD: Commissioner Carroll  
5 and, you know, the school district I'm sure is  
6 going to look at the maximum penalty I would  
7 think, which would be expulsion for the  
8 remainder of the school year and up to one more  
9 school year. With that in mind, you know,  
10 there'll be decisions when that time period is  
11 up if the board so chooses to go that route,  
12 you know, that child will be back in the  
13 schools and there will be a decision there as  
14 far as if there's an alternative setting, or if  
15 there's an individual education plan -- I mean,  
16 a teacher assigned, which, you know, would be  
17 an expense to the district, but that's what the  
18 law is in Florida as far as expulsion goes.

19 CHAIRPERSON GUALTIERI: Did the media  
20 cover this at all up in northeast Florida?

21 MAJOR CREWS: Yes, sir.

22 CHAIRPERSON GUALTIERI: Okay. Maybe  
23 they'll take another look at it, and like  
24 Commissioner Bartlett said maybe let the  
25 citizens of the 8th Circuit know about this.

1 All right. Thank you, Major. Appreciate  
2 you being here.

3 MAJOR CREWS: I appreciate y'all's time.

4 CHAIRPERSON GUALTIERI: Yeah.

5 So as we talk about the report here, we  
6 start moving into our review of the report,  
7 there's been a lot of work over the last month  
8 really to prepare this draft that you have and  
9 you received it last week. As you know, it's  
10 13 chapters, plus the introductions and the  
11 appendices. And my point is, is that we use  
12 the same format that we did in our December  
13 2018 meeting when we reviewed the initial  
14 report.

15 So my thought is that we'll introduce each  
16 section, ask if commissioners have any  
17 revisions to the factual sections, because you  
18 all have had the report to read for a week, I'm  
19 not going to go through the fact sections  
20 unless someone has an item that we need to  
21 address based on your review of the draft. So  
22 we'll go through that with anything you want to  
23 pull out and have discussions about it. Each  
24 fact session is followed by the findings, and  
25 then there's a recommendation section at the

1 end of each chapter. We'll go through the  
2 findings and recommendations one by one, and  
3 ensure we have commission approval on each.  
4 Then at the end of each chapter I'll ask if  
5 anyone has any additional findings or  
6 recommendations that are not contained in the  
7 draft report.

8 As to the report, I just ask you to  
9 remember that it is a draft. It will be  
10 submitted to an editor after you approve it.  
11 So grammar, punctuation, word consistency,  
12 typos, et cetera will be dealt with at that  
13 stage in the process. I also ask that we try  
14 to avoid wordsmithing the findings and  
15 recommendations as much as possible, and we  
16 focus on the substance.

17 The proposed timeline as we move forward  
18 for the submission of the report is that we  
19 meet today. I just doubt we'll get through  
20 this today, but hopefully we can get through it  
21 before the end of the day tomorrow. We'll see  
22 how -- what kind of progress we're making  
23 today, but maybe we can get through this by  
24 midday tomorrow. I just don't see us concluding  
25 this today, but you never know.

1           So, anyway, we'll get finished here, we're  
2 going to work between Thursday and Sunday to  
3 incorporate the changes and make further  
4 modifications to the report. The plan is to  
5 submit it to the editor next Monday, October  
6 20th. Assuming that the editor is able to  
7 complete his work by October 23rd, next  
8 Wednesday, is that the final version edited  
9 with all of the appendices will be sent out to  
10 you all next Wednesday, October 23rd. You'll  
11 then have from Wednesday, October 23rd until  
12 Tuesday, October 29th to review the report.  
13 We'll convene a meeting by conference call on  
14 October 29th, similar to what we did last  
15 December, to vote on approval of the report.

16           Assuming that it is approved, it will be  
17 submitted for printing and delivered to the  
18 governor, and the senate president and the  
19 speaker of the House on Friday November 1st,  
20 2019. Of course, that entire timeline is fluid  
21 and subject to change depending upon all the  
22 variables in the process, but that's the  
23 thought as we move forward.

24           So why don't we do this, I think it's  
25 probably just a good place before we get into



1 the PowerPoint with -- so we're going to do the  
2 same thing, like I said, we'll go through each  
3 section. I'll ask if you have anything that  
4 you want to raise, pull out as far as in the  
5 narrative section, any revisions or changes.  
6 If there are, we'll address them, and then  
7 we'll go to each section of the report and  
8 we'll go through. It will be up there on a  
9 PowerPoint every single finding and then every  
10 single recommendation. We'll go through those,  
11 and then we'll take additions. But it's  
12 probably a good place take a quick break and  
13 then we'll come back and we will begin with  
14 that process.

15 So let's just take 10 minutes and we'll  
16 reconvene at about 10:10.

17 (A recess was taken.)

18 CHAIRPERSON GUALTIERI: All right. We'll  
19 go ahead and get started again. Just for the  
20 record, the reason why Sheriff Judd's not here,  
21 apparently they had a double homicide on a SWAT  
22 call last night in Polk County. He's been out  
23 all night on that. So that's why he's not here  
24 this morning. I don't think he'll be here  
25 today, but he should be here tomorrow, assuming

1 we are not finished by then. So that's the  
2 reason why he's not here this morning.

3 So if you look at -- I'm going to go  
4 through the whole report. Again, put it up on  
5 the PowerPoint. The findings and  
6 recommendations as we begin on those sections,  
7 but just to begin with it, and I'm just going  
8 to go section by section.

9 So in the draft report does anybody have  
10 any suggested revisions to what is in there as  
11 the commission background and scope, which  
12 would be Page 3. Beginning on Page 3 up to  
13 Page 5 which is where Chapter 1 begins. So  
14 Pages 3 and 4 of the report, commission  
15 background scope. Does anybody have Anything  
16 you want to change in that or see any concerns  
17 with that substantively.

18 All right, seeing none.

19 So then we'll move on then to Chapter 1,  
20 which is the investigative update. A lot of  
21 that, which is in here, I already covered this  
22 morning for you. I gave you the most recent  
23 updates. There are some things in here that  
24 will need to be updated further from what I've  
25 learned in the last couple of days and we'll

1 take care of updating those things to be  
2 consistent with what I told you this morning.

3 So does anybody have anything in Chapter 1  
4 that you want to see changed or revised?

5 No? Okay. Hearing none, we'll move into  
6 Chapter 2. And as we move into Chapter 4 --  
7 Chapter 2 it's the Florida Safe -- School  
8 Safety Development and Implementation. Does  
9 anybody have anything in the narrative section  
10 of Chapter 2 that you want to bring up?

11 (No response.)

12 CHAIRPERSON GUALTIERI: All right. So if  
13 you would go ahead and move on then to --

14 COMMISSIONER SCHACHTER: Sheriff?

15 CHAIRPERSON GUALTIERI: Yes.

16 COMMISSIONER SCHACHTER: Can I ask that a  
17 question, I mean on Chapter 1 was the decision  
18 to frisk the murderer made after the threat  
19 assessment?

20 CHAIRPERSON GUALTIERI: Was the decision  
21 to what?

22 COMMISSIONER SCHACHTER: To frisk him. He  
23 was instructed not to bring a backpack to  
24 school, and then he was also -- I think it was  
25 Porter that was frisking him every day. Do we

1 know if that decision was made after the threat  
2 assessment, and what information did they have  
3 to make that decision? Why did they --

4 CHAIRPERSON GUALTIERI: Well, remember,  
5 after the threat assessment, so the threat  
6 assessment was September 28, 2016, and they  
7 went through that process being what it was,  
8 and no backpack, et cetera. They put certain  
9 restrictions on him and that was part of those  
10 restrictions when he did come back after  
11 September 28th. And he was having contact with  
12 Porter, et cetera. Now, there's nothing that I  
13 recall written in the threat assessment results  
14 itself that required -- I know one of the  
15 requirements was no backpack, and that was  
16 clear in there, and I don't -- independently I  
17 don't recall a specific requirement in there  
18 that he be searched every day. I think that's  
19 just something that came up and that was being  
20 done. But I don't even know that it was being  
21 done every day.

22 COMMISSIONER SCHACHTER: It was, it was  
23 reported that he was being frisked. I was  
24 curious what launched them to, you know, go to  
25 that extreme of a step.

1           CHAIRPERSON GUALTIERI: It was after the  
2 threat assessment. So that is the answer to  
3 your question, yes, it was after the threat  
4 assessment. Remember, he was only there until  
5 February.

6           CHIEF ASSISTANT BARTLETT: Mr. Chairman,  
7 on Page 9, I know we talked about Ziccardi and  
8 Freedman, but there's a statement at the top of  
9 the page that said, "The mother stated that  
10 each visit she had as MSDHS was required to  
11 sign in. The commission made inquiry to obtain  
12 those logs." I don't think -- it doesn't -- we  
13 don't say what the logs said in this. At least  
14 I didn't see it.

15          CHAIRPERSON GUALTIERI: It's Page 9 at the  
16 top of?

17          CHIEF ASSISTANT BARTLETT: The first  
18 paragraph, first short paragraph.

19          CHAIRPERSON GUALTIERI: The mother  
20 stated -- that one that stated that the mother  
21 stated that?

22          CHIEF ASSISTANT BARTLETT: Yes.

23          CHAIRPERSON GUALTIERI: Okay. The mother  
24 stated that each visit. Yeah, okay. So we --  
25 "The mother stated each visit she had at MSD

1 was required to sign in. The commission made  
2 an inquiry to obtain those logs." So that's  
3 a -- that is a pending issue that we're waiting  
4 on a response from the district on. So we do  
5 have that noted, and we just don't have a  
6 result. Actually, in the first draft it was  
7 highlighted and it was sitting there. I asked  
8 them to take the highlight out before we sent  
9 that out to you, but that is something that we  
10 still are waiting for a response from the  
11 district.

12 CHIEF ASSISTANT BARTLETT: Okay. I just  
13 didn't see it noted otherwise. So --

14 CHAIRPERSON GUALTIERI: That is something  
15 we still -- we need either -- we need to flush  
16 that out, and hopefully we can get that from  
17 the district and include it for the final  
18 report, or we're going to need to rework that  
19 section. You're correct.

20 Anybody else so far?

21 (No response.)

22 CHAIRPERSON GUALTIERI: So as we go into  
23 the findings now -- all right. So the first  
24 one that we're going to go into is, does  
25 anybody have anything in Chapter 3 as far as

1 the narrative section in Chapter 3?

2 (No response.)

3 CHAIRPERSON GUALTIERI: Okay. So the  
4 first one, as far as findings are concerned,  
5 would be section 1, finding 1 in Chapter 3.  
6 That has to do with the reunification process.  
7 As you can see, we have up there in the  
8 PowerPoint "There was ineffective communication  
9 between law enforcement officials and the MSDHS  
10 victims' families during the death notification  
11 process. Law enforcement officials provided  
12 some victims' families confusing and wrong  
13 information."

14 Did anybody have any concerns on that?  
15 Anything you want changed? Anything that --  
16 you know, that's a finding So that's a  
17 determination based upon. So what it should be,  
18 again, keeping consistent with what we've done,  
19 is the narrative section should lay out the  
20 facts that support that determination by the  
21 commission.

22 (No response.)

23 CHAIRPERSON GUALTIERI: All right.  
24 Hearing nothing, we'll move on to finding  
25 Number 2, which is that "The family-student

1 reunification process was ineffective because  
2 neither the school district, nor law  
3 enforcement had plans or policies in place to  
4 effect an orderly reunification."

5 Anybody have anything on that? And just  
6 while I'm thinking about it as far as the  
7 section that -- the sections that are in here  
8 where everything's attributable to the  
9 families, we've asked the families again  
10 recently in the last couple of days to review  
11 these sections as to what their testimony was  
12 and how -- what's reflected in the report is an  
13 accurate representation of their statements and  
14 testimony, and each of them have had a chance  
15 to review it and they all concur with what's  
16 here in the report. So each of the family  
17 members have been consulted about what is in  
18 the report.

19 Anything anybody have on that?

20 (No response.)

21 CHAIRPERSON GUALTIERI: All right. So the  
22 next one would be Section 1, finding Number 3,  
23 and that is, is that "The Marriott Hotel was  
24 eventually identified as a reunification and  
25 gathering point for the families. However,



1       there was no clear line of authority at the  
2       hotel and victims were confused as to who was  
3       in command and making decisions."

4             Anything there?

5             All right. The next one which is Section  
6       1 4. "Families were separated from their  
7       personal support groups, not provided a single  
8       point of contact and many were not aware of any  
9       victim advocates or available assistance in the  
10      days after the shooting."

11            Anybody have anything on that one?

12            (No response.)

13            CHAIRPERSON GUALTIERI: All right. We'll  
14      move on then to the fifth finding in the  
15      section. "The scene at the Marriott Hotel was  
16      not controlled and that resulted in  
17      inappropriate media access to victims'  
18      families."

19            In looking at that now, I wonder if we  
20      shouldn't -- because it's kind of written in a  
21      passive voice. "The scene at the Marriott  
22      Hotel was not controlled." I think that the  
23      one responsible for controlling that would have  
24      been the Broward County Sheriff's Office. So  
25      should we say the Broward County Sheriff's

1 Office did not control the scene at the  
2 Marriott and that resulted in inappropriate  
3 access -- media access to victims' families?

4 Yes?

5 COMMISSIONER SCHACHTER: Yes.

6 CHAIRPERSON GUALTIERI: Everybody agree  
7 that we should attribute that as opposed to it  
8 just -- okay.

9 So, Heather, you got that? All right.

10 The next one, which is finding 6,  
11 "Grieving families were not provided private  
12 areas at the hotel in which to grieve and they  
13 could hear each other."

14 So I think probably the same thing is, is  
15 that the entity that was responsible for making  
16 sure that that was done in the appropriate way  
17 was BSO. So I think we'd probably do the same  
18 thing there.

19 Okay. All right. So those are -- as to  
20 the first section of findings, those are the  
21 first six. We'll move on now. So the next one  
22 we have identified here is findings as it  
23 relates to the second section, which is on Page  
24 45 of the draft report. And the first is --  
25 finding is, is that "The Broward County

1 Sheriff's Office established reunification  
2 center at the Marriott Hotel lacked effective  
3 command and control."

4 Anything on that?

5 Next one, "BSO's lack of effective mass  
6 casualty reunification, death notification  
7 policy resulted in an ineffective process." I  
8 think we all agree on that. "However, BSO's  
9 lack of a policy was consistent with most  
10 Florida agencies."

11 Remember, we did the survey and what we  
12 found in the survey, was is that the absolute  
13 majority of Florida law enforcement agencies  
14 had death notification policies, but very few,  
15 if any, had any specific policies dealing with  
16 reunification and/or mass casualty  
17 notifications, and so while BSO lacked policy  
18 process procedure, they weren't alone. And  
19 that was -- and we received testimony on that  
20 and presentation on that during a commission  
21 meeting.

22 Mr. Schachter, go ahead.

23 COMMISSIONER SCHACHTER: The Pulse was  
24 almost two years before the shooting. Was  
25 there -- did they -- they review that? You

1 know, I guess the answer to my question I know  
2 already, but I certainly think that they should  
3 have. You know, in the after action report  
4 that that was done, a lot was learned from  
5 Pulse that the Broward sheriff's Office didn't  
6 pay attention to obviously.

7 CHAIRPERSON GUALTIERI: Well, you know, we  
8 all should. So, you know, I mean, it goes  
9 across the board. I don't think that we all  
10 collectively, all of us, learned enough after  
11 Pulse and realized that we needed to do a  
12 better job. Now, you can see, you know, the  
13 Seminole County Sheriff's Office did, and they  
14 have an exemplary policy, but, again, they're  
15 here in Central Florida, and this is where  
16 Pulse happened, et cetera. So, but the rest of  
17 us probably didn't pick it up as much as we  
18 should, and so you're right, you know. And  
19 there's criticism to be had for that, but the  
20 criticism isn't just to the Broward County  
21 Sheriff's Office. It's for all of us.

22 COMMISSIONER SCHACHTER: Is there  
23 something that the Florida Sheriffs Association  
24 and the Florida Chiefs of, you know, Police can  
25 do to further that and push that down through

1 the agencies?

2 CHAIRPERSON GUALTIERI: Yes, is the answer  
3 to that, and I think we are, and I think  
4 hopefully by, you know, this commission's  
5 recommendation, now remember, is that we  
6 haven't really gotten this out. This topic was  
7 not a topic of our meetings last year,  
8 discussion, investigation and it wasn't the  
9 topic in our initial report. So we didn't  
10 really get to this, and bring us all together  
11 in one place, and, of course, now that we have  
12 a chapter in this report that we're going to  
13 submit that's dedicated to this issue, I think  
14 we all hope that it will get the right amount  
15 of attention and we'll bring it forward through  
16 the Florida Sheriffs Association, I'm sure the  
17 Florida Police Chiefs Association, and others  
18 to use those exemplary policies that are out  
19 there, and everybody should have. Especially,  
20 most especially, for the medium and large  
21 agencies that are going to be tasked with this.  
22 But even the smaller agencies should still have  
23 something in place that is appropriate for what  
24 they have in their community and their size,  
25 because, again, it can happen anywhere, anytime

1 anyplace and nobody's exempt. So I think  
2 overall, law enforcement needs to do a better  
3 job of this.

4 Another thing that came up, and we don't  
5 have it in here, we really didn't hear much  
6 about it, but I think it warrants at least  
7 mentioning it and probably flushing it out to  
8 some degree. As we talk about victim services,  
9 I know there was frustration on the part of the  
10 Florida Attorney General's office that some of  
11 the services that they had available weren't  
12 maximized, and that we really need to do a  
13 better job of getting out to all of the  
14 agencies in Florida the victim advocacy  
15 services that the Florida Attorney General has  
16 and bring it to the table, and they have  
17 response teams that come in from all over the  
18 state. They have a number of funding sources  
19 for a variety of things. And I think that we  
20 need to probably do a better job of getting  
21 that out as well, because they weren't used.  
22 They were not maximized in this incident. The  
23 Attorney General staff was not maximized.

24 COMMISSIONER SCHACHTER: This was the  
25 worst day of our lives, Ryan and I, and, you

1 know, for the sheriff to say that he had  
2 amazing leadership. This is a prime example it  
3 was -- it certainly was not. He hasn't  
4 apologized for his -- you know, what he did to  
5 the families and during that horrible day, and  
6 so I hope that we can learn from this. You  
7 know, obviously the Broward Sheriff's Office  
8 and others didn't learn after Pulse. I hope  
9 that we can learn from after Parkland.

10 CHAIRPERSON GUALTIERI: All right.

11 Anything else on finding 2?

12 (No response.)

13 CHAIRPERSON GUALTIERI: Okay. So we'll go  
14 to Number 3, and that is is that, you know,  
15 "Line-level BSO personnel were well-intended  
16 and acted in good faith during their  
17 reunification and death notification efforts."

18 You know, we heard from Detective Scott at  
19 our meeting and we had discussion about that.  
20 Anybody have any questions, concerns about that  
21 finding?

22 (No response.)

23 CHAIRPERSON GUALTIERI: Broward County  
24 Public Schools was not adequately prepared to  
25 assist the Broward County Sheriff's Office with

1 student identification by providing student  
2 rosters and photographs."

3 Again, we heard testimony about that.  
4 That was part of what delayed the process in  
5 trying to identify the students, the deceased  
6 students in the school, they couldn't get  
7 photos, et cetera, and nobody was prepared for  
8 this. So not only was law enforcement not  
9 prepared in dealing with this, as we just  
10 discussed, but the school district as well.

11 So that takes care of that set of  
12 findings. We do have a couple more here that  
13 would be in section 3, and that's on Page 46 of  
14 the report. That is, "That schools need  
15 written reunification plans for various  
16 emergency situations that could impact students  
17 while school is in session."

18 And then the second one is, "Technology is  
19 available to facilitate and automate the  
20 process. But schools should also continue to  
21 use written emergency procedure checklist."

22 So, again, this section begins on 45.  
23 It's a short summary of what the Seminole  
24 County School District is doing, and these  
25 findings are related to the presentation we had



1 and what's in the report about the Seminole  
2 County School District initiative and the  
3 software that they use to manage reunification.

4 So if nobody has anything on any of those  
5 findings in Chapter 3, then we will move on to  
6 the recommendation.

7 Sheriff Ashley, go ahead.

8 SHERIFF ASHLEY: The finding "Schools need  
9 written reunification plans for various  
10 emergency situations that could impact students  
11 while school is in session." I mean, that's  
12 pretty broad and not speaking just about mass  
13 casualty incidents, but I don't think that our  
14 findings should be that -- they should have an  
15 independent plan from law enforcement, or is it  
16 because, you know --

17 CHAIRPERSON GUALTIERI: Can you talk into  
18 the microphone? It's hard to hear.

19 SHERIFF ASHLEY: I don't think that  
20 schools need a written reunification plan that  
21 would necessarily interfere or -- with law  
22 enforcement's reunification plan. So I worry  
23 that if we don't include that language on mass  
24 casualty incidents, that it could -- it could  
25 be confusing or misinterpreted.

1           CHAIRPERSON GUALTIERI: So are you  
2 suggesting something more along the lines of  
3 schools need to coordinate written  
4 reunification plans, or coordinated with law  
5 enforcement for something along those lines?

6           SHERIFF ASHLEY: (Inaudible) law  
7 enforcement. Consistent with law enforcement's  
8 plan.

9           CHAIRPERSON GUALTIERI: So they're going  
10 to change it up there, and then see what you  
11 think. Because they're typing up there now.

12          COMMISSIONER CARROLL: Can I just make a  
13 comment to that?

14          CHAIRPERSON GUALTIERI: Yes, Commissioner  
15 Carroll, go ahead.

16          COMMISSIONER CARROLL: Because I think the  
17 reference there going back to that presentation  
18 was broader, because it was -- you know, they  
19 have lockdown drills but there's no event that  
20 took place, but it was -- I won't say a drill.  
21 They do a lockdown, but no incident actually  
22 occurs. Parents show up and they still need  
23 some type of process to release parents. What  
24 part of the school are they going into and  
25 stuff like that. So I believe when Seminole

1       presented, they talked about the school's plan  
2       as being more in general in broader  
3       circumstances than what would be involved with  
4       law enforcement in that process where there was  
5       an actual incident. So I'd be careful.

6             The only other thing, this is -- this part  
7       is confusing for me, because these are written  
8       more like recommendations than they are the  
9       findings. I think the finding is that most  
10      schools don't have these plans in place, which  
11      created -- which kind of exacerbated some of  
12      the chaos. You know, I understand what you're  
13      saying. I just believe the school one needs to  
14      be more broadly based so that parents have an  
15      idea of what's going to go on. And then the  
16      specific communication plans and reunification  
17      process needs to be done through law  
18      enforcement, and that would be incident driven.

19            CHAIRPERSON GUALTIERI: So you're saying  
20      that, you know, what -- it should be more along  
21      the lines of, you know, put it the other way  
22      is, is that we have reunification plans that  
23      don't conflict. Is that what -- maybe put it  
24      the other way, because some of what they may  
25      need and have may not be something that is an

1 incident where it requires law enforcement  
2 coordination. I don't know.

3 COMMISSIONER CARROLL: Sheriff, it's the  
4 finding that schools lack these coordinated  
5 plans, and then the recommendation is that they  
6 need them.

7 CHAIRPERSON GUALTIERI: Yeah, we tried to  
8 catch most of that as we put this together, but  
9 I think there is -- I think your point with  
10 this is well taken. I think this one is kind of  
11 bordering a line between a finding and a  
12 recommendation. Is that --

13 COMMISSIONER SCHACHTER: I think the one  
14 thing that we're not mentioning and not talking  
15 about is we're only talking about it in school,  
16 but, you know, there's a lot of violence and  
17 shootings that happen after school hours, at  
18 sporting events. So I would like to broaden it  
19 to include after school activities and sporting  
20 events. What do you think?

21 CHAIRPERSON GUALTIERI: Yeah, I mean, I  
22 think that's -- I think that that's kind of  
23 inheritable. Certainly, we can -- we can flush  
24 that out. I'm just trying to figure out how we  
25 want to do this as far as what the find -- what

1 the finding here should be, because in reading  
2 it now I agree with you, I think that does cut  
3 a little bit more towards a recommendation.

4 COMMISSIONER SCHACHTER: Definitely.

5 CHAIRPERSON GUALTIERI: But, again,  
6 remember we're talking about here too, so we  
7 did you already go back and say -- you know, in  
8 the previous findings, we did say is it related  
9 to BSO, they didn't have effective, et cetera.  
10 In this, you've got to go back to the report,  
11 and this is a finding section related to the  
12 Seminole County School District. That's the  
13 heading of this. So the Seminole County  
14 District in conjunction with the Seminole  
15 Sheriff's Office has developed school specific  
16 blah, blah, blah. Seminole County plan is a  
17 model plan that other agencies should consider  
18 emulating.

19 SHERIFF ASHLEY: I guess the finding could  
20 be that the school district did not have a  
21 reunified -- reunification plan and leave it at  
22 that, and then the recommendation can be  
23 whatever that they should have.

24 CHAIRPERSON GUALTIERI: Well, we did, we  
25 already did that. So we already did that

1 previously as to the Broward County district.  
2 Maybe with this finding should be -- maybe the  
3 finding should be here is, is that the Seminole  
4 County policy is effective. It appears to be a  
5 model that other agencies -- well, it is a  
6 model policy or something to that effect. Just  
7 because, remember, this is just a finding  
8 related to what's on Page 45 as it relates to  
9 Seminole County and their plan. That's what  
10 we're looking for here. So the Seminole  
11 County --

12 COMMISSIONER CARROLL: I think that we all  
13 found that plan to be pretty comprehensive. I  
14 agree with you that it could serve as a model  
15 for other schools.

16 CHAIRPERSON GUALTIERI: So who's typing?  
17 Johnnie, you typing? So try this, the Seminole  
18 County reunification policy is a model that  
19 should be considered by school districts  
20 throughout Florida.

21 Well, do you all think about that?  
22 Something to that effect? As a finding.  
23 Because, again, that's what we're talking about  
24 here. Remember, this is limited to the --  
25 you've got to go to the report, but if look at

1 the report, this is what we're looking at here,  
2 and this is all about the Seminole County. So  
3 this is a determination about the Seminole  
4 County policy. And then we would take that  
5 first finding and replace it with what he has  
6 there as the alternative. It was in red  
7 anybody.

8 Everybody agree with -- yes, commissioner  
9 Stewart.

10 COMMISSIONER STEWART: I don't want to get  
11 into wordsmithing.

12 CHAIRPERSON GUALTIERI: No, that's fine.

13 COMMISSIONER STEWART: However, I think  
14 when we say should, we are entering into  
15 recommendation portion. So perhaps just ending  
16 at is a model.

17 CHAIRPERSON GUALTIERI: Okay.

18 COMMISSIONER STEWART: Is a model policy.

19 CHAIRPERSON GUALTIERI: Model policy.

20 COMMISSIONER STEWART: And then in the  
21 recommendation it can be that districts  
22 consider.

23 CHAIRPERSON GUALTIERI: Okay. All right.  
24 Fair enough. So Seminole County reunification  
25 policy.

1 COMMISSIONER STEWART: Is a model policy.

2 CHAIRPERSON GUALTIERI: Is a model policy.

3 Do we need to say is -- I guess model is good  
4 enough. I was going to say is an effective and  
5 model policy, but probably just a model policy  
6 is good enough. I think that --

7 Yeah, Commissioner Swearingen?

8 COMMISSIONER SWEARINGEN: Chair, I don't  
9 know if that would be better added under  
10 recommendation 6, where we note -- kind of get  
11 into that realm. And I think 6, whether we  
12 tweak it or not, might address some of  
13 secretary -- I'm sorry, Commissioner Carroll's  
14 concerns about how we word that law  
15 enforcement. So some of that's already in  
16 recommendation 6 on the next page.

17 CHAIRPERSON GUALTIERI: About adopting  
18 that as a model policy?

19 COMMISSIONER SWEARINGEN: Right.

20 CHAIRPERSON GUALTIERI: Okay. So if you  
21 go back to -- so if you go back here to this  
22 and what Commissioner Stewart is saying I think  
23 is a fair suggestion is, is that, again,  
24 limited to a finding is the Seminole County  
25 reunification policy is a model policy period.



1 And then we'll address that others should  
2 consider adopting it, et cetera when we get  
3 into it.

4 And you're suggesting, Commissioner  
5 Swearingen, that may be in 6 under  
6 recommendations?

7 COMMISSIONER SWEARINGEN: It sounds like  
8 it could there.

9 CHAIRPERSON GUALTIERI: It could fit  
10 there. So keep a note of that and when we get  
11 to 6.

12 So it will be real short, the finding is  
13 the Seminole County reunification policy is a  
14 model policy. That's the finding. Short,  
15 sweet.

16 Everybody good with that?

17 So what I said earlier too, but please do  
18 wordsmith. As we're going through these  
19 changes, no, please do. When I said wordsmith  
20 to a degree is the stuff that's already in  
21 here, that's one thing. But as we are, you  
22 know, talking about these things and developing  
23 them here today, please do wordsmith, because,  
24 you know, we're doing this on the go. And, you  
25 know, I do want you to do that, because you

1 know -- and for some of these things it is a  
2 fine line between the finding and the  
3 recommendation and. I can tell you we've tried  
4 in this collective process, from where we work,  
5 you saw some of the original drafts to where we  
6 are now, believe me it's -- we've made a lot of  
7 progress, but some of it was very blurred, but  
8 we've tried to -- but we've -- but that's why  
9 we going through this process. So everybody  
10 has a lot of eyes on it and we can get it  
11 right. But we do need to try and keep this --  
12 keep the findings separate from the  
13 recommendations.

14 Okay. So what about finding 2. That's  
15 the same problem with that is, is that it has a  
16 finding and a recommendation. Maybe the  
17 finding is, technology is available to  
18 facilitate and automate the reunification  
19 process, period. Does that sound good?

20 Okay. And of course we're trying to stay  
21 away from anything that's vendor specific. So  
22 technology is available to facilitate and  
23 automate the reunification process. You guys  
24 got that? John? Okay. All right.

25 And so that's a pretty short section. All

1 right. So now we go into the recommendations.  
2 So somebody, you know, keep note of that too  
3 that we need to add in there about considering  
4 the technology. So the first one under  
5 recommendations is that "Every law enforcement  
6 agency should have a mass casualty death  
7 notification and reunification policy."

8 Is that where -- and you said Commissioner  
9 Swearingen maybe under six, but is that -- is  
10 that -- would that be a place there under 1  
11 where we could then add? Because it says  
12 "Every law enforcement agency should have a  
13 mass casualty death notification" -- I'm sorry,  
14 mass casualty death notification and  
15 reunification policy."

16 We could add there that Seminole County's  
17 model policy should be considered by all law  
18 enforcement agencies. That would be a place to  
19 put that. Does that work?

20 COMMISSIONER SWEARINGEN: I think so.

21 CHAIRPERSON GUALTIERI: Yeah.

22 COMMISSIONER: I've got a question.

23 CHAIRPERSON GUALTIERI: Yeah, go ahead,  
24 Commissioner.

25 COMMISSIONER: So that policy was the

1 school board's policy, though, correct?

2 CHAIRPERSON GUALTIERI: Well, it is -- it  
3 is the school board's policy, but it's in  
4 conjunction with Seminole County Sheriff's  
5 Office. Remember Captain Francis?

6 COMMISSIONER: Right.

7 CHAIRPERSON GUALTIERI: There is a school  
8 safety specialist, is a captain with the  
9 Seminole County Sheriff's Office. My take on  
10 it is, it's a combination of both the sheriff's  
11 office and the school district.

12 Captain Francis is in the back there. do  
13 you want to -- do you have any concerns with --

14 CAPTAIN FRANCIS: No, sir.

15 CHAIRPERSON GUALTIERI: Okay. Does that  
16 sound right to you?

17 COMMISSIONER SCHACHTER: Yeah (inaudible).

18 CHAIRPERSON GUALTIERI: Okay. Thanks.

19 So Seminole County's policy, policy and  
20 practices should be considered as a model for  
21 all law enforcement agencies. Should be  
22 considered as a policy for all law enforcement  
23 agencies to adopt. Try that. Something like  
24 that. We'll tweak it too when we get into some  
25 of this editing. But that's the gist of it.

1           Everybody's okay with that?

2           All right. Recommendation 2, "Every  
3           policy must have an effective command and  
4           control structure that identifies an incident  
5           commander and reporting structure."

6           That identifies the incident commander,  
7           and that -- anyway, that will just come out in  
8           the editing. Two structures there doesn't  
9           sound right.

10          VICE-CHAIRMAN LYSTAD: A reporting  
11          process.

12          CHAIRPERSON GUALTIERI: Yeah, and  
13          reporting process. Let's change the word.

14          Anything else on -- anybody on that one?  
15          Yeah?

16          VICE-CHAIRMAN LYSTAD: Just to make sure  
17          there's no confusion, since it says incident  
18          commander --

19          CHAIRPERSON GUALTIERI: Yeah.

20          VICE-CHAIRMAN LYSTAD: -- that's the  
21          policy of the reunification, because it's  
22          really more of a site supervisor or someone in  
23          control. I think is what you're trying --

24          CHAIRPERSON GUALTIERI: Are you back to 1?

25          VICE-CHAIRMAN LYSTAD: No, I'm on 2.

1           CHAIRPERSON GUALTIERI: Two. Okay.

2           VICE-CHAIRMAN LYSTAD: When it talks about  
3 an incident commander, and so the incident  
4 commander's not going to be the one at the  
5 reunification site.

6           CHAIRPERSON GUALTIERI: Every policy,  
7 true. "Every policy must have an effective  
8 command and control structure that  
9 identifies" ...

10          VICE-CHAIRMAN LYSTAD: A site supervisor.

11          CHAIRPERSON GUALTIERI: No. No. No. I  
12 mean, you're right. That's a good point, and  
13 I'm glad -- you're absolutely right, because  
14 that -- because as we talked about that is that  
15 you have an overall incident commander, but you  
16 need a ratification point incident commander.  
17 And that's what we need to -- yeah, you're  
18 right.

19          So just kinda tweak that, John. Because  
20 that would be confusing otherwise.

21          "Every policy must have an effective  
22 command and control structure that identifies  
23 an individual to oversee their reunification  
24 process."

25          VICE-CHAIRMAN LYSTAD: Reporting.

1 CHAIRPERSON GUALTIERI: Yeah,  
2 "reunification and reporting process."

3 There you go.

4 VICE-CHAIRMAN LYSTAD: Just one more  
5 point, before the individual on site.

6 CHAIRPERSON GUALTIERI: Okay. And I would  
7 actually say take oversee and replace it with  
8 supervise. So "Every policy must have an  
9 effective command and control structure that  
10 identifies an on-site individual to supervise  
11 the reunification and reporting process."

12 We good?

13 Okay. All right. Number 3 "Agencies  
14 should consider the parents' recommendation  
15 that families be provided with tentative  
16 identifications to provide more timely  
17 notifications. There are different views on  
18 this recommendation and a decision must be made  
19 on an individual agency basis."

20 I included that because there was  
21 definitely consensus on the part of the  
22 parents, but also recognizing that there are  
23 differing views on this and it's somewhat  
24 controversial. It definitely goes against the  
25 norm of what is done. You know, so what do you

1 all think about this. All we're saying is that  
2 it should be considered and taking the parents'  
3 view into consideration, but every agency has  
4 to retain its own decision making and  
5 discretion over it.

6 COMMISSIONER SCHACHTER: I like it. I  
7 think it's important to talk to the families.  
8 You know, obviously, it's difficult to have  
9 that conversation during the event.

10 CHAIRPERSON GUALTIERI: No, but what does  
11 this is saying, Mr. Schachter, is what this is  
12 saying that in the delay, or one of the causes  
13 of the delay in notifying the families was no  
14 identification process, et cetera. But of  
15 course the families, we're saying is that I'd  
16 rather know 10 minutes in -- and I'm  
17 exaggerating there. I'd rather know 10 minutes  
18 in tentatively as opposed to waiting for 10  
19 hours. And law enforcement's view  
20 traditionally is, is that we're not going to  
21 make a death notification. We're not going to  
22 tell somebody until we are 100 percent sure,  
23 because the notion is, least the conventional  
24 wisdom is, is that you do more harm by making  
25 that tentative notification than you do by



1       waiting.

2               But what we heard from the families when  
3       they all testified, is that -- I believe and  
4       somebody can correct me if I'm wrong, but I  
5       believe there is 100 percent consensus, if not  
6       close, on all the family members, the opposite,  
7       is no we'd rather you tell us that we think and  
8       you think that my loved one is deceased even  
9       though you know it's not 100 percent. And we  
10      would rather know that tentatively. Which, I  
11      don't think this is one of those things -- I  
12      don't think there's a right or a wrong  
13      necessarily, and I think it's you're going to  
14      get different views from different people, but  
15      every single one of the parents who testified  
16      here before the commission felt that way.

17             So I think we -- the reason why I put it  
18      in is out of consideration for their view  
19      because this is what the consensus was. But at  
20      the same time, recognizing that there are  
21      others who may have differing views on that.

22             COMMISSIONER SCHACHTER: And if that was a  
23      recommendation from our witnesses and, you  
24      know, we can certainly throw that  
25      recommendation out to --

1           CHAIRPERSON GUALTIERI: Well, that's why  
2           it's there. I mean, that's what it says.  
3           "Agencies should consider the parents'  
4           recommendation that families be provided with  
5           tentative identifications to provide more  
6           timely notifications."

7           So that's saying, you know we, think, but  
8           we don't know, and that's taken into  
9           consideration what the families said they think  
10          should be done, but also saying that there are  
11          differing views on that recommendation, and the  
12          decision must be made on an individual agency  
13          basis as to what their policy is going to be.

14          SHERIFF ASHLEY: Chair, I don't like that  
15          recommendation because we're dictating to law  
16          enforcement agencies now the investigative  
17          process. It may -- it may bring some temporary  
18          relief, but it could also -- making that  
19          recommendation could also hamper an  
20          investigation. So I don't like that  
21          recommendation. I think that's a case by case  
22          basis and the investigator's.

23          CHAIRPERSON GUALTIERI: Well, I think  
24          that -- and that's what it says, different --  
25          these different views on this decision must be

1       made on an individual agency basis, and, you  
2       know, to take out of your point there as well,  
3       Sheriff, is that an individual agency basis and  
4       also a case by case basis. Is that maybe a  
5       decision that's got to be made based upon the  
6       nature of the incident, and what you're seeing  
7       with the individual people, and what their  
8       reaction is, and there is -- there's no hundred  
9       percent on that. So we could add in their this  
10      decision must be made on an individual basis,  
11      individual agency and case by case basis.

12             Does that work?

13             COMMISSIONER SCHACHTER: And the other  
14      thing that was different with Pulse is that  
15      Pulse told the families. If they identified  
16      one victim, they went and told that victim.

17             CHAIRPERSON GUALTIERI: Right.

18             COMMISSIONER SCHACHTER: Here they waited  
19      until they told everybody at the same time, and  
20      I think that -- I think our families would have  
21      much rather known sooner as they knew than  
22      wait. So I think there's two different issues  
23      here.

24             CHAIRPERSON GUALTIERI: Yeah, and if you  
25      remember what Detective Scott says that

1 initially they were going to treat it the way  
2 they do most homicides, even multi-victim  
3 homicides, and that their initial thought was  
4 to have the homicide detectives make the  
5 notifications. And their rationale there,  
6 which is well intended, is to have the people  
7 who have the most information, the most  
8 knowledge due to the notifications. Because  
9 inherently the victims' families are going to  
10 ask a lot of questions and then you have the  
11 people there that can answer those questions.  
12 But as they got into it, they realized that  
13 because of the magnitude of this, that that  
14 wouldn't work.

15 So that was another factor here that they  
16 kind of had to shift on. Which, again,  
17 probably is something that should be fleshed  
18 out in the policy so you don't have that --  
19 that's not the kind of thing that if you have a  
20 policy, all that's going to be worked out ahead  
21 of time, and you know that that isn't going to  
22 work in this type of a case. But because they  
23 were -- again, they didn't have a policy. They  
24 don't have protocols. And they were doing it  
25 the way they handle it in a single-victim or a

1 two-victim homicide, which is much different  
2 than a 17-victim homicide.

3 COMMISSIONER SCHACHTER: I mean, they did  
4 it in a 58-victim homicide. They were there  
5 telling people --

6 CHAIRPERSON GUALTIERI: Yeah, that's  
7 right, but it's a different agency. So, again,  
8 they handle it differently, and I think he said  
9 he recognized that at the end is that they  
10 shouldn't have approached it that way. And I  
11 think he recognized that.

12 COMMISSIONER SCHACHTER: Well, I mean,  
13 that's something that we haven't put in here.  
14 I would make a recommendation that that is a  
15 best practice.

16 CHAIRPERSON GUALTIERI: What's that?

17 COMMISSIONER SCHACHTER: You know, that  
18 you don't wait to tell everybody. As you know,  
19 you notify the victims.

20 VICE-CHAIRMAN LYSTAD: I think we have to  
21 leave it on an individual basis.

22 CHAIRPERSON GUALTIERI: Yeah.

23 VICE-CHAIRMAN LYSTAD: Because each case  
24 different.

25 CHAIRPERSON GUALTIERI: I mean, this

1 covers. I mean, this is broad, but it says,  
2 again, "Consider a recommendation that  
3 victim -- the families be provided with  
4 tentative identifications, provide more timely,  
5 differing views and the decision has to be made  
6 on an individual and case by case.

7 COMMISSIONER SCHACHTER: Okay.

8 CHAIRPERSON GUALTIERI: So I think it  
9 encompasses that.

10 CHIEF ASSISTANT BARTLETT: Well, it's  
11 tentative, though. It sounds like you don't  
12 know for sure the person is deceased, as  
13 opposed to just saying in general that the  
14 agency should consider procedures to  
15 streamline, or make more timely notifications  
16 of death to the different families.

17 COMMISSIONER HARPRING: But I think what  
18 we're missing is that the key portion is the  
19 the beginning, that this is the parents'  
20 recommendations. We heard this and we heard  
21 all the parents that testified basically said  
22 that they would have preferred some tentative  
23 identification, even someone coming in and  
24 saying we think but we don't know. And we're  
25 saying this is what the parents told us. We're

1 passing this along to you. You have to make the  
2 decision, each agency, each incident on your  
3 own. I think that's -- I think that's what  
4 we're saying, and I think we're just delving  
5 too much into the minutia of telling an agency  
6 you have to do this or you have to do that.

7 CHAIRPERSON GUALTIERI: All right. So I  
8 guess with what we have there, is there  
9 anything there that anybody can't live with?  
10 It might be the best that it gets. Because  
11 again -- and I do think that what Commissioner  
12 Harpring is saying is right, all we're doing  
13 there is really we're conveying the sentiments  
14 and the testimony of the family members and  
15 what their belief is.

16 COMMISSIONER SCHACHTER: So I agree with  
17 Commissioner Bartlett. The way I interpreted  
18 this was that they would let the families know,  
19 not definitive and what I was saying was both  
20 of them. So I think that if you -- if you  
21 delete the tentative thing, you cover both ends  
22 of it. So that as they know, they're not sure,  
23 and then when they do have a victim, they don't  
24 wait till the end.

25 CHAIRPERSON GUALTIERI: But -- but that's

1 not what they said, though. They said -- they  
2 said that you should provide us with  
3 information that my loved one is deceased even  
4 if you're not sure that the person you're  
5 telling me is deceased is actually my loved  
6 one. That's what they said is, is that.

7 COMMISSIONER SCHACHTER: Okay.

8 CHAIRPERSON GUALTIERI: That's what they  
9 said. So if you take out tentative, then it's  
10 not conveying what --

11 COMMISSIONER SCHACHTER: Okay.

12 CHAIRPERSON GUALTIERI: -- they expressed.  
13 So anybody can't live with that.

14 (No response.)

15 CHAIRPERSON GUALTIERI: All right. Let's  
16 move on to Number 4. It says, "Periodic  
17 updates should be provided to the families at  
18 the reunification center, even if the update is  
19 that there is no additional information."

20 That one probably needs a little usable  
21 work.

22 COMMISSIONER: What if we took out that  
23 even if the update is that there is no  
24 additional information?

25 CHAIRPERSON GUALTIERI: Yeah, I mean, some



1 of this is that there needs to be more  
2 effective communication, more effective --  
3 there needs to be effective and timely  
4 communication between those who are responsible  
5 for the reunification process and the family  
6 members, is they need to keep them updated. I  
7 mean, that's the key to this. So family member  
8 should be provided with regular updates on the  
9 status.

10 SHERIFF ASHLEY: I mean, Chair, are we  
11 talking about victim status updates, or  
12 investigation status updates, or all of it?

13 CHAIRPERSON GUALTIERI: I think on the  
14 status -- no, not on the investigation. On the  
15 status of victim identification.

16 Family members should be provided with  
17 updates -- should be provided with regular  
18 updates on the status of victim identification.

19 COMMISSIONER: Isn't that covered in  
20 recommendation 3?

21 CHAIRPERSON GUALTIERI: No, because is  
22 that -- because some are gonna do three. So  
23 some are gonna say, look, we hear you, we  
24 respect your view, but we are not going to tell  
25 somebody that this person is deceased until it

1 is confirmed. And that maybe 6, 8, 10 hours  
2 later. Because some agencies aren't going to  
3 follow what the recommendation is from the  
4 parents. So if you're not gonna follow that  
5 and you're not going to make a tentative  
6 declaration, a tentative identification, a  
7 tentative statement to the parents or to  
8 spouses, or whoever it is that that person is  
9 deceased and that person is sitting there  
10 hanging, then what we're saying is, is that  
11 family members should be provided with regular  
12 updates on the status of victim identification.  
13 I think it's different.

14 COMMISSIONER SCHACHTER: There definitely  
15 was not any.

16 CHAIRPERSON GUALTIERI: Pardon me?

17 COMMISSIONER SCHACHTER: There definitely  
18 was not any of that.

19 CHAIRPERSON GUALTIERI: No, and that's  
20 what we're getting at here is the family member  
21 should be provided with regular updates on the  
22 status of victim identification. Is that  
23 strong enough, or does it need anything else?

24 (No audible response.)

25 CHAIRPERSON GUALTIERI: Okay.

1           So in this one, in 5, it says, "Victim  
2 advocates should be identified and assigned to  
3 work with individual families and to guide them  
4 through the difficult process." (Inaudible).

5           This is probably something that should be  
6 making sure it's a recommendation. It should  
7 be incorporated in the agency's policies, and  
8 they should know ahead of time about all the  
9 victim advocate resources that are out there.

10          When you get a mass casualty event like  
11 this, I don't know of any one agency that has  
12 within that agency enough victim advocate  
13 resources to handle it themselves. There's no  
14 way, and so you should have really a victim  
15 advocate plan in place to draw on the mental  
16 health community, the State Attorney's offices,  
17 Attorney General's office, other law  
18 enforcement agencies. There really needs to  
19 be -- and you need to have that ready to go.

20          So it says, "Victim advocate should be  
21 identified." Is that -- maybe something along  
22 the lines of, you know, agency's policy should  
23 identify the available network of victim  
24 advocate services. You know, something along  
25 those lines.

1           COMMISSIONER SCHACHTER: Can we also say  
2           that it needs to be in coordination with the  
3           county and the other --

4           CHAIRPERSON GUALTIERI: Yeah, I think  
5           that's right. I think with everybody, though,  
6           and maybe say that generally without getting  
7           into the specifics of naming the State  
8           Attorney's office, but the State Attorney's  
9           office have their own victim advocates. You  
10          know, various county. I mean, different  
11          agencies do. So without getting into trying  
12          to -- sometimes it's better just to say it  
13          generally as opposed to try to name a specific  
14          list, but I think you're right.

15          COMMISSIONER SCHACHTER: I mean when --  
16          for Broward County we have all kinds of  
17          hurricane preparations and EOPs for --  
18          emergency operation plans for hurricanes, but  
19          there needs to be something for an act of an  
20          assailant --

21          CHAIRPERSON GUALTIERI: So, John, agency  
22          policy show identify -- should -- agency policy  
23          should include the identification of the  
24          various -- of the various victim advocate  
25          services available. I don't know. Something

1           like that.

2           Should include the pre-identification. So  
3           agency policy should include the  
4           pre-identification of the various victim  
5           advocate services available and how to activate  
6           those services immediately -- whatever. I  
7           don't know. When an event occurs or something  
8           like that.

9           COMMISSIONER: Excuse me, Sheriff?

10          CHAIRPERSON GUALTIERI: Yes?

11          COMMISSIONER: Seven will address some of  
12          those issues as well.

13          CHAIRPERSON GUALTIERI: Okay. You know if  
14          we cover these, we might be able to eliminate  
15          one of the recommendations, but it says,  
16          "Agency policy should include the  
17          pre-identification of the various victim  
18          advocate services available and how to activate  
19          those services immediately --

20          COMMISSIONER: Upon an incident?  
21          Immediately upon an incident.

22          CHAIRPERSON GUALTIERI: Yeah, immediately  
23          upon an incident occurring or something like  
24          that. You can try that. We can always tweak  
25          it. There you go. So the ones that have -- and

1 maybe in there given Mr. Schachter's point,  
2 maybe you can say something to the effect is,  
3 is that, you know, all services should be  
4 coordinated at the federal, state and local  
5 levels. Because I know the FBI has resources.  
6 The state has resources, the AG's office,  
7 across the board. So something along those  
8 lines of, you know, agency policies include the  
9 pre-notification of various victim advocate  
10 services available and how to activate those  
11 services immediately upon the incident  
12 occurring. Victim advocate services should be  
13 coordinated at the federal, state and local  
14 levels.

15 And that kind of goes to your point,  
16 because there are a lot out there, and they  
17 certainly weren't maximized in this case. And  
18 unless somebody goes out there and  
19 pre-identifies them, they're not going to be in  
20 the future.

21 COMMISSIONER SCHACHTER: The FBI victim  
22 services was there, but they had no  
23 information.

24 CHAIRPERSON GUALTIERI: Correct. Right,  
25 that's what I'm saying, and the same thing with

1 others.

2 So what's in red there, does that work for  
3 everybody? Anybody got any thoughts on that?  
4 You want to ...

5 (No audible response.)

6 CHAIRPERSON GUALTIERI: No? Okay. So  
7 we'll just take out the -- the -- what's in  
8 black, just write through that and then we'll  
9 use what's in red. Okay.

10 So we go on to recommendation Number 6.

11 Commissioner Stewart?

12 COMMISSIONER STEWART: I have two thoughts  
13 about this. Is there a particular reason that  
14 we've said Broward and schools and law  
15 enforcement when we really think every one of  
16 the districts and law enforcement agencies in  
17 the state should do that.

18 CHAIRPERSON GUALTIERI: Yeah, I think we  
19 can probably take that out.

20 COMMISSIONER LARKIN-SKINNER: And the  
21 other thing is really a question. There is a  
22 finding with regard to Broward County schools  
23 not being able to provide appropriate pictures.  
24 Is this broad enough to include that or should  
25 that be specifically addressed, and is this the

1 right place for that?

2 CHAIRPERSON GUALTIERI: Well, I think  
3 that -- I think that -- that was -- I don't  
4 know that the inability of the Broward County  
5 schools to provide those photographs and other  
6 necessary identification is across the board,  
7 because we didn't look at it. So we didn't go  
8 to the other districts to find out, and I think  
9 your point is we might be able to surmise that  
10 that might be the case in other places, but we  
11 didn't go there. So I'm reluctant to make a  
12 blanket statement that there is, you know,  
13 that -- you know, across the board.

14 COMMISSIONER STEWART: No, but if we think  
15 it's something districts should do, I don't  
16 know that we need to know whether or not they  
17 do. Because if they already do, then they've  
18 met that.

19 CHAIRPERSON GUALTIERI: Okay. So the point  
20 that all the districts should be in a position  
21 to provide those photographs and other.

22 Do we have that any place? Is that any  
23 place in there?

24 (No audible response.)

25 CHAIRPERSON GUALTIERI: Okay. So that's



1        what we can add. If you would -- do this, hold  
2        onto that because at the end of this is that I  
3        was going to call for the end of it any  
4        findings or recommend -- or any recommendations  
5        that we don't already have. So we'll hold onto  
6        that one and bring it back at the end. That  
7        way we kind of keep in order here as we're  
8        going through this. We'll add it on as a --  
9        we'll number it at the end.

10        SHERIFF ASHLEY: I mean, being more  
11        generalized, like a wrap up (phonetic) student  
12        I.D. program or something of that nature.

13        CHAIRPERSON GUALTIERI: Yeah. We'll bring  
14        that in at the end. But as to this one, school  
15        districts and law enforcement agencies should  
16        collaborate and develop coordinated joint  
17        practices for a effective death notification  
18        and family reunification, such as what's  
19        occurred in Seminole County.

20        Yeah, there you go.

21        COMMISSIONER: You already referenced  
22        Seminole County, though?

23        CHAIRPERSON GUALTIERI: I don't know. You  
24        think so. I don't know, it's up to you.  
25        (Inaudible). Because that truly is a model.

1           COMMISSIONER LARKIN-SKINNER: This is  
2 something small, but this part here says  
3 unification instead of reunification. I think  
4 this is the only place it says that. We might  
5 want to make it say reunification to be  
6 consistent.

7           COMMISSIONER SCHACHTER: Yeah, no, that's  
8 right. Good catch. Thank you. That's what we  
9 need. I mean this is -- you know, this is kind  
10 of very, very much down into the detail in the  
11 weeds, but this is the process we've got to go  
12 through to get this report done.

13           All right. So it will read "School  
14 districts and law enforcement agencies should  
15 collaborate and develop coordinated joint  
16 practices for effective death notification and  
17 family reunification, such as what exists in  
18 Seminole County."

19           Anybody can't live with that?

20           (No audible response.)

21           CHAIRPERSON GUALTIERI: Let's move on to  
22 the next one, Number 7. So maybe we don't need  
23 this one. I think we already -- you know,  
24 "There are multiple trained professionals with  
25 a variety available resources, such as AG's

1 office that should include in every  
2 unification" -- and I think we already covered  
3 that with what we did back in --

4 Go back to like 5, John.

5 Yeah, "Agency policy should include the  
6 pre-identification of various victim advocate  
7 services available, how to activate those and  
8 victim advocate services should be coordinated  
9 at the effect -- should be coordinated at the  
10 effected local, state and federal levels."

11 Then go back to this one. Go back to 7.  
12 I think it says the same thing. You all think  
13 we can take 7 out?

14 COMMISSIONER: Yeah.

15 CHAIRPERSON GUALTIERI: Yeah? So  
16 eliminate 7.

17 So Number 8 is local -- or "Law  
18 enforcement and other agencies should  
19 coordinate with the local hospitals to  
20 facilitate necessary victim notifications and  
21 family reunification."

22 That was something that was talked about  
23 quite a bit. Families talked about that, the  
24 lack of coordination with the hospitals, and it  
25 was very different for those victims that were

1 at the hospitals. Is there anything that we  
2 need to add to that or change about one?

3 COMMISSIONER LARKIN-SKINNER: I have just  
4 one thing. I'm wondering if. We need to go  
5 further and just suggest a pre -- like  
6 pre-organization, just like you said about  
7 pre-identifying the victim advocates. Because  
8 what I recall is there were some hospitals not  
9 willing to give any information because of  
10 HIPAA and --

11 CHAIRPERSON GUALTIERI: Right.

12 COMMISSIONER LARKIN-SKINNER: -- the  
13 typical nonsense that keeps us from sharing  
14 information. So it seems to me they should be  
15 part of this team with law enforcement in  
16 particular that goes over and develops a plan  
17 for it. If we do have a mass casualty event,  
18 who is responsible for what, how do we get,  
19 information. Because you're gonna need a --  
20 just one point of contact at each location or  
21 it's going to get all confusing and muddled.  
22 Because this kind of talks about it if an event  
23 occurs, but you know that they should  
24 coordinate, is how I read it. But it needs to  
25 be pre-organized or preplanned in some way,

1           like everything else.

2           CHAIRPERSON GUALTIERI:   So what do you  
3           think?   Do you think that this one should be  
4           incorporated into a previous one or just  
5           modified?

6           COMMISSIONER LARKIN-SKINNER:   I think it  
7           can be either one just as long as we're able to  
8           say it needs to be coordinated beforehand, not  
9           during an event, because during an event it's  
10          not gonna happen.

11          CHAIRPERSON GUALTIERI:   Go back to -- go  
12          to back 5.   So agency policy should include the  
13          pre-identification of the various victim  
14          advocate services.   See, it's talking about  
15          victim advocate services.

16          Go back to 4.

17          COMMISSIONER:   Maybe it's 6, Sheriff, what  
18          we're talking about; school districts, law  
19          enforcement agencies collaborating to develop  
20          joint practices to effective death  
21          notification.

22          CHAIRPERSON GUALTIERI:   So maybe school --  
23          school districts, law enforcement agencies and  
24          hospitals should collaborate and develop joint  
25          practices for effective death notification and

1 family reunification. And then there then take  
2 out because although the hospitals were  
3 included, then take out such as what exists in  
4 Seminole County.

5 Because like Commissioner Bartlett said we  
6 already got that in there anyway so -- and  
7 maybe that would take care of it. What do you  
8 think?

9 COMMISSIONER LARKIN-SKINNER: (Inaudible).

10 CHAIRPERSON GUALTIERI: And, you know,  
11 some -- the more we can consolidate some of  
12 these recommendations the better anyway. You  
13 know, this is again ...

14 Commissioner Schachter.

15 COMMISSIONER SCHACHTER: I think there  
16 needs to be a recommendation that every county  
17 should include a reunification plan in its  
18 emergency operation plan, and then once we have  
19 that recommendation, we can say in subsequent  
20 recommendations that they need to be  
21 coordinating with the county.

22 CHAIRPERSON GUALTIERI: The reason why I  
23 say -- the reason why I don't agree with you on  
24 that is because in most counties in Florida is,  
25 is that the County Emergency Operations Center,

1 the most county's emergency operations plans  
2 have nothing to do with any of this. It is  
3 that the EOCs and the emergency operation  
4 centers, the emergency management directors and  
5 all those in the absolute majority of Florida  
6 counties are dealing with national disaster  
7 type things. They're not dealing with this.  
8 It's that --

9 COMMISSIONER SCHACHTER: It needs -- it  
10 needs to change that. That's a problem.

11 CHAIRPERSON GUALTIERI: No, it's not their  
12 wheelhouse. They're not -- they're not  
13 involved in this at all. It's not what they  
14 do.

15 COMMISSIONER SCHACHTER: So how can you  
16 get -- because it needs to be more coordinated  
17 with all these different inter-agencies. So how  
18 can we -- because every agency establishing  
19 your own reunification center plan, if it's not  
20 coordinated interagency with, you know, all  
21 these other county and local officials is going  
22 to be ineffective.

23 CHAIRPERSON GUALTIERI: You're going to  
24 have in any case -- any situation you're going  
25 to have one lead agency. You just are. And

1        what's important is, is that, again, that all  
2        mid-sized, large agencies have an effective  
3        policy, and what is going to control that  
4        incident, that situation is the policy of that  
5        lead agency. That's how it's gonna work.  
6        That's the reality. And it's never going to  
7        be -- never going to be the county emergency  
8        manager or the EOC. They -- there are maybe a  
9        couple where the sheriff is involved in  
10       emergency management of that county, but that's  
11       rare.

12                COMMISSIONER SCHACHTER: So then how  
13       about, you know, having the sheriff coordinate  
14       it? Because everybody's going to be involved.

15                CHAIRPERSON GUALTIERI: Because the  
16       sheriff may not be the lead agency. As an  
17       example, if it happens in the city of Miami,  
18       it's going to be a City of Miami Police  
19       Department. If it happens in Orlando, like it  
20       was with Pulse, it's the Orlando Police  
21       Department. The sheriff's gonna be there and  
22       we're going to support it. Just like the city  
23       police departments are going to support us if  
24       it's in our primary service area. So I really  
25       think that it really needs to be, again, mid



1 and large agencies if they have it, because  
2 whoever is the primary responsible entity is  
3 how that process is going gonna be driven. I  
4 mean, Chief Lystad or anybody else want to  
5 weigh in on this? But that's my take on it.

6 VICE-CHAIRMAN LYSTAD: I don't think this  
7 is either too cumbersome and too slow to stand  
8 up.

9 CHAIRPERSON GUALTIERI: Right.

10 VICE-CHAIRMAN LYSTAD: If there's not a  
11 preplanned. When -- when they're -- most EOCs  
12 are reacting to preplanned, knowing things. By  
13 the time they stand up, it could be hours. You  
14 were in the same boat you were --

15 CHAIRPERSON GUALTIERI: This isn't their  
16 deal. This isn't their wheelhouse.

17 I don't know if, Sheriff Ashley, do you  
18 have any?

19 SHERIFF ASHLEY: Most agencies provide  
20 security or law enforcement to hospitals and  
21 schools, whether that's a city department or  
22 whether that's the sheriff's office. I mean,  
23 we have contracts with our hospitals and with  
24 out schools. So, I mean --

25 CHAIRPERSON GUALTIERI: You could -- you

1       could put something in here if you wanted to, I  
2       mean, it would be nothing wrong and probably a  
3       lot of good things with school districts, law  
4       enforcement and hospitals should collaborate to  
5       develop coordinated joint practices for  
6       effective death notification and family  
7       reunification.

8               And you can put something in there is, is  
9       that sheriffs and police department -- sheriffs  
10      offices and police departments should consider  
11      a single consistent policy for every county.  
12      You could put that, I'm thinking about it,  
13      because there would be nothing wrong and  
14      probably a lot of good things to come if they  
15      decided that they wanted to come up with some  
16      single policy for a county, but that's got to  
17      be decided on a county by county basis. You  
18      could do that if you want. I don't see a  
19      problem with that. I don't see a problem with  
20      that.

21             So that would kind of go to your point a  
22      little bit about coordinating more. So why are  
23      we -- so sheriff's office and police  
24      departments should consider a single countywide  
25      policy.

1           Just add countywide. Countywide single  
2 policy. There you go.

3           All right. Does that work for everybody?

4           (No audible response.)

5           CHAIRPERSON GUALTIERI: Okay. So then  
6 we're going to take out -- what was the one --  
7 we're going to take out 8.

8           So 9, "Critical incident stress debriefing  
9 should be mandatory for not only officers but  
10 for all personnel who respond to the event and  
11 participate in reunification efforts."

12           There was especially -- especially  
13 Detective Scott I think made reference to this  
14 during his testimony. This is where that comes  
15 from, and there is, of course, some discussion  
16 about it in the narrative section of the  
17 report. I don't know that we heard anything  
18 that this was necessarily deficient in this  
19 case, but it was something that Detective Scott  
20 talked about during his testimony and that's  
21 why we included it here.

22           So anybody got any thoughts on it?  
23 Anybody have any problems with it.

24           COMMISSIONER SCHACHTER: Explain what a  
25 stress debriefing is? I mean, I would think

1       that for the officers that went through this  
2       horrible tragedy they would need, you know, to  
3       speak to a mental health counselor.

4               CHAIRPERSON GUALTIERI: Well, sometimes  
5       that's not the best. Sometimes there -- there  
6       are what we call CISM teams which are critical  
7       incident stress management teams, and they're  
8       more peer-to-peer counselors. They are  
9       supervised by licensed mental health counselors  
10      and they do have people on those teams that  
11      oversee others, and sometimes a more effective  
12      approach to dealing with these is the CISM  
13      teams, as we call them, which are more peer to  
14      peer. So, again, it has to be left to an  
15      individual agency case-by-case basis, but the  
16      point is is there be some type of -- and  
17      sometimes they're individual. Sometimes they  
18      do them in mass, and then they result in  
19      individual. So there are a variety of ways  
20      these are accomplished through these -- and  
21      most of the CISM teams are regional teams, and  
22      so if you have an incident, they'll be made  
23      up -- here in Central Florida, Orange County  
24      Sheriff's Office, Orlando Police Department.  
25      You know, a whole bunch of different agencies

1 and they'll have CISM representatives if  
2 something happened. They would all respond to  
3 that agency, and they're there to address the  
4 needs of the first responders.

5 COMMISSIONER SCHACHTER: Yeah, I mean, we  
6 know that there's a high incidence -- high  
7 suicide rate among law enforcement. So we need  
8 to do everything we can to try to prevent that.  
9 What do you think about including, you know,  
10 school employees as well to make sure that they  
11 receive the proper mental health counseling  
12 they need in the aftermath of a horrible  
13 tragedy?

14 CHAIRPERSON GUALTIERI: You can include  
15 it. I mean, it's just a recommendation. You  
16 know, everybody is -- if you want to. I don't  
17 care. Anybody -- critical incident stress  
18 debriefing should be mandatory for -- this is  
19 not only -- well, what about -- say, strike  
20 that. Just take out --

21 So the "Critical incident stress  
22 debriefing should be mandatory for all  
23 personnel who respond to a mass casualty event  
24 and who participate in the reunification  
25 efforts."

1 COMMISSIONER SCHACHTER: I'd like to be  
2 more specific because they are going to say,  
3 "Well, they didn't say the school employees."

4 CHAIRPERSON GUALTIERI: So say all  
5 personnel including school person -- comma,  
6 including school personnel.

7 COMMISSIONER SCHACHTER: Thank you.

8 CHAIRPERSON GUALTIERI: So "Critical  
9 incident stress debriefing should be mandatory  
10 for all personnel, including school personnel,  
11 who respond to a mass casualty event" -- "a  
12 mass casualty event and who participate in the  
13 reunification efforts."

14 We good with that?

15 COMMISSIONER SCHACHTER: When a critical  
16 incident stress debriefing pertained to school  
17 officials, is there -- or is that just singular  
18 to law enforcement?

19 CHAIRPERSON GUALTIERI: Well, I think it  
20 applies to everybody who -- including school  
21 personnel who respond to a mass casualty event.

22 COMMISSIONER SCHACHTER: Okay.

23 CHAIRPERSON GUALTIERI: So recommendation  
24 10. "Every district should have a school dis --  
25 every district should have a school district

1 reunification plan in the event of an  
2 emergency. Included within that plan should be  
3 the capability to effectively communicate with  
4 parents."

5 COMMISSIONER DODD: I had some ideas on  
6 that.

7 CHAIRPERSON GUALTIERI: Go ahead.

8 COMMISSIONER DODD: So, you know, I would  
9 rather say every school should have a district  
10 approved reunification plan, and make sure that  
11 we're defining the difference between a  
12 district and a school, but also that it should  
13 include methods to effectively communicate with  
14 parents. When we talk about the plan should be  
15 the capability -- that within the plan should  
16 be the capability to effectively communicate  
17 with parents, if we -- and when we have an  
18 incident, I mean everything's going crazy.  
19 We're getting kids to rally points, and then  
20 from the rally points they would get them to  
21 the reunification site. And, you know, I'm not  
22 so sure there's going to be one method of  
23 communicating with parents, and, you know --  
24 but we need to identify what we could do to get  
25 the word out to our parents; where to meet and

1 make sure there's information that's shared.  
2 So I just thought they should include methods  
3 to effectively communicate with parents but I'm  
4 not really sure what you were thinking there,  
5 or what the commission was thinking.

6 CHAIRPERSON GUALTIERI: Should be -- so  
7 every school district should have a -- every  
8 school should have a district approved  
9 reunification plan in the event of an  
10 emergency. Included within that plan should  
11 be.

12 COMMISSIONER DODD: Methods maybe or ...

13 CHAIRPERSON GUALTIERI: Should be various  
14 methods --

15 COMMISSIONER DODD: To communicate --

16 CHAIRPERSON GUALTIERI: To effectively  
17 communicate with parents.

18 COMMISSIONER CARROLL: Add to that,  
19 Sheriff, I believe -- I don't mind that but, I  
20 think the first thing that the school district  
21 has to lay the parameters, right? So I think  
22 every school district needs to have a policy  
23 around reunification that lays out what these  
24 plans need to look like, and then -- and then I  
25 like that, that every school has to have a plan



1 in place. But the district has to provide some  
2 overarching guidance to that or we're going to  
3 have every school having their own plan again,  
4 and that's what got us into this issue in the  
5 first place.

6 COMMISSIONER SCHACHTER: Yeah, so every  
7 school -- every district needs to have a plan,  
8 and then every school needs to be practicing  
9 that reunification or drilling that  
10 reunification.

11 COMMISSIONER DODD: Every school should  
12 have a policy -- every school district should  
13 have a policy and every school should have a  
14 plan.

15 COMMISSIONER SCHACHTER: Exactly, and  
16 practice it and drill it.

17 COMMISSIONER DODD: Yeah.

18 CHAIRPERSON GUALTIERI: So go back, John.  
19 Just go -- so take out -- so every.

20 COMMISSIONER CARROLL: Leave that the way  
21 it is. Just add a beginning sentence to it;  
22 every school district should have a policy on  
23 reunification. And then it's every district  
24 school should have a district approved. I mean,  
25 I like that.

1           COMMISSIONER SCHACHTER: Okay. Go ahead  
2 and tell him so -- so just go ahead or work  
3 through it.

4           COMMISSIONER CARROLL: District should  
5 have a reunification policy that establishes  
6 school-based expectations, and then every  
7 district school should have a district approved  
8 plan, and then I'd keep the rest.

9           CHAIRPERSON GUALTIERI: Okay. So every  
10 school district -- this is similar really to  
11 the overall act of assailant policy. Every  
12 district has to have a policy, but it needs to  
13 take into consideration the nuances of every  
14 school. So the same thing is, is that every  
15 school district should have a reunification  
16 policy that establishes school-based  
17 expectations, and then every school -- then  
18 take out -- the next one needs to come out.

19          COMMISSIONER SCHACHTER: And, Sheriff, I  
20 mean, I think we need to be prescriptive  
21 because we know that, you know, schools are  
22 gonna not implement to the -- you know, what  
23 we're trying to accomplish. So I'd love to get  
24 some input from Captain Francis how often do  
25 they drill on reunification? Do they? So on

1 and so forth.

2 CHAIRPERSON GUALTIERI: You know the  
3 answer to that.

4 COMMISSIONER SCHACHTER: On reunification?

5 CHAIRPERSON GUALTIERI: How often do  
6 schools today in Florida deal on -- drill on  
7 reunification?

8 COMMISSIONER SCHACHTER: Yeah, so in other  
9 words --

10 CHAIRPERSON GUALTIERI: You know the  
11 answer to that.

12 COMMISSIONER SCHACHTER: Well.

13 CHAIRPERSON GUALTIERI: Zero.

14 COMMISSIONER SCHACHTER: So then we've got  
15 to put in there if we want it to change.

16 CHAIRPERSON GUALTIERI: Well, we can get  
17 to it, but let's get this part of it done  
18 first.

19 So "Every school district should have --  
20 should have a reunification policy that  
21 establishes school-based expectations."

22 And then what? "Included within that plan  
23 should be the various methods to effectively  
24 communicate with parents"?

25 (No audible response.)

1           SHERIFF ASHLEY: And rapidly identify  
2 students and personnel.

3           CHAIRPERSON GUALTIERI: And what?

4           SHERIFF ASHLEY: Rapidly identify students  
5 and personnel. I guess no one who's in your  
6 school would be and the ability to identify  
7 them, I don't know if that's I.D. cards or --

8           CHAIRPERSON GUALTIERI: So included within  
9 that plan should be the various methods to  
10 effectively communicate with parents and  
11 facilitate reunification? Is that what you're  
12 talking ... and expedite and expedite  
13 reunification?

14          SHERIFF ASHLEY: Included within that plan  
15 should be the capability to effectively and  
16 rapidly identify students and personnel and  
17 communicate with parents.

18          It doesn't do any good to communicate with  
19 parents if you don't know who you're talking  
20 about. In reunification, I guess the  
21 hinderance in this whole process was they  
22 couldn't identify the students because they  
23 didn't have photographs and identification, or  
24 whatever was necessary to communicate with the  
25 parents that somebody is deceased.

1           COMMISSIONER CARROLL: If you say to  
2 effectively identify, communicate with parents,  
3 but I think the important piece too is - and  
4 how you're going to support law enforcement in  
5 their reunification process in the case of a  
6 mass casualty. Because that's the piece that  
7 was missing, is -- so that's going to force the  
8 issue where they have to be aligned, you have  
9 to understand what law enforcement has to do  
10 and what their plan is. And then how are you  
11 going to support that? Well, you better have  
12 the class roster list. You better have photos  
13 available.

14           CHAIRPERSON GUALTIERI: So let's take this  
15 piece by piece. One of the things here I think  
16 to include what Mr. Schachter is looking for  
17 here, let's take the first part. "Every school  
18 district should have a reunification policy  
19 that establishes school-based expectations."

20           We're all good with that sentence?

21           (No audible response.)

22           CHAIRPERSON GUALTIERI: Okay. What about  
23 the next sentence is, is that "Every district  
24 should implement reunification drills."

25           Now we go on to the next section, which we

1       need to tweak. So for the first sentence  
2       "Every school should have a reunification  
3       policy that establishes school-based  
4       expectations."

5             Is everybody good with that one?

6             (No audible response.)

7             CHAIRPERSON GUALTIERI: Is everybody good  
8       with the next sentence that "Every district  
9       should implement reunification drills"?

10            COMMISSIONER SCHACHTER: Just for the  
11       commission's information, Seminole County does  
12       reunification drills twice a year.

13            CHAIRPERSON GUALTIERI: Yeah, I know, you  
14       talked about that, and it's great that they do  
15       that, and they're way ahead of the curve so,  
16       which is good.

17            But "Every district should implement  
18       reunification drills."

19            Everybody is good with it?

20            (No audible response.)

21            CHAIRPERSON GUALTIERI: Okay. So now we  
22       need to talk about a communication piece. So  
23       included -- so included within that plan we  
24       have right now -- included with that plan  
25       should be various methods to effectively

1 identify students, and staff and communicate  
2 with both. That's what we need to tweak. So  
3 somebody take it. Go ahead.

4 COMMISSIONER SCHACHTER: I'm sorry, why --  
5 I would recommend we mandate that schools do  
6 the same thing that Seminole does. If we're  
7 stating that's a model, every school should be  
8 performing reunification drills twice a year.

9 COMMISSIONER HARPRING: Well, Mr.  
10 Schachter, respectfully, we can't mandate  
11 anything making recommendations. The  
12 legislature can mandate things. DOE can  
13 mandate things.

14 COMMISSIONER SCHACHTER: That's what I  
15 mean. That's what I mean.

16 COMMISSIONER HARPRING: And I think there  
17 also is some value to local judgment. I mean,  
18 I've -- you know, Seminole's got a great plan.  
19 All we can do is make appropriate  
20 recommendations, and if they're legislatively  
21 required, then, you know, all the better, and  
22 if they're not, then that's why there's a  
23 statewide grand jury. That's why there's  
24 people that vote for school boards. That's why  
25 there's local -- local control. I'm concerned

1       that we get down too much into a checklist  
2       requirement standpoint when we should be making  
3       recommendations that are a little -- a little  
4       higher level, not delving into the minutia of  
5       what should or should not be in an individual  
6       policy for a district for a law enforcement  
7       agency. And we have referenced Seminole County  
8       numerous times in here. Again, going back to  
9       Number 6, which indicates the coordination for  
10      reunification and for notification. I'm just  
11      concerned that we get so much into minutia that  
12      the recommendations are lost based on their  
13      detail. It's just one commissioner's thought.

14           CHAIRPERSON GUALTIERI: So we've got in  
15      there -- maybe we should do this, because  
16      we're -- we've already taken out a couple of  
17      previous recommendations and it doesn't matter  
18      how many we have or don't have, but we've  
19      already take a couple out. Why don't we take  
20      10, and where it says "Every school district  
21      should have a unification policy to establish a  
22      school-based expectations. Every district  
23      should implement reunification drills."

24           Leave it at that and then go to a new one  
25      that talks about what we want to say about



1 effective communication. Are we going to break  
2 that out? Would that be easier? Maybe? So  
3 what do we want to say here? Every  
4 reunification plan should establish various  
5 methods to effectively identify students and  
6 staff, and communicate with parents. Sorry, so  
7 what else? Because we've got a lot -- a bunch  
8 of different ideas around the table.

9 Somebody take and fill -- start filling  
10 that in with what you think. What else you  
11 think should be.

12 COMMISSIONER SCHACHTER: You know, if  
13 we're going to go down that route of developing  
14 what schools should do for their reunification  
15 plan, there's a lot of ways we can go and  
16 there's a lot areas, you know, that we're not  
17 even touching on if we want schools to have an  
18 effective reunification plan.

19 CHAIRPERSON GUALTIERI: We don't -- we  
20 shouldn't get in the details, shouldn't get in  
21 the weeds. This is at high level. So we're  
22 saying that every plan should have -- should  
23 establish various methods, and there could be  
24 the various methods, but without getting into  
25 the details of whether it's text, or phone, or

1 a robocall, or whatever is -- you know, all the  
2 different stuff. To effectively identify  
3 students and staff and communicate with  
4 parents.

5 What else -- from a high level  
6 recommendation standpoint what else do you want  
7 in there?

8 COMMISSIONER SCHACHTER: You're just  
9 talking about the communication of what's  
10 happening, and that there was an active shooter  
11 event, and where to reunify their children?  
12 What are we trying to accomplish in this?

13 SHERIFF ASHLEY: I'm assuming that -- I  
14 say assume, I know that one of the biggest  
15 issues in this was who had emergency contact,  
16 who had parents' numbers, who had student  
17 identifications, who's actually identifying the  
18 students that are victims and then  
19 communicating that information to the family,  
20 parents and others.

21 So I think you've got the very broad basic  
22 what needs to be done. You need to have a way  
23 to rapidly identify your students and personnel  
24 and communicate that to those victims or to the  
25 family. I think that's covered. You start

1 getting further down into it, then I think --

2 CHAIRPERSON GUALTIERI: Can't go too far  
3 into the weeds on it. You know?

4 So as -- do you want anything more? Does  
5 anybody want anything more than what it says?

6 Commissioner Stewart?

7 COMMISSIONER STEWART: Nothing more, but  
8 if we're gonna include staff, it shouldn't say  
9 parents, it should say appropriate family or  
10 family, and that was one of the spouse  
11 questions.

12 COMMISSIONER SCHACHTER: Debbie Hickson.

13 COMMISSIONER STEWART: Yes, Debbie  
14 Hickson.

15 CHAIRPERSON GUALTIERI: So read it through  
16 and how should it read? Effective  
17 reunification plan.

18 COMMISSIONER: I think John just changed  
19 it. He just added.

20 CHAIRPERSON GUALTIERI: Oh, he did it.  
21 okay.

22 COMMISSIONER STEWART: And the other is --  
23 and this is truly a question. I'm unsure. Is  
24 each reunification plan establishing various  
25 methods so that --

1           CHAIRPERSON GUALTIERI: Yeah.

2           COMMISSIONER STEWART: -- the  
3 reunification could be this method for  
4 identifying or this method, or do we mean  
5 depending on the school district it's a  
6 different method?

7           CHAIRPERSON GUALTIERI: Well, the way I  
8 look at it is because you should establish  
9 various methods to do it, because depending  
10 upon the nature of the event, you're going to  
11 have to go about it in different ways. I don't  
12 think there's any one size fits all.

13          Commissioner Dodd.

14          COMMISSIONER DODD: Yeah, the only thing  
15 that I would still like to see in  
16 recommendation 10 was that we add the word  
17 plans. It says "Every school district should  
18 have a reunification policy that establishes  
19 school-based expectations" and plans. Because  
20 the school needs to have a plan. Every school  
21 is different. So if we say, if we add plans in  
22 there, I think that would, you know, define it  
23 a little better.

24          CHAIRPERSON GUALTIERI: Okay. Anybody?

25          CHANCELLOR OLIVA: Instead of adding a new

1 recommendation to build on Commissioner Dodd,  
2 should it just say that every school district  
3 should have a reunification policy? The policy  
4 should include the plans for school-based  
5 expectations for reunification, communication  
6 and drills.

7 CHAIRPERSON GUALTIERI: Sounds good. So  
8 say that again so John --

9 CHANCELLOR OLIVA: The school district's  
10 adopting the policy, all the parts  
11 underneath --

12 CHAIRPERSON GUALTIERI: Right.

13 CHANCELLOR OLIVA: -- are that components  
14 that are being built into this school district  
15 approved policy. Those are where the plans go.

16 CHAIRPERSON GUALTIERI: So okay. So  
17 you're suggesting. We can try it. Let's see  
18 what it looks like. So "Every school district  
19 should have a reunification policy." Period?

20 CHANCELLOR OLIVA: Period.

21 CHAIRPERSON GUALTIERI: You got to just  
22 put a period after policy, John. Yeah, period.

23 CHANCELLOR OLIVA: And the policy should  
24 establish the school-based expectations and  
25 plans.

1           CHAIRPERSON GUALTIERI: And the policy  
2 should establish the ...

3           CHANCELLOR OLIVA: The plans for  
4 implementing reunification drills or whatever  
5 that expectation is.

6           CHAIRPERSON GUALTIERI: Yeah. Okay.  
7 Yeah, that seems to make sense. Every school  
8 should have -- every district -- every school  
9 district should ever a reunification policy.  
10 The policy should establish school-based  
11 expectations and plans.

12           You good with that?

13           COMMISSIONER SCHACHTER: Yes.

14           CHAIRPERSON GUALTIERI: The plan should  
15 include.

16           COMMISSIONER CARROLL: Rapid  
17 identification. Students staff, victims and  
18 various methods to communicate with parents.  
19 Family.

20           CHAIRPERSON GUALTIERI: There you go. All  
21 right. So "Every school district should have a  
22 reunification policy. The policy should  
23 establish school-based expectations and plans.  
24 The plans should include implementation of  
25 reunification drills, various methods to

1 effectively identify students, and staff and  
2 communicate with family."

3 That looks good.

4 VICE-CHAIRMAN LYSTAD: That looks good.

5 CHAIRPERSON GUALTIERI: Everybody good  
6 with that?

7 VICE-CHAIRMAN LYSTAD: That's what I was  
8 trying to say in the first place.

9 CHAIRPERSON GUALTIERI: Yeah, you know,  
10 sometimes --

11 VICE-CHAIRMAN LYSTAD: I'm only kidding.

12 CHAIRPERSON GUALTIERI: You know,  
13 sometimes it requires somebody to sit back and  
14 think and seeing it as opposed to -- because  
15 all different eyes on this. This is why we're  
16 doing it. This is why we're going through  
17 this. So, certainly appreciate everybody's  
18 input because it's important, and different  
19 people see different things. It's hard as  
20 you're talking to kind of work through it. So  
21 sometimes if somebody else can pipe in and say  
22 this got -- you know, it all together it makes  
23 it much easier. So. All right. That looks  
24 good, and then we'll -- we can tweak it, but I  
25 think we've got the substance. okay.

1 All right. So we move on to --

2 Yes, Commissioner.

3 VICE-CHAIRMAN LYSTAD: Just jump back to 9  
4 for half a second.

5 CHAIRPERSON GUALTIERI: Go back to nine,  
6 John.

7 VICE-CHAIRMAN LYSTAD: Just the last --  
8 the last -- the last line there it says event  
9 and who participate. I think we're trying to  
10 make sure that both. Correct? So the way it  
11 reads who responds to a mass casualty and who  
12 participate, should --

13 CHAIRPERSON GUALTIERI: And who  
14 participates in.

15 VICE-CHAIRMAN LYSTAD: Should be and slash  
16 or, or event or participate --

17 CHAIRPERSON GUALTIERI: Sure. Yep.

18 VICE-CHAIRMAN LYSTAD: That is not  
19 necessary, John. Just and/or who participate.

20 CHAIRPERSON GUALTIERI: Okay. That works.  
21 All right. So we're going to Number 11.

22 COMMISSIONER LARKIN-SKINNER: (Inaudible).

23 CHAIRPERSON GUALTIERI: So we're done with  
24 10. We're on 11 now. So what are you saying?

25 COMMISSIONER LARKIN-SKINNER: As you



1 start -- as you start looking at it, if you  
2 look at 11, 12 and 13 and then go back to 11,  
3 so you'll see what's coming up.

4 CHAIRPERSON GUALTIERI: Okay.

5 DONNA: And then we can start back at 11,  
6 just so they can see.

7 CHAIRPERSON GUALTIERI: So go to 13 first,  
8 is that what you're saying?

9 DONNA: No, I was just wanting to make  
10 sure they knew 13 was there as they start  
11 making the changes because it's getting a  
12 little duplicative.

13 CHAIRPERSON GUALTIERI: Okay. Yeah, I  
14 mean, I don't know how -- yeah, well, we'll  
15 just take them in order. I don't know how else  
16 to do this, because 13's got a lot in it.  
17 You're right.

18 So every -- let's just look at 11. "Every  
19 district plan should identify potential  
20 reunification sites training for employees,  
21 equipment, signage, student and parent  
22 information to facilitate the process."

23 COMMISSIONER LARKIN-SKINNER: Mr. Chair?

24 CHAIRPERSON GUALTIERI: Yes.

25 COMMISSIONER LARKIN-SKINNER: I actually

1 had a thought about these. If you read 11, 12,  
2 and 13, they look like they should be part of  
3 10.

4 CHAIRPERSON GUALTIERI: Yeah.

5 COMMISSIONER LARKIN-SKINNER: So my  
6 thought is if we could have 10 be a sentence  
7 and then a colon at the end, and then bullet  
8 points of what should be included in the plan  
9 or the policy, which is what I'm trying to say,  
10 that that -- we could just combine it.

11 CHAIRPERSON GUALTIERI: So I see what  
12 you're saying. So "Every school district  
13 should have a reunification policy," and then  
14 you would add in there the policy should  
15 identify potential reunification sites,  
16 training for employees, equipment, site, et  
17 cetera. Right? That's what you're saying.

18 COMMISSIONER LARKIN-SKINNER: Yeah.

19 CHAIRPERSON GUALTIERI: And I think Donna  
20 that's your point?

21 DONNA: Yes.

22 CHAIRPERSON GUALTIERI: So I think that  
23 would make sense.

24  
25 So John just grab what's in 11. Just grab

1       that. Just grab the text. There you go. And  
2       then "Every school district should have a  
3       reunification policy," then paste it after the  
4       word policy in the first sentence of 10. Right  
5       there.

6               So "Every school district should have a  
7       reunification policy. The policy should  
8       identify potential reunification sites,  
9       training for employees, equipment, signage  
10      student and parent information to facilitate  
11      the process."

12             And then the next sentence would be "The  
13      policy should also establish school-based  
14      expectations and plans."

15             See it? The policy should also establish.  
16      There you go. And then after that you could  
17      take what's in 12, just grab that and then the  
18      policy should also establish school-based  
19      expectation and plans, and then add 12 in there  
20      after that right there. Unified command  
21      structure should be incorporated into the plan,  
22      particularly in a mass-casualty incident where  
23      multiple agencies are involved.

24             COMMISSIONER SCHACHTER: And in 10 where  
25      we're saying the things that this plan, this

1 policy should have, can we also -- I would  
2 recommend we put in that the policy needs to be  
3 developed in coordination with law enforcement,  
4 or law enforcement needs to be involved along  
5 the way. I'm afraid if we don't --

6 CHAIRPERSON GUALTIERI: So tell you what,  
7 this thing -- this thing is -- these things --  
8 and I think at the end of this -- because we  
9 then are going to move into Chapter 4. I'll  
10 tell what we're going to -- tell you what we're  
11 going to with this, because all this really  
12 just needs to get reworked. So we're at noon  
13 now. We've got like two minutes before 12.  
14 We're due to break for lunch at 12:00. Why  
15 don't we do this, why don't we break for lunch  
16 and come back right at 1:00, in the meantime  
17 over the lunch break, we'll work on this and  
18 take all of this 10, 11, 12, 13 and come up  
19 with a new revised one that brings us all  
20 together as opposed to trying to do this on the  
21 fly. Because there's too much here because  
22 we're taking all four and bringing them  
23 together. So why don't we do if that works for  
24 everybody?

25 Does anybody have anything else before we

1 break for lunch?

2 (No audible response.)

3 CHAIRPERSON GUALTIERI: All right. So  
4 we'll start again -- let's see if we can get  
5 through this. Let's start right at 1:00.

6 (A recess was taken.)

7 COMMISSIONER SCHACHTER: Let's get started  
8 again.

9 John, would you put up there the revised?

10 Okay. So does it all fit on the one  
11 there?

12 UNIDENTIFIED SPEAKER: Yes, sir.

13 CHAIRPERSON GUALTIERI: Do you have -- it  
14 would be easier for what we're just working on.  
15 Do you have it in the Word version? In that  
16 Word document? You can put that up there. It  
17 would be easier for everybody to see. well,  
18 Maybe not.

19 UNIDENTIFIED SPEAKER: (Inaudible).

20 CHAIRPERSON GUALTIERI: So this is a  
21 combination of 11, 12. 13's included in here.  
22 or no.

23 UNIDENTIFIED SPEAKER: (Inaudible).

24 COMMISSIONER SCHACHTER: No. Yeah, 10, 11  
25 and 12. So this is a combination of

1 recommendations 10, 11 and 12. So why don't  
2 you all just take a look at it and see what you  
3 think.

4 UNIDENTIFIED SPEAKER: It may just be  
5 semantics, Sheriff, but on the third sentence,  
6 "The district's policy should minimally  
7 address," perhaps for clarification it should  
8 say "The district's policy should at a minimum  
9 address."

10 Yep, that's fine. Again, this is 10 11 --  
11 recommendations 10, 11, 12 all consolidated  
12 into one. Does anybody have any other thoughts  
13 or comments on it? Again, we will tweak it as  
14 far as wordsmithing and editing, but for  
15 substance of taking 10, 11, 12. This is better  
16 than what we had and it brings all three of  
17 those together in one recommendation. So does  
18 anybody have any input, thoughts or request  
19 changes in that one to replace 10, 11 and 12  
20 with what you see there on the screen?

21 (No audible response.)

22 CHAIRPERSON GUALTIERI: Everybody good  
23 with it? Okay. All right.

24 Okay. Let's go into Number 13. So 13,  
25 Chapter 3 recommendation 13, Page 47 of the

1 draft report. Training and exercise is a huge  
2 component of effective -- an effective plan and  
3 should include conducting after-action reports  
4 and where appropriate, updating protocols.  
5 Plans should include and be exercised with  
6 partner agencies, such as police, fire,  
7 emergency management, victim advocates, mental  
8 health counselors, other team members."

9 So this one is from a -- from a wording  
10 standpoint, this one needs work, but so id we  
11 just focus on the substance of it. I think the  
12 nature of --

13 Did we include anywhere previously -- did  
14 we include anything about drilling on this?  
15 Did we already include something about  
16 drilling?

17 UNIDENTIFIED SPEAKER: (Inaudible).

18 CHAIRPERSON GUALTIERI: Right. Which one  
19 was that? Go back to that one. It wasn't --

20 UNIDENTIFIED SPEAKER: I think we  
21 originally put it in part of 10.

22 CHAIRPERSON GUALTIERI: Did we put it in  
23 10? Okay. So we did that. Okay. So we're  
24 back to -- okay. All right. So we took it back  
25 out. Okay.

1 All right. So let's back to 13 again.  
2 Let's look at it again. So the gist of this is,  
3 is that the recommendation is that there be  
4 training on effective reunification plans and  
5 the drills be conducted. The training and the  
6 drills should include these things. So, again,  
7 without trying to rework it, as far as the  
8 content is concerned, does anybody have  
9 anything other than the concept of saying that  
10 reunification plans need to be trained on and  
11 that they should include these certain things.  
12 Does anybody have anything you want to add to  
13 that? We'll take care of reworking this one.  
14 We didn't have time -- believe me, over the  
15 lunch our it took us that long to just do 10,  
16 11 and 12. So didn't have time to get to this  
17 one, 13, but is everybody generally good with  
18 that.

19 (No audible response.)

20 CHAIRPERSON GUALTIERI: Okay. And you'll  
21 have another opportunity to see this one when  
22 you see the final report, but, again, it just  
23 needs some wordsmithing in there. We'll take  
24 care of that. All right.

25 All right. So for Chapter 3, that includes



1 everything we need to talk about in Chapter 3.  
2 Chapter 3 obviously took us a while to go  
3 through this this morning. This is a brand new  
4 topic. It's a brand new chapter. It's  
5 something that we haven't seen before. Most,  
6 if not everything else that we're going to  
7 cover, are topics of material that you have  
8 seen, and we have covered previously and that  
9 we're following up on. So we'll move now over  
10 to Chapter 4.

11 So in Chapter 4, as far as the narrative  
12 in Chapter 4, does anybody have any changes,  
13 requested modifications to what is in the fact  
14 section of Chapter 4? We had put it in there.  
15 As you can see, the results of the updated  
16 Fitch survey we had in there.

17 So the first thing then if nobody has  
18 anything else, or has anything regarding  
19 anything in the fact section of Chapter 4 we'll  
20 begin with the first finding that's in there  
21 for chapter 4, and that is that "The shootings  
22 at the Fort Lauderdale Airport and Stoneman  
23 Douglas epitomize the problems within the  
24 regional communication system, dysfunction,  
25 distrust, inefficiency, poor interpersonal

1 relationships, poor policies, inadequate  
2 training, antiquated radio technology and  
3 equipment, ineffective leadership."

4 Now, ineffective leadership there that  
5 we're talking about is not ineffective  
6 leadership in any particular scene, but we're  
7 talking about ineffective leadership within  
8 ORCAT and within the regional communication  
9 system so take a look at that and see if  
10 anybody has any --

11 So maybe we should be clear and say that  
12 within the regional communications System. So  
13 for finding Number 1 for Chapter, any other  
14 thoughts, comments, request for changes in  
15 that? I think all of that is supported by the  
16 testimony in the evidence that we heard during  
17 the commission meetings this year.

18 (No audible response.)

19 CHAIRPERSON GUALTIERI: All right.  
20 Hearing nothing we'll go on to Number two.  
21 "The Broward County law enforcement radio  
22 system remains a threat to public and officer  
23 safety due to it being outdated and unable to  
24 meet user capacities during instances of mass  
25 law enforcement response. The systems delayed

1 replacement is due to the stakeholders'  
2 inability to agree on the placement of the last  
3 radio tower necessary to complete the buildout  
4 of a new system."

5 Even based on what I updated you with this  
6 morning, I think that that finding remains  
7 true. I don't think that it requires any  
8 changes because they are really still in a  
9 status quo situation even though they're moving  
10 ahead with the 15-tower system.

11 So hearing no requested changes on that  
12 one, we'll move on to finding Number 3.

13 "So communications among the regional  
14 communications stakeholders has been poor and  
15 ineffective."

16 I think that's pretty well established  
17 even though it's improving.

18 "The system has the potential to be  
19 effective, but leadership has been lacking to  
20 bridge the gaps, effect the necessary changes,  
21 resolve differences and optimize the system.  
22 The responsibility rests with all parties and  
23 no one person is responsible for all the  
24 issues."

25 Any thoughts on that? Any better ways

1 to -- different ways that we should express  
2 that?

3 (No audible response.)

4 CHAIRPERSON GUALTIERI: Okay. Going to do  
5 Number 4. So maybe we should modify this a  
6 little bit, or maybe not suit. I don't know.  
7 See what you all think, because of the updated  
8 information. We say that here is that  
9 stakeholders distrust each other and  
10 disagreements have become personal. They  
11 certainly had. There's no question about that,  
12 and even when they appeared before us in April  
13 and in June it wasn't good, and that certainly  
14 reflected the state of affairs. Now when they  
15 were before us in August and what I'm hearing  
16 now from talking to the county administrator  
17 and from talking to Chief Rosa and others is  
18 there is improved communication, but this has  
19 certainly been an unfortunate hallmark of that  
20 system for the last several years. So do we  
21 leave it the way it is? Because it's a finding  
22 based upon what we heard and just leave it or  
23 do we tweak it?

24 Of course, we're all cautiously optimistic  
25 that they will remain on the path that they're

1 on and that they will be successful. That's  
2 what we all want, as I hope -- I'm sure what  
3 they want, but if we do change it, I don't  
4 think we should change it much. We just leave  
5 it?

6 COMMISSIONER SCHACHTER: I think it's  
7 accurate.

8 CHAIRPERSON GUALTIERI: Okay. Leave it?

9 COMMISSIONER LARKIN-SKINNER: I agree.

10 CHAIRPERSON GUALTIERI: Okay.

11 COMMISSIONER SCHACHTER: Yes.

12 CHAIRPERSON GUALTIERI: All right.  
13 Anybody have any tweaks to that then in its  
14 current form?

15 (No audible response.)

16 CHAIRPERSON GUALTIERI: All right. Move on  
17 to Number 5. "The Broward County Sheriff's  
18 Office provides day-to-day management of the  
19 regional communications centers." True.

20 Recently conducted employee surveys reveal  
21 that training and operational readiness issues  
22 remain and that the current issues Are similar  
23 to the concerns first identified in the 2016  
24 Fitch report."

25 So to throw this out, I mean, should we,

1 to be clear with us so there's no  
2 misunderstanding, and so that it accurately  
3 reflects -- because we had a change in  
4 administration within the Broward Sheriff's  
5 Office earlier this year. So the first  
6 sentence, "The Broward County Sheriff's Office  
7 provides day-to-day management of the regional  
8 communication centers." That's true. Nothing's  
9 changed. It says recently conducted employee  
10 surveys, so people are going to be reading this  
11 in November of 2019. Those surveys were  
12 conducted early this year around the March,  
13 February, March timeframe, and those surveys  
14 were conducted only about 30 to 45 days after  
15 Sheriff Tony took over. So I think it would be  
16 unfair to have anybody read this and think the  
17 surveys are a result of the activity that was  
18 occurring while he was the sheriff, because  
19 they're not. They're reflective of response --  
20 the responses are reflective of what occurred  
21 under the prior administration. So in looking  
22 at that, I think we should clarify that because  
23 it's not fair.

24 JOHN: How about just putting a date in  
25 there? In March 2019 employee survey or

1 something like that?

2 COMMISSIONER SCHACHTER: Yeah, there you  
3 go. John just got it.

4 Surveys conducted in March 2019 Revealed  
5 that training and operational readiness issues  
6 remained and ...

7 JOHN: And identified issues or something  
8 like that?

9 CHAIRPERSON GUALTIERI: Yeah, identified  
10 issues. Yeah, that will work, and remained  
11 in --

12 COMMISSIONER SCHACHTER: And the  
13 deficiencies were not -- not fixed?

14 CHAIRPERSON GUALTIERI: So hang on a  
15 second. "Surveys conducted in March 2019  
16 revealed that training and operational  
17 readiness issues remained."

18 I'd say comma had not been remediated, and  
19 in some cases were worse than the issues first  
20 identified in the 2016 Fitch report. That's  
21 accurate.

22 COMMISSIONER JUDD: (Inaudible). So I'm  
23 not sure that we don't need to some place in  
24 here state the county administrator said that  
25 this dysfunction which is, I think by these

1 surveys, gotten worse, but this dysfunction has  
2 been something, or this lack of collegial  
3 relationships between the cities and the  
4 counties and the sheriff's office. Has only --  
5 has not improved, you know, over a 20-year  
6 period. That --

7 CHAIRPERSON GUALTIERI: We'd have to go  
8 back to, I think, Sheriff, to some of the  
9 previous ones, because this is dealing with the  
10 surveys of the employees in the regional  
11 communications center.

12 COMMISSIONER JUDD: With only this survey?

13 CHAIRPERSON GUALTIERI: Yes, this is only  
14 dealing with the employees, and it's a  
15 reflection of the employees' view of the  
16 day-to-day management of the Broward County  
17 Sheriff within the regional centers, because as  
18 we know in ORCAT, the county is responsible  
19 overall in -- but the day-to-day management and  
20 all of those employees who were surveyed are  
21 employees of the sheriff, and this is strictly  
22 a survey that Fitch did first in 2016 of the  
23 sheriff's employees, and then we did the  
24 updated survey this year to determine whether  
25 things were better, worse or the same as a



1 result. And that's what this is speaking to.

2 COMMISSIONER JUDD: So maybe then what we  
3 should say is the ongoing problems, you know,  
4 are still reflected in the current -- in the  
5 current survey. The environment's created by  
6 this system failures that's in place and has  
7 been in place. I don't know. I see --

8 CHAIRPERSON GUALTIERI: Yeah, so surveys  
9 conducted in March to 2019 revealed that  
10 training and operational readiness issues  
11 remained, had not been remediated.

12 COMMISSIONER JUDD: I mean --

13 CHAIRPERSON GUALTIERI: And in some cases  
14 were worse than the issues first identified in  
15 the 2016 Fitch report.

16 COMMISSIONER JUDD: And I think -- I think  
17 the surveys, the surveys and the Fitch report  
18 are predicated on the statement, the  
19 administrator said we've been trying to correct  
20 this for 20 years, or we've not been able to  
21 create this for 20 years. I'm paraphrasing,  
22 not --

23 CHAIRPERSON GUALTIERI: Yeah, it couldn't  
24 be 20 years because none of this -- because  
25 this whole thing didn't exist, you know.

1           COMMISSIONER JUDD: But -- and I'm  
2           paraphrasing from her testimony that the  
3           environment hasn't gotten better, and what this  
4           survey does is quantify, or qualify what she  
5           testified to that this has been an ongoing  
6           problem, and it -- nor the county, nor the  
7           sheriff, nor the cities have proactively been  
8           able to fix this. And these surveys confirm  
9           that.

10          CHIEF ASSISTANT BARTLETT: Chairman.

11          CHAIRPERSON GUALTIERI: Yes.

12          CHIEF ASSISTANT BARTLETT: In our first  
13          report we addressed the issues with this  
14          readiness situation. So we're doing an update.

15          CHAIRPERSON GUALTIERI: Right.

16          CHIEF ASSISTANT BARTLETT: Which now  
17          includes the recent survey of March.

18          CHAIRPERSON GUALTIERI: Right.

19          CHIEF ASSISTANT BARTLETT: Since we  
20          initially issued our report, and it refers back  
21          to the 2016 Fitch survey. So we're basically  
22          saying during this time period that it  
23          continues on and hasn't gotten any better, but  
24          we've already made our previous statements  
25          concerning that in the other report. I think

1       it's kind of redundant if we go back and just  
2       regurgitate what we've done.

3               CHAIRPERSON GUALTIERI:   Yeah, I think  
4       that's important. You know, we've got to keep  
5       in mind here that this is -- on these chapters  
6       we spent a lot of time this morning on Chapter  
7       3, which was reunification which we had not  
8       addressed before. We had not talked about  
9       before. So that's a unique chapter. This  
10      chapter is really just a follow up chapter and  
11      a lot of that was addressed in the original  
12      report. So I think that's important to keep in  
13      mind that this is supplemental.

14             COMMISSIONER JUDD:   And this survey  
15      validates what we've been told in the past.

16             CHAIRPERSON GUALTIERI:   Right. It does.  
17      And we also have in here, again, in this  
18      section some of the recommendations that we  
19      just went through and I think in Number 4 where  
20      it says, "stakeholders distrust each other and  
21      disagreements have become personal," you know,  
22      that that's along the lines, we did talk about  
23      that as Commissioner Bartlett said in the  
24      original report where that -- that has -- is  
25      what has been going on for 20 years. That's

1 the stuff that have been ongoing.

2 All right. So is there anything here  
3 anybody can't live within in Number 5? Is  
4 everybody good with Number 5?

5 (No audible response.)

6 CHAIRPERSON GUALTIERI: So let's go on to  
7 Number 6. So "Broward County's office ORCAT  
8 provides equipment and information services in  
9 the regional communications centers."

10 So we know that. Again, we just said that  
11 BSO provides day-to-day management. ORCAT  
12 provides all the equipment, the I.T. services,  
13 the hardware, the infrastructure.

14 "Recently conducted," and so I think we  
15 should clarify survey -- surveys conducted in  
16 March 2019 revealed overwhelmingly that staff  
17 do not view the equipment as reliable, or  
18 responses to equipment issues as effective.

19 So, again, the surveys as is before, they  
20 went to the management and to the sheriff.  
21 This goes to ORCAT, to the county.

22 Commissioner Marstiller.

23 COMMISSIONER MARSTILLER: Just a quick  
24 question or suggestion for clarification.  
25 Here, in the part of the finding we know from

1 context which employees were surveyed. Here,  
2 I'm not sure we do. Might we want to just say  
3 which employees in this one?

4 CHAIRPERSON GUALTIERI: Okay.

5 COMMISSIONER MARSTILLER: Our staff, I  
6 should say. Which staff? Is it communication  
7 center staff? Is it --

8 CHAIRPERSON GUALTIERI: Yes. No, that's a  
9 good point. We need to be as clear as we can  
10 with this so that everybody understands.  
11 Sometimes, of course, we shorthand it because  
12 we're (inaudible) and we understand it, but the  
13 cold reader isn't going to. So, you're right.  
14 I appreciate that.

15 So "Surveys conducted in March 2019  
16 revealed overwhelmingly that communication  
17 center staff do not view the -- again, to be  
18 clear and to be fair to the sheriff's office on  
19 this, is that maybe you should add in "do not  
20 view the county's equipment." Because it's not  
21 sheriff's equipment, it's the county's  
22 equipment. So the county's equipment is  
23 reliable, or the county's responses to  
24 equipment issues is affected. Because, again,  
25 this isn't the sheriff's responsibility.

1           SHERIFF ASHLEY: Chair, wasn't it clear  
2           from testimony in our two or three meetings ago  
3           that the police chiefs, the fire chiefs wanted  
4           the communication system to go to the sheriff's  
5           office. Not just its operational management,  
6           but the entire system. The county manager  
7           testified that she was not comfortable with  
8           that, didn't feel like the sheriff had the  
9           expertise or technical expertise to actually  
10          manage that system or maintain it. That's  
11          still the same case today, isn't it? That she  
12          CDC does not want to turn that system over to  
13          the sheriff?

14          CHAIRPERSON GUALTIERI: Right. That's  
15          correct, is that the county administrator has  
16          said that she opposes taking ORCAT, and this  
17          side it -- because as we know, this is what  
18          we're talking about here, you got kind of two  
19          masters. You've got two people running it. At  
20          the top technically is the county, the county  
21          administrator. They're responsible fiscally.  
22          They're the ones that funded 100 percent. Then  
23          you've got the stakeholders who are  
24          participants. One of the stakeholders is the  
25          Broward County Sheriff's Office and they

1 provide the day-to-day operation management and  
2 all of the employees operationally going to the  
3 sheriff. So you've got a very wing and  
4 bifurcated path, but overall the county is  
5 responsible, and she has said that she will not  
6 give operational management control and funding  
7 to the sheriff to run.

8 SHERIFF ASHLEY: And I just think somehow  
9 we need to incorporate that in our findings.  
10 I'm not sure if this is the best place to do or  
11 not, but that is the holdup if you take the  
12 word of the fire chiefs and the police chiefs,  
13 that they feel like it would be better managed.

14 CHAIRPERSON GUALTIERI: And, you know,  
15 from talking to them, it's my take that they  
16 have backed off of that position now. Things  
17 are improving and that, you know, they went  
18 from it seems like a very, very bad place.  
19 There's no question it was in a bad place, and  
20 I've asked, I can do some more follow up, I  
21 have not had any further discussions with  
22 Margate or Coconut Creek. As far as I know,  
23 they're still moving in that direction of  
24 withdrawal. But is that because where the fire  
25 chiefs, and the police chiefs and the county is

1       that things have improved? I'd say that they  
2       are cautiously improving and everybody's  
3       cautiously optimistic. But I can tell you from  
4       talking to them is that the push isn't there  
5       anymore to give it to the sheriff's office and  
6       to make that move. So as long as they continue  
7       to make progress, I don't think that -- they  
8       don't feel as strongly about that as they once  
9       did.

10           And like anything, this is way too early  
11       to say by any stretch that this is out of the  
12       woods and the problems are solved. I think this  
13       is one of those things when we come back, you  
14       know, next time we meet next year that we most  
15       definitely need to see a follow-up on. And it  
16       gets back to the point of what I said at the  
17       last meeting why I think we do this, and then  
18       we give this a break because we need to let all  
19       this take hold and take effect. And there  
20       needs to be a long-term evaluation and not just  
21       a 30-, 60-day, you know, things look a little  
22       bit better today, but then this is such an  
23       entrenched problem is that -- there is an  
24       opportunity. I hope it doesn't happen, but  
25       there is an opportunity for this to regress



1 back because it's so tenuous. Again, the  
2 relationships are in the process of moving in  
3 the right direction, but they're not repaired.  
4 This is something that's going to definitely  
5 take time.

6 COMMISSIONER PETTY: Is the situation in  
7 Broward and the division of responsibilities  
8 unique to Broward?

9 CHAIRPERSON GUALTIERI: Very unique. You  
10 know, I don't know of another model like this  
11 in the state that's set up this way.

12 COMMISSIONER PETTY: Is that a finding we  
13 should state and perhaps come up with a  
14 recommendation?

15 CHAIRPERSON GUALTIERI: You know, that  
16 probably goes to, you know, Sheriff Ashley's  
17 point. I don't know. I mean, do you really  
18 want -- you know, they set this up, of course,  
19 you know, under the county commission and there  
20 were some charter revisions with all of this  
21 down in Broward County. You know, when you  
22 look at it, you know, my take is, is that the  
23 structure is not a bad structure necessarily,  
24 what they have. It's how it's been implemented  
25 in the people, and everybody not getting along.

1       So you know what -- do we -- you know, I don't  
2       know We want to recommend that they should not  
3       have the structure.

4               Is that what you're suggesting?

5               COMMISSIONER PETTY: It would seem to me  
6       that whoever's in charge of public safety for  
7       the county, in this case the sheriff, who's an  
8       elected official, would have the most direct  
9       interaction with the electorate. And those --  
10      you know, those for whom the sheriff is  
11      providing public safety services, that that  
12      direct connection to those voters is an  
13      important input or signal to make sure these  
14      things are taken seriously. Right now, the way  
15      I understand it in Broward, we have this being  
16      handled by a county administrator who,  
17      regardless of being well-meaning, is not  
18      subject to the same direct feedback from the  
19      voters, and I can't help but think that part of  
20      the reason none of this got fixed for years,  
21      and years, and years is because of the  
22      structure.

23              CHAIRPERSON GUALTIERI: Well, you don't  
24      have -- so if your question is, is that, you  
25      know, in other parts of the state -- when I say

1       that this is unique to Broward, the structure  
2       is unique to Broward in that you have this  
3       regional communications, the Office of Regional  
4       Communication and Technology, and you've got  
5       the county that's overseeing the technology,  
6       and the hardware and the infrastructure, and  
7       you've got the sheriff that is running it on a  
8       day-to-day basis. That's unique.

9               But it's not unique in Florida that the  
10       county or somebody other than the sheriff is  
11       running emergency communications. That is not  
12       unique. That happens in several places in  
13       Florida. There are several where the sheriff  
14       does it, but there's also a whole bunch where  
15       the sheriff does not do it. So that part of it  
16       is not unique.

17              COMMISSIONER PETTY: Okay. That was --  
18       that was my primary.

19              CHAIRPERSON GUALTIERI: So I misunderstood  
20       your question. I'm sorry. I thought you were  
21       getting at, you know, the fact that the sheriff  
22       didn't do it. That's not unique. I mean it's  
23       that way -- I can tell you it's that way in our  
24       county, is that the county runs 911  
25       communications. We kind have a joint hybrid,

1 but it is. So that's not unique.

2 COMMISSIONER PETTY: I would venture to  
3 guess that they're more responsive when you  
4 raise an issue or a concern than what you've  
5 seen.

6 CHAIRPERSON GUALTIERI: Yeah, I think --  
7 you know, my take -- you're asking my take on  
8 it, is I think, you know, part of the problem  
9 in Broward has been ineffective leadership.  
10 You know, is that communication and ineffective  
11 leadership. Sit down at the table and work out  
12 the problems, and if not, then bring it to the  
13 level that it needs to be and get it resolved.  
14 It was just floundering out there and there was  
15 not the effort made to address the concerns of  
16 the stakeholders and fix it. It's all fixable.  
17 You know, and I'd say that there's some, you  
18 know, proof in the pudding in that in the last  
19 60 days now the feedback from the stakeholders  
20 since they actually started communicating  
21 there's been some leadership demonstrated.  
22 It's oh my God, it is working and it is getting  
23 a little bit better. So Why didn't they do  
24 that before? You know, so that's why I think  
25 it can work with the right leadership and the

1 right commitment to see it through.

2 COMMISSIONER JUDD: Sure. My illustration  
3 is it's a sailboat wandering around being blown  
4 around by the political winds of the different  
5 cities and the counties, and nobody with a  
6 rudder in the water. And you have what you  
7 have, but, like you said, when we started  
8 holding their feet to the fire and when we  
9 asked about meetings, and are you communicating  
10 directly, and are you sitting in the room --

11 CHAIRPERSON GUALTIERI: Right.

12 COMMISSIONER JUDD: -- it improves it, and  
13 we all know that's how things work well  
14 together when everyone that's a stakeholder  
15 gets in the room, and they look eyeball to  
16 eyeball and they agree how we're going to  
17 manage this, and someone leads, then things get  
18 better. And there you go. There's the  
19 example.

20 CHAIRPERSON GUALTIERI: How can you in  
21 2016 have, I believe and I might be misstating  
22 this, but they are pretty close, is how can you  
23 have 70 percent of the people in the sheriff's  
24 communication center when asked the question  
25 whether they believe they were prepared for a

1 mass assailant event and answer no and bells  
2 and whistles, and huge things don't go off, and  
3 you say that we got a problem, we're going to  
4 fix this right now, and let's look at this and  
5 let's figure out the why behind this. And  
6 three years later when you do the same survey  
7 and ask the same question, it's as bad or  
8 worse, you know. And when you have equipment  
9 and you have other things to -- on top of all  
10 the processes and all the procedural problems,  
11 and all the things that everybody is asking for  
12 you've got a major issue there, and it's all  
13 this finger pointing going on as opposed to  
14 being solution based and problem solving.

15 COMMISSIONER PETTY: Well, and I know our  
16 charter is is limited in what we're looking at,  
17 but these problems would manifest themselves in  
18 Broward County whether it was an active  
19 assailant situation, a hurricane, a terrorist  
20 act, whatever it is, these systems would all  
21 break down in the same way. So the residents,  
22 being one, of the county of Broward are at risk  
23 right now unless these things get resolved.

24 CHAIRPERSON GUALTIERI: Yep.

25 UNIDENTIFIED SPEAKER: And, you know,

1 Sheriff, as you're talking about Fitch and they  
2 knew that, you know, they were not prepared for  
3 an active assailant, you know, emergency on the  
4 dispatch side, then when you have the Fort  
5 Lauderdale Airport disaster and the radios go  
6 down and you've got command and control  
7 problems, and then you think you'd fix it even  
8 after that, and it still wasn't.

9 CHAIRPERSON GUALTIERI: But I think what  
10 it shows is, is that those who are charged with  
11 doing it every day and live in it, the  
12 employees, they were right. When they answered  
13 that survey in 2016, because you had two  
14 subsequent incidents where they were proved  
15 correct. Because the airport was a disaster  
16 and MSD was worse off a disaster from a  
17 communications standpoint. So the employees  
18 were correct.

19 SHERIFF ASHLEY: Can you answer for us  
20 today is the throttling issue that they  
21 experienced in both of those incidents, has  
22 that been corrected?

23 CHAIRPERSON GUALTIERI: Has what.

24 SHERIFF ASHLEY: The throttling.

25 CHAIRPERSON GUALTIERI: Throttling issues?

1       No, it's not corrected. They have put some  
2       mitigation efforts in place and they've put  
3       some bandaids in place. So, as an example, one  
4       of the things that that should at least  
5       mitigate it is, is that all of the school  
6       board's bus system radios now are off. They  
7       supposedly -- because they didn't do this  
8       remember after the Fort Lauderdale Hollywood  
9       Airport shooting, they realized that one of the  
10      things that caused the throttling -- so, again,  
11      the throttling, if you just think of a board  
12      and the board's got a bunch of slots on it,  
13      when those slots are full, then the next radio  
14      can't transmit. Which results in the  
15      throttling. Which results in the bonking  
16      noise, and you can't transmit. One of the  
17      things they've learned as a result of that is  
18      those slots become full when a radio is simply  
19      turned on. And so when you have -- not when  
20      they're transmitting, but simply turned on.

21           So what they realized is, is that when one  
22      of these events happens because of this  
23      antiquated system is that in mass, a whole  
24      bunch of people shouldn't just be turning on  
25      their radios. Well, they never went out after



1 Fort Lauderdale Hollywood Airport when they  
2 realized, they never went out and educated  
3 everybody not to do that. So when Stoneman  
4 Douglas happened, across the board, across the  
5 county, across the system, you had people way  
6 down south in Hollywood, or Southwest Ranches,  
7 or all parts of Broward are just flipping the  
8 radios on because they want to hear. Well,  
9 they're flipping the radios on and they want to  
10 hear, their clogging the system up.

11 So they never implemented it. So what  
12 they've done now is that they have taken the  
13 school buses off. They've educated people.  
14 They've taken certain measures. But if there's  
15 another today, mass response required, is that  
16 most likely is that it's going to result in  
17 system overload, and throttling, and the radio  
18 bonking and an inability to transmit. Now,  
19 will happen as fast as it happened at Stoneman  
20 Douglas? Hopefully not, because there's been  
21 some mitigation efforts, but the problem will  
22 not be solved until this new system is in  
23 place. And that system, again, won't be a  
24 place, they say, with a 15-radio -- or the  
25 15-tower system, they say sometime in early

1       2020, but we'll see. And of course Hollywood  
2       will not be on that system. Hollywood will be  
3       on the Legacy system until that 16th tower gets  
4       resolved.

5               COMMISSIONER SCHACHTER: And you had both  
6       of these mass casualty incidents happening  
7       around the time when school was letting out,  
8       and he had all these buses --

9               CHAIRPERSON GUALTIERI: Correct.

10              COMMISSIONER SCHACHTER: -- you know, you  
11      know hitting the system. And so finally they  
12      got the buses off the system.

13              CHAIRPERSON GUALTIERI: All right. We'll  
14      Move on to Number 7. Number 7 is, we kind of  
15      touched on this, but the cities of Margate and  
16      Coconut Creek have stated that they will be  
17      withdrawing from regional communications due to  
18      the system not meeting their operational needs.  
19      Both cities will be spending millions of  
20      dollars, and I think they estimate, if I recall  
21      correctly, is about two million in each city in  
22      taxpayer money to effect this withdrawal. So I  
23      think that's an accurate statement as to the  
24      findings. Number one findings, not  
25      recommendations. So these are just the

1 findings.

2 Anybody have any on that one?

3 COMMISSIONER SCHACHTER: Yes, I spoke to  
4 Chief Shaw and they're currently still in the  
5 process.

6 CHAIRPERSON GUALTIERI: I don't think  
7 anything -- as far as I, know nothing's  
8 changed. They had said -- you know, he had told  
9 me previously that it was a done deal, ship  
10 sailed and no matter what changes, they were  
11 still moving forward. So. I have -- you see  
12 the recommendation, when we get to the  
13 recommendations, I put in there a  
14 recommendation, a suggestion that given, you  
15 know, that they should reevaluate, but we'll  
16 see what you all want to do with it when we get  
17 to it.

18 So let's just -- anyway, that's the last  
19 finding. Does anybody have any additional  
20 findings for Chapter 4 that we didn't cover?

21 (No audible response.)

22 CHAIRPERSON GUALTIERI: Okay. Now, let's  
23 go into the recommendations for Chapter 4. The  
24 first one is that "All regional communication  
25 stakeholders have an interest in the system's

1 success. They must put aside their personal  
2 animosity, fulfill their obligations to the  
3 citizens of Broward County throughout  
4 effective, efficient and safe radio and 911  
5 communications."

6 Anybody have any changes to that?

7 UNIDENTIFIED SPEAKER: Spelling.

8 Interested should be interest.

9 CHAIRPERSON GUALTIERI: Which ones? Where  
10 do you see it.

11 UNIDENTIFIED SPEAKER: Have a vested  
12 interest.

13 CHAIRPERSON GUALTIERI: Yeah, you're  
14 right. Thanks.

15 Okay. Number 2. "All those in public  
16 safety leadership positions must convey to  
17 their subordinates an expectation that the  
18 system will succeed and that everyone will put  
19 aside their differences and work  
20 collaboratively to achieve that result."

21 COMMISSIONER JUDD: I don't know where to  
22 jump in here In these recommendations, and I've  
23 read ahead a little bit. Should we  
24 specifically make a recommendation that they  
25 put a system in process in place for

1 collaborative management of this -- you know,  
2 that everyone has a seat. What we kind of  
3 informally did, should we put that in writing  
4 saying, look, if you think -- the only way this  
5 gets better is if we have a formalized system  
6 that has to meet, has to be face to face, has  
7 to make decisions.

8 CHAIRPERSON GUALTIERI: Well, I think they  
9 do, and, unfortunately, they just haven't used  
10 it. Is that because withing ORCAT they have a  
11 governance structure where they have the  
12 various committees. They just added a third  
13 governance committee, and so it -- to deal with  
14 the radio communications. And that's what the  
15 ORT, which is the operational review team, is  
16 tasked with doing; is to have all of these  
17 issues brought to the ORT. The stakeholders at  
18 the ORT are agency heads who participate in the  
19 system. And this is the ORT, this is what Mr.  
20 Jackson, the assistant county administrator,  
21 the ORCAT director were not participating in  
22 and now they are. So as long as you have  
23 Jackson and you have the assistant county  
24 administrator above him, and you have people  
25 attending these meetings, and dialoguing and

1 participating they have the infrastructure.  
2 They just didn't use it.

3 COMMISSIONER JUDD: And that's the  
4 testimony before the committee. If you have a  
5 system and you don't use it, do you have a  
6 system?

7 CHAIRPERSON GUALTIERI: Well, right.  
8 That's -- the answer is no.

9 COMMISSIONER JUDD: The answer is not,  
10 right?

11 CHAIRPERSON GUALTIERI: This is what  
12 they're saying now, again in talking to -- you  
13 know, you missed this morning, I know you were  
14 tied up. I gave an update on it, but I've  
15 talked to the stakeholders. Including chief  
16 Rosa, who chairs ORT and said that Mr. Jackson  
17 is now very responsive. He's returning phone  
18 calls. He's coming to meetings. He's  
19 engaging, and all that has changed since our  
20 last meeting. It has all changed in the last  
21 60 days or so. So there are 60, 90 days. So  
22 they are making improvements down there in  
23 Chief Rosa's view and the chief's view, is that  
24 it is moving in the right direction and they  
25 are making progress. You know, the question is

1 is, is that sustained. Which is what everybody  
2 needs it to be.

3 COMMISSIONER JUDD: Well we -- we the  
4 biting dog is at the end of the chain at his  
5 nose, but ...

6 COMMISSIONER SCHACHTER: Leadership.

7 COMMISSIONER JUDD: But like you said,  
8 if -- you know, I just would like to see us say  
9 look, if the systems in place and they're not  
10 using, you shall use the leadership and  
11 management system. You shall meet -- I mean,  
12 we heard testimony from the administrators of  
13 the county and various others, they had never  
14 set face to face, and then they wonder why the  
15 system doesn't work. But they all have a piece  
16 of it. They won't sit down. They won't  
17 communicate. They won't say, look, we've got  
18 to manage this system in this process. And it  
19 wanders around and they throw their hands up,  
20 and say, hey, we've been dealing with this for  
21 years.

22 CHAIRPERSON GUALTIERI: Right.

23 COMMISSIONER JUDD: So to me, I would have  
24 liked to see a more -- if they -- if they have  
25 such -- if their -- if there is a process in

1 place, I would like to have seen a kind of a  
2 mandate in the recommendation that you've got  
3 to continue to do what you've done since we --

4 CHAIRPERSON GUALTIERI: I don't see a  
5 problem in adding it. If anybody does. We're  
6 not going to sit here and draft it now. What  
7 we can is -- what we can do is -- I mean,  
8 there's no harm in it. There's no downside to  
9 putting something in there, John. Just make a  
10 place, note holder, and as we revise this for  
11 the final draft we can put something in there  
12 as recommendation Number 3 that says to that  
13 effect is that they need to use and effectively  
14 use the governance structure of ORCAT to  
15 include the three governance committees, to  
16 include ORT, to include all that. And we can  
17 include that after recommendation 2 as a  
18 recommendation 3 if you want.

19 Sheriff.

20 SHERIFF ASHLEY: This is not referring to  
21 Margate or Coconut creek because I think if we  
22 make a recommendation that they have to use a  
23 certain structure that says you can't withdraw,  
24 you got to use this structure to communicate, I  
25 mean, I don't know that I disagree with



1 Margaret and Coconut Creek pulling out even at  
2 great expense because they have no say or they  
3 feel like they have no say in the system  
4 working or not working.

5 CHAIRPERSON GUALTIERI: Well, if you  
6 remember, you remember what Chief Shaw said  
7 is -- and they do have an avenue through ORT.  
8 And with Margate, their beef was as much with  
9 the sheriff's office as it was with the county.  
10 And I don't want to misstate it so I'll be  
11 careful with this, but I'll put it this way,  
12 it's certainly my knowledge and my recollection  
13 based upon the testimony here and hearing from  
14 Chief Shaw that Margate had more problems with  
15 the county -- I'm sorry, Margaret had more  
16 problems with the sheriff's office and the  
17 sheriff in the day-to-day operations than they  
18 did with --

19 SHERIFF ASHLEY: The whole system.

20 CHAIRPERSON GUALTIERI: -- the ORCAT. And  
21 they had great angst with Former Sheriff Israel  
22 because they went to talk to him about their  
23 concerns, and according to Chief Shaw, he  
24 rebuffed them and basically said too bad. And  
25 so he wouldn't work with them to resolve the

1 differences, and that led to their concerns  
2 about a lack of responsiveness. But a lot of it  
3 was on the operational side and that he didn't  
4 have with the leadership within BSO on a  
5 day-to-day basis, which led to it -- and he  
6 gave an example of it. It was bad, which was  
7 that robbery surveillance they were doing of  
8 the Dollar Store in Margate where the person  
9 made the call, his detectives were across the  
10 street, the robbery effected and the person  
11 couldn't call 911, and they couldn't get across  
12 the street. So because they didn't coordinate  
13 in the implementation of new processes. So,  
14 you know, a lot of what Margate had to say was  
15 more about BSO than it had to do with this.  
16 But it wasn't exclusive to that, but it more to  
17 do with this.

18 But, you know, Sheriff Judd with yours --  
19 with yours, there's no harm in that, and WE  
20 will add that as a recommendation about using  
21 the governance structure, about making sure  
22 that people are adhering to it. Especially --  
23 you know, the ORT is a critical part of this  
24 because the ORT is the opportunity for  
25 everybody who participates to come to the table

1 and say I have a problem with this, and then  
2 they're supposed to work it out, and come to a  
3 consensus where they come to a decision on it.  
4 And that is their avenue. But when the ORT,  
5 especially is broken, then the system is broken  
6 because nobody has a forum to bring their  
7 problems.

8 COMMISSIONER JUDD: And if you start  
9 sending your designee without the authority to  
10 deal with the issue --

11 CHAIRPERSON GUALTIERI: Right.

12 COMMISSIONER JUDD: -- then nothing  
13 happens. So this decision -- somehow in the  
14 wording the decision maker that can resolve the  
15 issue has to attend the meeting and not have  
16 someone that has to turn or report back to  
17 another report, or another report, or another  
18 report before --

19 CHAIRPERSON GUALTIERI: Well, and that was  
20 a huge problem. So we'll include that in  
21 there, make note of that is that, you know,  
22 with that and all of the appropriate parties  
23 need to attend. Because that was one of the  
24 problems is, is that Mr. Jackson as the  
25 director of ORCAT wasn't there, wasn't

1 attending. He would send somebody else, and,  
2 you know, I don't think that Alphonso  
3 Jefferson, the assistant county administrator,  
4 attended, etc. So just make note of that that  
5 we'll include all that in there.

6 COMMISSIONER JUDD: I just think it's  
7 important that whoever has the unilateral  
8 authority to make that decision has to attend  
9 the meeting. So that when they all walk out of  
10 there, that they collectively can reach a  
11 decision. But if we all have to report to a  
12 (inaudible) someplace before we can do anything  
13 here, then nothing happens.

14 CHAIRPERSON GUALTIERI: Right.

15 SHERIFF ASHLEY: I think that's my  
16 question, concern is does the governing  
17 structure, those people that -- the  
18 stakeholders that make that up, if they make a  
19 recommendation, is that binding, or is it just  
20 a recommendation?

21 CHAIRPERSON GUALTIERI: No, it goes from  
22 the ORT, it goes up to one of the governance  
23 committees, and then once they decide it is  
24 binding. You know, and anything where you  
25 have, no matter what it is, is that when you

1 have a group that's come together, of course  
2 you're not going to have 100 percent consensus  
3 so there has to be some way to make decisions.  
4 So -- but it is binding when it gets to the  
5 governance committee.

6 COMMISSIONER PETTY: You know, just adding  
7 my voice to what Sheriff Judd is asking for I  
8 think it's more than no harm no foul sort of.  
9 What' we're looking for is a robust process  
10 that will exist long after this commission  
11 isn't putting the focus on Broward County to  
12 solve this problem. So to Sheriff Judd's point,  
13 you know, making sure folks are attending the  
14 meetings and are empowered to be there I think  
15 is an important part of what we can do to leave  
16 a functioning lasting process in Broward  
17 County.

18 CHAIRPERSON GUALTIERI: Yeah, but that  
19 goes back to the top leaders. That goes back  
20 to the county administrator especially, saying  
21 to her people is, you need to be there, you  
22 need to be at the table, you need to be  
23 engaged. I mean ...

24 COMMISSIONER JUDD: And if she won't  
25 delegate that authority for them to make the

1 decision, she needs to be at the table.

2 CHAIRPERSON GUALTIERI: Well, right, and  
3 you remember what they said, and I think that  
4 she got the message, is that remember what the  
5 chief said previously, is that she wouldn't  
6 meet with them. Now, she has a different view  
7 of that. her response was that they didn't ask.  
8 You know, I don't know, you know, the truth is  
9 someplace in the middle of that probably, but,  
10 you know, they felt like that she would not sit  
11 down at the table with them, that she would  
12 only talk to the city manager. She wouldn't  
13 talk to them and she wouldn't engage. And she  
14 refused to have dialogue with them.

15 Why do we keep coming back to this? We  
16 keep coming back to personalities. We keep  
17 coming back to communication. We keep coming  
18 back to leadership. We keep coming back -- you  
19 know, you can have all the processes and  
20 systems in the world, but unless you got the  
21 people that are willing to engage them and are  
22 going to participate in them, you don't have  
23 any -- as you said, you don't have any process  
24 or systems. It all comes down to the people.

25 COMMISSIONER JUDD: And you know if any

1       one of them -- which they do in the governance  
2       as big as populated as there is, when you have  
3       more work than you have time, you just ignore  
4       this stuff that creates the most conflict and  
5       sucks up the most air out of your day. You  
6       just push that to the side because you got too  
7       many other things that need your attention, and  
8       I think that's what's happened here.

9               CHAIRPERSON GUALTIERI: Well, I think  
10       that -- you know, I don't want to overstate it,  
11       but I think we got their attention. You know, I  
12       think this is -- and I hope that this -- that  
13       our work has helped, and it seems to have.  
14       It's made a difference. You know, nobody --  
15       there isn't anybody -- and Mr. Petty, you know  
16       this, Mr. Schachter, you know this, there is  
17       probably nobody in Broward County who's beat  
18       the drum about this more than Mayor Ryan from  
19       Sunrise. And he's taken -- on behalf of the  
20       League of Cities in Broward County, he's taken  
21       a very, very high leadership role in this.  
22       He's been the voice of this for years,  
23       including writing Op Eds for The Sun Sentinel,  
24       appearing before the Charter Review Commission.  
25       He has pounded this, and pounded this, and

1       pounded this, but it didn't move. And so, you  
2       know, Mayor Ryan has been out front and center  
3       trying to effect change, but he couldn't get  
4       it. So what's changed, what's caused change is  
5       having these people come before this  
6       commission, and us, you know, really pounding  
7       this issue and doing the things that we've  
8       done. So I think it's worked. The question is  
9       will it continue to work. But, you know, this  
10      is where they all have got to realize, as I  
11      said this morning, on all these issues, we're  
12      not going away. I mean, this commission doesn't  
13      sunset until 2023. So we need to give them  
14      some time, but we'll come back next year and  
15      see, you know, where things are. And I know  
16      there's others in Broward on that issue,  
17      including Mayor Ryan, that are going to keep  
18      their eyes on it too, because it affects your  
19      community. You know, but, no, this is one of  
20      those things as you said is that some people  
21      are raising issues, raising the issues and are  
22      talking about it, but it just got swept aside,  
23      and swept aside, and swept aside. And it  
24      didn't get the attention that it needed to get.

25           All right let's go on to recommendation 3.



1 I Don't think there's much else to say about  
2 this one. "The city of Hollywood and the  
3 county must immediately reconcile their  
4 differences and agree on a tower site on the  
5 east side of Hollywood so the county can  
6 complete the installation of its law  
7 enforcement radio system."

8 I don't that there's much else to say.

9 COMMISSIONER JUDD: I've been out of the  
10 loop on this. I don't know if you've covered  
11 it this morning. I knew that there was an  
12 agreement, then there wasn't an agreement.  
13 That had -- Has anything happened?

14 CHAIRPERSON GUALTIERI: So where it is now  
15 is, is that the county is going to go ahead and  
16 with implementation of the replacement radio  
17 system with 15 towers. They're just going to  
18 leave the 16th tower, which is the West Lake  
19 Park, the east side of Hollywood tower out of  
20 the mix. That's going to result in the City of  
21 Hollywood remaining on the legacy system, and  
22 is going to result in the south and southeast  
23 part of Broward County penetration issues for  
24 others, Broward Sheriff's Office, deputies and  
25 Dania Beach as an example that won't have the

1 penetration that they would.

2 So when we're talking about the  
3 penetration issue, that is they might be within  
4 buildings and they might be within some places  
5 that they won't have the communication power  
6 that they would have if that 16th tower was up.  
7 So it's going to result in the status quo for  
8 Hollywood and may be a little bit better, or at  
9 least a status quo situation for others in  
10 Southeast Broward County, and if they move  
11 ahead with the 15, they say that they can have  
12 the new system up sometime during early 2020.  
13 In the meantime, you've got the land swap deal  
14 between Tamarac, the county. Tamarac buying  
15 the property in Hollywood. There's still  
16 dispute over what the best place is. The third  
17 consultant that was used that was supposed to  
18 determine where it went which was going to be  
19 Hollywood -- or West Lake Park as opposed to  
20 the Circ, now Hollywood is saying they're not  
21 going to abide by that.

22 So there's just this huge, huge, huge  
23 headbutting going on. I think there's some  
24 discussions that are being had about yet  
25 another possible solution, but the bottom line

1 is that as it relates to that 16th tower it is  
2 far from resolved, but they're going to go  
3 ahead with the 15-tower system.

4 COMMISSIONER JUDD: Then I'm up to speed,  
5 nothing's changed since last time I was in the  
6 loop. You know, I've dug in on this from the  
7 very beginning when Tamara had the problem, and  
8 on behalf of all the police officers, and the  
9 deputies, and firefighters, and EMS and the  
10 community, this is outrageous. What -- why  
11 not, and what would stop us from petitioning  
12 the legislature to say step in, pass a state  
13 law, and tell them you're going to build that  
14 tower exactly where the engineer said build it,  
15 and if you don't do it, we're going to bring  
16 the state resources in there and build it.  
17 Because our duty and responsibility is to all  
18 the people of Broward County and the state, and  
19 the fact that we would leave an environment for  
20 police officers not to be able to communicate  
21 when they're being shot at, that police  
22 officers couldn't communicate when they're  
23 running into active shooters, that people  
24 couldn't get EMS and fire communications, or  
25 police communications when they are the victim

1 of significant emergencies, that is outrageous.

2 So I would like to see a couple of things.  
3 I would like to see a statement here that we  
4 ask the Florida legislature, we say, hey,  
5 they're totally dysfunctional. They hate each  
6 other. And the only way that we can protect the  
7 first responders and the people who live in  
8 that community and to ensure that there's  
9 adequate coverage with this new system is for  
10 the state to step in and pass a law and say  
11 build the tower, number one. Number two, I'm  
12 ready to -- we haven't brought the Hollywood  
13 city commissioners, we've not subpoenaed them  
14 and the mayor. Let's bring them all in.

15 CHAIRPERSON GUALTIERI: But the issue now  
16 is not -- the issue now is, is that the -- it  
17 didn't come up to the county. As far as I  
18 know, they never disclosed that. I didn't hear  
19 about it. The issue is, is that it was  
20 resolved. Hollywood -- Hollywood said when  
21 that third report -- that third consultant  
22 report Hollywood said that's fine, we'll abide  
23 by it. Then what the county threw into the mix  
24 was oh, whoops, by the way, we're gonna to  
25 build it in West Lake Park but we can't own the

1 land. So as opposed to doing something like,  
2 and I don't know why, but it seems to me at  
3 least from a commonsense standpoint with all  
4 this nonsense, is they've got to sell it to  
5 somebody. Because they can't own the West Lake  
6 Park land that they're gonna to put the tower  
7 in that Hollywood's agreeing to. They can't  
8 put the tower there and own it because there is  
9 a thing in the charter that says they can only  
10 own the park for recreational purposes. So  
11 they decided they're gonna take it and they're  
12 gonna sell it to Tamarac, some city way out on  
13 the east side.

14 So now Hollywood says, whoa, you're going  
15 to have another city over on the east side own  
16 property in our city, and you didn't tell us  
17 about this, and then you got to engage in some  
18 complicated land swap deal with Tamarac to make  
19 all this work, is that it seems like there's a  
20 little disingenuous going on and that's -- so  
21 Hollywood -- so the whole thing is very  
22 complicated.

23 COMMISSIONER JUDD: Well, let's not stop  
24 with Hollywood. Let's bring the county  
25 commissioners before this committee. Let's

1 bring them up and let them one at a time go on  
2 the public record before the television cameras  
3 and the people of the state of Florida and  
4 explain from their individual perspective --  
5 perspective why they're not doing it. I mean,  
6 we've not brought them in. I mean, just for  
7 the entertainment value I'd like to watch that.

8 CHAIRPERSON GUALTIERI: Well, they had --  
9 you know, they had a lot of public meetings  
10 down there about this. The county commissions  
11 met. They've had joint meetings between  
12 Hollywood and the county commission. They've  
13 had a long discussion about this. You know, if  
14 that's what the consensus is, you all want to  
15 do it, we can do it next year, we're not going  
16 to meet now again until, you know, until we'll  
17 see where this goes.

18 COMMISSIONER JUDD: Well, I certainly  
19 would like to get them there because I've got  
20 some questions I want to ask them, and -- you  
21 know, contrary I don't know what I don't know  
22 about what's going on down there, but I tell  
23 you this, I will sit here and ask them the same  
24 question over, and over, and over, and over,  
25 and over until they either tell me the truth,

1 or lie to me, or give me a combination of that.  
2 And I want to know. I want the people to know.  
3 I want them to stand up here one at a time when  
4 I ask Hollywood commissioners, Broward County  
5 commissioners, whoever, you know, to -- you  
6 know the -- the public's representatives, the  
7 people who elected them say why is it you don't  
8 think it's important to break down whatever  
9 barriers, whatever barriers. Look at your  
10 lawyers and say, lawyers, your job is to figure  
11 out how we make this happen. And I would like  
12 to ask the question why in the world, County  
13 Commissioner, would you try to sell Hollywood's  
14 property to Tamarac. I mean, you know what -- I  
15 mean ...

16 COMMISSIONER PETTY: Sheriff.

17 CHAIRPERSON GUALTIERI: All right. Go  
18 ahead Mr. Petty.

19 COMMISSIONER PETTY: Sheriff Judd is  
20 saying -- like he needs my help, but we did --  
21 we did get some movement out of county  
22 administrator Bertha Henry, and Tracy Jackson  
23 and the others by bringing them in and putting  
24 a little bit of heat to their feet. So it  
25 works. It will probably work in this

1 situation.

2 CHAIRPERSON GUALTIERI: Well, we  
3 thought -- we thought that it had worked and it  
4 was resolved. As of our last meeting, if you  
5 recall, it was resolved.

6 COMMISSIONER PETTY: We underestimated  
7 Broward.

8 CHAIRPERSON GUALTIERI: True.

9 COMMISSIONER JUDD: And, you know, we can  
10 get a count together. I mean, we -- you know,  
11 we can count the vote here when we get them up  
12 in the public -- you know, you -- when you go  
13 back and vote to fix this at the next meeting,  
14 and, you know, and will you, Hollywood, agree  
15 to let -- you know, buy the land, sell the  
16 land, whatever the permitting issue, whatever  
17 it is -- I mean. And that's aside from the  
18 fact that if that doesn't work, the state step  
19 in and we --

20 CHAIRPERSON GUALTIERI: I don't know  
21 procedure how that happens (inaudible) bill.  
22 You'd have to get the local delegation in  
23 Broward and have a discussion with them about  
24 it, because it's a local thing. But, remember,  
25 too is, I said this this morning, is one is



1       that you've got the citizen group out there.  
2       And the citizen group has retained a lawyer and  
3       the citizen group has stated at least  
4       consideration for filing suit. And neither  
5       Hollywood, nor the county can control the  
6       citizen group because that citizen group does  
7       not want that tower in West Lake Park. So  
8       that's another element in this.

9               If you go to the Circ site, the estimate  
10       on the Circ site is that it delays it somewhere  
11       between 16 and 20 months. So there's a lot of  
12       different aspects of this thing.

13              COMMISSIONER JUDD: That's why -- that's  
14       why we have got to crack -- I think this  
15       commission's got to craft a solution for them  
16       because they are not crafting a solution  
17       themselves. And whether that solution is to  
18       present to the legislature to say, look, you're  
19       just going to have to take your state authority  
20       and go in and say we're going to do it, but in  
21       the meantime, I would like to bring the  
22       commissioners in to see. But I truly think we  
23       can craft a solution.

24              And, you know, this business about  
25       everybody squaring up and getting their own

1 attorneys and suing each other, I don't  
2 understand it. I don't, I don't understand why  
3 we would put the public and our first  
4 responders at risk. And I just want to wear  
5 them out.

6 CHAIRPERSON GUALTIERI: Wearing me out  
7 with it. They are. I mean, we're -- you  
8 know -- but anyway, go ahead.

9 SHERIFF ASHLEY: I'm not familiar with the  
10 charter counties and their charters, but it  
11 would seem to me that Broward County still has  
12 eminent domain for any property within its  
13 jurisdiction, and that they could claim in that  
14 domain regardless of what other obstacles might  
15 be in the way. And certainly I agree with  
16 Sheriff Judd, the state can claim eminent  
17 domain.

18 CHAIRPERSON GUALTIERI: Yeah, I don't  
19 know. I don't. I'm not sure it's that easy.  
20 You know, first of all, is legislature passes  
21 laws that affect the state, when it's a state  
22 law of local application as it's called, is it  
23 has to go through the local delegation process.  
24 And most -- it's too late for that this year.  
25 I mean, you can't pass a state law -- yeah, I

1 can tell you, you cannot pass a state law that  
2 is applicable only to West Lake Park and one  
3 tower in Broward County. So it's a state law  
4 of local application and it has to go through  
5 procedurally. It has to go through the local  
6 delegation. So you'd have to get with the  
7 local delegation to see if they have any  
8 interest in that.

9 So, you know, I don't know that that's --

10 COMMISSIONER JUDD: Or you pass a state  
11 law that says any government in the state of  
12 Florida that refuses to look out for the best  
13 interest of people through the radio tower  
14 systems --

15 (Talking simultaneously.)

16 SHERIFF ASHLEY: It's critical  
17 infrastructure --

18 COMMISSIONER JUDD: I mean, I remember an  
19 old legislator telling me one time, you know  
20 what the law is in Florida, whatever I can get  
21 them to agree to. So I'm suggesting we can get  
22 the law and then let -- then let the lawyers.

23 SHERIFF ASHLEY: We missed you this  
24 morning.

25 COMMISSIONER SCHACHTER: I know, right.

1           CHAIRPERSON GUALTIERI: If you want to  
2           craft something and submit it, (inaudible) then  
3           submit it.

4           Go ahead, Mr. Schachter.

5           COMMISSIONER SCHACHTER: Yeah I, was just  
6           going to make a motion to draft a letter to  
7           encourage them to resolve this on their own.  
8           If they don't, we're going to bring it in front  
9           of the commission next year.

10          CHAIRPERSON GUALTIERI: You know, we can  
11          do that. We have -- we've -- you know, we've  
12          done that in the past.

13          COMMISSIONER SCHACHTER: It's worked.

14          CHAIRPERSON GUALTIERI: You know, you  
15          know, we can do that. You know, what, sent it  
16          to, what, Hollywood and to the county again and  
17          just encouraging them to resolve this, and if  
18          it's not resolved by the time we meet again,  
19          that we're going to bring the commissioners in.

20          COMMISSIONER SCHACHTER: Yeah, we've never  
21          brought the commissioners in, and I'm hoping  
22          we'll bring county in, Hollywood. I think that  
23          that will facilitate them to fix this and get  
24          it get worked out.

25          CHAIRPERSON GUALTIERI: We can do that.

1 If you all want to do it, we can do that.

2 COMMISSIONER JUDD: I sure want to do it.

3 CHAIRPERSON GUALTIERI: Okay.

4 COMMISSIONER JUDD: We'll send the letter  
5 and say if you haven't resolved it by our next  
6 meeting we'll issue subpoenas.

7 CHAIRPERSON GUALTIERI: Okay.

8 COMMISSIONER JUDD: And --

9 COMMISSIONER PETTY: We could build a  
10 little table right in the middle and have them  
11 sit there together and work it out in front of  
12 us.

13 CHAIRPERSON GUALTIERI: Okay.

14 SHERIFF ASHLEY: I'd like a motion and a  
15 second.

16 CHAIRPERSON GUALTIERI: We'll do it.  
17 We'll draft a letter.

18 COMMISSIONER JUDD: Do you want a motion  
19 and second?

20 CHAIRPERSON GUALTIERI: We'll just do it.

21 COMMISSIONER JUDD: Okay.

22 CHAIRPERSON GUALTIERI: We'll just do it.  
23 I think we have consensus on that.

24 Okay. All right. Let's move on to Number  
25 4. This needs a couple of tweaks. "Sheriff

1 Tony should address the operational concerns  
2 raised by his regional communications center  
3 employees and ensure that the Broward County  
4 911 centers under his operational command are  
5 fully prepared, equipped and able to handle all  
6 emergency situations including mass-casualty  
7 events."

8 COMMISSIONER SCHACHTER: Sheriff, I would  
9 recommend we put Broward Sheriff's Office. you  
10 know if we put Sheriff Tony here then I think  
11 it's applicable to put Sheriff Scott Israel and  
12 the others.

13 CHAIRPERSON GUALTIERI: Yeah, I hear you.  
14 That's why I said, this needs a tweak or two  
15 because everything that he needs to address is  
16 evidenced by those surveys were responses to  
17 what was happening not on his watch. So we  
18 could just replace BSO should address  
19 operational concerns raised by its regional  
20 communication center employees and ensure that  
21 Broward County 911 centers under BSO are fully  
22 prepared, equipped and able to handle all  
23 emergency situations including mass --

24 Does that work for everybody?

25 SHERIFF ASHLEY: I would use the word

1 train instead of prepared.

2 CHAIRPERSON GUALTIERI: Use the word what?

3 SHERIFF ASHLEY: Trained.

4 CHAIRPERSON GUALTIERI: Trained. Okay.

5 COMMISSIONER SCHACHTER: We need to  
6 reference the Fitch reports or the surveys  
7 specifically?

8 CHAIRPERSON GUALTIERI: We can, just to be  
9 clear. BSO should address the operational  
10 concerned raised by its regional communication  
11 center employees in the 2016 and 2019 surveys.  
12 Does that work?

13 COMMISSIONER PETTY: I think that's what  
14 we're referring to.

15 CHAIRPERSON GUALTIERI: Right. In the  
16 2016 and 2019 surveys and ensure, etc. Are  
17 fully prepared. And Sheriff Ashley said  
18 trained, that's a good point. Trained,  
19 equipped and able to handle.

20 Okay. That looks better.

21 COMMISSIONER LARKIN-SKINNER: I have a  
22 question.

23 CHAIRPERSON GUALTIERI: Sure.

24 COMMISSIONER LARKIN-SKINNER: My  
25 recollection is that ORCAT under the county

1 purchases the equipment and, therefore, the  
2 sheriff of Broward County doesn't have a whole  
3 lot of control over the equipment.

4 CHAIRPERSON GUALTIERI: Right.

5 COMMISSIONER LARKIN-SKINNER: So I don't  
6 know if it's fair of us to put equipped in  
7 here, just because of the lack of control of  
8 the sheriff's office.

9 CHAIRPERSON GUALTIERI: Well, we could.  
10 It could add in their BSO and the county.

11 COMMISSIONER LARKIN-SKINNER: And I think  
12 that makes sense. If one is operationally  
13 responsible and one's --

14 CHAIRPERSON GUALTIERI: You're correct.

15 COMMISSIONER SCHACHTER: -- responsible  
16 for the equipment.

17 CHAIRPERSON GUALTIERI: That's a good  
18 point. That's a good catch. BSO and the  
19 county should address the operational concerns  
20 raised by regional communication center  
21 employees to take out by its, John.

22 Raised by regional communication center  
23 employees in '16 and '19 surveys and ensure  
24 that the centers -- just take out under BSO and  
25 ensure that the Broward County 911 centers are



1 fully prepared, trained, equipped and able to  
2 handle all emergency situations including mass  
3 casualty.

4 Does that work?

5 (No audible response.)

6 CHAIRPERSON GUALTIERI: All right. We'll  
7 Move on to Number 5. This kind of goes, I  
8 think, Sheriff Judd, to kind of what you're  
9 talking about here previously.

10 "County administrator and ORCAT director  
11 should address the concerns raised by the  
12 regional communication center employees about  
13 poor technology and response to problems with  
14 the technology."

15 You know, specific people, making sure --  
16 "They must ensure that the employees of the  
17 centers are provided with capable, reliable and  
18 efficient technology and that any problems are  
19 resolved promptly."

20 Anybody got any questions or -- yeah.

21 UNIDENTIFIED SPEAKER: Sheriff, I would  
22 just follow up on with Mr. Schachter did with  
23 Number 5. That we make it the office, not  
24 necessarily the person So it has longevity to  
25 it.

1           CHAIRPERSON GUALTIERI: Sure. So we can  
2 take that out. The county administrator.

3           UNIDENTIFIED SPEAKER: And ORCAT director.

4           CHAIRPERSON GUALTIERI: And ORCAT  
5 director, sure.

6           So we should probably do the same thing  
7 there, raised by the regional communication  
8 center employees in the 2016 and 2019 surveys.  
9 There you go.

10          All right. Anything else?

11          (No audible response.)

12          CHAIRPERSON GUALTIERI: Okay. Number 6.  
13 Margate, Coconut Creek should abate their  
14 withdrawal and work with Sheriff Tony as the  
15 new Broward County Sheriff.

16          The reason why that's in there is because  
17 of the statements that they made, and that is  
18 specific, well, we can change it if you all  
19 want. I put that in there specifically because  
20 they had big beefs with Sheriff Israel. There's  
21 a new sheriff so that's why I put that in  
22 there. Work with Sheriff Tony as the new  
23 sheriff and the county administrator to meet  
24 their operational needs and expectations to  
25 avoid going back to the bifurcated system and

1 spending millions. If the problems are not  
2 resolved in a reasonable amount of time, then  
3 they can always resurrect their withdrawal  
4 plans, but they should make another effort at  
5 success before doing so.

6 Tell me what you all think about that.

7 COMMISSIONER HARPRING: My only concern,  
8 Sheriff, is from what we previously heard they  
9 had some municipalities had some pretty  
10 compelling reasons why they were taking the  
11 positions that they were, not just the ones  
12 that weren't going in, but the ones that were  
13 contemplating coming out.

14 CHAIRPERSON GUALTIERI: Right.

15 COMMISSIONER HARPRING: And I had some --  
16 when I initially read this, I had some concern  
17 about making those statements as a commission  
18 in regards to what those entities should be  
19 doing since they are, I guess for lack of a  
20 better way to put it, they are really kind of  
21 without fault in the -- in the whole dynamic.  
22 And I don't necessarily want to put my shoe --  
23 my feet in the shoes of Margate or Coconut  
24 Creek, but if I were, I could completely  
25 understand why they would not want to continue

1 to wait based on the ongoing issues that we've  
2 seen with ORCAT and with the entire  
3 organizational system. It's not that the  
4 recommendation is objectively wrong. I just  
5 have some concern about telling those entities  
6 that we as a commission think you should wait  
7 until other groups get their act together  
8 because you think it's adversely affecting you  
9 and your public safety and your municipalities.  
10 But I understand where it's coming from, I just  
11 have hesitation on it.

12 CHAIRPERSON GUALTIERI: Your point is well  
13 taken. That's why this is what I really wanted  
14 to have some discussion on and see what you all  
15 think. I just say go back to too, is you're  
16 talking about four million dollars in taxpayer  
17 money, and you're going back to a bifurcated  
18 system and the chances if they do withdraw and  
19 they spend that four million bucks, and they go  
20 back to a bifurcated system, the chances of  
21 ever undoing that and coming back into the  
22 regional system are probably even slimmer. So  
23 I just think it all has to be looked at, and  
24 that's why we have a discussion.

25 So who else wants to? Commissioner

1 Bartlett?

2 CHIEF ASSISTANT BARTLETT: Aren't we just  
3 basically saying to Margate, and Coconut Creek  
4 and really to Broward County itself, you know,  
5 sit down again and try to work it out. if You  
6 can't, then go ahead Margaret, go ahead Coconut  
7 Creek. Go on, do on your own.

8 CHAIRPERSON GUALTIERI: That's -- I mean  
9 and (inaudible) that, and that's the essence of  
10 what I'm saying is hit the pause button for a  
11 minute --

12 CHIEF ASSISTANT BARTLETT: And I think we  
13 include Broward in there along with Margate and  
14 Coconut Creek. And just say, you all sit down  
15 one more time. It's just a recommendation that  
16 we're making. You know, can you work it out,  
17 better try again.

18 CHAIRPERSON GUALTIERI: If there -- if  
19 there had not been any change and there wasn't  
20 a new sheriff, et cetera, and ORCAT wasn't  
21 making improvements, and the communication  
22 wasn't better, and there wasn't word from Chief  
23 Rosa who chairs ORT, et cetera, then I'd say,  
24 you know, there's no reason to make that  
25 recommendation, but there have been changes.

1 And I just think that -- I think that they  
2 should reevaluate, and even if they reevaluate  
3 and say, no, we're going to stay on the same  
4 course, they certainly have that right and the  
5 prerogative to do that, before you go  
6 bifurcating the system and going back to  
7 creating more -- remember, this is going to  
8 result in more call transfers. Remember the  
9 call transfer process. Remember how bad that  
10 was and that caused a significant delay. So  
11 now you're going back to misdirected calls.  
12 You're going to have calls that come into 911  
13 centers and they won't have that ability to  
14 dispatch. You're going back -- you're spending  
15 four million bucks in taxpayer money on it.  
16 So ...

17 UNIDENTIFIED SPEAKER: And, Sheriff, I  
18 thought about HB 441 abating that issue to some  
19 extent.

20 CHAIRPERSON GUALTIERI: To some degree,  
21 but not totally. No. No. It's not. Not  
22 totally.

23 Yeah, Commissioner Carroll.

24 COMMISSIONER CARROLL: I agree with the  
25 point that was just made. I would suggest that

1 write just a statement and a question. Instead  
2 of saying should abate, I would put it should  
3 consider abating. Because then we're not  
4 asking them to wait.

5 CHAIRPERSON GUALTIERI: Fair.

6 COMMISSIONER CARROLL: We're asking to  
7 consider waiting.

8 My question is about Sheriff Tony, because  
9 I thought I saw something in the news about the  
10 senate general master coming back and saying  
11 that action to remove him was found to not have  
12 cause. And so I'm not sure -- I don't  
13 understand the process. So I don't know what  
14 the long-term prognosis of Sheriff Tony or the  
15 return of Sheriff Israel is. What -- how does  
16 that work?

17 CHAIRPERSON GUALTIERI: Yeah, I mean, that  
18 is the Florida Senate delay. It's set right  
19 now, it's going to convene next week to make a  
20 decision about the governor's suspension of  
21 Sheriff Israel. The rules committee and the  
22 senate will meet on Monday, and then the full  
23 senate will meet on Wednesday afternoon, and my  
24 understanding is they'll vote on Wednesday  
25 afternoon. So that issue about whether he is

1 to be reinstated will be decided by the Florida  
2 Senate on October 23rd. If he -- if he's  
3 reinstated, then the cities -- I don't know --  
4 anyway. I don't know how I'll feel, but there  
5 is a variable with that there's no doubt.

6 COMMISSIONER CARROLL: If they elect not  
7 to reinstate, is that the end of the process?

8 CHAIRPERSON GUALTIERI: That's the end of  
9 the process except for Sheriff Israel announce  
10 that he's running in 2020. So he could be  
11 reelected by the voters of Broward County in  
12 2020.

13 COMMISSIONER SCHACHTER: So along the  
14 lines of Commissioner Bartlett, and that's why  
15 what he was just saying, I think we should  
16 delete Sheriff Tony just to be consistent. We  
17 haven't named other sheriffs and delete -- we  
18 should just say work with the new Broward  
19 County sheriff. If Sheriff Tony, he's the new  
20 sheriff and if it's Scott Israel, then he'll be  
21 the new sheriff as well -- as well and  
22 delete -- we should just say the county  
23 administrator and delete Henry's name.

24 CHAIRPERSON GUALTIERI: Well ...

25 COMMISSIONER SCHACHTER: To be consistent.



1           CHAIRPERSON GUALTIERI: All right. So  
2           Cities of Margaret, Coconut Creek should  
3           consider abating their withdrawal from regional  
4           communications. Let's just say work with the  
5           sheriff and county administrator to meet their  
6           operational needs and expectations to avoid  
7           regressing back to a bifurcated system,  
8           spending millions. if The problems are not  
9           resolved in a reasonable amount of time, then  
10          they can resurrect.

11          Sheriff Judd, go ahead.

12          COMMISSIONER JUDD: I just wanted to echo  
13          my support. I understand why they're showing  
14          the leadership on behalf of their two  
15          communities because if it's not working, it's  
16          not working. But I'm afraid that's gonna be  
17          the first domino that causes all of this to  
18          fragment, and we all know that if it's run  
19          appropriately, the unified system creates an  
20          environment for better communications. I just  
21          would -- I want to echo, Mr. Chair, what you  
22          said that I wish they would first take that  
23          leadership that they're willing to display and  
24          try to help fix this. And then it's like you  
25          said, at that point -- and they'll probably

1 tell us we've been doing that, but I think one  
2 more opportunity would -- because a appropriate  
3 unified system is in the best interest of the  
4 communities we serve.

5 COMMISSIONER SCHACHTER: And they all did  
6 this, you know, while Scott Israel was sheriff.  
7 So, you know, Sheriff Tony really hasn't had a  
8 chance. They initiated this and made their  
9 decision while Scott Israel was Sheriff. So if  
10 the senate votes to keep the Sheriff Tony, I  
11 would certainly love for them to give him a  
12 chance to fix this.

13 CHAIRPERSON GUALTIERI: So I think what we  
14 have up there now captures all the sentiments.  
15 Does anybody have any additional revisions of  
16 that, or are we good with it?

17 (No audible response.)

18 CHAIRPERSON GUALTIERI: All right so  
19 hearing none. We're good with it. We'll move  
20 on to the next chapter. The next chapter is  
21 Chapter 5. Active assailant policies and  
22 procedures. Does anybody have any proposed  
23 revisions to the narrative section which begin  
24 on Page 74 and conclude on Page 78 of the draft  
25 report?

1           Mr. Schachter.

2           COMMISSIONER SCHACHTER: So we know -- we  
3 know that there was systemic apathy concerning  
4 the threat of an active shooter scenario  
5 happening in Broward County. Sheriff Israel  
6 testified that the deputies that he put in  
7 Parkland were nearing retirement, and I think  
8 that that goes to the mindset of the  
9 institution. We heard from deputies that  
10 they -- when we asked them how long ago they  
11 had had active shooter training, some could not  
12 remember if it was 10 or 20 years ago. Scott  
13 Israel changed the active shooter policy from  
14 shall to may. We know that he only gave his  
15 deputies 90 minutes of active shooter training  
16 over a three-year period of time, and there  
17 were nine deputies that failed.

18           So it wasn't just Deputy Peterson. There  
19 were eight other deputies that failed, and it  
20 wasn't just rank and file. It was centered --  
21 it was -- it was leadership. Sergeant Miller,  
22 Lieutenant DeVita, Captain Jordan. So we know  
23 that the union voted, you know, no confidence.  
24 So I would certainly like the record to reflect  
25 and we can put this in as a finding, that there

1 was systemic apathy. He did not prioritize  
2 training concerning active shooters.

3 COMMISSIONER HARPRING: On my part, Mr.  
4 Chair, I think almost everything that you said,  
5 Mr. Schachter, was actually in our initial  
6 report.

7 CHAIRPERSON GUALTIERI: Yeah, it was in  
8 the initial report. I was just going to say  
9 that. I think -- I think all that's covered in  
10 the initial report. We went through that at  
11 length. I don't think that there's anything  
12 new with what you said there that's not covered  
13 in the initial report, with the findings of the  
14 initial report.

15 COMMISSIONER HARPRING: I have a question.  
16 What happened to Andrew Medina anyway?

17 CHAIRPERSON GUALTIERI: He terminated. He  
18 doesn't work there anymore. He was terminated.

19 You know, these findings, these findings  
20 inherently need to be limited to the factual  
21 basis that precedes them. So what these  
22 findings are, again, beginning on Page 74 all  
23 the way up through Page 78, and then on 79 we  
24 begin with this first section of findings, is  
25 related to what's in these pages.

1           COMMISSIONER SCHACHTER: I mean, there's a  
2 lot of information on the lack of training.

3           CHAIRPERSON GUALTIERI: But that was  
4 covered, as Commissioner Harpring said.

5           Okay. That was absolutely in the initial  
6 report.

7           COMMISSIONER SCHACHTER: Okay.

8           CHAIRPERSON GUALTIERI: So all we're doing  
9 is reiterating and piling on, and we shouldn't  
10 do that.

11          COMMISSIONER SCHACHTER: Okay.

12          CHAIRPERSON GUALTIERI: It should be  
13 limited to what's here.

14          So, again, does anybody have anything as  
15 far as any factual changes in those pages from  
16 what's here?

17          (No audible response.)

18          CHAIRPERSON GUALTIERI: All right. So  
19 hearing none, let's go to the first finding for  
20 Chapter 5. "There is no national standard or  
21 best practice for the frequency with which  
22 active shooter drills should take place."

23          I think that's pretty clear, there is no  
24 national standard.

25          Next one is Number 2, "Schools and

1 districts which conduct -- schools and  
2 districts that conduct drills which do not  
3 require students and staff to move in response  
4 to a simulated threat or perform the same drill  
5 every time are not effectively preparing the  
6 students and staff for response to an active  
7 shooter. Such practices make the drills a rote  
8 task which will lead to drill fatigue and  
9 complacency."

10 So we can -- again, don't worry about  
11 wordsmith and some of the typos and some of  
12 the, you know, things in there. That will all  
13 get flushed out, but the gist of that is, we  
14 found this year in the survey responses -- and  
15 this is where this comes from and it's laid out  
16 in here -- is we know that in the survey  
17 responses that there are still districts today  
18 that conduct what they call active assailant  
19 drills that were not requiring that the  
20 students actually move during the drills. They  
21 were doing it by just verbally covering the  
22 material in a static setting, and that's not a  
23 drill. So others were doing drills and forcing  
24 movement, but they were only doing lockdown  
25 drills.

1           So the most appropriate way of doing these  
2           drills is decision-based drills, so you teach  
3           all the various options and then you put forth  
4           a scenario and you require those who are  
5           charged with responding to it to make a  
6           decision which option to use. Because if all  
7           you do is teach lockdown and all you drill is  
8           lockdown, then when the real thing happens,  
9           that's all you're gonna do is lockdown and  
10          lockdown may not be the best response. It may  
11          not be the appropriate response. So what this  
12          is saying here is, is that, again, districts  
13          that don't require -- that are not effectively  
14          preparing the students in such practices make  
15          the drills a rote task that will lead to drill  
16          fatigue and complacency.

17                 So does anybody -- we'll kind of tweak  
18                 some of those words in it, but did anybody have  
19                 anything on that one?

20                 Chief Lystad.

21                 VICE-CHAIRMAN LYSTAD: Just one thing.  
22                 You're talking about school districts that  
23                 that's all they do is do lockdown?

24                 CHAIRPERSON GUALTIERI: Correct.

25                 Anyone -- anyone that does -- and it could be,

1 I don't know of any that do, but any anybody  
2 that does, that teaches and trains on only one  
3 response, only one response, then that's  
4 inappropriate.

5 VICE-CHAIRMAN LYSTAD: Then school and  
6 districts which solely conduct drills that  
7 don't move? So would you argue --

8 CHAIRPERSON GUALTIERI: Yes.

9 VICE-CHAIRMAN LYSTAD: -- that one  
10 lockdown -- you know, like your first class  
11 that comes in, their new year in middle school  
12 they would do a lockdown?

13 CHAIRPERSON GUALTIERI: Right. So you're  
14 gonna teach -- you're going to teach lockdown,  
15 you're going to teach running, you're going to  
16 teach, you know, the various responses. So you  
17 should teach all those things and then  
18 everything else should be decision based.

19 So you can add that, John. I think the  
20 chief's point is well taken. Schools and  
21 districts that conduct. That -- oh, do it this  
22 way. Solely conduct. Schools and districts  
23 that solely conduct drills that don't require  
24 students and staff to move in response to a  
25 simulated threat, or perform the same drill



1 every time are not effectively preparing  
2 students or staff. I think that works.

3 All right. Anybody got anything else?

4 COMMISSIONER LARKIN-SKINNER: I have one  
5 thing. Earlier you mentioned about one of the  
6 statements being passive. I see this as being  
7 similar to that.

8 CHAIRPERSON GUALTIERI: Right.

9 COMMISSIONER LARKIN-SKINNER: And so I  
10 think I would state it as there are schools and  
11 districts. So that you're identifying that we  
12 do in the 67 counties have some that are solely  
13 doing these things that are written here.

14 CHAIRPERSON GUALTIERI: That works. And  
15 we know that from the survey responses so ...

16 Anybody have anything else on that one,  
17 finding Number 2?

18 (No audible response.)

19 CHAIRPERSON GUALTIERI: Okay. Let's go on  
20 to Number 3. So this is getting into the  
21 presentation we had from Chief Newman and  
22 Captain Francis regarding the number of drills.  
23 Now -- hang on a second. Never mind.

24 Well, it is "The current requirement for  
25 monthly active shooter drills for all K-12

1 students is excessive and potentially  
2 traumatizing especially for K-5 students."

3 So, again, this does go back to the  
4 presentation we had from chief Francis -- I'm  
5 sorry, Captain Francis, Chief Newman, and their  
6 working group of school safety specialists. So  
7 as we talk about this topic, when we get into  
8 the recommendations, I want to just let you  
9 know that for the recommendations that we  
10 received and we voted on last time to agree  
11 with Chief Newman and Captain Francis about  
12 reducing the number of drills and making a  
13 recommendation to the legislature that the  
14 number of drills be reduced, what we agreed on,  
15 what we voted on is what's contained in the  
16 report. And it will be in the recommendation  
17 section that we get to next, but I want to tell  
18 you that we've also received, and for the  
19 record and we'll include these letters in the  
20 appendices of the reports so this one goes to  
21 the legislature, is that for support of  
22 modifying the number of drills consistent with  
23 what they proposed and what's in our report, we  
24 received letters of support from the Florida  
25 Fire Chiefs Association, the Florida Fire

1 Marshals and Inspectors Association, the  
2 Central Florida Public School Board's  
3 Coalition, the Florida Coalition of School  
4 Board Members. So we have from all of those  
5 organizations letters of support for this. So I  
6 want to make sure that's in the record, and  
7 we'll include copies in the appendices of the  
8 draft report.

9 So as it relates to this finding, though,  
10 that the current requirement for monthly active  
11 shooter drills is excessive and potentially  
12 traumatizing, especially for K-5 students, do  
13 we want to leave that as it is or modify it?

14 Sheriff Ashley.

15 SHERIFF ASHLEY: I would say that absent  
16 frequent changes in drills scenarios, that that  
17 might be true. You know, doing the same drill  
18 over, and over, and over again certainly can be  
19 too many or excessive. But if you change it  
20 up --

21 CHAIRPERSON GUALTIERI: That may be a  
22 little bit -- this might be a little bit too  
23 strongly worded.

24 SHERIFF ASHLEY: I think so.

25 CHAIRPERSON GUALTIERI: Yeah, and I want

1 to say this because I'm putting this out there,  
2 I personally -- I wholly support what the  
3 legislature did in Senate Bill 7026, what they  
4 did in Senate Bill 7030, and the framework that  
5 we have in place now for requiring monthly  
6 drills in what's been done. And I think that  
7 it was absolutely necessary to do the drills  
8 the way they've been mandated, the frequency  
9 they've been mandated, and I think that Florida  
10 got it right. And if we hadn't done it this  
11 way up to this point, we would not have made  
12 the progress that we've made because of what  
13 we've seen with resistance to doing this. And  
14 it's because in part of these drills and these  
15 requirements, and that they be conducted by law  
16 enforcement, that they be monthly, everything  
17 that we know these drills to be, it resulted in  
18 us getting to a much better place.

19 Because of that initial emphasis and the  
20 initial drive, where I agree that there is room  
21 to modify it, but this finding shouldn't  
22 indicate to anybody that what's been done up to  
23 this point is anything other than spot on.  
24 That -- so that's my two cents.

25 COMMISSIONER DODD: I agree completely. I

1 don't think that we've made it -- there were  
2 any mistakes made here that require these  
3 drills to be monthly as many as the fire alarm  
4 drills. But going forward, I mean, I do see  
5 that there can be some changes that should  
6 still be effective.

7 CHAIRPERSON GUALTIERI: So do we -- can we  
8 just say that the current requirement for  
9 monthly active shooter drills should be  
10 reconsidered? I mean, something just as simple  
11 as that as a finding. Leave it at that or  
12 somebody --

13 COMMISSIONER LARKIN-SKINNER: My thought  
14 is that the legislature will want a  
15 recommendation from us.

16 CHAIRPERSON GUALTIERI: What's that? I'm  
17 sorry.

18 COMMISSIONER LARKIN-SKINNER: I think the  
19 legislature might want an actual recommendation  
20 from us.

21 CHAIRPERSON GUALTIERI: It's coming.

22 COMMISSIONER LARKIN-SKINNER: Oh, okay.

23 CHAIRPERSON GUALTIERI: This is just a  
24 finding. No, the actual recommendation is  
25 coming.

1           COMMISSIONER LARKIN-SKINNER: This is just  
2 a finding.

3           CHAIRPERSON GUALTIERI: This is just a  
4 finding. So and then we get into the details  
5 and we'll lay it out here in a minute. But for  
6 a finding, the requirement for monthly active  
7 shooter drills -- the current requirement for  
8 monthly active shooter drills should be  
9 reconsidered. Period. That's just the  
10 finding. Leave it at that.

11           Everybody good with that?

12           CHIEF ASSISTANT BARTLETT: You don't want  
13 to say anything about adverse --

14           CHAIRPERSON GUALTIERI: No.

15           CHIEF ASSISTANT BARTLETT: -- potential  
16 adverse effect on that --

17           CHAIRPERSON GUALTIERI: No, because I do  
18 think -- I do think that it's mixed,  
19 Commissioner Bartlett. I think that when you  
20 talk to different people there are some people  
21 that I talked to who feel that it is too much.  
22 There's others that think it's not too much.  
23 And -- but -- and, you know, potentially  
24 traumatizing, there are some people -- people  
25 come down on both sides of this. But I firmly

1 believe that what we have done up to this point  
2 and what we're currently doing is the right  
3 thing to do. It is not wrong. I don't think  
4 we should connote at all or leave open for  
5 anybody's interpretation that what has been  
6 done up to this point is anything other than  
7 been very effective at moving the needle, and  
8 getting us to a certain place.

9 Now that we're at that certain place or  
10 close to that certain place, that like  
11 anything, there's room to back it off some and  
12 I think that's all we're saying.

13 Commissioner Marstiller.

14 COMMISSIONER MARSTILLER: Sheriff, the way  
15 you just articulated it is probably, in my  
16 opinion, the better way to articulate a finding  
17 and then save the should be reconsidered for  
18 the recommendation and then expound on that.  
19 But the way you just said it is perfect. That  
20 the drills up to now have been effective, but  
21 now we're, you know, a year or however long it  
22 is and there is disagreement now as to whether  
23 or not the current schedule of those is -- you  
24 know, might be counterproductive. So that I  
25 think should be the finding or something like

1           that.

2                   CHAIRPERSON GUALTIERI:   Yeah, I think  
3           you're right.   Yeah.   We'll work on the exact  
4           language of that.

5                   And, Heather, you've got notes on this,  
6           right?

7                   So, yeah, I think that makes sense. You  
8           know what you're saying is, is that that is  
9           more consistent with a finding.   Because that  
10          way, also, we're clear we're not leaving it  
11          open for anybody to misinterpret that anything  
12          other than our full support for the way it has  
13          been up to this point, and that we're not being  
14          critical at all.   In fact, we're very  
15          supportive of the current structure even though  
16          we agree that it is okay to modify it somewhat.

17                   All right.   So we'll come up with the  
18          exact language and we'll get it out in the  
19          final report to you.   I think we've got that  
20          language.

21                   You guys good?

22                   (No audible response.)

23                   CHAIRPERSON GUALTIERI:   All right.   So  
24          let's go into the --

25                   Go ahead, Mr. Schachter.



1           COMMISSIONER SCHACHTER: I have two  
2 findings that I'd like to include. The first  
3 is pertaining to how schools call code reds. I  
4 think that this is -- you know, we've done a  
5 lot of good work here, but one thing we haven't  
6 really addressed is, you know, how does a  
7 school call a code red. We say they have to  
8 call a code red. We've empowered people to  
9 call a code red. They have policies and  
10 procedures now, but when, you know, a guy with  
11 a gun comes on campus, how does he actually do  
12 it. And I think many schools are currently  
13 having to go through too many steps to notify  
14 the whole campus and law enforcement.

15           CHAIRPERSON GUALTIERI: So is this to -- I  
16 know -- I think you raised it last time and I  
17 think you've got a couple of points here.  
18 Think this isn't the plain language one. This  
19 is about -- so --

20           COMMISSIONER SCHACHTER: Emergency  
21 notification.

22           CHAIRPERSON GUALTIERI: Right. So the way  
23 it works now is, is that you have some systems  
24 out there that are automated where when  
25 somebody pushes a button is that it

1 automatically notifies the 911 center there's  
2 is a problem. Is that what you're talking  
3 about?

4 COMMISSIONER SCHACHTER: Not in Broward  
5 County.

6 CHAIRPERSON GUALTIERI: No, I'm not saying  
7 it's in Broward County. I'm saying generally  
8 speaking there are systems out there where  
9 teachers have devices, and whether it's an app  
10 on a phone or a personal device they have on  
11 them, that if you press something, it is  
12 automatically -- some of them are GPS, et  
13 cetera, they're geo-fence, is that if you push  
14 a button that says there's an active assailant  
15 event at X High School, or you don't need to  
16 say anything. It doesn't go to the office. It  
17 doesn't go to an AP. It doesn't go through.  
18 It goes directly to the 911 center. Correct?

19 COMMISSIONER SCHACHTER: There are devices  
20 out there, right, that do that.

21 CHAIRPERSON GUALTIERI: And then you have  
22 others at the other end of the spectrum that  
23 are multi-step processes. So you could have a  
24 situation where there are no buttons and it's a  
25 situation where a teacher in a room has to pick

1 up a phone, the phone is answered by a  
2 secretary who you say I've got a problem and  
3 there's an active shooter here. The secretary  
4 then is required to notify an assistant  
5 principal who then notifies somebody else, and  
6 then somebody calls 911 and you've got a  
7 multi-step process. And that's your point,  
8 correct?

9 COMMISSIONER SCHACHTER: Yes. Yes.

10 CHAIRPERSON GUALTIERI: Right. So you  
11 want a finding that -- you know, with that be  
12 the framework, you want a finding that says  
13 that, what, the best approach to -- the best  
14 way to effectively communicate an active  
15 assailant threat is directly to an 911 center  
16 or something to that effect?

17 COMMISSIONER SCHACHTER: To notify law  
18 enforcement and the school at the same time if  
19 there's an -- if there's an active assailant  
20 emergency.

21 CHAIRPERSON GUALTIERI: So --

22 COMMISSIONER SCHACHTER: And it needs to  
23 be a one- or two-step process. You know, you  
24 can't have -- you know prior, to February 14th  
25 there were schools in Broward County where the

1 teacher would have to go and look through a  
2 book of five pictures, find the correct phone  
3 number to dial, then pick up the receiver, dial  
4 a seven-digit number to call the office. You  
5 know, so we've moved the needle a lot. This is  
6 the next step in that process.

7 CHAIRPERSON GUALTIERI: Does everybody  
8 understand what Mr. Schachter's ask is? Is  
9 that there be a finding that says to the effect  
10 is the most effective method for communicating  
11 an active assailant threat is directly to a 911  
12 center from the staff, and we have to figure  
13 out the exact language.

14 But that's it, correct?

15 COMMISSIONER SCHACHTER: It could be, you  
16 know, emergency notification.

17 CHAIRPERSON GUALTIERI: Right.

18 COMMISSIONER SCHACHTER: If -- you know  
19 even if it -- it could be a lot of --

20 CHAIRPERSON GUALTIERI: I don't think by  
21 saying that -- I mean, it is a fact that that  
22 is the most effective. It doesn't mean that  
23 everybody's going to do it or they have the  
24 capacity to do it, but, you know, anytime that  
25 you can go directly from point A to point B

1 without going from point A, B, C, D, E and then  
2 getting here, I mean, common sense is going to  
3 tell you.

4 But what does anybody else think? Does  
5 everybody -- commissioner.

6 COMMISSIONER SWEARINGEN: I just want to  
7 clarify. So is our finding that there is no  
8 consistent method in calling a code red and  
9 then we're gonna come up with some kind of  
10 recommendation to? Or is our -- I'm a little  
11 unsure of that.

12 CHAIRPERSON GUALTIERI: So, John, put a  
13 Word document up there and just kind of play  
14 with this, because we got -- if we're going to  
15 do it, we've got to settle on something as to  
16 what everybody would agree to with it.

17 So why don't you start, Mr. Schachter.  
18 It's your ...

19 COMMISSIONER SCHACHTER: I think you said  
20 it well. You said it earlier that, you know,  
21 either the most effective way to communicate in  
22 emergency is, you know --

23 CHAIRPERSON GUALTIERI: Direct --

24 COMMISSIONER SCHACHTER: -- a direct, you  
25 know, link to law enforcement or the least

1 number of steps. You said it eloquently  
2 earlier.

3 CHAIRPERSON GUALTIERI: So the most  
4 effective way to communicate an on-campus  
5 emergency is direct reporting.

6 COMMISSIONER SCHACHTER: Immediate  
7 notification to law enforcement.

8 CHAIRPERSON GUALTIERI: Try this one and  
9 when we can tweak it.

10 Direct reporting from a school staff  
11 member to the 911 center. The most effective  
12 way to communicate an on-campus emergency is  
13 direct reporting from a school staff member to  
14 to the 911 center.

15 Chancellor Oliva.

16 CHANCELLOR OLIVA: And I think to add to  
17 the finding is there are schools and school  
18 districts that have multi-step procedures that  
19 cause confusion or lack of consistency with  
20 implementation.

21 CHAIRPERSON GUALTIERI: Okay. So there --  
22 there are -- there are Florida school districts  
23 that have multi-step processes for staff to  
24 report on campus emergencies.

25 Now we can come back and fix it.

1           Okay. That's a good idea, but you've got  
2           to say what the problem is first. So there are  
3           school -- there are Florida school districts  
4           that have multi-step processes for staff to  
5           report on-campus emergencies.

6           And do a comma, John.

7           JOHN: Sir?

8           CHAIRPERSON GUALTIERI: After emergencies  
9           do a comma. And staff after emergencies  
10          just -- right there and, and staff do not have  
11          direct communication with 911 centers.

12          Go ahead, Mr. Schachter.

13          COMMISSIONER SCHACHTER: You know,  
14          something else I'd like to include, and it  
15          might a good time, in order to reduce law  
16          enforcement response time to an active shooter  
17          event.

18          CHAIRPERSON GUALTIERI: Yeah, but let's  
19          fix it -- let's get this first.

20          COMMISSIONER SCHACHTER: Okay.

21          CHAIRPERSON GUALTIERI: Let's do what you  
22          want here first. There are Florida school  
23          districts that have multi-step processes for  
24          staff to report on-campus emergencies, and  
25          staff do not have direct communications with

1 911 centers. The most effective way -- the most  
2 timely way. Change effective to timely. The  
3 most timely way to communicate an on-campus  
4 emergency is direct reporting from a school  
5 staff member to the 911's center.

6 All right. Go ahead.

7 COMMISSIONER SWEARINGEN: Maybe I'm  
8 missing something here. That wouldn't be the  
9 first time I've been accused of being dense,  
10 but this is a good way -- this is how we get  
11 law enforcement responding to the scene, but  
12 we're talking about a code red, which is  
13 supposed tell everybody at the school.  
14 Something bad is happening.

15 CHAIRPERSON GUALTIERI: Yeah i --

16 COMMISSIONER SWEARINGEN: There's a  
17 disconnect somewhere.

18 COMMISSIONER SCHACHTER: It's both. It  
19 needs to happen at the same time.

20 CHAIRPERSON GUALTIERI: Okay.

21 COMMISSIONER SCHACHTER: That's what you  
22 would ultimately like to have, to have the best  
23 response is immediate notification to everybody  
24 at the school and at law enforcement at the  
25 same time.



1           COMMISSIONER SWEARINGEN: But I think  
2           we're talking two -- there's a code red that  
3           notifies everybody at school there's a problem,  
4           and then there's a way to notify law  
5           enforcement. We need you responding to --

6           CHAIRPERSON GUALTIERI: Which one are you  
7           talking about?

8           COMMISSIONER SCHACHTER: See, that's an  
9           extra step that we need to eliminate, is the  
10          school calling law enforcement. The most  
11          effective way to reduce response time is,  
12          number one, to get law enforcement there as  
13          quick as possible is to be notifying everyone  
14          at the same time.

15          CHANCELLOR OLIVA: Sheriff, I think one of  
16          the findings that we've heard that adds to this  
17          is there was confusion on who can call a code  
18          red, which is that multi-step problem. So if  
19          there is a clarifier that we have heard from  
20          schools and school districts that it was  
21          unclear who on campus had the authority to call  
22          a code red which would trigger the lockdown --

23          CHAIRPERSON GUALTIERI: Right.

24          CHANCELLOR OLIVA: -- and trigger the  
25          notification to law enforcement.

1           CHAIRPERSON GUALTIERI: And we, of course,  
2           dealt with that in the initial report.

3           COMMISSIONER SCHACHTER: We addressed  
4           that.

5           CHAIRPERSON GUALTIERI: There was an  
6           initial report. Everybody has to have the  
7           ability to do it. And so here -- you know,  
8           just, what you're getting at here is you think  
9           that there should be, and I know, at least I  
10          think I know, what you think should be  
11          mandated, is there should be a technological  
12          solution. But, again, with all these  
13          technological solutions is, is that somebody's  
14          got to pay for it. So we can't -- we can't be  
15          recommended that somebody mandate --

16          COMMISSIONER SCHACHTER: I'm not. I'm not  
17          suggesting that.

18          CHAIRPERSON GUALTIERI: Go ahead.

19          COMMISSIONER CARROLL: I think this needs  
20          to be split in two because the first half of  
21          this word is an actual finding of Florida  
22          school districts that have multi blah, blah,  
23          blah staff emergency, staff did not have direct  
24          communication with 911 centers. This causes  
25          confusion in reporting -- in who can report,

1 and slows response times. That's your finding.  
2 Everything you're talking about now becomes a  
3 recommendation. And I think the recommendation  
4 needs to be --

5 CHAIRPERSON GUALTIERI: Right.

6 COMMISSIONER CARROLL: -- that -- yeah,  
7 that recommend -- the most timely way to  
8 communicate, that's the beginning of the  
9 recommendation, and at minimum schools should  
10 streamline their process to call a code red,  
11 and a best practice would be to infuse  
12 technology into the process. Do you know what  
13 I mean? But we're trying -- to me you have a  
14 recommendation with a finding up there in the  
15 same one. And it's kind of --

16 CHAIRPERSON GUALTIERI: No, I see your  
17 point. So if you did -- there are Florida  
18 school districts that have multi-step processes  
19 for staff to report on-campus emergencies and  
20 staff do not have direct access -- direct  
21 communication with 911 centers.

22 This next sentence, this multi-step  
23 process is -- this multi-step process causes  
24 delays.

25 COMMISSIONER CARROLL: Confusion and

1 delays.

2 CHAIRPERSON GUALTIERI: Causes confusion  
3 and delays in responding to the emergencies.  
4 Right?

5 COMMISSIONER SCHACHTER: And notifying  
6 school -- this process causes delays to notify  
7 the staff and law enforcement.

8 CHAIRPERSON GUALTIERI: This multi-step  
9 process causes confusion and delays in  
10 notifying others on campus of the emergency.

11 UNIDENTIFIED SPEAKER: And multiple.

12 CHAIRPERSON GUALTIERI: But, I mean, the  
13 emergency may not be a law enforcement. We can  
14 if you want, I don't care. I mean, it is the  
15 delays in notifying others on campus and delays  
16 in the law enforcement response.

17 JOHN: (Inaudible) emergency.

18 CHAIRPERSON GUALTIERI: The multi-step  
19 process causing confusion and delays in  
20 notifying others on campus of the emergency and  
21 delays in the law enforcement response.  
22 Period. And then take out responding to the  
23 emergencies. And then take that -- and hit the  
24 paragraph, bring it down, because that's going  
25 to be a recommendation.

1           So the finding is -- so the finding is go  
2           up.

3           Is that finding, "There are Florida school  
4           districts that multi-step process is for staff  
5           to report on-campus emergencies and staff do  
6           not have direct communication with other staff  
7           members."

8           Right? "With other staff members and 911  
9           centers. This multi-step process causes  
10          confusion and delays in notifying others on  
11          campus of the emergency and delays in the law  
12          enforcement response."

13          Does that work?

14          COMMISSIONER DODD: I have a question.

15          CHAIRPERSON GUALTIERI: Yeah.

16          COMMISSIONER DODD: So if staff members --  
17          staff members a faculty member, teacher?

18          CHAIRPERSON GUALTIERI: Correct.

19          COMMISSIONER DODD: They have a phone in  
20          their classroom. They have direct access to  
21          911. Is that agreed upon? Is that understood  
22          then?

23          CHAIRPERSON GUALTIERI: And I don't know  
24          that every staff member in every school in the  
25          state has a phone in their classroom or on

1       their person that they can call 911 from. I  
2       don't think that's the case.

3               COMMISSIONER DODD: No, I don't, I don't  
4       believe it's the case either, but if it were --  
5       would be -- were the case --

6               CHAIRPERSON GUALTIERI: That they could.  
7       They could. Yes, they could.

8               COMMISSIONER DODD: So then the idea  
9       becomes, you know, we want the lockdown to be  
10      called to inform other people in the school of  
11      our Alice -- of our Alice X -- our Alice Alert.  
12      So there may be some confusion there With is it  
13      the obligation then to get on 911 one and say  
14      I've got a suspicious person, and to go through  
15      the protocols with dispatch, which is a long  
16      series of questions, or would it be to  
17      notify -- to get the word to the school  
18      resource officer, the safe school officer in  
19      order to alert other members of -- the other  
20      people on campus?

21              SHERIFF ASHLEY: That's the point I was  
22      trying to make.

23              CHAIRPERSON GUALTIERI: And I think -- I  
24      think the answer is it depends upon what that  
25      situation is. If you're in a classroom and you

1       hear gunshots, what's better; to be able to  
2       push a button and the 911 center gets called  
3       and the troops are coming, or is it better  
4       to -- if you have to have a choice, or to  
5       notify the school resource officer. The answer  
6       is both. Is that this is where you get into --  
7       this is where you get into all the technology  
8       and you get into the systems without naming  
9       individual vendor names. But this is -- it's  
10      out there, but it's expensive where everybody's  
11      got a device on them and you have different  
12      buttons that you can push.

13             So if you push one button simultaneously,  
14      everybody on campus is being notified of the  
15      threat, being instructed to lock down, and at  
16      the same time the 911 center is being notified,  
17      law enforcement's being dispatched. Everything  
18      is happening simultaneously. So those systems  
19      exist, and in that perfect world that's the way  
20      it should be. Some districts in this state do  
21      have and have implemented that technology in  
22      those systems. Majority have not, because it's  
23      extremely expensive, but that technology  
24      exists.

25             So what you want to do is, is that if a

1 teacher perceives a threat because let's say  
2 you don't hear the shot, but you have somebody  
3 that's suspicious on campus, but you think that  
4 what you're seeing -- and use that Volusia  
5 County one as an example, the video we saw this  
6 morning. Is that they saw somebody coming onto  
7 campus and they think, no, this is a problem,  
8 it warrants lockdown and it warrants a law  
9 enforcement response. They hit the button.  
10 Everybody gets notified lockdown, law  
11 enforcement's responding and the SROs or the  
12 school safety officers, and whoever is on  
13 campus that's armed, they're getting notified  
14 of that at the same time. So that's really what  
15 you want.

16 COMMISSIONER SCHACHTER: And the other  
17 question that goes to your point is what is the  
18 policy. So if the policy is saying you don't  
19 call 911, you call the office first, and that's  
20 how they drill, that's what teachers are going  
21 to do.

22 CHAIRPERSON GUALTIERI: Yeah, and it is  
23 different in different places and some -- you  
24 know, the teachers are told to call the office,  
25 and then the office then calls 911 or notifies



1 others. Because they don't have these robust  
2 communication systems so they want to get it  
3 out. You can even see the point. I can see  
4 the point that what is better; to have some  
5 teacher who sees something that is directly  
6 calling 911 from a phone getting asked 15  
7 questions, and then it's got to go up to the  
8 dispatcher and it's got to get dispatched out.  
9 Where if you call the office, because you don't  
10 have a radio but you call the office, they do  
11 have a radio and they can be in communication  
12 with the SRO, and the SRO is there in 15  
13 seconds.

14 So, again, with all this -- there's  
15 choices unless you have a comprehensive system.

16 COMMISSIONER SCHACHTER: And this  
17 avoids -- you know, in Parkland you've got  
18 these call transfers so even if the teacher was  
19 to call 911, you know, it's going to be a  
20 minute and a half before anything happens.

21 CHAIRPERSON GUALTIERI: Right, and that  
22 call transfer process is still in place in  
23 Parkland today. So today, if you're at  
24 Stoneman Douglas and you have a cell phone and  
25 you call 911 is, it's going to Coral Springs

1 and Coral Springs are going to transfer it over  
2 to BSO, and that call transfer process is still  
3 going to exist.

4 COMMISSIONER SCHACHTER: I mean, they have  
5 a pager system they have a Band-Aid --

6 CHAIRPERSON GUALTIERI: I get it.

7 COMMISSIONER SCHACHTER: -- limit -- you  
8 know, hopefully lessen time --

9 CHAIRPERSON GUALTIERI: I know.

10 COMMISSIONER SCHACHTER: Yeah.

11 CHAIRPERSON GUALTIERI: But those are  
12 Band-Aids, but the process still exists today.

13 So as this is read up here, "Districts  
14 have multi-step processes for staff to report  
15 on-campus emergencies." True.

16 "Staff do not have direct communication  
17 with" -- I don't think we should say all  
18 because some do.

19 "There are Florida school districts that  
20 have multi-step processes for staff to report  
21 on-campus emergencies and all staff members do  
22 not have direct communication with other staff  
23 members and 911 centers. This multi-step  
24 process causes confusion and delays in  
25 notifying others of on campus -- on campus of

1 the emergency and delays in a law enforcement  
2 response."

3 Is there anybody that can't live with  
4 that?

5 (No audible response.)

6 CHAIRPERSON GUALTIERI: So I'd suggest  
7 that even though we're here on a new  
8 recommendation and we haven't -- a finding, we  
9 haven't begun recommendations for this chapter  
10 yet, while we're here, and supposed to come  
11 back to it, let's figure out what  
12 recommendations we want to go with this finding  
13 right now.

14 So it's already started there. So the  
15 most -- so the recommendation that would go  
16 with this is already started. "The most timely  
17 way to communicate an on-campus emergency is  
18 direct reporting from a school staff member to  
19 other staff members on campus and the 911  
20 center simultaneously."

21 COMMISSIONER SCHACHTER: It would be even  
22 better if you could notify the whole school at  
23 the same time as opposed to going to one staff  
24 member and then them calling. But is that what  
25 that communicates?

1           CHAIRPERSON GUALTIERI: While you're  
2           thinking about, Commissioner Bartlett, do you  
3           have something?

4           CHIEF ASSISTANT BARTLETT: Is there a way  
5           to do that? I mean, notify 911 and the school?

6           CHAIRPERSON GUALTIERI: Yeah, there is.  
7           Yeah, there is. There are systems out there  
8           and they're generally -- generally driven,  
9           they're apps on phones and everybody has a  
10          phone, and it's all geo based. And if you move  
11          from school to school, it kind of follows you.  
12          So if I'm right here today, it knows I'm here  
13          and I push the red button on the phone,  
14          everybody in the school is gonna get notified  
15          that I pushed the red button and activated the  
16          lockdown. At the same time the 911 center is  
17          getting notified that I've done it, and if I  
18          leave here and go to a school 15 miles away,  
19          when I get there, it's going to know I'm at the  
20          new school and the people at that school are  
21          going to get identified. So there is  
22          technology out there today that's doing that.

23          COMMISSIONER SCHACHTER: The other issue  
24          that we're trying to improve on is the fact  
25          that the teacher's calling 911, where's that

1 telephone? Is that telephone in the safer  
2 corner. Is it on the teacher's desk? Is it  
3 accessible in an active shooter situation. It  
4 might not be.

5 In Marjory Stoneman Douglas they have  
6 panic buttons, but the panic button is near the  
7 door. And if they hit that button, somebody  
8 comes on the intercom and says, "Hi, can I help  
9 you."

10 That's not what you want.

11 CHAIRPERSON GUALTIERI: This is where the  
12 advocacy is for personally worn devices, and  
13 whether they're -- the smart phones with the  
14 apps or the various buttons and devices that  
15 people can keep on their person. So this is  
16 where that advocacy comes from.

17 COMMISSIONER SCHACHTER: Early on after  
18 the tragedy I arranged -- we had a private tour  
19 of the safest school in America in Indiana, and  
20 I had -- I had Scott Israel go with me. I had  
21 RA Robert Runcie, Abby Freedman went with me,  
22 and that's what they have in Indiana. They have  
23 a panic button. You hit that button, boom,  
24 everybody's notified and it's got a GPS locator  
25 on you so they know exactly where you are. And

1       then that activates the cameras inside the  
2       school. So law enforcement can look inside the  
3       school, see the cameras, see where the  
4       assailant is and take them out.

5               CHAIRPERSON GUALTIERI: So on the  
6       recommendations, anybody want any changes in  
7       that recommendation?

8               CHANCELLOR OLIVA: I think for part of  
9       that recommendation to go back to the  
10      multi-step scenario base, we were talking about  
11      that with drills for students where it's -- the  
12      term was decision based or option based for  
13      trainings for the adults on do they call the  
14      front desk, do they call 911. There may be a  
15      line in there about supporting policies or  
16      trainings for the adults to go through the  
17      different scenarios they face when making those  
18      decisions of what is -- what is their reaction  
19      if they don't have the emergency panic button.

20              CHAIRPERSON GUALTIERI: So how do we word  
21      that.

22              COMMISSIONER CARROLL: The only thing I  
23      worry about is I don't know that everybody can  
24      get there right away. And so I would have a  
25      second piece of this that addresses the

1 multi-step process that says apps and  
2 technology, and at a minimum all staff need to  
3 be empowered to report. And the reporting  
4 process should be streamlined to as minimal  
5 steps as necessary.

6 CHAIRPERSON GUALTIERI: So that is in our  
7 initial report. It is in there. And that was  
8 a big problem. We were very, very clear on  
9 that in the initial report. So that is in  
10 there, and it actually -- we didn't have it  
11 throughout all of this year, but the last  
12 survey is that -- the last of survey showed  
13 that every district, all 67, have policies that  
14 empower everybody to call a code red and report  
15 it. So they don't have -- there's no policies  
16 the bar anything other than direct reporting  
17 today. So we made progress on that, on that  
18 issue. Even the first survey we did this year  
19 in April didn't have that. So we're making  
20 progress.

21 COMMISSIONER DODD: Our district even  
22 included in the policy that staff are  
23 authorized and encouraged to call 911 in  
24 addition to calling the lockdown or the Alice.

25 CHAIRPERSON GUALTIERI: Right.

1           COMMISSIONER SCHACHTER: Sheriff, I just  
2 wanted to make one adjustment to -- so  
3 reporting from a school staff member to  
4 everyone on campus, I want to avoid --

5           CHAIRPERSON GUALTIERI: Okay. That's  
6 fine. Point taken.

7           "The most timely way to communicate an  
8 on-campus emergency is direct reporting from a  
9 school staff member to everyone on campus and  
10 the 911 centers simultaneously."

11          Anything else? Any other for that one?

12          (No audible response.)

13          CHAIRPERSON GUALTIERI: All right. So  
14 we'll just add this to the report as to the  
15 finding, and then this will be the  
16 recommendation that goes with that finding.

17          Okay. You got another one?

18          COMMISSIONER SCHACHTER: It's about the  
19 the codes.

20          CHAIRPERSON GUALTIERI: Go ahead.

21          COMMISSIONER SCHACHTER: So I asked  
22 Captain Francis to come up with a  
23 recommendation concerning the fact that most of  
24 our schools are using codes, and codes kill  
25 when you -- when you look at NIMS, when you



1 look at the FBI and Department of Homeland  
2 Security everyone is moving away from using  
3 codes and they're using plain English.

4 So I tasked Captain Francis with working  
5 with his workgroup, School Safety Specialists,  
6 and coming up with a recommendation for the  
7 legislature and providing us some knowledge.  
8 And he surveyed all of them and they're all in  
9 favor of this, but just to frame this for the  
10 commission, let me just read you a little bit  
11 this. It says, "Many school districts still  
12 use code words and phrases to alert staff to  
13 implement emergency protocols such as lockdown,  
14 reverse evacuation, severe weather. It is  
15 certainly possible that school officials can  
16 become confused and implement the wrong  
17 protocol even when regular training and drills  
18 are conducted to teach staff what the codes  
19 mean. For example, many schools still use code  
20 red, blue, yellow without any crisis text  
21 instruction such as emergency lockdown to  
22 clarify what life and death action steps should  
23 be implemented. It's important to remember  
24 that lockdown protocols have failed when school  
25 officials have had to make fast decisions in

1 order -- to order a lockdown, even though  
2 previous lockdown drills worked fine.

3 "This is often due to the difference in  
4 initiating a drill when a decision to announce  
5 the drill has been made in advance, rather than  
6 when a guy with a gun comes on campus and  
7 you're operating with your heart beating at 115  
8 beats per minute."

9 So when one considers all of this, that's  
10 why they're recommending to use -- cease using  
11 codes. Well, I'll read it to you and get rid  
12 of codes and use plan English.

13 So this is what his recommendation is.  
14 "The School Safety Specialist workgroup on best  
15 practices highly suggests that the Marjory  
16 Stoneman Douglas High School Public Safety  
17 Commission seek legislative support that  
18 requires schools to use plain talk during  
19 emergency drills and real world incidents."

20 Here's the verbiage: "Florida public and  
21 charter schools will utilize plain talk or a  
22 singular code, example code red, utilized in  
23 conjunction with plain talk during the initial  
24 emergency communication in a drill or real war  
25 scenario. All subsequent announcements and

1       communications during a drill or actual  
2       emergency event shall be in plain talk. School  
3       districts are prohibited from using any  
4       multiple code system for emergency drills,  
5       operations or response practices. Emergence --  
6       an example of the initial message would be  
7       'Lockdown, lockdown, code red. We have an  
8       active threat in building one. A white male in  
9       full tactical gear, long rifle, heading towards  
10      building two.'"

11               CHAIRPERSON GUALTIERI: So why don't we  
12      just now start this, is that, first of all, I  
13      understand the premise, I understand the  
14      concept. I don't necessarily disagree with it,  
15      but I'm opposed to this being in the  
16      legislation. I don't think this is the type of  
17      thing that should be in Florida law and in  
18      statute. I personally don't have a problem with  
19      it as far as a recommendation is concerned, but  
20      I think the Florida legislature getting into  
21      telling everybody in some of the school  
22      districts what specific words or language they  
23      can use as an overreach. I don't think it  
24      should be in the law. I will also say that  
25      what you propose even using the word lockdown,

1 has potential adverse consequences. Because if  
2 you say that what is a permissible word to use,  
3 you can say lockdown, lockdown, and if that's  
4 all you use, I can make the case for you that  
5 lockdown is a word that should never be used  
6 because if you say to somebody you lockdown,  
7 then that's what they're going to do is  
8 lockdown when they should be running. So, you  
9 know, lockdown is that you lockdown in place  
10 and that it shouldn't -- and if you tell people  
11 that all the time, that's where they're going  
12 to do. But, you know, I understand the  
13 well-intended suggestion, but to have every  
14 school mandated that every school in the state  
15 of Florida can only use the code red and that  
16 the legislature is coming out with verbiage  
17 that everybody has to use as a release of this  
18 term, I can't support it. Of course, it's the  
19 will of the commission, I'm only one vote, but  
20 I think it's too much. That's my take.

21 COMMISSIONER LARKIN-SKINNER: All right.  
22 I just wonder if it would make sense to make a  
23 recommendation that the Office of Safe Schools,  
24 I don't know, be given authority is the right  
25 word, or the right phrase, or be tasked with

1 developing a system so that it's the same  
2 throughout the state. I do have concerns that  
3 every school does it differently or every  
4 district does it differently, and in Florida  
5 we're a little bit transient. People move  
6 around quite a bit, and so you go from school  
7 to school, it would seem to me our kids would  
8 be safer if it's the same everywhere. Because  
9 then they won't have a new system to learn, and  
10 if you're a new student, you might not be  
11 taught it at all because you missed the drill.  
12 I think there would be some value in  
13 uniformity, and it seems to me the (inaudible)  
14 the Safe Schools is the place where the  
15 authority or the expertise should be regarding  
16 that.

17 CHAIRPERSON GUALTIERI: I don't have a  
18 problem in recommending it, but I don't -- just  
19 me. Anybody -- to come in and mandate it --

20 COMMISSIONER SCHACHTER: You task --

21 CHAIRPERSON GUALTIERI: -- is that --  
22 that's the overreach to me is mandating it.  
23 I'm, you know, a big believer in local control  
24 and I think that on this issue, you know,  
25 telling them what word they have to use and to

1 the exclusion of any other word to have that in  
2 Florida law, which is the ask, is too much to  
3 me.

4 COMMISSIONER SCHACHTER: My objective is  
5 to try to move the needle. We know that this  
6 is a best practice. Department of Homeland  
7 Security's, NIMS has adopted this as well, and  
8 at least if it's a recommendation, hopefully  
9 schools will do it and the Office of Safe  
10 Schools will be preaching it. Hopefully --

11 CHAIRPERSON GUALTIERI: We can craft it.  
12 Does anybody else weigh in? Does anybody -- I  
13 mean, where is everybody else on this? Does  
14 anybody think that this type of requirement  
15 should be in the law in statute.

16 Go ahead.

17 VICE-CHAIRMAN LYSTAD: Mr. Chair, I don't  
18 know that I'm ready to say it should be in  
19 statute or not, but I think we could make a  
20 recommendation that the state of Florida  
21 workgroup, School Safety workgroup look at that  
22 and let them come back with a recommendation.

23 CHAIRPERSON GUALTIERI: Sure.

24 VICE-CHAIRMAN LYSTAD: Because that's  
25 their area of expertise, not necessarily ours.

1           CHAIRPERSON GUALTIERI: Yeah, on that  
2           issue, but hardening (inaudible) is really what  
3           they're looking at, but ...

4           COMMISSIONER SCHACHTER: This is -- this  
5           is what was done so we tasked the school safety  
6           specialists with coming up with this and giving  
7           us their recommendation. They're the experts  
8           and that's what they came back with.

9           CHAIRPERSON GUALTIERI: So first of all, I  
10          guess, you know, on this is, is that if we're  
11          going to do anything with it all, the question  
12          is what. The first thing is crafting whatever  
13          the finding. So the finding -- do you have  
14          something drafted there as to what the  
15          potential finding is?

16          COMMISSIONER SCHACHTER: (Inaudible).

17          CHAIRPERSON GUALTIERI: No?

18          COMMISSIONER SCHACHTER: I don't have the  
19          finding yet, no.

20          CHAIRPERSON GUALTIERI: Sheriff Judd, did  
21          you have something?

22          COMMISSIONER JUDD: He turned it off  
23          whenever I start tearing it up. Thank you, by  
24          the way.

25          You know, when you follow NIMS and all of

1       that, it talks about plain talk and that's  
2       already universally accepted. So to inculcate  
3       it in law seems an overreach. I understand  
4       what Max is saying, and I -- and I agree and  
5       that's the way it works.

6               CHAIRPERSON GUALTIERI: So we can have a  
7       finding that says is that any -- you know, in  
8       communicating a threat on campus, anything  
9       other than plain speech leads to confusion.

10              COMMISSIONER JUDD: Confusion, sure.

11              COMMISSIONER SCHACHTER: You know, Sheriff  
12       Judd, we're trying to get it -- take what's  
13       happening in law enforcement to get it in the  
14       schools because --

15              CHAIRPERSON GUALTIERI: I don't have a  
16       problem with the premise. I get you. My  
17       problem with it is, is that taking something  
18       like that and putting it in statute is my issue  
19       with it.

20              COMMISSIONER SCHACHTER: I think it's a --  
21       it's a training issue and I can't imagine  
22       anything other than plain talk. So I --  
23       sometimes we can get overruled bound, and I --  
24       but once again, for those of us in public  
25       safety we all already understand that we all



1 have codes and some of us have different codes.  
2 When we hit the emergency, we all go to plain  
3 talk because we're all inculcated on maybe a  
4 common frequency and we don't understand each  
5 other's codes. It just seems to me that that  
6 automatically does or should transcend to the  
7 school system because I don't know that they  
8 have -- I don't know, I just, I think we're  
9 there already.

10 CHAIRPERSON GUALTIERI: Think what?

11 COMMISSIONER JUDD: I think we already --  
12 I think we already accomplish that for the most  
13 part.

14 CHAIRPERSON GUALTIERI: So do we want to  
15 do -- so do we want to do a general finding and  
16 a general recommendation that's short of a  
17 statutory recommendation?

18 Commissioner?

19 COMMISSIONER SWEARINGEN: So I just have a  
20 question. If this is coming from the school  
21 safety specialists as a recommendation, aren't  
22 they involved in developing the school's code  
23 red policy so wouldn't they then if they see  
24 there's some confusion or a lot of -- wouldn't  
25 they address that in the --

1           CHAIRPERSON GUALTIERI: This is from a  
2           working group of school safety specialists,  
3           it's representative. So it's not all 67 is way  
4           I understand it. So there are variations of  
5           this around the state, and different districts  
6           have different things that are working in their  
7           district. The only thing that gives me concern  
8           is that, again, when you mandate something like  
9           this, now we are so far into this with the  
10          districts that are doing it right and well, and  
11          now they've already entrenched all their people  
12          into the system in that particular district.  
13          And if you mandate something, now you're going  
14          to go in and you've got to change what you've  
15          already ingrained. I don't think that that's,  
16          you know, a good thing either. So by doing  
17          something like this that says when  
18          communicating a threat on campus using codes or  
19          anything other than plain speech leads to  
20          confusion and potentially an inadequate  
21          response.

22                 That's your point. Is that right?

23          COMMISSIONER SCHACHTER: Yes, I mean the  
24          way, the way --

25          CHAIRPERSON GUALTIERI: Potentially using

1 anything other than plain speech, potentially  
2 leads to confusion and an inadequate response.

3 COMMISSIONER HARPRING: Sheriff, to your  
4 point, there are districts that have used the  
5 same thing for many, many years that may  
6 include codes. For my part, my thought is to  
7 pass on this because there's so much already,  
8 whether it's NIMS, ICS, the school working  
9 group, I don't know that it's necessary for our  
10 recommendation.

11 Respectfully, Mr. Schachter, I don't know  
12 that it's necessary for our recommendations in  
13 the context of active assailant policies and  
14 procedures to even necessarily comment on it  
15 since there was a lot of reference in our  
16 initial report about the confusion as to who  
17 could call a code red and what did it mean, and  
18 then to have some suggestion from a commission  
19 that does carry great weight around the state  
20 and with the legislature that could lead to  
21 districts feeling compelled to change what they  
22 already do that works for them, I have a  
23 concern about that. I don't know that in this  
24 report or even any future reports absent some  
25 identifiable issue that we need to -- that we

1           need to comment on it.

2           The fact that there was a an abject  
3           failure at Stoneman Douglas as to training and  
4           things like that doesn't necessarily mean that  
5           I think we have to comment on it like this.  
6           That's just one commissioner's opinion.

7           CHAIRPERSON GUALTIERI:   So Commissioner  
8           Judd -- or Commissioner Petty go ahead.

9           COMMISSIONER PETTY:   Just a question to  
10          Commissioner Schachter.   What -- which --  
11          there's a problem you're trying to get at. I'm  
12          not sure.   It sounds like from like law  
13          enforcement members of the commission that  
14          they're already on the same page with the codes  
15          issued.   So are you -- I think you're getting  
16          at the school districts don't share the same  
17          framework and structure that law enforcement,  
18          and so what you're -- the problem you're trying  
19          to solve is getting the school districts on the  
20          same page as law enforcement with regards to  
21          how they call an emergency.

22          COMMISSIONER SCHACHTER:   As practices,  
23          this -- codes kill.   That's -- it's not safe to  
24          use codes.

25          CHAIRPERSON GUALTIERI:   Do you have any

1 examples of it where somebody has said  
2 something to communicate a threat, and what was  
3 said wasn't understood because somebody didn't  
4 know what as an example code red means?

5 COMMISSIONER SCHACHTER: Harmon Homeland  
6 Security adopted this and every law  
7 enforcement -- you know, all of these major law  
8 enforcement organizations teach the plain talk.

9 CHAIRPERSON GUALTIERI: I get that. I  
10 mean, I get that. You know, on the radio and  
11 everything else, I get it in NIMS world, I  
12 understand that. But, you know, again, I'm  
13 asking do you know of any specific situations  
14 where somebody on campus used what is the  
15 designated word or phrase and it resulted in  
16 somebody not understanding what that meant and  
17 not adequately responding to the threat.

18 COMMISSIONER SCHACHTER: Sheriff, I have  
19 teachers contacting me saying, Max, what is a  
20 code yellow? What is a code -- you know, we're  
21 using so many codes that you've got  
22 substitutes, you've got other people on staff  
23 don't know what all these codes mean.

24 CHAIRPERSON GUALTIERI: So, you know,  
25 again, it doesn't seem like you have any

1 examples of it, but --

2 COMMISSIONER SCHACHTER: I'm sure I can  
3 find them.

4 CHAIRPERSON GUALTIERI: So what do you all  
5 want to do with this? Do we want to have a  
6 finding on this and a recommendation on this,  
7 or do we want to leave it alone?

8 Leave it alone?

9 COMMISSIONER PETTY: Well, I mean, at a  
10 minimum you'd want the law enforcement agencies  
11 and the school districts to be on the same page  
12 so they're communicating and using the same  
13 language.

14 CHAIRPERSON GUALTIERI: But this -- is  
15 this is -- this is -- this is -- the way I  
16 understand this, this is where -- that teacher,  
17 that principal, that maintenance person,  
18 whoever, whoever it is, when they see something  
19 and they're going to put it out over whatever  
20 device they got is, is that people receiving  
21 that are going to know that they've got a  
22 problem. And so what Mr. Schachter is  
23 suggesting is, is that they should be  
24 prohibited from using any other -- anything  
25 other than plain speech.

1           COMMISSIONER SCHACHTER: No, I mean, the  
2           way -- the way the school safety workgroup  
3           said, they recommended using just one code,  
4           code red, and then using plain speech. And the  
5           reason they're doing this, the reason I'm  
6           recommending this is because school districts  
7           are not going to do the right things. I mean, I  
8           certainly hope that we've all come to that  
9           conclusion. Broward County is the sixth  
10          largest school district in the country, and  
11          they didn't have a policy. I don't need to go  
12          through all the litany of failures that they  
13          weren't drilling, and most schools in the  
14          United States only do lockdown drills. Which  
15          is synonymous with praying and -- you know,  
16          hiding and praying and hoping. Most schools are  
17          not doing best practices.

18                 And so the objective here is to -- listen,  
19                 we're evolving, we're trying to make schools  
20                 safer. We're not coming in here and mandating  
21                 20 million things, but as schools are safer,  
22                 we're trying to make them safer. Initially we  
23                 said safer corner, and then we said, hey, you  
24                 know what, we're training our next school  
25                 shooter. It's not safe to just go and hide and

1 pray. They need to be doing -- giving kids  
2 options based training and scenario based  
3 training.

4 So I don't think there's any reason we  
5 should be reticent to not recommend what will  
6 save lives.

7 CHAIRPERSON GUALTIERI: So why don't we do  
8 this, why don't -- you make whatever motion you  
9 want to make. If you get a second, then we can  
10 have further discussion on it and then we'll  
11 vote on whatever that motion is and second if  
12 it exists. So why don't you make a motion if  
13 you want to make one.

14 COMMISSIONER SCHACHTER: I make a motion  
15 to have a finding that using codes can be  
16 dangerous, it can lead to confusion and it can  
17 lead to an inadequate and a slowed response,  
18 Number one.

19 And then number two I would make a  
20 recommendation --

21 CHAIRPERSON GUALTIERI: No. No. Stop  
22 right there. Stop right there.

23 COMMISSIONER SCHACHTER: Okay. Sorry.

24 CHAIRPERSON GUALTIERI: So that's your  
25 motion on the finding.



1 Is there a second on that?

2 COMMISSIONER LARKIN-SKINNER: I will  
3 second it.

4 CHAIRPERSON GUALTIERI: So Commissioner  
5 Larkins-Skiner seconds it. Any discussion on  
6 that motion?

7 Commissioner Dodd.

8 COMMISSIONER DODD: Just a question. Can  
9 we -- we can have a finding without making a  
10 recommendation, though? Would that be correct?

11 CHAIRPERSON GUALTIERI: Could. We're just  
12 on the finding right now.

13 COMMISSIONER DODD: I know, but --

14 CHAIRPERSON GUALTIERI: We haven't even  
15 gotten to the recommendation.

16 COMMISSIONER DODD: I just want to make  
17 sure, just because we have a finding does it --

18 CHAIRPERSON GUALTIERI: Yeah, there's no  
19 requirement that there be a recommendation.

20 COMMISSIONER HARPRING: Just seems  
21 internally contradictory that if we're saying  
22 that you shouldn't use codes, but the  
23 recommendation is to use a code red. And I  
24 guess my point, the way I look at it, is that  
25 when you are to say a code red, there's a

1 litany of things that come after that in the  
2 person's mind. What does code red mean? What  
3 does it do? You either do or do not have to  
4 talk about those things or say those things in  
5 plain talk thereafter. Same thing with the  
6 code yellow.

7 I mean, I think the average person, if you  
8 said code red, whatever that means, that's  
9 something bad. And there's a litany of things  
10 after that in whatever training that they do in  
11 the schools that come after the code red.  
12 Again, in brief, I'm just not sure that there  
13 is a necessity for a finding and a  
14 recommendation on this issue in this  
15 commission's report.

16 CHAIRPERSON GUALTIERI: So we have a  
17 motion, it's on the table on the floor, it's  
18 been seconded.

19 Any other -- sheriff Judd.

20 COMMISSIONER JUDD: You know, I understand  
21 and I agree with Max, but in our world wants --  
22 whether they call it a code red, a lockdown, or  
23 a heightened security, or whatever the  
24 individual nomenclature is, once that initial  
25 term is given, it all goes to plane talk for

1 all of your emergency responders. So at that  
2 point in time when the emergency starts, then  
3 it all goes to plan talk anyway. How you get  
4 to that, I just don't think makes any  
5 difference. Because what Max is concerned  
6 about takes over his exact issue, and I don't  
7 see a need for us to tell them that you can't  
8 use a code red, you have to use a lockdown,  
9 or -- it just doesn't make any difference cause  
10 whatever those magic words are that start it in  
11 that district, it goes to plane talk  
12 immediately when public safety gets involved.

13 CHAIRPERSON GUALTIERI: With the stress,  
14 people are going to revert to plain language  
15 anyway --

16 COMMISSIONER JUDD: Yes.

17 CHAIRPERSON GUALTIERI: -- is your point.

18 Commissioner sheriff Ashley, go ahead.

19 SHERIFF ASHLEY: I think a little  
20 different tact here is that I agree on premise  
21 and disagree on premise that codes kill.  
22 Sometimes codes protect the response mechanism.  
23 Should this be an outside assailant rather than  
24 an inside assailant, they wouldn't -- using  
25 codes would prevent the assailant from knowing

1        what kind of response you were preparing or  
2        doing. I don't know that -- that a  
3        recommendation is going to change anything  
4        anyway.

5            Plain language is pretty common in law  
6        enforcement response. School district  
7        responses, again, I'll go back to the  
8        commissioners pointing out that there are  
9        people that are trained in code reds, code  
10       yellows that now you're going to change  
11       everything they're doing and they're already  
12       trained in that response. So I don't know why  
13       we would undo something that's working. It  
14       didn't work in this case, but it could be  
15       working in others.

16           COMMISSIONER SCHACHTER: Yeah, so it's  
17       not -- it's not a best practice. It's not safe.  
18       So we're not saying not to use any codes.  
19       We're just saying to have some commonality.  
20       We've changed a lot in Florida in the schools.  
21       We've mandated safer corners. We've mandated  
22       they do drills. Now we're talking about doing  
23       different drills. We're changing it. We've  
24       changed a lot to make schools safer, and this  
25       eliminates confusion. This is what law

1 enforcement does.

2 And, Sheriff Judd, I'm trying -- I'm  
3 trying to get what's a best practice in law  
4 enforcement to have the schools do it, because  
5 they're not doing it right now.

6 CHAIRPERSON GUALTIERI: Okay. So  
7 Commissioner Carroll.

8 COMMISSIONER CARROLL: And I hear what Max  
9 is saying. I don't understand why a code can't  
10 be used along with plain language with regard  
11 to kids. You know, I know kids in the school  
12 system now, and they're going to come home and  
13 they tell me well, I was in a lockdown. Well  
14 what did you do? Well, I had to run across.  
15 Well, that doesn't sound like a lockdown to me,  
16 but that's what they call it is lockdown.  
17 Didn't mean they were locked up in their room.

18 For years we've tried to change younger  
19 kids' sports. You know, I coach football and  
20 for the younger kids we don't like them keeping  
21 score. Every single kid off the field, score  
22 boards not anymore, every single kid can tell  
23 you what the score is. They just don't turn  
24 that stuff off.

25 And so I don't think -- I understand your

1 point of a school has code red, green, yellow,  
2 blue, that gets confusing, but so I can see a  
3 move to limit the number of codes that schools  
4 use. But to think that kids can't understand a  
5 code when you put a lot of plain language  
6 around that, I just think -- I think it's an  
7 easier response for the schools to bucket a  
8 group of information for kids to understand  
9 what's going on, and then the plain language  
10 comes in how you train them to respond. And I  
11 think a lot of the recommendations that we made  
12 earlier in terms of making a decision based, an  
13 option based and that type of stuff is going to  
14 get at a lot of what you are talking about.

15 COMMISSIONER SCHACHTER: Schools are not  
16 using plain English. I just want to make that  
17 clear. We're not saying that schools should  
18 not use codes. All I'm saying is schools are  
19 not using plain English. They're only using  
20 codes. I'm trying to encourage the use of  
21 plain English with an additional code that  
22 everybody knows, code red. And then describing  
23 what's happening on campus.

24 CHAIRPERSON GUALTIERI: All right. Call a  
25 vote on this. So we have a motion that's on the

1 floor. We have a second.

2 All in favor? All the voting members.  
3 There's 15 voting member. So all the voting  
4 members in favor please signify by raising your  
5 hand. We'll count the votes.

6 UNIDENTIFIED SPEAKER: Of the finding?

7 UNIDENTIFIED SPEAKER: Of the finding?

8 CHAIRPERSON GUALTIERI: Yeah, for the  
9 finding. Yeah.

10 We got one, two, three, four, five, six,  
11 seven, eight. We've got eight.

12 All opposed same.

13 So. Okay. So the finding should pass  
14 eight to seven, correct? Is that right? Got  
15 it.

16 UNIDENTIFIED SPEAKER: Only five  
17 (inaudible).

18 CHAIRPERSON GUALTIERI: What's that?

19 UNIDENTIFIED SPEAKER: Only five raised  
20 their hands (inaudible).

21 CHAIRPERSON GUALTIERI: Okay. So the ones  
22 that were in support were how many?

23 UNIDENTIFIED SPEAKER: Eight.

24 CHAIRPERSON GUALTIERI: Eight. Okay. So  
25 it passes. So the finding passes.

1           So. All right. And we've got the  
2           language for the motion, correct? Similar to  
3           this. Not exact, but you got it?

4           (No audible response.)

5           CHAIRPERSON GUALTIERI: Okay. So now the  
6           question becomes, now you've got this finding  
7           is, is that do we want a -- do you want a  
8           recommendation with this finding, and so do the  
9           same thing; make a motion and we'll see if it  
10          gets a second. If it does, then we can have  
11          discussion we'll vote on a recommendation.

12          COMMISSIONER SCHACHTER: So that the  
13          recommendation that the school safety  
14          specialist task force came up with says that  
15          schools, when activating an emergency code red  
16          scenario, they should use the verbiage  
17          lockdown, lockdown, code red, and then plain  
18          English.

19          So we're encouraging -- we're still using  
20          code red --

21          CHAIRPERSON GUALTIERI: This is a motion.

22          COMMISSIONER SCHACHTER: I'm sorry. Sorry  
23          about that.

24          CHAIRPERSON GUALTIERI: This is --

25          COMMISSIONER SCHACHTER: This is just an



1 example.

2 CHAIRPERSON GUALTIERI: What's it going to  
3 look like when it's written up there?

4 COMMISSIONER SCHACHTER: Schools are  
5 encouraged to use code red followed by plain  
6 English of the actual emergency on campus.

7 CHAIRPERSON GUALTIERI: I want to make  
8 sure we get this right. I want to make sure we  
9 get it right. So give John a second. "Schools  
10 are encouraged to use code Red followed by  
11 plain English of the actual emergency on  
12 campus." Is that the motion?

13 COMMISSIONER SCHACHTER: Yes, maybe you  
14 can make it sound better, but that's just what  
15 I came up with in two seconds.

16 CHAIRPERSON GUALTIERI: Okay. All right.  
17 So Chancellor Oliva go ahead.

18 CHANCELLOR OLIVA: Perhaps the words that  
19 are in the finding is the recommendation, and  
20 the finding is there's schools that have  
21 multiple levels of codes that don't use clearer  
22 language that causes confusion. This  
23 recommendation is to use codes that have the  
24 plain English or -- when communicating on a  
25 threat. The way I read the finding is really

1 almost the same as the recommendation. The  
2 finding is there's schools that have multiple  
3 codes with multiple meanings that can add to  
4 confusion. The recommendation is a simplified  
5 code system that uses plain English.

6 CHAIRPERSON GUALTIERI: All right.

7 CHANCELLOR OLIVA: Adopting that.

8 COMMISSIONER PETTY: I agree. That's why I  
9 asked the question what problem are we trying  
10 to solve, but we've had a motion and a vote on  
11 the previous. So ...

12 CHAIRPERSON GUALTIERI: Yeah, so the first  
13 one it passed as the finding, or something  
14 similar to that. A couple words are different.

15 COMMISSIONER HARPRING: Sheriff, I'd like  
16 to second the motion for purposes of discussion  
17 if I may?

18 CHAIRPERSON GUALTIERI: So let's get  
19 there. I want make sure that that is -- so  
20 We're on the recommendation.

21 Is that your motion on the recommendation  
22 as you see there? "Schools are encouraged to  
23 use code red followed by plain English of the  
24 actual emergency on campuses."

25 Is that your motion?

1           COMMISSIONER SCHACHTER: I think that -- I  
2 think that accurately communicates what we're  
3 trying to achieve.

4           CHAIRPERSON GUALTIERI: Okay. So do we  
5 have a second of that?

6           COMMISSIONER HARPRING: I'll second for  
7 purposes of discussion.

8           CHAIRPERSON GUALTIERI: So we have a  
9 motion by Mr. Schachter seconded by  
10 Commissioner Harpring, and now it's open for  
11 discussion. Go ahead.

12          COMMISSIONER HARPRING: Let me just say  
13 this, I think that the finding -- I am leaving  
14 (inaudible) this under the recommendation, I  
15 promise. The finding is internally  
16 contradictory as it also relates to the  
17 recommendation, because the finding states when  
18 communicating a threat on campus, using codes  
19 or anything other than plain speech potentially  
20 leads to confusion.

21          We're now talking about schools are  
22 encouraged to use code red followed by plain  
23 English. So the finding is internally  
24 contradictory. The recommendation then  
25 contradicts with the finding, which just loops

1 me back to my whole concern about contradictory  
2 messages on this particular issue. I'll leave  
3 it to everybody else to figure it out.

4 CHAIRPERSON GUALTIERI: So do you want to  
5 amend your motion at all?

6 COMMISSIONER SCHACHTER: Yeah, if I could  
7 amend the motion, I'm certainly not an expert  
8 in motions, but I can -- if I can come back and  
9 maybe, you know, work on the language and come  
10 back with a motion tomorrow, if that's  
11 possible? That might give me time.

12 CHAIRPERSON GUALTIERI: Okay. I'm happy  
13 to do that and we can move on. Spend some time  
14 with it. So you want to withdraw the motion  
15 for today?

16 COMMISSIONER SCHACHTER: Yes, please.

17 CHAIRPERSON GUALTIERI: So the motion is  
18 withdrawn and then if you want to bring it back  
19 tomorrow, so we have a finding that's been  
20 voted on. The only thing that's on the table is  
21 the recommendation, and if you want to bring  
22 back that with a new motion tomorrow, then we  
23 can do that. Okay?

24 (No audible response.)

25 CHAIRPERSON GUALTIERI: All right. So

1 let's do this. We really need to get through  
2 the recommendations that are in Chapter 5, and  
3 hopefully we get through Chapter 6 today, but I  
4 think it's time to take a break. So why don't  
5 we take 10 minutes and we will come back and  
6 finish the recommendations that are in Chapter  
7 5.

8 (A recess was taken.)

9 CHAIRPERSON GUALTIERI: All right. We're  
10 in Chapter 5, and we're going to begin with the  
11 recommendations that are in the report, and the  
12 draft report.

13 Before I do that, I just want to tell you,  
14 I'll get this out to you here, and shortly we  
15 received this afternoon the report from the  
16 Broward County Public Schools on their  
17 determination regarding Kelvin Greenleaf that  
18 there were no policy violations. I've got a  
19 copy of it. I've not had time to read it. It's  
20 35 pages, but we'll get a copy of that sent out  
21 to all the commission members here this  
22 afternoon. So, remember, Porter goes before  
23 the administrative committee tomorrow, Denise  
24 Reed in two weeks, and then we should get one  
25 concluded. We should get the Morford report,

1 But the Greenleaf one we have it, and we'll  
2 send it out to you.

3 Donna, did you get it for me?

4 DONNA: (Inaudible).

5 CHAIRPERSON GUALTIERI: Okay. When you  
6 get it -- if you do get it, would you ask  
7 Jennifer just to send it out to all the  
8 commission members? If not, I'll get with you  
9 later and we'll get it out to everybody.

10 All right. So let's --

11 COMMISSIONER SCHACHTER: Mr. Chair?

12 CHAIRPERSON GUALTIERI: Yes.

13 COMMISSIONER SCHACHTER: Apologies. I  
14 wanted to before we got two recommendations, I  
15 had a few findings I wanted to walk through and  
16 hopefully these will be relatively easy to go  
17 through.

18 CHAIRPERSON GUALTIERI: Okay. We can  
19 do -- we can do that. So these are Chapter 5  
20 findings that you want to propose?

21 COMMISSIONER SCHACHTER:

22 COMMISSIONER PETTY: Correct.

23 CHAIRPERSON GUALTIERI: Okay. The only  
24 thing I'd say to you, and, you know, bring them  
25 up. I mean, everybody can bring up whatever

1       they want, but we've got to make sure that what  
2       we're making findings on in this report are not  
3       redundant of what's in the first report. And,  
4       second, that there is a factual basis in the  
5       text that's here for these findings.

6               So the first one I see up there, and you  
7       can introduce them if you want to, but the  
8       first one I see in there is a BSO -- is a  
9       finding: "The BSO active shooter policy  
10      enforced on February 14th stated deputies may  
11      enter."

12             I think we covered that in the first  
13      report. I think that's a finding in the first  
14      one.

15             COMMISSIONER PETTY: I agree, Sheriff, and  
16      so -- so I mean, I think we can strike that  
17      one. But I did want to say just just with  
18      regards to findings in Chapter 5, there were  
19      findings associated with the schools, but I  
20      didn't see any associated with BSO  
21      specifically. So that's the purpose of me  
22      raising these. I think it's important to  
23      note -- and this, again, from the text of our  
24      report, eight deputies from BSO were on campus  
25      or in direct proximity to Marjory Stoneman

1 Douglas High School as the killer was firing  
2 shots on the third floor of Building 12. Not a  
3 single one of these deputies entered building  
4 12 in pursuit of the threat. There was no sense  
5 of urgency among these eight deputies, despite  
6 them hearing gunshots on a school campus. Given  
7 the fact that eight deputies performed so  
8 poorly, it raised many questions about BSO's  
9 policy, culture and effectiveness of training.

10 And I would add a failure of leadership.  
11 So I think it's important to note, and, again,  
12 this is from the text. I'm paraphrasing a bit,  
13 but this is from the text of our report. It's  
14 important to note BSO training staff has  
15 increased from 13 to 25 allowing for yearly  
16 active assailant training. Former Sheriff Scott  
17 Israel testified to this commission that every  
18 three years was sufficient. And when I  
19 repeatedly questioned him about the frequency  
20 of training it didn't seem possible to do it  
21 every year. Of Course, it wasn't with the  
22 staff at the time.

23 Our investigators interviewed 53 BSO  
24 deputies who characterized the new BSO training  
25 as more intense and effective. Again, from our



1 report. And also from our report, rifles and  
2 first aid kits are now being issued to all  
3 deputies. So with regards to findings, then  
4 going back to the new, I guess, would be --  
5 well, finding 2 on the screen there. Again, I  
6 think it's important to call out before this  
7 commission Scott Israel defended the use of the  
8 word may in the policy. However, days before  
9 the publication of our initial MSD commission  
10 report he changed the BSO active shooter policy  
11 from may to shall.

12 I don't think that was in our original  
13 report, and I think it's important to note that  
14 despite defending it in front of this  
15 commission it was changed days before we  
16 submitted our report to the governor and the  
17 legislature.

18 CHAIRPERSON GUALTIERI: Well, so first,  
19 let's take these in order. We already covered  
20 Number 2. Several BSO deputies interviewed by  
21 commission investigators referred to the word  
22 may.

23 COMMISSIONER PETTY: That was -- that was  
24 Number 2.

25 CHAIRPERSON GUALTIERI: That's already

1       been covered. That's in the first report.  
2       That was the interviews and that's what we did.  
3       So that also is in the first report. That's  
4       clear.

5               So Number 3 is you say before this  
6       commission Sheriff Scott Israel defended the  
7       worse -- that's true. However, days before the  
8       publication of the initial commission report  
9       Israel changed. I'm not -- I don't remember.  
10      I'll take your word for it. I don't remember  
11      exactly the date. I don't know if it was days  
12      before -- we published this report on January  
13      2nd. I think it was in November that he did  
14      it, but I don't --

15             COMMISSIONER SCHACHTER: It's in our  
16      text --

17             CHAIRPERSON GUALTIERI: But Scott Israel  
18      changed the BSO active shooter policy from may  
19      to shall. There's nothing in -- nothing in  
20      this report, in this draft report that  
21      addresses that. You know, leave it open --  
22      again, open it to everybody. I don't -- I  
23      think it speaks for itself. I mean, I think  
24      everybody knows that.

25             COMMISSIONER PETTY: Well, it's in the

1 text of our report. I just was calling it out.  
2 It says days before --

3 CHAIRPERSON GUALTIERI: What page are you  
4 on.

5 COMMISSIONER PETTY: I'm sorry, Page 74.  
6 Page 74 it says, "Days before the commission's  
7 initial report was published --

8 CHAIRPERSON GUALTIERI: Okay.

9 COMMISSIONER PETTY: -- and weeks before  
10 his suspension Israel changed BSO active  
11 shooter policy. So that -- so that it stated a  
12 deputy shall infrastructure response to an  
13 active shooter."

14 I just think it was important to call that  
15 out as a finding.

16 CHAIRPERSON GUALTIERI: Okay.

17 COMMISSIONER JUDD: And he made that  
18 change after we questioned him.

19 CHAIRPERSON GUALTIERI: Yes. Absolutely.  
20 It was a response. I don't think there's any  
21 question it's a response to his questioning  
22 before this commission. To me there's no doubt  
23 about that. He changed it in response to what  
24 happened before this commission in November  
25 2018.

1           So you want -- so you want to take that --  
2           is that you want to take that and propose that  
3           as a finding. Even though it's in the report,  
4           you want to propose that as a designated  
5           finding?

6           COMMISSIONER PETTY: Yes, Mr. Chair.

7           CHAIRPERSON GUALTIERI: Okay. It is what  
8           it is. It's in the report. And does anybody  
9           have any thoughts on it? I mean, anybody have  
10          any concerns about it? We can do it. We can  
11          take a vote if we have to, but does anybody  
12          have any concerns about including what  
13          Commissioner Petty is proposing is, finding  
14          Number 3. Just -- again, it's just reiterating  
15          what's in the report and it's accurate. So I  
16          don't have a problem with it, but ...

17          No objections by anybody?

18          (No audible response.)

19          CHAIRPERSON GUALTIERI: Okay. So we'll add  
20          that. We'll add Number 3.

21          So, John, you got it? Heather?

22          (No audible response.)

23          CHAIRPERSON GUALTIERI: So we'll add that  
24          in there for Number 3.

25          Go ahead with Number 4.

1           COMMISSIONER PETTY: So my point in  
2           raising 2 was -- as a finding, was just to  
3           point to the fact that several deputies  
4           referred to that policy. I don't know that  
5           that was in -- maybe that was in our initial  
6           report, but I think it was important to  
7           highlight the fact that many deputies when we  
8           interviewed them referred to that word may --

9           CHAIRPERSON GUALTIERI: Well --

10          COMMISSIONER PETTY: -- and when you  
11          couple that with the opening paragraph --

12          CHAIRPERSON GUALTIERI: So if you want --  
13          for -- unless anybody else for context, okay,  
14          not because -- because it was already said, but  
15          for contextual purposes to put it in context,  
16          if you want to take Number 2 and just add it in  
17          as the first sentence to Number 3, that  
18          everybody is in concurrence with, that would  
19          make sense is that several BSO deputies  
20          interviewed by commission members referred to  
21          the word may on the then current active shooter  
22          policy. Before this commission Sheriff Israel  
23          defended the word may in the policy. However,  
24          days before -- so if you want to add it into 3  
25          just for context we could do that I guess.

1           COMMISSIONER PETTY: I'm okay with that. I  
2 think it was just -- it was substantive and  
3 important and it -- I -- it showed that the  
4 deputies were aware of the policy, and I think  
5 it impacted the performance and we see that in  
6 the first paragraph of our report.

7           CHAIRPERSON GUALTIERI: Does anybody have  
8 any objections to that, of combining that and  
9 just put it all in one? It's all related to  
10 the same topic. It's not a separate finding.  
11 Anybody have any objections to that?

12           (No audible response.)

13           CHAIRPERSON GUALTIERI: Okay. All right.  
14 So --

15           COMMISSIONER DODD: I would say then and  
16 current are kind of redundant to this. Just  
17 say of the then active shooter policy.

18           CHAIRPERSON GUALTIERI: Yeah, we'll  
19 wordsmith it. You know, in the editing process  
20 we'll ...

21           So Number 5.

22           COMMISSIONER PETTY: I think it's 4.  
23 Under then "Sheriff Scott Israel's equipment  
24 and training necessary for effective response  
25 to mass casualty events was sporadic and

1 inconsistent."

2 That's from our report.

3 CHAIRPERSON GUALTIERI: What page? What  
4 are you referring to?

5 COMMISSIONER PETTY: Page 75. It says  
6 during interviews. I'm combining the training  
7 element with the equipment, but the last  
8 paragraph. "During interviews with deputies  
9 they testified that under the prior  
10 administration, that of Scott Israel, equipment  
11 had been issued sporadically based on the  
12 district to which a deputy was assigned."

13 It will go to finding Number 6, and it  
14 could be combined with finding 6 if the  
15 commission chooses to do that, but 6 is where  
16 that's been addressed. Under current Sheriff  
17 Greg Tony all BSO deputies are now issued  
18 rifles and individual first aid kits designed  
19 to treat casualties." Also on page 75, last  
20 sentence.

21 CHAIRPERSON GUALTIERI: And 5 is just a  
22 factual statement. So does anybody have any  
23 objections to 4, 5 or 6?

24 COMMISSIONER SCHACHTER: I would like to  
25 note in 5 that the reason he said that he could

1 not train his offer -- his deputies more  
2 frequently is because -- or he stated that he  
3 could not train his deputies more frequent than  
4 every three years, and --

5 CHAIRPERSON GUALTIERI: So stick to -- so  
6 we're -- everything there and I just asked  
7 Commissioner Petty and he did it. So  
8 everything that's in 4, 5 or 6 is in here.  
9 It's in this report. So there's a factual basis  
10 for it, and it's there.

11 So show me what you're talking about,  
12 where that is in this report.

13 COMMISSIONER PETTY: So I went back  
14 through Sheriff Israel's testimony to us. He --  
15 I went back to my questioning on this also. He  
16 indicated at least in response to my questions  
17 that he felt every three years was sufficient.  
18 So it wasn't an issue of numbers, but it was an  
19 issue of sufficiency. And here I think, you  
20 know, Sheriff Tony has increased the training  
21 which has allowed yearly active shooter  
22 training. So he found a way to make it more  
23 than every year, which I think I personally  
24 felt every three years wasn't sufficient.

25 CHAIRPERSON GUALTIERI: So, remember,



1       these are -- these are findings. The findings  
2       need to be based on fact. We want to stay away  
3       from comments, editorializing on testimony and  
4       what -- it needs to be -- so it needs to be in  
5       here --

6               COMMISSIONER PETTY: Yeah, and that's why  
7       I didn't include my question or his response.  
8       It's just the fact that it's been raised from  
9       13 to 25, and it now allows for yearly active  
10      assailant --

11             CHAIRPERSON GUALTIERI: So we start  
12      getting into what Sheriff Israel testified and  
13      his opinion, I think we're outside of this  
14      report.

15             So on 4, 5 and 6, again, does anybody have  
16      any objections to 4, or 5 and 6 given  
17      especially the fact -- the citation to the  
18      factual section of the report? Does anybody  
19      have any concerns about 4, 5 or 6? Any  
20      objections?

21             (No audible response.)

22             CHAIRPERSON GUALTIERI: So we'll  
23      incorporate -- we're not going incorporate 1.  
24      Back up to -- so we can recap this, we're not  
25      going to incorporate 1. Two was folded into 3.

1 And then we have 4, 5 and 6, which you all  
2 agreed to incorporate into the findings  
3 section. Anybody have any issues with any of  
4 that?

5 (No audible response.)

6 CHAIRPERSON GUALTIERI: Okay.

7 COMMISSIONER PETTY: Thank you, Mr. Chair.

8 CHAIRPERSON GUALTIERI: All right. So  
9 let's go then over to the recommendations that  
10 we have in the draft report now. And the first  
11 one is "The legislature should mandate that all  
12 schools include decision-based/option-based  
13 drills in their training. In order to minimize  
14 complacency and drill fatigue, the law should  
15 require that every drill in any given school  
16 year be comprised of a unique set of  
17 circumstances that requires faculty and  
18 students to consider the response to that  
19 specific threat."

20 Or also known as decision-based drills.

21 So is -- they accept or reject our  
22 recommendations as we're going through more  
23 recommendations to drill change, as you'll see  
24 that as we go through this. So this isn't just  
25 that we're going to recommend to the

1 legislature that they make a slight  
2 modification to the drills. There's really  
3 going to be extensive modifications of the  
4 drills were accepted. So this is just one piece  
5 of it.

6 So does anybody have any concerns about  
7 this, changes? Mr. Schachter go ahead.

8 COMMISSIONER SCHACHTER: And, you know,  
9 this goes back to some of the comments earlier  
10 that initially -- I think this is progress.  
11 What we're doing. I think this is going to  
12 make the schools safer. Initially we talked  
13 about safer Corners and we mandated that, and  
14 then the second thing was we mandated drills.  
15 Now we're taking it a step further to  
16 counteract the fact that most schools were just  
17 doing the lockdown. And I think this is  
18 consistent with what they should be doing to  
19 make schools safe and to prevent this horrible  
20 tragedy again. So I think it's good.

21 CHAIRPERSON GUALTIERI: Chancellor Oliva,  
22 go ahead.

23 CHANCELLOR OLIVA: Do you think it would  
24 be prudent to add a qualifying that the drills  
25 should be age appropriate or grade level

1 appropriate. That was some of the testimony we  
2 heard that there should be --

3 CHAIRPERSON GUALTIERI: I think as we get  
4 into this and some of these subsequent  
5 recommendations in here, I think we do start  
6 touching on that, but if you want to, you know,  
7 add a qualifier to it, it's -- as you know,  
8 they're going to take this, assuming they  
9 accept it, and it's all going to get massaged  
10 into a bill anyway. I think we're all in  
11 agreement, I think everybody's in agreement,  
12 that every drill should be age appropriate.

13 But for this recommendation, so the  
14 legislature should mandate all schools include,  
15 what, age appropriate?

16 CHANCELLOR OLIVA: Age appropriate  
17 decision based on --

18 CHAIRPERSON GUALTIERI: Just go ahead and  
19 add that, John. Age appropriate  
20 decision-based, option-based girls. That's the  
21 way it should be. So.

22 Any other suggestions on this one?

23 (No audible response.)

24 CHAIRPERSON GUALTIERI: All right. We'll  
25 move on to Number 2. Number 2 is large, it's

1 long. Very long. So the legislature should  
2 mandate the specific number of emergency and  
3 fire drills that take place every year at  
4 elementary, middle, and high schools and  
5 charters. All students, faculty, guardians,  
6 everybody must participate in the drill. Real  
7 world events qualify as drill for the purpose  
8 of meeting the appropriate number of drills.  
9 The purposes of the recommendation emergency  
10 drills are defined as a response to active  
11 threats, assailants, hostage, et cetera. It  
12 goes on.

13 Can you go ahead with the next slide?

14 Law enforcement officers must be  
15 physically present on campus and directly  
16 involved in the execution of all emergency  
17 drills. Drills are required move it -- shall  
18 require movement and exercise. All necessary  
19 aspects of the drill and emergency operations  
20 plan, including panic button simulated  
21 communication and notification to parents, et  
22 cetera. Elementary schools are to conduct six  
23 fire drills and six emergency drills.

24 Now, these numbers are what somebody  
25 mentioned earlier that we needed to be specific

1 on our recommendations about -- and these are  
2 taken from what we already approved and voted  
3 on at the last meeting based upon Chief Newman  
4 and Captain Francis and the Working Group  
5 recommendations and these numbers are the  
6 letters -- subject to the letters of support  
7 from all those organizations I told you about.

8 And middle and high schools conduct four  
9 fire drills, six emergency drills. The first  
10 fire and emergency drill would take place  
11 within the first 10 days of school. The  
12 remaining fire emergency drills take place no  
13 later than 45 days -- every 45 days school's in  
14 session.

15 So if you all want, it's a lot there, if  
16 you all want to take a second and read it  
17 through a little bit more or tell me if  
18 anybody's got any concerns about it.

19 Yes, Commissioner Dodd.

20 COMMISSIONER DODD: I think it was on the  
21 second slide up there, but on Page 79, I just  
22 want to make sure it says, "Law enforcement  
23 officers must be physically present on campus  
24 and directly involved in execution of all  
25 emergency drills."

1           So would it be better to say safe school  
2 officers? Or -- I mean, what if the school has  
3 a guardian and not a law enforcement officer.  
4 Or is it meant to say that whenever there is a  
5 drill, if any of these drills that we would  
6 pull over -- bring in a law enforcement officer  
7 deputy or police officer if they don't have one  
8 on campus?

9           CHAIRPERSON GUALTIERI: Well, you know, it  
10 depends on -- that's a good point. It's a good  
11 question. I also think that one of the things  
12 that needs to be clarified there, I don't  
13 necessarily think, unless you all do, that law  
14 enforcement officers need to be present for  
15 fire drills. So I think that that should be  
16 changed to say that law enforcement -- we'll  
17 get to the other part, but officers must be  
18 physically present on campus and directly  
19 involved in the execution of all active  
20 assailant drills. I don't think it's necessary  
21 for the other drills.

22           So everybody agree with that?

23           (No audible response.)

24           CHAIRPERSON GUALTIERI: Okay. John, good  
25 ahead and change that.

1           Then the other thing here is, is that --  
2           getting to your question -- is I think that it  
3           should be law enforcement officers and not  
4           necessarily safe school officers, because I  
5           think that the people who should be present in  
6           participating in the active assailant drills  
7           are the officers that will be responding to the  
8           school when there is an active assailant event  
9           at the school. So the whole idea there is to  
10          ensure that police officers and deputies who  
11          will be the responding officers and deputies to  
12          that school from those patrol areas, that they  
13          are present on campus.

14          The guardians who we hire to be that  
15          (inaudible) on the campus, I'm not sure that  
16          they have the training skill set, expertise to  
17          be the ones present to help provide  
18          constructive feedback, critique the drills and  
19          provide that input to the school staff on what  
20          they should or should not be doing, and what's  
21          going right and where there's room for  
22          opportunity to do the drills in a better way.  
23          And I'm not sure that the guardians are  
24          equipped to do that.

25                COMMISSIONER DODD: I agree. I agree with



1       you there. I just -- you know, in our case we  
2       have school resource officers, sworn officers  
3       on all of our campuses.

4               CHAIRPERSON GUALTIERI: Sure.

5               COMMISSIONER DODD: But are you saying  
6       then it would be in addition to the on-campus  
7       law enforcement officer we should bring someone  
8       else?

9               CHAIRPERSON GUALTIERI: No. Well,  
10       personally I think yes. I think that we should  
11       encourage -- if we have an SRO, a cop on that  
12       campus, that is sufficient to meet this. But I  
13       also think that we should encourage the law  
14       enforcement officers who work the area of the  
15       schools --

16              COMMISSIONER DODD: To be involved.

17              CHAIRPERSON GUALTIERI: -- to at least  
18       periodically be there when the drills are  
19       occurring so that they know what is happening  
20       when they do get called to respond to the  
21       school. But for technical compliance with  
22       this, as long as it is a cop, whether it's SRO,  
23       and if there's no SRO at that school and it's a  
24       guardian, then somebody else has to be there  
25       that is a law enforcement officer. But an SRO

1 would comply with this.

2 Any other thoughts on that? Any  
3 questions, any concerns, any changes?

4 Chief Lystad.

5 VICE-CHAIRMAN LYSTAD: Just one quick  
6 question. It talked about for purposes of  
7 recommendation, it talks about the drills, that  
8 these constitute drills, and one of them is a  
9 high risk police activity in close proximity.  
10 And so the line after that talks about all  
11 emergency drills shall require movement. Which  
12 I understand the premise for that. Let's say  
13 people are going to interpret that, you have a  
14 law enforcement activity next to that, they go  
15 into a lockdown.

16 CHAIRPERSON GUALTIERI: So I'm following,  
17 let me make sure I'm where you are.

18 VICE-CHAIRMAN LYSTAD: So it's the third  
19 or fourth line there where it talks about for  
20 purposes of the recommendation. Emergency  
21 drills and it includes High risk police  
22 activity in close proximity to the school,  
23 which generally forces schools into a lockdown  
24 and then there's no movement.

25 CHAIRPERSON GUALTIERI: So what's your

1 suggestion there?

2 VICE-CHAIRMAN LYSTAD: You know, I agree  
3 with the practice of using merge drills or must  
4 be unique. I don't know if we talked about it  
5 before though requiring movement. I thought we  
6 did, but ...

7 CHAIRPERSON GUALTIERI: Well, we are  
8 requiring -- hang on a second. I thought we  
9 did too. There were -- somewhere we talked  
10 about that the drill should require movement  
11 and not be static.

12 VICE-CHAIRMAN LYSTAD: Right.

13 CHAIRPERSON GUALTIERI: So that's what  
14 you're getting at here?

15 VICE-CHAIRMAN LYSTAD: I'm just getting at  
16 the law enforcement, it's closed activity like  
17 you're searching for a robbery subject --

18 CHAIRPERSON GUALTIERI: Right.

19 VICE-CHAIRMAN LYSTAD: -- this school puts  
20 it in lockdown. They're not gonna make the kids  
21 move.

22 CHAIRPERSON GUALTIERI: No. No. No.

23 VICE-CHAIRMAN LYSTAD: The legislature's  
24 not going to say.

25 CHAIRPERSON GUALTIERI: No --

1 VICE-CHAIRMAN LYSTAD: Oh, look at this,  
2 they all require movement and exercise.

3 CHAIRPERSON GUALTIERI: No. No. No. No.  
4 Is that the -- No. The whole point of that is,  
5 is that there should be some drills that  
6 require some form of movements that you're not  
7 doing 100 percent of your drills that are just  
8 a static response. That's the only point.

9 UNIDENTIFIED SPEAKER: Next slide. All  
10 emergency drills should require movement and  
11 exercise, all necessary aspects of the drill.

12 CHAIRPERSON GUALTIERI: Yeah.

13 COMMISSIONER CARROLL: But I don't think  
14 it should say all there because I think what  
15 you're getting to is it there should be  
16 different throughout the term. But if your  
17 first one was a lockdown drill where there  
18 wasn't movement, that's acceptable as long as  
19 the second one includes it.

20 CHAIRPERSON GUALTIERI: So we can say  
21 there that at least some emergency drills shall  
22 require. Did that fix it?

23 COMMISSIONER CARROLL: Yeah.

24 CHAIRPERSON GUALTIERI: Okay.

25 VICE-CHAIRMAN LYSTAD: Don't we -- don't

1 we reference that as we're bifurcating between  
2 the high schools, and middle schools, the  
3 elementary schools and even within the  
4 elementary schools K through 2 and 3 through 5  
5 in paragraphs 3 and 4 on 80 where we're  
6 indicating some difference between the drills  
7 and the timing.

8 CHAIRPERSON GUALTIERI: Right. At least  
9 some emergency drills shall require, and then  
10 when we get into the other schools -- because  
11 right now we're into ...

12 Or you could say all --

13 VICE-CHAIRMAN LYSTAD: Most emergency  
14 drills.

15 CHAIRPERSON GUALTIERI: Yeah, most  
16 emergency drills should require. Take the  
17 shall out and put should. And then because you  
18 do have elementary in there. So just do it that  
19 way, john, see what that looks like.

20 VICE-CHAIRMAN LYSTAD: I just worry about  
21 confusing paragraph 2 getting contradictory  
22 with 3 and 4, which actually then dictate the  
23 movement.

24 CHAIRPERSON GUALTIERI: No, I see your --  
25 it's a good point because this is a very broad

1 section and it includes the elementary. So at  
2 least some emergency drill should require  
3 movement. I think that addresses everybody's  
4 concerns?

5 (No audible response.)

6 CHAIRPERSON GUALTIERI: Yeah. All right.  
7 And then we go over to Number 3. This gets into  
8 the elementary schools. So with regard to  
9 elementary schools, the legislature should  
10 mandate that four of the six fire drills  
11 involve evacuating the building. Meeting  
12 locations should vary. Two of the six fire  
13 drills can be fire prevention training with  
14 content designed by the organizations, but only  
15 after a minimum of two physical fire drills  
16 have occurred. of the six emergency drills four  
17 must address active assailant, active threats.  
18 two must address events such as severe weather.  
19 This gets into special consideration;  
20 elementary age students are developmentally  
21 appropriate and rules. The commission  
22 recommends that emergency drills differ in  
23 presentation and practice for kindergarten  
24 through second grade and third through fifth.  
25 However, they must occur concurrently.

1 Anybody have anything on that?

2 (No audible response.)

3 CHAIRPERSON GUALTIERI: All right. Move on  
4 to Number 4, middle and high schools. This is  
5 just laying out those same numbers. They're a  
6 little bit different. Basically, 4 is the same  
7 way as what's in recommendation 3, it's just  
8 different numbers for the middle and high  
9 school as opposed to the elementary school, and  
10 it doesn't have the language in there about  
11 developmentally appropriate, et cetera.

12 Number 5, The legislature should mandate  
13 that ESE and exceptional student centers be  
14 afforded some leeway in these requirements, but  
15 that the district offices maintain strict  
16 oversight of these accommodations to ensure  
17 faculty is doing all it can to ensure the  
18 safety of these students. All self-enclosed  
19 ESE classes and centers need to observe their  
20 students response to auditory and visual drill  
21 protocols to accurately assess what challenges  
22 they have during these active assailant  
23 incidents.

24 I think number five is a very important  
25 recommendation. Again, I wholeheartedly

1 support everything that the legislature has  
2 done and what we've done over the last 20  
3 months, but this is a real issue, it's a true  
4 issue that the exceptional student education  
5 centers have regarding especially disabled  
6 students, et cetera. And they're kind of  
7 winging it right now because some of these kids  
8 are just not capable of doing this. They  
9 really do need leeway, and as long as it's  
10 exercised appropriately, I think this is a very  
11 prudent recommendation.

12 Anybody have anything on that one?

13 (No audible response.)

14 CHAIRPERSON GUALTIERI: Number 6, the  
15 legislature should mandate that each school  
16 completes an after-action report subsequent to  
17 every fire and emergency drill. Document  
18 successes of the drill, identify problems or  
19 obstacles so the issues may be addressed and  
20 resolved in a timely manner. Those  
21 after-action reports shall be forward to the  
22 district office for review.

23 Um --

24 COMMISSIONER SCHACHTER: Wait. I'm sorry.

25 CHAIRPERSON GUALTIERI: Go ahead.



1           COMMISSIONER SCHACHTER: I was just going  
2 to mention I would like to add that the  
3 after-action report should be done in  
4 coordination with law enforcement that was  
5 present during the drill.

6           CHAIRPERSON GUALTIERI: So the legislature  
7 should mandate that each school, in conjunction  
8 with law enforcement, complete an after action  
9 report subsequent to every fire and -- not  
10 fire. That's not going to work there, John.

11           So the legislature mandate that every  
12 school -- and then you can say that the act --  
13 the active assailant drills must be completed  
14 in conjunction with law enforcement. The active  
15 assailant drill -- after action -- after-action  
16 reports must be completed in conjunction with  
17 law enforcement. This report should document  
18 the successes of the drill and identify any  
19 problems or obstacles so that the issues may be  
20 addressed and resolved in a timely manner.

21           VICE-CHAIRMAN LYSTAD: We are bringing law  
22 enforcement back to the fire drills though,  
23 right, on the after action?

24           CHAIRPERSON GUALTIERI: No.

25           VICE-CHAIRMAN LYSTAD: Action report

1 subsequent to every fire and emergency drill on  
2 campus.

3 CHAIRPERSON GUALTIERI: Let's look at it  
4 again. Go ahead.

5 CHANCELLOR OLIVA: In conjunction with the  
6 appropriate law enforcement or fire official.

7 CHAIRPERSON GUALTIERI: Okay. I see what  
8 you're saying. Okay. So what -- I don't know  
9 how that works because the fire departments is  
10 that -- I don't think the fire departments are  
11 involved in the fire drills. So every time  
12 they do a fire drill, the fire department's not  
13 going to want to be out there, and they're not  
14 going to want to be involved in those  
15 after-action drills, fire drills.

16 I don't think -- Chancellor Oliva, they're  
17 not -- the fire department's aren't there, and,  
18 remember, we're talking everything from  
19 Washington County to Miami-Dade County. I  
20 mean ...

21 CHANCELLOR OLIVA: Situationally,  
22 sometimes there's unplanned fire drills.

23 CHAIRPERSON GUALTIERI: Right.

24 CHANCELLOR OLIVA: Because a student will  
25 pull the thing, and it will call the fire

1 department, but you still go through it.

2 CHAIRPERSON GUALTIERI: I don't -- I think  
3 it's -- and we don't anybody here from the fire  
4 agencies to comment on it, but I don't think we  
5 want to recommend that the fire departments  
6 have to be involved in the school after action  
7 for fire drills, correct?

8 (No audible response.)

9 CHAIRPERSON GUALTIERI: No.

10 Okay. All right. The only thing I see  
11 here is the report, you know, just because of  
12 what we've experienced in the past is without  
13 having very, very specific direct reporting and  
14 timetables, is that I just worry, and I worry  
15 because of what we've experienced in the past  
16 with noncompliance resistance, et cetera. And I  
17 think being explicit with some of these things  
18 is better. It says the report should document  
19 successes of the drill and identify any  
20 problems or obstacles so the issues may be  
21 addressed and resolved in a timely manner.

22 I'd be inclined to say that the report,  
23 blah, blah, blah so the obstacles may be  
24 addressed and resolved, you know, something  
25 within 90 days, or something -- put a specific

1 time frame in there, because if you don't put a  
2 specific timeframe in there, then the  
3 after-action review shall be forwarded to the  
4 district office for review. I think the buck's  
5 got to stop with somebody, and, you know, the  
6 superintendent or specific designee, you know,  
7 it's unrealistic to think a superintendent is  
8 going to look at all of these. But we should  
9 probably designate somebody to review them as  
10 accountable.

11 CHANCELLOR OLIVA: You have the school  
12 safety specialists.

13 CHAIRPERSON GUALTIERI: Yeah, and at least  
14 leave it up to the superintendent to designate,  
15 but the ideal person would be that school  
16 safety specialist who's responsible.

17 So the report should document successes of  
18 the drill and identify any problems or  
19 obstacles so the issues may be addressed and  
20 resolved within 90 days.

21 CHANCELLOR OLIVA: I think 90 days is too  
22 long.

23 CHAIRPERSON GUALTIERI: Too long? Yeah.  
24 What do you suggest?

25 CHANCELLOR OLIVA: Thirty days.

1 UNIDENTIFIED SPEAKER: 30 days.

2 UNIDENTIFIED SPEAKER: I think 30 days  
3 because the issue --

4 CHAIRPERSON GUALTIERI: Thirty.

5 UNIDENTIFIED SPEAKER: -- in theory should  
6 not --

7 CHAIRPERSON GUALTIERI: I'm fine with it.  
8 I'm good.

9 Thirty. So change it to 30, John.

10 The after-action report should be  
11 forwarded to the district office for review by  
12 the superintendent or his or her designee.

13 Does anybody have anything else with that  
14 one?

15 (No audible response.)

16 CHAIRPERSON GUALTIERI: Okay. And then  
17 Number 7, we've talked about this. I talked  
18 about it. A best practice for patrol officers  
19 assigned to the area to participate in the  
20 drills so that they have familiarity.

21 I don't think there's anything wrong with  
22 this. It's just a recommendation anyway. I  
23 don't think there's anything wrong with it  
24 including if they want to go to the fire drills  
25 as well, they can't. I don't think there's

1 anything wrong with that as a recommendation.  
2 If there's a fire there, the cops are going to  
3 get called. It doesn't hurt them to know what  
4 the kids, and the staff and everybody are  
5 doing. So there's no harm if the opportunity  
6 presents itself for them to familiarize  
7 themselves with it.

8 Any other -- any questions on that one?

9 SHERIFF ASHLEY: Not on that one  
10 specifically, but towards all of those,  
11 specifically that we make recommendations where  
12 the legislature should mandate some action,  
13 there doesn't seem to be an accountability or  
14 consequence for not doing those things in our  
15 recommendations. So I don't know if we should  
16 get -- delve into that or not, but ...

17 CHAIRPERSON GUALTIERI: So you're right.  
18 so when -- so what you're saying is, is that  
19 these are the requirements. These are what  
20 we're proposing. This is what we're asking the  
21 legislature to mandate, but they should also  
22 include consequences for noncompliance with  
23 these requirements?

24 SHERIFF ASHLEY: We've seen it's pretty  
25 evident that they don't always do what's

1 mandated. So I'm not sure that the Department  
2 of Education, certainly we put a lot on their  
3 plate as far as giving them the authority to  
4 hold folks accountable. So.

5 CHAIRPERSON GUALTIERI: So without getting  
6 into the specifics of what the consequences  
7 should be --

8 SHERIFF ASHLEY: Right.

9 CHAIRPERSON GUALTIERI: -- it just says is  
10 that we could, after a number -- we got Number  
11 3, Number 4, Number 5. It would probably be  
12 appropriate, you can probably stick something  
13 in after Number 5. Between 5 and 6 is --

14 SHERIFF ASHLEY: Oh, 1, 2, 3, 4, they all  
15 have mandate were recommended.

16 CHAIRPERSON GUALTIERI: Let's say -- we  
17 can just put something in there. The  
18 legislature should provide consequences for  
19 noncompliance with the recommendations 1  
20 through 4? Is that all right with everybody?

21 UNIDENTIFIED SPEAKER: (Inaudible) caring  
22 for the recommendations of (inaudible).

23 CHAIRPERSON GUALTIERI: Say that again.

24 UNIDENTIFIED SPEAKER: Just say, the  
25 legislature should establish consequences for

1 any legislation passed that for noncompliance  
2 you have recommendations 1 through 4.

3 CHAIRPERSON GUALTIERI: There you go.

4 SHERIFF ASHLEY: Does it also include 6?

5 CHAIRPERSON GUALTIERI: Yeah, I guess. In  
6 6, yeah, for the -- because if they don't do  
7 the after-action reports too. You could  
8 include that certainly.

9 CHANCELLOR OLIVA: Why don't you just put  
10 it through -- put it after everything and just  
11 say for noncompliance -- I mean, any --

12 CHAIRPERSON GUALTIERI: Yeah.

13 CHANCELLOR OLIVA: -- recommendations in  
14 this section that are legislatively passed.

15 CHAIRPERSON GUALTIERI: The legislature  
16 should establish consequences for any  
17 legislation for noncompliance with legislation  
18 passed.

19 You figure it out, John. We got --

20 Chancellor Oliva, go ahead.

21 CHANCELLOR OLIVA: You could go that route  
22 or just put a qualifier in there that the  
23 Department of Ed shall adopt rules to give the  
24 department (inaudible).

25 CHAIRPERSON GUALTIERI: You know what, if



1       you want -- you know my thought was leave it to  
2       the legislature what they wanted to do and how  
3       they wanted to do it, but if you want to add  
4       that, we could. The legislature -- is the  
5       legislature -- in order to provide compliance  
6       consequences, and for the department to develop  
7       rules, the legislature has to delegate that to  
8       you, correct?

9                CHANCELLOR OLIVA: The legislature will  
10       delegate rule making authority, and then this  
11       state board could adopt rules.

12               CHAIRPERSON GUALTIERI: Oh, okay. So the  
13       state board could do it?

14               (No audible response.)

15               CHAIRPERSON GUALTIERI: Yeah, I don't  
16       know. I mean, you know at 70/30 we have a mixed  
17       bag. You know, there are certain things in  
18       70/30 that delegate authority to the  
19       commissioner and to the state board. There's --  
20       as an example as we know with Sussor (phonetic)  
21       is that it's the only thing that delegates  
22       specific compliance authority, consequence  
23       authority to the commissioner. And the  
24       commissioner can direct the school board to  
25       withhold the superintendent's salary, but

1       that's the only thing they did that with. So it  
2       is kind of a smorgasbord of how that's handled.  
3       In other areas it is strictly financial  
4       consequences against the district that either  
5       the state board or the commissioner can levy.

6               So the legislature should establish  
7       consequences for noncompliance of the laws  
8       passed as a result of the legislative  
9       recommendations in this section.

10              Do you think you want to put something  
11       more in there about the department's rule  
12       making authority or --

13              COMMISSIONER STEWART: I would be inclined  
14       to agree with Jacob that if you put something  
15       in there that says that the legislature should  
16       provide the State Board of Ed the authority to  
17       establish consequences, and then those could  
18       change more frequently and you can respond more  
19       quickly when it's in rule than when it's in  
20       law.

21              CHAIRPERSON GUALTIERI: Okay.

22              Sheriff Judd, did you have something?

23              COMMISSIONER JUDD: I agree.

24              CHAIRPERSON GUALTIERI: You agree with  
25       that.

1           Everybody -- everybody good with that?  
2           This is what you're talking -- you're good  
3           okay. I'm fine with it.

4           So we'll sequence in that in the right  
5           place in this section.

6           Anybody else on 5 before we move on to 6.

7           Mr. Schachter.

8           COMMISSIONER SCHACHTER: I'd like to  
9           revisit our recommendation Number 1, if I  
10          could. My concern is that this recommendation  
11          says that every drill should be comprised of a  
12          unique set of circumstances. Conceivably they  
13          could do the same drill every time. It doesn't  
14          say they have to do a different drill. It  
15          doesn't say which drills they should do, and  
16          that concerns me. We know that you know,  
17          schools are going to -- you know, they're going  
18          to take advantage of our ambiguity. I  
19          recommend that we recommend that they do a  
20          lockdown drill, an evade drill and a defend  
21          drill to make sure that they do these different  
22          scenario based drills that we know are going to  
23          give the kids the best chance.

24          CHAIRPERSON GUALTIERI: So what do you  
25          mean by a defend drill? Are you talk about

1 fighting?

2 COMMISSIONER SCHACHTER: I'm going to get  
3 my notes. We know that, you know, lockdown is  
4 obviously, you know, to protect, to lock the  
5 doors.

6 CHAIRPERSON GUALTIERI: Right.

7 COMMISSIONER SCHACHTER: And then, you  
8 know, evade, you know, the best way in most  
9 situations might be to get out of the building,  
10 get away from the shooter. And knowing where  
11 the exits are is extremely important. And  
12 building more exits for new buildings, but if  
13 you can't do either of those and he's coming  
14 in, it's -- it's teaching the kids what to  
15 do --

16 CHAIRPERSON GUALTIERI: You know as well  
17 as I do, you know, do we really want to go  
18 there? I mean, fighting is so controversial.  
19 We run into so much controversy with what we're  
20 doing with these things. To me, trying to get  
21 them to mandate, you know, you're going to have  
22 parents coming out of the woodwork. Teachers  
23 are going to come out of the woodwork. If  
24 you're suggesting that we ask the legislature  
25 to mandate, that they do a fight drill with

1           these kids, that ain't gonna happen.

2           COMMISSIONER SCHACHTER:   Well --

3           CHAIRPERSON GUALTIERI:   And people are  
4           going to be up in arms about that.   Because so  
5           many people disagree with that.   I mean,  
6           running, hiding, concealing, movement, all  
7           those things we have here.   But mandating that  
8           we do drills where kids are required to  
9           fight --

10          COMMISSIONER SCHACHTER:   At least to work  
11          together to disarm the attacker.   You know, we  
12          know the last two shooters have gotten inside  
13          the classroom, Sheriff.

14          CHAIRPERSON GUALTIERI:   I hear you but --  
15          Okay.   So what do y'all think?   Do y'all  
16          want to mandate fighting?

17          UNIDENTIFIED SPEAKER:   That's not in our  
18          material.

19          CHAIRPERSON GUALTIERI:   What's that?

20          UNIDENTIFIED SPEAKER:   It's not in our  
21          stuff we cover anyway.   To make the  
22          recommendation, fine, but there's some  
23          specific -- specificity in 3 about what kind of  
24          drills, and 4 I believe also has what kind of  
25          drills.

1           CHAIRPERSON GUALTIERI: Do we say here in  
2           Number 2 at the bottom, as we just went  
3           through, all emergency drills shall require  
4           movement and exercise. All necessary aspects  
5           of the drill and emergency operations -- you  
6           know, to include all this stuff. So we've got  
7           all that. We've got lockdown, hide conceal.  
8           All of those things. We certainly address  
9           movement and evade and all of those things.  
10          And so the only thing left is what you're  
11          talking about; and that is to -- and when  
12          you're talking about the language you're using,  
13          you're using different language, but what  
14          you're really getting at is fight.

15          COMMISSIONER SCHACHTER: No, listen, if  
16          we're not -- if we're not preparing our kids to  
17          the attacker -- we know law enforcement's not  
18          going to get there in time. And we know that  
19          the last two shooters have gotten in the  
20          classroom, and there were -- only people were  
21          saved because there were two heroes that saved  
22          lives and attacked the attacker. At least to  
23          teach them there are ways to do it where they  
24          don't have to -- you know, we're not teaching  
25          them to fight, but we can teach them to work

1 together. You -- one kid grabs, you know, the  
2 left arm, the other kid grabs the right arm --

3 CHAIRPERSON GUALTIERI: That's going to --  
4 that's going to be perceived -- and I can tell  
5 you that it's going to meet with a tremendous  
6 amount of resistance and opposition. Some of  
7 these things have to be based on community  
8 tolerances, and I can tell you that I know with  
9 100 percent certainty that there will be a  
10 tremendous number of teacher groups, parent  
11 groups, et cetera that will be opposed to this  
12 because they will take it as teaching kids how  
13 to fight. And to be in concert to take down  
14 drills and all the others things is that --

15 COMMISSIONER SCHACHTER: I don't like it  
16 either, but as a society, we need to come to  
17 grips that, you know, we don't live in Kansas  
18 anymore and we have an obligation to teach our  
19 kids life lessons. I guess that's (inaudible)  
20 my thing.

21 CHAIRPERSON GUALTIERI: I'm not saying  
22 that I disagree with you not. I'm not saying  
23 that at all, but I think we have to be very  
24 cognizant of the limits, and the tolerances of  
25 the community, and what people are willing to

1 do. And ...

2 SHERIFF ASHLEY: Sheriff, and I also think  
3 it introduces a lot of unnecessary liability as  
4 far as injuries and the like for school  
5 districts.

6 CHAIRPERSON GUALTIERI: That will  
7 certainly be brought up. So --

8 COMMISSIONER SCHACHTER: Can we at least,  
9 you know, in recommendation one, and you tell  
10 me if it's already been covered in the other  
11 recommendations, I just -- there's ambiguity  
12 here. We're -- you know, we're saying that  
13 schools should require in every given year, be  
14 comprised of a unique set of circumstances. You  
15 know, we maybe should say a different unique  
16 set of circumstances. I don't want them just  
17 doing the same drill every time. And maybe  
18 this is covered. Another recommendation in  
19 order in another recommendation.

20 CHAIRPERSON GUALTIERI: In order to to  
21 maximize -- to minimize complacency and drill  
22 fatigue require every drill in any given school  
23 year to be comprised of a unique set of  
24 circumstances. I mean, I ...

25 UNIDENTIFIED SPEAKER: I mean, that to me



1 says that every drill --

2 CHAIRPERSON GUALTIERI: Is different.

3 UNIDENTIFIED SPEAKER: -- is unique --

4 CHAIRPERSON GUALTIERI: Right.

5 UNIDENTIFIED SPEAKER: -- is different.

6 COMMISSIONER SCHACHTER: Okay.

7 CHAIRPERSON GUALTIERI: I think it covers  
8 it.

9 UNIDENTIFIED SPEAKER: -- plain reading.

10 CHAIRPERSON GUALTIERI: I think it's fine.

11 Does anybody else share any concerns  
12 about that? I think it's fine. I don't know  
13 how much better to say that. You know, in any  
14 given year -- unless you just want to say  
15 you've got to do it differently. I don't know.  
16 But I think that that's what that says is, is  
17 that every drill in any year comprised of a  
18 unique set of circumstances. And then later on  
19 we talked about -- in here, we do talk about it  
20 here, how they need to be decision-based  
21 drills. So I think we do cover that pretty  
22 well.

23 All right. If there's nothing else, we'll  
24 move on to Chapter 6. So Chapter 6 in the  
25 report, if that's what you're working from,

1 begins on Page 82. And the first set of  
2 findings begin on Page 87.

3 So does anybody have any clarifications,  
4 changes to the facts on Page 82 up to Page 87?  
5 Chief Lystad.

6 VICE-CHAIRMAN LYSTAD: Mr. Chair, I don't  
7 want to beat this because we beat it at the  
8 last meeting. On Page 85, just just two things  
9 that maybe you understand it differently than I  
10 do. The last line there were -- or about the  
11 middle of that paragraph, the second full  
12 paragraph where it talks about provide  
13 training. Training provided by sheriff as  
14 required by law. Do You recall our discussion  
15 about the statute and whether or not that's  
16 actually clear or whatnot? I have no issue  
17 with it if it stays in there, but I just bring  
18 it to your attention.

19 The statute 1006 that talks about who can  
20 provide. There was some discussion at the  
21 last --

22 CHAIRPERSON GUALTIERI: We definitely had  
23 discussion about it.

24 VICE-CHAIRMAN LYSTAD: It's not  
25 substantial to the findings I don't think.

1           CHAIRPERSON GUALTIERI: You know, I think  
2           that that's what it says. I think -- I  
3           acknowledged at least that there was, I think  
4           the way I described it, and I'll maintain it,  
5           that there was arguable ambiguity. I don't  
6           necessarily think that --

7           VICE-CHAIRMAN LYSTAD: I think the intent  
8           was clear, but ...

9           CHAIRPERSON GUALTIERI: I think the  
10          intent's very clear and unequivocal, and people  
11          could, again, argue it, and that's why I say  
12          it's arguable ambiguity. But there's no  
13          question as to what the intent of the  
14          legislature was, and what the governor was and  
15          what the absolute majority of everybody's  
16          understanding was. So, you know, we're going  
17          to ask that they remove any arguable ambiguity  
18          when we get to the recommendation section of  
19          this; just to dot the I, cross the T to be  
20          clear. But, I mean, do you think -- are you  
21          asking that it be removed, or are you okay with  
22          it, or you just wanted to bring it up and talk  
23          about it?

24          VICE-CHAIRMAN LYSTAD: Again, I'm not  
25          going to lose any -- I'm not going to be

1 heartbroke over it. If it ended at sheriff, I'd  
2 be good. But it can stay if -- in the world of  
3 wars, it's not going --

4 CHAIRPERSON GUALTIERI: Okay. Personally,  
5 I'd rather leave it, but that's --

6 Does anybody else have any thoughts on it?

7 COMMISSIONER PETTY: I guess a question.  
8 Does it -- does it need to be clarified, or  
9 were we satisfied it was clear?

10 VICE-CHAIRMAN LYSTAD: We're making a  
11 recommendation to make it clear so it kind of  
12 conflicts with the fact that we're saying  
13 that's the report. But, again, I don't want  
14 to, I don't --

15 CHAIRPERSON GUALTIERI: So why don't we do  
16 this. Why don't we split -- why don't we split  
17 the baby if you want, is that change required  
18 to indicate it -- as indicated by law.

19 VICE-CHAIRMAN LYSTAD: (Inaudible).

20 CHAIRPERSON GUALTIERI: Does that work?

21 VICE-CHAIRMAN LYSTAD: Works for me. So a  
22 little bit after that I have a little  
23 (inaudible).

24 CHAIRPERSON GUALTIERI: So we'll just say  
25 indicated by law. Because, you know, your

1 point's well taken is that if it's  
2 unequivocally clear and it doesn't require,  
3 then why are we going to ask them to change it.  
4 So I hear you. And I think the reason why we're  
5 asking them to change it is because somebody  
6 made the argument. I don't think successfully.  
7 And I don't think it's necessarily a good  
8 argument, but they've made the argument. I  
9 think we just need to remove that from  
10 potentially happening again. I don't think  
11 with what they experienced in Palm Beach County  
12 that they're going to go down that path again.  
13 But let's just take it off the table. I think  
14 that, you know, they learned that that was not  
15 the right thing to do.

16 But why don't we just change required to  
17 indicated and that way we have the  
18 recommendation. So that kind of splits it.

19 VICE-CHAIRMAN LYSTAD: Okay.

20 CHAIRPERSON GUALTIERI: Okay?

21 VICE-CHAIRMAN LYSTAD: It's my first  
22 point.

23 CHAIRPERSON GUALTIERI: Next one.

24 VICE-CHAIRMAN LYSTAD: Continue right  
25 after that. So PBS school district paid to

1 train these guardians os expensive, 3,000 per  
2 student. I'm okay up until that point. However,  
3 maybe you've heard something different, I was  
4 told in discussions with Palm Beach school  
5 police that the agreement to train the  
6 guardians came one week before the start of  
7 school, and the Guardians were already  
8 underway. So unless you've heard differently,  
9 I'm not sure that paints it in the correct  
10 color that when you look at that report.

11 CHAIRPERSON GUALTIERI: Well, the way I  
12 understand it is not the way you understand it.  
13 I understand it that Sheriff Bradshaw had  
14 agreed to train the guardians and his agreement  
15 to train the guardians -- I mean I know, I can  
16 tell you that from discussions with him, is his  
17 agreement to train the guardians was before  
18 the --

19 VICE-CHAIRMAN LYSTAD: Before Invictus?

20 CHAIRPERSON GUALTIERI: Yeah, before the  
21 school -- before it started. He was agreeable  
22 to that. You know, again, I don't want to  
23 either -- I'm not interested in getting the  
24 middle of this headbutting war there, but let's  
25 look at it and see if we can --

1           He's a -- so we know that the school  
2           district paid to train these very expensive,  
3           approximately \$3,000 per student.

4           So why don't we just do this, is that Palm  
5           Beach County school district paid to train  
6           these guardians at the expense of approximately  
7           \$3,000 per student, period. Take out despite  
8           the fact that, and just just let the statement  
9           speak for itself.

10          Sheriff Bradshaw agreed to train the  
11          guardians using state funded guardian money at  
12          no expense to the school board, and we'll just  
13          leave the timeframe out of it and watch them  
14          fight it out as to who knew what when.

15          Does that work?

16          VICE-CHAIRMAN LYSTAD: Works.

17          CHAIRPERSON GUALTIERI: Okay.

18          So, Heather, you got that?

19          UNIDENTIFIED SPEAKER: Got it.

20          CHAIRPERSON GUALTIERI: So Page 85, second  
21          paragraph up from the bottom. You got it?  
22          Okay.

23          Anything else?

24          Okay. Mr. Schachter.

25          COMMISSIONER SCHACHTER: On the first and

1 second paragraph of Chapter 6, I'd like to  
2 expound.

3 CHAIRPERSON GUALTIERI: So what page are  
4 you on?

5 COMMISSIONER SCHACHTER: I think it's 85.  
6 Mine's a little -- I added things so I think  
7 the page numbers are different than in your  
8 book, but it's the first page of Chapter 6.  
9 It's in the second paragraph. I think it's 85.

10 CHAIRPERSON GUALTIERI: Is that the one  
11 that begins the 2018 legislation required?

12 COMMISSIONER SCHACHTER: Yes.

13 CHAIRPERSON GUALTIERI: Okay.

14 COMMISSIONER SCHACHTER: Yes. So it says  
15 in the fourth line down on the right it says  
16 the legislature agreed and passed Senate Bill  
17 7030 standing guard -- the guardian program  
18 eligibility to teachers who pass a rigorous  
19 background check.

20 I'd like to expand on that. What else do  
21 they have to do? They have to pass a  
22 polygraph?

23 CHAIRPERSON GUALTIERI: A polygraph is not  
24 required by the statute.

25 COMMISSIONER SCHACHTER: It's not.



1           CHAIRPERSON GUALTIERI: Psychological is.

2           COMMISSIONER SCHACHTER: Okay. So can we  
3 add a psych eval? A psychological evaluation  
4 in there?

5           CHAIRPERSON GUALTIERI: Sure.

6           COMMISSIONER SCHACHTER: Is there anything  
7 else that they have to -- any other tests they  
8 have to -- that we're giving them that they're  
9 required to take -- to pass.

10          UNIDENTIFIED SPEAKER: Well, I think if  
11 you want to be inclusive, you can just say as  
12 requirements as indicated in 3015 without  
13 having to list everything because there's kind  
14 of a laundry list of stuff in there.

15          CHAIRPERSON GUALTIERI: Yeah, I mean, the  
16 things I think you're getting at are it's a  
17 background check, a psychological and a drug  
18 screen are the three tangible things that --

19          COMMISSIONER SCHACHTER: Yeah, you  
20 mentioned background check. If you could  
21 mention those other three major things that --  
22 two major things that would be -- I'd be happy  
23 with that. If that -- and then it says  
24 training. It says --

25          CHAIRPERSON GUALTIERI: So hang on. Hang

1 on a second hang.

2 So is everybody okay with that? Anybody  
3 have any objections to that, Mr. Schachter's  
4 asking for that it be added to program  
5 eligibility to teachers who pass a rigorous  
6 background check, psychological evaluation,  
7 drug screen, and pass training that exceeds the  
8 training requirements for police recruits, et  
9 cetera. So -- right?

10 COMMISSIONER SCHACHTER: That is correct.

11 CHAIRPERSON GUALTIERI: All right. What  
12 else?

13 COMMISSIONER SCHACHTER: I would also like  
14 to add training and proficiency that exceeds  
15 the training requirements that --

16 CHAIRPERSON GUALTIERI: That training on  
17 what?

18 COMMISSIONER SCHACHTER: And proficiency;  
19 is that correct? In other words, my  
20 understanding is that they have to qualify at a  
21 5 percent high -- 5 point higher --

22 CHAIRPERSON GUALTIERI: Well, I mean, just  
23 that training doesn't exceed. So it's  
24 proficiency. Yes, and the number of rounds. I  
25 mean, it just says past training that exceeds

1 the requirements. So exceeds multiple  
2 requirements.

3 COMMISSIONER SCHACHTER: Okay.

4 COMMISSIONER JUDD: I think that's already  
5 in the law.

6 CHAIRPERSON GUALTIERI: It is in the law.

7 COMMISSIONER SCHACHTER: It is. It is,  
8 but a lot of people don't know that, and since  
9 we're talking about it here, I think it's  
10 applicable to mention it.

11 CHAIRPERSON GUALTIERI: You guys got that?

12 Okay. What else? Anything, Mr.  
13 Schachter?

14 Anybody else have anything else in the  
15 text portion of the Chapter 6?

16 (No audible response.)

17 CHAIRPERSON GUALTIERI: All right. So  
18 let's go over to the findings in Chapter 6,  
19 finding Number 1.

20 COMMISSIONER SCHACHTER: Wait. I'm sorry,  
21 I do have one other question. And that is right  
22 before the findings it says, "Only guardians  
23 and security guards are required to pass a  
24 psychological evaluation administered by a  
25 psychologist licensed under Chapter 490."

1 Well, SRO's only required to undergo a  
2 physical evaluation. So my question is, why do  
3 we not require a law enforcement officer to  
4 pass a psychological evaluation as opposed to  
5 just undergoing an evaluation?

6 CHAIRPERSON GUALTIERI: That's the way  
7 they worded it.

8 COMMISSIONER SCHACHTER: Okay. I'm just  
9 curious. It seemed odd to me and I was ...

10 CHAIRPERSON GUALTIERI: Well, to some  
11 degree when you're talking about -- and I think  
12 what were suggesting in here is that it  
13 reverted back to undergo. When we get to the  
14 recommendations, I think what we're suggesting  
15 in here is the recommendations be the same as  
16 they are for law enforcement officers.

17 COMMISSIONER SCHACHTER: Okay.

18 CHAIRPERSON GUALTIERI: Let me -- hang on  
19 a second.

20 COMMISSIONER JUDD: I think that tracks  
21 CJS --

22 CHAIRPERSON GUALTIERI: It does.

23 COMMISSIONER JUDD: -- language.

24 CHAIRPERSON GUALTIERI: It does. And the  
25 reason for it is, if you like -- and I'm

1        jumping ahead here. If you go to Page 88 in  
2        paragraph -- or by the recommendation Number 4,  
3        the legislature should amend the statute that  
4        all guardians and school security guards may  
5        undergo the same psychological evaluation  
6        currently required for law and school resource  
7        officers and school safety officers in the  
8        state of Florida, and the evaluations be  
9        conducted by licensed professionals.

10                So, Sheriff Judd, you're absolutely right,  
11        it is under the CJSTC standards, and it is what  
12        is in there. When you look at these  
13        psychological reports, and, you know, the  
14        agency heads in this room know this and others  
15        who look at these, is there's not  
16        necessarily -- it's kind of like a polygraph;  
17        is that there is no pass fail on a polygraph.  
18        Is that most of the psychological reports will  
19        give you a range, and that the psychologist  
20        isn't telling you whether the person passes or  
21        fails. They're giving you usually a range and  
22        a numerical range, but it's up to you as the  
23        agency head and the decision maker whether what  
24        you're seeing in that report is a problem or  
25        not a problem. And so you have to make a

1 judgment and an evaluation of it.

2 So it's not a bright line and it's not a  
3 pass or fail.

4 COMMISSIONER SCHACHTER: Okay.

5 CHAIRPERSON GUALTIERI: They're not saying  
6 absolutely suited or unsuited. They're giving a  
7 midrange. So this is why I think, to answer to  
8 your question, this is why the CJSTC standard  
9 is they have to undergo -- and then really, at  
10 the end of the day it's up to me or up to  
11 whoever the decision maker is, is that you own  
12 that decision and you make that decision.

13 COMMISSIONER SCHACHTER: Thank you for --

14 CHAIRPERSON GUALTIERI: It's really not  
15 fair to the psychologist to make that  
16 determination pass or fail because they don't  
17 have the whole profile of the candidate in  
18 front of you. I do think it is appropriate to  
19 say undergo and then leave it to the decision  
20 maker.

21 COMMISSIONER JUDD: And the psychologists  
22 won't do that.

23 CHAIRPERSON GUALTIERI: No. They -- no.  
24 And the majority of them won't do that anyway.

25 COMMISSIONER SCHACHTER: Thank you for

1           that explanation.

2           CHAIRPERSON GUALTIERI:   Okay.   All right.  
3           Anything else on 6?

4           (No audible response.)

5           CHAIRPERSON GUALTIERI:   All right.   Number  
6           1, Florida law has required since March of 2013  
7           that there be at least one school officer on  
8           every K through 12 campus.   Some Florida  
9           schools have not complied with this  
10          requirement.

11          Any issues there?

12          UNIDENTIFIED SPEAKER:   Sheriff, I'd just  
13          like to note that I think we should add  
14          charter, because for a lot of the general  
15          public when you say public school, they don't  
16          contemplate charter as being under that  
17          umbrella.

18          CHAIRPERSON GUALTIERI:   Okay.   Got it.  
19          it's in there.   You're right, charter schools  
20          are public schools, but you're right, the  
21          average person doesn't necessarily --

22          Commissioner Stewart?

23          COMMISSIONER STEWART:   And I would ask  
24          that that say public schools including  
25          charters.   So we don't continue to perpetuate --

1           CHAIRPERSON GUALTIERI: Right. So -- so --  
2           so -- you know, I think what you're getting at  
3           is some Florida schools have not complied.  
4           Some Florida schools including charters, that's  
5           where you want that? But not compliance?

6           Okay. so some Florida schools including  
7           charter schools have not complied with this  
8           requirement --

9           You got it, John?

10          COMMISSIONER JUDD: Which include charter  
11          schools?

12          CHAIRPERSON GUALTIERI: What's that,  
13          Sheriff?

14          COMMISSIONER JUDD: Which include.  
15          Florida schools which would --

16          CHAIRPERSON GUALTIERI: Yeah, which --  
17          right. Yeah. Which include charter schools.  
18          Yep. you got it.

19          All right. So Number 2. The Palm Beach  
20          County School Districts improperly contracted  
21          with Invictus to provide guardian training.  
22          That training must be conducted by a sheriff  
23          and not a private company.

24          VICE-CHAIRMAN LYSTAD: For clarity, the  
25          only thing that I'd ask to consider is on the



1 second sentence as a precursor to that is to  
2 simply say the law required that training must  
3 be conducted. I think that was, that was clear  
4 in the statute.

5 CHAIRPERSON GUALTIERI: But --

6 VICE-CHAIRMAN LYSTAD: I know we ...

7 CHAIRPERSON GUALTIERI: So what about  
8 this, because I know Chief Lystad is going to  
9 raise something here. So what about this, I  
10 don't -- I don't think, and I think it is fair  
11 and objectively established through the report  
12 we have from Sheriff Bradshaw that the Palm  
13 Beach County School District did improperly  
14 contract with them because the CJ -- the  
15 instructors they used were not CJSTC certified.  
16 So I think we can say "The Palm Beach County  
17 School District improperly contracted with  
18 Invictus to provide guardian training."

19 You're okay with that sentence?

20 VICE-CHAIRMAN LYSTAD: Great.

21 CHAIRPERSON GUALTIERI: Okay. "The  
22 training should have been conducted by a  
23 sheriff and not a private company."

24 You can work with that?

25 VICE-CHAIRMAN LYSTAD: Yep.

1           CHAIRPERSON GUALTIERI: Okay. Is  
2           everybody okay with that? So we'll just trade  
3           the training must -- the training should have.  
4           Because that gets to the point where even your  
5           dollars -- and others do -- that was the  
6           general understanding that everybody had.

7           So the training should have been conducted  
8           by a sheriff and not a private company. Any  
9           objections to that change?

10          (No audible response.)

11          Okay. The third one, "Invictus did not  
12          comply with the Florida law when it provided  
13          guardian training because it did not use  
14          qualified personnel as trainers, and it passed  
15          students using lower and improper standards  
16          than the law requires, among other statutory  
17          violations."

18          I think all that's established in that  
19          report.

20          COMMISSIONER JUDD: The issue is it says  
21          they didn't do it because. Well, they couldn't  
22          do it anyway. I mean --

23          CHAIRPERSON GUALTIERI: Okay.

24          COMMISSIONER JUDD: -- that's an argument  
25          from the --

1 (Talking simultaneously.)

2 CHAIRPERSON GUALTIERI: -- Florida law.

3 COMMISSIONER JUDD: I think it says  
4 Invictus did not comply with Florida law when  
5 it provided Guardian training. Period.

6 CHAIRPERSON GUALTIERI: Okay. I'm good. I  
7 think you're right. So we can do that.

8 "Invictus did not comply with Florida law when  
9 it provided guardian training." Period.

10 "Invictus did not use qualified personnel."

11 So just take out because it did and just  
12 say Invictus did not.

13 COMMISSIONER JUDD: To me it didn't make  
14 any difference whether they used qualified  
15 personnel or not.

16 CHAIRPERSON GUALTIERI: Right. But they  
17 also -- I mean, these other things I think are  
18 important in here. I mean, it just reiterates  
19 it that they didn't, but they also didn't pass  
20 student -- students with 80 percent passages as  
21 opposed to 85 and all that other nonsense that  
22 was there.

23 Do you have any problem with it -- it does  
24 restate it, but do you have any problem with  
25 that being in there?

1           COMMISSIONER JUDD: I think we need to  
2           make it just abundantly clear that they did  
3           not, or could -- did not comply with Florida  
4           law. They can't comply with Florida law.

5           CHAIRPERSON GUALTIERI: And that goes to,  
6           you know, Chief Lystad's concern in what we  
7           addressed it 2. I mean, your point is, is that  
8           they couldn't comply with Florida law because  
9           they weren't authorized to do it.

10          COMMISSIONER JUDD: That's correct.

11          CHAIRPERSON GUALTIERI: Right. And I agree  
12          with you, but just trying to balance out the  
13          cheese --

14          COMMISSIONER CARROLL: I want to weigh in.

15          CHAIRPERSON GUALTIERI: Yeah.

16          COMMISSIONER CARROLL: Because -- and I  
17          agree with that interpretation, but I do like  
18          the clarification that the additional  
19          information doesn't change the fact that it  
20          doesn't apply to Florida law. But you're  
21          providing information to folks showing the  
22          danger. If you're going to interpret this law  
23          differently, this is what you're going to have  
24          to deal with, because I think this would become  
25          a pretty common thing if you got into private

1 organizations doing this training.

2 So I would actually leave it as an  
3 illustration of how far off they actually were  
4 from hitting the mark, in addition to they  
5 weren't authorized to do it in the first place.  
6 Because I think it shows where this could end  
7 up if it's not properly regulated.

8 COMMISSIONER JUDD: I think, you know, if  
9 we made statements Invictus did not use  
10 criminal justice standards -- you know,  
11 criminally CJSTC trained people, okay, they did  
12 not do this, they did not do that, and then we  
13 have the last bullet point in here and they  
14 then say that they did not comply with Florida  
15 law by training guardians, I mean, they just --

16 CHAIRPERSON GUALTIERI: All the specific  
17 stuff that you're talking -- all the specific  
18 stuff they didn't do is laid out.

19 COMMISSIONER JUDD: Yes.

20 CHAIRPERSON GUALTIERI: It is in there.

21 COMMISSIONER JUDD: But I still maintain  
22 regardless of their argument or their  
23 attorneys' arguments or whoever, they didn't  
24 have --

25 CHAIRPERSON GUALTIERI: I know.

1 COMMISSIONER JUDD: That that's --

2 CHAIRPERSON GUALTIERI: And I agree with  
3 you, and, you know, I tried to -- in trying to  
4 be cognizant of Chief Lystad and the police  
5 chief's concern -- and, again, I can show you,  
6 I don't agree with their position on it, but I  
7 can see, this is what I've said, that's why I  
8 call it arguable ambiguity. It's argument, but  
9 it's not totally, totally off the planet.

10 So this is where at least I am, and if  
11 you're not, we can talk about it. I'm willing  
12 to at least split the baby with them on this,  
13 and that's why we made the change to these  
14 other places in here where we're just not  
15 saying it with 100 percent certainty that  
16 you're looking for.

17 COMMISSIONER JUDD: You know, after four  
18 hours sleep an escapee and a spree (inaudible)  
19 I just don't have a lot of energy left, but I'm  
20 just telling you from the absolute very  
21 beginning --

22 CHAIRPERSON GUALTIERI: I know.

23 COMMISSIONER JUDD: -- of the entire  
24 process, and the lobbyist for the police chief  
25 said, look, chiefs, let the sheriffs take on

1 the civil liability of it. And I don't think  
2 we have a chief/sheriff's argument going on  
3 here, I think they crafted their self into  
4 trying to create a business opportunity for  
5 them. And there was never any intent from the  
6 very beginning of the process for private  
7 enterprise to train these guardians. Never  
8 ever, ever, ever, ever, ever, ever. And to me  
9 to elude that, well, if -- I just want to say,  
10 by trying -- by attempting to train guardians,  
11 they Did not comply with Florida -- you know,  
12 they violated Florida law, or were not in  
13 compliance with Florida law.

14 COMMISSIONER STEWART: Sheriff?

15 CHAIRPERSON GUALTIERI: Yeah, go ahead.

16 COMMISSIONER STEWART: Is there sort of a  
17 compromise if you leave that first sentence of  
18 finding 3 as its own finding, and then the next  
19 finding be --

20 CHAIRPERSON GUALTIERI: Yeah.

21 COMMISSIONER STEWART: -- the rest of  
22 that?

23 CHAIRPERSON GUALTIERI: We might be able  
24 to, and there might be a difference here which,  
25 Chief Lystad, is that -- because we may be

1 talking about two different things, and just  
2 hearing Sheriff Judd is that --

3 Can we go back to 2, John?

4 So what we changed in 2, it says, "The  
5 Palm Beach County School District improperly  
6 contract with Invictus."

7 We all agree on that.

8 "The training should have been conducted  
9 by a sheriff."

10 What was -- and I think what Sheriff  
11 Judd's point is, so please correct me if I  
12 don't understand this correctly, but I think  
13 what you're adamant about it is unequivocally  
14 clear is that under no circumstances was a  
15 private company to do this. And where the  
16 ambiguity might come in to some degree is not  
17 whether a private company could do it, but  
18 maybe a police department or somebody else that  
19 might be -- but so what you're feeling very  
20 strongly about is that the impropriety is that  
21 this was put out to a commercial enterprise  
22 that was money making off of this. And that was  
23 never contemplated. Is that right?

24 COMMISSIONER JUDD: That's correct. I  
25 mean, had a police agency trained them



1 according to CJSTC standards I would say, hey,  
2 that's not the intent of the law, but they're  
3 still the cops. They're not there trying to  
4 make a profit.

5 CHAIRPERSON GUALTIERI: Right. Right.

6 COMMISSIONER JUDD: This is -- this is --  
7 this is private enterprise trying to wedge in  
8 and make a profit where the law didn't allow  
9 it.

10 CHAIRPERSON GUALTIERI: So what if we  
11 change this one into "The Palm Beach County  
12 School District improperly contracted with  
13 Invictus to provide guardian training"?

14 A private company was not authorized -- or  
15 a private company was prohibited. This gets  
16 away from the school district, the school  
17 board, the police department. This speaks to  
18 the private company that the -- that the  
19 training was prohibited to have been conducted  
20 by a private company.

21 COMMISSIONER HARPRING: But even if two  
22 stands as it does, do we need three? Because  
23 the second sentence in 2 to me is a declaratory  
24 statement, it's clear.

25 CHAIRPERSON GUALTIERI: Well, it gets back

1 to -- you know, personally, I think we do, and  
2 it gets back to Commissioner Carroll's point,  
3 there's a lot of things in 3 that are just  
4 laying it out for people that are educational  
5 as to the dangerousness of this. So we can get  
6 to that, but let's see what you all feel  
7 about -- let's do one at a time.

8 If you go back to 2, the training was not  
9 authorized to be conducted by a private  
10 company. Then leave it at that, or that  
11 Invictus as a private company was prohibited  
12 from conducting the training.

13 Does that work?

14 So, see what that looks like, John.

15 I think that gets to Sheriff Judd's, the  
16 core of Sheriff Judd's point.

17 Can you live with that?

18 (Inaudible).

19 CHAIRPERSON GUALTIERI: Okay. Because  
20 that doesn't talk about the police or the  
21 school. It just talks about the private  
22 company. That's what the focus of that is, and  
23 I think that's the Sheriff's con -- the  
24 Sheriff's point and concern.

25 So Invictus, as a private company, was

1 prohibited from providing the training.

2 COMMISSIONER JUDD: Yes.

3 JOHN: Want to leave the last line?

4 CHAIRPERSON GUALTIERI: Yes.

5 So "Invictus, as a private company was  
6 prohibited from providing the training."

7 Okay. All right. Everybody good with  
8 that?

9 (No audible response.)

10 CHAIRPERSON GUALTIERI: Okay. So now we  
11 go on to 3, and you could say in here, and  
12 Sheriff you could see that --

13 COMMISSIONER CARROLL: What you can do is  
14 if you want to get it away from Invictus is say  
15 the training improperly conducted by Invict --  
16 whenever they -- did not comply with Florida  
17 law. And then you can use your example.

18 CHAIRPERSON GUALTIERI: Well, I was going  
19 to suggest to say is that Number 3 begin in  
20 addition to be unauthorized to provide the  
21 training, Invictus did not comply with Florida  
22 law's training requirements because it did not  
23 use qualified personnel, and goes on.

24 No?

25 COMMISSIONER JUDD: No, because even if

1       they used qualified personnel, I submit that  
2       they couldn't do it. I mean, all right with  
3       striking 3 and just saying they didn't have a  
4       right to do it, regardless of their outcomes or  
5       their screw ups, or whatever.

6               CHAIRPERSON GUALTIERI: So you don't think  
7       it's important that people know that -- I mean,  
8       all these -- they didn't use qualified  
9       personnel, or pass students using lower  
10      standards and there were several statutory  
11      violations?

12             COMMISSIONER CARROLL: That's why I still  
13      say it shouldn't be -- we can get around what  
14      the Sheriff's talking about if you get away  
15      from saying Invictus.

16             CHAIRPERSON GUALTIERI: Okay.

17             COMMISSIONER CARROLL: You should make the  
18      focus the training. The training didn't meet  
19      the statute --

20             CHAIRPERSON GUALTIERI: Okay.

21             COMMISSIONER CARROLL: -- of requirements  
22      set out by the law.

23             COMMISSIONER JUDD: Okay.

24             CHAIRPERSON GUALTIERI: Okay.

25             COMMISSIONER HARPRING: My only concern is

1       that it infers that had they met -- and I'm not  
2       trying to get in the weeds. I'm just concerned  
3       that there would be an inference and  
4       concurrence with Sheriff Judd that there'd be  
5       an inference that had they met the training  
6       requirements -- and I agree, it was -- it was  
7       horrible. I mean, even if they had been  
8       qualified to do so, I'm just concerned that  
9       there might be some inference that had they met  
10      those requirements, had CJSTC personnel, that  
11      it would have been okay.

12           COMMISSIONER STEWART: It says it is also  
13      important to note that and list those things.

14           COMMISSIONER CARROLL: But if you finish  
15      the sentence, because the net result of it  
16      not -- the training not meeting the  
17      requirements is that the folks had to be  
18      trained again. And so it was wasted time and  
19      resources. So I would -- that would be the  
20      finding is that the training didn't meet the  
21      requirements in that the folks who went through  
22      the training had to be trained again. You  
23      know? So it was in addition -- that could be  
24      the focus of it. So you can get the examples  
25      of how the training didn't meet it, but the

1 focus is really about these folks had to retake  
2 this training.

3 COMMISSIONER JUDD: And maybe that's the  
4 term, in addition to the fact they couldn't do  
5 it in the first place --

6 CHAIRPERSON GUALTIERI: Yeah.

7 COMMISSIONER JUDD: -- here here's all the  
8 other failures.

9 CHAIRPERSON GUALTIERI: Okay. Right. So I  
10 think that's what we have up there. If you can  
11 look and see what's up there, and see is  
12 that -- or over here. But in addition to not  
13 being authorized to provide the training,  
14 Invictus did not comply with Florida law in.

15 COMMISSIONER STEWART: By using qualified.

16 CHAIRPERSON GUALTIERI: Go ahead.

17 COMMISSIONER MARSTILLER: How about saying  
18 something like in addition to not being  
19 authorized -- in addition to Invictus not being  
20 authorized to provide the training --

21 CHAIRPERSON GUALTIERI: Right.

22 COMMISSIONER MARSTILLER: -- the training  
23 failed to comply with Florida law because  
24 qualified personnel weren't used --

25 CHAIRPERSON GUALTIERI: Okay.

1           COMMISSIONER MARSTILLER:  -- blah, blah,  
2           blah, blah.

3           CHAIRPERSON GUALTIERI:  Let's see what  
4           that looks like.

5           COMMISSIONER MARSTILLER:  So to  
6           Commissioner Carroll's point, we're focusing on  
7           the training as opposed to the company.

8           COMMISSIONER CARROLL:  And to a further  
9           delay in getting authorized guidance on those  
10          school grounds.

11          CHAIRPERSON GUALTIERI:  So we'll see what  
12          this looks like.  In addition to Invictus not  
13          being authorized to provide the training, the  
14          training did not comply with Florida law.  The  
15          training did not use qualified personnel as  
16          trainers and it passed -- and Invictus passed  
17          students using lower and improper standards  
18          than the law requires among other statutory  
19          violations.  Change it to Invictus.  It  
20          passed -- and it passed.

21          Thoughts on that?

22          CHANCELLOR OLIVA:  I hate to belabor it,  
23          but because of that didn't that also not  
24          qualify it to use the guardian dollars?

25          CHAIRPERSON GUALTIERI:  I'm sorry?  Not

1 qualified what?

2 CHANCELLOR OLIVA: That because it didn't  
3 meet the qualifications they couldn't use the  
4 guardian allocation. So I think there could be  
5 a line in there about how it cost the district  
6 twice as much money.

7 Go back to 2 for a second.

8 You could add on there perhaps is that the  
9 Invictus training was ineligible for state  
10 guardian funding reimbursement.

11 Okay. All right. And then go into 3. So  
12 everybody good with this?

13 Sheriff Judd had to step out, but anybody  
14 have any concerns about that? We can tweak it  
15 slightly. Chief you good?

16 VICE-CHAIRMAN LYSTAD: Yep.

17 CHAIRPERSON GUALTIERI: All right. Let's  
18 move on to 4. "There's a different standard  
19 for who may complete the required psychological  
20 evaluations of law enforcement officer  
21 applicants as opposed to guardian applicants.  
22 The standard for those who may assess guardians  
23 is unnecessarily more restrictive than those  
24 who may assess law enforcement officer  
25 applicants."



1 I think that's an accurate reflection of  
2 the law and the facts that are set forth in  
3 here. Any concerns with that one?

4 All right. Let's go on to the  
5 recommendations. "The legislature should  
6 make -- should amend the statute to make it  
7 unequivocally clear that only Florida sheriffs  
8 may conduct the guardian training required for  
9 anyone to fulfill the SSO, safe school officer  
10 requirement. The training may be conducted by  
11 the sheriff of the county where the school is  
12 located or by the sheriff of another county,  
13 but all training must be completed by a  
14 sheriff."

15 Commissioner Dodd and then Chief Lystad.

16 COMMISSIONER DODD: And I just want to  
17 make sure I understand the process because if a  
18 guardian is trained in one county by a sheriff  
19 and then moves to another county to become a  
20 guardian, this guard -- that person still has  
21 to go back through guardian training, or what  
22 do we --

23 CHAIRPERSON GUALTIERI: This is a -- this  
24 is something I can tell you that at least from  
25 what I can tell my experience getting around

1 the state talking to everybody, is that what's  
2 happening in most places is you can have  
3 somebody that is let's say in Okaloosa County  
4 and they go through guardian training, and then  
5 they decide they're going to move to Broward  
6 County, when they move to Broward County, most  
7 of the time the sheriffs in those other  
8 jurisdictions are ensuring that they went  
9 through the minimum sheriff 144-hour basic.  
10 The 144-hour requirement is a floor, not a  
11 ceiling.

12 If the sheriff in the receiving county, if  
13 you will, is doing 144 and the sheriff in the  
14 county that did the training is 144, most of  
15 them are accepting them, but in a lot of the  
16 counties is that the floor isn't the ceiling.  
17 And a lot of the counties the sheriffs are  
18 doing more than 144-hour basic. So what  
19 they're doing in those counties is requiring if  
20 the person came, let's say I took one from  
21 Okaloosa and Sheriff Ashley is doing 144, but  
22 I'm doing 170, then I'm going to make that  
23 person go through the difference of what I'm  
24 doing from what Sheriff Ashley's doing. I can  
25 tell you -- because I don't know what he's

1       doing up there, but ours is over 100 -- about  
2       175 hours. I know that I talked to Director  
3       Perez in Miami Dade, that's what he's doing. I  
4       talked to Sheriff Tony in Broward, that's what  
5       he's doing. He's accepting them. But anything  
6       that is different --

7               And they're also doing an orientation, if  
8       you will, with radio skills and other things.  
9       So they're not making them go through like the  
10      80 hours of the CJSTC qualification course,  
11      because if you went through it and it was a  
12      CJSTC qualification course by an instructor in  
13      someplace else, it doesn't make any sense to  
14      make the person go through that. So that's  
15      what's being done, and seems to be done be --  
16      seems to be fine as to how that's working  
17      throughout the state.

18             So if any of you have any different  
19      understanding of that, you know, please fill it  
20      in, but that's how I think it's working and I  
21      think it's working okay.

22             COMMISSIONER DODD: And it makes perfect  
23      sense for that to be the case, and what we're  
24      saying is we just want to make sure that's in  
25      law, that it's specifically there.

1           CHAIRPERSON GUALTIERI: Do we want to put  
2           that? Do we want to ask the legislature to do  
3           that?

4           I'm afraid of opening that up, to tell you  
5           the truth. I'm just afraid -- it's working.  
6           You know, it's kind of was one of those things  
7           that if it isn't broken, don't fix it. I'm  
8           afraid that if we start getting into the -- we  
9           have a bill that opens the qualifications, I'm  
10          afraid of the bill amendments and what people  
11          will try and tack on to that, and we still have  
12          a whole bunch of people that don't like the  
13          guardian program, and I'm just not sure that we  
14          want to open that can of worms. But, again,  
15          whatever the group consensus is on it.

16          COMMISSIONER JUDD: I agree completely.  
17          For example, we add on to CJSTC standard  
18          training. CJSTC is the base and what we add to  
19          it is up to us, and if I hire somebody from  
20          either -- any of the sheriff shops and they  
21          don't meet that additional, we just put them  
22          through it. So I think it's an answer in  
23          search of a problem.

24          CHAIRPERSON GUALTIERI: Okay. All right.  
25          So we're just gonna let that sit.

1           So we're on --

2           Go ahead, Chief Lystad. I'm sorry.

3           Go back to 1.

4           Yeah, I'm sorry. Go ahead.

5           VICE-CHAIRMAN LYSTAD: So I just want to  
6           make sure, unless I'm reading it wrong, it says  
7           the guarding training required for anyone to  
8           fulfill the SSO requirement. We're really going  
9           to make him an SSO?

10          CHAIRPERSON GUALTIERI: So we need -- we  
11          do need to -- so school safety officer, this  
12          gets back into the definitions. "The  
13          legislature should amend the statute to make it  
14          unequivocally clear that Florida sheriffs may  
15          conduct the guardian training -- that only  
16          Florida sheriffs may conduct the guardian  
17          training required for anybody to fulfill the  
18          SSO requirement."

19          So just change this to SSO or school  
20          security officer.

21          Is that What you're getting at?

22          VICE-CHAIRMAN LYSTAD: Well, I'm getting  
23          at the way we termed SSO before was an officer  
24          who wasn't an SRO.

25          CHAIRPERSON GUALTIERI: No, so -- at least

1 the way I understand it, is that an SSO is a  
2 school safety officer. You can comply with the  
3 requirement of having a -- I'm sorry, a safe  
4 school officer. SSO, safe school officer. A  
5 safe school officer is either a police officer  
6 employed by a city police department, a deputy  
7 sheriff employed by a sheriff's office, a  
8 police officer employed by a school board  
9 police department, a guardian or now a security  
10 guard with a DG license who has gone through  
11 guardian training.

12 So under the umbrella of an SSO of a safe  
13 school officer, which is what's required to be  
14 on campus, you have those different options to  
15 comply with that requirement.

16 There is -- and, again, when you read the  
17 statute, you get really into the weeds of it,  
18 again, because just the way it was all crafted  
19 together, probably to be unequivocally clear  
20 and remove any potential ambiguities we should  
21 probably say to fulfill the SSO or school  
22 security officer requirement, and then that  
23 takes everything off the table.

24 Any other --

25 VICE-CHAIRMAN LYSTAD: Or non-sworn,

1           either way.

2           CHAIRPERSON GUALTIERI:   No.

3           COMMISSIONER JUDD:   I don't know why we  
4           just don't say the legislature should amend the  
5           statute.  Make it unequivocally clear that only  
6           the Florida sheriffs making that are already in  
7           training period.

8           CHAIRPERSON GUALTIERI:   We could do that  
9           too.  That would be another way just to do it.

10          COMMISSIONER JUDD:   Then you don't wrestle  
11          (inaudible) --

12          (Talking simultaneously.)

13          CHAIRPERSON GUALTIERI:   I do too.  No, I'm  
14          good with that.  Okay.  Less is more in that  
15          situation.  I'm with you.  You're right.  Just  
16          less is more is that -- you're correct.  That's  
17          a better way to do it.

18          Legislature should amend the statute and  
19          make it unequivocally clear that only Florida  
20          sheriffs may conduct the guardian training."  
21          Period.

22          Okay.  "The training may be conducted by  
23          the sheriff of the county."

24          The rest of it we're fine with?

25          (Inaudible).

1           CHAIRPERSON GUALTIERI: All right. Let's  
2 move on to Number 2. So this is something that  
3 came up in discussions I had with director Dean  
4 Register from CJSTC and FDLE, is that one of  
5 the things that they found with those Invictus  
6 trainers is, is that some of them had no CJSTC  
7 certifications, some of them had inactive CJSTC  
8 certifications and some of them had  
9 certifications in disciplines that they weren't  
10 authorized or instructed in.

11           So what they -- this is a recommendation  
12 that is coming from CJSTC is "The legislature  
13 should amend the law to make it clear" -- I  
14 mean you'd think this is common sense, but,  
15 obviously, it's not. Should make -- amend the  
16 law to make it clear that all guardian training  
17 be conducted by active CJSTC instructors.  
18 That's just -- the "current law only requires  
19 that somebody be an instructor," and remove any  
20 ambiguity.

21           Anybody have any concerns with that one?

22           (No audible response.)

23           CHAIRPERSON GUALTIERI: Okay. The next  
24 one is Number 3. "Amend the guardian training  
25 requirements that require that a portion of the



1 firearms training include night and low-light  
2 shooting conditions."

3 Most of us do it now, but it's not a  
4 requirement that it be night and low light,  
5 and, again, the recommendation is that it be  
6 required.

7 Everybody good with that?

8 (No audible response.)

9 CHAIRPERSON GUALTIERI: Okay. "The  
10 legislature should amend the statute to state  
11 that all guardians and school security guards  
12 may undergo the same psychological evaluation  
13 currently required."

14 We've talked about this one. Everybody's  
15 good with Number 4? That's the one we just  
16 talked about.

17 (No audible response.)

18 CHAIRPERSON GUALTIERI: Okay. Number 5.  
19 "Current Florida law requires that the  
20 psychological evaluations of guardians be  
21 conducted by FDLE designated professionals."

22 This is something that was in the original  
23 bill in 7026. Again, that was put together very  
24 quickly. I understand why somebody probably put  
25 it in there, but FDLE does not and never has

1 designated anyone to perform these evaluations,  
2 and that the legislature should remove this  
3 requirement. It should be up to the individual  
4 agency head who they retained to do these  
5 evaluations, these original lists. And,  
6 Commissioner Swearingen, I think you agree you  
7 do want to be in the business of designating  
8 psychologists, correct?

9 COMMISSIONER SWEARINGEN: I don't not.  
10 Thank you, Chair.

11 CHAIRPERSON GUALTIERI: Okay. So just ask  
12 that that be removed from the statute.

13 Any concerns about that?

14 (No audible response.)

15 CHAIRPERSON GUALTIERI: All right. "SROs,  
16 which are city police officers or deputies, are  
17 required under current law or to attend crisis  
18 intervention team training." Now, interestingly,  
19 and this is again in the statute, the  
20 differentiation is, is that in the statute, so  
21 you've got SSOs, right? Safe school officers.  
22 This is where everybody gets all confused with  
23 this and rightfully so because it is confusing.  
24 You've got a safe school officer. A safe  
25 school officer, again, city police department

1       employed cop. County sheriff's office employed  
2       deputy. Under Florida law, the school board  
3       employed cops, is that they refer to those as  
4       school safety officers. They're cops, but they  
5       call him school safety officers. And these  
6       school safety officers, which are the police  
7       officers employed by the Miami-Dade School  
8       Board, by the Palm Beach School Board, by the  
9       Pinellas County School Board, by the Duval  
10      Jacksonville School Board, the way the current  
11      statute is worded is crisis intervention team  
12      or CIT training is required for all the cops.

13           So city police department, sheriff's  
14      office, but CIT training is not now required  
15      for the school board cops. So what this is  
16      saying is, is that that should be amended to  
17      require CIT training to include the school  
18      safety officers because they are not now  
19      included in that list of those that are  
20      required to attend CIT training, which you  
21      would think that of all that should attend CIT  
22      training they should probably be number one on  
23      the list, because that's all they're doing is  
24      school safety and being in the schools.

25           Go ahead.

1 COMMISSIONER SCHACHTER: So the SSO is an  
2 SRO?

3 CHAIRPERSON GUALTIERI: An SSO can be an  
4 SRO, and SRO can be a city cop, a deputy, or an  
5 SSO here for a school safety officer.

6 You got all that?

7 COMMISSIONER STEWART: Is it possible that  
8 we recommend different language around the  
9 titles so that there is less confusion?

10 CHAIRPERSON GUALTIERI: We could.

11 UNIDENTIFIED SPEAKER: You think that's  
12 going to create less confusion?

13 CHAIRPERSON GUALTIERI: Probably not a bad  
14 idea. They probably should go in and clean  
15 this up. The thing is, it's all been created  
16 at different times. So when it's created at  
17 different times it tends to hodgepodge, and  
18 that's what's happened here, and you got all  
19 this alphabet soup of stuff, and simply when  
20 they put in the CIT requirement, it's so  
21 nuanced that somebody missed it, and that's why  
22 the school board police officers are not  
23 required to attend CIT. And that's the whole  
24 point of this, is bring them into that mix.

25 COMMISSIONER JUDD: To do it

1 appropriately, you should require all law  
2 enforcement officers to have CIT training. I  
3 mean, all thousand of my deputies have CIT  
4 training because it teaches deescalation, it  
5 teaches recognition, and it teaches it. But  
6 that's another story for another day. I think  
7 this is the easy way out.

8 CHAIRPERSON GUALTIERI: Yeah.

9 COMMISSIONER JUDD: And --

10 CHAIRPERSON GUALTIERI: Just do it?

11 COMMISSIONER JUDD: Sure.

12 CHAIRPERSON GUALTIERI: Yeah.

13 Mr. Schachter.

14 COMMISSIONER SCHACHTER: Can we change the  
15 language so that the only person that is an SSO  
16 is a guardian? No?

17 COMMISSIONER JUDD: It's already  
18 inculcated. You know, other educational ...

19 CHAIRPERSON GUALTIERI: You don't want  
20 that.

21 Okay. Anything else on Chapter 6?

22 (No audible response.)

23 All right. So since it is 5:25, I think  
24 it's time to adjourn for the day. We've got to  
25 get to Chapter 13 tomorrow. We'll get through

1       it. The only chapter that I know in here is  
2       going to take a little bit of time to go  
3       through is Chapter 12 on the mental health.  
4       Because I do have some comments and some of the  
5       things I want to bring forward on that that we  
6       touch on a little bit this morning. I don't  
7       really have any -- I don't have any major  
8       comments on the other ones. So if you all  
9       do -- I think --

10           So what do we do about, do we order lunch  
11       for tomorrow?

12           UNIDENTIFIED SPEAKER: Yes.

13           CHAIRPERSON GUALTIERI: Okay. So I think  
14       the plan is, is that we just start at 8:30.  
15       Get through this as much as we can. We do have  
16       lunch for tomorrow. I would think that we can  
17       get through this and then we'll make a call,  
18       whatever the group -- wherever we are around  
19       lunchtime. We will have box lunches. We can  
20       either, you know, work through lunch and work  
21       in here as opposed taking a break and get  
22       through this. I think if we work -- if we get  
23       lunch we -- I would say -- I think we can be  
24       through here somewhere in the noon, 1:00 hour  
25       tomorrow and get through this. I think from

1       where we are. So let's start at 8:30. We'll  
2       begin and just work through it until we --  
3       until we finish. But I think somewhere -- I  
4       would guess around 1:00 we should be able to  
5       wrap up.

6             All right. See everybody tomorrow.

7             UNIDENTIFIED SPEAKER: Do we leave our  
8       books?

9             CHAIRPERSON GUALTIERI: Can we leave  
10       everything in here? Oh, by the way, also,  
11       also, hang on a second. On that is I didn't  
12       tell you, I was contacted by Major Crews, that  
13       report, everything you have there, I told you  
14       this morning is confidential, it's now public.  
15       So he has no concerns about anything about the  
16       Baker County incident. And everything that's  
17       included in there this morning, you can now use  
18       it and distribute it however you want to.

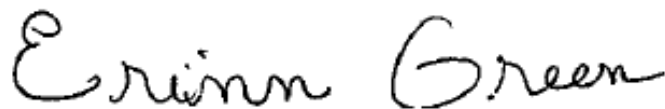
19            (End of recording.)  
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CERTIFICATE

I, ERINN GREEN, Professional Court Reporter/Transcriptionist, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes, to the best of my ability, taken while listening to the provided recording.

I further certify that I am not of counsel or attorney for either or any of the parties to said proceedings, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated this 6th day of November, 2019.



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ERINN L. GREEN, Professional Court Reporter  
Notary Public, State of Florida  
Commission No. FFP30393  
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